COURT FILE NUMBER	2001-01210
COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PLAINTIFF	GMT CAPITAL CORP.
DEFENDANT	STRATEGIC OIL AND GAS LTD. and STRATEGIC TRANSMISSION LTD.
DOCUMENT	**AFFIDAVIT**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	**LAWSON LUNDELL LLP** Barristers and Solicitors 1100, 225 – 6th Avenue SW Calgary, AB T2P 1N2 **Attention:** **Alexis Teasdale** Telephone: (403) 218-7564 Fax No.: (403) 269-9494 Email: ateasdale@lawsonlundell.com/ File No.: 14555.150762

Clerk's Stamp

JUDICIAL CENTRE OF CALGARY
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Aug 6, 2026
2:53 PM
CLERK OF THE COURT

SECOND AFFIDAVIT OF PAULINE DE JONG

Affirmed on August 6, 2026

I, Pauline Bertha de Jong, of the City of Yellowknife, in the Northwest Territories, Canada, do solemnly AFFIRM AND SAY THAT:

1. I am the Regulator designated under section 121 of the *Oil and Gas Operations Act,* SNWT 2014, c. 14 (the "***OGOA***"). As such, I have personal knowledge of the matters hereinafter deposed to, although some of the specific matters below are informed by my discussions with staff of the Office of the Regulator of Oil and Gas Operations ("**OROGO**"), in which case I verily believe them to be true.

2. I have reviewed the application materials filed on July 31, 2026 by Alvarez & Marsal Canada Inc. , in its capacity as the Court-appointed receiver and manager (in such capacity, the "**NWT Receiver**") of the properties, assets and undertakings of Strategic Oil and Gas Ltd.

("**Strategic**") and Strategic Transmission Ltd. situated in the Northwest Territories (the "**NWT Property**"). I understand the NWT Receiver has applied to be discharged as receiver of the NWT Property and released and discharged from any associated liability (the "**Receiver's Application**").

3. In particular, I have reviewed the Fifth Report of the Receiver, dated July 31, 2026 (the "**Fifth Report**"). From my review, and to the extent the events described in the Fifth Report are within my knowledge, I did not identify any significant omissions or inaccuracies. This affidavit provides supplementary facts relevant to OROGO's position on the Receiver's Application.

4. As the territorial regulator for oil and gas operations, OROGO is responsible for regulating the Cameron Hills production field (the "**Cameron Hills Field**") in the southern Northwest Territories, near the Alberta border. On March 20, 2019, Strategic obtained an Operations Authorization for its operations at the Cameron Hills Field (OA#2018-003-SOG), pursuant to section 10(1)(b) of the *OGOA*. A true copy of OA#2018-003-SOG (as most recently amended on February 1, 2021) is attached to this affidavit as **Exhibit "A"**. An Operations Authorization and related reporting and monitoring requirements are the primary mechanism through which OROGO regulates oil and gas activities within the Northwest Territories.

5. Shortly after obtaining OA#2018-003-SOG, Strategic entered into creditor protection. On October 4, 2019, the Regulator (my predecessor) issued an abandonment and decommissioning order in relation to the Cameron Hills Field (the "**Abandonment Order**"), due to concerns about Strategic's ongoing ability to meet its obligations under OA#2018-003-SOG. A true copy of the Abandonment Order, as originally issued, is attached to my first affidavit filed in this proceeding (affirmed January 28, 2020, filed February 10, 2020) at Exhibit "A".

6. Approximately seven years have passed since the Abandonment Order was issued. During that time, the NWT Receiver has carried out many aspects of that order to my satisfaction as the Regulator and to the satisfaction of OROGO. The NWT Receiver has carried out the work under Strategic's existing OA#2018-003-SOG. The Abandonment Order has periodically been

updated to reflect this completed work. A true copy of the most recent amendment to the Abandonment Order, dated April 25, 2025, is attached to this affidavit as **Exhibit "B".**

7. However, to my knowledge, liabilities associated with the Cameron Hills Field remain. These include unresolved liabilities associated with the Abandonment Order.

8. I am also aware of other potential liabilities associated with the Cameron Hills Field which are not addressed in the Abandonment Order. This includes potential liabilities associated with three historical spills, taking place between 2007 and 2011. These liabilities were most recently communicated to the NWT Receiver in a letter from OROGO dated July 16, 2026, a true copy of which is attached to this affidavit as **Exhibit "C"**.

9. In total, OROGO's known liabilities associated with the Cameron Hills Field are set out in a table (utilizing the same defined terms as this affidavit) attached to this affidavit as **Exhibit "D"**. There may also be other liabilities which have not yet been identified.

10. I understand that if the Receiver's Application is granted, the Government of the Northwest Territories (the "**GNWT**") will become responsible for the Cameron Hills Field, including any remaining liabilities. In contemplation of this change in responsibility, OROGO and GNWT have engaged in discussions regarding the application of the *OGOA* to the GNWT.

11. On February 10, 2026, OROGO wrote to the GNWT outlining the basis for OROGO's position that the GNWT is subject to the *OGOA,* including requirements related to obtaining an Operating Licence pursuant to s. 10(1)(a). A true copy of OROGO's letter to the GNWT is attached to this affidavit as **Exhibit "E".** The GNWT confirmed receipt of this letter but did not otherwise respond.

12. On July 27, 2026, OROGO contacted the GNWT about this issue again, specifically in contemplation of the forthcoming Receiver's Application. A true copy of OROGO's letter to the GNWT is attached to this affidavit as **Exhibit "F".**

13. On July 31, 2026, the GNWT responded to OROGO's letter, explaining that it does not intend to apply for an Operating Licence or an Operations Authorization in connection to the Cameron Hills Field. A true copy of GNWT's letter to OROGO is attached to this affidavit at **Exhibit "G".**

14. I am aware of the National Energy Board issuing an Operating Licence and an Operations Authorization to the federal government (specifically, to Aboriginal Affairs and Northern Development Canada or "**AANDC**", as it was then known) pursuant to the federal *Canada Oil and Gas Operations Act,* RSC 1985, c. O-7 (the "***COGOA***"). A true copy of an extension to this Operations Authorization, obtained from the public registry for the Mackenzie Valley Land and Water Board (filed by AANDC in support of an application for a land use permit in file MV2014X0020) is attached to this affidavit as **Exhibit "H"**.

15. To my knowledge, the *OGOA* was modelled on and required to substantially mirror the *COGOA,* pursuant to Chapter 3 of the Northwest Territories Lands and Resources Devolution Agreement. A true copy of Chapter 3 of this agreement is attached to this affidavit as **Exhibit "I"**.

AFFIRMED BEFORE ME at the City of Yellowknife, Northwest Territories, this 6th day of August, 2026.

Emma Russell
A Commissioner for Oaths in and for Northwest Territories

My commission does not expire, being a Barrister and Solicitor

Pauline de Jong

LAWSON LUNDELL LLP
BARRISTERS & SOLICITORS
P.O. BOX 818
200, 4915 – 48 STREET
YK CENTRE EAST
YELLOWKNIFE, NT X1A 2N6

This is Exhibit "A" referred to in the affidavit of Pauline Bertha de Jong, affirmed before me at the City of Yellowknife, Northwest Territories, this 6th day of August, 2026.

E Russell

Emma Russell
A Commissioner for Oaths in and for
The Northwest Territories

My commission does not expire, being a
Barrister and Solicitor

NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

Office of the Regulator of Oil and Gas Operations
P.O. Box 1320, Yellowknife, NT X1A 2L9
Tel: 867-767-9097 • Fax: 867-920-0798 • Web: www.orogo.gov.nt.ca
Courier Address: 4th floor, 5201 – 50th Avenue, Yellowknife, NT X1A 3S9

Duncan MacRae
Director
Alvarez & Marsal Canada ULC
1110, 250 – 6 AVE SW
CALGARY AB T2P 3H7

February 1, 2021

Dear Duncan MacRae:

Decision: Amendment to Operations Authorization
for the Cameron Hills Field (OA-2018-003-SOG) (variation #2)

On September 24, 2020, the Office of the Regulator of Oil and Gas Operations (OROGO) notified Alvarez & Marsal Canada ULC, receivers for Strategic Oil and Gas Ltd. (Strategic) that the status of the Cameron B-38 well (WID 2002) changed from abandoned to suspended based on information received from the Department of Lands, Government of the Northwest Territories.

On September 30, 2020, OROGO notified Strategic that the well must be brought back into production or abandoned by January 31, 2023, in accordance with the *Well Suspension and Abandonment Guidelines and Interpretation Notes*.

The status of the B-38 well was amended after the approval of Strategic's Operations Authorization (OA) for the Cameron Hills Field (OA-2018-003-SOG variation #1). Therefore, the approved scope of work does not incorporate the required activities associated with the Cameron B-38 well. As a result, the scope of OA-2018-003-SOG variation #1 must be varied to include the maintenance, monitoring and abandonment of the Cameron B-38 well and associated facilities.

On August 2, 2020, I was designated as Regulator under section 121 of the *Oil and Gas Operations Act* (OGOA). The Regulator may issue an (OA) under section 10(1)(b) of OGOA and may vary an existing OA under section 10(6) of OGOA.

Varying the scope of OA-2018-003-SOG variation #1 requires the same level of review as the original OA application. The Regulator, or its delegate, must fulfill its obligations as a regulatory authority under the *Mackenzie Valley Resource Management Act* (MVRMA). It must also determine the adequacy of Aboriginal consultation, where a decision has the potential to adversely impact an asserted or existing Aboriginal right.
I make the following findings with respect to varying Strategic's OA by adding the maintenance, monitoring and abandonment of the Cameron B-38 well and associated facilities to the scope of OA-2018-003-SOG variation #1:

.../2

Bureau de l'organisme de réglementation des opérations pétrolières et gazières
B.P. 1320, Yellowknife, TNO X1A 2L9
Tél : 867-767-9097 • Téléc : 867-920-0798 • Site web : www.orogo.gov.nt.ca
Adresse de messagerie : 4e étage, 5201 – 50e Avenue, Yellowknife TNO X1A 3S9

BUREAU DE L'ORGANISME DE RÉGLEMENTATION DES OPÉRATIONS PÉTROLIÈRES ET GAZIÈRES DES TN-O

1. Activities Consistent with OGOA - Based on Strategic's original application for OA-2018-003-SOG and its work plan received on January 27, 2021, which includes the maintenance, monitoring and abandonment of the Cameron B-38 well and associated facilities, I have determined that Strategic intends to conduct the proposed activities in a manner consistent with the purposes set out in OGOA.

2. Preliminary Screening – The Cameron Hills field was subject to several environmental assessments by the Mackenzie Valley Environmental Impact Review Board (MVEIRB) (EA00-004, EA01-005 and EA03-005). It is therefore exempt from preliminary screening in accordance with Schedule 1, section 2.1 of the Exemption List Regulations established under the MVRMA.

   OROGO will advise the MVEIRB of this determination.

3. Land Use Plan Conformity – The proposed activities take place near the Alberta border in the South Slave region of the NWT. They do not fall within the boundaries of a Land Use Plan approved under the MVRMA. Therefore, there is no requirement to assess land use plan conformity under the MVRMA.

4. Indigenous and Community Consultation – Strategic has conducted consultation and engagement activities with the relevant organizations representative of Aboriginal rights holders. The MVEIRB and MVLWB also undertook public processes for the environmental assessments of the Cameron Hills field and the issuance of the Land Use Permit and Water Licence associated with the field. Considering the nature and scale of the activity and the concerns raised, consultation undertaken by Strategic on the activities proposed under OA-2018-003-SOG continues to be adequate.

5. Proof of Financial Responsibility – Strategic has provided satisfactory proof of financial responsibility in accordance with sections 13 and 64(1) of OGOA. This proof of financial responsibility must remain in force for the duration of the activity.

6. Safety – I have consulted with the Chief Safety Officer, in accordance with section 12 of OGOA, and am satisfied with the safety of the proposed activities.

.../3

OA-2018-003-SOG variation #1 is varied to include the maintenance, monitoring and abandonment of the Cameron B-38 well and associated facilities, subject to the terms contained in the attached Operations Authorization. Strategic must post a copy of the attached Operations Authorization in a clearly visible location at the work site.

Sincerely,

Pauline de Jong
Regulator

Encl. Operations Authorization OA-2020-001-SOG variation #2

NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

Operations Authorization #: OA-2018-003-SOG
Variation #: 2

OPERATIONS AUTHORIZATION

Subject to the terms listed below, authorization is granted under Section 10 of the *Oil and Gas Operations Act* and Part 2 of the *Oil and Gas Drilling and Production Regulations* to

Company Name	Company Operating Licence #
Strategic Oil and Gas Ltd.	NWT-OL-2014-007
Responsible Officer and Title	
Duncan MacRae, Director, Alvarez & Marsal Canada ULC	

to proceed with the works and activities described in its November 21, 2018 application and subsequent submissions for

Scope of Work	Settlement Area or Region
Well and infrastructure maintenance and abandonment/ decommissioning leading to the closure of the Cameron Hills field.	South Slave

This authorization, originally issued on March 20, 2019, has been varied by the Regulator or its delegate under Section 10 of the *Oil and Gas Operations Act* and may be further so varied.

This authorization expires on November 30, 2026.

Dated at Yellowknife, Northwest Territories on February 1, 2021.

Name of Regulator / Delegate	Signature of Regulator / Delegate
Ms. Pauline de Jong	
Title	
Regulator	

ADDITIONAL TERMS

1. Strategic Oil and Gas Ltd. shall cause the approved work and activities to be conducted in accordance with the requirements of the *Oil and Gas Operations Act* and the *Oil and Gas Drilling and Production Regulations*, as well as any other acts or legislation as may apply.

2. Strategic Oil and Gas Ltd. shall cause the approved work and activities to be conducted in accordance with any guidelines and/or interpretation notes issued by the Regulator under section 18 of the *Oil and Gas Operations Act*.

3. Strategic Oil and Gas Ltd. shall cause the approved work and activities to be conducted in accordance with the specifications, standards and other information referred to in its application and subsequent submissions.

4. Strategic Oil and Gas Ltd. shall request approval from the Regulator prior to undertaking any change to or deviation from the authorized work or activities, including but not limited to key personnel, the safety plan, the environmental protection plan and contingency plans.

5. Strategic Oil and Gas Ltd. shall notify OROGO immediately of any changes to its financial situation and shall submit to OROGO audited financial statements within ten (10) business days of their public release.

6. Strategic Oil and Gas Ltd. shall submit to OROGO confirmation that its insurance policy remains in place annually upon its renewal.

7. Strategic Oil and Gas Ltd. shall notify OROGO at least ten (10) days prior of commencement of field inspection, maintenance and/or monitoring activities.

8. Strategic Oil and Gas Ltd. shall submit to OROGO an updated operator contact list for this program prior to any work or activity.

9. Strategic Oil and Gas Ltd. shall provide notification to OROGO at least five (5) days prior to cessation of winter field maintenance operations.

10. Strategic Oil and Gas Ltd. shall submit an updated Emergency Response Plan annually, by June 1 of each year.

11. Strategic Oil and Gas Ltd. shall provide all staff and contractors for this program with its Emergency Response Plan and the OROGO 24-hour Incident Reporting phone number (867-445-8551) prior to commencing any work or activity.

This is Exhibit "B" referred to in the affidavit of Pauline Bertha de Jong, affirmed before me at the City of Yellowknife, Northwest Territories, this 6th day of August, 2026.

E Russell

Emma Russell
A Commissioner for Oaths in and for
The Northwest Territories

My commission does not expire, being a
Barrister and Solicitor

NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

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Duncan MacRae
Vice President
Alvarez and Marsal Canada Inc.
Receiver for Strategic Oil & Gas Ltd.
SUITE 1100, 250 – 6 AVE SW
CALGARY AB T2P 3H7

Order: Amendment to the October 4, 2019, Order of the Regulator

On August 2, 2020, I was designated as Regulator by the Commissioner in Executive Council pursuant to section 121 of the *Oil and Gas Operations Act* (OGOA), through Regulator Designation Order R-111-2020. I am currently the Regulator.

Section 20(a) of OGOA states the Regulator may "order and require any person to do, without delay, or within and at any specified time and in any manner set by the Regulator, any act, matter or thing that the person is or may be required to do under this Act, any regulation, order or direction made under this Act or an operating licence or authorization issued under section 10".

Background

Strategic Oil and Gas Ltd. (Strategic) holds an Operations Authorization (OA) for its operation of the Cameron Hills Field. OA-2018-003-SOG was issued on March 20, 2019, under section 10(a)(b) of OGOA and originally expired on April 1, 2025. The scope of OA-2018-003-SOG is "well and infrastructure maintenance and abandonment / decommissioning leading to the closure of the Cameron Hills field".

OA-2018-003-SOG was amended on April 17, 2019, March 12, 2020, and February 1, 2021. As of February 1, 2021, OA-2018-003-SOG expires on November 30, 2026.

On April 10, 2019, Strategic entered creditor protection under the *Companies' Creditors Arrangements Act*.

On October 4, 2019, Louis Sebert, designated as Regulator through Regulator Designation Order R-011-2016, issued an order to Strategic for the abandonment of wells and decommissioning of oil and gas infrastructure at the Cameron Hills field (the 2019 Order).

On January 28, 2020, Strategic went into receivership and Alvarez and Marsal Canada Inc. (Alvarez and Marsal) was appointed Receiver. Alvarez and Marsal continue to be the Receiver for Strategic Oil and Gas Ltd.

Since the 2019 Order was issued, Strategic and Alvarez and Marsal have completed various operations intended to comply with the 2019 Order.

.../2

Bureau de l'organisme de réglementation des opérations pétrolières et gazières
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BOROPG
BUREAU DE L'ORGANISME DE RÉGLEMENTATION DES OPERATIONS PÉTROLIÈRES ET GAZIÈRES DES TN-O

On January 24, 2025, during a meeting with the staff of the Office of the Regulator of Oil and Gas Operations, Alvarez and Marsal requested a review of the 2019 Order against the work completed to date. On February 5, 2025, I issued a letter to Alvarez and Marsal containing a detailed review of each component of the 2019 Order and stating in summary:

- Component 1 of the 2019 Order is fulfilled.
- Component 2 of the 2019 Order is partially fulfilled.
- Component 3 of the 2019 Order is partially fulfilled.
- Component 4 of the 2019 Order is partially fulfilled.
- Component 5 of the 2019 Order is fulfilled.
- Component 6 of the 2019 Order is partially fulfilled (as of February 5, 2025, noting the deadline for completion of this component was March 31, 2025).

On March 7, 2025, Alvarez and Marsal requested an extension to the deadlines in the 2019 Order for the items identified as partially fulfilled in my letter of February 5, 2025. In its request, Alvarez and Marsal states these items will be completed by April 30, 2027, although further extensions may be requested pending feedback from public engagement, the Mackenzie Valley Land and Water Board, and other stakeholders. Alvarez and Marsal's primary rationale for the extension is to allow time to renew Strategic's water licence from the Mackenzie Valley Land and Water Board, a process which includes conducting engagement with Indigenous Governments and Indigenous Organizations, and other interested parties, to develop a Closure and Reclamation Plan for the Cameron Hills field.

The Mackenzie Valley Land and Water Board's public registry indicates Strategic's water licence (MV2010L1-0001) expires on December 9, 2025, and its land use permit (MV2022X0018) expires on January 2, 2028.

Order

Pursuant to section 20(a) of OGOA and to comply with the requirements of the 2019 Order, I hereby order Strategic Oil & Gas Ltd. to:

1. **Address the deficiencies listed in Table 1 by April 30, 2027:**

Table 1: Well Abandonment Deficiencies

WID	Well Name	Deficiencies
1158	Cameron J-62	Backfill at well centre not completed appropriately; cellar not removed; signage not compliant with Guidelines
1937	Cameron I-73	Cellar not removed; excavation at well centre filled with metal debris

.../3

WID	Well Name	Deficiencies
1122	Cameron M-31	Signage not compliant with Guidelines
1743	Cameron L-44	Backfill at well centre not completed appropriately; signage not compliant with Guidelines
1746	Cameron A-68	Backfill at well centre not completed appropriately; cellar not removed; signage not compliant with Guidelines
1747	Cameron A-73	Signage not compliant with Guidelines
1756	Cameron B-25	Backfill at well centre not completed appropriately; signage not compliant with Guidelines
1792	Cameron I-74	Backfill at well centre not completed appropriately; cellar not removed; rat hole on well site not filled
1971	Cameron F-75	Signage not compliant with Guidelines
1992	Cameron F-73	Backfill at well centre not completed appropriately; signage not compliant with Guidelines
2025	Cameron 2F-73	Backfill at well centre not completed appropriately
2034	Cameron J-04	Backfill at well centre not completed appropriately
2042	Cameron E-07	Signage not compliant with Guidelines
0376	Cameron A-05	Signage not compliant with Guidelines
1482	Cameron I-16	Signage not compliant with Guidelines
1732	Cameron B-08	Signage not compliant with Guidelines
1765	Cameron M-73	Backfill at well centre not completed appropriately
1939	Cameron C-74	Backfill at well centre not completed appropriately; cellar not removed
1972	Cameron K-74	Backfill at well centre not completed appropriately; signage not compliant with Guidelines
1973	Cameron D-49	Backfill at well centre not completed appropriately; signage not compliant with Guidelines
1975	Cameron H-58	Signage not compliant with Guidelines
2026	Cameron 2M-73	Backfill at well centre not completed appropriately
2032	Cameron J-74	Backfill at well centre not completed appropriately; signage not compliant with Guidelines
2033	Cameron L-73	Backfill at well centre not completed appropriately;
2045	Cameron L-40	Signage not compliant with Guidelines

2. **Address the following deficiencies by April 30, 2027:**

   - **Cameron L-47 (WID1736) wellsite: a bulk tank liner and grounding cable remain on the site and must be removed.**
   - **Cameron M-73 (WID1765) wellsite: pilings associated with oil and gas infrastructure and other debris remain on the site and must be removed.**

.../4

- **Cameron K-74 (WID1972) wellsite: pilings (or casings) associated with oil and gas infrastructure, detached sections of casing, and other debris remain on the site and must be removed.**
- **Cameron 2M-73 (WID2026) wellsite: pilings associated with oil and gas infrastructure and other debris remain on the site and must be removed.**
- **Cameron 2H-03 (WID2073) wellsite: pilings associated with oil and gas infrastructure and other debris remain on the site and must be removed.**
- **Well site identification and directional signs along access roads and lease entrances remain at the field and must be removed.**
- **Gathering system pipeline identification and hazard signs along the pipeline right of ways remain at the field and must be removed.**

3. **Fulfill all commitments made to the Office of the Regulator of Oil and Gas Operations and the Chief Safety Officer with respect to temporary mitigation of safety concerns identified in ORD-2024-001-SOG by May 15, 2025.**

4. **Conduct an annual field inspection to monitor the status of the temporary mitigations and report, in writing, on the results of these inspections to the Office of the Regulator of Oil and Gas Operations within 30 days of completion until the Regulator confirms this Order has been satisfied.**

Failure to Comply

Failure to comply with an order of the Regulator made under OGOA is an offence under section 114(1) of OGOA, which provides, in part, that every person is guilty of an offence who fails to comply with an order of the Regulator made under OGOA and is liable, on summary conviction, to a fine not exceeding $1,000,000 or to imprisonment for a term not exceeding two years, or to both (section 114(2) of OGOA).

In addition, upon being convicted of an offence, the court may order that person to comply with the order (see section 115 of OGOA). If an offence is committed on or continued for more than one day, the offence is considered to be a separate offence for each day on which the offence is committed or continued (see section 116 of OGOA).

.../5

A copy of OGOA, OA-2018-003-SOG (as issued on February 1, 2021), the 2019 Order, and the February 5, 2025, letter to Alvarez and Marsal regarding compliance with the 2019 Order are attached for your convenience.

Dated at Yellowknife, in the Northwest Territories, the 25th day of April 2025.

Pauline de Jong
Regulator

OIL AND GAS OPERATIONS ACT
SNWT 2014,c.14
All sections except section 122
in force April 1, 2014
Section 122 in force April 1, 2016

LOI SUR LES OPÉRATIONS PÉTROLIÈRES
LTN-O 2014, ch. 14
Tous les articles sauf l'article 122
En vigueur le 1er avril 2014
L'article 122 en vigueur le 1er avril 2016

AMENDED BY
SNWT 2015,c.27
SNWT 2014,c.14
In force April 1, 2016
SNWT 2016,c.9
SNWT 2017,c.20
SNWT 2019,c.24
In force July 23, 2020
SI-015-2020

MODIFIÉE PAR
LTN-O 2015, ch. 27
LTN-O 2014, ch. 14
En vigueur le 1er avril 2016
LTN-O 2016, ch. 9
LTN-O 2017, ch. 20
LTN-O 2019, ch. 24
En vigueur le 23 juillet 2020
TR-015-2020

This consolidation is not an official statement of the law. It is an office consolidation prepared by Legislation Division, Department of Justice, for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories.

Any Certified Bills not yet included in the Annual Volumes can be obtained through the Office of the Clerk of the Legislative Assembly.

Certified Bills, copies of this consolidation and other G.N.W.T. legislation can be accessed on-line at

https://www.justice.gov.nt.ca/en/browse/laws-and-legislation/

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Les projets de loi certifiés ne figurant pas dans les volumes annuels peuvent être obtenus en s'adressant au bureau du greffier de l'Assemblée législative.

Les projets de loi certifiés, copies de la présente codification administrative et autres lois du G.T.N.-O. sont disponibles en direct à l'adresse suivante :

https://www.justice.gov.nt.ca/en/browse/laws-and-legislation/

OIL AND GAS OPERATIONS ACT

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OIL AND GAS OPERATIONS ACT

The Commissioner of the Northwest Territories, by and with the advice and consent of the Legislative Assembly, enacts as follows:

INTERPRETATION

Definitions

1. In this Act,

"Chief Conservation Officer" means the Chief Conservation Officer appointed under section 4

(a) in respect of the Inuvialuit Settlement Region within the onshore, by the National Energy Board, or

(b) in respect of that portion of the onshore falling outside the Inuvialuit Settlement Region, by the Regulator designated under section 121; (*délégué à l'exploitation*)

"Chief Safety Officer" means the Chief Safety Officer appointed under section 4

(a) in respect of the Inuvialuit Settlement Region within the onshore, by the National Energy Board, or

(b) in respect of that portion of the onshore falling outside the Inuvialuit Settlement Region, by the Regulator designated under section 121; (*délégué à la sécurité*)

"Committee" means the Oil and Gas Committee established by section 27; (*Comité*)

"conservation officer" means a conservation officer appointed under section 105; (*agent du contrôle de l'exploitation*)

"exploratory well" means a well drilled on a geological feature on which a significant discovery has not been made; (*puits d'exploration*)

"field"

(a) means a general surface area underlain or appearing to be underlain by one or more pools, and

(b) includes the subsurface regions vertically beneath the general surface area referred to in paragraph (a); (*champ*)

LOI SUR LES OPÉRATIONS PÉTROLIÈRES

Le commissaire des Territoires du Nord-Ouest, sur l'avis et avec le consentement de l'Assemblée législative, édicte :

DÉFINITIONS

Définitions

1. Les définitions qui suivent s'appliquent à la présente loi.

«agent de la sécurité» La personne nommée à ce titre en application de l'article 105. (*safety officer*)

«agent du contrôle de l'exploitation» La personne nommée à ce titre en application de l'article 105. (*conservation officer*)

«champ» Zone de surface dont le sous-sol contient ou pourrait contenir un ou plusieurs gisements; y est assimilé ce sous-sol même. (*field*)

«Comité» Le Comité du pétrole et du gaz constitué par l'article 27. (*Committee*)

«concession» La concession de pétrole et de gaz délivrée en vertu des règlements pris sous le régime de la *Loi sur les terres des Territoires du Nord-Ouest*, y compris une licence de production octroyée sous le régime de la *Loi sur les hydrocarbures*. (*lease*)

«délégué à l'exploitation» La personne que nomme à ce titre en application de l'article 4, selon le cas :

a) à l'égard de la région désignée des Inuvialuit située dans les limites de la région intracôtière, l'Office national de l'énergie;

b) à l'égard de la partie de la région intracôtière qui est hors de la région désignée des Inuvialuit, l'organisme de réglementation désigné en application de l'article 121. (*Chief Conservation Officer*)

«délégué à la sécurité» La personne que nomme à ce titre en application de l'article 4, selon le cas :

a) à l'égard de la région désignée des Inuvialuit située dans les limites de la région intracôtière, l'Office national de l'énergie;

b) à l'égard de la partie de la région intracôtière qui est hors de la région

"gas" means natural gas and includes all substances, other than oil, that are produced in association with natural gas; (*gaz*)

"Inuvialuit Settlement Region" means that portion of the Northwest Territories shown in Annex A and described in Annex A-1 of the *Inuvialuit Final Agreement* between the Inuvialuit and the Government of Canada, dated June 5, 1984, excluding any area in Yukon or in the adjoining area as defined in section 2 of the *Yukon Act* (Canada); (*région désignée des Inuvialuit*)

"lease" means an oil and gas lease issued under regulations made in accordance with the *Northwest Territories Lands Act* and includes a production licence issued under the *Petroleum Resources Act*; (*concession*)

"National Energy Board" means the National Energy Board established by the *National Energy Board Act* (Canada); (*Office national de l'énergie*)

"oil" means

(a) crude petroleum regardless of gravity produced at a well-head in liquid form, and

(b) any other hydrocarbons, except coal and gas, including hydrocarbons that may be extracted or recovered from surface or subsurface deposits, including deposits of oil sand, bitumen, bituminous sand, oil shale and other types of deposits; (*pétrole*)

"onshore" means the onshore as defined in the *Northwest Territories Act* (Canada); (*région intracôtière*)

"permit" means an exploratory oil and gas permit issued under regulations made in accordance with the *Northwest Territories Lands Act* and includes an exploration agreement entered into under the *Oil and Gas Land Regulations* made under the *Northwest Territories Lands Act* and an exploration agreement or licence that is subject to the *Petroleum Resources Act*; (*permis*)

"petroleum" means oil or gas; (*hydrocarbures*)

"pipeline" means any pipe or any system or arrangement of pipes by which oil, gas or any substance, including water, incidental to the drilling for or production of oil or gas is conveyed from any

désignée des Inuvialuit, l'organisme de réglementation désigné en application de l'article 121. (*Chief Safety Officer*)

«gaz» Le gaz naturel et toutes les substances produites avec ce gaz, à l'exclusion du pétrole. (*gas*)

«gisement» Réservoir souterrain naturel contenant ou paraissant contenir un dépôt de pétrole, de gaz, ou des deux, et séparé ou paraissant séparé de tout autre dépôt. (*pool*)

«hydrocarbures» Le pétrole ou le gaz. (*petroleum*)

«Office national de l'énergie» L'Office national de l'énergie constitué par la *Loi sur l'Office national de l'énergie* (Canada). (*National Energy Board*)

«organisme de réglementation»

a) à l'égard de la région désignée des Inuvialuit située dans les limites de la région intracôtière, l'Office national de l'énergie;

b) à l'égard de la partie de la région intracôtière qui est hors de la région désignée des Inuvialuit, l'organisme de réglementation désigné par le commissaire en Conseil exécutif en application de l'article 121. (*Regulator*)

«permis» Permis d'exploration pétrolière et gazière délivré en vertu des règlements pris sous le régime de la *Loi sur les terres des Territoires du Nord-Ouest*; y sont assimilés un accord d'exploration conclu sous le régime du *Règlement sur les terres pétrolifères et gazifères* pris en vertu de la *Loi sur les terres des Territoires du Nord-Ouest* ainsi que l'accord ou le permis de prospection régi par la *Loi sur les hydrocarbures*. (*permit*)

«pétrole» Le pétrole brut, quelle que soit sa densité, qui est extrait à la tête de puits sous forme liquide et les autres hydrocarbures, à l'exclusion du charbon et du gaz, notamment ceux qui peuvent être extraits ou récupérés de gisements en affleurement ou souterrains de sables pétrolifères, de bitume, de sables ou de schistes bitumineux, ou d'autres sortes de gisements. (*oil*)

«pipeline» Canalisation, prise isolément ou formant réseau, servant au transport — à partir de la tête du puits ou de tout autre lieu de production ou à partir du lieu de stockage, de transformation ou de traitement —

well-head or other place at which it is produced to any other place, or from any place where it is stored, processed or treated to any other place, and includes all property of any kind used for the purpose of, or in connection with or incidental to, the operation of a pipeline in the gathering, transporting, handling and delivery of the oil, gas or substance and, without restricting the generality of the foregoing, includes offshore installations or vessels, tanks, surface reservoirs, pumps, racks, storage and loading facilities, compressors, compressor stations, pressure measuring and controlling equipment and fixtures, flow controlling and measuring equipment and fixtures, metering equipment and fixtures, and heating, cooling and dehydrating equipment and fixtures, but does not include any pipe or any system or arrangement of pipes that constitutes a distribution system for the distribution of gas to ultimate consumers; (*pipeline*)

"pool" means a natural underground reservoir containing or appearing to contain an accumulation of oil or gas or both oil and gas and being separated or appearing to be separated from any other accumulation; (*gisement*)

"Regulator" means

(a) in respect of the Inuvialuit Settlement Region within the onshore, the National Energy Board established by the *National Energy Board Act* (Canada), and

(b) in respect of that portion of the onshore falling outside the Inuvialuit Settlement Region, the Regulator designated by the Commissioner in Executive Council under section 121; (*organisme de réglementation*)

"safety officer" means a safety officer appointed under section 105; (*agent de la sécurité*)

"well" means any opening in the ground, not being a seismic shot hole, that is made, to be made or is in the process of being made by drilling, boring or other method

(a) for the production of oil or gas,

(b) for the purpose of searching for or obtaining oil or gas,

(c) for the purpose of obtaining water to inject into an underground formation,

(d) for the purpose of injecting gas, air, water or other substance into an underground formation, or

de pétrole ou de gaz ou de toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau. Y sont assimilés les terrains ou installations liés, directement ou non, à l'exploitation de la canalisation pour la collecte, le transport, la manutention et la livraison du pétrole, du gaz ou de la substance, et notamment les installations et réservoirs extracôtiers, les citernes, réservoirs de surface, pompes, rampes et stations de chargement, compresseurs, stations de compression, les matériels et installations fixes de mesure et de commande de la pression ou du débit ou ceux de mesure du volume, ainsi que les matériels et installations fixes de chauffage, de refroidissement et de déshydratation, à l'exclusion des canalisations de distribution de gaz aux consommateurs finals. (*pipeline*)

«puits» Trou creusé dans le sol — à l'exclusion des trous de prospection sismique — par forage, sondage ou autre moyen, en vue de la recherche, de l'obtention ou de la production de pétrole ou de gaz, de l'obtention d'eau pour injection dans une formation souterraine, de l'injection de substances — gaz, air, eau ou autre — dans une telle formation, ou à toute autre fin à condition que ce soit à travers des roches sédimentaires jusqu'à une profondeur d'au moins 150 mètres. La présente définition vise également les points en cours de creusement ou en projet. (*well*)

«puits d'exploration» Puit foré sur un horizon géologique qui n'a pas fait l'objet d'une découverte importante. (*exploratory well*)

«région désignée des Inuvialuit» Partie des Territoires du Nord-Ouest illustrée à l'annexe A et décrite à l'annexe A-1 de la *Convention définitive des Inuvialuit*, conclue entre les Inuvialuit et le gouvernement du Canada le 5 juin 1984, à l'exclusion de toute zone du Yukon ou de la zone adjacente au sens de la *Loi sur le Yukon* (Canada). (*Inuvialuit Settlement Region*)

«région intracôtière» La région définie comme telle dans la *Loi sur les Territoires du Nord-Ouest* (Canada). (*onshore*)

LTN-O 2015, ch. 27, art. 6(2); LTN-O 2017, ch. 20, art. 8; LTN-O 2019, ch. 24, art. 2.

(e) for any purpose, if made through sedimentary rocks to a depth of at least 150 metres. (*puits*)

SNWT 2017,c.20,s.8; SNWT 2019,c.24,s.2.

PURPOSE

Purpose

2. The purpose of this Act is to promote, in respect of the exploration for and exploitation of oil and gas,

(a) safety, particularly by encouraging persons exploring for and exploiting oil or gas to maintain a prudent regime for achieving safety;
(b) the protection of the environment;
(c) the conservation of oil and gas resources;
(d) joint production arrangements; and
(e) economically efficient infrastructures.

APPLICATION

Application

3. This Act applies in respect of the exploration and drilling for and the production, conservation, processing and transportation of oil and gas within the onshore.

CHIEF SAFETY OFFICER AND CHIEF CONSERVATION OFFICER

Appointment

4. A Regulator shall, for the area over which it has jurisdiction, appoint a Chief Safety Officer and a Chief Conservation Officer.

STATUTORY INSTRUMENTS ACT

Orders

5. For greater certainty, orders made by a safety officer, the Chief Safety Officer, a conservation officer, the Chief Conservation Officer, the Committee or the Regulator are not statutory instruments within the meaning of the *Statutory Instruments Act*.

PROHIBITION

Prohibition

6. No person shall carry on any work or activity related to the exploration or drilling for or the production, conservation, processing or transportation of oil or gas in any area to which this Act applies unless

OBJET

Objet

2. La présente loi a pour objet la promotion, en ce qui a trait aux activités de recherche et d'exploitation de pétrole et de gaz :

a) de la sécurité, notamment par des mesures encourageant le secteur à prendre les dispositions voulues pour y parvenir;
b) de la protection de l'environnement;
c) de la rationalisation de l'exploitation;
d) de la conclusion d'accords conjoints de production;
e) de l'efficience économique des infrastructures.

APPLICATION

Application

3. La présente loi s'applique à la recherche, notamment par forage, à la production, à la rationalisation de l'exploitation, à la transformation et au transport du pétrole et du gaz dans les limites de la région intracôtière.

DÉLÉGUÉ À LA SÉCURITÉ ET DÉLÉGUÉ À L'EXPLOITATION

Nomination

4. L'organisme de réglementation, à l'égard de la région relevant de son ressort, nomme un délégué à la sécurité et un délégué à l'exploitation.

DÉROGATION À LA LOI SUR LES TEXTES RÉGLEMENTAIRES

Ordres

5. Il est entendu que les arrêtés, ordonnances ou ordres des agents de la sécurité, du délégué à la sécurité, des agents du contrôle de l'exploitation, du délégué à l'exploitation, du Comité ou de l'organisme de réglementation ne sont pas des textes réglementaires au sens de la *Loi sur les textes réglementaires*.

INTERDICTION

Interdiction

6. Nul ne peut exercer des activités liées à la recherche, notamment par forage, à la production, à la rationalisation de l'exploitation, à la transformation et au transport de pétrole ou de gaz dans une zone d'application de la présente loi :

(a) that person is the holder of an operating licence issued under paragraph 10(1)(a);
(b) that person is the holder of an authorization issued, before the commencement of operations, under paragraph 10(1)(b) for each work or activity; and
(c) in the case where it is required, that person is authorized or entitled to carry on business in the place where that person proposes to carry on the work or activity.

a) s'il n'est titulaire du permis de travaux octroyé aux termes de l'alinéa 10(1)a);
b) s'il n'est titulaire, avant le début des travaux et pour chaque activité, de l'autorisation octroyée aux termes de l'alinéa 10(1)b);
c) s'il n'est, le cas échéant, habilité à exploiter une entreprise au lieu où il a l'intention d'exercer des activités.

Limitations on pipelines

7. (1) A holder of an authorization under paragraph 10(1)(b) to construct or operate a pipeline shall not, without the leave of the Regulator,
(a) sell, transfer or lease to any person its pipeline, in whole or in part;
(b) purchase or lease any pipeline from any person;
(c) enter into an agreement for amalgamation with any person; or
(d) abandon the operation of a pipeline.

Interdictions pipelines

7. (1) Le titulaire de l'autorisation octroyée aux termes de l'alinéa 10(1)b) relativement à la construction ou à l'exploitation d'un pipeline ne peut, sans l'approbation de l'organisme de réglementation :
a) vendre, transférer ou donner à bail tout ou partie du pipeline;
b) acheter ou prendre à bail un autre pipeline;
c) conclure un accord de fusion avec toute personne;
d) cesser d'exploiter un pipeline.

Definition: "pipeline"

(2) For the purposes of paragraph (1)(b), "pipeline" includes a pipeline as defined in section 1 or any other pipeline.

Définition : «pipeline»

(2) Pour l'application de l'alinéa (1)b) le terme «pipeline» n'est pas limité au sens que lui donne l'article 1.

Exception

(3) Notwithstanding paragraph (1)(a), leave shall only be required if the holder sells, transfers or leases any part of its pipeline that is capable of being operated for the transmission of oil, gas or any substance, including water, incidental to the drilling for or production of oil or gas.

Exception

(3) Malgré l'alinéa (1)a), l'approbation n'est requise que dans le cas où le titulaire vend, transfère ou donne à bail une partie du pipeline susceptible d'être exploitée pour le transport de pétrole ou de gaz ou de toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau.

DELEGATION

DÉLÉGATION

Delegation by Regulator

8. (1) The Regulator may delegate any of the Regulator's powers, duties or functions under this Act or the regulations to any person, and that person shall exercise those powers and shall perform those duties or functions in accordance with the terms of the delegation.

Délégation par l'organisme de réglementation

8. (1) L'organisme de réglementation peut déléguer telle de ses attributions prévues à la présente loi ou à ses règlements à toute personne, laquelle exerce le mandat conformément à la délégation.

Notice of delegation

(2) The Regulator shall make notice of a delegation under subsection (1) publicly available.

Avis de délégation

(2) L'organisme de réglementation rend disponible au public l'avis de la délégation prévue en vertu du paragraphe (1).

Delegation by Minister

(3) The Minister may delegate any of the Minister's powers, duties or functions under this Act or the regulations to any employee of the public service, and that person shall exercise those powers and shall perform those duties or functions in accordance with the terms of the delegation. SNWT 2019,c.24,s.3.

Délégation par le ministre

(3) Le ministre peut déléguer telle de ses attributions prévues à la présente loi ou ses règlements à tout employé de la fonction publique, lequel exerce le mandat conformément à la délégation. LTN-O 2019, ch. 24, art. 3.

CONTRACTING

Contracting

9. The Minister, on behalf of the Government of the Northwest Territories, may enter into a contract with the Government of Canada, the government of a province or territory, an agency of any of those governments or another person respecting the provision of services of employees of that government, agency or person for the purpose of assisting the Minister in the administration of this Act.

CONTRATS

Contrats

9. Le ministre, au nom du gouvernement des Territoires du Nord-Ouest, peut conclure un contrat avec le gouvernement du Canada ou le gouvernement d'une province ou d'un territoire, ou un organisme de ceux-ci, ou avec une autre personne concernant la prestation de services d'employés de ce gouvernement, de cet organisme ou de cette personne afin d'aider le ministre dans l'application de la présente loi.

LICENCES AND AUTHORIZATIONS

Operating Licences and Authorization for Work

Licences and authorizations

10. (1) The Regulator may, on application made in the form approved by and containing the information required by the Regulator, and made in the prescribed manner, issue

(a) an operating licence; and

(b) an authorization with respect to each work or activity proposed to be carried on.

PERMIS ET AUTORISATIONS

Permis de travaux et autorisations

Permis et autorisations

10. (1) L'organisme de réglementation peut, sur demande établie en la forme qu'il approuve et contenant les renseignements qu'il exige, présentée selon les modalités réglementaires, délivrer :

a) un permis de travaux;

b) une autorisation pour chaque activité projetée.

Term and renewals

(2) An operating licence expires on March 31 immediately after the day on which it is issued and may be renewed for successive periods not exceeding one year each.

Durée et renouvellements

(2) Le permis de travaux est valide jusqu'au 31 mars qui suit sa délivrance. Il peut être renouvelé pour des périodes successives maximales d'un an.

Requirements for operating licence

(3) An operating licence is subject to

(a) any requirements that the Regulator may determine or that may be prescribed; and

(b) the prescribed fees and deposits.

Conditions des permis

(3) Le permis de travaux est assujetti, à la fois :

a) aux conditions réglementaires ou fixées par l'organisme de réglementation;

b) aux droits et cautionnements réglementaires.

Requirements for authorization

(4) An authorization is subject to any approvals that the Regulator may determine or that may be granted in accordance with the regulations and any requirements and deposits that the Regulator may determine or that may be prescribed, including

(a) requirements relating to liability for loss, damage, costs or expenses;

(b) requirements for the carrying out of environmental programs or studies; and

(c) requirements for the payment of expenses incurred by the Regulator in approving the design, construction and operation of production facilities and production platforms as those terms are defined in the regulations.

Conditions des autorisations

(4) L'autorisation est assujettie aux approbations, conditions et cautionnements réglementaires ou fixés par l'organisme de réglementation, notamment les conditions relatives :

a) à la responsabilité en cas de perte, de dommages, de frais ou de dépenses;

b) à la réalisation de programmes et d'études en matière d'environnement;

c) au paiement des frais que l'organisme de réglementation engage lors de l'approbation, de la conception, de la construction et de l'exploitation des installations et plates-formes de production, entendues au sens des règlements.

Suspension or revocation

(5) The Regulator may suspend or revoke an operating licence or an authorization for a failure to comply with, a contravention of or a default in respect

Suspension ou annulation

(5) L'organisme de réglementation peut suspendre ou annuler un permis de travaux ou une autorisation en cas de manquement :

of

(a) a requirement, approval, fee or deposit subject to which the licence or authorization was issued;
(b) a requirement undertaken in a declaration referred to in subsection 15(1) or (2);
(c) subsection 15(3), 16(2) or 64(2); or
(d) any applicable regulation.

a) aux approbations, conditions, droits ou cautionnements auxquels ils sont assujettis;
b) à une obligation découlant des déclarations visées aux paragraphes 15(1) ou (2);
c) aux paragraphes 15(3), 16(2) ou 64(2);
d) aux règlements applicables.

Variation

(6) The Regulator may vary the terms of any operating licence or authorization issued under this Act.

(6) L'organisme de réglementation peut modifier les conditions des permis de travaux ou des autorisations octroyés en vertu de la présente loi.

Modification

Right of entry

11. (1) Subject to subsection (2), any person may, for the purpose of exploring for or exploiting oil or gas, enter on and use the surface of the land in any area in which this Act applies in order to carry on a work or activity authorized under paragraph 10(1)(b).

11. (1) Sous réserve du paragraphe (2), quiconque peut pénétrer sur un bien-fonds dans la zone d'application de la présente loi et y exercer en surface les activités autorisées sous le régime de l'alinéa 10(1)b) pour la recherche et l'exploitation de pétrole ou de gaz.

Droit d'accès

Restriction

(2) If a person occupies land in an area to which this Act applies under a lawful right or title, other than an authorization under paragraph 10(1)(b) or an interest as defined in section 1 of the *Petroleum Resources Act*, no person may enter on or use the surface of that land for a purpose referred to in subsection (1), except with the consent of the occupier or, in the case where consent has been refused, in accordance with the terms and conditions of a decision of the Surface Rights Board made in accordance with the *Surface Rights Board Act.*

(2) Cependant, nul ne peut pénétrer sur un bien-fonds dans une zone d'application de la présente loi - occupé par un propriétaire ou un possesseur légitime autrement qu'en vertu d'une autorisation délivrée en application de l'alinéa 10(1)b) ou d'un titre au sens de l'article 1 de la *Loi sur les hydrocarbures* - ou y exercer ces activités aux fins prévues au paragraphe (1) sans le consentement de celui-ci, ou dans le cas où le consentement est refusé, que conformément aux conditions d'une décision de l'Office des droits de surface prise conformément à la *Loi sur l'Office des droits de surface*.

Restriction

Exception

(3) Subsections (1) and (2) do not apply in respect of designated land as defined in subsection 1(1) of the *Surface Rights Board Act* or Tłı̨chǫ lands as defined in subsection 1(2) of that Act. SNWT 2014,c.14,s.122.

(3) Les paragraphes (1) et (2) ne s'appliquent pas à l'égard des terres désignées au sens du paragraphe 1(1) de la *Loi sur l'Office des droits de surface* ou aux terres tłı̨chǫ au sens du paragraphe 1(2) de cette même loi. LTN-O 2014, ch. 14, art. 122; LTN-O 2016, ch. 9, art. 11.

Exception

Safety of Works and Activities

Sécurité des activités

Safety

12. The Regulator shall, before issuing an authorization for a work or activity referred to in paragraph 10(1)(b), consider the safety of the work or activity by reviewing, in consultation with the Chief Safety Officer, the system as a whole and its components, including its installations, equipment, operating procedures and personnel.

12. Avant de délivrer l'autorisation visée à l'alinéa 10(1)b), l'organisme de réglementation, de concert avec le délégué à la sécurité, examine, afin d'en vérifier la sécurité, l'ensemble du projet et chacun de ses éléments, y compris les installations et équipements, les procédures et modes d'emploi, ainsi que la main-d'oeuvre.

Sécurité

Financial Responsibility

Responsabilité financière

Compliance with subsection 64(1)

13. The Regulator shall, before issuing an authorization for a work or activity referred to in paragraph 10(1)(b), ensure that the applicant has complied with the requirements of subsection 64(1) in respect of that work or activity.

13. Avant de délivrer l'autorisation visée à l'alinéa 10(1)b), l'organisme de réglementation veille à ce que le demandeur se soit conformé à l'obligation prévue au paragraphe 64(1).

Respect du paragraphe 64(1)

Development Plan Approval

Plans de mise en valeur

Approval of general approach of development

14. (1) No approval that is

(a) applicable to an authorization under paragraph 10(1)(b) to carry on work or activity in relation to developing a pool or field, and

(b) prescribed for the purposes of this subsection

may be granted unless the Regulator, on application submitted in accordance with subsection (2), has approved a development plan relating to the pool or field under subsection (4).

14. (1) Aucune approbation liée à l'autorisation prévue à l'alinéa 10(1)b) visant des activités sur un gisement ou un champ et prévue par règlement pour l'application du présent paragraphe ne peut être accordée avant que l'organisme de réglementation, sur demande présentée conformément au paragraphe (2), n'ait approuvé un plan de mise en valeur du gisement ou du champ en cause en vertu du paragraphe (4).

Approbation d'un plan de mise en valeur

Application and submission of development plan

(2) An application for the approval of a development plan must be

(a) submitted to the Regulator in the form approved by and containing the information required by the Regulator, at the time and in the manner as may be prescribed; and

(b) accompanied by the proposed development plan in the form and containing the information described in subsection (3).

(2) La demande d'approbation doit respecter les conditions suivantes :

a) elle est présentée à l'organisme de réglementation selon les modalités de forme et de contenu fixées par celui-ci et selon celles — de temps ou autres — fixées par règlement;

b) elle s'accompagne du projet de plan de mise en valeur à présenter selon les modalités de forme et de contenu prévues au paragraphe (3).

Demande d'approbation

Development plan in two parts

(3) A development plan relating to the proposed development of a pool or field must be set out in two parts, containing

(a) in Part 1, a description of the general approach of developing the pool or field, and in particular, information, in the amount of detail as may be prescribed, with respect to

(i) the scope, purpose, location, timing and nature of the proposed development,

(ii) the production rate, evaluations of the pool or field, estimated amounts of oil or gas proposed to be recovered, reserves, recovery methods, production monitoring procedures, costs and environmental factors in connection with the proposed development, and

(3) Le projet de plan de mise en valeur doit prévoir deux parties. La première énonce la stratégie globale de la mise en valeur du gisement ou du champ et notamment les renseignements — dont le règlement fixe l'ampleur du détail — sur les portée, but, nature, lieu et calendrier du projet, sur les taux de production, l'évaluation du gisement ou du champ, les quantités prévues de substances à récupérer, les réserves, les techniques de récupération et de surveillance, les coûts et les aspects liés à l'environnement relatifs au projet, ainsi que sur le système de production proposé, solutions de rechange comprises, proposé. La seconde contient les renseignements techniques ou autres prévus par règlement pour analyser et évaluer de façon complète le projet.

Éléments du plan

(iii) the production system and any alternative production systems that could be used for the development of the pool or field; and

(b) in Part 2, all technical or other information and proposals, as may be prescribed, necessary for a comprehensive review and evaluation of the proposed development.

Approval of development plan

(4) After reviewing an application and development plan submitted under this section, the Regulator may approve the development plan, subject to the consent of the Commissioner in Executive Council in relation to Part 1 of the development plan and any requirements that the Regulator considers appropriate or that may be prescribed.

Approbation

(4) Après avoir examiné la demande et le plan de mise en valeur présentés en vertu du présent article, l'organisme de réglementation peut approuver ce dernier, sous réserve des modalités qu'il estime indiquées ou qui sont fixées par règlement et, dans le cas de la première partie du plan, de l'agrément du commissaire en Conseil exécutif.

Approval of amendment to plan

(5) If a development plan is approved under subsection (4),

(a) no amendment of the development plan may be made unless it is approved by the Regulator and, in the case of an amendment to Part 1 of the development plan, the Commissioner in Executive Council consents to the approval; and

(b) any requirement to which the approval is subject may be amended by the Regulator but, if the requirement relates to Part 1 of the development plan, it may only be amended with the consent of the Commissioner in Executive Council.

Approbation de modifications

(5) Il ne peut être apporté de modifications au plan de mise en valeur approuvé en vertu du paragraphe (4) que si celles-ci sont d'abord approuvées par l'organisme de réglementation et, dans le cas où elles portent sur la première partie du plan, que si l'approbation a reçu l'agrément du commissaire en Conseil exécutif; l'organisme de réglementation peut modifier les modalités auxquelles est assujettie l'approbation sous réserve, dans le cas où celles-ci portent sur la première partie du plan, de l'agrément du commissaire en Conseil exécutif.

Application of certain provisions

(6) Subsections (1) to (5) apply, with such modifications as the circumstances require, with respect to a proposed amendment to a development plan or to any requirement to which the approval of the plan is subject.

Application de certaines dispositions

(6) Les paragraphes (1) à (5) s'appliquent, avec les adaptations nécessaires, aux projets de modification du plan de mise en valeur et aux modalités auxquelles est assujettie l'approbation de celui-ci.

Approval

(7) Notwithstanding subsection (4), the Regulator may approve a development plan in relation to developing a straddling resource, as defined in section 86, subject to

(a) the consent of the Commissioner in Executive Council and the Governor in Council in relation to Part 1 of the plan; and

(b) any requirements that the Regulator considers appropriate or that may be prescribed.

Approbation

(7) Malgré le paragraphe (4), l'organisme de réglementation peut approuver le plan de mise en valeur visant une ressource chevauchante telle que décrite à l'article 86, sous réserve :

a) d'une part, en ce qui a trait à la première partie du plan, de l'agrément du commissaire en Conseil exécutif et du gouverneur en conseil;

b) d'autre part, des modalités qu'il estime indiquées ou qui sont fixées par règlement.

No consent

(8) If the Commissioner in Executive Council and the Governor in Council do not consent in relation to

Absence d'agrément

(8) Si le commissaire en Conseil exécutif et le gouverneur en conseil ne donnent pas l'agrément en ce

Part 1 of the plan, either government may notify the other of their intention to refer the matter to an independent expert for a decision in accordance with section 99.

qui a trait à la première partie du plan, l'un ou l'autre gouvernement peut aviser l'autre partie de son intention de renvoyer l'affaire à un expert indépendant afin que celui-ci prenne une décision conformément à l'article 99.

Expert's decision

(9) The expert's decision in relation to the development plan is deemed to be a development plan approved by the Regulator and, in relation to Part 1 of the plan, is deemed to be one that is consented to by the Commissioner in Executive Council and the Governor in Council.

(9) La décision de l'expert relative au plan de mise en valeur est réputée être un plan de mise en valeur approuvé par l'organisme de réglementation et, en ce qui a trait à la première partie du plan, avoir reçu l'agrément du commissaire en Conseil exécutif et du gouverneur en conseil.

Décision de l'expert

Amendment

(10) If a development plan is approved under subsection (7) or deemed to be approved under subsection (9), no amendment may be made to the plan unless it is approved by the Regulator and, in the case of an amendment in relation to Part 1 of the plan, consented to by the Commissioner in Executive Council and the Governor in Council.

(10) S'agissant d'un plan de mise en valeur approuvé en vertu du paragraphe (7) ou réputé l'avoir été en vertu du paragraphe (9), il ne peut y être apporté de modifications que si celles-ci sont approuvées par l'organisme de réglementation et, en ce qui a trait à la première partie du plan, que si elles reçoivent l'agrément du commissaire en Conseil exécutif et du gouverneur en conseil.

Modification

Amendment: application of subsections (7) to (10)

(11) Subsections (7) to (10) apply, with such modifications as the circumstances require, in respect of a proposed amendment to a development plan.

(11) Les paragraphes (7) à (10) s'appliquent, avec les adaptations nécessaires, aux projets de modification du plan de mise en valeur.

Modifications : applications des paragraphes (7) à (10)

Declarations

Déclarations

Declaration by applicant

15. (1) Subject to subsection (2), no authorization under paragraph 10(1)(b) may be issued unless the Regulator has received, from the applicant for the authorization, a declaration in the form approved by the Regulator stating that

(a) the equipment and installations that are to be used in the work or activity to be authorized are fit for the purposes for which they are to be used, the operating procedures relating to them are appropriate for those uses, and the personnel who are to be employed in connection with them are qualified and competent for their employment; and

(b) the applicant shall ensure, so long as the work or activity that is authorized continues, that the equipment and installations continue to be fit for the purposes for which they are used, the operating procedures continue to be appropriate for those uses, and the personnel continue to be so qualified and competent.

15. (1) Sous réserve du paragraphe (2), l'organisme de réglementation ne peut délivrer l'autorisation visée à l'alinéa 10(1)b) avant d'avoir reçu, en la forme qu'il approuve, une déclaration du demandeur attestant ce qui suit :

a) l'installation et les équipements en cause sont propres à l'usage auquel ils sont destinés, les procédures et modes d'emploi sont adéquats et le personnel a la compétence requise pour les utiliser;

b) le demandeur fera en sorte que ces conditions soient maintenues pendant la durée des activités autorisées.

Déclaration du demandeur de l'autorisation

Declaration by owner

(2) The Regulator may accept, in respect of equipment that is to be used in the work or activity to be authorized, in place of a declaration from the applicant, a declaration, in a form approved by the Regulator, from the owner of the equipment stating that

(a) the equipment is fit for the purpose for which it is to be used, the operating procedures relating to it are appropriate for that use, and the personnel who are to be employed by the owner in connection with it are qualified and competent for their employment; and

(b) the owner shall ensure that, so long as the equipment is used in the work or activity that is authorized, that the equipment continues to be fit for the purpose for which it is used, the operating procedures continue to be appropriate for that use, and the personnel continue to be so qualified and competent.

Déclaration du propriétaire

(2) L'organisme de réglementation peut toutefois accepter en la forme qu'il approuve, pour les équipements destinés aux activités à autoriser, une déclaration de leur propriétaire attestant ce qui suit :

a) ils sont propres à l'usage auquel ils sont destinés, les procédures et modes d'emploi que le propriétaire a établis sont adéquats et son personnel est compétent;

b) le propriétaire fera en sorte que ces conditions soient maintenues tant que les équipements seront utilisés dans le cadre des activités autorisées.

Changes

(3) If the equipment, an installation, the operating procedures or any of the personnel specified in the declaration changes and no longer conforms to the declaration, the holder of the authorization shall provide the Regulator with a new declaration as soon as possible after the change occurs.

Modification

(3) Le titulaire de l'autorisation fournit, dès que possible, une nouvelle déclaration à l'organisme de réglementation dans le cas où l'installation ou les équipements, les procédures et modes d'emploi ou la situation du personnel ne sont plus conformes à la description de la première déclaration.

Exclusion of liability

(4) The Regulator or any delegate of the Regulator is not liable to any person by reason only of having issued an authorization in reliance on a declaration made under this section.

Exclusion de responsabilité

(4) L'organisme de réglementation ou son délégué ne peut être tenu responsable à l'égard de quiconque du seul fait d'avoir délivré une autorisation sur la foi d'une déclaration.

Certificates

Certificats

Certificate

16. (1) No authorization under paragraph 10(1)(b) may be issued with respect to any prescribed equipment or installation, or any equipment or installation of a prescribed class, unless the Regulator has received, from the applicant for the authorization, a certificate issued by a certifying authority in the form approved by the Regulator.

Certificats

16. (1) L'organisme de réglementation ne peut délivrer l'autorisation visée à l'alinéa 10(1)b) à l'égard d'installations ou équipements, ou de catégories d'installation ou d'équipement, prévus par règlement, avant d'avoir reçu du demandeur de l'autorisation un certificat délivré par l'autorité; le certificat est établi en la forme approuvée par l'organisme de réglementation.

Continuing obligation

(2) The holder of an authorization shall ensure that the certificate referred to in subsection (1) remains in force for so long as the equipment or installation to which the certificate relates is used in the work or activity in respect of which the authorization is issued.

Obligation

(2) Il incombe au titulaire de l'autorisation de faire en sorte que le certificat visé au paragraphe (1) demeure valide pendant les activités visées pour les installations ou équipements, ou catégories d'installation ou d'équipement, utilisés.

Contents of certificate

(3) A certificate referred to in subsection (1) must state that the equipment or installation in question

(a) is fit for the purposes for which it is to be used and may be operated safely without

Contenu

(3) Le certificat visé au paragraphe (1) doit attester que l'installation et les équipements, à la fois :

a) sont propres à l'usage auquel ils sont destinés et peuvent être utilisés sans

posing a threat to persons or to the environment in the location and for the time set out in the certificate; and

(b) is in conformity with all of the requirements and conditions that are imposed for the purposes of this section by subsection 10(4), whether they are imposed by regulation or by the Regulator.

danger pour les êtres humains et l'environnement du lieu et pour la durée qu'il fixe;

b) respectent les obligations et conditions réglementaires ou fixées par l'organisme de réglementation, dans le cadre du paragraphe 10(4), pour l'application du présent article.

Validity of certificate

(4) A certificate referred to in subsection (1) is not valid if the certifying authority

(a) has not complied with any prescribed procedure or any procedure that the Regulator may establish; or

(b) is a person or an organization that has participated in the design, construction or installation of the equipment or installation in respect of which the certificate is issued, to any extent greater than that prescribed.

Validité

(4) Le certificat n'a aucun effet si l'autorité, selon le cas :

a) n'a pas respecté la procédure réglementaire ou fixée par l'organisme de réglementation;

b) sauf dans la mesure où les règlements le prévoient, a directement ou indirectement conçu, construit ou mis en place l'installation ou les équipements en cause.

Access

(5) An applicant shall permit the certifying authority to have access to the equipment and installation in respect of which the certificate is required and to any information that relates to them.

Accès

(5) Le demandeur permet à l'autorité l'accès à l'installation et aux équipements, ainsi qu'aux documents les concernant, visés par le certificat.

Definition: "certifying authority"

(6) For the purposes of this section, "certifying authority" has the meaning assigned by the regulations.

Définition : «autorité»

(6) Pour l'application du présent article, «autorité» s'entend au sens des règlements.

Exclusion of liability

(7) The Regulator or any delegate of the Regulator is not liable to any person by reason only of having issued an authorization in reliance on a certificate issued under this section.

Exclusion de responsabilité

(7) L'organisme de réglementation ou son délégué ne peut être tenu responsable à l'égard de quiconque du seul fait d'avoir octroyé une autorisation sur la foi d'un certificat délivré en vertu du présent article.

Benefits Plan Approval

Approbation de plans de retombées économiques

Definition: "benefits plan"

17. (1) In this section, "benefits plan" means a plan for the employment of Canadians and for providing Canadian manufacturers, consultants, contractors and service companies with a full and fair opportunity to participate on a competitive basis in the supply of goods and services used in any proposed work or activity referred to in the benefits plan.

Définition : «plan de retombées économiques»

17. (1) Au présent article, est un plan de retombées économiques le plan prévoyant l'embauche de Canadiens et offrant aux fabricants, conseillers, entrepreneurs et sociétés de services canadiens la juste possibilité de participer, compte tenu de leur compétitivité, à la fourniture de biens et services dans l'exercice d'activités.

Benefits plan

(2) No approval of a development plan may be granted under subsection 14(1) and no authorization of any work or activity may be issued under paragraph 10(1)(b) until the Minister has approved, or waived the requirement for approval of, a benefits plan in respect of the work or activity.

Plan de retombées économiques

(2) Il ne peut être procédé à l'approbation du plan prévu au paragraphe 14(1) ni à l'autorisation prévue à l'alinéa 10(1)b), tant que le ministre n'a pas, à moins qu'il n'y renonce, approuvé un plan de retombées économiques relativement au projet.

Affirmative action programs

(3) The Minister may require that any benefits plan submitted under subsection (2) include provisions to ensure that disadvantaged individuals or groups have access to training and employment opportunities and to enable those individuals or groups or corporations owned or cooperatives operated by them to participate in the supply of goods and services used in any proposed work or activity referred to in the benefits plan.

Programmes de promotion sociale

(3) Le ministre peut exiger l'inclusion au plan de retombées économiques présenté en vertu du paragraphe (2) de dispositions assurant aux individus ou aux groupes défavorisés la possibilité de bénéficier de la formation ou des emplois offerts et assurant à ces individus ou groupes, aux personnes morales qu'ils possèdent ou aux coopératives qu'ils dirigent, de participer à la fourniture des biens et services utilisés dans les activités visées par ce plan.

Guidelines and Interpretation Notes

Bulletins d'application et directives

Guidelines and interpretation notes

18. (1) The Regulator may issue and publish, in any manner it considers appropriate, guidelines and interpretation notes with respect to the application and administration of any provision of this Act or the regulations.

Bulletins d'application et directives

18. (1) L'organisme de réglementation peut faire publier, de la manière qu'il estime indiquée, des bulletins d'application et des directives relativement à la mise en oeuvre de toute disposition de la présente loi ou de ses règlements.

Ministerial guidelines and interpretation notes

(2) The Minister may issue and publish, in any manner the Minister considers appropriate, guidelines and interpretation notes with respect to the application and administration of section 17.

Bulletins et directives du ministre

(2) Le ministre peut faire publier, selon ce qu'il estime indiqué, des bulletins d'application et des directives relativement à l'article 17.

Not statutory instruments

(3) For greater certainty, guidelines and interpretation notes issued under subsections (1) and (2) are not statutory instruments within the meaning of the *Statutory Instruments Act*. SNWT 2019,c.24,s.4.

Dérogation

(3) Il est entendu que les textes visés aux paragraphes (1) et (2) ne sont pas des textes réglementaires au sens de la *Loi sur les textes réglementaires*. LTN-O 2019, ch. 24, art. 4.

Jurisdiction and Powers of Regulator

Compétence et attributions de l'organisme de réglementation

Jurisdiction

19. (1) The Regulator has full and exclusive jurisdiction to inquire into, hear and determine any matter

(a) if it appears to the Regulator that any person failed to do any act, matter or thing required to be done by this Act, any regulation, order or direction made under this Act, or an operating licence or authorization issued under section 10, or that any person has done or is doing any act, matter or thing contrary to or in contravention of this Act, any regulation, order or direction made under this Act, or an operating licence or authorization issued under section 10; or

(b) if it appears to the Regulator that the circumstances may require the Regulator, in the public interest, to make any order or give any direction, leave, sanction or approval that by law it is authorized to make or give, or with respect to any act,

Compétence

19. (1) L'organisme de réglementation a compétence exclusive pour examiner, entendre et trancher les questions soulevées dans tous les cas où il estime :

a) soit qu'une personne contrevient ou a contrevenu, par un acte ou une omission, à la présente loi ou à ses règlements, à un permis de travaux ou à une autorisation octroyés aux termes de l'article 10 ou encore à ses ordonnances ou à ses instructions;

b) soit que les circonstances peuvent l'obliger, dans l'intérêt public, à prendre une mesure — ordonnance, instruction, sanction ou approbation — qu'en droit il est autorisé à prendre ou qui se rapporte à un acte que la présente loi ou ses règlements, un permis de travaux ou une autorisation octroyés aux termes de l'article 10 ou encore ses ordonnances ou ses instructions interdisent, sanctionnent ou imposent.

matter or thing that is prohibited, sanctioned or required to be done by this Act, any regulation, order or direction made under this Act, or an operating licence or authorization issued under section 10.

Of its own motion

(2) The Regulator may, of its own motion, inquire into, hear and determine any matter or thing that under this Act it is authorized to inquire into, hear and determine.

Initiative

(2) L'organisme de réglementation peut, de sa propre initiative, examiner, entendre et trancher toute question qui relève de sa compétence aux termes de la présente loi.

Matters of law and fact

(3) For the purposes of this Act, the Regulator has full jurisdiction to hear and determine all matters, whether of law or of fact.

Questions de droit et de fait

(3) Pour l'application de la présente loi, l'organisme de réglementation a la compétence voulue pour entendre et trancher les questions de droit ou de fait.

Powers of Regulator

(4) For the purpose of any inquiry, hearing or appeal or the making of any order, the Regulator has the powers, rights and privileges that are vested in the Supreme Court for the trial of civil actions in respect of

(a) the attendance, swearing or affirming and examination of witnesses;
(b) the production and inspection of documents and other items;
(c) the entry on and inspection of property;
(d) the enforcement of its orders; and
(e) any other matters necessary or proper for the due exercise of the Regulator's jurisdiction under this Act.

SNWT 2019,c.24,s.5.

Attributions

(4) Pour les enquêtes, auditions, appels ou ordonnances, l'organisme de réglementation est assimilé, avec les mêmes attributions, droits et obligations, à la Cour suprême lors de l'instruction d'une action en matière civile à l'égard de ce qui suit :

a) la comparution et l'interrogatoire des témoins, et la prestation des serments;
b) le dépôt et l'examen de documents et d'autres articles;
c) le droit de visite et de perquisition;
d) les mesures d'exécution de ses ordonnances;
e) toute autre question liée à l'exercice de sa compétence sous le régime de la présente loi.

LTN-O 2019, ch. 24, art. 5.

Public hearings

19.1. The Regulator may conduct a public hearing in respect of the exercise of any of its powers or the performance of any of its duties and functions under this Act or the regulations. SNWT 2019,c.24,s.5.

Audiences publiques

19.1. L'organisme de réglementation peut tenir des audiences publiques concernant l'exercice de ses attributions ou des activités qu'il exerce sous le régime de la présente loi ou de ses règlements. LTN-O 2019, ch. 24, art. 5.

Regulator's powers

20. The Regulator may

(a) order and require any person to do, without delay, or within or at any specified time and in any manner set by the Regulator, any act, matter or thing that the person is or may be required to do under this Act, any regulation, order or direction made under this Act or an operating licence or authorization issued under section 10; and
(b) prohibit the doing or continuing of any act, matter or thing that is contrary to this Act, any regulation, order or direction

Attributions de l'organisme de réglementation

20. L'organisme de réglementation peut, à la fois :

a) enjoindre à quiconque d'accomplir sans délai ou dans le délai imparti, ou à un moment précis, et selon les modalités qu'il fixe, un acte qu'il peut imposer ou que peuvent imposer la présente loi ou ses règlements, un permis de travaux ou une autorisation octroyés aux termes de l'article 10 ou les ordonnances ou instructions qui en découlent;
b) interdire ou faire cesser tout acte contraire à ceux-ci.

made under this Act or an operating licence or authorization issued under section 10.

Annual report

20.1. (1) The Regulator shall, within four months after the end of each fiscal year, submit to the Minister a report on the activities of the Regulator under this Act for that fiscal year in accordance with any applicable regulations.

Rapport annuel

20.1. (1) Dans les quatre premiers mois suivant la fin de chaque exercice, l'organisme de réglementation présente au ministre un rapport de ses activités au titre de la présente loi pour l'exercice en cause conformément aux règlements applicables.

Tabling of annual report

(2) The Minister shall cause the report to be laid before the Legislative Assembly at the earliest opportunity.

Dépôt du rapport annuel

(2) Dans les meilleurs délais, le ministre fait déposer le rapport devant l'Assemblée législative.

Regulations

(3) The Commissioner in Executive Council may make regulations for the purposes of this section prescribing the form or content of the report. SNWT 2019,c.24,s.6.

Règlements

(3) Le commissaire en Conseil exécutif peut prendre des règlements pour l'application du présent article afin de prévoir la forme ou le contenu du rapport. LTN-O 2019, ch. 24, art. 6.

Committee's decisions and orders paramount

21. The Regulator's jurisdiction and powers under sections 19 and 20 are subject to a decision or order of the Committee.

Décisions et arrêtés du Comité

21. La compétence et les attributions de l'organisme de réglementation aux termes des articles 19 et 20 sont assujetties à une décision ou un arrêté du Comité.

Definitions

22. (1) In this section,

"delineation well" means a well that is so located in relation to another well penetrating an accumulation of petroleum that there is a reasonable expectation that another portion of that accumulation will be penetrated by the first-mentioned well and that the drilling is necessary in order to determine the commercial value of the accumulation; (*puits de délimitation*)

"development well" means a well that is so located in relation to another well penetrating an accumulation of petroleum that it is considered to be a well or part of a well drilled for the purpose of production or observation or for the injection or disposal of fluid into or from the accumulation; (*puits d'exploitation*)

"engineering research or feasibility study" includes work undertaken to facilitate the design or to analyze the viability of engineering technology, systems or schemes to be used in the exploration for or the development, production or transportation of petroleum on petroleum lands; (*recherches ou études techniques*)

"environmental study" means work pertaining to the measurement or statistical evaluation of the physical, chemical and biological elements of the lands, lakes, rivers and other surface or ground water, oceans or coastal zones, including winds, waves, tides, currents,

Définitions

22. (1) Les définitions qui suivent s'appliquent au présent article.

«date d'abandon du forage» Date à laquelle les travaux de forage ont été délaissés, achevés ou interrompus conformément aux règlements applicables en matière de forage pris sous le régime de la présente loi. (*well termination date*)

«découverte importante» Découverte importante au sens au sens de l'article 1 de la *Loi sur les hydrocarbures*. (*significant discovery*)

«études de l'environnement» Travaux relatifs aux mesures ou à l'évaluation statistique des éléments physiques, chimiques et biologiques des terres, des lacs, des rivières et autres eaux de surface ou souterraines, des régions côtières ou des océans, y compris les vents, les vagues, les marées, les courants, les précipitations, la banquise et ses mouvements, les icebergs, les effets de la pollution, la flore et la faune marines et terrestres, l'habitation et les activités humaines et tous autres sujets connexes. (*environmental study*)

«étude non exclusive» Travail géophysique effectué afin de recueillir des données en vue de les vendre au public. (*non-exclusive survey*)

precipitation, ice cover and movement, icebergs, pollution effects, flora and fauna both onshore and offshore, human activity and habitation and any related matters; (*études de l'environnement*)

"experimental project" means work or activity involving the utilization of methods or equipment that are untried or unproven; (*opération expérimentale*)

"geological work" means work, in the field or laboratory, involving the collection, examination, processing or other analysis of lithological, paleontological or geochemical materials recovered from the surface or subsurface or the seabed or its subsoil of any petroleum lands, and includes the analysis and interpretation of mechanical well logs; (*travaux de géologie*)

"geophysical work" means work involving the indirect measurement of the physical properties of rocks in order to determine the depth, thickness, structural configuration or history of deposition of the rocks, and includes the processing, analysis and interpretation of material or data obtained from such work; (*travaux de géophysique*)

"geotechnical work" means work, in the field or laboratory, undertaken to determine the physical properties of materials recovered from the surface or subsurface or the seabed or its subsoil of any petroleum lands; (*travaux de géotechnique*)

"hydraulic fracturing fluid" means the fluid, including the applicable base fluid and all additives, used to perform a particular hydraulic fracturing treatment; (*fluide de fracturation hydraulique*)

"hydraulic fracturing fluid information" means, in respect of a well in which hydraulic fracturing fluid has been used,

(a) the name of the well,
(b) the name of the operator,
(c) the identification number,
(d) the well surface location,
(e) the classification,
(f) the fracture finish date,
(g) the true vertical depth in metres,
(h) an identification of the fluid ingredients and a description of the purpose of each,
(i) an identification, as a percentage by mass, of each ingredient's maximum concentration in
  (i) the additive, and

«fluide de fracturation hydraulique» Fluide, y compris le fluide de base applicable et tout additif, utilisé pour effectuer un traitement de fracturation hydraulique particulier. (*hydraulic fracturing fluid*)

«levé marin» Étude portant sur la nature du sol, du sous-sol et du fond ou du sous-sol marin des terres pétrolifères et gazifères situées dans le secteur prévu pour le forage d'un puits et sur les éléments, à prendre en compte à cet égard, susceptibles d'influencer sur la sécurité ou l'efficacité du forage. (*well site seabed survey*)

«opération expérimentale» Travaux ou activité comportant l'emploi de procédés ou de matériel qui n'ont pas été essayés ni éprouvés. (*experimental project*)

«puits de délimitation» Puits dont l'emplacement est tel par rapport à un autre puits pénétrant un gisement d'hydrocarbures que l'on peut vraisemblablement s'attendre à ce qu'il pénètre une autre partie de ce gisement, et que le forage est nécessaire pour en déterminer la valeur exploitable. (*delineation well*)

«puits d'exploitation» Puits dont l'emplacement est tel par rapport à un autre puits pénétrant un gisement d'hydrocarbures qu'il est considéré comme étant un puits complet ou partiel foré aux fins soit de production ou d'observation, soit d'injection ou de refoulement des fluides à partir du gisement ou vers celui-ci. (*development well*)

«recherches ou études techniques» Y sont assimilés les travaux destinés à faciliter la conception ou à analyser la viabilité des techniques, méthodes ou plans à mettre en oeuvre pour la recherche, l'exploitation, la production ou le transport des hydrocarbures dans les terres pétrolifères et gazifères. (*engineering research or feasibility study*)

«renseignement sur le fluide de fracturation hydraulique» Concernant un puits dans lequel le fluide de fracturation hydraulique a été utilisé, les renseignements suivants :

a) le nom du puits;
b) le nom de l'exploitant;
c) le numéro d'identification;
d) le lieu de la surface du puit;
e) la classification;
f) la date de fin de la fracturation;
g) la profondeur verticale réelle en mètres;
h) l'identification des composantes du

(ii) the hydraulic fracturing fluid,

(j) the chemical abstract service number of each ingredient,

(k) the total volume of water, in m^3, injected with the ingredients,

(l) the total volume of fluid, in m^3, recovered from the well,

(m) the trade name and supplier of each ingredient, and

(n) any other prescribed information; (*renseignement sur le fluide de fracturation hydraulique*)

"hydraulic fracturing treatment" means the treatment of a well by the application of hydraulic fracturing fluid under pressure in order to create or propagate fractures in a geological formation to enhance production of petroleum; (*traitement de fracturation hydraulique*)

"non-exclusive survey" means geophysical work that is conducted to acquire data for the purpose of sale to the public; (*étude non exclusive*)

"petroleum lands" means petroleum lands as defined in section 1 of the *Petroleum Resources Act*; (*terres pétrolifères et gazifères*)

"significant discovery" means a significant discovery as defined in section 1 of the *Petroleum Resources Act*; (*découverte importante*)

"Territorial reserve lands" means Territorial reserve lands as defined in section 1 of the *Petroleum Resources Act*; (*réserves territoriales*)

"well site seabed survey" means a survey pertaining to the nature of the surface or subsurface or the seabed or its subsoil of any petroleum lands in the area of the proposed drilling site in respect of a well, and to the conditions of those lands that may affect the safety or efficiency of drilling operations; (*levé marin*)

"well termination date" means the date on which a well or test hole has been abandoned, completed or suspended in accordance with any applicable regulations respecting the drilling for petroleum made under this Act. (*date d'abandon du forage*)

fluide et la description du rôle de chacune;

i) la détermination, un pourcentage par masse, de la concentration maximale de chaque composante présente :

(i) d'une part, dans les additifs,

(ii) d'autre part, dans le fluide de fracturation hydraulique;

j) le numéro attribué par le Chemical Abstract Service à chaque composante;

k) le volume total, en m^3, d'eau injecté avec les composantes;

l) le volume total, en m^3, de fluide prélevé du puits;

m) le nom commercial et le fournisseur de chaque composante;

n) tout autre renseignement prévu par règlement. (*hydraulic fracturing fluid information*)

«réserves territoriales» Réserves territoriales au sens de l'article 1 de la *Loi sur les hydrocarbures*. (*Territorial reserve lands*)

«terres pétrolifères et gazifères» Terres pétrolifères et gazifères au sens de l'article 1 de la *Loi sur les hydrocarbures*. (*petroleum lands*)

«traitement de fracturation hydraulique» Traitement de puits par l'application de fluide de fracturation hydraulique sous pression afin de créer ou de propager des fractures dans une formation géologique pour améliorer la production de pétrole. *(hydraulic fracturing treatment)*

«travaux de géologie» Travaux comportant la collecte, l'examen et le traitement ou autres analyses, sur le terrain ou en laboratoire, des échantillons lithologiques, paléontologiques ou géochimiques prélevés en surface ou du sous-sol de la partie terrestre ou du fond marin ou de son sous-sol des terres pétrolifères et gazifères. S'entend en outre de l'analyse et de l'interprétation de diagraphies. (*geological work*)

«travaux de géophysique» Travaux comportant la mesure indirecte des propriétés physiques des roches afin d'en déterminer la profondeur, l'épaisseur, la configuration structurale ou l'historique sédimentaire. S'entend en outre du traitement, de l'analyse et de l'interprétation des éléments ou des données fournies par ces travaux. (*geophysical work*)

«travaux de géotechnique» Travaux comportant l'analyse, sur le terrain ou en laboratoire, des propriétés physiques des échantillons prélevés en surface ou du sous-sol de la partie terrestre ou du fond marin ou de son sous-sol des terres pétrolifères et gazifères. (*geotechnical work*)

Confidentiality

(2) Subject to subsection (9), the Minister and the Regulator shall make available to the public any information disclosed to the Minister or the Regulator, as the case may be, pursuant to a requirement of this Act or the regulations, unless that information contains financial, commercial, scientific or technical information and

(a) the information has been consistently treated as confidential information by the person providing the information;

(b) the person's interest in confidentiality outweighs the public interest in its disclosure; and

(c) the information is not publicly available.

Confidentialité

(2) Sous réserve du paragraphe (9), le ministre et l'organisme de réglementation rendent disponibles au public les renseignements qui leur ont respectivement été divulgués en vertu d'une exigence énoncée dans la présente loi ou ses règlements, sauf si les renseignements contiennent des renseignements financiers, commerciaux, scientifiques ou techniques et que les conditions suivantes sont réunies :

a) les renseignements ont été traités comme confidentiels de façon constante par la personne qui les a fournis;

b) l'intérêt de cette dernière à préserver la confidentialité des renseignements l'emporte sur l'importance, au regard de l'intérêt public, de la divulgation;

c) les renseignements ne sont pas disponibles au public.

Confidentiality: hearings

(3) At any hearing or inquiry conducted under this Act or the regulations, the Regulator or the Committee, as the case may be, may take any measures and make any order that it considers necessary to ensure the confidentiality of any information likely to be disclosed at the hearing or inquiry, if the Regulator or the Committee is satisfied that

(a) disclosure of the information could reasonably be expected to result in a material loss or gain to a person directly affected by the hearing or inquiry, or to prejudice the person's competitive position, and the potential harm resulting from the disclosure outweighs the public interest in making the disclosure; or

(b) the information is financial, commercial, scientific or technical information that is confidential information supplied to the Regulator or the Committee and

(i) the information has been consistently treated as confidential information by a person directly affected by the hearing or inquiry,

(ii) the person's interest in confidentiality outweighs the public interest in its disclosure, and

(iii) the information is not publicly available.

Confidentialité : audiences

(3) Dans le cadre d'une audience ou enquête menée en vertu de la présente loi ou ses règlements, l'organisme de réglementation ou le Comité, selon le cas, peut prendre toute mesure et rendre toute ordonnance qu'il estime nécessaire pour assurer la confidentialité des renseignements qui seront probablement divulgués au cours de l'audience ou de l'enquête, lorsqu'il est convaincu :

a) soit que la divulgation des renseignements risquerait vraisemblablement de causer des pertes ou des profits financiers appréciables aux personnes directement affectées par l'audience ou l'enquête, ou de nuire à leur compétitivité, et que le préjudice pouvant résulter de la divulgation l'emporte sur l'importance, au regard de l'intérêt public, de la divulgation;

b) soit qu'il s'agit de renseignements financiers, commerciaux, scientifiques ou techniques de nature confidentielle obtenus par lui et que les conditions suivantes sont réunies :

(i) les renseignements ont été traités comme tels de façon constante par les personnes directement affectées par l'audience ou l'enquête,

(ii) l'intérêt de ces derniers à préserver

la confidentialité des renseignements l'emporte sur l'importance, au regard de l'intérêt public, de leur divulgation,

(iii) les renseignements ne sont pas disponibles au public.

Confidentiality: security

(4) At any hearing or inquiry conducted under this Act or the regulations, or in respect of any order, the Regulator may take any measures and make any order that it considers necessary to ensure the confidentiality of any information likely to be disclosed at the hearing or inquiry or that is contained in the order, if the Regulator is satisfied that

(a) there is a real and substantial risk that disclosure of the information will impair the security of pipelines, buildings, installations, vessels, vehicles, aircraft or systems, including computer or communication systems, or methods employed to protect any of those things or systems; and

(b) the risk identified in paragraph (a) outweighs the public interest in its disclosure.

Confidentialité : sécurité

(4) Dans le cadre d'une audience ou d'une enquête menée en vertu de la présente loi ou ses règlements, ou conformément à une ordonnance, l'organisme de réglementation peut prendre toute mesure et rendre toute ordonnance qu'il estime nécessaire pour assurer la confidentialité des renseignements qui seront probablement divulgués au cours de l'audience ou de l'enquête ou des renseignements contenus dans l'ordonnance, lorsqu'il est convaincu, à la fois :

a) qu'il y a un risque sérieux et réel que la divulgation des renseignements compromette la sécurité de pipelines, de bâtiments, d'installations, de navires, de véhicules, d'aéronefs ou de systèmes, y compris de systèmes informatisés ou de communication, ou de méthodes employées pour leur protection;

b) que le risque identifié à l'alinéa a) l'emporte sur l'importance, au regard de l'intérêt public, de leur divulgation.

Disclosure

(5) Subject to this section, information that the Minister, the Regulator or the Committee determines is confidential under subsection (2), (3) or (4) shall not knowingly be disclosed without the consent in writing of the person who provided the information, except for the purposes of the administration or enforcement of this Act or the regulations, or for the purposes of legal proceedings respecting the administration or enforcement of this Act or the regulations.

Divulgation

(5) Sous réserve du présent article, les renseignements estimés confidentiels par le ministre, l'organisme de réglementation ou le Comité au titre du paragraphe (2), (3) ou (4) ne peuvent, sciemment, être divulgués sans le consentement écrit de la personne qui les a fournis, si ce n'est pour l'administration ou l'application de la présente loi ou de ses règlements, ou dans le cadre de procédures judiciaires à cet égard.

Production and evidence

(6) No person shall be required to produce or give evidence relating to any information that the Minister, the Regulator or the Committee determines is confidential under subsection (2), (3) or (4) in connection with any legal proceedings, other than proceedings respecting the administration or enforcement of this Act or the regulations.

Preuve

(6) Nul ne peut être tenu de présenter une preuve relative aux renseignements estimés confidentiels par le ministre, l'organisme de réglementation ou le Comité au titre du paragraphe (2), (3) ou (4) au cours de procédure judiciaire qui ne visent pas l'application de la présente loi ou de ses règlements.

Disclosure under resource management and revenue sharing agreements

(7) Information that the Minister, the Regulator or the Committee determines is confidential under subsection (2), (3) or (4) may be disclosed to the Government of Canada, the government of a province or territory or any organization representing any Indigenous people of Canada, if such disclosure is

Divulgation suite à des accords portant sur la gestion des ressources et le partage des revenus

(7) Les renseignements estimés confidentiels par le ministre, l'organisme de réglementation ou le Comité au titre du paragraphe (2), (3) ou (4) peuvent être divulgés au gouvernement fédéral, à tout gouvernement provincial ou territorial, ou à tout organisme représentant les peuples autochtones du

made in accordance with an agreement between the Government of the Northwest Territories and that government or organization respecting resource management and revenue sharing in relation to activities respecting the exploration for or the production of petroleum carried out on any petroleum lands.

Canada si une telle divulgation est conforme à un accord conclu entre ceux-ci et le gouvernement des Territoires du Nord-Ouest portant sur la gestion des ressources et le partage des revenus liés à des activités de prospection ou de production d'hydrocarbures effectuées sur les terres pétrolifères et gazifères.

No disclosure by recipient of information

(8) The recipient of information disclosed in accordance with an agreement referred to in subsection (7) shall not disclose that information except as provided in this section.

Conditions de la communication

(8) Le destinataire des renseignements divulgués conformément à l'accord prévu au paragraphe (7) ne peut les divulguer que sous le régime du présent article.

Information that may be disclosed

(9) The Minister and the Regulator shall make the following information available to the public in accordance with this subsection:

(a) information in respect of an exploratory well, if the information is obtained as a direct result of drilling the well and two years have passed since the well termination date;

(b) information in respect of a delineation well, if the information is obtained as a direct result of drilling the well and the later of the following time periods has passed:

(i) two years since the well termination date of the relevant exploratory well,

(ii) 90 days since the well termination date of the delineation well;

(c) information in respect of a development well, if the information is obtained as a direct result of drilling the well and the later of the following time periods has passed:

(i) two years since the well termination date of the relevant exploratory well,

(ii) 60 days since the well termination date of the development well;

(d) information in respect of geological work or geophysical work performed on or respecting any petroleum lands,

(i) in the case of a well site seabed survey where the well has been drilled, after the expiration of the period referred to in paragraph (a) or the later period referred to in subparagraph (b)(i) or (ii) or (c)(i) or (ii), according to whether paragraph (a), (b) or (c) is applicable in respect of that well,

Renseignements pouvant être divulgués

(9) Le ministre et l'organisme de réglementation rendent disponibles au public conformément au présent paragraphe :

a) les renseignements relatifs à un puits d'exploration, s'ils proviennent effectivement du forage du puits et si deux ans se sont écoulés depuis la date de fin du puits;

b) les renseignements relatifs à un puits de délimitation, s'ils proviennent effectivement du forage du puits et si le délai suivant s'est écoulé, selon la dernière des éventualités à survenir :

(i) deux ans depuis la date de fin du puits d'exploration en cause,

(ii) 90 jours depuis la date de fin du puits de délimitation;

c) les renseignements relatifs à un puits d'exploitation, s'ils proviennent effectivement du forage du puits et si le délai suivant s'est écoulé, selon la dernière des éventualités à survenir :

(i) deux ans depuis la date de fin du puits d'exploration en cause,

(ii) 60 jours depuis la date de fin du puits d'exploitation;

d) les renseignements relatifs aux travaux de géologie ou des travaux de géophysique exécutés sur des terres pétrolifères et gazifères, ou y ayant trait :

(i) dans le cas d'un levé marin pour un puits foré, après la période visée à l'alinéa a) ou à la dernière des périodes visées au sous-alinéa b)(i) ou (ii) ou c)(i) ou (ii), selon que l'alinéa a), b) ou c) s'applique au puits en cause,

(ii) dans le cas d'une étude non exclusive, 15 ans après l'achèvement des travaux de

(ii) in the case of a non-exclusive survey, 15 years after completion of the geophysical work, or

(iii) in any other case, five years after completion of the work;

(e) information in respect of any engineering research or feasibility study or experimental project, including geotechnical work, carried out on or respecting any petroleum lands,

(i) where it relates to a well and the well has been drilled, after the expiration of the period referred to in paragraph (a) or the later period referred to in subparagraph (b)(i) or (ii) or (c)(i) or (ii), according to whether paragraph (a), (b) or (c) is applicable in respect of that well, or

(ii) in any other case, five years after completion of the research, study or project or after the reversion of the lands to Territorial reserve lands, whichever occurs first;

(f) information in respect of any contingency plan formulated in respect of emergencies arising as a result of any work or activity authorized under this Act, on receiving the information;

(g) information in respect of diving work, weather observations or the status of operational activities or of the development of or production from a pool or field, on receiving the information;

(h) information in respect of accidents, incidents or petroleum spills, to the extent necessary to permit a person or body to produce and to distribute or publish a report for the administration of this Act in respect of the accident, incident or spill, on receiving the information;

(i) information in respect of an environmental study,

(i) where it relates to a well and the well has been drilled, after 90 days, or

(ii) in any other case, two years after completion of the study;

(j) information in respect of hydraulic fracturing fluid information, 30 days after the well termination date.

géophysique,

(iii) dans les autres cas, cinq ans après l'achèvement des travaux;

e) les renseignements relatifs aux recherches ou études techniques ou aux opérations expérimentales, y compris des travaux géotechniques, exécutés sur des terres pétrolifères et gazifères, ou y ayant trait :

(i) si elles portent sur un puits foré, après l'expiration de la période visée à l'alinéa a) ou à la dernière des périodes visées au sous-alinéa b)(i) ou (ii) ou c)(i) ou (ii), selon que l'alinéa a), b) ou c) s'applique au puits en cause,

(ii) dans les autres cas, cinq ans après leur achèvement ou après que ces terres sont devenues réserves territoriales, selon la première des éventualités à survenir;

f) les renseignements relatifs à tout plan visant les situations d'urgence résultant de travaux ou d'activités autorisés sous le régime de la présente loi, dès la réception des renseignements;

g) les renseignements relatifs aux travaux de plongée, aux observations météorologiques ou à l'état d'avancement des travaux ou de l'exploitation ou à la production d'un gisement ou d'un champ, dès la réception des renseignements;

h) les renseignements relatifs à des accidents, des incidents ou des rejets de pétrole dans la mesure nécessaire pour permettre l'établissement et la distribution ou la publication d'un rapport à cet égard dans le cadre de l'administration de la présente loi, dès la réception des renseignements;

i) les renseignements relatifs à une étude environnementale :

(i) dans le cas d'un puits foré, après 90 jours,

(ii) dans les autres cas, deux ans après l'achèvement de l'étude;

j) les renseignements relatifs aux renseignements sur le fluide de fracturation hydraulique, 30 jours après la date de fin du puits.

Disclosure: governments and agencies

(10) The Regulator may disclose any information obtained under this Act or the regulations to the Government of the Northwest Territories, the Government of Canada, the government of a province, territory or foreign government, or to the representatives of any of their agencies, for the purposes of Northwest Territories, federal, provincial, territorial or foreign law, as the case may be, that deals primarily with a petroleum-related work or activity, including the exploration for and the management, administration and exploitation of petroleum resources, if

(a) the government or agency undertakes to keep the information confidential and undertakes not to disclose it without the Regulator's written consent;

(b) the information is disclosed in accordance with any conditions agreed to by the Regulator and the government or agency; and

(c) in the case of disclosure to a foreign government or agency, the Minister consents in writing.

Divulgation : gouvernements et organismes

(10) L'organisme de réglementation peut divulguer tout renseignement qu'il a obtenu en vertu de la présente loi ou de ses règlements au gouvernement des Territoires du Nord-Ouest, au gouvernement fédéral, à tout gouvernement provincial, territorial ou étranger, ou aux représentants de tout organisme de l'un de ces gouvernements, pour l'application d'une règle de droit — fédérale, provinciale, territoriale ou d'un État étranger — portant principalement sur des travaux ou des activités afférents aux hydrocarbures, y compris la prospection, la gestion, l'administration et la production de ceux-ci si, à la fois :

a) le gouvernement ou l'organisme s'engage à en protéger la confidentialité et à ne pas le divulguer sans le consentement écrit de l'organisme de réglementation;

b) la divulgation est effectuée selon les conditions convenues entre l'organisme de réglementation et le gouvernement ou l'organisme;

c) dans le cas de toute divulgation à un gouvernement ou un organisme étranger, le ministre consent par écrit à la divulgation.

Disclosure: Minister

(11) The Regulator may disclose to the Minister information that the Regulator has disclosed or intends to disclose under subsection (10), but the Minister must not further disclose that information unless the Regulator consents in writing to that disclosure or the Minister is required by an Act of the Northwest Territories to disclose that information.

Divulgation : ministre

(11) L'organisme de réglementation peut divulguer au ministre les renseignements qu'il a divulgués ou entend divulguer en vertu du paragraphe (10); le ministre ne peut toutefois les divulguer à son tour que si l'organisme de réglementation y consent par écrit ou si une loi des Territoires du Nord-Ouest l'y oblige.

Access to Information and Protection of Privacy Act

(12) Where there is a conflict or inconsistency between this section and any provision of the *Access to Information and Protection of Privacy Act*, this section prevails to the extent of the conflict or inconsistency.

Loi sur l'accès à l'information et la protection de la vie privée

(12) Le présent article l'emporte sur toute disposition incompatible de la *Loi sur l'accès à l'information et la protection de la vie privée*.

Application

(13) Information of the type that is described in subsection (9), that was received by the Minister or the Regulator before this subsection came into force and that is required to be made available to the public under subsection (9), shall be made available to the public by the Minister or the Regulator, as the case may be, after the expiry of the time period set out in subsection (9), unless the information has already been made available to the public by the Minister or the Regulator. SNWT 2019,c.24,s.7.

Application

(13) Les renseignements d'un type visé au paragraphe (9), reçus par le ministre ou l'organisme de réglementation avant l'entrée en vigueur du présent paragraphe et qui doivent être disponibles au public en vertu du paragraphe (9), sont rendus publics par le ministre ou l'organisme de réglementation, selon le cas, après l'expiration du délai prévu au paragraphe (9), à moins que le ministre ou l'organisme de réglementation les ait déjà rendus disponibles au public. LTN-O 2019, ch. 24, art. 7.

23. Repealed, SNWT 2019,c.24,s.7.

23. Abrogé, LTN-O 2019, ch. 24, art. 7.

Conditional orders, etc.

24. (1) Without limiting the generality of any provision of this Act that authorizes the Regulator to impose terms and conditions in respect of any operating licence or authorization issued under section 10 or any of its orders, the Regulator may direct in any operating licence, authorization or order that it or any portion or provision of it shall come into force at a future time or on the happening of any contingency, event or condition specified in the operating licence, authorization or order or on the performance to the satisfaction of the Regulator of any conditions or requirements that the Regulator may impose in the operating licence, authorization or order, and the Regulator may direct that the whole or any portion of the operating licence, authorization or order be in force for a limited time or until the happening of a specified event.

Ordonnances conditionnelles

24. (1) L'organisme de réglementation peut, par une mention à cette fin, reporter à une date ultérieure la prise d'effet, en tout ou en partie, d'un permis de travaux ou d'une autorisation octroyés aux termes de l'article 10 ou d'une ordonnance ou faire dépendre cette prise d'effet d'un événement, certain ou incertain, d'une condition ou d'une approbation, ou de l'exécution, d'une façon qu'il juge acceptable, de certaines des conditions dont ils sont assortis; il peut en outre décider que tout ou partie de ceux-ci n'aura d'effet que pendant une période déterminée ou jusqu'à l'arrivée d'un événement précis. Le présent paragraphe n'a pas pour effet de limiter la portée générale des autres dispositions de la présente loi qui autorisent l'organisme de réglementation à assortir de conditions les permis de travaux ou les autorisations octroyés aux termes de l'article 10 ou ses ordonnances.

Interim orders

(2) The Regulator may, instead of making an order final in the first instance, make an interim order, and may reserve its decision pending further proceedings in connection with any matter.

Ordonnances provisoires

(2) L'organisme de réglementation peut rendre des ordonnances provisoires; il peut aussi réserver sa décision pendant le règlement d'autres questions.

Documents

Documents

25. (1) A holder of an authorization to construct or operate a pipeline issued under paragraph 10(1)(b) shall keep, in a form and manner determined by the Regulator, any documents, including any records or books of account, that the Regulator requires or that contain information that the Regulator determines is necessary for the administration of this Act or the regulations.

Tenue de documents

25. (1) Le titulaire de l'autorisation octroyée aux termes de l'alinéa 10(1)b) relativement à la construction ou à l'exploitation d'un pipeline tient, selon les modalités fixées par l'organisme de réglementation, tout document, notamment tout dossier ou tout livre de compte, que l'organisme de réglementation exige ou qui contient tout renseignement qu'il considère nécessaire pour l'application des dispositions de la présente loi ou de ses règlements.

Production and inspection

(2) The holder shall produce those documents to the Regulator, or make them available to it or its designated representative, for inspection or copying at a time and under conditions set by the Regulator.

Production et examen

(2) Le titulaire produit les documents auprès de l'organisme de réglementation ou les met à sa disposition ou à celle de la personne désignée par l'organisme de réglementation à cet effet, aux moments et selon les modalités qu'il fixe, pour examen et reproduction.

EXTENDED FORMATION FLOW TESTS

ESSAIS D'ÉCOULEMENT PROLONGÉS

Title

26. (1) Subject to subsection (2), title to oil and gas produced during an extended formation flow test vests in the person who conducts the test in accordance with an authorization under section 10, regardless of whether the person has a production licence issued under the *Petroleum Resources Act*.

Titre

26. (1) Sous réserve du paragraphe (2), la propriété du pétrole et du gaz produits au cours d'essais de débit prolongés revient à la personne qui les effectue conformément à une autorisation octroyée aux termes de l'article 10, même si elle n'est pas titulaire de la licence de production délivrée en vertu de la *Loi sur les hydrocarbures*.

Conditions

(2) Title to oil and gas referred to in subsection (1) is conditional on compliance with

(a) the terms of the authorization, including every approval and requirement subject to which the authorization was issued; and

(b) any applicable regulation, including the payment of royalties or other payment in place of royalties.

Limitation

(3) This section applies only in respect of an extended formation flow test that provides significant information for determining the best recovery system for a reservoir or for determining the limits of a reservoir or the productivity of a well producing oil or gas from a reservoir and that does not adversely affect the ultimate recovery from a reservoir.

Conditions

(2) La propriété visée au paragraphe (1) est toutefois assujettie au respect :

a) d'une part, des conditions de l'autorisation, y compris les approbations et les exigences auxquelles l'autorisation est assujettie;

b) d'autre part, des règlements applicables, y compris le versement de redevances ou de toute autre forme de paiement.

Réserve

(3) Le présent article ne s'applique qu'aux essais de débit prolongés dont les résultats donnent suffisamment de renseignements pour la détermination du meilleur procédé de récupération pour le réservoir, de la capacité du réservoir ou des limites de productivité de tout puits d'exploitation du réservoir et qui ne mettent pas en danger la récupération finale pour ce réservoir.

OIL AND GAS COMMITTEE

Constitution

Oil and Gas Committee

27. (1) The Commissioner in Executive Council may establish a committee to be known as the Oil and Gas Committee, consisting of five members, not more than three of whom may be employees of the public service.

Ministerial direction

(2) The Committee shall be under the direction of the Minister.

Appointment of members and chairperson

(3) The members of the Committee shall be appointed by the Commissioner in Executive Council to hold office for a term of three years, and one member shall be designated as chairperson for the term fixed by the Commissioner in Executive Council.

Reappointment permitted

(4) A retiring chairperson or retiring member may be reappointed to the Committee in the same or another capacity.

Qualification of members

28. (1) The Commissioner in Executive Council shall appoint as members of the Committee at least two persons who appear to the Commissioner in Executive Council to have specialized, expert or technical knowledge of oil and gas.

Departmental personnel and assistance

(2) Persons employed in a division, branch or bureau of the public service that is designated by the Minister as the division, branch or bureau charged with the administration and management of oil and gas resources for the Government of the Northwest Territories are not eligible to be members of the Committee, but the Minister may designate one person

COMITÉ DU PÉTROLE ET DU GAZ

Constitution

Comité du pétrole et du gaz

27. (1) Le commissaire en Conseil exécutif peut constituer le Comité du pétrole et du gaz, formé de cinq membres, dont au plus trois peuvent être des employés de la fonction publique.

Direction ministérielle

(2) Le Comité est sous la direction du ministre.

Nomination des membres et du président

(3) Les membres du Comité sont nommés par le commissaire en Conseil exécutif pour un mandat de trois ans; l'un d'eux est désigné comme président pour le mandat dont le commissaire en Conseil exécutif fixe la durée.

Mandats renouvelables

(4) Les membres peuvent recevoir un nouveau mandat, à des fonctions identiques ou non. L.T.N.-O 2015, ch. 27, art. 6(3).

Qualités requises des membres

28. (1) Le commissaire en Conseil exécutif nomme au Comité au moins deux personnes qui lui semblent avoir des connaissances de spécialiste, d'expert ou de technicien en matière de pétrole et de gaz.

Personnel et aide fournis par le ministère

(2) Les personnes employées dans une division, une direction ou un bureau de la fonction publique, que le ministre a désigné comme étant la division, la direction ou le bureau chargé de l'administration et de la direction des ressources pétrolières et gazières pour le gouvernement des Territoires du Nord-Ouest, ne peuvent être membres du Comité; toutefois, le ministre

from that division, branch or bureau to act as secretary to the Committee.

peut désigner une personne de la division, de la direction ou du bureau pour agir à titre de secrétaire du Comité.

Staff

(3) The Minister shall provide the Committee with the officers, clerks and employees that may be necessary for the proper conduct of the affairs of the Committee, and may provide the Committee with professional or technical assistance for temporary periods or for specific work as the Committee may request, but no assistance from outside the public service may be provided, except with the approval of the Financial Management Board.

(3) Le ministre affecte au Comité le personnel nécessaire à l'exercice de ses activités et, sur demande, lui fournit, temporairement ou pour certaines activités, un soutien professionnel ou technique. Aucun soutien externe à la fonction publique ne peut être fourni, sauf approbation du Conseil de gestion financière. Personnel

Remuneration

(4) The members of the Committee who are not employees of the public service are entitled to be paid remuneration at the rates determined by the Financial Management Board.

(4) Les membres du Comité qui ne font pas partie de la fonction publique ont droit à la rémunération aux taux fixés par le Conseil de gestion financière. Rémunération

Expenses

(5) The members of the Committee are entitled to be paid reasonable travel and living expenses, in accordance with the rates determined by the Financial Management Board, while absent from their ordinary place of residence in the course of their duties.

(5) Les membres du Comité ont droit aux frais de déplacement et de séjour raisonnables, en conformité avec les taux fixés par le Conseil de gestion financière, entraînés par l'exercice de leurs fonctions hors de leur lieu ordinaire de résidence. Indemnités

Interest in oil and gas properties

29. No member of the Committee may have a pecuniary interest of any description, directly or indirectly, in any property in oil or gas to which this Act applies or own shares in any company engaged in any phase of the oil or gas industry in Canada in an amount in excess of five per cent of the issued shares thereof, and no member who owns any shares of any company engaged in any phase of the oil or gas industry in Canada may vote when a question affecting that company is before the Committee.

29. Aucun membre du Comité ne peut avoir, directement ou indirectement, d'intérêt pécuniaire dans le secteur du pétrole et du gaz auquel s'applique la présente loi, ni être propriétaire de plus de cinq pour cent des actions émises par une compagnie intéressée à ce secteur au Canada. En tout état de cause, celui qui est propriétaire d'actions émises par une telle compagnie ne peut voter lorsque le Comité est saisi d'une question la concernant. Intérêt dans le secteur du pétrole et du gaz

Quorum

30. (1) A majority of the members, including one member who is not an employee of the public service, constitutes a quorum of the Committee.

30. (1) La majorité des membres, dont l'un ne fait pas partie de la fonction publique, constitue le quorum. Quorum

Powers of Committee

(2) The Committee may make general rules regulating its practice and procedure and the places and times of its sittings.

(2) Le Comité peut, par règlement administratif, régir la conduite de ses travaux ainsi que les dates, heures et lieux de ses séances. Attributions

Jurisdiction and Powers

Compétence et attributions

Jurisdiction

31. (1) In holding an inquiry or hearing an appeal under this Act, the Committee has full jurisdiction to inquire into, hear and determine the matter of the inquiry or appeal and to make any order or give any direction that under this Act the Committee is authorized to make or give or with respect to any matter, act or thing that by this Act may be prohibited

31. (1) Lorsqu'il tient une enquête ou qu'il entend un appel sous le régime de la présente loi, le Comité peut instruire l'affaire et en décider, prendre les mesures — arrêtés ou instructions — que la présente loi l'autorise à prendre et se prononcer, par approbation ou interdiction, sur toute question dont il peut ou doit se saisir sous son régime. Compétence

or approved by the Committee or required by the Committee to be done.

Powers of Committee

(2) For the purpose of any inquiry, hearing or appeal or the making of any order, the Committee has the powers, rights and privileges that are vested in the Supreme Court for the trial of civil actions in respect of

(a) the attendance, swearing or affirming and examination of witnesses;
(b) the production and inspection of documents and other items;
(c) the entry on and inspection of property;
(d) the enforcement of its orders; and
(e) any other matters necessary or proper for the due exercise of its jurisdiction under this Act.

Attributions

(2) Pour les enquêtes, auditions, appels ou arrêtés, le Comité est assimilé, avec les mêmes attributions, droits et obligations, à la Cour suprême lors de l'instruction d'une action en matière civile à l'égard de ce qui suit :

a) la comparution et l'interrogatoire des témoins, et la prestation des serments;
b) le dépôt et l'examen de documents et d'autres articles;
c) le droit de perquisition;
d) les mesures d'exécution de ses arrêtés;
e) toute autre question ressortissant à sa compétence sous le régime de la présente loi.

Finding of fact conclusive

(3) The finding or determination of the Committee on any question of fact within its jurisdiction is binding and conclusive.

Question de fait

(3) La décision du Comité sur une question de fait ressortissant à sa compétence lie les intéressés.

Deputing member to hold inquiry

32. (1) The Committee may authorize any member to inquire into any matter before the Committee and direct him or her to report the evidence and findings, if any, to the Committee, and when the report is made to the Committee, it may be adopted as a finding of the Committee or otherwise dealt with as the Committee considers advisable.

Délégation

32. (1) Le Comité peut charger l'un de ses membres de l'instruction de toute question dont il est saisi et lui enjoindre de faire rapport au Comité de ses éléments de preuve et de ses conclusions. Le rapport peut être entériné par le Comité ou il peut lui être donné telle autre suite que le Comité estime indiquée.

Powers of deputed member

(2) A member referred to in subsection (1) has all the powers of the Committee for the purpose of taking evidence or acquiring information for the purposes of making a report.

Pouvoirs du délégué

(2) Le membre visé au paragraphe (1) a tous les pouvoirs du Comité pour recueillir des témoignages ou se procurer des renseignements en vue de l'établissement du rapport.

Reference by Minister

33. The Minister may at any time refer to the Committee for consideration and the preparation of a report or recommendation any question, matter or thing arising under this Act or relating to the conservation, production, storage, processing or transportation of oil or gas.

Renvoi par le ministre

33. Le ministre peut renvoyer au Comité, pour étude et établissement d'un rapport, ou recommandation, toute question ressortissant à la présente loi ou ayant trait à la rationalisation de l'exploitation, à la production, au stockage, à la transformation ou au transport du pétrole ou du gaz.

Enforcement

Exécution

Enforcement of Committee orders

34. (1) An order of the Committee may be made an order of the Supreme Court by filing a certified copy of it with the Clerk of the Supreme Court, and on filing, that order is enforceable in the same manner as an order of the Court.

Arrêtés du Comité

34. (1) Les arrêtés du Comité peuvent être assimilés à des ordonnances de la Cour suprême en déposant une copie certifiée conforme auprès du greffier de la Cour suprême; dès leur dépôt, ils sont exécutoires selon les mêmes modalités.

When order set aside or replaced

(2) If an order of the Committee which has been made an order of the Supreme Court is set aside or replaced by a subsequent order of the Committee, or of

Annulation ou remplacement

(2) Si un arrêté du Comité qui est devenu une ordonnance de la Cour suprême est annulé ou remplacé par un arrêté ultérieur de celui-ci, ou un décret

the Commissioner in Executive Council under section 103, the order of the Court is cancelled and the subsequent order of the Committee may be made an order of the Court in accordance with this section.

ultérieur du commissaire en Conseil exécutif pris en vertu de l'article 103, l'ordonnance de la Cour est annulée et l'arrêté ultérieur du Comité peut, selon les mêmes modalités, être assimilé à une ordonnance de la Cour conformément au présent article.

PART 1
TRAFFIC, TOLLS AND TARIFFS

Interpretation

Definitions

35. In this Part,

"holder" means a holder of an authorization to construct or operate a pipeline issued under paragraph 10(1)(b); (*titulaire*)

"tariff" means a schedule of tolls, terms and conditions, classifications, practices or rules and regulations applicable to the provision of a service by a holder and includes rules respecting the calculation of tolls; (*tarif*)

"toll" includes any rate, charge or allowance charged or made

(a) for the shipment, transportation, transmission, care, handling or delivery of oil, gas or any substance, including water, incidental to the drilling for or production of oil or gas that is transmitted through a pipeline, or for storage or demurrage or the like,

(b) for the provision of a pipeline when the pipeline is available and ready to provide for the transmission of oil, gas or any substance, including water, incidental to the drilling for or production of oil or gas, and

(c) in respect of the purchase and sale of gas that is the property of a holder and that is transmitted by the holder through its pipeline, from which is subtracted the cost to the holder of the gas at the point where it enters the pipeline. (*droit*)

PARTIE 1
TRANSPORT, DROITS ET TARIFS

Définitions

Définitions

35. Les définitions qui suivent s'appliquent à la présente partie.

«droit» Sont compris parmi les droits les taux, prix ou frais exigés :

a) au titre notamment de l'expédition, du transport, de la préservation, de la manutention, du stockage ou de la livraison par pipeline de pétrole ou de gaz ou de toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau;

b) pour l'usage d'un pipeline, une fois celui-ci disponible et en mesure d'acheminer du pétrole ou du gaz ou toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau;

c) relativement à l'achat et à la vente de gaz appartenant au titulaire qui le transporte par son pipeline, desquels est soustrait le coût que ce gaz représente pour le titulaire au point où il entre dans le pipeline. (*toll*)

«tarif» S'entend des barèmes de droits, conditions, classes, procédures, règles et règlements applicables à la prestation de service par le titulaire. Y sont assimilées les règles d'établissement des droits. (*tariff*)

«titulaire» S'entend du titulaire de l'autorisation octroyée aux termes de l'alinéa 10(1)b) relativement à la construction ou à l'exploitation d'un pipeline. (*holder*)

Powers of Regulator

Pouvoirs de l'organisme de réglementation

Jurisdiction over tariffs

36. The Regulator may make orders with respect to all matters relating to traffic, tolls or tariffs.

Compétence quant aux tarifs

36. L'organisme de réglementation peut prendre des ordonnances sur tous les sujets relatifs au transport, aux droits ou aux tarifs.

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Filing of Tariff

Production du tarif

Tolls

37. (1) A holder shall not charge any tolls except tolls that are

(a) specified in a tariff that has been filed with the Regulator and is in effect; or

(b) approved by an order of the Regulator.

Droits autorisés

37. (1) Les seuls droits qu'exige le titulaire sont ceux qui sont :

a) soit spécifiés dans un tarif produit auprès de l'organisme de réglementation et en vigueur;

b) soit approuvés par une ordonnance de l'organisme de réglementation.

Tariff: gas

(2) If gas transmitted by a holder through its pipeline is the property of the holder, the holder shall file with the Regulator true copies of all the contracts it makes for the sale of the gas at the time they are made, and any amendments to those contracts made from time to time, and the true copies constitute, for the purposes of this Part, a tariff under subsection (1).

Tarif : gaz

(2) Si le gaz qu'il transporte par son pipeline lui appartient, le titulaire, lors de l'établissement de tous les contrats de vente de gaz qu'il conclut et des modifications qui y sont apportées, en fournit copie conforme à l'organisme de réglementation; les copies certifiées conformes constituent, pour l'application de la présente partie, un tarif visé au paragraphe (1).

Commencement of tariff

38. If a holder files a tariff with the Regulator and the holder proposes to charge a toll referred to in paragraph (b) of the definition "toll" in section 35, the Regulator may establish the day on which the tariff is to come into effect and the holder shall not begin charging the toll before that day.

Entrée en vigueur du tarif

38. Si le titulaire qui a produit un tarif auprès de l'organisme de réglementation se propose d'exiger les droits visés à l'alinéa b) de la définition de ce terme à l'article 35, l'organisme de réglementation peut fixer la date d'entrée en vigueur du tarif, le titulaire ne pouvant exiger ces droits avant cette date.

Just and Reasonable Tolls

Droits justes et raisonnables

Tolls to be just and reasonable

39. All tolls must be just and reasonable and shall always, under substantially similar circumstances and conditions with respect to all traffic of the same description carried over the same route, be charged equally to all persons at the same rate.

Traitement égal pour tous

39. Tous les droits doivent être justes et raisonnables et, dans des circonstances et conditions essentiellement similaires, sont exigés de tous, au même taux, pour tous les transports de même nature sur le même parcours.

Regulator determination

40. The Regulator may determine, as questions of fact, whether

(a) traffic is or has been carried out under substantially similar circumstances and conditions referred to in section 39;

(b) a holder has complied with that section; and

(c) there has been unjust discrimination as set out in section 44.

Détermination par l'organisme de réglementation

40. L'organisme de réglementation peut déterminer comme question de fait si :

a) le transport a été ou est opéré dans les circonstances et conditions essentiellement similaires visées à l'article 39;

b) le titulaire s'est conformé aux exigences de cet article;

c) il y a eu distinction injuste au sens de l'article 44.

Interim tolls

41. If the Regulator has made an interim order authorizing a holder to charge tolls until a specified time or the happening of a specified event, the Regulator may, in any subsequent order, direct the holder

(a) to refund, in a manner satisfactory to the Regulator, any part of the tolls charged by the holder under the interim order that is in excess of the tolls determined by the Regulator to be just and reasonable,

Droits provisoires

41. S'il a, par une ordonnance provisoire, autorisé le titulaire à exiger des droits pendant une période déterminée ou jusqu'à l'arrivée d'un événement déterminé, l'organisme de réglementation peut, dans toute ordonnance postérieure, ordonner au titulaire :

a) soit, selon les modalités que l'organisme de réglementation juge indiquées, de rembourser l'excédent des droits exigés aux termes de l'ordonnance provisoire sur ceux qu'il considère comme justes et

together with interest on the amount so refunded; or

(b) to recover in its tolls, in a manner satisfactory to the Regulator, the amount by which the tolls determined by the Regulator to be just and reasonable exceed the tolls charged by the holder under the interim order, together with interest on the amount so recovered.

raisonnables, ainsi que les intérêts sur cet excédent;

b) soit, selon les modalités que l'organisme de réglementation juge indiquées, de recouvrer au moyen des droits que le titulaire exige, l'excédent des droits que l'organisme de réglementation considère comme justes et raisonnables sur ceux qui ont été exigés aux termes de l'ordonnance provisoire, ainsi que les intérêts sur cet excédent.

Disallowance of Tariff

Rejet ou suspension du tarif

Disallowance of tariff

42. The Regulator

(a) may disallow any tariff or any portion of a tariff that it considers to be contrary to this Act or an order of the Regulator; and

(b) on disallowance, may require a holder, within a time fixed by the Regulator, to substitute a tariff satisfactory to the Regulator, or may establish a tariff in place of the disallowed tariff or portion.

Rejet

42. L'organisme de réglementation peut :

a) d'une part, rejeter tout ou partie d'un tarif qu'il estime contraire aux dispositions de la présente loi ou à ses ordonnances;

b) d'autre part, en cas de rejet, soit exiger que le titulaire y substitue, dans le délai que fixe l'organisme de réglementation, un tarif que celui-ci juge acceptable, soit y substituer lui-même d'autres tarifs.

Suspension of tariff

43. The Regulator may suspend any tariff or any portion of any tariff before or after the tariff goes into effect.

Suspension

43. L'organisme de réglementation peut suspendre l'application de tout ou partie d'un tarif avant ou après l'entrée en vigueur de ce dernier.

Discrimination

Distinction injuste

No unjust discrimination

44. A holder shall not make any unjust discrimination in tolls, service or facilities against any person or locality.

Interdiction de distinction injuste

44. Il est interdit au titulaire de faire, à l'égard d'une personne ou d'une localité, des distinctions injustes quant aux droits, au service ou aux installations.

Burden of proof

45. If it is shown that a holder makes any discrimination in tolls, service or facilities against any person or locality, the burden of proving that the discrimination is not unjust lies on the holder.

Charge de la preuve

45. S'il est démontré que le titulaire fait, à l'égard d'une personne ou d'une localité, une distinction dans les droits, le service ou les installations, c'est à celui-ci qu'il incombe de prouver que cette distinction n'est pas injuste.

No rebates, etc.

46. (1) No holder or shipper, or an officer, employee, agent or mandatary of a holder or shipper, shall

(a) offer, grant, give, solicit, accept or receive a rebate, concession or discrimination by which a person obtains transmission of oil, gas or any substance, including water, incidental to the drilling for or production of oil or gas by a holder at a rate less than that named in the tariffs then in force; or

(b) knowingly be party or privy to a false billing, false classification, false report or

Interdiction de rabais

46. (1) Il est interdit au titulaire ou à l'expéditeur, ou au préposé, à l'employé ou au mandataire de l'un ou l'autre :

a) soit d'offrir, d'accorder, de donner, de solliciter, d'accepter ou de recevoir un rabais, une concession ou une faveur permettant à quiconque d'obtenir du titulaire le transport de pétrole ou de gaz ou de toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau, à un taux inférieur à celui fixé au tarif en vigueur;

other device resulting in a rate being charged that is less than that named in the tariffs then in force.

b) soit de participer ou consentir en connaissance de cause à une fausse facturation, une fausse classification, un faux rapport ou à tout autre artifice ayant l'effet visé à l'alinéa a).

Prosecution

(2) No prosecution for an offence under this section may be instituted without the consent of the Regulator.

(2) Il ne peut être engagé de poursuites pour l'une des infractions visées par le présent article sans le consentement de l'organisme de réglementation.

Poursuites

Contracts Limiting Liabilities

Stipulations de non-responsabilité

Contracts limiting liability

47. (1) Except as provided in this section, no contract, condition or notice made or given by a holder impairing, restricting or limiting its liability in respect of the transmission of oil, gas or any substance, including water, incidental to the drilling for or production of oil or gas relieves the holder from its liability, unless that class of contract, condition or notice is included as a term or condition of its tariffs as filed or has been first authorized or approved by order of the Regulator.

47. (1) Sauf disposition contraire du présent article, les contrats, conditions ou avis destinés à restreindre la responsabilité du titulaire en matière de transport de pétrole ou de gaz ou de toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau, sont sans effet s'ils ne font pas partie des catégories de contrats, conditions ou avis soit stipulés dans les tarifs qu'il a produits auprès de l'organisme de réglementation, soit préalablement autorisés par une ordonnance de celui-ci.

Limite de responsabilité : règle générale

Regulator may determine limits

(2) The Regulator may determine the extent to which the liability of a holder may be impaired, restricted or limited as provided in this section.

(2) L'organisme de réglementation peut déterminer la mesure dans laquelle la responsabilité du titulaire peut, aux termes du présent article, être restreinte.

Limite de responsabilité par l'organisme de réglementation

Terms and conditions

(3) The Regulator may establish the terms and conditions under which oil, gas or any substance, including water, incidental to the drilling for or production of oil or gas may be transmitted by a holder.

(3) L'organisme de réglementation peut fixer les conditions auxquelles le titulaire peut transporter du pétrole ou du gaz ou toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau.

Conditions

Transmission of Oil or Gas

Transport de pétrole ou de gaz

Duty of holder of an operating licence or authorization under subsection 10(1)

48. (1) Subject to any exemptions or conditions that the Regulator may establish, a holder operating a pipeline for the transmission of oil shall, according to its powers, without delay and with due care and diligence, receive, transport and deliver all oil and any other substance, including water, incidental to the drilling for or production of oil offered for transmission by means of its pipeline.

48. (1) Sous réserve des conditions ou exceptions fixées par l'organisme de réglementation, le titulaire qui exploite un pipeline destiné au transport de pétrole reçoit, transporte et livre sans délai tout le pétrole et toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau, qui lui est offert pour transport par pipeline, avec le soin et la diligence voulus et conformément à ses pouvoirs.

Obligations du titulaire : transport du pétrole

Orders for transmission of commodities

(2) The Regulator may order, on any terms and conditions that it may specify in the order, a holder operating a pipeline for the transmission of gas to receive, transport and deliver, according to its powers, gas and any other substance, including water, incidental to the drilling for or production of gas offered for transmission by means of its pipeline.

(2) L'organisme de réglementation peut ordonner, selon les conditions qu'il énonce dans l'ordonnance, au titulaire qui exploite un pipeline destiné au transport de gaz de recevoir, transporter et livrer, conformément à ses pouvoirs, le gaz et toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau, qu'une personne lui offre pour transport par pipeline.

Ordonnance de transport et livraison : gaz

Extension of facilities

(3) If the Regulator finds that no undue burden will be placed on the holder and if it considers it necessary or desirable in the public interest, the Regulator may require a holder operating a pipeline for the transmission of oil or gas to provide adequate and suitable facilities for

(a) the receipt, transmission and delivery of the oil, gas or any substance, including water, incidental to the drilling for or production of oil or gas offered for transmission by means of its pipeline;

(b) the storage of the oil, gas or any substance, including water, incidental to the drilling for or production of oil or gas; and

(c) the junction of its pipeline with other facilities for the transmission of the oil, gas or any substance, including water, incidental to the drilling for or production of oil or gas.

Fourniture des installations

(3) L'organisme de réglementation peut, s'il l'estime utile à l'intérêt public et juge qu'il n'en résultera pas un fardeau injustifié pour le titulaire exploitant un pipeline destiné au transport de pétrole ou de gaz, obliger celui-ci à fournir les installations suffisantes et convenables pour :

a) la réception, le transport et la livraison de pétrole ou de gaz ou de toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau, offerts pour transport par son pipeline;

b) le stockage de pétrole ou de gaz ou de toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau;

c) le raccordement de sa canalisation à d'autres installations destinées au transport de pétrole ou de gaz ou de toute autre substance accessoire à des opérations de forage ou de production, notamment de l'eau.

Transmission and Sale of Gas

Transport et vente de gaz

Extension of services of gas pipeline companies

49. (1) If the Regulator finds that no undue burden will be placed on the holder and if it considers it necessary or desirable in the public interest, the Regulator may direct a holder operating a pipeline for the transmission of gas

(a) to extend or improve its transmission facilities to provide facilities for the junction of its pipeline with any facilities of, and sell gas to, any person or municipality engaged or legally authorized to engage in the local distribution of gas to the public; and

(b) for those purposes, to construct branch lines to communities immediately adjacent to its pipeline.

Extensions

49. (1) L'organisme de réglementation peut, s'il l'estime utile à l'intérêt public et s'il juge qu'il n'en résultera pas un fardeau injustifié pour le titulaire exploitant un pipeline destiné au transport de gaz, obliger celui-ci, à la fois :

a) à étendre ou à améliorer ses installations de transport en vue de faciliter le raccordement du pipeline aux installations d'une autre personne ou d'une municipalité s'occupant — ou légalement autorisée à le faire — de distribution locale de gaz au public et à vendre du gaz au public;

b) à cet effet, à construire des canalisations secondaires jusqu'aux agglomérations contiguës à son pipeline.

Limitation on extension

(2) Notwithstanding subsection (1), the Regulator shall not compel a holder to sell gas to additional customers if doing so would impair its ability to render adequate service to its existing customers.

Limite

(2) Malgré le paragraphe (1), l'organisme de réglementation ne force pas le titulaire à vendre du gaz à de nouveaux clients si cela diminuerait sa capacité de fournir un service suffisant aux clients existants.

Holder's powers

50. A holder may, for the purposes of its undertaking and subject to this Act, transmit oil, gas or any substance, including water, incidental to the drilling for or production of oil or gas by pipeline and determine

Pouvoirs du titulaire

50. Sous réserve de la présente loi, le titulaire peut, dans le cadre de son entreprise, transporter par pipeline du pétrole ou du gaz ou toute autre substance accessoire à des opérations de forage ou de production,

the time and manner in which it shall be transmitted and the tolls to be charged for the transmission.

notamment de l'eau, et fixer les moments où se fait le transport, la manière dont il se fait, ainsi que les droits à percevoir en l'espèce.

Regulations

Règlements

Regulations

51. The Commissioner in Executive Council may make regulations for the purposes of this Part designating as oil or gas any substance resulting from the processing or refining of hydrocarbons or coal if that substance

(a) is asphalt or a lubricant; or

(b) is a suitable source of energy by itself or when it is combined or used in association with something else.

Règlements

51. Le commissaire en Conseil exécutif peut, par règlement, désigner pour l'application de la présente partie comme pétrole ou gaz les substances résultant de la transformation ou du raffinage d'hydrocarbures ou de charbon et consistant en :

a) soit de l'asphalte ou des lubrifiants;

b) soit des sources d'énergie acceptables, seules ou combinées ou utilisées avec autre chose.

PART 2
REGULATION OF OPERATIONS

PARTIE 2
RÉGLEMENTATION DE L'EXPLOITATION

Regulations

Règlements

Regulations

52. (1) The Commissioner in Executive Council may, for the purposes of safety and the protection of the environment as well as for the production and conservation of oil and gas resources, make regulations

(a) defining "oil" and "gas", for the purposes of Parts 2 and 3, "installation" and "equipment" for the purposes of sections 15 and 16, and "serious" for the purposes of subsection 65(2);

(b) concerning the exploration and drilling for, and the production, processing and transportation of, oil or gas in any area to which this Act applies and works and activities related to that exploration, drilling, production, processing and transportation;

(c) authorizing the Regulator, or any person, to make the orders specified in the regulations and to exercise the powers and perform the duties necessary for

(i) the management and control of oil or gas production,

(ii) the removal of oil or gas from the areas to which this Act applies, and

(iii) the design, construction, operation or abandonment of pipeline within the areas to which this Act applies;

(d) concerning arbitrations for the purposes of subsection 11(2), including the costs of or incurred in relation to the arbitrations;

(e) concerning the approvals to be granted as

Règlements

52. (1) Aux fins de la sécurité, de la protection de l'environnement ainsi que de la production et de la rationalisation de l'exploitation du pétrole et du gaz, le commissaire en Conseil exécutif peut, par règlement :

a) définir «pétrole» et «gaz» pour l'application des parties 2 et 3, «installations» et «équipements» pour l'application des articles 15 et 16, et «graves» pour l'application du paragraphe 65(2);

b) régir la recherche, notamment par forage, la production, la transformation et le transport du pétrole et du gaz dans la zone d'application de la présente loi, ainsi que les activités connexes, y compris les installations, équipements et procédures d'opération;

c) autoriser l'organisme de réglementation, ou toute personne, à exercer, outre la prise des ordonnances spécifiées, les attributions nécessaires à :

(i) la gestion et au contrôle de la production du pétrole ou du gaz,

(ii) l'enlèvement du pétrole ou du gaz hors de la zone d'application de la présente loi,

(iii) la conception, la construction, l'exploitation ou l'abandon du pipeline dans la zone d'application de la présente loi;

d) régir les arbitrages pour l'application du paragraphe 11(2), y compris les frais

conditions of authorizations issued under paragraph 14(1)(b);

(f) concerning certificates for the purposes of section 16;

(g) prohibiting the introduction into the environment of substances, classes of substances and forms of energy in prescribed circumstances;

(h) authorizing the discharge, emission or escape of oil or gas for the purposes of subsection 61(1), in the quantities, at the locations, under the conditions and by the persons specified in the regulations; and

(i) prescribing anything that is required to be prescribed for the purposes of this Act.

connexes ou liés à ceux-ci;

e) régir les approbations auxquelles peuvent être assujetties les autorisations délivrées en application de l'alinéa 14(1)b);

f) régir les certificats pour l'application de l'article 16;

g) interdire, dans les circonstances prévues par règlement, l'introduction dans l'air, le sol ou l'eau de substances, de catégories de substances et de formes d'énergie;

h) autoriser, pour l'application du paragraphe 61(1), des déversements, dégagements ou écoulements de pétrole ou de gaz dont les quantités, les conditions, les lieux et les auteurs seront précisés;

i) prendre toute mesure d'ordre réglementaire d'application de la présente loi.

Incorporation of standards or specifications

(2) Unless otherwise provided in this Act, regulations made under subsection (1) may incorporate by reference the standards or specifications of any government, person or organization, either as they read at a fixed time or as amended from time to time.

(2) Sauf disposition contraire de la présente loi, les règlements d'application du paragraphe (1) peuvent inclure par renvoi une version déterminée dans le temps ou la dernière version modifiée des normes ou spécifications adoptées par des personnes physiques ou morales, de droit privé ou de droit public.

Normes ou spécifications

Publication of proposed regulations

53. (1) Subject to subsection (2), a copy of each regulation that the Commissioner in Executive Council proposes to make under this Act shall be published in the *Northwest Territories Gazette* and a reasonable opportunity shall be given to any interested person to make representations to the Minister with respect to the proposed regulation.

53. (1) Sous réserve du paragraphe (2), les projets de règlements que le commmissaire en Conseil exécutif se propose de prendre en vertu de la présente loi sont publiés dans la *Gazette des Territoires du Nord-Ouest*, les intéressés se voyant accorder la possibilité de présenter au ministre leurs observations à cet égard.

Publication des projets de règlement

Single publication required

(2) No proposed regulation need be published more than once under subsection (1), regardless of whether it is altered or amended after that publication as a result of representations made by interested persons.

(2) Les projets déjà publiés en application du paragraphe (1) n'ont pas à l'être de nouveau, qu'ils aient été modifiés ou non à la suite des observations.

Exception

Equivalent standards and exemptions

54. (1) Subject to subsection (2), the Chief Safety Officer and Chief Conservation Officer may

(a) authorize the use of equipment, methods, measures or standards in place of any required by regulation, if those Officers are satisfied that the use of that other equipment and those other methods, measures or standards would provide a level of safety, protection of the environment and conservation equivalent to that provided by compliance with the

54. (1) Sous réserve du paragraphe (2), le délégué à la sécurité et le délégué à l'exploitation peuvent :

a) soit autoriser l'utilisation d'autres équipements, méthodes, mesures ou normes que ceux requis par règlement s'ils sont convaincus que le niveau de sécurité, de protection de l'environnement et de rationalisation est équivalent au niveau qui serait atteint si le règlement était observé;

b) soit accorder toute dérogation à une

Normes équivalentes et dérogations

regulations; or

(b) grant an exemption from any regulatory requirement in respect of equipment, methods, measures or standards, if those Officers are satisfied with the level of safety, protection of the environment and conservation that will be achieved without compliance with that requirement.

obligation réglementaire en matière d'équipement, de méthodes, de mesures ou de normes s'ils sont satisfaits du niveau de sécurité, de protection de l'environnement et de rationalisation qui sera atteint en dépit de la dérogation.

One officer authorizations

(2) The Chief Safety Officer alone may exercise the powers referred to in paragraph (1)(a) or (b) if the regulatory requirement referred to in that paragraph does not relate to protection of the environment or conservation, and the Chief Conservation Officer alone may exercise those powers if that regulatory requirement does not relate to safety.

(2) Le délégué à la sécurité peut donner seul l'autorisation ou la dérogation visée à l'alinéa (1)a) ou b) si l'obligation réglementaire ne porte pas sur la prévention de la pollution ou la rationalisation de l'exploitation; inversement, le délégué à l'exploitation peut donner seul l'autorisation ou la dérogation si l'obligation réglementaire ne porte pas sur la sécurité.

Autorisation d'un délégué

No contravention

(3) No person contravenes the regulations if that person acts in compliance with an authorization or exemption under subsection (1) or (2).

(3) Nul ne contrevient aux règlements s'il se conforme à l'autorisation ou à la dérogation donnée en vertu des paragraphes (1) ou (2).

Précision

Production Orders

Arrêtés de production

Production orders

55. (1) The Chief Conservation Officer may order the commencement, continuation or increase of production of oil or gas at the rates and in the quantities specified if the Chief Conservation Officer, on reasonable grounds, is of the opinion that

(a) with respect to an interest in any area to which this Act applies, the capability exists to commence, continue or increase production of oil or gas; and

(b) a production order would stop waste.

55. (1) Le délégué à l'exploitation peut, par arrêté, pour des motifs valables, ordonner le démarrage, la poursuite ou l'augmentation de la production de pétrole ou de gaz à des taux et en des quantités déterminés à observer s'il estime :

a) que les intéressés, dans la zone d'application de la présente loi, disposent de la capacité nécessaire à cet effet;

b) que l'arrêté de production mettra fin au gaspillage.

Arrêtés de production

Ceasing production

(2) The Chief Conservation Officer may order a decrease or the cessation or suspension of production of oil or gas for any period specified in the order if the Chief Conservation Officer, on reasonable grounds, is of the opinion that an order under this section would stop waste.

(2) Le délégué à l'exploitation peut, par arrêté, pour des motifs valables et s'il estime que l'arrêté mettra fin au gaspillage, ordonner la diminution, l'arrêt ou la suspension de la production de pétrole ou de gaz pour des périodes déterminées.

Arrêt de la production

Investigation and appeal

(3) Subsections 57(2) to (4) and section 59 apply, with such modifications as the circumstances require, to an order under subsection (1) or (2) as if it were an order under subsection 57(1).

(3) Les paragraphes 57(2) à (4) et l'article 59 s'appliquent, compte tenu des adaptations de circonstance, à l'arrêté visé aux paragraphes (1) ou (2) comme s'il s'agissait d'un arrêté visé au paragraphe 57(1).

Enquête et appel

Access to files and records

(4) A person subject to an order under subsection (1) or (2) shall, on request, give the Chief Conservation Officer or a person designated by the Chief Conservation Officer access to his or her premises, files and records for all reasonable purposes related to the order.

(4) Quiconque fait l'objet d'un arrêté en vertu du paragraphe (1) ou (2), sur demande, donne au délégué à l'exploitation, ou à la personne désignée par celui-ci, accès à ses locaux, dossiers et registres à toutes fins valables liées à l'application de l'arrêté.

Accès aux dossiers et aux registres

Waste

Waste prohibited

56. (1) No person shall commit waste.

Limitation

(2) A person who commits waste as defined in paragraph (4)(f) or (g) is not guilty of an offence under this Act, unless the person has been ordered under section 60 to take measures to prevent the waste and has failed to comply.

Prosecution

(3) No prosecution for an offence under this section may be instituted without the consent of the Regulator.

Definition: "waste"

(4) In this Act, "waste", in addition to its ordinary meaning, means waste as understood in the oil and gas industry and in particular, but without limiting the generality of the foregoing, includes

(a) the inefficient or excessive use or dissipation of reservoir energy;

(b) the locating, spacing or drilling of a well within a field or pool or within part of a field or pool or the operating of any well that, having regard to sound engineering and economic principles, results or tends to result in a reduction in the quantity of oil or gas ultimately recoverable from a pool;

(c) the drilling, equipping, completing, operating or producing of any well in a manner that causes or is likely to cause the unnecessary or excessive loss or destruction of oil or gas after removal from the reservoir;

(d) the inefficient storage of oil or gas above ground or underground;

(e) the production of oil or gas in excess of available storage, transportation or marketing facilities;

(f) allowing or facilitating the escape or flaring of gas that could be economically recovered and processed or economically injected into an underground reservoir; or

(g) the failure to use suitable artificial, secondary or supplementary recovery methods in a pool when it appears that those methods would result in increasing the quantity of oil or gas, or both, ultimately recoverable under sound engineering and economic principles.

Gaspillage

Interdiction de gaspillage

56. (1) Il est interdit de faire du gaspillage.

Réserve

(2) La personne qui fait du gaspillage au sens des alinéas (4)f) ou g) n'est réputée commettre une infraction en vertu de la présente loi que s'il lui a été ordonné, en vertu de l'article 60, de prendre des mesures en vue de prévenir le gaspillage et qu'elle ne l'a pas fait.

Poursuite

(3) Aucune poursuite pour infraction en vertu du présent article ne peut être intentée sans le consentement de l'organisme de réglementation.

Définition : «gaspillage»

(4) Pour l'application de la présente loi, «gaspillage», en sus de son acception courante, a le sens qui lui est donné dans le secteur du pétrole et du gaz et s'entend notamment :

a) du fait d'utiliser d'une manière inefficace ou excessive l'énergie du réservoir ou de la dissiper;

b) du fait de localiser, d'espacer ou de forer des puits dans tout ou partie d'un champ ou d'un gisement d'une façon telle, ou de les exploiter à un rythme tel, qu'en comparaison de saines méthodes techniques et économiques, il en résulte effectivement ou éventuellement une réduction de la quantité de pétrole ou de gaz récupérable en fin de compte;

c) du fait de forer, d'équiper, d'achever, d'exploiter ou de mettre en production un puits d'une façon telle qu'il en résulte ou qu'il en résultera vraisemblablement une perte ou destruction inutile ou excessive de pétrole ou de gaz après leur extraction du réservoir;

d) d'un stockage inefficace du pétrole ou du gaz, en surface ou dans le sous-sol;

e) d'une production de pétrole ou de gaz qui dépasse les possibilités de stockage, de transport ou de commercialisation;

f) du fait de permettre ou de faciliter le dégagement ou le brûlage à la torche de gaz qu'il serait rentable de récupérer et de transformer ou d'injecter dans un réservoir souterrain;

g) du défaut d'utiliser les procédés voulus de récupération artificielle, secondaire ou supplémentaire, qui permettraient manifestement d'augmenter la quantité

de pétrole ou de gaz, ou des deux, que l'on peut, en fin de compte, récupérer dans le gisement en cause par de saines méthodes techniques et économiques.

Prevention of waste

57. (1) Subject to subsection (2), the Chief Conservation Officer may order that all operations giving rise to waste cease until he or she is satisfied that the waste has stopped if the Chief Conservation Officer, on reasonable grounds, is of the opinion that waste, other than waste as defined in paragraph 56(4)(f) or (g), is being committed.

57. (1) Sous réserve du paragraphe (2), le délégué à l'exploitation peut, par arrêté, ordonner la cessation de toutes les opérations qui entraînent du gaspillage jusqu'à ce qu'il soit convaincu qu'il n'y en a plus s'il estime, pour des motifs valables, qu'il y a un gaspillage autre que celui défini aux alinéas 56(4)f) ou g). Prévention du gaspillage

Investigation

(2) Before making any order under subsection (1), the Chief Conservation Officer shall hold an investigation at which all interested persons shall be given an opportunity to be heard.

(2) Avant de prendre l'arrêté en application du paragraphe (1), le délégué à l'exploitation tient une enquête à l'occasion de laquelle tous les intéressés auront la possibilité de faire valoir leurs observations. Enquête

Peremptory order

(3) Notwithstanding subsection (2), the Chief Conservation Officer may, without an investigation, make an order under this section requiring all operations to be shut down if the Chief Conservation Officer is of the opinion that it is necessary to do so to prevent damage to persons or property or to protect the environment, but as soon as possible after making an order and in any event within 15 days after doing so, the Chief Conservation Officer shall hold an investigation referred to in subsection (2).

(3) Malgré le paragraphe (2), le délégué à l'exploitation peut, par arrêté et sans enquête, ordonner l'arrêt de toutes les opérations s'il l'estime nécessaire pour empêcher des dommages corporels ou matériels ou pour protéger l'environnement; mais, dès que possible après avoir pris l'arrêté et, en tout état de cause, dans les 15 jours suivants, il tient une enquête visée au paragraphe (2). Arrêt des travaux

Order after investigation

(4) At the conclusion of the investigation under subsection (3), the Chief Conservation Officer may set aside, vary or confirm the order or make a new order.

(4) Après l'enquête tenue en vertu du paragraphe (3), le délégué à l'exploitation peut rejeter, modifier ou confirmer l'arrêté en cause ou en prendre un nouveau. Arrêté après enquête

Taking over management

58. (1) For the purpose of giving effect to an order made under section 57, the Chief Conservation Officer may authorize and direct any person necessary to enter the place where the operations giving rise to the waste are being carried out and take over the management and control of those operations and any associated works.

58. (1) À titre de mesure d'exécution d'un arrêté pris en vertu de l'article 57, le délégué à l'exploitation peut enjoindre aux personnes dont les services peuvent être requis de se rendre sur les lieux des opérations entraînant le gaspillage et de prendre en charge la direction de ces opérations et des ouvrages connexes. Mesures de contrainte

Controlling operations and costs

(2) A person authorized under subsection (1) to take over the management and control of operations shall manage and control the operations and do all things necessary to stop the waste, and the cost of doing so shall be borne by the person who holds the permit or the lease and until paid constitutes a debt recoverable by action in any court of competent jurisdiction as a debt due to the Government of the Northwest Territories.

(2) Les personnes autorisées en vertu du paragraphe (1) prennent toute mesure nécessaire pour arrêter le gaspillage; les frais exposés sont à la charge du titulaire du permis ou de la concession et constituent une créance du gouvernement des Territoires du Nord-Ouest dont le recouvrement peut être poursuivi à ce titre devant toute juridiction compétente. Prise en charge et frais

Appeal to the Regulator

59. (1) A person aggrieved by an order of the Chief Conservation Officer made under section 55 or 57 may appeal to the Regulator.

59. (1) La personne qui s'estime lésée par l'arrêté pris par le délégué à l'exploitation au titre des articles 55 ou 57 peut interjeter appel à l'organisme de réglementation.

Appel à l'organisme de réglementation

Opportunity to be heard

(2) On reviewing the order under appeal, the Regulator shall give all interested persons an opportunity to be heard.

(2) Lorsqu'il révise l'arrêté en appel, l'organisme de réglementation accorde à tous les intéressés la possibilité de présenter leurs observations.

Possibilité de présenter des observations

Powers on appeal

(3) After considering the appeal, the Regulator may

(a) set aside, confirm or vary the order;
(b) order any works to be undertaken that the Regulator considers necessary to prevent waste, the escape of oil or gas or any other contravention of this Act or the regulations; or
(c) make any other order that the Regulator considers appropriate.

(3) Après examen de l'appel, l'organisme de réglementation peut, selon le cas :

a) rejeter, confirmer ou modifier l'arrêté;
b) ordonner la mise en oeuvre des activités qu'il estime nécessaires afin de prévenir le gaspillage, l'écoulement de pétrole ou de gaz ou toute autre infraction à la présente loi ou aux règlements;
c) rendre toute autre ordonnance qu'il estime indiquée.

Pouvoirs

Application for show cause order in respect of waste

60. (1) If the Chief Conservation Officer, on reasonable grounds, is of the opinion that waste as defined in paragraph 56(4)(f) or (g) is occurring in the recovery of oil or gas from a pool, the Officer may apply to the Regulator for an order requiring the operators within the pool to show cause why the Regulator should not make a direction in respect of the waste.

60. (1) Le délégué à l'exploitation peut, s'il estime, pour des motifs valables, qu'il y a gaspillage, au sens des alinéas 56(4)f) ou g), dans la récupération du pétrole ou du gaz d'un gisement, demander à l'organisme de réglementation d'ordonner aux exploitants du gisement d'exposer les raisons pour lesquelles l'organisme de réglementation ne devrait pas se prononcer sur la question du gaspillage.

Cas de gaspillage : justification

Show cause order

(2) On receiving an application, the Regulator shall make an order requiring the operators within the pool to show cause at a hearing, to be held on a day specified in the order, why the Regulator should not make a direction in respect of the waste.

(2) Dès réception de la demande, l'organisme de réglementation ordonne aux exploitants du gisement d'exposer, lors d'une audience prévue à la date fixée dans l'ordonnance, les raisons pour lesquelles l'organisme de réglementation ne devrait pas se prononcer sur la question du gaspillage.

Exposé des raisons

Hearing

(3) The Regulator shall, on the day specified in the order, hold a hearing at which the Chief Conservation Officer, the operators within the pool and any interested person shall be given an opportunity to be heard.

(3) L'organisme de réglementation, à la date fixée dans l'ordonnance, tient une audience à l'occasion de laquelle le délégué à l'exploitation, les exploitants du gisement et les intéressés auront la possibilité de présenter leurs observations.

Audience

Order after hearing

(4) If, after the hearing, the Regulator is of the opinion that waste is occurring in the recovery of oil or gas from a pool, the Regulator may make an order

(a) directing the introduction of a scheme for the collection, processing, disposition or reinjection of any gas produced from the pool; or
(b) directing repressurizing, recycling or pressure maintenance for the pool or any part of the pool and for or incidental to that purpose, direct the introduction or injection of gas, water or any other

(4) L'organisme de réglementation qui, après l'audience, estime qu'il y a du gaspillage dans la récupération de pétrole ou de gaz d'un gisement peut ordonner :

a) soit la mise en place d'un plan de collecte, de traitement, d'élimination ou de réinjection du gaz produit à partir du gisement;
b) soit la repressurisation, le recyclage ou le maintien de pression du gisement ou d'une partie du gisement et, à cette fin ou à titre accessoire, ordonner l'introduction

Ordonnance après audience

substance into the pool or any part of the pool.

ou l'injection de gaz, d'eau ou de toute autre substance dans le gisement ou la partie de gisement.

Additional order

(5) In addition to making an order under subsection (4), the Regulator may, subject to subsections (6) and (7), order that the pool or any part of the pool specified in the order be shut in if the requirements of the order are not met.

(5) En plus de rendre une ordonnance en vertu du paragraphe (4), l'organisme de réglementation peut, sous réserve des paragraphes (6) et (7) ordonner la fermeture du gisement ou d'une partie du gisement qu'il précise si les exigences de l'ordonnance ne sont pas respectées.

Ordonnance supplémentaire

Limitation

(6) If a scheme is approved by the Regulator and in operation by a date fixed in the order, the Regulator may not order that the pool or any part of the pool specified in the order be shut in.

(6) En présence d'un plan approuvé par l'organisme de réglementation et mis en oeuvre à la date fixée dans l'ordonnance, l'organisme de réglementation ne peut pas ordonner la fermeture du gisement ou d'une partie du gisement visé.

Limite

Continued operation pending scheme

(7) If, in the opinion of the Regulator, a scheme or other action described in paragraph (4)(a) or (b) is in the course of preparation, the Regulator may, notwithstanding subsections (4) and (5), make an order permitting the continued operation of a pool or any part of a pool after the date fixed by an order made under this section, and the continued operation is subject to any conditions imposed by the Regulator.

(7) L'organisme de réglementation peut, malgré les paragraphes (4) et (5) et aux conditions qu'il fixe, rendre une ordonnance permetttant la poursuite de l'exploitation du gisement ou de la partie du gisement après la date fixée dans l'ordonnance rendue en vertu du présent article, s'il estime qu'un plan ou une autre mesure prévu aux alinéas (4)a) ou b) est sur le point d'être mis en place.

Poursuite des opérations

Spills and Debris

Rejets et débris

Definition: "spill"

61. (1) In sections 62 to 65, "spill" means a discharge, emission or escape of petroleum, other than one that is authorized under the regulations, an Act of the Northwest Territories or an Act of Canada or that constitutes a discharge from a vessel to which Part 8 or 9 of the *Canada Shipping Act, 2001* applies or a ship to which Part 6 of the *Marine Liability Act* (Canada) applies.

61. (1) Pour l'application des articles 62 à 65, «rejets» désigne les déversements, dégagements ou écoulements de pétrole ou de gaz non autorisés sous le régime des règlements, des lois des Territoires du Nord-Ouest ou des lois fédérales ou constituant des rejets imputables à un bâtiment auquel les parties 8 ou 9 de la *Loi de 2001 sur la marine marchande du Canada* s'appliquent ou à un navire auquel la partie 6 de la *Loi sur la responsabilité en matière maritime* (Canada) s'applique.

Définition : «rejets»

Definition: "debris"

(2) In sections 63 and 65, "debris" means any installation or structure that was put in place in the course of any work or activity required to be authorized under paragraph 10(1)(b) and that has been abandoned without such authorization as may be required by or under this Act, or any material that has broken away or been jettisoned or displaced in the course of any such work or activity.

(2) Pour l'application des articles 63 et 65, «débris» désigne toute installation mise en place, dans le cours d'activités connexes devant être autorisées conformément à l'alinéa 10(1)b), et abandonnée sans autorisation ou tout objet arraché, largué ou détaché au cours de ces activités.

Définition : «débris»

Definition: "actual loss or damage"

(3) In section 63, "actual loss or damage" includes loss of income, including future income, and, with respect to any Indigenous peoples of Canada, includes loss of hunting, fishing and gathering opportunities.

(3) À l'article 63, sont assimilées à une perte ou à des dommages réels la perte d'un revenu, y compris un revenu futur, et, à l'égard des peuples autochtones du Canada, la perte de possibilités de chasse, de pêche ou de cueillette.

Définition : «perte ou dommages réels»

Exclusion of liability

(4) The Commissioner and the Government of the Northwest Territories incur no liability whatever to any person arising out of the authorization, in accordance with regulations made under paragraph 52(1)(h), of any discharge, emission or escape of oil or gas. SNWT 2019,c.24,s.8.

(4) Le commissaire et le gouvernement des Territoires du Nord-Ouest n'encourent aucune responsabilité découlant de l'autorisation, conformément aux règlements pris en vertu de l'alinéa 52(1)h), de certains déversements, dégagements ou écoulements de pétrole ou de gaz.

Exclusion de responsabilité

Spills prohibited

62. (1) No person shall cause or permit a spill on or from any area to which this Act applies.

62. (1) Il est interdit d'effectuer ou de permettre des rejets dans les limites ou en provenance d'une zone d'application de la présente loi.

Interdiction

Duty to report spills

(2) If a spill occurs in any area to which this Act applies, a person who at the time of the spill is carrying on any work or activity related to the exploration for or development or production of oil or gas in the area of the spill shall, in the prescribed manner, report the spill to the Chief Conservation Officer.

(2) Les personnes qui exercent des activités liées à la recherche, à l'exploitation ou à la production du pétrole ou du gaz dans une telle zone au moment où s'y produisent des rejets les signalent au délégué à l'exploitation selon les modalités prescrites.

Obligation de signaler les rejets

Duty to take reasonable measures

(3) Every person required to report a spill under subsection (2) shall, as soon as possible, take all reasonable measures consistent with safety and the protection of the environment

(a) to prevent any further spill;
(b) to repair or remedy any condition resulting from the spill; and
(c) to reduce or mitigate any danger to life, health, property or the environment that results or may reasonably be expected to result from the spill.

(3) Les personnes visées au paragraphe (2), dans les plus brefs délais possible, prennent toutes mesures voulues et compatibles avec la sécurité et la protection de l'environnement en vue, à la fois :

a) d'empêcher d'autres rejets;
b) de remédier à la situation créée par les rejets;
c) de réduire ou limiter les dommages ou dangers à la vie, à la santé, aux biens ou à l'environnement qui en résultent effectivement ou éventuellement.

Mesures à prendre

Taking emergency action

(4) The Chief Conservation Officer may take any action or direct that it be taken by any person as may be necessary if he or she, on reasonable grounds, is satisfied that

(a) a spill has occurred in any area to which this Act applies;
(b) immediate action is necessary in order to effect any reasonable measures referred to in subsection (3); and
(c) appropriate action is not being taken or will not be taken under subsection (3).

(4) Le délégué à l'exploitation peut prendre toutes mesures d'urgence voulues ou ordonner qu'elles soient prises par d'autres personnes si nécessaire, s'il a des motifs valables de croire, à la fois :

a) que des rejets se sont produits dans une zone d'application de la présente loi s'applique;
b) que les mesures visées au paragraphe (3) doivent être prises immédiatement;
c) que des mesures appropriées ne sont pas prises ou ne le seront pas en vertu du paragraphe (3).

Prise de mesures d'urgence

Taking over management

(5) For the purposes of subsection (4), the Chief Conservation Officer may authorize and direct any person as may be necessary to enter the place where the spill has occurred and take over the management and control of any work or activity at that place.

(5) Pour l'application du paragraphe (4), le délégué à l'exploitation peut enjoindre aux personnes dont les services peuvent être requis de se rendre sur les lieux des rejets et de prendre en charge la direction des activités qui s'y exercent.

Mesures d'exécution

Managing work or activity

(6) A person authorized and directed to take over the management and control of any work or activity under subsection (5) shall manage and control that work or activity and shall take all reasonable measures

(6) Les personnes autorisées en vertu du paragraphe (5) prennent alors en charge les activités et, à l'égard des rejets, prennent les mesures visées au paragraphe (3).

Prise en charge et frais

in relation to the spill that are referred to in subsection (3).

Costs

(7) Any costs incurred under subsection (6) shall be borne by the person who obtained an authorization under paragraph 10(1)(b) in respect of the work or activity from which the spill emanated, and until paid, they constitute a debt recoverable by action in any court of competent jurisdiction as a debt due to the Government of the Northwest Territories.

Frais

(7) Les frais exposés en application du paragraphe (6) sont à la charge du bénéficiaire de l'autorisation visée à l'alinéa 10(1)b) et relative aux activités qui ont provoqué les rejets et, jusqu'à leur règlement, constituent une créance du gouvernement des Territoires du Nord-Ouest, dont le recouvrement peut être poursuivi à ce titre devant toute juridiction compétente.

Recovery of costs

(8) If a person, other than a person referred to in subsection (7), takes action under subsection (3) or (4), the person may recover from the Government of the Northwest Territories the costs and expenses reasonably incurred by that person in taking the action.

Contrôle des frais

(8) Les frais découlant de l'application des paragraphes (3) ou (4) peuvent être recouvrés contre le gouvernement des Territoires du Nord-Ouest par la personne qui les a engagés dès lors qu'il ne s'agit pas du bénéficiaire visé au paragraphe (7).

Appeal

(9) A person aggrieved by any order, action or measure taken or authorized or directed to be taken under subsections (4) to (6) may appeal to the Regulator.

Appel

(9) La personne qui s'estime lésée par tout ordre ou toute mesure prise, ordonnée ou autorisée en application des paragraphes (4) à (6) peut interjeter appel à l'organisme de réglementation.

Opportunity to be heard

(10) On reviewing the order, action or measure, the Regulator shall give all interested persons an opportunity to be heard.

Possibilité de présenter des observations

(10) Lorsqu'il révise l'ordre ou la mesure, l'organisme de réglementation accorde à tous les intéressés la possibilité de présenter leurs observations.

Power on appeal

(11) After considering the appeal, the Regulator may

(a) set aside, confirm or vary the order, action or measure that is the subject of the appeal;
(b) order any works to be undertaken that the Regulator considers necessary to prevent waste, the escape of oil or gas or any other contravention of this Act or the regulations; or
(c) make any other order that the Regulator considers appropriate.

Pouvoirs

(11) Après examen de l'appel, l'organisme de réglementation peut, selon le cas :

a) rejeter, confirmer ou modifier l'ordre ou la mesure;
b) ordonner la mise en oeuvre des activités qu'il estime nécessaire afin de prévenir le gaspillage, l'écoulement de pétrole ou de gaz ou toute autre infraction à la présente loi ou aux règlements;
c) rendre toute autre ordonnance qu'il estime indiquée.

Limitation of liability

(12) No person required, directed or authorized to act under this section or section 59 is personally liable, either civilly or criminally, in respect of any act or omission in the course of complying with this section, unless it is shown that the person did not act reasonably in the circumstances.

Limite de responsabilité

(12) Les personnes qui prennent les mesures visées au présent article ou à l'article 59 n'encourent, sauf décision injustifiable prouvée, aucune responsabilité personnelle pour les actes ou omissions découlant de l'application du présent article.

Recovery of loss, damage, costs or expenses

63. (1) If any discharge, emission or escape of oil or gas that is authorized by regulation, or any spill, occurs in any area to which this Act applies,

(a) the person who is required to obtain an authorization under paragraph 10(1)(b) in respect of the work or activity from which the spill or authorized discharge,

Recouvrement des pertes, frais, etc. : rejets

63. (1) Si des déversements, dégagements ou écoulements autorisés par règlement ou des rejets se produisent dans la zone d'application de la présente loi :

a) d'une part, quiconque est tenu d'obtenir l'autorisation octroyée aux termes de l'alinéa 10(1)b) et relative aux activités

emission or escape of oil or gas emanated is liable, without proof of fault or negligence, up to any prescribed limit of liability, for

(i) all actual loss or damage incurred by any person as a result of the spill or the authorized discharge, emission or escape of oil or gas, and

(ii) the costs and expenses reasonably incurred by the Government of the Northwest Territories or any other person in taking any action or measure in relation to the spill or the authorized discharge, emission or escape of oil or gas; and

(b) all persons to whose fault or negligence the spill or the authorized discharge, emission or escape of oil or gas is attributable or who are by law responsible for others to whose fault or negligence the spill or the authorized discharge, emission or escape of oil or gas is attributable are jointly and severally liable, to the extent determined according to the degree of the fault or negligence proved against them, for all actual loss or damage incurred by any person as a result of the spill or the authorized discharge, emission or escape of oil or gas.

qui les ont provoqués est responsable, même en l'absence de preuve de faute ou de négligence, jusqu'à concurrence de la limite réglementaire :

(i) de l'intégralité de la perte ou des dommages réels subis par un tiers à la suite des rejets,

(ii) des frais entraînés pour le gouvernement des Territoires du Nord-Ouest ou toute autre personne par les mesures prises à l'égard des rejets;

b) d'autre part, tous ceux à la faute ou négligence desquels les rejets sont attribuables ou que la loi rend responsables de préposés à la faute ou négligence desquels ces rejets sont attribuables sont solidairement tenus, dans la mesure où la faute ou négligence est prononcée, de l'intégralité des pertes ou dommages réels subis par un tiers à la suite des rejets.

Recovery of loss, damage, costs or expenses caused by debris

(2) If any person incurs actual loss or damage as a result of debris or the Government of the Northwest Territories reasonably incurs any costs or expenses in taking any remedial action in relation to debris,

(a) the person who is required to obtain an authorization under paragraph 10(1)(b) in respect of the work or activity from which the debris originated is liable, without proof of fault or negligence, up to any prescribed limit of liability, for all actual loss or damage and all costs or expenses; and

(b) all persons to whose fault or negligence the debris is attributable or who are by law responsible for others to whose fault or negligence the debris is attributable are jointly and severally liable, to the extent determined according to the degree of the fault or negligence proved against them, for all actual loss or damage and all costs or expenses.

(2) Si des débris causent à quiconque une perte ou des dommages réels ou en cas de frais entraînés pour le gouvernement des Territoires du Nord-Ouest afin de remédier à la situation créée par la présence de débris :

Recouvrement des pertes, frais etc. : débris

a) d'une part, quiconque est tenu d'obtenir l'autorisation octroyée aux termes de l'alinéa 10(1)b) et relative aux activités qui ont provoqué la présence des débris est responsable, même en l'absence de preuve de faute ou de négligence, jusqu'à concurrence de la limite réglementaire, de l'intégralité de ces pertes, dommages ou frais;

b) d'autre part, tous ceux à la faute ou négligence desquels la présence de débris est attribuable ou que la loi rend responsables de préposés à la faute ou négligence desquels cette présence est attribuable sont solidairement tenus, dans la mesure où la faute ou négligence est prononcée, de l'intégralité des mêmes pertes, dommages ou frais.

No double liability

(3) In the case where subsection (1) or (2) applies, no person is liable for more than the greater of the prescribed limit referred to in paragraph (1)(a) or (2)(a), as the case may be, and the amount for which the person would be liable under any other law for the same occurrence.

Non-cumul et plafond

(3) Nul ne peut être tenu, au titre des paragraphes (1) ou (2), responsable pour un montant supérieur au plus élevé de la limite réglementaire prévue aux alinéas (1)a) ou (2)a) et du montant maximum de responsabilité prévu par une autre loi pour le même événement.

Claims

(4) All claims under this section may be sued for and recovered in any court of competent jurisdiction in Canada and shall rank firstly in favour of persons incurring actual loss or damage, without preference, and secondly to meet any costs and expenses described in subsection (1) or (2).

Créances

(4) Le recouvrement des créances fondées sur le présent article peut être poursuivi devant toute juridiction compétente au Canada; les créances correspondant aux pertes ou dommages réels sont traitées au prorata et prennent rang avant celles qui correspondent aux frais mentionnés aux paragraphes (1) ou (2).

Rights and liability preserved

(5) Nothing in this section suspends or limits

(a) any legal liability or remedy for an act or omission by reason only that the act or omission is an offence under this Act or gives rise to liability under this section;

(b) any recourse, indemnity or relief available at law to a person who is liable under this section against any other person; or

(c) the operation of any applicable law or rule of law that is not inconsistent with this section.

Réserve

(5) Le présent article n'a pas pour effet de suspendre ou de limiter :

a) des obligations ou recours légaux à l'égard d'un fait — acte ou omission — au seul motif que le fait constitue une infraction à la présente loi ou entraîne la responsabilité sous le régime du présent article;

b) les moyens de droit susceptibles d'être opposés à des poursuites fondées sur celui-ci;

c) l'application d'une règle de droit compatible avec le présent article.

Limitation period

(6) Proceedings in respect of claims under this section may be instituted within three years after the day when the loss, damage, costs or expenses occurred, but in no case more than six years after the day the spill or the discharge, emission or escape of oil or gas occurred or, in the case of debris, after the day the installation or structure in question was abandoned or the material in question broke away or was jettisoned or displaced.

Prescription

(6) Les poursuites en recouvrement de créances fondées sur le présent article se prescrivent par trois ans après la date des pertes, dommages ou frais et par au plus six ans après la date des rejets ou après la date où s'est manifestée la présence des débris.

Financial responsibility

64. (1) An applicant for an authorization under paragraph 10(1)(b) in respect of any work or activity in any area in which this Act applies shall provide proof of financial responsibility in the form of a letter of credit, guarantee or indemnity bond or in any other form satisfactory to the Regulator, in an amount satisfactory to it.

Preuve de solvabilité

64. (1) Quiconque demande une autorisation visée à l'alinéa 10(1)b) est tenu au dépôt à titre de preuve de solvabilité du montant que l'organisme de réglementation estime suffisant, sous toute forme qu'il juge acceptable, notamment lettre de crédit, garantie ou cautionnement.

Continuing obligation

(2) The holder of an authorization under paragraph 10(1)(b) shall ensure that the proof of financial responsibility remains in force

(a) for the duration of the work or activity in respect of which the authorization is issued; and

(b) for a period of one year after the time at

Obligation continue

(2) Il incombe au titulaire de l'autorisation visée à l'alinéa 10(1)b) de s'assurer que la preuve de solvabilité demeure valide :

a) d'une part, pendant la durée des travaux ou des activités visés par l'autorisation;

b) d'autre part, pour une période d'un an après le moment où l'organisme de

which the Regulator notifies the holder that all works in respect of which the authorization was granted have been successfully abandoned or decommissioned in accordance with this Act and the regulations.

réglementation avise le titulaire que tous les travaux visés par l'autorisation ont été abandonnés ou mis hors service, avec succès, conformément à la présente loi et ses règlements.

Payment of claims

(3) The Regulator may require that money in an amount not exceeding the amount prescribed for any case or class of cases, or determined by the Regulator in the absence of regulations, be paid out of the funds available under the letter of credit, guarantee or indemnity bond or other form of financial responsibility provided under subsection (1), in respect of any claim for which proceedings may be instituted under section 63, whether or not those proceedings have been instituted.

(3) L'organisme de réglementation peut exiger que des sommes n'excédant pas un plafond fixé par règlement pour tout cas particulier ou catégorie de cas ou, en l'absence de règlement, par lui-même, soient payées sur les fonds rendus disponibles en vertu de la lettre de crédit, de la garantie, du cautionnement ou de toute autre forme d'engagement financier prévus au paragraphe (1) à l'égard des créances dont le recouvrement peut être poursuivi sur le fondement de l'article 63, qu'il y ait eu ou non poursuite.

Paiement sur les fonds déposés

Manner of payment

(4) A payment required under subsection (3) must be made in the manner, subject to any conditions and procedures and to or for the benefit of any persons or classes of persons as may be prescribed for any case or class of cases, or as may be required by the Regulator in the absence of regulations.

(4) Le paiement visé au paragraphe (3) doit être effectué selon les modalités et formalités, aux conditions et au profit des personnes ou catégories de personnes fixées par règlement pour tout cas particulier ou catégorie de cas, ou, en l'absence de règlement, par l'organisme de réglementation.

Modalités du paiement

Deduction

(5) There shall be deducted from any award made in accordance with a claim sued for under section 63 any amount received by the claimant under this section in respect of the loss, damage, costs or expenses claimed. SNWT 2019,c.24,s.9.

(5) Sont à déduire des sommes allouées en conformité des poursuites fondées sur l'article 63, celles reçues par le demandeur sous le régime du présent article à l'égard des pertes, dommages ou frais en cause. LTN-O 2019, ch. 24, art. 9.

Déduction

Inquiries

Enquêtes

Inquiries

65. (1) If a spill or debris or an accident or incident related to any activity to which this Act applies occurs or is found in any area to which this Act applies and results in death or injury or danger to public safety or the environment, the Minister may direct an inquiry to be made, and may authorize any person that the Minister considers qualified to conduct the inquiry.

65. (1) Si, dans une zone d'application de la présente loi, des rejets, la présence de débris, un accident ou un incident liés à des activités visées par la présente loi provoquent la mort ou des blessures ou constituent des dangers pour la sécurité publique ou l'environnement, le ministre peut ordonner la tenue d'une enquête et autoriser toute personne qu'il estime qualifiée à la mener.

Enquêtes

Mandatory inquiry

(2) If a spill or debris or an accident or incident related to any activity to which this Act applies occurs or is found in any area to which this Act applies and is serious, as defined by regulation, the Minister shall direct that an inquiry be made and shall ensure that the person authorized to conduct the inquiry is not employed in a part of the public service for which the Minister is responsible.

(2) Si, dans une zone d'application de la présente loi, des rejets, la présence de débris, un accident ou un incident, liés à des activités visées par la présente loi, sont graves, au sens des règlements, le ministre ordonne la tenue d'une enquête et veille à ce que la personne autorisée à mener l'enquête ne fasse pas partie de la fonction publique dont il est responsable.

Obligation

Powers of persons conducting inquiry

(3) For the purposes of an inquiry under this section, a person authorized to conduct the inquiry has all the powers of a Board under the *Public Inquiries Act* and shall conduct the inquiry in accordance with that Act.

(3) La personne ainsi autorisée à mener l'enquête a les pouvoirs d'une commission en vertu de la *Loi sur les enquêtes publiques* et mène l'enquête en conformité avec celle-ci.

Pouvoirs des enquêteurs

Report

(4) As soon as possible after the conclusion of the inquiry, the person authorized to conduct the inquiry shall submit a report to the Minister, together with the evidence and other material that was before the inquiry.

(4) Après l'enquête, la personne autorisée à mener l'enquête remet au ministre dans les plus brefs délais possible un rapport accompagné des éléments de preuve et autres pièces dont elle a disposé pour l'enquête.

Rapport

Publicly available

(5) The Minister shall, within 30 days after receipt of the report, make it publicly available in the manner and on the terms he or she considers appropriate.

(5) Le ministre rend le rapport accessible au public dans les 30 jours de sa réception, de la façon et aux conditions qu'il estime indiquées.

Publication

PART 3
PRODUCTION ARRANGEMENTS

Interpretation

Definitions

66. In this Part,

"pooled spacing unit" means the area that is subject to a pooling agreement or a pooling order; (*unité d'espacement mise en commun*)

"pooled tract" means the portion of a pooled spacing unit defined as a tract in a pooling agreement or a pooling order; (*parcelle mise en commun*)

"pooling agreement" means an agreement to pool the interests of owners in a spacing unit and to provide for the operation or the drilling and operation of a well thereon; (*accord de mise en commun*)

"pooling order" means an order made under section 68 or as altered under to section 72; *arrêté de mise en commun*)

"royalty interest" means any interest in, or the right to receive a portion of, any oil or gas produced and saved from a field or pool or part of a field or pool or the proceeds from the sale thereof, but does not include a working interest or the interest of any person whose sole interest is as a purchaser of oil or gas from the pool or part thereof; (*droit à redevance*)

"royalty owner" means a person, including the Commissioner, who owns a royalty interest; (*titulaire de redevance*)

PARTIE 3
ACCORDS DE PRODUCTION

Définitions

Définitions

66. Les définitions qui suivent s'appliquent à la présente partie.

«accord de mise en commun» Accord visant à mettre en commun les titres sur une unité d'espacement et portant sur l'exploitation ou sur le forage et l'exploitation d'un puits dans cette unité. (*pooling agreement*)

«accord d'exploitation unitaire» Accord portant sur la gestion et l'exploitation d'un secteur unitaire et d'un terrain et conclu par les détenteurs qui sont parties à un accord d'union visant ce secteur et ce terrain. Y est assimilé un accord d'exploitation unitaire modifié par un arrêté d'union. (*unit operating agreement*)

«accord d'union» Accord visant à unir les titres sur tout ou partie d'un gisement dont la superficie est supérieure à une unité d'espacement. Y est assimilé un accord d'union modifié par un arrêté d'union. (*unit agreement*)

«arrêté de mise en commun» Mesure prise sous le régime de l'article 68 ou modifiée en conformité avec l'article 72. (*pooling order*)

«arrêté d'union» Mesure prise sous le régime de l'article 78 ou délivrée en vertu de l'article 96. (*unitization order*)

«détenteur» Personne qui détient un intérêt économique direct. (*working interest owner*)

"spacing unit" means the area allocated to a well for the purpose of drilling for or producing oil or gas; (*unité d'espacement*)

"tract participation" means the share of production from a unitized zone that is allocated to a unit tract under a unit agreement or unitization order or the share of production from a pooled spacing unit that is allocated to a pooled tract under a pooling agreement or pooling order; (*fraction parcellaire*)

"unit agreement" means an agreement to unitize the interests of owners in a pool or a part of a pool exceeding in area a spacing unit, and includes this type of agreement as varied by a unitization order; (*accord d'union*)

"unit area" means the area that is subject to a unit agreement; (*secteur unitaire*)

"unit operating agreement" means an agreement providing for the management and operation of a unit area and a unitized zone that is entered into by working interest owners who are parties to a unit agreement with respect to that unit area and unitized zone, and includes a unit operating agreement as varied by a unitization order; *accord d'exploitation unitaire*)

"unit operation" means those operations conducted in accordance with a unit agreement or a unitization order; (*exploitation unitaire*)

"unit operator" means a person designated as a unit operator under a unit operating agreement; (*exploitant unitaire*)

"unit tract" means the portion of a unit area that is defined as a tract in a unit agreement; (*parcelle unitaire*)

"unitization order" means an order made under section 78 or issued under section 96; (*arrêté d'union*)

"unitized zone" means a geological formation that is within a unit area and subject to a unit agreement; (*terrain*)

"working interest" means a right, in whole or in part, to produce and dispose of oil or gas from a pool or part of a pool, whether that right is held as an incident of ownership of an estate in fee simple in the oil or gas or under a lease, agreement or other instrument, if the right is chargeable with and the holder is obligated to

«droit à redevance» Droit sur du pétrole ou du gaz produit et récupéré de tout ou partie d'un champ ou d'un gisement, sur le produit de leur vente ou le droit d'en recevoir une fraction, à l'exclusion de l'intérêt économique direct et du droit d'une personne qui n'est partie prenante que comme acheteur de ce pétrole ou gaz. (*royalty interest*)

«exploitant unitaire» Personne désignée à ce titre en vertu d'un accord d'exploitation unitaire. (*unit operator*)

«exploitation unitaire» Ensemble des opérations effectuées en conformité avec un accord ou arrêté d'union. (*unit operation*)

«fraction parcellaire» Part de production d'un terrain qui est attribuée à une parcelle unitaire en vertu d'un accord ou arrêté d'union ou part de production d'une unité d'espacement mise en commun qui est attribuée à une parcelle mise en commun en vertu d'un accord ou arrêté de mise en commun. (*tract participation*)

«intérêt économique direct» Droit total ou partiel de produire et d'aliéner le pétrole ou le gaz de tout ou partie d'un gisement, que ce droit soit l'accessoire du droit de propriété foncière en fief simple sur ces substances ou qu'il découle d'une concession, d'un accord ou d'un autre acte, si tout ou partie des frais liés au forage du gisement et à la récupération et à l'aliénation du pétrole ou du gaz grèvent ce droit et si son titulaire est obligé de les acquitter ou de les supporter, soit en espèces, soit en nature sur la production. (*working interest*)

«parcelle mise en commun» Partie d'une unité d'espacement mise en commun définie comme parcelle dans un accord ou arrêté de mise en commun. (*pooled tract*)

«parcelle unitaire» Partie d'un secteur unitaire qui est définie comme parcelle dans un accord d'union. (*unit tract*)

«secteur unitaire» Secteur assujetti à un accord d'union. (*unit area*)

«terrain» Formation géologique située dans un secteur unitaire et assujettie à un accord d'union. (*unitized zone*)

pay or bear, either in cash or out of production, all or a portion of the costs in connection with the drilling for, recovery and disposal of oil or gas from the pool or part thereof; (*intérêt économique direct*)

"working interest owner" means a person who owns a working interest. (*détenteur*)

«titulaire de redevance» Personne possédant un droit à redevance et, notamment, le commissaire. (*royalty owner*)

«unité d'espacement» Secteur attribué pour un puits aux fins de forage ou de production de pétrole ou de gaz. (*spacing unit*)

«unité d'espacement mise en commun» Secteur assujetti à un accord ou arrêté de mise en commun. (*pooled spacing unit*)

Pooling

Mise en commun

Voluntary pooling

67. (1) If one or more working interest owners have leases or separately owned working interests within a spacing unit, the working interest owners and the royalty owners who own all of the interests in the spacing unit may, subject to subsection (2), pool their working interests and royalty interests in the spacing unit for the purpose of drilling for or producing, or both drilling for and producing, oil and gas.

Mise en commun volontaire

67. (1) Le ou les détenteurs qui ont des concessions ou qui possèdent des intérêts économiques directs distincts dans une unité d'espacement ainsi que les titulaires de redevance possédant la totalité des intérêts dans cette unité peuvent, sous réserve du paragraphe (2), mettre en commun leurs intérêts économiques directs et leurs droits à redevance dans l'unité soit afin d'effectuer des forages ou de produire du pétrole et du gaz, soit à la fois à ces deux fins.

Filing

(2) An agreement to pool working interests and royalty interests is only effective if a copy of the pooling agreement, and any amendment to it, is filed with the Chief Conservation Officer.

Dépôt

(2) L'accord visant à mettre en commun les intérêts économiques directs et les droits à redevance n'est valable que si un double de l'accord de mise en commun et de toute modification de celui-ci est déposé auprès du délégué à l'exploitation.

Pooling agreement by the Commissioner

(3) The Minister may, on behalf of the Commissioner, enter into a pooling agreement on any terms and conditions that the Minister considers advisable and, notwithstanding anything in this Act, the *Northwest Territories Lands Act*, the *Petroleum Resources Act* or any regulations made under those Acts, the pooling agreement is binding on the Commissioner.

Le commissaire partie à un accord de mise en commun

(3) Le ministre peut, pour le compte du commmissaire, conclure un accord de mise en commun aux conditions qu'il estime indiquées et, malgré les autres dispositions de la présente loi, la *Loi sur les terres des Territoires du Nord-Ouest*, la *Loi sur les hydrocarbures* ou leurs règlements, l'accord lie le commissaire.

Application for pooling order

68. (1) In the absence of a pooling agreement, a working interest owner in a spacing unit may apply to the Minister for a pooling order directing the working interest owners and royalty owners within the spacing unit to pool their interests in the spacing unit for the purpose of drilling for or producing oil or gas or both from the spacing unit.

Demande d'arrêté de mise en commun

68. (1) En l'absence d'accord de mise en commun, un détenteur peut demander au ministre un arrêté portant que les autres détenteurs et les titulaires de redevance de l'unité d'espacement mettent en commun leurs intérêts dans l'unité d'espacement soit afin d'effectuer des forages ou de produire du pétrole et du gaz, soit à la fois à ces deux fins.

Hearing by Committee

(2) On receiving an application, the Minister shall refer it to the Committee for the purpose of holding a hearing to determine whether a pooling order should be made, and at that hearing all interested parties shall be given an opportunity to be heard.

Audition par le Comité

(2) Dès réception de la demande, le ministre la renvoie au Comité pour la tenue d'une audience visant à décider de l'à-propos de prendre un arrêté de mise en commun et à l'occasion de laquelle tous les intéressés auront la possibilité de présenter leurs observations.

Matters to be supplied to Committee

(3) Before the hearing, the working interest owner making the application shall provide a proposed form of pooling agreement to the Committee and any other interested party the Committee may direct, and the working interest owners who have interests in the spacing unit to which the proposed pooling agreement relates shall provide the Committee with any information the Committee considers necessary.

Remise au Comité

(3) Avant l'audience, le détenteur qui fait la demande fournit un projet d'accord de mise en commun au Comité et aux autres intéressés que peut désigner celui-ci; les autres détenteurs qui ont des intérêts dans l'unité d'espacement visée par le projet fournissent au Comité les renseignements que celui-ci estime nécessaires.

Order of Committee

(4) After the hearing, the Committee may order that all working interest owners and royalty owners who have an interest in the spacing unit be deemed to have entered into a pooling agreement as set out in the pooling order.

Renseignements à fournir

(4) Après l'audience, le Comité peut ordonner, par arrêté, que tous les titulaires de redevance et détenteurs qui ont un intérêt dans l'unité d'espacement soient réputés avoir conclu un accord de mise en commun selon les modalités de l'arrêté de mise en commun.

Contents of pooling order

69. Every pooling order must provide

(a) for the drilling and operation of a well on the spacing unit or, where a well that is capable of or that can be made capable of production has been drilled on the spacing unit before the making of the pooling order, for the future production and operation of that well;

(b) for the appointment of a working interest owner as operator to be responsible for the drilling, operation or abandoning of the well whether drilled before or after the making of the pooling order;

(c) for the allocation to each pooled tract of its share of the production of the oil or gas from the pooled spacing unit that is not required, consumed or lost in the operation of the well,

(i) which allocation must be on a prorated area basis, or

(ii) in the case where it is shown to the satisfaction of the Committee that a prorated area basis is unfair, the Committee may make an allocation on another, more equitable basis;

(d) in the case where no production of oil or gas is obtained, for the payment by the applicant of all costs incurred in the drilling and abandoning of the well;

(e) in the case where production has been obtained, for the payment of the actual costs of drilling the well, whether drilled before or after the making of the pooling order, and for the payment of the actual costs of the completion, operation and abandoning of the well; and

(f) for the sale by the operator of any oil or

Contenu obligatoire de l'arrêté

69. Doivent être prévus dans l'arrêté de mise en commun :

a) le forage et l'exploitation d'un puits dans l'unité d'espacement ou, lorsqu'un puits qui peut produire ou que l'on peut faire produire y a été foré avant la prise de l'arrêté, la mise en production et l'exploitation de ce puits;

b) la désignation d'un détenteur comme exploitant responsable du forage, de l'exploitation ou de l'abandon du puits, que ce dernier ait été foré avant ou après la prise de l'arrêté;

c) l'attribution à chaque parcelle mise en commun de sa part de la production du pétrole ou du gaz de l'unité d'espacement mise en commun qui n'est pas requise, consommée ou perdue dans l'exploitation du puits, cette attribution devant être calculée en fonction de la superficie ou, s'il peut être prouvé au Comité que ce mode de calcul n'est pas équitable, selon le mode plus équitable auquel peut recourir le Comité;

d) à défaut de production, le paiement par le demandeur de tous les frais exposés pour le forage et l'abandon du puits;

e) en cas de production, le paiement des frais réels de forage du puits, qu'il ait été foré avant ou après la prise de l'arrêté, ainsi que des frais réels d'achèvement, d'exploitation et d'abandon;

f) la vente par l'exploitant à un détenteur de tout pétrole ou gaz attribué en vertu de l'alinéa c) s'il ne prend pas en nature ni n'aliène la production, ainsi que la déduction par l'exploitant, sur le produit

gas allocated under paragraph (c) to a working interest owner if that working interest owner fails to take in kind and dispose of the production, and for the deduction out of the proceeds by the operator of his or her expenses reasonably incurred in connection with the sale.

de la vente, des dépenses entraînées pour lui par cette vente.

Providing for penalty

70. (1) A pooling order may provide for a penalty for a working interest owner who does not, within the time specified in the order, pay the portion of the costs attributable to him or her as his or her share of the cost of drilling and completion of the well, but the penalty may not exceed an amount equal to one-half of that working interest owner's share of those costs.

70. (1) L'arrêté de mise en commun peut prévoir une peine pécuniaire pour le détenteur qui ne paie pas, dans le délai fixé, sa part des frais de forage et d'achèvement du puits; la peine ne peut toutefois excéder la moitié de sa part des frais.

Peine pécuniaire

Recovery of costs and penalty

(2) If a working interest owner does not, within the time specified in the pooling order, pay his or her share of the costs of the drilling, completing, operating and abandoning of the well, his or her portion of the costs and the penalty, if any, are recoverable only out of his or her share of production from the spacing unit and not in any other manner.

(2) Si le détenteur ne paie pas, dans le délai fixé, sa part des frais de forage, d'achèvement, d'exploitation et d'abandon du puits, cette part et la peine pécuniaire, le cas échéant, ne sont recouvrables que sur sa part de production de l'unité d'espacement.

Recouvrement

Effect of pooling order

71. On the making of a pooling order, all working interest owners and royalty owners having interests in the pooled spacing unit are deemed to have entered into a pooling agreement as set out in the pooling order, and the order is deemed to be a valid contract between the parties having interests in the pooled spacing unit, and all its terms and provisions, as set out therein or as altered under section 72, are binding on and enforceable against the parties, including the Commissioner and the Government of the Northwest Territories.

71. Dès la prise de l'arrêté de mise en commun, les titulaires de redevance et les détenteurs qui ont des intérêts dans l'unité d'espacement mise en commun sont réputés avoir conclu un accord de mise en commun selon les modalités de l'arrêté, lequel est assimilé à un contrat valide entre les parties ayant des intérêts dans l'unité, et toutes ses conditions, originelles ou modifiées sous le régime de l'article 72, lient les parties, y compris le commissaire et le gouvernement des Territoires du Nord-Ouest, et leur sont opposables.

Effet de l'arrêté

Application to alter pooling order

72. (1) The Committee

(a) shall hear an application to vary, amend or revoke a pooling order in the case of an application made by the owners of over 25 per cent of the working interests in the pooled spacing unit, calculated on a prorated area basis; and

(b) may, in its discretion, hear an application to vary, amend or revoke a pooling order in the case of an application made by a working interest owner or royalty owner.

72. (1) Le Comité :

a) se saisit de toute demande visant à modifier ou à annuler l'arrêté de mise en commun faite par les détenteurs ayant plus de 25 pour cent des intérêts économiques directs dans l'unité d'espacement mise en commun, calculés en fonction de la superficie;

b) peut, à son appréciation, se saisir de toute demande de modification ou d'annulation d'un arrêté de mise en commun faite par tout détenteur ou tout titulaire de redevance.

Demande de modification de l'arrêté

Alteration of pooling order

(2) After a hearing held under subsection (1), the Committee may, subject to subsection (3),

(a) vary or amend the pooling order to correct any deficiency or to meet changing conditions;

(b) vary, amend or revoke any provision that the Committee considers unfair or inequitable; or

(c) revoke the pooling order.

Modification de l'arrêté

(2) Après l'audience tenue en vertu du paragraphe (1), le Comité peut, sous réserve du paragraphe (3) :

a) modifier l'arrêté de mise en commun pour corriger ses défauts ou l'adapter à l'évolution de la situation;

b) en modifier ou annuler toute disposition qu'il estime injuste ou inéquitable;

c) l'annuler complètement.

Tract participation ratios protected

(3) In varying or amending a pooling order, no change may be made that will alter the ratios of tract participations between the pooled tracts as originally set out in the pooling order.

Intangibilité des fractions parcellaires

(3) La proportion de fractions parcellaires entre les parcelles mises en commun fixée à l'origine par l'arrêté de mise en commun ne peut être changée par la modification de celui-ci.

Prohibition

73. (1) No person shall produce any oil or gas within a spacing unit in which there are two or more leases or two or more separately owned working interests unless a pooling agreement has been entered into in accordance with section 67 or in accordance with a pooling order made under section 68.

Interdiction

73. (1) Nul ne peut produire de pétrole ou de gaz dans une unité d'espacement où il y a plusieurs concessions ou plusieurs intérêts économiques directs distincts sans qu'un accord de mise en commun ait été conclu conformément à l'article 67 ou à un arrêté de mise en commun pris sous le régime de l'article 68.

Exception

(2) Subsection (1) does not prohibit the production of oil or gas for testing in any quantities approved by the Chief Conservation Officer.

Exception

(2) Le paragraphe (1) n'a pas pour effet d'interdire la production de pétrole ou de gaz à des fins d'essais en des quantités approuvées par le délégué à l'exploitation.

Unitization

Union

Unit operation

74. (1) Any one or more working interest owners in a pool or part of a pool exceeding in area a spacing unit, together with the royalty owners, may enter into a unit agreement and operate their interests in accordance with the terms of the unit agreement and any amendments if a copy of the agreement and any amendment has been filed with the Chief Conservation Officer.

Exploitation unitaire

74. (1) Le ou les détenteurs ayant un intérêt économique direct dans tout ou partie d'un gisement dépassant la superficie d'une unité d'espacement, ainsi que les titulaires de redevance, peuvent conclure un accord d'union et exploiter leurs intérêts en conformité avec les stipulations, originelles ou modifiées, de l'accord, si un double de celui-ci et de ses modifications a été déposé auprès du délégué à l'exploitation.

Minister may enter into unit agreement

(2) The Minister may enter into a unit agreement binding on the Commissioner, on any terms and conditions that the Minister considers advisable, and any of the regulations under this Act, the *Northwest Territories Lands Act* or the *Petroleum Resources Act* that may be in conflict with the terms and conditions of the unit agreement stand varied or suspended to the extent necessary to give full effect to the terms and conditions of the unit agreement.

Conclusion d'un accord d'union par le ministre

(2) Le ministre peut conclure un accord d'union liant le commissaire, aux conditions qu'il estime indiquées. Les règlements d'application de la présente loi, de la *Loi sur les terres des Territoires du Nord-Ouest* ou de la *Loi sur les hydrocarbures* incompatibles avec les conditions de l'accord d'union sont par le fait même modifiés ou suspendus dans la mesure où l'exige l'application des stipulations de l'accord.

Unit operator's relationship to parties

(3) If a unit agreement provides that a unit operator is the agent of the parties with respect to their powers and responsibilities under this Act, the performance or non-performance of those powers and responsibilities by the unit operator shall be attributed to the parties.

Lien de l'exploitant unitaire avec les parties

(3) Si un accord d'union prévoit qu'un exploitant unitaire est le mandataire des parties en ce qui a trait aux attributions qui leur sont conférées sous le régime de la présente loi, l'exercice ou le défaut d'exercice de ces attributions par l'exploitant unitaire est attribué aux parties.

Requiring unitization to prevent waste

75. (1) Notwithstanding anything in this Act, the Chief Conservation Officer may, if he or she is of the opinion that the unit operation of a pool or part of a pool would prevent waste, apply to the Committee for an order requiring the working interest owners in the pool or part thereof to enter into a unit agreement and a unit operating agreement in respect of the pool or part thereof, as the case may be.

Prévention du gaspillage

75. (1) Malgré les autres dispositions de la présente loi, le délégué à l'exploitation peut, s'il estime que l'exploitation unitaire de tout ou partie d'un gisement préviendrait le gaspillage, demander au Comité d'ordonner, par arrêté, que les détenteurs en cause concluent un accord d'union et un accord d'exploitation unitaire.

Hearing

(2) On receiving an application, the Committee shall hold a hearing at which all interested persons shall be given an opportunity to be heard.

Audience

(2) Dès réception de la demande, le Comité tient une audience à l'occasion de laquelle tous les intéressés se voient accorder la possibilité de présenter leurs observations.

Order

(3) After the hearing, the Committee may, if it is of the opinion that the unit operation of a pool or part of a pool would prevent waste, order the working interest owners in the pool or part thereof to enter into a unit agreement and a unit operating agreement in respect of the pool or part thereof.

Arrêté

(3) Si, après l'audience, il estime que l'exploitation unitaire de tout ou partie d'un gisement préviendrait le gaspillage, le Comité peut, par arrêté, ordonner que les détenteurs en cause concluent un accord d'union et un accord d'exploitation unitaire.

Cessation of operations

(4) If the working interest owners and royalty owners fail, within the time specified in the order referred to in subsection (3), in any case being not less than six months after the date of the making of the order, to enter into a unit agreement and a unit operating agreement approved by the Committee, all drilling and producing operations within the pool or part thereof in respect of which the order was made shall cease until a unit agreement and a unit operating agreement are approved by the Committee and filed with the Chief Conservation Officer.

Cessation des opérations

(4) Si, dans un délai minimum de six mois suivant la prise de l'arrêté visé au paragraphe (3), les détenteurs et les titulaires de redevance n'ont pas conclu d'accord d'union ni d'accord d'exploitation unitaire approuvés par le Comité, toute opération de forage et de production du gisement ou de la partie du gisement visés cesse jusqu'à l'approbation de tels accords par le Comité et leur dépôt auprès du délégué à l'exploitation.

Permit to continue operations

(5) Notwithstanding subsection (4), the Committee may permit the continued operation of the pool or part thereof after the time specified in the order referred to in subsection (3) if the Committee is of the opinion that a unit agreement and unit operating agreement are in the course of being entered into, and the continuation of operations shall be subject to any conditions specified by the Committee.

Poursuite des opérations

(5) Malgré le paragraphe (4), le Comité peut, aux conditions qu'il fixe, permettre la poursuite de l'exploitation du gisement ou de la partie du gisement après le délai imparti dans l'arrêté prévu au paragraphe (3), s'il estime qu'un accord d'union et un accord d'exploitation unitaire sont sur le point d'être conclus.

Compulsory Unitization

Union obligatoire

Who may apply for unitization order

76. (1) One or more working interest owners who are parties to a unit agreement and a unit operating agreement and own in the aggregate 65 per cent or more of the working interests in a unit area may apply to the Minister for a unitization order with respect to the agreements.

Arrêté d'union

76. (1) Le ou les détenteurs parties à un accord d'union et à un accord d'exploitation unitaire qui possèdent en tout 65 pour cent au moins des intérêts économiques directs dans un secteur unitaire peuvent demander au ministre un arrêté d'union relatif aux accords.

Application for unitization order

(2) On receiving an application, the Minister shall refer it to the Committee for the purpose of holding a hearing in accordance with section 78.

Présentation

(2) Dès réception de la demande, le ministre la renvoie au Comité pour la tenue d'audiences conformément à l'article 78.

Application by proposed unit operator

(3) An application under subsection (1) may be made by the unit operator or proposed unit operator on behalf of the working interest owners referred to in that subsection.

Demande présentée par l'exploitant unitaire

(3) La demande prévue au paragraphe (1) peut être présentée, pour le compte des détenteurs visés au même paragraphe, par l'exploitant unitaire ou par la personne proposée comme tel.

Contents of unitization application

77. (1) An application for a unitization order must contain

(a) a plan showing the unit area that the applicant desires to be made subject to the order;

(b) one copy each of the unit agreement and the unit operating agreement;

(c) a statement of the nature of the operations to be carried out; and

(d) a statement showing

(i) with respect to each proposed unit tract, the names and addresses of the working interest owners and royalty owners in that tract, and

(ii) the tracts that are entitled to be qualified as unit tracts under the provisions of the unit agreement.

Contenu obligatoire de la demande

77. (1) La demande d'arrêté d'union doit comporter les éléments suivants :

a) un plan du secteur unitaire visé;

b) un double des accords d'union et d'exploitation unitaire;

c) un état indiquant la nature des opérations à exécuter;

d) un état indiquant, d'une part, les noms et adresses des détenteurs et titulaires de redevance pour chaque parcelle unitaire visée et, d'autre part, les parcelles qui remplissent les conditions prévues par l'accord d'union pour devenir des parcelles unitaires.

Details required of unit agreement

(2) The unit agreement referred to in subsection (1) must include

(a) a description of the unit area and the unit tracts included in the agreement;

(b) an allocation to each unit tract of a share of the production from the unitized zone not required, consumed or lost in the unit operation;

(c) a provision specifying the manner in which and the circumstances under which the unit operation shall terminate; and

(d) a provision specifying that the share of the production from a unit area that has been allocated to a unit tract is deemed to have been produced from that unit tract.

Accord d'union : détails obligatoires

(2) L'accord d'union visé au paragraphe (1) doit comporter les éléments suivants :

a) une description du secteur unitaire et des parcelles unitaires objet de l'accord;

b) une disposition portant attribution à chaque parcelle unitaire d'une part de la production du terrain qui n'est pas requise, consommée ou perdue dans l'exploitation unitaire;

c) une disposition précisant de quelle manière et dans quelles circonstances l'exploitation unitaire prend fin;

d) une disposition spécifiant que la part de la production d'un secteur unitaire attribuée à une parcelle unitaire est censée avoir été produite à partir de celle-ci.

Details required of unit operating agreement

(3) The unit operating agreement referred to in subsection (1) must include provisions for

(a) the contribution or transfer to the unit, and any adjustment among the working interest owners, of the investment in wells and equipment within the unit area;

(b) the charging of the costs and expenses of the unit operation to the working interest owners;

(c) the supervision of the unit operation by the working interest owners through an operating committee composed of their

Accord d'exploitation unitaire : détails obligatoires

(3) L'accord d'exploitation unitaire mentionné au paragraphe (1) doit comporter des dispositions prévoyant, à la fois :

a) l'apport ou le transfert à l'unité de l'investissement, sous forme de puits et de matériel sur le secteur unitaire, ainsi que toute compensation à cet égard, à opérer entre détenteurs;

b) l'imputation des frais de l'exploitation unitaire aux détenteurs;

c) la surveillance de l'exploitation unitaire par les détenteurs par l'intermédiaire

duly authorized representatives and for the appointment of a unit operator to be responsible, under the direction and supervision of the operating committee, for the carrying out of the unit operation;

(d) the determination of the percentage value of the vote of each working interest owner; and

(e) the determination of the method of voting on any motion before the operating committee and the percentage value of the vote required to carry the motion.

d'un comité d'exploitation composé de leurs représentants dûment mandatés, ainsi que la nomination d'un exploitant unitaire chargé de l'exploitation unitaire sous l'autorité de ce comité;

d) la détermination de la valeur en pourcentage du suffrage de chaque détenteur;

e) la détermination du scrutin sur toute proposition soumise au comité d'exploitation ainsi que le pourcentage des suffrages requis pour l'adoption de la proposition.

Hearing

78. (1) Once an application made under section 76 is referred by the Minister, the Committee shall hold a hearing at which all interested persons shall be given an opportunity to be heard.

Audience

78. (1) Une fois saisi d'une demande faite en vertu de l'article 76 qui lui est renvoyée par le ministre, le Comité tient une audience à l'occasion de laquelle tous les intéressés se voient accorder la possibilité de présenter leurs observations.

Unitization order

(2) If the Committee finds that

(a) at the date of the commencement of a hearing referred to in subsection (1)

(i) the unit agreement and the unit operating agreement have been executed by one or more working interest owners who own in the aggregate 65 per cent or more of the total working interests in the unit area, and

(ii) the unit agreement has been executed by one or more royalty owners who own in the aggregate 65 per cent or more of the total royalty interests in the unit area, and

(b) the unitization order applied for would accomplish the more efficient or more economical production of oil or gas or both from the unitized zone,

the Committee may order

(c) that the unit agreement be a valid contract enuring to the benefit of all the royalty owners and working interest owners in the unit area and binding on and enforceable against all the owners, and

(d) that the unit operating agreement be a valid contract enuring to the benefit of all the working interest owners in the unit area and binding on and enforceable against all the owners,

and, subject to section 79, the unit agreement and the unit operating agreement shall have the effect given to them by the order of the Committee.

Arrêté d'union

(2) S'il constate, d'une part, qu'au début de l'audience visé au paragraphe (1) l'accord d'union et l'accord d'exploitation unitaire ont été signés par un ou plusieurs détenteurs qui possèdent en tout 65 pour cent au moins de l'ensemble des intérêts économiques directs dans le secteur unitaire, et que l'accord d'union a été signé par un ou plusieurs titulaires de redevance qui possèdent en tout 65 pour cent au moins de l'ensemble des droits de redevance sur cette unité, et, d'autre part, que l'arrêté d'union tendrait à rendre plus efficace ou plus rentable la production du pétrole ou du gaz, ou des deux, du terrain, le Comité peut, par arrêté, ordonner que l'accord d'union soit un contrat valide profitant à tous les titulaires de redevance et détenteurs ayant des intérêts économiques directs dans le secteur et qu'il les lie et leur soit opposable, et que l'accord d'exploitation unitaire soit un contrat valide profitant à tous les détenteurs ayant des intérêts économiques directs dans le secteur unitaire et qu'il les lie et leur soit opposable. De plus, sous réserve de l'article 79, les accords d'union et d'exploitation unitaire produisent l'effet que leur donne l'arrêté.

Variation by unitization order

(3) In a unitization order, the Committee may vary the unit agreement or the unit operating agreement by adding or deleting a provision or amending any provision.

Modification par arrêté d'union

(3) Dans l'arrêté d'union, le Comité peut modifier l'accord d'union ou l'accord d'exploitation unitaire, soit en y ajoutant une disposition, soit en y changeant ou supprimant toute disposition.

Effective date of unitization order

79. (1) Subject to subsection (2), a unitization order becomes effective on the day that the Committee fixes in the order, but in any case that day may not be less than 30 days after the day on which the order is made.

Date de prise d'effet

79. (1) Sous réserve du paragraphe (2), l'arrêté d'union prend effet à la date que le Comité fixe, mais au moins 30 jours après celle de l'arrêté.

Effective date when unit agreement or unit operating agreement varied

(2) If a unit agreement or unit operating agreement is varied by the Committee in a unitization order, the effective date fixed in the order must be a date not less than 30 days following the day the order is made, but the order becomes ineffective if, before the effective date, the applicant files with the Committee a notice withdrawing the application on behalf of the working interest owners or there are filed with the Committee statements in writing objecting to the order and signed

(a) in the case of the unit agreement, by

(i) one or more working interest owners who own in the aggregate more than 25 per cent of the total working interests in the area and were included within the group owning 65 per cent or more of the total working interests as described in subparagraph 78(2)(a)(i), and

(ii) one or more royalty owners who own in the aggregate more than 25 per cent of the total royalty interests in the unit area and were included within the group owning 65 per cent or more of the total royalty interests as described in subparagraph 78(2)(a)(ii); or

(b) in the case of the unit operating agreement, by one or more working interest owners who own in the aggregate more than 25 per cent of the total working interests in the unit area and were included within the group owning 65 per cent or more of the total working interests as described in subparagraph 78(2)(a)(i).

Prise d'effet en cas de modification d'un accord

(2) Si le Comité modifie dans son arrêté un accord d'union ou d'exploitation unitaire, la date de prise d'effet doit suivre d'au moins 30 jours celle de l'arrêté; cependant, l'arrêté devient inopérant si, avant la date de prise d'effet, le demandeur dépose auprès du Comité un avis de retrait de sa demande pour le compte des détenteurs ou si sont déposées des déclarations portant opposition à l'arrêté et signées :

a) dans le cas de l'accord d'union, à la fois par :

(i) un ou plusieurs détenteurs qui possèdent en tout plus de 25 pour cent de l'ensemble des intérêts économiques directs dans le secteur et font partie du groupe qui possède 65 pour cent au moins de l'ensemble des intérêts économiques directs visés au sous-alinéa 78(2)a)(i),

(ii) un ou plusieurs titulaires de redevance qui possèdent en tout plus de 25 pour cent de l'ensemble des droits à redevance sur le secteur et font partie du groupe qui possède 65 pour cent au moins de l'ensemble des droits à redevance visés au sous-alinéa 78(2)a)(ii);

b) dans le cas de l'accord d'exploitation unitaire, par un ou plusieurs détenteurs qui possèdent en tout plus de 25 pour cent de l'ensemble des intérêts économiques directs dans le secteur et font partie du groupe qui possède 65 pour cent au moins de l'ensemble des intérêts économiques directs visés au sous-alinéa 78(2)a)(i).

Revocation of unitization order

(3) The Committee shall without delay revoke a unitization order that becomes ineffective under subsection (2).

Annulation de l'arrêté d'union

(3) Le Comité annule immédiatement l'arrêté d'union devenu inopérant sous le régime du paragraphe (2).

Technical defects in unitization order

80. A unitization order is not invalid by reason only of the absence of notice or of any irregularities in giving notice to any owner in respect of the application for the order or any proceedings leading to the making of the order.

Vices de forme

80. L'arrêté d'union n'est pas invalide du seul fait d'irrégularités dans la communication, à un propriétaire, d'un avis relatif dans la demande d'arrêté ou dans toute procédure préalable à la prise de l'arrêté, ou du seul fait de l'absence d'avis à cet égard.

Amending unitization order

81. (1) A unitization order may be amended on the application of a working interest owner, but before amending a unitization order the Committee shall hold a hearing at which all interested parties shall be given an opportunity to be heard.

Modification de l'arrêté d'union

81. (1) L'arrêté d'union peut être modifié à la demande d'un détenteur mais, avant de le modifier, le Comité tient une audience à l'occasion de laquelle les intéressés se voient accorder la possibilité de présenter leurs observations.

Voluntary proposal for amendment by owners

(2) If the Committee finds that, at the date of the commencement of a hearing of an application for the amendment of a unitization order, one or more working interest owners who own, in the aggregate, 65 per cent or more of the total working interests and one or more royalty interest owners who own, in the aggregate, 65 per cent or more of the total royalty interests in the unit area have consented to the proposed amendment, the Committee may amend the unitization order in accordance with the amendment proposed.

Proposition volontaire de modification

(2) S'il constate qu'au début de l'audience d'une demande de modification de l'arrêté d'union un ou plusieurs détenteurs qui possèdent en tout 65 pour cent au moins de l'ensemble des intérêts économiques directs et un ou plusieurs titulaires de redevance qui possèdent en tout 65 pour cent au moins de l'ensemble des droits à redevance sur le secteur unitaire ont consenti à la modification, le Comité peut modifier l'arrêté d'union en conséquence.

Protection of tract participation ratios

82. No amendment may be made under section 81 that will alter the ratios between the tract participations of those tracts that were qualified for inclusion in the unit area before the commencement of the hearing, and, for the purposes of this section, the tract participations shall be those indicated in the unit agreement when it became subject to a unitization order.

Intangibilité des fractions parcellaires

82. Les modifications visées à l'article 81 ne peuvent avoir pour effet de changer la proportion de fractions parcellaires des parcelles qui remplissaient les conditions voulues pour être incluses dans le secteur unitaire avant le début de l'audience; pour l'application du présent article, les fractions parcellaires sont celles indiquées par l'accord d'union objet d'un arrêté d'union.

Production prohibited except in accord with unitization order

83. No person shall, after the date on which a unitization order comes into effect and while the order remains in force, carry on any operations within the unit area for the purpose of drilling for or producing oil or gas from the unitized zone, except in accordance with the provisions of the unit agreement and the unit operating agreement.

Production subordonnée à l'arrêté d'union

83. Nul ne peut, après la prise d'effet d'un arrêté d'union et pendant la durée de sa validité, effectuer d'opérations dans le secteur unitaire, pour faire des forages dans le terrain ou en extraire du pétrole ou du gaz, sans se conformer aux stipulations de l'accord d'union et de l'accord d'exploitation unitaire.

How percentages of interests to be determined

84. (1) The percentages of interests referred to in subsections 76(1), 78(2), 79(2) and 81(2) shall be determined

(a) with respect to royalty interests, on a prorated area basis; and

(b) with respect to working interests, on the basis of tract participations shown in the unit agreement.

Établissement des pourcentages

84. (1) Les pourcentages des intérêts et droits mentionnés aux paragraphes 76(1), 78(2), 79(2) et 81(2) sont déterminés :

a) dans le cas des droits de redevance, en fonction de la superficie;

b) dans le cas des intérêts économiques directs, en fonction des fractions parcellaires indiquées à l'accord d'union.

Owner deemed to be royalty owner on a prorated area basis

(2) The owner of a working interest in a unit tract that is held as an incident of the ownership of a fee simple estate in oil or gas is, for the purposes of subsection (1), deemed to be a royalty owner in respect of the tract on a prorated area basis under paragraph (1)(a).

Présomption à l'égard du propriétaire d'un intérêt économique direct

(2) Le propriétaire titulaire d'un intérêt économique direct afférent à une parcelle unitaire qui est détenu à titre d'accessoire du droit de propriété foncière en fief simple sur du pétrole ou du gaz est, pour l'application du paragraphe (1), réputé être le titulaire de redevance sur la parcelle calculé en fonction de la superficie en vertu de l'alinéa (1)a).

General

Dispositions générales

Pooled spacing unit included in unit area

85. (1) A pooled spacing unit that has been pooled in accordance with a pooling order and on which a well has been drilled may be included in a unit area as a single unit tract and the Committee may make any amendments to the pooling order as it considers necessary to remove any conflict between the provisions of the pooling order and the provisions of the unit agreement, or the unit operating agreement or the unitization order, if any.

Inclusion dans le secteur unitaire d'une unité d'espacement mise en commun

85. (1) Une unité d'espacement mise en commun conformément à un arrêté à cet effet et sur laquelle un puits a été foré peut être incluse dans un secteur unitaire à titre de parcelle unitaire unique. Le Comité peut modifier l'arrêté de mise en commun pour éliminer toute incompatibilité entre celui-ci et les accords d'union ou d'exploitation unitaire ou l'arrêté d'union.

Effect of including pooled spacing unit in unit area

(2) If a pooled spacing unit is included in a unit area under subsection (1), the provisions of the unit agreement, the unit operating agreement and the unitization order, if any, prevail over the provisions of the pooling order in the event of a conflict.

Effet de l'inclusion

(2) Si une unité d'espacement mise en commun est incluse dans un secteur unitaire en vertu du paragraphe (1), les dispositions des accords d'union et d'exploitation unitaire et de l'arrêté d'union l'emportent sur les dispositions incompatibles de l'arrêté de mise en commun.

Exception

(3) Notwithstanding subsection (2),

(a) the share of the unit production that is allocated to the pooled spacing unit shall in turn be allocated to the separately owned tracts in the pooled spacing unit on the same basis and in the same proportion as production actually obtained from the pooled spacing unit would have been shared under the pooling order;

(b) the costs and expenses of the unit operation that are allocated to the pooled spacing unit shall be shared and borne by the owners of the working interests on the same basis and in the same proportion as would apply under the pooling order; and

(c) the credits allocated under a unit operating agreement to a pooled spacing unit for adjustment of investment for wells and equipment shall be shared by the owners of the working interests in the same proportion as would apply to the sharing of production under the pooling order.

Exception

(3) Malgré le paragraphe (2) :

a) la part de la production unitaire attribuée à l'unité d'espacement mise en commun est à son tour attribuée aux parcelles appartenant aux divers propriétaires de l'unité, sur la base et dans les proportions qui se seraient appliquées au partage, en vertu de l'arrêté de mise en commun, de la production effectivement obtenue de l'unité;

b) les frais de l'exploitation unitaire attribués à l'unité d'espacement mise en commun sont imputés aux détenteurs sur la base et dans les proportions qui s'appliqueraient en vertu de l'arrêté de mise en commun;

c) les crédits attribués aux termes d'un accord d'exploitation unitaire à une unité d'espacement mise en commun pour compensation des investissements relatifs aux puits et au matériel qui s'y trouvent sont partagés par les détenteurs, dans les proportions qui s'appliqueraient au partage de la production en vertu de l'arrêté de mise en commun.

STRADDLING RESOURCES INUVIALUIT SETTLEMENT REGION

Definitions

Definitions

86. In this section and in sections 87 to 99,

"Agreement" means the Agreement for Coordination and Cooperation in the Management and Administration of Petroleum Resources in the Inuvialuit Settlement Region that was made on June 25, 2013, as amended from time to time; (*accord*)

"notification area" means

(a) that part of the offshore that is situated within 20 kilometres of the onshore, and

(b) that part of the onshore that is situated within 20 kilometres of the offshore; (*zone de notification*)

"offshore" means that part of the Inuvialuit Settlement Region that is not situated in the onshore; (*région extracôtière*)

"straddling resource" means a pool or field that is wholly or partly in the Inuvialuit Settlement Region, other than in Inuvialuit Lands as defined in article 2.1 of the Agreement, and that straddles the offshore and the onshore. (*ressource chevauchante*)

Determination of Straddling Resources

Regulator's obligations

87. If the data obtained from conducting a survey or drilling an exploratory well in the notification area provides sufficient information for the Regulator to determine that a pool or field exists, the Regulator shall

(a) determine whether the pool or a field is a straddling resource;

(b) without delay notify the Minister and the Government of Canada of its determination and the reasons for it; and

(c) on request, provide the Minister or the Government of Canada with the information that is in the Regulator's possession and pertinent to that determination.

SNWT 2019,c.24,s.10.

RESSOURCES CHEVAUCHANTES RÉGION DÉSIGNÉE DES INUVIALUIT

Définitions

Définitions

86. Les définitions qui suivent s'appliquent aux articles 87 à 99.

«accord» L'entente de coordination et de coopération à l'égard de la gestion et de l'administration des ressources pétrolières et gazières dans la région désignée des Inuvialuit, conclue le 25 juin 2013, avec ses modifications successives. (*Agreement*)

«région extracôtière» Partie de la région désignée des Inuvialuit qui n'est pas comprise dans la région intracôtière. (*offshore*)

«ressource chevauchante» Gisement ou champ qui est situé en tout ou en partie dans la région désignée des Inuvialuit – sauf dans les terres des Inuvialuit au sens de l'article 2.1 de l'accord – et qui se trouve à la fois dans la région extracôtière et la région intracôtière. (*straddling resource*)

«zone de notification» À la fois :

a) la partie de la région extracôtière située dans les 20 kilomètres de la région intracôtière;

b) la partie de la région intracôtière située dans les 20 kilomètres de la région extracôtière. (*notification area*)

Détermination des ressources chevauchantes

Obligations de l'organisme de réglementation

87. Dans le cas où les données provenant d'études ou les données de forage d'un puits d'exploration dans la zone de notification fournissent suffisamment de renseignements pour que l'organisme de réglementation établisse qu'un gisement ou un champ existe, l'organisme de réglementation :

a) établit si le gisement ou le champ constitue une ressource chevauchante;

b) avise sans délai le ministre et le gouvernement du Canada de ses conclusions et des motifs à l'appui de celle-ci;

c) sur demande, fournit à l'un ou l'autre tout renseignement qu'il détient et qui est pertinent à ces conclusions.

LTN-O 2019, ch. 24, art. 10.

Information sharing

88. The Minister and the Government of Canada shall, on request, provide the other with the information that is in their possession and is relevant to the proper and efficient exploration for and the management, administration and exploitation of the straddling resource.

Communication de renseignements

88. Le ministre ou le gouvernement du Canada, sur demande de l'autre, lui fournit tout renseignement qu'il détient et qui est pertinent pour la recherche, la gestion, l'administration et l'exploitation appropriées et efficaces de la ressource chevauchante.

Exploitation of Straddling Resources

Exploitation des ressources chevauchantes

Single pool or field

89. (1) A straddling resource may be exploited as a single pool or field, as the case may be.

Gisement ou champ uniques

89. (1) Toute ressource chevauchante peut être exploitée comme un seul gisement ou champ, selon le cas.

Single exploration or drilling program

(2) An exploration or drilling program related to a straddling resource shall, to the extent practicable, be managed as a single exploration or drilling program.

Un seul programme d'exploration ou de forage

(2) Un programme d'exploration ou de forage lié à une ressource chevauchante est, dans la mesure du possible, géré comme s'il s'agissait d'un seul programme d'exploration ou de forage.

Notice of intention to start production

90. (1) If an interest owner, as defined in section 1 of the *Petroleum Resources Act*, advises the Minister or the Regulator, including by way of an application under subsection 39(1) of the *Petroleum Resources Act* or paragraph 10(1)(b) of this Act, as the case may be, that it intends to start production of the straddling resource, the Minister shall without delay notify the Government of Canada of the interest owner's intention.

Avis : intention de procéder à la production

90. (1) Dans le cas où un titulaire, au sens de l'article 1 de la *Loi sur les hydrocarbures*, avise le ministre ou l'organisme de réglementation, notamment au moyen d'une demande faite au titre du paragraphe 39(1) de cette loi ou de l'alinéa 10(1)b) de la présente loi, selon le cas, de son intention de procéder à la production d'une ressource chevauchante, le ministre notifie cette intention sans délai au gouvernement du Canada.

Notice after production commences

(2) If, after production commences, the Regulator determines that a pool or field is a straddling resource

(a) the Minister or the Government of Canada, depending on the jurisdiction in which the production commenced, shall without delay notify the other of that determination; and

(b) either of them may give notice under section 91.

Avis postérieur au début de la production

(2) Si, après le début de la production, l'organisme de réglementation établit que le gisement ou le champ constitue une ressource chevauchante :

a) celui du ministre ou du gouvernement du Canada qui a compétence sur le territoire où a commencé la production en avise l'autre sans délai;

b) l'un ou l'autre peut alors transmettre l'avis visé à l'article 91.

Required exploitation as a single unit

91. The Minister or the Government of Canada may, by notice, require of the other that a pool or field that is a straddling resource be exploited as a single pool or field, as the case may be.

Exploitation en tant que gisement ou champ uniques

91. Le ministre ou le gouvernement du Canada peut, au moyen d'un avis, exiger de l'autre que le gisement ou le champ qui constitue une ressource chevauchante soit exploité comme un seul gisement ou champ, selon le cas.

Unit agreement

92. (1) The royalty owners and the working interest owners in respect of a straddling resource may enter into a unit agreement and, if it is approved under subsection 94(1), they shall operate their interests in accordance with that agreement or any amendment to it.

Accord d'union

92. (1) Les titulaires de redevance et les détenteurs ayant un intérêt économique direct dans une ressource chevauchante peuvent conclure un accord d'union; s'il est approuvé en vertu du paragraphe 94(1), ils exploitent leurs intérêts en conformité avec cet accord et ses modifications éventuelles.

Unit operating agreement

(2) The working interest owners in respect of a straddling resource may enter into a unit operating agreement and, if it is approved under

Accord d'exploitation unitaire

(2) Les détenteurs ayant un intérêt économique direct dans une ressource chevauchante peuvent conclure un accord d'exploitation unitaire; s'il est

subsection 94(1), they shall operate their interests in accordance with that agreement or any amendment to it.

approuvé en vertu du paragraphe 94(1), ils exploitent leurs intérêts en conformité avec cet accord et ses modifications éventuelles.

Termination

(3) Unless the Minister and the Government of Canada agree to an earlier termination, a unit agreement or a unit operating agreement remains in force until the later of

(a) the day on which commercial production from the straddling resources to which the agreement applies ends; and

(b) the day on which there are no outstanding obligations in respect of the decommissioning or abandonment of the production system of a straddling resource to which the agreement applies.

Résiliation

(3) Sauf si le ministre et le gouvernement du Canada conviennent de le résilier plus tôt, l'accord d'union ou l'accord d'exploitation unitaire demeure en vigueur jusqu'au dernier en date des jours suivants :

a) le jour où la production commerciale prend fin à l'égard des ressources chevauchantes auxquelles l'accord en question s'applique;

b) le jour où il n'existe plus d'obligation à l'égard du déclassement ou de l'abandon du système de production à l'égard d'une ressource chevauchante à laquelle l'accord en question s'applique.

Order to enter into agreements

93. If a straddling resource is required to be exploited as a single pool or field under section 91 and the working interest owners have not entered into a unit agreement and a unit operating agreement, the Minister shall order the working interest owners in the portion of the pool or field that is in the Minister's jurisdiction to do so.

Ordre de conclure des accords

93. Le ministre ordonne aux détenteurs ayant un intérêt économique direct dans la partie du gisement ou du champ qui relève de sa compétence de conclure un accord d'union et un accord d'exploitation unitaire s'ils ne l'ont pas déjà fait et s'il est exigé, en vertu de l'article 91, que la ressource soit exploitée comme un seul gisement ou champ.

Approval of agreements

94. (1) A unit agreement and a unit operating agreement are subject to the approval of the Minister and the Government of Canada, and may only be approved if all royalty owners and working interest owners referred to in subsection 92(1) or all working interest owners referred to in subsection 92(2), as the case may be, are parties to the agreement.

Approbation des accords

94. (1) L'accord d'union et l'accord d'exploitation unitaire sont assujettis à l'approbation du ministre et du gouvernement du Canada, qui ne peut être donnée que si tous les titulaires de redevance et détenteurs visés au paragraphe 92(1) ou tous les détenteurs visés au paragraphe 92(2), selon le cas, y sont parties.

Condition precedent

(2) An authorization in relation to the exploitation of a straddling resource may not be issued under paragraph 10(1)(b) and a development plan in relation to that exploitation may not be approved under subsection 14(4) or (7), if the unit agreement and the unit operating agreement are not approved under subsection (1).

Condition préalable

(2) La délivrance d'une autorisation pour l'exploitation d'une ressource chevauchante en vertu de l'alinéa 10(1)b) et l'approbation du plan de mise en valeur ayant trait à cette exploitation en vertu des paragraphes 14(4) ou (7) sont subordonnées à l'approbation de l'accord d'union et de l'accord d'exploitation unitaire en vertu du paragraphe (1).

Request for independent expert

95. If the royalty owners and the working interest owners in respect of a straddling resource do not enter into a unit agreement, or in the case of the working interest owners, a unit operating agreement, within 90 days after being ordered to do so under section 93, the Minister or the Government of Canada may notify the other of their intention to refer the matter to an independent expert for a decision in accordance with section 99.

Absence d'accord

95. Si un accord d'union n'est pas conclu par les titulaires de redevance et les détenteurs ayant un intérêt économique direct dans une ressource chevauchante – ou si un accord d'exploitation unitaire n'est pas conclu par ces détenteurs — dans les 90 jours qui suivent la date où un ordre a été donné en vertu de l'article 93, le ministre ou le gouvernement du Canada peut aviser l'autre de son intention de renvoyer l'affaire à un expert indépendant afin que celui-ci prenne une décision conformément à l'article 99.

Unitization order

96. (1) The Minister shall issue a unitization order in accordance with the independent expert's final decision.

Arrêté d'union

96. (1) Le ministre prend l'arrêté d'union conformément à la décision finale de l'expert indépendant.

Effect

(2) The unit agreement and unit operating agreement have the effect given to them by the Minister's order.

Effets

(2) L'accord d'union et l'accord d'exploitation unitaire produisent les effets que leur donne l'arrêté d'union.

Government of Canada

(3) A unitization order is effective only if the Government of Canada issues an equivalent order.

Gouvernement du Canada

(3) L'arrêté d'union ne prend effet que si le gouvernement du Canada prend un arrêté équivalent.

Joint approval

(4) The issuance of a unitization order by the Minister and of an equivalent order by the Government of Canada is deemed to be their joint approval of the unit agreement and the unit operating agreement.

Approbation conjointe

(4) La prise d'un arrêté d'union par le ministre et d'un arrêté équivalent par le gouvernement du Canada vaut approbation conjointe par eux de l'accord d'union et de l'accord d'exploitation unitaire en cause.

Effective date

(5) Subject to subsection (3), a unitization order is effective on the date set out in the order, which date may not be less than 30 days after the day on which the order is issued.

Date de prise d'effet

(5) Sous réserve du paragraphe (3), l'arrêté d'union prend effet à la date prévue qui doit être au moins 30 jours après sa prise.

Redetermination

97. The Minister, the Government of Canada or a working interest owner may, in respect of future production, request a redetermination of

(a) the apportionment of production from the straddling resource; or

(b) one or more of the elements set out in the unit agreement or the unit operating agreement.

Nouvelle décision

97. Le ministre, le gouvernement du Canada ou tout détenteur ayant un intérêt économique direct dans une ressource chevauchante peut, à l'égard de la production future, demander qu'une nouvelle décision soit prise concernant, selon le cas :

a) la répartition de la production de la ressource chevauchante;

b) un ou plusieurs éléments prévus dans l'accord d'union ou l'accord d'exploitation unitaire.

No agreement: royalty owners and working interest owners

98. If the royalty owners and the working interest owners in respect of a straddling resource do not enter into an agreement in respect of the redetermination under section 97 within 90 days after the day on which the request is made, the Minister or the Government of Canada may notify the other of their intention to refer the matter to an independent expert for a decision in accordance with section 99.

Absence d'accord : titulaires de redevance et détenteurs

98. Si un accord concernant la prise d'une nouvelle décision en vertu de l'article 97 n'est pas conclu par les titulaires de redevance et les détenteurs ayant un intérêt économique direct dans une ressource chevauchante dans les 90 jours qui suivent la date à la quelle la demande a été présentée, le ministre ou le gouvernement du Canada peut aviser l'autre de son intention de renvoyer l'affaire à un expert indépendant afin que celui-ci prenne une décision conformément à l'article 99.

Independent expert

99. (1) Within 90 days after being notified of an intention to refer a matter to an independent expert under subsection 14(8) or section 95 or 98, the Minister and the Government of Canada shall appoint the independent expert.

Expert indépendant

99. (1) Dans les 90 jours qui suivent la date à laquelle un avis d'intention de renvoyer l'affaire à un expert indépendant a été donné à l'un d'eux en vertu des paragraphes 14(8) ou des articles 95 ou 98, le ministre et le gouvernement du Canada nomment un expert indépendant.

Qualification

(2) The expert shall be impartial and independent and shall have knowledge or experience relevant to the matter.

Compétences

(2) L'expert est impartial et indépendant et possède les connaissances ou l'expérience voulues relativement à l'affaire en question.

Appointment: drawing lots

(3) If the Minister and Government of Canada do not appoint the expert in accordance with subsection (1), each shall, within 30 days after the day on which the time to appoint an expert expires, submit to the other the names of up to two persons with the qualifications set out in subsection (2), and they shall within 30 days after the day of submission select the independent expert from those persons by drawing lots and appoint that person as the independent expert.

Absence of submission, selection or appointment

(4) If the Minister or the Government of Canada does not submit or select names or appoint an expert as required by subsection (3), each is deemed to make the same submission, selection or appointment, as the case may be, as the other and is bound by the decision of the independent expert.

Preliminary decision

(5) Within 90 days after being seized of the matter or within any other period agreed to by the Minister and the Government of Canada, the independent expert shall make a preliminary decision and the Minister and the Government shall be provided with the preliminary decision and the reasons for it, including any supporting documentation.

Clarification or reconsideration

(6) The Minister and the Government of Canada may, within 60 days after receiving the preliminary decision, request the independent expert to clarify or reconsider that decision or make additional submissions to the independent expert.

Further submissions

(7) If the Minister or the Government of Canada does so request or make such submissions, the Minister or the Government of Canada shall provide the other with a copy of the request and submissions, and the other may, within 15 days after receiving that copy, make further submissions and, on doing so, shall provide the other with a copy of them.

Final decision

(8) The independent expert shall, within 120 days after making a preliminary decision, make a final decision and provide it and the reasons for it, including any supporting documentation, to the Minister and the Government of Canada.

Decision is final and binding

(9) An independent expert's final decision is final and binding on the Minister and the Government of Canada and is not subject to challenge on appeal or judicial review in any court, except on the ground that the independent expert erred in law or exceeded the independent expert's jurisdiction.

Nomination par tirage au sort

(3) En l'absence de nomination de l'expert indépendant dans le délai prévu au paragraphe (1), le ministre et le gouvernement du Canada soumettent l'un à l'autre, dans les 30 jours qui suivent l'expiration de ce délai, le nom d'au plus deux personnes possédant les compétences visées au paragraphe (2) et, dans les 30 jours de l'échange des noms, choisissent l'une de ces personnes par tirage au sort et la nomment à titre d'expert indépendant.

Omission d'agir

(4) Celui du ministre ou du gouvernement du Canada qui ne fait pas de choix, de soumission ou de nomination en conformité avec le paragraphe (3) est réputé avoir fait le même choix, la même soumission ou la même nomination, selon le cas, et est lié par la décision de l'expert indépendant.

Décision préliminaire

(5) L'expert indépendant prend une décision préliminaire et la communique au ministre et au gouvernement du Canada dans les 90 jours qui suivent la date à laquelle il a été saisi de la question ou tout autre délai convenu par le ministre et ce gouvernement. La décision préliminaire est accompagnée des motifs et de la documentation à l'appui.

Demande de clarification ou de reconsidération

(6) Le ministre et le gouvernement du Canada, dans les 60 jours qui suivent la réception de la décision préliminaire, peuvent demander à l'expert indépendant de clarifier ou de reconsidérer sa décision ou peuvent lui présenter des observations supplémentaires.

Observations supplémentaires

(7) Celui du ministre ou du gouvernement du Canada qui fait une telle demande ou présente des observations supplémentaires transmet copie de celles-ci à l'autre. Ce dernier peut, dans les 15 jours qui suivent la réception de la copie, présenter des observations supplémentaires et en transmet alors copie au demandeur.

Décision finale

(8) L'expert indépendant, dans les 120 jours qui suivent la date à laquelle il a pris une décision préliminaire, prend une décision finale et la communique au ministre et au gouvernement du Canada. La décision finale est accompagnée des motifs et de la documentation à l'appui.

Caractère définitif

(9) La décision ainsi prise est définitive et lie le ministre et le gouvernement du Canada. Elle ne peut être contestée par un appel ou une demande de révision judiciaire auprès d'un tribunal, sauf si l'expert indépendant a commis une erreur de droit ou a outrepassé sa compétence.

Legal proceedings

(10) If a person acts as an independent expert,

(a) the person is not to be called to give evidence, and is not compellable as a witness, in legal proceedings related to the matter; and

(b) the person's records related to the matter are not admissible as evidence in any legal proceedings related to the matter.

(10) La personne agissant à titre d'expert indépendant ne peut être appelée à témoigner et n'est pas un témoin contraignable dans des instances liées à l'affaire, et ses documents relatifs à l'affaire ne sont pas admissibles en preuve dans ces instances. Instances

Regulations: Inuvialuit lands

100. The Commissioner in Executive Council may, if the Inuvialuit Regional Corporation agrees in writing under subsection 3.3(b) of the Agreement to be bound by a provision of Article 5 of the Agreement, make regulations amending the definitions "Agreement", "Inuvialuit Settlement Region" and "straddling resource" in sections 1 and 86 accordingly.

100. Dans le cas où la Société régionale inuvialuite consent par écrit, en vertu de l'alinéa 3.3b) de l'accord, à être liée par tout ou partie des dispositions de l'article 5 de cet accord, le commissaire en Conseil exécutif peut, par règlement, adapter les définitions de "accord", "région désignée des Inuvialuit" et "ressource chevauchante", aux articles 1 et 86, en conséquence. Règlements : terres des Inuvialuit

PART 4
APPEALS AND ENFORCEMENT

PARTIE 4
APPELS ET CONTRÔLE D'APPLICATION

Appeals

Appels

Orders and decisions are final

101. (1) Except as provided in this Act, every decision or order of the Committee is final and conclusive.

101. (1) Sous réserve des autres dispositions de la présente loi, les décisions ou arrêtés du Comité sont définitifs. Décisions définitives

Decision or order defined

(2) Any minute or other record of the Committee or any document issued by the Committee, in the form of a decision or order, is for the purposes of this section deemed to be a decision or order of the Committee.

(2) Tout document — procès-verbal ou autre, décision ou arrêté — du Comité est, pour l'application du présent article, assimilé à une décision ou à un arrêté du Comité. Assimilation

Stated case for Supreme Court

102. (1) The Committee may of its own motion, or at the request of the Minister, state a case, in writing, for the opinion of the Supreme Court on any question that in the opinion of the Committee is a question of law or of the jurisdiction of the Committee.

102. (1) Le Comité peut, de sa propre initiative ou à la demande du ministre, saisir, par requête écrite, la Cour suprême de toute question qu'il estime être une question de droit ou de compétence. Exposé de faits

Proceedings

(2) The Supreme Court shall hear and determine the case stated and remit the matter to the Committee with the opinion of the Court.

(2) La Cour suprême connaît et décide de l'affaire et la renvoie au Comité accompagnée de son avis. Procédures

Commissioner in Executive Council may review orders of Committee

103. The Commissioner in Executive Council may at any time, in its discretion, either on petition of any interested person or of its own motion, vary or set aside any decision or order of the Committee made under this Act, whether the order is made between parties or otherwise, and any order that the Commissioner in Executive Council makes with respect to it becomes a decision or order of the Committee and, subject to section 104, is binding on the Committee and on all parties.

103. Le commissaire en Conseil exécutif peut, de sa propre initiative ou à la demande de tout intéressé, modifier ou annuler toute décision ou tout arrêté du Comité pris en vertu de la présente loi. Le décret qu'il rend est assimilé à une décision ou un arrêté du Comité et, sous réserve de l'article 104, lie le Comité et les parties. Révision des arrêtés

Appeal to Supreme Court

104. (1) An appeal lies from a decision or order of the Committee to the Supreme Court on a question of law, on leave being obtained from the Supreme Court, in accordance with the practice of the Court, on application made within one month after the making of the decision or order sought to be appealed from or within a further time as the Court may allow.

Appel à la Cour suprême

104. (1) Il peut être interjeté appel d'une décision ou d'un arrêté du Comité devant la Cour suprême sur une question de droit ou sur une question de compétence, après autorisation, obtenue en application des règles de procédure de celle-ci, sur demande présentée dans un délai d'un mois suivant la date de la décision ou de l'arrêté en cause ou dans tel délai supérieur qu'elle peut accorder.

Staying order

(2) An order of the Committee in respect of which leave to appeal is granted shall be stayed until the matter of the appeal is determined.

Ordonnance de suspension

(2) L'arrêté du Comité à l'égard duquel est accordée l'autorisation d'appel est suspendu jusqu'à ce que l'appel ait été tranché.

Safety and Conservation Officers

Agents de la sécurité et agents du contrôle de l'exploitation

Officers

105. A Regulator may, for the area over which it has jurisdiction, appoint safety officers and conservation officers for the purposes of the administration and enforcement of this Act and the regulations.

Agents

105. Les organismes de réglementation peuvent, pour la région relevant de leur ressort, nommer des agents de la sécurité et des agents du contrôle de l'exploitation aux fins d'application de la présente loi et de ses règlements.

Powers of officers

106. For the purpose of ensuring compliance with this Act or the regulations, a safety officer, the Chief Safety Officer, a conservation officer or the Chief Conservation Officer may at any reasonable time

(a) enter any place, including lands, buildings, installations, vessels, vehicles and aircraft used for any work or activity in respect of which this Act applies, for the purpose of carrying out inspections, examinations, tests or inquiries or of directing that the person in charge of the place carry them out, and the officer may be accompanied by any other person that the officer believes is necessary to help carry out the inspection, examination, test or inquiry;

(b) take photographs or make drawings of any place or thing referred to in this section;

(c) order that any place or thing referred to in this section not be interfered with for a specified period;

(d) require the production, for inspection or copying, of any books, records, documents, licences or permits required by this Act or the regulations;

(e) take samples or particulars and carry out, or have carried out, any reasonable tests or examinations; and

(f) require the person in charge of the place, or any other person in the place who has

Pouvoirs des délégués ou agents

106. Dans le but de faire observer la présente loi ou ses règlements, le délégué à la sécurité, le délégué à l'exploitation et les agents de la sécurité et les agents du contrôle de l'exploitation peuvent, à tout moment convenable :

a) entrer, éventuellement accompagnés des personnes qu'ils estiment nécessaires, en tous lieux — terrains, bâtiments, installations et véhicules, navires et aéronefs y compris — destinés à des activités visées par la présente loi et y procéder à des inspections, examens, essais ou vérifications ou ordonner au responsable des lieux de les effectuer;

b) prendre des photographies et faire des croquis;

c) ordonner que les lieux ou objets qu'ils précisent ne soient pas dérangés pendant le délai qu'ils fixent;

d) exiger la production, pour examen ou reproduction, de livres, dossiers, documents, licences ou permis requis par la présente loi ou ses règlements;

e) prélever des échantillons ou recueillir des renseignements et faire ou faire faire tous essais ou examens voulus;

f) obliger le responsable des lieux, ou quiconque y a les connaissances voulues pour procéder aux examens, essais ou vérifications, à fournir des renseignements complets et exacts,

knowledge relevant to an inspection, examination, test or inquiry, to provide information, either orally or in writing, in the form requested.

oralement ou par écrit et en la forme demandée.

Certificate to be produced

107. The Regulator shall provide every safety officer and conservation officer and the Chief Safety Officer and the Chief Conservation Officer with a certificate of appointment or designation and, on entering any place under this Act, the officer shall, on request, produce the certificate to the person in charge of the place.

107. L'organisme de réglementation remet à chaque agent et délégué un certificat attestant sa qualité, que celui-ci présente sur demande au responsable des lieux visités.

Certificat

Assistance to officers

108. The owner, the person in charge of any place referred to in section 106 and every person found in that place shall give a safety officer, the Chief Safety Officer, a conservation officer or the Chief Conservation Officer, as the case may be, all reasonable assistance to enable the officer to exercise the powers or perform the duties under this Act or the regulations.

108. Le propriétaire et le responsable des lieux visés à l'article 106, ainsi que quiconque s'y trouve, prêtent aux agents de la sécurité, au délégué à la sécurité, aux agents du contrôle de l'exploitation ou au délégué à l'exploitation, selon le cas, toute assistance voulue dans l'exercice de ses fonctions et se conforment à ses instructions.

Assistance

Obstruction of officers and making of false statements

109. No person shall obstruct or hinder or make a false or misleading statement, either orally or in writing, to a safety officer, the Chief Safety Officer, a conservation officer or the Chief Conservation Officer who is engaged in exercising powers or performing duties under this Act or the regulations.

109. Lorsque le délégué à la sécurité, le délégué à l'exploitation ou un agent de la sécurité ou un agent du contrôle de l'exploitation agit dans l'exercice de ses attributions en vertu de la présente loi ou des règlements, il est interdit d'entraver son action ou de lui faire, oralement ou par écrit, une déclaration fausse ou trompeuse.

Entrave et fausses déclarations

Power of safety officer when dangerous operation detected

110. (1) A safety officer or the Chief Safety Officer who, on reasonable grounds, is of the opinion that continuation of an operation in relation to the exploration or drilling for or the production, conservation, processing or transportation of oil or gas is likely to result in serious bodily injury, may order that the operation cease or be continued only in accordance with the terms of the order.

110. (1) L'agent de la sécurité ou le délégué à la sécurité qui estime, pour des motifs valables, que la poursuite d'une activité liée à la prospection, au forage, à la production, à la rationalisation de l'exploitation, à la transformation ou au transport de pétrole ou de gaz entraînera vraisemblablement de graves dommages corporels peut ordonner que cette activité cesse ou qu'elle ne se poursuive que conformément à son ordre.

Situation de danger

Notice

(2) The safety officer or Chief Safety Officer who makes an order under subsection (1) shall post at or near the scene of the operation a notice of the order in a form approved by the Regulator.

(2) L'agent de la sécurité ou le délégué à la sécurité place sur les lieux ou à proximité un avis de son ordre, établi sur formulaire approuvé par l'organisme de réglementation.

Avis

Expiration of order

(3) An order made by a safety officer under subsection (1) expires 72 hours after it is made, unless it is confirmed before that time by order of the Chief Safety Officer.

(3) L'ordre de l'agent de la sécurité en vertu du paragraphe (1) cesse d'être valable, sauf confirmation par le délégué à la sécurité, 72 heures après avoir été donné.

Durée de l'ordre

Modification or revocation

(4) A safety officer who makes an order under subsection (1) shall immediately notify the Chief Safety Officer, and the Chief Safety Officer may confirm, modify or revoke the order.

(4) L'agent de la sécurité avise sans délai le délégué à la sécurité de tout ordre pris en vertu du paragraphe (1); celui-ci peut le confirmer, le modifier ou l'annuler.

Modification ou annulation

Referral for review by Regulator

(5) A person carrying out an operation to which an order under subsection (1) makes reference, or any person having a pecuniary interest in that operation, may, by notice in writing, request the Chief Safety Officer to refer the order to the Regulator for a review of the need for the order and, on receiving the notice, the Chief Safety Officer shall refer the order accordingly.

(5) Sur demande écrite de la personne touchée ou qui a un intérêt pécuniaire dans l'activité, le délégué à la sécurité communique à l'organisme de réglementation l'ordre visé au paragraphe (1) pour révision de l'à-propos de cet ordre.

Révision par l'organisme de réglementation

Opportunity to be heard

(6) The Regulator shall give all interested persons an opportunity to be heard.

(6) L'organisme de réglementation accorde aux intéressés la possibilité de présenter leurs observations.

Possibilité de présenter des observations

Review and decision

(7) After reviewing the need for the order, the Regulator may confirm or revoke the order.

(7) Après en avoir révisé l'à-propos, l'organisme de réglementation peut confirmer ou annuler l'ordre.

Révision et décision

Burden of proof

(8) The burden of establishing that the order is not needed is on the person who requested that the order be referred to the Regulator.

(8) Le fardeau de prouver que l'ordre n'est pas à-propos incombe à la personne qui a demandé la communication de l'ordre à l'organisme de réglementation.

Fardeau de la preuve

Operations in respect of which order made

(9) No person shall continue an operation in respect of which an order has been made under this section, except in accordance with the terms of the order, or until the order has been revoked by the Regulator under subsection (7).

(9) Il est interdit de poursuivre une activité visée par un ordre pris en vertu du présent article, sauf conformément à cet ordre ou tant que celui-ci n'a pas été annulé par l'organisme de réglementation en vertu du paragraphe (7).

Interdiction

Priority

111. An order made by a safety officer or the Chief Safety Officer prevails over an order made by a conservation officer or the Chief Conservation Officer to the extent of any inconsistency between the orders.

111. Les ordres de l'agent de la sécurité ou du délégué à la sécurité l'emportent, dans la mesure de leur incompatibilité, sur les ordres de l'agent de contrôle de l'exploitation ou du délégué à l'exploitation.

Préséance

Installation Manager

Chargé de projet

Installation manager

112. (1) Every holder of an authorization under paragraph 10(1)(b) in respect of a work or activity for which a prescribed installation is to be used shall put in command of the installation a manager who meets any prescribed qualifications, and the installation manager is responsible for the safety of the installation and the persons at it.

112. (1) Le titulaire de l'autorisation visée à l'alinéa 10(1)b) pour les activités dans le cadre desquelles des installations, désignées par règlement, seront utilisées confie à un chargé de projet, qui a la compétence prévue par règlement, la responsabilité de la sécurité des installations et des personnes qui s'y trouvent.

Chargé de projet

Powers

(2) Subject to this Act and any other enactment, an installation manager has the power to do any thing required to ensure the safety of the installation and the persons at it and, more particularly, may

(a) give orders to any person who is at the installation;

(b) order that any person who is at the installation be restrained or removed; and

(c) obtain information or documents.

(2) Sous réserve des autres dispositions de la présente loi et de tout autre texte, le chargé de projet peut prendre toute mesure voulue pour garantir la sécurité des installations et des personnes qui s'y trouvent, et notamment :

a) donner des ordres à toute personne qui s'y trouve;

b) ordonner la détention ou l'évacuation de toute personne qui s'y trouve;

c) obtenir des renseignements et des documents.

Pouvoirs

Emergency

(3) In a prescribed emergency situation, an installation manager's powers are extended so that they also apply to each operator of a vessel, vehicle or aircraft that is at the installation or that is leaving or approaching it.

Urgence

(3) Dans les cas d'urgence visés par règlement, les pouvoirs du chargé de projet s'étendent aux exploitants des véhicules, navires et aéronefs compris, qui ont accès aux installations ou qui se trouvent à proximité de celles-ci.

Offences and Punishment

Infractions et peines

Offences with respect to documents and records

113. Every person is guilty of an offence who

(a) knowingly makes any false entry or statement in any report, record or document required by this Act or the regulations or by any order made under this Act or the regulations; or

(b) knowingly destroys, mutilates or falsifies any report or other document required by this Act or the regulations or by any order made under this Act or the regulations.

Infractions relatives aux documents et dossiers

113. Commet une infraction quiconque :

a) soit sciemment insère une inscription ou une déclaration fausse dans un rapport, dossier ou autre document exigé par la présente loi ou ses règlements ou par un arrêté pris ou un ordre donné sous leur régime;

b) soit sciemment détruit, endommage ou falsifie un dossier ou autre document exigé par la présente loi ou ses règlements, ou par un arrêté pris ou un ordre donné sous leur régime.

Offences

114. (1) Every person is guilty of an offence who

(a) contravenes this Act or the regulations;

(b) produces any oil or gas from a pool or field under the terms of a unit agreement within the meaning of Part 3, or any amended unit agreement, before the unit agreement or amended unit agreement is filed with the Chief Conservation Officer;

(c) undertakes or carries on a work or activity without an authorization under paragraph 10(1)(b) or without complying with the approvals or requirements of the authorization; or

(d) fails to comply with a direction, requirement or order of a safety officer, the Chief Safety Officer, a conservation officer, the Chief Conservation Officer or an installation manager or with an order of the Committee or the Regulator made under this Act.

Infractions

114. (1) Commet une infraction quiconque :

a) contrevient à la présente loi ou aux règlements;

b) produit du pétrole ou du gaz en provenance d'un gisement ou d'un champ aux termes d'un accord d'union, au sens de la partie 3, ou d'un accord d'union modifié, sans avoir déposé l'accord — original ou modifié — auprès du délégué à l'exploitation;

c) entreprend ou poursuit une activité contrairement à l'autorisation prévue à l'alinéa 10(1)b) ou aux conditions ou approbations liées à celle-ci ou sans avoir obtenu l'autorisation;

d) contrevient soit aux instructions, exigences ou ordres de l'agent de la sécurité, du délégué à la sécurité, de l'agent du contrôle de l'exploitation, du délégué à l'exploitation ou du chargé de projet, soit aux arrêtés du Comité ou aux ordonnances de l'organisme de réglementation en vertu de la présente loi.

Punishment

(2) Every person who is guilty of an offence under subsection (1) is liable on summary conviction, to a fine not exceeding $1,000,000 or to imprisonment for a term not exceeding two years, or to both.

Peines

(2) Quiconque commet une infraction visée au présent article encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 1 000 000 $ et un emprisonnement maximal de deux ans, ou l'une de ces peines.

Order to comply

115. If a person is convicted of an offence under this Act, the court may, in addition to any other punishment it may impose, order that person to comply with this Act or the regulation or order for the contravention of which that person has been convicted.

Injonction

115. Si une personne est coupable d'une infraction à la présente loi, le tribunal peut, en sus de toute autre peine qu'il peut imposer, lui ordonner de se conformer aux dispositions pour la violation desquelles elle a été condamnée.

Continuing offences

116. If an offence under this Act is committed on or continued for more than one day, the offence is considered to be a separate offence for each day on which the offence is committed or continued.

Infractions continues

116. Il est compté une infraction distincte à la présente loi pour chacun des jours au cours desquels se commet ou se continue l'infraction.

Limitation period

117. A prosecution for an offence under this Act may not be instituted more than two years after the day when the offence first came to the attention of the Chief Conservation Officer, the Chief Safety Officer, a conservation officer, or a safety officer.

Prescription

117. Les poursuites visant une infraction à la présente loi se prescrivent par deux ans à compter de la date à laquelle l'infraction a été portée à l'attention du délégué à l'exploitation, du délégué à la sécurité, d'un agent du contrôle de l'exploitation ou d'un agent de la sécurité.

Evidence

118. In any prosecution for an offence under this Act, a copy of an order purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act or the regulations to make that order is evidence of the matters set out in it.

Preuve

118. Dans les poursuites pour infraction à la présente loi et en l'absence de preuve contraire, une copie de tout arrêté ou ordre censé pris en vertu de la présente loi ou de ses règlements et censé signé par la personne autorisée en vertu de la présente loi ou de ses règlements à le prendre fait foi de son contenu.

Action to restrain not prejudiced by prosecution

119. (1) Notwithstanding that a prosecution has been instituted in respect of an offence under this Act, the regulations or any order made under this Act or the regulations, the Government of the Northwest Territories may commence and maintain an action to restrain the committing of any contravention of this Act, the regulations or any order made under this Act or the regulations.

Injonctions

119. (1) Indépendamment des poursuites intentées pour infraction à la présente loi ou à ses règlements ou aux arrêtés ou aux ordres donnés sous leur régime, le gouvernement des Territoires du Nord-Ouest peut engager et continuer une action visant à empêcher la perpétration d'une telle infraction.

Civil remedy not affected

(2) No civil remedy for any act or omission is suspended or affected by reason that the act or omission is an offence under this Act.

Recours au civil

(2) Le fait que des actes ou omissions constituent des infractions à la présente loi n'a pas pour effet de suspendre les recours civils engagés à cet égard ni d'y porter atteinte.

Miscellaneous

Dispositions Transitoires

Government bound

120. This Act binds the Government of the Northwest Territories.

Gouvernement lié

120. La présente loi lie le gouvernement des Territoires du Nord-Ouest.

Designating Regulator

121. The Commissioner in Executive Council may, by order, designate the Regulator in respect of that portion of the onshore falling outside the Inuvialuit Settlement Region. SNWT 2015,c.27,s.6(4).

Désignation de l'organisme de réglementation

121. Le commissaire en Conseil exécutif peut, par décret, désigner l'organisme de réglementation à l'égard de la partie de la région intracôtière qui est hors de la région désignée des Inuvialuit. LTN-O 2015, ch. 27, art. 6(4).

AMENDMENTS TO THIS ACT

MODIFICATIONS À LA PRÉSENTE LOI

Act amended by this section

122. (1) This Act is amended by this section.

122. (1) La présente loi est modifiée par le présent article.

Modification à la loi

(2) Subsection 11(2) is amended by striking out "a decision of an arbitrator made in accordance with the regulations" **and substituting** "a decision of the Surface Rights Board made in accordance with the *Surface Rights Board Act*".

(2) Le paragraphe 11(2) est modifié par suppression de «par décision d'un arbitre prise conformément aux règlements» **et par substitution de** «par décision de l'Office des droits de surface prise conformément à la *Loi sur l'Office des droits de surface*».

(3) The following is added after subsection 11(2):

(3) La même loi est modifiée par adjonction, après le paragraphe 11(2), de ce qui suit :

Exception

(3) Subsections (1) and (2) do not apply in respect of designated land as defined in subsection 1(1) of the *Surface Rights Board Act* or Tłı̨chǫ lands as defined in subsection 1(2) of that Act.

(3) Les paragraphes (1) et (2) ne s'appliquent pas à l'égard des terres désignées au sens du paragraphe 1(1) de la *Loi sur l'Office des droits de surface* ou aux terres tłı̨chǫ au sens du paragraphe 1(2) de cette même loi.

Exception

TRANSITIONAL

DISPOSITIONS TRANSITOIRES

Matters governed by the *Canada Oil and Gas Operations Act*

123. (1) This Act applies to all matters respecting the exploration and drilling for and the production, conservation, processing and transportation of oil and gas in the onshore that had been governed by the *Canada Oil and Gas Operations Act* before the coming into force of this Act.

123. (1) La présente loi s'applique à toutes les questions relatives à la recherche, notamment par forage, à la production, à la rationalisation de l'exploitation, à la transformation et au transport du pétrole et du gaz dans les limites de la région intracôtière qui étaient régies par la *Loi sur les opérations pétrolières au Canada* avant l'entrée en vigueur de la présente loi.

Questions régies par la *Loi sur les opérations pétrolières au Canada*

Continuation of existing interests

(2) The rights and duties that had accrued or that were accruing under, and the matters governed by the *Canada Oil and Gas Operations Act* before the coming into force of this Act continue in effect as rights and duties accrued or accruing under and subject to the provisions of this Act.

(2) Les droits et obligations acquis en vertu de la *Loi sur les opérations pétrolières au Canada*, et les questions régies en vertu de celle-ci, avant l'entrée en vigueur de la présente loi demeurent en vigueur à titre de droits et obligations acquis en vertu et sous réserve des dispositions de la présente loi.

Maintien des droits existants

Continuation of authorizations

(3) An authorization in respect of the exploration and drilling for and the production, conservation, processing and transportation of oil and gas in the onshore that had been issued or made under the *Canada Oil and Gas Operations Act* before the coming into force of this Act continues in effect as an authorization issued or made in accordance with this Act.

(3) Les autorisations relatives à la recherche, notamment par forage, à la production, à la rationalisation de l'exploitation, à la transformation et au transport du pétrole et du gaz dans les limites de la région intracôtière délivrées ou faites en vertu de la *Loi sur les opérations pétrolières au Canada* avant l'entrée en vigueur de la présente loi demeurent en vigueur à titre d'autorisation délivrée ou faite conformément à la présente loi.

Maintien des autorisations

Continuation of filing requirements

(4) The information requirements that had been imposed under subsection 5(1) or 5.1(2) of the *Canada Oil and Gas Operations Act* before the

(4) Les modalités de forme et de contenu imposées en application des paragraphes 5(1) et 5.1 (2) de la *Loi sur les opérations pétrolières au Canada*

Maintien des modalités de forme et de contenu

coming into force of this Act continue in effect as requirements imposed in accordance with this Act until they are replaced or revoked by the Regulator.

avant l'entrée en vigueur de la présente loi demeurent en vigueur à titre de modalités imposées conformément à la présente loi jusqu'à ce que l'organisme de réglementation les remplace ou les annule.

Continuation of guidelines and interpretation notes

(5) The guidelines and interpretation notes that had been issued under subsection 5.3(1) or (2) of the *Canada Oil and Gas Operations Act* before the coming into force of this Act continue in effect as guidelines and interpretation notes imposed in accordance with this Act until they are replaced or revoked by, as appropriate, the Regulator or the Minister.

(5) Les bulletins d'application et les directives délivrées en vertu des paragraphes 5.3(1) ou (2) de la *Loi sur les opérations pétrolières au Canada* avant l'entrée en vigueur de la présente loi demeurent en vigueur à titre de bulletins d'application et de directives imposés conformément à la présente loi jusqu'à ce que l'organisme de réglementation ou le ministre, selon le cas, les remplace ou les annule.

Maintien des bulletins d'application et directives

Publication of proposed regulations

124. Subsection 53(1) does not apply to a regulation made by the Commissioner in Executive Council if it is registered under the *Statutory Instruments Act* before April 1, 2014.

124. Le paragraphe 53(1) ne s'applique pas aux règlements pris en vertu de la présente loi par le commissaire en Conseil exécutif qui sont enregistrés sous le régime de la *Loi sur les textes réglementaires* avant le 1er avril 2014.

Publication des projets de règlement

COMMENCEMENT

ENTRÉE EN VIGUEUR

Coming into force

125. (1) This Act, except section 122, comes into force April 1, 2014.

125. (1) La présente loi, sauf l'article 122, entre en vigueur le 1er avril 2014.

Entrée en vigueur

Exception

(2) Section 122 comes into force on the day sections 6 and 29 to 89 of Bill 3, introduced during the Fifth Session of the Seventeenth Legislative Assembly and entitled the *Surface Rights Board Act*, come into force.

(2) L'article 122 entre en vigueur à la date d'entrée en vigueur des articles 6 et 29 à 89 du projet de loi n° 3, présenté lors de la cinquième session de la dix-septième Assemblée législative, intitulé *Loi sur l'Office des droits de surface.*

Exception

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NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

Operations Authorization #: OA-2018-003-SOG
Variation #: 2

OPERATIONS AUTHORIZATION

Subject to the terms listed below, authorization is granted under Section 10 of the *Oil and Gas Operations Act* and Part 2 of the *Oil and Gas Drilling and Production Regulations* to

Company Name	Company Operating Licence #
Strategic Oil and Gas Ltd.	NWT-OL-2014-007
Responsible Officer and Title	
Duncan MacRae, Director, Alvarez & Marsal Canada ULC	

to proceed with the works and activities described in its November 21, 2018 application and subsequent submissions for

Scope of Work	Settlement Area or Region
Well and infrastructure maintenance and abandonment/ decommissioning leading to the closure of the Cameron Hills field.	South Slave

This authorization, originally issued on March 20, 2019, has been varied by the Regulator or its delegate under Section 10 of the *Oil and Gas Operations Act* and may be further so varied.

This authorization expires on November 30, 2026.

Dated at Yellowknife, Northwest Territories on February 1, 2021.

Name of Regulator / Delegate	Signature of Regulator / Delegate
Ms. Pauline de Jong	
Title	
Regulator	

ADDITIONAL TERMS

1. Strategic Oil and Gas Ltd. shall cause the approved work and activities to be conducted in accordance with the requirements of the *Oil and Gas Operations Act* and the *Oil and Gas Drilling and Production Regulations*, as well as any other acts or legislation as may apply.

2. Strategic Oil and Gas Ltd. shall cause the approved work and activities to be conducted in accordance with any guidelines and/or interpretation notes issued by the Regulator under section 18 of the *Oil and Gas Operations Act*.

3. Strategic Oil and Gas Ltd. shall cause the approved work and activities to be conducted in accordance with the specifications, standards and other information referred to in its application and subsequent submissions.

4. Strategic Oil and Gas Ltd. shall request approval from the Regulator prior to undertaking any change to or deviation from the authorized work or activities, including but not limited to key personnel, the safety plan, the environmental protection plan and contingency plans.

5. Strategic Oil and Gas Ltd. shall notify OROGO immediately of any changes to its financial situation and shall submit to OROGO audited financial statements within ten (10) business days of their public release.

6. Strategic Oil and Gas Ltd. shall submit to OROGO confirmation that its insurance policy remains in place annually upon its renewal.

7. Strategic Oil and Gas Ltd. shall notify OROGO at least ten (10) days prior of commencement of field inspection, maintenance and/or monitoring activities.

8. Strategic Oil and Gas Ltd. shall submit to OROGO an updated operator contact list for this program prior to any work or activity.

9. Strategic Oil and Gas Ltd. shall provide notification to OROGO at least five (5) days prior to cessation of winter field maintenance operations.

10. Strategic Oil and Gas Ltd. shall submit an updated Emergency Response Plan annually, by June 1 of each year.

11. Strategic Oil and Gas Ltd. shall provide all staff and contractors for this program with its Emergency Response Plan and the OROGO 24-hour Incident Reporting phone number (867-445-8551) prior to commencing any work or activity.

NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

Office of the Regulator of Oil and Gas Operations
P.O. Box 1320, Yellowknife, NT X1A 2L9
Tel: 867-767-9097 • Fax: 867-920-0798 • Web: www.orogo.gov.nt.ca
Courier Address: 4th floor, 5201 – 50th Avenue, Yellowknife, NT X1A 3S9

Strategic Oil and Gas Ltd.
1100, 645 – 7th AVENUE SW
CALGARY AB T2P 4G8

Attention: Tony Berthelet, President & CEO of Strategic Oil and Gas Ltd.

Order: Abandonment of Wells and
Decommissioning of Oil and Gas Infrastructure at the Cameron Hills Field

On February 22, 2016, I was designated as Regulator by the Commissioner in Executive Council pursuant to section 121 of the *Oil and Gas Operations Act* (hereinafter "OGOA"), through Regulator Designation Order R-011-2016. I am currently the Regulator.

Section 20(a) of OGOA states that the Regulator may "order and require any person to do, without delay, or within or at any specified time and in any manner set by the Regulator, any act, matter or thing that the person is or may be required to do under this Act, any regulation, order or direction made under this Act or an operating licence *or authorization issued under section 10*" (emphasis added).

Background

Strategic Oil and Gas Ltd. (hereinafter "Strategic") holds an Operations Authorization (OA) for its operation of the Cameron Hills Field (OA-2018-003-SOG). OA-2018-003-SOG was issued on March 20, 2019 under section 10(1)(b) of OGOA and expires on April 1, 2025. OA-2018-003-SOG is subject to additional terms, including the following:

> *Strategic Oil and Gas Ltd. shall cause the approved work and activities to be conducted in accordance with any guidelines and/or interpretation notes issued by the Regulator under section 18 of the Oil and Gas Operations Act.*
>
> *Strategic Oil and Gas Ltd. shall cause the approved work and activities to be conducted in accordance with the specifications, standards and other information referred to in its application and subsequent submissions.*

.../2

Bureau de l'organisme de réglementation des opérations pétrolières et gazières
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BUREAU DE L'ORGANISME DE RÉGLEMENTATION DES OPÉRATIONS PÉTROLIÈRES ET GAZIÈRES DES TN-O

On April 10, 2019, the Court of Queen's Bench of Alberta issued an order under the *Companies' Creditors Arrangement Act* (CCAA) with respect to Strategic whereby Strategic entered into creditor protection.

On May 10, 2019, the Court of Queen's Bench of Alberta issued an order approving a Sale and Investment Solicitation Process (hereinafter "SISP") with respect to Strategic's assets in the Northwest Territories and in Alberta.

On September 26, 2019, Strategic provided the Office of the Regulator of Oil and Gas Operations (OROGO) with a proposed Plan of Compromise and Arrangement (hereinafter "Plan") under the CCAA. The Plan describes a "disposition transaction", in which Strategic would sell its Cameron Hills properties to a purchaser, pursuant to an Asset Purchase Agreement dated August 27, 2019, which has not been provided to OROGO for review.

It appears from the Plan that, upon the disposition transaction taking place, it is possible Strategic will not be in a position to fulfill its obligations under OA-2018-003-SOG for the suspension and abandonment of wells and the decommissioning of infrastructure outlined in this order, leading to the closure of the Cameron Hills field. The Regulator has reviewed the financial statements and other relevant information provided by the prospective purchaser of the Cameron Hills field and has concerns that the prospective purchaser is not in a financial position to be able to complete the necessary suspension and abandonment of wells and decommissioning of infrastructure. Further, nothing in the Plan indicates that Strategic is prepared to retain any portion of the obligation to suspend and abandon the wells, as required, or decommission the infrastructure at the Cameron Hills field after the disposition transaction is completed.

Strategic's OA Application and Subsequent Submissions

In its application for OA-2018-003-SOG, Strategic provided a list of the proposed activities covered in its application. This list, found on page 6 of the HSE Assurance Plan – Cameron Hills, included the following statement with respect to deactivation, decommissioning and abandonment of the field and its infrastructure:

> *Detailed project-specific deactivation, decommissioning and abandonment plans will be prepared as required. The fundamental principle governing restoration is that any restored land must be brought back to either its pre-disturbed state or state equivalent to the adjacent land use. To do so, current guidelines and best*

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> *management practices pertaining to environmental protection during deactivation, decommissioning and abandonment, as well as assessment, remediation, closure and reclamation, will be considered. Strategic will conduct all aforementioned activities as per the requirements in EA03-005, Land Use Permit MV2013A0010, and Water License MV2010L1-0001.*

Furthermore, on February 26, 2019, OROGO issued Information Request No. 5 to Strategic, requesting clarification of the scope and temporal extent of Strategic's OA application, given its intention to complete the abandonment of all infrastructure at the Cameron Hills field by the end of the winter 2025 work season, which was made public during a workshop organized by the Mackenzie Valley Land and Water Board on February 20, 2019 in Hay River.

Strategic, in its February 27, 2019 response to Information Request No. 5, requested that its OA application be amended "to extend the duration of its OA application to a 6-year OA, to the end of 2025 to coincide with its intended deadline for infrastructure abandonment at Cameron Hills".

Therefore, the Scope of Work for OA-2018-003-SOG includes "well and infrastructure maintenance and abandonment / decommissioning leading to the closure of the Cameron Hills field".

Guidelines and Interpretation Notes Issued by the Regulator

On February 1, 2017, I issued and published the *Well Suspension and Abandonment Guidelines and Interpretation Notes* (hereinafter the "Guidelines") under section 18 of OGOA.

Section 1 of the Guidelines states:

> *If a well suspended prior to the coming into force of the Guidelines is **not in compliance** with the Guidelines and/or OGDPR:*
>
> 1. *OROGO will notify the operator of the well;*
> 2. *The operator must re-suspend or abandon the well in accordance with these Guidelines within two years of notification, or as otherwise specified by the Regulator; and*

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3. *If the operator chooses to re-suspend the well, the well must be abandoned within six years of the re-suspension, in accordance with these Guidelines, unless it is brought back into production.*

If a well suspended prior to the coming into force of the Guidelines is ***in compliance*** *with the Guidelines and/or OGDPR, it must be brought back into production or abandoned in compliance with the Guidelines by January 31, 2023.*

Section 6 of the Guidelines states "all wells must be abandoned in accordance with these Guidelines within 6 years of suspension, unless otherwise approved by the Regulator".

The Cameron I-73 Well (WID 1937)

On September 4, 2019, Strategic notified OROGO of a surface casing vent flow (SCVF) at the Cameron I-73 well in the Cameron Hills field. On September 11, 2019, Strategic notified OROGO that the SCVF was releasing H_2S gas.

The SCVF at the Cameron I-73 well is considered a "spill" under section 61(1) of OGOA. Section 62(3) of OGOA requires that Strategic:

Take all reasonable measures consistent with safety and the protection of the environment

a) To prevent any future spills;
b) To repair or remedy any condition resulting from the spill; and
c) To reduce or mitigate any danger to life, health, property or the environment that results or may reasonably be expected to result from the spill.

An SCVF containing H_2S is defined as "serious" under the Guidelines and must be repaired prior to the suspension of a well.

On September 27, 2019, Strategic submitted a proposed plan for the repair of the Cameron I-73 well to OROGO. The repair plan includes:

- Pressure testing or packing the wellhead seals;

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- If the seals cannot be repaired to stop the SCVF, installing a scrubber on the surface casing vent to mitigate the risks associated with the H2S gas while waiting to suspend the well; and
- Completing a zonal abandonment of the well to isolate the source of the leak once winter access can be frozen in to facilitate the mobilization of a service rig.

On October 1, 2019, Strategic was authorized to proceed with steps 1 through 11 of the proposed plan for repair of the Cameron I-73 well, which are to be completed by October 25, 2019. Strategic was also informed of the information and reporting requirements associated with this work and advised that the deadline for bringing the Cameron I-73 well into compliance with the Guidelines remains April 1, 2020.

Order

Pursuant to section 20(a) of OGOA, in order to comply with the terms of OA-2018-003-SOG, I hereby order Strategic to:

1. **Repair the SCVF at the Cameron I-73 (WID 1937) well as soon as practicable and by no later than April 1, 2020, in accordance with section 62(3) of OGOA, which requires that Strategic take all reasonable measures consistent with safety and the protection of the environment:**

    a) **To prevent any future spills;**
    b) **To repair or remedy any condition resulting from the spill; and**
    c) **To reduce or mitigate any danger to life, health, property or the environment that results or may reasonably be expected to result from the spill.**

2. **Suspend the Cameron J-62 (WID 1158), Cameron A-03 (WID 2047) and Cameron I-73 (WID 1937) wells by April 1, 2020, in compliance with the amended Well Approvals for these suspensions issued under OA-2018-003-SOG (respectively ACW-2019-004-SOG-J-62-WID1158, ACW-2019-003-SOG-A-03-WID2047, and ACW-2019-005-SOG-I-73-WID1937), and abandon them no later than 6 years after the suspension is completed, as required under section 6 of the Guidelines.**

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3. **Abandon the wells listed in the following table by January 31, 2023, as these wells were suspended prior to the coming into force of the Guidelines and were deemed by OROGO to be in compliance with the Guidelines at that time.**

WID	Well Name
1746	Cameron A-68
1122	Cameron M-31
1992	Cameron F-73
2025	Cameron 2F-73
1792	Cameron I-74
2065	Cameron F-77
2034	Cameron J-04
2067	Cameron N-06
2071	Cameron 2B-09
1492	Cameron I-10
1756	Cameron B-25
2041	Cameron L-29
1751	Cameron J-37
1974	Cameron M-49
1608	Cameron C-50
1764	Swede G-21
1753	Cameron N-28
1747	Cameron A-73
2001	Cameron C-16
2063	Cameron M-74
1743	Cameron L-44
1971	Cameron F-75
2042	Cameron E-07

4. **Abandon the wells listed in the following table by May 14, 2025, as these wells were classified as suspended (in accordance with the Guidelines) on May 15, 2019 and therefore must be abandoned no later than 6 years after that, as required under section 6 of the Guidelines.**

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WID	Well Name
1767	Cameron C-19
1793	Cameron C-75
1973	Cameron D-49
1732	Cameron B-08
1975	Cameron H-58
2033	Cameron L-73
1765	Cameron M-73
2026	Cameron 2M-73
1939	Cameron C-74
2032	Cameron J-74
1972	Cameron K-74
1940	Cameron H-03
2073	Cameron 2H-03
0376	Cameron A-05
2045	Cameron L-40
1736	Cameron L-47
1482	Cameron I-16

5. **Decommission the gathering system in place at Cameron Hills by March 31, 2025, the end of the winter 2025 work season, in accordance with the scope of work of OA-2018-003-SOG and commitments made by Strategic in its OA application and related submissions.**

6. **Remove all other oil and gas infrastructure in place at Cameron Hills by March 31, 2025, the end of the winter 2025 work season, in accordance with the scope of work of OA-2018-003-SOG and commitments made by Strategic in its OA application and related submissions.**

I order that all suspensions and abandonments shall be completed in accordance with the Guidelines and that Strategic shall obtain all approvals necessary to comply with this order from OROGO.

This order in no way precludes any enforcement actions being taken regarding this matter under OGOA or any other territorial or federal legislation, or by any other regulator with jurisdiction.

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Failure to Comply

Failure to comply with an order of the Regulator made under OGOA is an offence under section 114(1) of OGOA, which provides, in part, that every person is guilty of an offence who fails to comply with an order of the Regulator made under OGOA and is liable, on summary conviction, to a fine not exceeding $1,000,000 or to imprisonment for a term not exceeding two years, or to both (section 114(2) of OGOA).

In addition, upon being convicted of an offence, the court may order that person to comply with the order (see section 115 of OGOA). If an offence is committed on or continued for more than one day, the offence is considered to be a separate offence for each day on which the offence is committed or continued (see section 116 of OGOA).

A copy of OGOA and of OA-2018-003-SOG are attached for your convenience.

Dated at Fort Smith, in the Northwest Territories, the 4th day of October 2019.

Louis Sebert
Regulator

NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

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Duncan MacRae
Vice President
Alvarez & Marsal Canada ULC
SUITE 1100, 250 – 6 AVE SW
CALGARY AB T2P 3H7

February 5, 2025

Dear Duncan MacRae:

Cameron Hills Field: Fulfillment of the October 4, 2019, Order of the Regulator

On January 24, 2025, we met, along with staff of the Office of the Regulator of Oil and Gas Operations (OROGO) and representatives of the GNWT"s Department of Environment and Climate Change(GNWT-ECC), to discuss the status of work undertaken by Alvarez & Marsal (A&M), Receiver for Strategic Oil & Gas Ltd., to bring the Cameron Hills field into compliance with the October 4, 2019, Order of the Regulator (2019 Order). During that meeting, I committed to reviewing the 2019 Order against the work completed to date and responding in writing.

In my review of the 2019 Order, I considered:

1. The six components of the 2019 Order, as issued by the Regulator.
2. Any amendments to the deadlines in the 2019 Order, as agreed to by the Regulator in a stand-alone decision letter or as part of a Well Approval.
3. Commitments made by A&M in well suspension and abandonment programs, which form part of the Terms of each Well Approval (Term 3: "Strategic Oil & Gas Ltd. shall cause the approved work and activities to be conducted in accordance with the specifications, standards and other information referred to in its application dated [various dates] and subsequent submissions."). Well Approvals are issued under the Operations Authorization for the Cameron Hills field (OA-2018-003-SOG). The *Oil and Gas Operations Act* (OGOA) requires compliance with the Terms of an Operations Authorization, including the Terms of a Well Approval.
4. Well History Reports and Post-Abandonment Gas Migration Test Reports submitted by A&M.
5. Inspection Reports, Notices, and Orders issued by the Chief Safety Officer / Chief Conservation Officer and the Safety Officer / Conservation Officer appointed by the Regulator under OGOA.

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Each component of the 2019 Order is discussed in detail in Attachment A. In summary:

- Component 1 of the 2019 Order is fulfilled.
- Component 2 of the 2019 Order is partially fulfilled.
- Component 3 of the 2019 Order is partially fulfilled.
- Component 4 of the 2019 Order is partially fulfilled.
- Component 5 of the 2019 Order is fulfilled.
- Component 6 of the 2019 Order is partially fulfilled (as of February 5, 2025; the deadline for completion of this component is March 31, 2025).

If you have any further questions about the status of the Cameron Hills field or the 2019 Order, please do not hesitate to contact our office at orogo@gov.nt.ca.

Sincerely,

Pauline de Jong
Regulator

c. Nathen Richea, ADM, Regulatory, Assessment and Authorizations, GNWT-ECC
Lorraine Seale, Director, Impact Assessment and Security Management, GNWT-ECC
Jaida Ohokannoak, Regulatory and Securities Specialist, GNWT-ECC

Attachment A: Detailed Review of the October 4, 2019, Order of the Regulator

All documents referenced in this attachment may be found on OROGO's public registry: orogo.gov.nt.ca/en/registry.

All references to Guidelines mean the *Well Suspension and Abandonment Guidelines and Interpretation Notes*.

Note that the Cameron B-38 well (WID2002) was not listed in the 2019 Order as it was reclassified from Abandoned to Suspended on September 24, 2020. On July 9, 2021, the deadline for the abandonment of the Cameron B-38 well was established as March 31, 2023, at A&M's request. Abandonment operations were carried out in winter 2023 and the Cameron B-38 (WID2002) well's status was changed to Abandoned and Compliant on June 16, 2023. No deficiencies were found during the post-abandonment inspection of the well.

Component 1: Repair the surface casing vent flow (SCVF) at the Cameron I-73 (WID1937) well as soon as practicable and by no later than April 1, 2020, in accordance with section 62(3) of OGOA.

OROGO's records show the Cameron I-73 (WID1937) well was repaired under ACW-2019-003-SOG-I-73-WID1937 prior to April 1, 2020. On September 10, 2020, OROGO inspected the Cameron I-73 well and found no SCVF, confirming the repair. Therefore, component 1 of the 2019 Order has been fulfilled.

Component 2: Suspend the Cameron J-62 (WID1158), Cameron A-03 (WID2047) and Cameron I-73 (WID1937) wells by April 1, 2020, and abandon them no later than 6 years after the suspension is completed, as required under section 6 of the Guidelines.

OROGO's records show the suspension operations on the Cameron J-62 (WID1158), Cameron A-03 (WID2047), and Cameron I-73 (WID1937) wells were completed before April 1, 2020. The status of the wells was changed to Suspended Compliant on June 2, 2020, after OROGO's review of the Well Operations Reports submitted by the operator. The suspension requirements under component 2 of the 2019 Order have been fulfilled.

Under the 2019 Order, the abandonment deadline for these wells was June 1, 2026 (no more than six years after the suspension was completed on June 2, 2020). However, A&M subsequently submitted applications for Well Approvals to complete the abandonments by an earlier date and these applications were approved by the Regulator. Therefore, the earlier abandonment dates became part of the Terms of the Well Approvals and are captured in Table 1.

Page 8 of the 2019 Order states that "all suspensions and abandonments shall be completed in accordance with the Guidelines". Compliance with Guidelines issued by the Regulator is also required under Term 2 of Well Approvals issued by the Regulator.

Table 1 shows the abandonment status of the Cameron J-62 (WID1158), Cameron A-03 (WID2047), and Cameron I-73 (WID1937) wells.

Table 1: Status of Cameron J-62 (WID1158), Cameron A-03 (WID2047), and Cameron I-73 (WID1937) Well Abandonments

WID	Well Name	Date Status Changed to Abandoned and Compliant with Guidelines*	Deficiencies Identified During September 17-19, 2024, Inspection	Date(s) Deficiencies Communicated to Operator^	Estimated End of Operations from Application
1158	Cameron J-62	November 21, 2023	Backfill at well centre not completed appropriately; cellar not removed; signage not compliant with Guidelines	September 25, 2024[1] October 2, 2024[2] October 18, 2024 November 29, 2024[3] December 17, 2024[4]	February 13, 2023
1937	Cameron I-73	November 21, 2023	Cellar not removed; excavation at well centre filled with metal debris	October 2, 2024[2] November 13, 2024	January 20, 2023
2047	Cameron A-03	November 6, 2023	None	N/A	January 20, 2023

* Based on Well Operations Reports submitted by A&M.

^ All deficiencies were communicated in inspection reports issued between October 15 and November 14, 2024. In addition, some deficiencies were communicated on the dates listed in the table by (1) Notice from the Chief Safety Officer on September 25, 2024, (2) Notice from the Chief Safety Officer on October 2, 2024, (3) Notice of Non-Compliance: Failure to Comply with Chief Safety Officer's Direction from the Regulator on November 29, 2024, or (4) Order of the Chief Safety Officer (ORD-2024-001-SOG) on December 17, 2024.

The abandonment operations were carried out in winter 2023 and, based on Well Operations Reports submitted by A&M, the well statuses were changed to Abandoned Compliant on the dates listed in Table 1. However, subsequent inspections identified deficiencies in the abandonment operations for the Cameron J-62 (WID1158) and Cameron I-73 (WID1937) wells, as described in Table 1. The deficiencies demonstrate the abandonment operations were not completed in compliance with the requirements of the Well Approvals and, with respect to the deficiencies in signage, with section 6E of the Guidelines. Therefore, until the deficiencies are addressed, the requirements of component 2 of the 2019 Order are fulfilled for the Cameron A-03 (WID2047) well and unfulfilled for the Cameron J-62 (WID1558) and Cameron I-73 (WID1937) wells.

Component 3: Abandon the wells listed in Table 2 by January 31, 2023.

Under the 2019 Order, the abandonment deadline for the wells listed in Table 2 was January 31, 2023. However, the abandonment deadline for these wells was extended at A&M's request, as follows:

- On February 22, 2021, the abandonment deadline for the Cameron F-73, 2F-73, I-74, J-04, I-10, B-25, L-44, M-74, F-75, E-07, and M-31 wells was extended to March 31, 2023.
- On July 9, 2021, the abandonment deadline for the Swede G-21 and Cameron A-73, N-28, J-37, L-29, M-49, C-50, A-68, N-06, C-16, F-77, and 2B-09 wells was extended to March 31, 2023.

Page 8 of the 2019 Order states that "all suspensions and abandonments shall be completed in accordance with the Guidelines". Compliance with Guidelines issued by the Regulator is also required under Term 2 of Well Approvals issued by the Regulator.

Table 2 shows the abandonment status of the wells listed under component 3 of the 2019 Order.

Table 2: Status of the Component 3 Well Abandonments

WID	Well Name	Date Status Changed to Abandoned and Compliant with Guidelines*	Deficiencies Identified During September 17-19, 2024, Inspection	Date(s) Deficiencies Communicated to Operator^
1122	Cameron M-31	October 2, 2024	Signage not compliant with Guidelines	November 14, 2024
1492	Cameron I-10	February 21, 2024	None	N/A
1608	Cameron C-50	June 16, 2023	None	N/A
1743	Cameron L-44	June 9, 2023	Backfill at well centre not completed appropriately; signage not compliant with Guidelines	October 31, 2024
1746	Cameron A-68	June 16, 2023	Backfill at well centre not completed appropriately; cellar not removed; signage not compliant with Guidelines	September 25, 2024[1] October 2, 2024[2] October 25, 2024 November 29, 2024[3] December 17, 2024[4]
1747	Cameron A-73	June 16, 2023	Signage not compliant with Guidelines	October 29, 2024
1751	Cameron J-37	June 16, 2023	None	N/A
1753	Cameron N-28	June 16, 2023	None	N/A

WID	Well Name	Date Status Changed to Abandoned and Compliant with Guidelines*	Deficiencies Identified During September 17-19, 2024, Inspection	Date(s) Deficiencies Communicated to Operator^
1756	Cameron B-25	June 9, 2023	Backfill at well centre not completed appropriately; signage not compliant with Guidelines	September 25, 2024[1] October 18, 2024 November 29, 2024[3] December 17, 2024[4]
1764	Swede G-21	June 16, 2023	None	N/A
1792	Cameron I-74	June 9, 2023	Backfill at well centre not completed appropriately; cellar not removed; rat hole on well site not filled	September 25, 2024[1] October 2, 2024[2] October 18, 2024 November 29, 2024[3] December 17, 2024[4]
1971	Cameron F-75	June 9, 2023	Signage not compliant with Guidelines	November 13, 2024
1974	Cameron M-49	June 16, 2023	None	N/A
1992	Cameron F-73	June 9, 2023	Backfill at well centre not completed appropriately; signage not compliant with Guidelines	October 31, 2024
2001	Cameron C-16	June 16, 2023	None	N/A
2025	Cameron 2F-73	June 9, 2023	Backfill at well centre not completed appropriately	November 1, 2024
2034	Cameron J-04	February 21, 2024	Backfill at well centre not completed appropriately	September 25, 2024[1] October 25, 2024 November 29, 2024[3] December 17, 2024[4]
2041	Cameron L-29	February 21, 2024	None	N/A
2042	Cameron E-07	June 9, 2023	Signage not compliant with Guidelines	November 14, 2024
2063	Cameron M-74	June 9, 2023	None	N/A
2065	Cameron F-77	June 16, 2023	None	N/A
2067	Cameron N-06	June 16, 2023	None	N/A
2071	Cameron 2B-09	June 16, 2023	None	N/A

* Based on the Well Operations Reports submitted by A&M.

^ All deficiencies were communicated in inspection reports issued on the dates listed in the table. In addition, some deficiencies were communicated on the dates listed in the table by (1) Notice from the Chief Safety Officer on September 25, 2024, (2) Notice from the Chief Safety Officer on October 2, 2024, (3) Notice of Non-Compliance: Failure to Comply with Chief Safety Officer's Direction from the Regulator on November 29, 2024, or (4) Order of the Chief Safety Officer (ORD-2024-001-SOG) on December 17, 2024.

The abandonment operations were carried out in winter 2023. Based on the Well Operations Reports submitted by A&M and, in some cases, Post-Abandonment Gas Migration Test Reports, the well statuses were changed to Abandoned Compliant on the dates listed in Table 2. However, subsequent inspections identified deficiencies in the abandonment operations for certain wells, as described in Table 2. The deficiencies demonstrate the abandonment operations were not completed in compliance with the requirements of the Well Approvals and, with respect to the deficiencies in signage, with section 6E of the Guidelines. Therefore, until the deficiencies are addressed, the requirements of component 3 of the 2019 Order are unfulfilled for all wells with deficiencies identified in Table 2 and fulfilled for the remaining wells listed in Table 2.

Component 4: Abandon the wells listed in Table 3 by May 14, 2025.

Under the 2019 Order, the abandonment deadline for the wells listed in Table 3 was May 14, 2025. However, A&M subsequently submitted applications for Well Approvals to complete the abandonments by an earlier date and these applications were approved by the Regulator. Therefore, the earlier abandonment date became part of the Terms of the Well Approvals and are captured in Table 3.

Page 8 of the 2019 Order states that "all suspensions and abandonments shall be completed in accordance with the Guidelines". Compliance with Guidelines issued by the Regulator is also required under Term 2 of Well Approvals issued by the Regulator.

Table 3 shows the abandonment status of the wells listed under component 4 of the 2019 Order.

Table 3: Status of the Component 4 Well Abandonments

WID	Well Name	Date Status Changed to Abandoned and Compliant with Guidelines*	Deficiencies Identified During September 17-19, 2024, Inspection	Date(s) Deficiencies Communicated to Operator^	Estimated End of Operations from Application
0376	Cameron A-05	November 6, 2023	Signage not compliant with Guidelines	November 13, 2024	January 25, 2023
1482	Cameron I-16	November 10, 2023	Signage not compliant with Guidelines	November 13, 2024	February 5, 2023
1732	Cameron B-08	November 6, 2023	Signage not compliant with Guidelines	November 14, 2024	January 30, 2023
1736	Cameron L-47	November 21, 2023	None	N/A	January 25, 2023
1765	Cameron M-73	November 24, 2023	Backfill at well centre not completed appropriately	October 18, 2024	February 4, 2023
1767	Cameron C-19	November 6, 2023	None	N/A	January 25, 2023
1793	Cameron C-75	November 10, 2023	None	N/A	January 30, 2023
1939	Cameron C-74	November 6, 2023	Backfill at well centre not completed appropriately; cellar not removed	October 2, 2024[2] November 13, 2024	January 20, 2023
1940	Cameron H-03	November 22, 2023	None	N/A	January 20, 2023

WID	Well Name	Date Status Changed to Abandoned and Compliant with Guidelines*	Deficiencies Identified During September 17-19, 2024, Inspection	Date(s) Deficiencies Communicated to Operator^	Estimated End of Operations from Application
1972	Cameron K-74	November 22, 2023	Backfill at well centre not completed appropriately; signage not compliant with Guidelines	October 25, 2024	January 20, 2023
1973	Cameron D-49	November 10, 2023	Backfill at well centre not completed appropriately; signage not compliant with Guidelines	September 25, 2024[1] October 15, 2024 November 29, 2024[3] December 17, 2024[4]	February 1, 2023
1975	Cameron H-58	November 10, 2023	Signage not compliant with Guidelines	November 12, 2024	January 25, 2023
2026	Cameron 2M-73	November 24, 2023	Backfill at well centre not completed appropriately	September 25, 2024[1] October 18, 2024 November 29, 2024[3] December 17, 2024[4]	February 5, 2023
2032	Cameron J-74	November 22, 2023	Backfill at well centre not completed appropriately; signage not compliant with Guidelines	November 13, 2024	February 5, 2023
2033	Cameron L-73	November 24, 2023	Backfill at well centre not completed appropriately;	November 13, 2024	January 20, 2023
2045	Cameron L-40	November 21, 2023	Signage not compliant with Guidelines	November 6, 2024	February 3, 2023
2073	Cameron 2H-03	November 22, 2023	None	N/A	January 20, 2023

* Based on the Well Operations Reports submitted by A&M.

^ All deficiencies were communicated in inspection reports issued on the dates listed in the table. In addition, some deficiencies were communicated on the dates listed in the table by (1) Notice from the Chief Safety Officer on September 25, 2024, (2) Notice from the Chief Safety Officer on October 2, 2024, (3) Notice of Non-Compliance: Failure to Comply with Chief Safety Officer's Direction from the Regulator on November 29, 2024, or (4) Order of the Chief Safety Officer (ORD-2024-001-SOG) on December 17, 2024.

The abandonment operations were carried out in winter 2023. Based on the Well Operations Reports submitted by A&M and, in some cases, Post-Abandonment Gas Migration Test Reports, the well statuses were changed to Abandoned Compliant on the dates listed in Table 3. However, subsequent inspections identified deficiencies in the abandonment operations for certain wells, as described in Table 3. The deficiencies demonstrate the abandonment operations were not completed in compliance with the requirements of the Well Approvals and, with respect to the deficiencies in signage, with section 6E of the Guidelines. Therefore, until

the deficiencies are addressed, the requirements of component 4 of the 2019 Order are unfulfilled for all wells with deficiencies identified in Table 3 and fulfilled for the remaining wells listed in Table 3.

Component 5: Decommission the gathering system in place at Cameron Hills by March 31, 2025, in accordance with the scope of work of OA-2018-003-SOG and commitments made by Strategic in its OA application and related submissions.

Under the 2019 Order, the deadline for decommissioning the gathering system at the Cameron Hills field is March 31, 2025. OROGO's records show the gathering system at the Cameron Hills field was decommissioned prior to March 31, 2023. Therefore, component 5 of the 2019 Order has been fulfilled.

Component 6: Remove all other oil and gas infrastructure in place at Cameron Hills by March 31, 2025, in accordance with the scope of work of OA-2018-003-SOG and commitments made by Strategic in its OA application and related submissions.

Under the 2019 Order, the deadline for removing all other oil and gas infrastructure from the Cameron Hills field is March 31, 2025. While the March 31, 2025, deadline has not yet passed, an inspection of the Cameron Hills field on September 17 to 19, 2024, identified the following concerns:

- Cameron L-47 (WID1736) wellsite: a bulk tank liner and grounding cable remain on the site and must be removed.
- Cameron M-73 (WID1765) wellsite: pilings associated with oil and gas infrastructure and other debris remain on the site and must be removed.
- Cameron K-74 (WID1972) wellsite: pilings (or casings) associated with oil and gas infrastructure, detached sections of casing, and other debris remain on the site and must be removed.
- Cameron 2M-73 (WID2026) wellsite: pilings associated with oil and gas infrastructure and other debris remain on the site and must be removed.
- Cameron 2H-03 (WID2073) wellsite: pilings associated with oil and gas infrastructure and other debris remain on the site and must be removed.
- Well site identification and directional signs along access roads and lease entrances remain at the field and must be removed.
- Pipeline identification and hazard signs along the pipeline right of ways remain at the field and must be removed.

These concerns were communicated to A&M by Notice from the Chief Safety Officer on September 25, 2024, Notice from the Chief Safety Officer on October 2, 2024, or the inspection reports issued between October 15 and November 14, 2024. The concerns at the Cameron 2H-03 (WID2073) wellsite were also the subject of a Notice of Non-Compliance: Failure to Comply with Chief Safety Officer's Direction issued on November 29, 2024, and an Order of the Chief Safety Officer (ORD-2024-001-SOG) issued on December 17, 2024.

If these concerns are not resolved before March 31, 2025, component 6 of the 2019 Order will be partially unfulfilled.

This is Exhibit "C" referred to in the affidavit of Pauline Bertha de Jong, affirmed before me at the City of Yellowknife, Northwest Territories, this 6th day of August, 2026.

E Russell

Emma Russell
A Commissioner for Oaths in and for
The Northwest Territories

My commission does not expire, being a
Barrister and Solicitor

NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

Office of the Regulator of Oil and Gas Operations
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Duncan MacRae
Vice President
Alvarez & Marsal Canada Inc.
SUITE 1100, 250 – 6 AVE SW
CALGARY AB T2P 3H7

July 16, 2026

Dear Duncan MacRae:

Cameron Hills Field Environmental Liabilities

The Office of the Regulator of Oil and Gas Operations (OROGO) has reviewed the information provided during the June 23, 2026, meeting with representatives from Strategic Oil and Gas (SOG), and the Department of Environment and Climate Change (GNWT-ECC). Additionally, GNWT-ECC provided an update to spill 2011012 on June 26, 2026.

OROGO agrees to change the status of the spills listed in Table 1 to closed, based on the information provided.

Table 1: Spills OROGO agrees to close

Spill Number	Status
2008546	Closed – Status Changed.
2011012	Closed – Status Changed.

OROGO requires further information or analytical results to evaluate the status of the spills listed in Table 2.

Table 2: Spills requiring further information for assessment

Spill Number	OROGO's Rationale for Not Accepting the Closure Request	Required Next Steps / Information Requested by OROGO
2007257	• In its December 17, 2025, correspondence, SOG identified that further assessment is required.	• Conduct field sampling, analyze and interpret the results, in accordance with the sampling plan approved on May 29, 2026. • Send the analytical results and interpretations to OROGO.
2010432	• The exact spill location was not confirmed.	• Determine the spill's approximate location using historical information.

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B.P. 1320, Yellowknife, TNO X1A 2L9
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Adresse de messagerie : 4e étage, 5201 – 50e Avenue, Yellowknife TNO X1A 3S9

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	• No sampling was completed. • Only visual observations were used to support closure request.	• Develop an appropriate sampling plan and submit to OROGO for approval prior to any field work. • Conduct field sampling, analyze and interpret the results. • Send the analytical results and interpretations to OROGO.
2011384	• During the June 23, 2026, GNWT-ECC Regional Officers advised that the historical spill location had been incorrectly identified and that the estimated spill volume was 10,000 L, rather than 1,000 L. As a result, the previous sampling conducted by SOG did not target the correct spill area, and additional sampling is required.	• Determine the spill's exact location using historical information. • Develop an appropriate sampling plan and submit to OROGO for approval prior to any field work. • Conduct field sampling, analyze and interpret the results. • Send the analytical results and interpretations to OROGO.

Please send the identified sampling plans for the spills listed in Tables 2 to OROGO by email at orogo@gov.nt.ca or through OROGO's secure file transfer site on or before 4:00 p.m. on August 10, 2026.

If you are unable to respond within this timeframe or have any questions, please contact OROGO at (867) 765-8160 or by email at: orogo@gov.nt.ca.

Sincerely,

Michael Martin
Chief Safety Officer
Chief Conservation Officer

c. Department of Environment and Climate Change – South Slave Region

This is Exhibit "D" referred to in the affidavit of Pauline Bertha de Jong, affirmed before me at the City of Yellowknife, Northwest Territories, this 6th day of August, 2026.

E Russell

Emma Russell
A Commissioner for Oaths in and for
The Northwest Territories

My commission does not expire, being a
Barrister and Solicitor

Outstanding Item	Communicated to	Date	Next Steps	Source Document
Cameron J-62: Backfill at well centre not completed appropriately; cellar not removed; signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron I-73: Cellar not removed; excavation at well centre filled with metal Debris	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron M-31: Signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron L-44: Backfill at well centre not completed appropriately; signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron A-68: Backfill at well centre not completed appropriately; cellar not	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)

Outstanding Item	Communicated to	Date	Next Steps	Source Document
removed; signage not compliant with Guidelines				
Cameron A-73: Signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron B-25: Backfill at well centre not completed appropriately; signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron I-74: Backfill at well centre not completed appropriately; cellar not removed; rat hole on well site not filled	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron F-75: Signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron F-73: Backfill at well centre not completed appropriately; signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)

Outstanding Item	Communicated to	Date	Next Steps	Source Document
Cameron 2F-73: Backfill at well centre not completed appropriately	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron J-04: Backfill at well centre not completed appropriately	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron E-07: Signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron A-05: Signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron I-16: Signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron B-08: Signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron M-73: Backfill at well centre not completed appropriately	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron C-74: Backfill at well centre not completed	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)

Outstanding Item	Communicated to	Date	Next Steps	Source Document
appropriately; cellar not removed				
Cameron K-74: Backfill at well centre not completed appropriately; signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron D-49: Backfill at well centre not completed appropriately; signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron H-58: Signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron 2M-73: Backfill at well centre not completed appropriately	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron J-74: Backfill at well centre not completed appropriately; signage not	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)

Outstanding Item	Communicated to	Date	Next Steps	Source Document
compliant with Guidelines				
Cameron L-73: Backfill at well centre not completed appropriately	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron L-40: Signage not compliant with Guidelines	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron L-47: a bulk tank liner and grounding cable remain on the site and must be removed.	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron M-73: pilings associated with oil and gas infrastructure and other debris remain on the site and must be removed.	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron K-74: pilings (or casings) associated with oil and gas infrastructure, detached sections of casing, and other debris remain on the site and must be removed.	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)

Outstanding Item	Communicated to	Date	Next Steps	Source Document
Cameron 2M-73: pilings associated with oil and gas infrastructure and other debris remain on the site and must be removed.	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Cameron 2H-03: pilings associated with oil and gas infrastructure and other debris remain on the site and must be removed.	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Entire Field: Well site identification and directional signs along access roads and lease entrances remain at the field and must be removed.	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Entire Field: Well site identification and directional signs along access roads and lease entrances remain at the field and must be removed.	Strategic/NWT Receiver	April 25, 2025	To be addressed by April 30, 2027	Abandonment Order (April 25, 2025)
Spill 2007257: 2,000L produced water	Strategic/NWT Receiver	July 16, 2026	Sampling Plan Approved by OROGO. Field Sampling Dates TBD	Letter re Environmental Liabilities (July 16, 2026)

Outstanding Item	Communicated to	Date	Next Steps	Source Document
Spill 2010432: 500L Produced Water	Strategic/NWT Receiver	July 16, 2026	Sampling plan received on July 30, 2026; OROGO to review and approve	Letter re Environmental Liabilities (July 16, 2026)
Spil 2011384: 10,000L Produced Water	Strategic/NWT Receiver	July 16, 2026	Sampling plan received on July 30, 2026; OROGO to review and approve	Letter re Environmental Liabilities (July 16, 2026) –

This is Exhibit "E" referred to in the affidavit of Pauline Bertha de Jong, affirmed before me at the City of Yellowknife, Northwest Territories, this 6th day of August, 2026.

E Russell

Emma Russell
A Commissioner for Oaths in and for
The Northwest Territories

My commission does not expire, being a
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NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

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Nathen Richea
ADM Regulatory, Assessment and Authorizations
Department of Environment and Climate Change
Government of the Northwest Territories
By email: Nathen_Richea@gov.nt.ca

February 10, 2026

Dear Nathen Richea:

GNWT Eligibility for an Operating Licence

Since Strategic Oil & Gas Ltd. went into receivership, the Government of the Northwest Territories (GNWT) and the Office of the Regulator of Oil and Gas Operations (OROGO) have had several discussions about the application of the *Oil and Gas Operations Act* (OGOA) to the GNWT should it take over responsibility for the Cameron Hills field when the receivership ends. This topic came up again during our meeting on June 25, 2025, when the Department of Environment and Climate Change (ECC) indicated the GNWT could not obtain an Operating Licence (OL) under the *Oil and Gas Operations Regulations* (Regulations) and, therefore, could not be regulated under OGOA. ECC's rationale was that section 2(1) of the Regulations contains a list of entities that "may" make an application for an OL, and the GNWT does not fit into those categories.

We have reviewed OGOA and the Regulations and are pleased to provide you with the following information.

The GNWT is considered a "person" under OGOA and is bound by the Act (see section 120). Therefore, the prohibition against carrying out activities regulated under OGOA without an OL and Authorization (see section 6 of OGOA) also applies to the GNWT. The remediation of contamination from activities regulated under OGOA or its predecessor legislation, the *Canada Oil and Gas Operations Act* (COGOA), and the completion of the requirements of the October 4, 2019, Order of the Regulator (as amended on April 25, 2025), are activities regulated under OGOA.

Consistent with the wording in section 6, any person may apply for an OL. The list in section 2(1) of the Regulations establishes some requirements for specific types of persons but does not prohibit other types of persons, including the GNWT, from applying for an OL.

.../2

Bureau de l'organisme de réglementation des opérations pétrolières et gazières
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Alternatively, under section 10(3) of OGOA, the Regulator has the authority to establish their own requirements for OLs, if the requirements are consistent with OGOA and do not conflict with the Regulations. Under this section of OGOA, the Regulator could establish requirements for an OL issued to the GNWT.

Furthermore, there is a precedent for the Regulator issuing an OL to a government entity. In 2011, the National Energy Board issued an OL under COGOA to the Department of Indian and Northern Affairs Canada, Contaminants and Remediation Directorate – NT Region.

Therefore, the Regulator has the authority to issue an OL to the GNWT, and the GNWT can comply with section 6 of OGOA to complete end-of-life oil and gas related operations at the Cameron Hills field, should the receivership end before these operations are completed to the Regulator's satisfaction.

During the meeting on June 25, 2025, ECC indicated the receivership would remain in place until the new Water Licence for Cameron Hills was issued. The Mackenzie Valley Land and Water Board issued Water Licence MV2025L1-0004 on February 6, 2026.

I look forward to an update on the status of the receivership at your earliest convenience.

Sincerely,

Pauline de Jong
Executive Director

c. Lorraine Seale, Director, Impact Assessment and Security Management, GNWT-ECC
Jaida Ohokannoak, Regulatory and Securities Specialist, GNWT-ECC

This is Exhibit "F" referred to in the affidavit of Pauline Bertha de Jong, affirmed before me at the City of Yellowknife, Northwest Territories, this 6th day of August, 2026.

E Russell

Emma Russell
A Commissioner for Oaths in and for
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NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

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Robert Jenkins
Deputy Minister
Environment and Climate Change
Government of the Northwest Territories

BY EMAIL ONLY

July 27, 2026

Dear Robert Jenkins:

RE: Management of the Cameron Hills Field

Alvarez and Marsal Canada Inc. (A&M) was appointed as the Receiver for Strategic Oil and Gas Ltd. on January 28, 2020, by the Court of the Kings Bench of Alberta under section 243 of the *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3 and section 13(2) of the *Judicature Act*, RSA 2000, c. J-2. As the Receiver for Strategic Oil and Gas Ltd., A&M is responsible for the Cameron Hills Production Field in the southern NWT (Cameron Hills).

On July 24, 2026, the Office of the Regulator of Oil and Gas Operations (OROGO) was advised that A&M intends to file the 5th report with the courts under this receivership, which will include an application to be discharged as the Receiver for the Cameron Hills.

On June 24, 2026, the Government of the Northwest Territories, Department of Environment and Climate Change (GNWT-ECC) advised OROGO that they will be seeking to discharge the Receiver for Cameron Hills. GNWT-ECC also stated that the site would be managed through its Contaminated Site Management Program; however, no timeline was provided. Further, GNWT-ECC did not commit to applying for an Operations Authorization (OA), as required under section 6 of the *Oil and Gas Operations Act* (OGOA) for the management of this field.

On February 10, 2026, OROGO notified GNWT-ECC that GNWT-ECC was eligible to apply for an Operating Licence under section 2 of the *Oil and Gas Operations Regulations* (OGOR) and therefore subject to the requirements of OGOA.

Given A&M's intention to seek discharge as the Receiver, OROGO requests that GNWT-ECC confirms that it intends to apply for an OA for the Cameron Hills Production Field as required by OGOA.

Please send your written response to OROGO at orogo@gov.nt.ca, or through OROGO's secure file transfer site, on or before 4:00 p.m. on July 31, 2026.

.../2

Bureau de l'organisme de réglementation des opérations pétrolières et gazières
B.P. 1320, Yellowknife, TNO X1A 2L9
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If you are unable to respond within this timeframe or have any questions, please contact OROGO by email at orogo@gov.nt.ca.

Sincerely,

Michael Martin
A/ Executive Director
Chief Safety Officer
Chief Conservation Officer

c. Toby Kruger, Partner, Lawson Lundell LLP

Deirdre A. Sheehan, Partner, Osler, Hoskin & Harcourt LLP

Mary Buttery, Partner, Osler, Hoskin & Harcourt LLP

Nathen Richea, ADM, Regulatory, Assessment and Authorizations, GNWT-ECC

Lorraine Seale, Director, Impact Assessment and Security Management, GNWT-ECC

Rohan Brown, Legal Counsel, Legal Division, Department of Justice, GNWT

Duncan MacRae, Vice President, Alvarez & Marsal Canada Inc.

This is Exhibit "G" referred to in the affidavit of Pauline Bertha de Jong, affirmed before me at the City of Yellowknife, Northwest Territories, this 6th day of August, 2026.

Emma Russell
A Commissioner for Oaths in and for
The Northwest Territories

My commission does not expire, being a
Barrister and Solicitor

July 31, 2026

Mike Martin
A/Executive Director
Office of the Regulator of Oil and Gas Operations
P.O. Box 1320
YELLOWKNIFE, NT X1A 2L9
orogo@gov.nt.ca

Dear Mike Martin,

Management of the Cameron Hills Field

The Department of Environment and Climate Change (GNWT-ECC) acknowledges receipt of the Office of Regulator of Oil and Gas Operation's (OROGO) letter dated July 27, 2026, requesting confirmation as to whether GNWT-ECC intends to apply for an Operations Authorization (OA) for the Cameron Hills site following the discharge of the Receiver for Strategic Oil and Gas Ltd. (SOGL).

The GNWT supports the discharge of the Receiver at this time, following years of work to address liabilities at the site. GNWT-ECC has the capacity to assume responsibility for the site to address any remaining liabilities and will do so consistent with authorizations issued by the Mackenzie Valley Land and Water Board (MVLWB). Continuing the receivership beyond this point would be of no benefit, and an unnecessary burden on the NWT taxpayer.

GNWT-ECC does not intend to apply for an OA. GNWT-ECC has considered the issue and has determined that the Government of the Northwest Territories (GNWT) would not be considered an "operator" under the *Oil and Gas Operations Act* (OGOA) when it assumes responsibility for the Cameron Hills Site, for the following reasons.

The *Oil and Gas Drilling and Production Regulations* define an "operator" as a person that holds both an operating licence under section 10 of the OGOA and an authorization. S.2(1) of the *Oil and Gas Operations Regulations* provides that the following entities may apply for an operating licence:

(a) an individual who is 18 years of age or over;
(b) a corporation that is registered with the Registrar of Corporations under the *Business Corporations Act;* and
(c) a corporation that is entitled to carry on business in any province or territory.

.../2

The GNWT does not fall within any of the categories identified in paragraphs (a) through (c) and therefore is not eligible to apply for an operating licence. As eligibility for an operating licence is a prerequisite to being an operator, the GNWT cannot be considered an operator under the statutory framework. If it had been the intention that abandonment and decommissioning activities undertaken by the GNWT constitute an oil and gas operation and therefore require operator status, section 2(1) of the *Oil and Gas Operations Regulations* would have needed to make the GNWT eligible to apply for an operating licence. The OGOA and its regulations provide no other indication that the GNWT may somehow be an operator.

Upon discharge of the NWT Receiver for SOGL, GNWT-ECC Environmental Protection and Waste Management Division (EPWM) will assume responsibility for managing the site through the Contaminated Sites Management Program. EPWM will be applying for assignment of the existing land use permit and water licence to the GNWT and will work collaboratively with Indigenous Governments and Indigenous Organizations and other interested parties to develop and execute a final closure and reclamation plan that will address all remaining liabilities associated with the Cameron Hills site.

Should you require any additional information or supporting documentation, please contact the Jaida Ohokannoak, Manager, Securities Management at Jaida_Ohokannoak@gov.nt.ca.

Sincerely,



Robert Jenkins
Deputy Minister
Environment and Climate Change
Government of the Northwest Territories

c. distribution list

Distribution List:

Toby Kruger
Partner
Lawson Lundell LLP

Mary Buttery
Partner
Osler, Hoskin & Harcourt LLP

Duncan MacRae
Senior Director
Alvarez & Marsal Canada ULC

Rohan Brown
Legal Counsel
Justice, GNWT

Nathen Richea,
ADM, Regulatory Assessment and Authorizations
Environment and Climate Change, GNWT

Lorraine Seale
Director, Impact Assessment and Security Management
Environment and Climate Change, GNWT

This is Exhibit "H" referred to in the affidavit of Pauline Bertha de Jong, affirmed before me at the City of Yellowknife, Northwest Territories, this 6th day of August, 2026.

E Russell

Emma Russell
A Commissioner for Oaths in and for
The Northwest Territories

My commission does not expire, being a
Barrister and Solicitor

National Energy Board | Office national de l'énergie

File: OA-1233-001
16 July 2014

Contaminant and Remediation Directorate
JUL 21 2014
Northern Affairs Program
Yellowknife, N.W.T.

Ms. Emma Pike
Project Manager
Contaminants and Remediation Directorate
Aboriginal Affairs and Northern Development Canada
Box 1500
Yellowknife, NT X1A 2R3

Dear Ms. Pike:

Request for an Extension to Operations Authorization (OA-1233-001) for Frobisher Gas Wells Abandonment Program

On the 2 July 2014, the National Energy Board received a request for an extension to Operations Authorization (OA-1233-001) for the Frobisher Gas Wells Abandonment Program from the Contaminants and Remediation Directorate of Aboriginal Affairs and Northern Development Canada (AANDC).

The request to extend Operation Authorization OA-1233-001 until the 31 March 2017 is hereby approved subject to the attached terms and conditions. These are in addition to the terms and conditions outlined in the letter from the Chief Conservation Officer dated 18 February 2011.

AANDC is reminded that all oil and gas activities are to meet the requirements of the *Canada Occupational Health and Safety Regulations* and *Canada Labour Code, Part II*.

If you have any questions, please contact Orlando Huang at 403-299-3137.

Yours truly,

Jamie Kereliuk
Chief Conservation Officer
Attachment

517 Tenth Avenue SW
Calgary, Alberta T2R 0A8

517, Dixième Avenue S.-O.
Calgary (Alberta) T2R 0A8

Canada

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Facsimile/Télécopieur : 403-292-5503
http://www.neb-one.gc.ca
Telephone/Téléphone : 1-800-899-1265
Facsimile/Télécopieur : 1-877-288-8803

Attachment
Terms and Conditions Extension to Operations Authorization OA-1233-001
Frobisher Gas Wells Abandonment Program

1. Following its awarding of the contract AANDC shall submit for approval by the Chief Conservation Officer an updated Safety Plan in accordance with section 8 of the *Canada Oil and Gas Drilling and Production Regulations* (COGDPR).

2. Following its awarding of the contract AANDC shall submit for approval by the Chief Conservation Officer an updated Environmental Protection Plan in accordance with section 9 of the COGDPR.

3. Following its awarding of the contract AANDC shall submit updated contingency plans in accordance with subsection 6(j) of the COGDPR.

4. Following its awarding of the contract AANDC shall submit a new Declaration by Owner pursuant to subsection 5.11(2) of the *Canada Oil and Gas Operations Act* (COGOA).

5. AANDC shall submit rig certificates prior to those rigs conducting any work for AANDC on the Frobisher Gas Wells Abandonment Program.

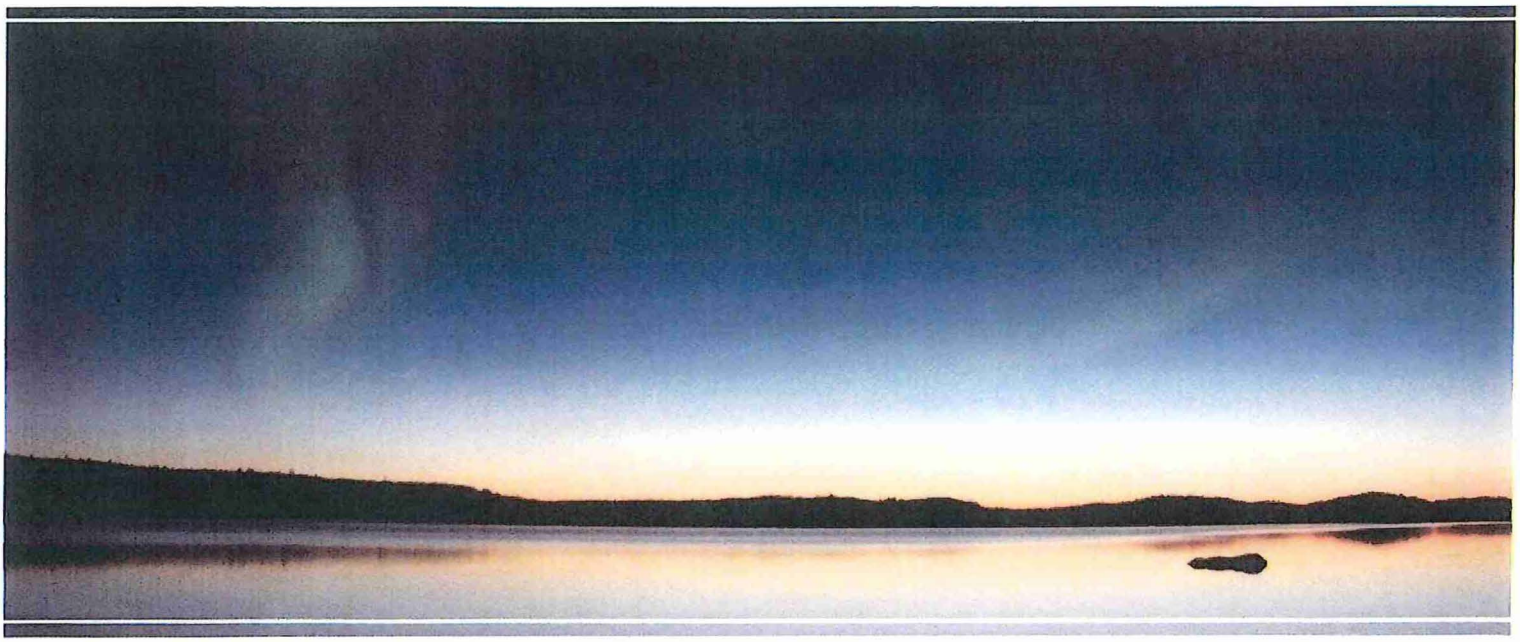
This is Exhibit "1" referred to in the affidavit of Pauline Bertha de Jong, affirmed before me at the City of Yellowknife, Northwest Territories, this 6th day of August, 2026.

Emma Russell
A Commissioner for Oaths in and for
The Northwest Territories

My commission does not expire, being a
Barrister and Solicitor

NORTHWEST TERRITORIES LANDS AND RESOURCES

Devolution Agreement



Inuvialuit Regional Corporation

The Sahtu Secretariat Inc.

Tłı̨chǫ Nǫǫ̀k'awoo

Tłı̨chǫ Government

Northwest Territories

Canada

CHAPTER 3
TRANSFER OF RESPONSIBILITIES

Administration and Control of Public Lands and Rights in Respect of Waters

3.1 As of the Transfer Date the Commissioner shall have the administration and control of Public Lands and of rights in respect of Waters.

3.2 Notwithstanding the transfer under section 3.1, Public Lands and rights in respect of Waters belonging to Her Majesty in right of Canada at the Transfer Date shall continue to belong to Her Majesty in right of Canada.

Existing Rights

3.3 The transfer of the administration and control of Public Lands and rights in respect of Waters to the Commissioner pursuant to section 3.1 shall not:

(a) affect any existing right or interest or trust, including any Existing Interest, in respect of Public Lands; or

(b) affect any existing right, including any Existing Interest, in respect of Waters.

Exercise of Administration and Control

3.4 The administration of Public Lands and rights in respect of Waters by the Commissioner shall be exercised in a manner consistent with the terms and conditions of this Agreement and in a manner consistent with the terms and conditions of any agreement between the GNWT and any Aboriginal Party related to the administration of Public Lands and rights in respect of Waters.

3.5 Nothing in this Agreement shall be construed so as to affect any jurisdiction of Canada in respect of:

(a) offshore marine areas;

(b) fish and fish habitat in both offshore marine areas and Onshore freshwater areas; or

(c) offshore resources, including Oil and Gas.

3.6 Without limiting the generality of section 3.1, as of the Transfer Date, the Commissioner may, subject to the terms and conditions of this Agreement, use, sell or otherwise dispose of the entire or any lesser interest in Public

Lands and retain the proceeds of their use, sale or disposition, and may exercise rights in respect of Waters, or sell or otherwise dispose of them and retain the proceeds of their exercise, sale or disposition.

3.7 As soon as is practicable after this Agreement is signed by the Parties, Canada shall introduce into Parliament and support as a government measure Legislation necessary to:

(a) repeal and replace or amend the *Northwest Territories Act* (Canada) in order to provide:

(i) that the Legislature has the authority to make laws in relation to Public Lands, Waters, and the disposition of any right or interest in Public Lands or of any right in respect of Waters; and

(ii) that the Commissioner has the administration and control of Public Lands and of rights in respect of Waters;

(b) repeal the *Northwest Territories Reindeer Regulations* and the *Northwest Territories Archaeological Sites Regulations* made under the *Northwest Territories Act*.(Canada);

(c) repeal the *Northwest Territories Waters Act* (Canada) and any regulations made under that Act;

(d) repeal the *Northwest Territories Surface Rights Board Act* (Canada), and any regulations made under that Act, if such Legislation is enacted by Parliament prior to the Transfer Date;

(e) make the *Territorial Lands Act* (Canada), and any regulations made under that Act, inapplicable in respect of Public Lands;

(f) make the *Canada Petroleum Resources Act* (Canada), and any regulations made under such Act, inapplicable in respect of Public Lands except to the extent that application of such Legislation to Public Lands may be necessary pursuant to subsection 3.7(h);

(g) make the *Canada Oil and Gas Operations Act* (Canada) and any regulations made under such Act, inapplicable in respect of the Onshore except lands under the administration and control of Canada and except to the extent that application of such Legislation in the Onshore may be necessary pursuant to subsection 3.7(h);

(h) ensure that the *Canada Oil and Gas Operations Act* (Canada), the *Canada Petroleum Resources Act* (Canada) and any necessary

provisions of the *National Energy Board Act* (Canada), or other federal Legislation, provide for:

(i) the unitization of straddling resources in the manner set out in the agreement referred to in section 5.5;

(ii) the protection of confidential information provided by Canada or third parties pursuant to, or in furtherance of, the agreement referred to in section 5.5; and

(iii) the role of the NEB under territorial Legislation as described in section 3.12.

(i) provide that the consent of Canada is required for any amendment to territorial Legislation that would affect the unitization of straddling resources referred to in the agreement referred to in section 5.5 or limit the application to, or implementation by, the GNWT of such agreement;

(j) provide that, during the initial term of 20 years set out in subsection 3.6(a) of the agreement referred to in section 5.5, the consent of Canada is required for any amendment to territorial Legislation that would affect the regulatory functions of the National Energy Board in the ISR within the Onshore;

(k) provide for transitional matters and to give legislative effect to aspects of this Agreement; and

(l) make consequential amendments to federal Legislation as required.

3.8 The Legislation referred to in section 3.7 shall provide that a federal Minister shall have sole authority to exercise the following powers and functions under the territorial Legislation referred to in subsection 3.11(a) which substantially mirrors the *Northwest Territories Waters Act* (Canada):

(a) in relation to a Federal Appurtenant Undertaking:

(i) the approval of the issuance of a Type A water licence;

(ii) the approval of the form, and the holding, of any security posted in respect of a water licence;

(iii) the exercise of the powers referred to in section 39 of the *Northwest Territories Waters Act* (Canada), as that provision

read immediately prior to the repeal of such Legislation on the Transfer Date;

(iv) the issuance of a policy direction to a board;

(v) the designation of inspectors; and

(vi) the provision to inspectors designated under paragraph 3.8(a)(v) of the authority to exercise the powers referred to in section 37 of the *Northwest Territories Waters Act* (Canada), as that provision read immediately prior to the Transfer Date;

(b) the right to nominate members to the water board established by the territorial Legislation referred to in subsection 3.11(a) which substantially mirrors the *Northwest Territories Waters Act* (Canada), to the same extent as the GNWT had such right under the *Northwest Territories Waters Act* (Canada) immediately prior to the Transfer Date.

3.9 The Legislation referred to in section 3.7 shall provide that:

(a) the Legislature may make laws in relation to:

(i) the exploration for non-renewable natural resources in the Onshore;

(ii) the development, conservation and management of non-renewable natural resources in the Onshore, including laws in relation to the rate of primary production from those resources;

(iii) oil and gas pipelines located entirely within the Onshore;

(iv) the development, conservation and management of sites and facilities in the Onshore for the generation and production of electrical energy;

(v) the export, from the Onshore to another part of Canada, of the primary production from non-renewable natural resources in the Onshore, and of electrical energy generated or produced from facilities in the Onshore; and

(vi) the raising of money by any mode of taxation in respect of non-renewable natural resources in the Onshore and the primary production from those resources and in respect of sites and

facilities referred to in paragraph 3.9(a)(iv) and the production of electrical energy from them;

(b) laws made in relation to the matters referred to in paragraph 3.9(a)(v) may not authorize or provide for discrimination in prices or in supplies exported;

(c) laws made in relation to the matters referred to in paragraph 3.9(a)(vi) may not authorize or provide for taxation that differentiates between production that is not exported and production that is exported to another part of Canada; and

(d) the Legislature may not make laws in respect of the right to the use and flow of waters for the production or generation of water-power to which the *Dominion Water Power Act* (Canada) applies.

3.10 Canada shall, unless otherwise agreed by the Parties, recommend to Parliament that the Legislation referred to in section 3.7 come into force on the first day of April.

3.11 Prior to the Transfer Date, the GNWT shall introduce into the Legislature and support as a government measure Legislation that:

(a) substantially mirrors the federal Legislation repealed or made inapplicable to Public Lands pursuant to section 3.7, and any provisions of the *National Energy Board Act* (Canada) necessary for the National Energy Board to act as regulator in the ISR within the Onshore;

(b) provides for transitional matters and gives legislative effect to aspects of this Agreement; and

(c) makes consequential amendments to other territorial Legislation as required.

3.12 The territorial Legislation referred to in subsection 3.11(a) which substantially mirrors the *Canada Oil and Gas Operations Act* (Canada), the *Canada Petroleum Resources Act* (Canada) and any necessary provisions of the *National Energy Board Act*, shall provide that with respect to the ISR within the Onshore the NEB shall continue to carry out the same regulatory functions in respect of Oil and Gas under such mirroring territorial Legislation as the NEB carried out such role under the *Canada Oil and Gas Operations Act* (Canada) and the *Canada Petroleum Resources Act* (Canada) and any necessary provisions of the *National Energy Board Act* immediately prior to the Transfer Date.

3.13 For greater certainty, the territorial Legislation referred to in subsection 3.11(a) shall mirror the benefits plans provisions of the *Canada Oil and Gas Operations Act* (Canada) and the *Canada Petroleum Resources Act* (Canada), which provisions require benefit plans as contemplated in section 22.2 of the Sahtu Agreement.

3.14 If, while the agreement referred to in section 5.5 is in force and effect, Canada amends the *Canada Oil and Gas Operations Act* (Canada), the *Canada Petroleum Resources Act* (Canada) or any necessary provisions of the *National Energy Board Act* (Canada) mirrored in territorial Legislation pursuant to subsection 3.11(a) in respect of the ISR within the Onshore, the GNWT shall introduce into the Legislature and support as a government measure Legislation that substantially mirrors such amendment.

3.15 Section 3.14 does not apply with respect to matters in respect of which Canada's consent is not required pursuant to subsection 3.7(i) or 3.7(j).

3.16 The GNWT shall recommend to the Legislative Assembly of the Northwest Territories that the Legislation referred to in section 3.11 come into force upon the coming into force of the federal Legislation referred to in section 3.7.

MVRMA Transition

3.17 Prior to the Transfer Date, Canada shall by instrument of delegation issued pursuant to section 4 of the *Mackenzie Valley Resource Management Act* (Canada) delegate to a territorial Minister, with effect as of the Transfer Date, the following functions of the federal Minister:

(a) the approval of the issuance of Type A water licences, except where the water licence is in respect of a Federal Appurtenant Undertaking.

(b) the approval of the form, and the holding, of any security posted in respect of land use permits, except where the land use permits are in respect of an Federal Appurtenant Undertaking.

(c) the designation of inspectors except in respect of:

(i) Remediation performed by or on behalf of Canada pursuant to this Agreement;

(ii) Remediation performed by or on behalf of Canada in respect of an Excepted Waste Site; or

(iii) lands under the administration and control of Canada;

(d) the functions relating to cumulative impact monitoring and the conduct of an environmental audit in Part 6 of the *Mackenzie Valley Resource Management Act* (Canada); and

(e) subject to paragraph 3.17(e)(iii), the functions in relation to the environmental assessment processes in Part 5 of the *Mackenzie Valley Resource Management Act* (Canada) set out in paragraphs 3.17(e)(i) and 3.17(e)(ii);

(i) the receipt of reports from the Mackenzie Valley Environmental Impact Review Board and the distribution of such reports;

(ii) the participation in decisions made in consideration of reports referred to in paragraph 3.17(e)(i) and the distribution of such decisions;

(iii) the functions delegated to a territorial Minister pursuant to paragraphs 3.17(e)(i) and 3.17(e)(ii) shall not include functions of the federal Minister in relation to:

(A) a development which is in respect of Remediation performed by, or on behalf of, Canada pursuant to this Agreement or in respect of an Excepted Waste Site;

(B) a development which is in whole or in part on lands under the administration and control of Canada;

(C) the determination that a development is in the national interest or the environmental impact review of such development;

(D) the determination that an environmental impact review is necessary for a development which is partly within the Mackenzie Valley and partly outside the Mackenzie Valley and functions in respect of such review;

(E) the determination that an environmental impact review is necessary for a development which is likely to have a significant adverse impact on the environment outside the Mackenzie Valley and functions in respect of such review; or

(F) the participation in decisions made in consideration of reports referred to in paragraph 3.17(e)(i) where the participation in such decisions by the federal Minister is

related to the jurisdiction of a responsible Minister under federal Legislation.

3.18 No earlier than the fifth anniversary of the Transfer Date, the Parties shall conduct a review of the provisions of this Agreement respecting the *Mackenzie Valley Resource Management Act* (Canada). As soon as is practicable after such fifth anniversary of the Transfer Date, the Parties shall commence negotiations to develop terms for such review as mutually agreed by the Parties, which terms may include a review by an independent third party mutually agreed to by the Parties. Such review shall be carried out in accordance with the terms agreed to by the Parties.

3.19 Notwithstanding the review pursuant to section 3.18, unless otherwise determined by Canada, the *Mackenzie Valley Resource Management Act* (Canada), or successor federal Legislation, shall continue to fully provide for and govern the role and mandate of the Mackenzie Valley Environmental Impact Review Board and the environmental assessment processes currently in the *Mackenzie Valley Resource Management Act* (Canada), including those matters provided for immediately prior to the Transfer Date in the provisions of Part 5 of the *Mackenzie Valley Resource Management Act* (Canada) and the following regulations:

(a) the *Exemptions List Regulations*;

(b) the *Period for Entering into an Agreement for the Purpose of Jointly Establishing a Review Panel Regulations*; and

(c) the *Preliminary Screening Requirement Regulations*.

Offshore Oil and Gas Management

3.20 Canada and the GNWT, with the participation of the Inuvialuit Regional Corporation, shall commence negotiations for the management of Oil and Gas resources in the Beaufort Sea, and other northern offshore areas as may be agreed, including Oil and Gas resource revenue sharing and the timing of the commencement of any such revenue sharing, no later than the earlier of:

(a) such time as Canada commences negotiations with Yukon for the management of Oil and Gas resources in the Beaufort Sea; or

(b) 60 days after the signing of this Agreement.

3.21 Any resource revenue received by the GNWT in respect of Oil and Gas resources in the Beaufort Sea, and other northern offshore areas as may be agreed, shall be shared among the GNWT and Aboriginal Parties in

accordance with a formula for the sharing of resource revenue as agreed to by the GNWT and Aboriginal Parties.

Services in Official Languages

3.22 As of the Transfer Date, in respect of programs and services provided by the GNWT as a result of this Agreement, any member of the public will have the right to communicate with, and receive available services from, the GNWT in an official language of the Northwest Territories in accordance with the *Official Languages Act* (NWT).

Existing Interests

3.23 Subject to sections 3.24, 3.25 and 3.26 any Existing Interests shall be administered and governed as of the Transfer Date in accordance with territorial Legislation.

3.24 As of the Transfer Date, a law of the Legislature may only provide for additional conditions in respect of the exercise of an Existing Interest if the law applies to the same extent to Existing Interests as to similar rights and interests issued, granted or secured under territorial Legislation.

3.25 Subject to section 3.26 and as of the Transfer Date, a law of the Legislature may only provide for the cancellation, suspension or limitation of an Existing Interest where:

(a) immediately prior to the Transfer Date, the Existing Interest could have been cancelled, suspended or limited in identical circumstances; or

(b) the cancellation, suspension or limitation is for a failure to comply with a condition in respect of the exercise of the Existing Interest and the law applies to the same extent to the Existing Interest as to similar rights and interests issued, granted or secured under territorial Legislation.

3.26 A law of the Legislature may not provide for the cancellation, suspension or limitation of an Existing Interest pursuant to subsection 3.25(b), where the Existing Interest is a right or interest, which arose from:

(a) a recorded claim, a lease of a recorded claim or a prospecting permit granted pursuant to the *Northwest Territories and Nunavut Mining Regulations* (Canada); or

(b) an "interest" within the meaning of section 2 of the *Canada Petroleum Resources Act* (Canada).

3.27 An Existing Interest shall continue in full force and effect:

(a) until the Existing Interest expires or is surrendered;

(b) unless the holder of the Existing Interest and the GNWT agree that the Existing Interest be cancelled and replaced by a right or interest provided by the GNWT;

(c) unless the Existing Interest is an Encumbering Right, and the holder of the Existing Interest and an Aboriginal Organization agree that that Existing Interest be cancelled pursuant to the terms of a Settlement Agreement;

(d) unless the Existing Interest or any right under it is limited, suspended or cancelled pursuant to a law of the Legislature in accordance with section 3.25; or

(e) unless the Existing Interest is expropriated and the right holder is compensated pursuant to territorial Legislation.

Access to Land

3.28 The GNWT shall grant Canada access to Public Lands and Waters to allow Canada to fulfil its commitments under this Agreement and to fulfil any of Canada's other responsibilities in the Northwest Territories.

3.29 The access referred to in section 3.28 shall be at no charge to Canada and shall not require any expenditure of monies or incurrence of expense by the GNWT.

Inventory of Exclusions

3.30 Schedule 4 sets out an inventory and description of lands and rights in respect of Waters, or interests therein, including beds of bodies of water, Minerals, Oil, Gas, buildings other than Listed Federal Buildings, structures, improvements and other fixtures, on, above or below the surface of the lands, that shall be excluded from the transfer of administration and control to the Commissioner referred to in section 3.1.

3.31 If, within five years following the Transfer Date, it is determined by Canada that any Public Lands or rights in respect of Waters not included in Schedule 4 were, on the Transfer Date, required for the purposes of a Federal Department

or a Federal Agent Corporation, the Commissioner shall, upon request of such Federal Department or Federal Agent Corporation, relinquish to Canada the administration and control of those Public Lands or rights in respect of Water to Canada for the benefit of that Federal Department or Federal Agent Corporation.

3.32 Prior to the Transfer Date, Canada shall make best efforts to replace any parcel descriptions referring to sketch maps within Schedule 4 with metes and bounds or better land descriptions.

3.33 At any time prior to the Transfer Date, Canada shall provide to the other Parties any variations to the inventory of exclusions in Schedule 4 which Canada may have varied for the purpose of:

(a) replacing the description of any lands set out in Schedule 4 with a more accurate land description, including any such replacement pursuant to section 3.32;

(b) modifying the description of any lands that was not accurately described in Schedule 4 so that it corresponds to the lands which are required for the purposes of a Federal Department or are under the administration of a Federal Agent Corporation;

(c) adding any lands or rights in respect of Waters not included in Schedule 4 which are required for the purposes of a Federal Department or are under the administration of a Federal Agent Corporation; or

(d) deleting any lands or rights in respect of Waters included in Schedule 4 not required for the purposes of a Federal Department or not under the administration of a Federal Agent Corporation.

3.34 Schedule 4, as may be varied by Canada in accordance with section 3.33, shall constitute the inventory of exclusions for the purposes of this Agreement.

Reservation by Notation

3.35 Any Public Lands or rights in respect of Waters that immediately prior to the Transfer Date are reserved in the federal property records of the Northwest Territories land administration office of DIAND for the use of any Federal Department or Federal Agent Corporation, shall be reserved by the GNWT by making entries in its property records with effect as of the Transfer Date.

3.36 Upon the request of a Federal Department or Federal Agent Corporation for which Public Lands or rights in respect of Waters are reserved pursuant to

section 3.35, the Commissioner shall relinquish administration and control of such Public Lands or rights in respect of Water to Canada for the benefit of that Federal Department or Federal Agent Corporation.

Consultation Prior to Relinquishment

3.37 Prior to the request to the Commissioner for the relinquishment of administration and control referred to in section 3.31, 3.36, or 6.40 Canada shall:

(a) identify to the GNWT and any affected Aboriginal Party the intended use of the land to be relinquished; and

(b) Consult with the GNWT and any such affected Aboriginal Party, on the boundaries and quantum of the land to be relinquished.

Taking of Administration and Control by Canada

3.38 The Governor in Council may take from the Commissioner the administration and control of any lands or rights in respect of Waters where Canada determines it is necessary to do so for:

(a) the national interest, including:

(i) national defence or security;

(ii) the establishment, or changes to the boundaries, of a national park, national park reserve, national historic site or other area protected under an Act of Parliament; or

(iii) the creation of the infrastructure required for initiatives in respect of transportation or energy;

(b) the fulfillment of an obligation in respect of an Aboriginal or treaty right recognized and affirmed under section 35 of the *Constitution Act, 1982*; or

(c) the settlement of an Aboriginal land claim or the implementation of an Aboriginal land claim agreement, Settlement Agreement, treaty or Self-Government Agreement.

3.39 Prior to the taking of administration and control of lands or rights in respect of Waters from the Commissioner pursuant to section 3.38, Canada shall:

(a) identify to the GNWT and any affected Aboriginal Party,

(i) the purpose for which the lands are being taken and the location and quantum of land being taken; and

(ii) the purpose for which the rights in respect of waters are being taken and the location of the Waters subject to the taking; and

(b) except in cases involving national defence or security, Consult with the GNWT and any affected Aboriginal Party on the boundaries of lands and the location of the Waters subject to the taking.

3.40 The Governor in Council may prohibit the issuance of interests or the authorization of activities, under territorial Legislation, in or on lands under the administration and control of the Commissioner, if Canada considers that such prohibition is required:

(a) before the administration and control of land is taken by Canada pursuant to subsection 3.38(a) or (b); or

(b) for the settlement of an Aboriginal land claim, including for the purposes of an interim measure pending the settlement of a land claim, or the implementation of an Aboriginal land claim agreement, Settlement Agreement, treaty or Self-Government Agreement.

3.41 The Governor in Council may prohibit any use of Waters or the deposit of waste into Waters if Canada considers that:

(a) such use of Waters, or such deposit of waste into Waters, would be incompatible with or would interfere with a particular undertaking which is in the national interest; or

(b) the prohibition is required for the settlement of an Aboriginal land claim, including for the purposes of an interim measure pending the settlement of a land claim, or the implementation of an Aboriginal land claim agreement, Settlement Agreement, treaty or Self-Government Agreement.

3.42 Prior to making a prohibition referred to in section 3.40 or 3.41, Canada shall:

(a) notify the GNWT and any affected Aboriginal Party of the proposed prohibition and Consult with the GNWT and any affected Aboriginal Party regarding:

(i) the boundaries and quantum of land to be subject to the proposed prohibition;

(ii) the location of Waters to be subject to the proposed prohibition; and

(iii) the interests or activities for which the issuance or authorization would be prohibited; and

(b) notify the public of the proposed prohibition and consider representations received within a reasonable time following such notice.

3.43 The relinquishment of the administration and control by the Commissioner, the taking of administration and control of lands and rights in respect of Waters by Canada, the prohibition of the issuance of interests in land or of the authorization of activities thereon, and the prohibition of any use of Waters or deposit of waste into Waters shall, subject to section 3.44, be without expenditures of monies by, or compensation to, the GNWT.

3.44 Where Canada takes, or has relinquished to it, administration and control of lands pursuant to sections 3.31, 3.36, 3.38, or 6.42, Canada shall compensate the GNWT for any improvements made by the GNWT to such lands.

3.45 As soon as practicable after the taking or relinquishment referred to in section 3.44, Canada and the GNWT shall attempt to reach agreement on the amount of any compensation associated with such taking or relinquishment.

3.46 Where Canada and the GNWT and Canada are unable to reach agreement on the amount of compensation referred to in section 3.44, Canada and the GNWT shall refer the matter to an agreed upon Appraisal Expert.

3.47 Upon receipt of the referral referred to in section 3.46 the Appraisal Expert shall determine the Improvement Value and this amount shall be the compensation referred to in section 3.44.

3.48 Lands and rights in respect of Waters:

(a) relinquished to Canada pursuant to section 3.31, 3.36 or 6.42; or

(b) taken back by Canada pursuant to section 3.38

shall be subject to any third party interests, including Existing Interests.

Norman Wells Oil Field

3.49 Subject to section 3.51, but notwithstanding any other provision of this Agreement, none of Canada's right, title or interest in the Norman Wells Proven

Area, the Proven Area Agreement, any other agreement or lease related to the Norman Wells Proven Area, any trust or other funds related to the Norman Wells Proven Area or the Proven Area Agreement or any revenues derived from any of the foregoing, shall be transferred to the GNWT as part of or pursuant to this Agreement.

3.50 The Norman Wells Proven Area shall be excluded from the transfer of administration and control referred to in section 3.1 and shall be included in the inventory of exclusions referred to in section 3.34.

3.51 Canada shall pay to the GNWT the Norman Wells Royalty.

3.52 Subject to the terms of the Proven Area Agreement and any trust or other agreement related to the Proven Area Agreement, in the event the Norman Wells Proven Area becomes an Abandoned Site which Canada is legally responsible to Remediate, the WSMC shall provide advice and recommendations to Canada pursuant to the terms of reference for the WSMC set out in Schedule 8, *mutatis mutandis*. For such purposes the participating members of the WSMC shall be Canada, the GNWT and SSI.

3.53 Nothing in this Agreement shall be construed as an admission or acknowledgement by any of the Parties in respect of any current or future liability or responsibility with regard to the Remediation of the Norman Wells Proven Area.

Future Transfers to the Commissioner

3.54 Subject to the agreement of the GNWT, where Canada determines it no longer requires lands or rights in respect of Waters referred to in section 3.31, 3.36 or 3.38 and the list in Schedule 4, Canada may transfer administration and control of those lands or rights in respect of Waters to the Commissioner.

Security

3.55 Canada and the GNWT shall cause, through assignment of rights from Canada to the GNWT, or as otherwise may be agreed, every security held in relation to Existing Interests to be available to be administered by the GNWT as of the Transfer Date.

Receivables, Payables, Royalties, Rentals and Dues

3.56 Canada shall:

(a) be responsible for all NAO-related accounts payable which are in respect of a time frame prior to the Transfer Date, including accounts

for goods and services purchased, leased or obtained by other arrangements; and

(b) receive from the GNWT any NAO-related account receivable, royalty, rental, due, fee or other charge that is in respect of the time period prior to the Transfer Date.

3.57 Canada shall remit to the GNWT any royalty, rental, dues, fee or other NAO-related charge, excluding taxes, in relation to Public Lands and rights in respect of Waters that Canada receives and which is in respect of the time frame following the Transfer Date.

Procedures for Collection and Reconciliation of Accounts

3.58 As of the Transfer Date, any royalty, rental, dues, fee or other NAO-related charge, excluding taxes, payable to Canada by the holder of an Existing Interest is payable to the GNWT pursuant to territorial Legislation.

3.59 Where the GNWT collects any royalty, rental, dues, fee or other NAO-related charge, excluding taxes, from the holder of an Existing Interest and in relation to a period beginning prior to the Transfer Date and ending after the Transfer Date, the GNWT shall remit to Canada a portion of such royalty, rental, dues, fee, or charge in proportion to the length of that period extending prior to the Transfer Date.

3.60 Where Canada collects any royalty, rental, dues, fee or other NAO-related charge, excluding taxes, from the holder of an Existing Interest and in relation to a period beginning prior to the Transfer Date and ending after the Transfer Date, Canada shall remit to the GNWT a portion of such royalty, rental, dues, fee, or charge in proportion to the length of that period extending after the Transfer Date.

Applications

3.61 The GNWT or another body as the case may be shall, in accordance with territorial Legislation, process and dispose of any application made pursuant to federal Legislation repealed pursuant to section 3.7 where that application has not been disposed of prior to the Transfer Date.

3.62 For the purposes of territorial Legislation, an application referred to in section 3.61 shall be deemed to have been made on the date it was made under federal Legislation.

3.63 On the Transfer Date, Canada shall transfer to the GNWT:

(a) any land use fee it holds with respect to any application referred to in section 3.61 made for a land use permit pursuant to federal Legislation; and

(b) any deposit it holds with respect to any application referred to in section 3.61 made for a water licence pursuant to federal Legislation.

Board Membership

3.64 Transitional provisions of the territorial Legislation referred to in section 3.11 shall provide for the continuity and composition of any board established under the federal Legislation repealed pursuant to section 3.7.

Proceedings and Enforcement

3.65 Canada shall remain responsible for enforcement actions commenced by Canada prior to the Transfer Date under federal Legislation which is repealed, rendered inapplicable or replaced on the Transfer Date as a result of this Agreement, and which actions are before a court but not yet resolved at the Transfer Date.

3.66 As of the Transfer Date, the GNWT shall be responsible for determining whether to commence or continue enforcement actions under federal Legislation which is repealed, rendered inapplicable or replaced on the Transfer Date as a result of this Agreement, other than those referred to in section 3.65.

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