



THE NEWFOUNDLAND AND LABRADOR GAZETTE

EXTRAORDINARY

Part II

PUBLISHED BY AUTHORITY

ST. JOHN'S, FRIDAY, FEBRUARY 26, 2016

**NEWFOUNDLAND AND LABRADOR
REGULATIONS**

NLR 4/16

NLR 5/16

NLR 6/16

NLR 7/16



NEWFOUNDLAND AND LABRADOR REGULATION 4/16

*Proclamation bringing Act into force (SNL2015 c6)
with the exception of in S.11 ss.134.5(1)
in S.15 ss.156.1(1), (2) and (3)
(In force February 26, 2016)
under*

*An Act to Amend the
Canada-Newfoundland and Labrador Atlantic Accord Implementation
Newfoundland and Labrador Act
(O.C. 2016-021)*

(Filed February 26, 2016)

*ELIZABETH THE SECOND, by the Grace of God of the
United Kingdom, Canada and Her Other Realms and Territories
QUEEN, Head of the Commonwealth, Defender of the Faith.*

HEATHER JACOBS
Deputy Attorney General

J. DEREK GREEN
Administrator

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 25 of *An Act to Amend the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, SNL2015 Chapter 6 (the “Act”), it is provided that the Act, or a section, subsection, paragraph or subparagraph shall come into force on a date to be fixed by Proclamation of Our Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall now come into force;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that *An Act to Amend the*

*Proclamation bringing Act into force (SNL2015 c6)
with the exception of in S.11 ss.134.5(1)
in S.15 ss.156.1(1), (2) and (3)
(In force February 26, 2016)*

4/16

*Canada-Newfoundland and Labrador Atlantic Accord Implementation
Newfoundland and Labrador Act, SNL2015 Chapter 6, shall come into
force on February 26, 2016, with the exception of: in section 11 -
subsection 134.5(1) and in section 15 - subsections 156.1(1), (2) and
(3).*

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS
whom these Presents may concern are hereby required to take notice
and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be
made Patent and the Great Seal of Newfoundland and Labrador to be
hereunto affixed.

WITNESS: Our trusty and well-beloved the
Honourable J. Derek Green,
Chief Justice of Newfoundland and
Labrador, Court of Appeal
Administrator in and for
Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE
in our City of St. John's this 26th day of February
in the year of Our Lord two thousand and sixteen
in the sixty-fifth year of Our Reign.

BY COMMAND,

JAMIE CHIPPETT
Registrar General (Acting)



NEWFOUNDLAND AND LABRADOR REGULATION 5/16

Offshore Petroleum Administrative Monetary Penalties Regulations
under the
Canada-Newfoundland and Labrador Atlantic Accord Implementation
Newfoundland and Labrador Act
(O.C. 2016-023)

(Filed February 26, 2016)

Under the authority of subsection 198.2(1) of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, February 26, 2016.

Julia Mullaley
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--------------------------|-------------------------|
| 1. Short title | 6. Service of documents |
| 2. Definition | Schedule A |
| 3. Designated provisions | |
| 4. Classification | |
| 5. Penalties | Schedule B |

Short title

1. These regulations may be cited as the *Offshore Petroleum Administrative Monetary Penalties Regulations*.

Definition	<p>2. In these regulations, "Act" means the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act.</p>
Designated provisions	<p>3. (1) The contravention of a provision of Part III of the Act or of a regulation made under that Part that is set out in column 1 of a Part of Schedule A is designated as a violation that may be proceeded with in accordance with sections 198.2 to 198.22 of the Act.</p> <p>(2) The contravention of a direction, requirement, decision or order made under Part III of the Act is designated as a violation that may be proceeded with in accordance with sections 198.2 to 198.22 of the Act.</p> <p>(3) The contravention of a term or condition of an operating licence or authorization that is issued, or of an approval or exemption that is granted, under Part III of the Act is designated as a violation that may be proceeded with in accordance with section 198.2 to 198.22 of the Act.</p>
Classification	<p>4. (1) The contravention of a provision that is set out in column 1 of a Part of Schedule A is a Type A or Type B violation as set out in column 2 of that Part.</p> <p>(2) The contravention of a direction, requirement, decision or order referred to in subsection 2(2) or of a term or condition referred to in subsection 2(3) is a Type B violation.</p>
Penalties	<p>5. (1) The penalty for a violation with a total gravity value set out in column 1 of Schedule B is, in the case of a Type A violation, the corresponding amount set out in column 2 and, in the case of a Type B violation, the corresponding amount set out in column 3.</p> <p>(2) The total gravity value in respect of a violation is to be established by</p> <p>(a) considering each of the criteria in column 1 of the table in this section;</p> <p>(b) ascribing to each criterion an appropriate gravity value as set out in column 2, having regard to the circumstances of the violation, with a lower gravity value representing a lower</p>

level of gravity and a higher gravity value representing a higher level of gravity; and

(c) adding the values obtained.

Item	Column 1 Criteria	Column 2 Gravity Value
1.	Whether the person who committed the violation was finally found or was considered to have committed a previous violation set out in a notice of violation issued by the board, the National Energy Board or the Canada-Nova Scotia Offshore Petroleum Board	0 to +2
2.	Whether the person derived any competitive or economic benefit from the violation	0 to +2
3.	Whether the person made reasonable efforts to mitigate or reverse the violation's effects	-2 to +2
4.	Whether there was negligence on the person's part	0 to +2
5.	Whether the person provided all reasonable assistance to the board with respect to the violation	-2 to +2
6.	Whether the person, after becoming aware of the violation, promptly reported it to the board	-2 to +2
7.	Whether the person has taken any steps to prevent a recurrence of the violation	-2 to +2
8.	For the Type B violations, whether the violation was primarily related to a reporting or record-keeping requirement	-2 to 0
9.	Whether the violation increased a risk of harm to people or the environment or a risk of waste	0 to +3

Service of
documents

6. (1) The service of a document that is authorized or required by section 198.7 or 198.15 of the Act is to be made

(a) if the person to be served is an individual, by

(i) leaving a copy of it with that individual,

- (ii) leaving a copy of it with someone who appears to be an adult member of the same household at the individual's last known address or usual place of residence, or
 - (iii) sending a copy of it by registered mail, courier, fax or other electronic means to the individual's last known address or usual place of residence; and
- (b) if the person to be served is not an individual, by
 - (i) leaving a copy of it at the person's head office or place of business with an officer or other individual who appears to manage or be in control of the head office or place of business,
 - (ii) sending a copy of it by registered mail, courier or fax to the person's head office or place of business, or
 - (iii) sending a copy of it by electronic means other than by fax to an officer or other individual referred to in subparagraph (i).
- (2) A document that is not personally served is considered to be served
 - (a) in the case of a copy that is left with a person referred to in subparagraph (1)(a)(ii), on the day on which it is left with that person;
 - (b) in the case of a copy that is sent by registered mail or courier, on the 10th day after the date indicated on the receipt issued by the postal or courier service; and
 - (c) in the case of a copy sent by fax or other electronic means, on the day on which it is transmitted.

Schedule A

Violations

PART 1

CANADA-NEWFOUNDLAND AND LABRADOR
ATLANTIC ACCORD IMPLEMENTATION
NEWFOUNDLAND AND LABRADOR ACT

Item	Column 1 Provision	Column 2 Classification
1.	133	Type B
2.	135.1(3)	Type B
3.	135.2(2)	Type B
4.	135.2(5)	Type B
5.	156(1)	Type B
6.	156(2)	Type B
7.	156(3)	Type B
8.	158(1.1)	Type B
9.	158(3)	Type B
10.	167(1)	Type B
11.	168(1)	Type B
12.	177	Type B
13.	187	Type B
14.	189(9)	Type B
15.	189.2(1)	Type B
16.	190(1)(d)	Type B

PART 2

**OFFSHORE AREA OIL AND GAS
OPERATIONS REGULATIONS**

Item	Column 1 Provision	Column 2 Classification
1.	4	Type B
2.	5	Type B
3.	6	Type B

PART 3

**OFFSHORE PETROLEUM INSTALLATIONS
NEWFOUNDLAND AND LABRADOR
REGULATIONS**

Item	Column 1 Provision	Column 2 Classification
1.	3(a)	Type B
2.	3(b)	Type B
3.	3(c)	Type B
4.	4(1)	Type B
5.	5(1)	Type B
6.	6	Type B
7.	7	Type B
8.	8(2)	Type B
9.	8(3)	Type B
10.	8(4)	Type B
11.	8(5)	Type B
12.	8(6)	Type B
13.	8(7)(a)	Type B
14.	8(7)(b)	Type B
15.	8(8)	Type B
16.	9(1)	Type B
17.	9(6)	Type B
18.	10(1)	Type B
19.	10(2)	Type B
20.	10(3)	Type B
21.	10(4)	Type B
22.	10(5)	Type B
23.	10(6)	Type B
24.	10(7)	Type B
25.	10(8)	Type B
26.	10(9)	Type B
27.	10(10)	Type B
28.	10(11)	Type B
29.	11(1)	Type B
30.	11(2)	Type B
31.	11(3)	Type B
32.	11(4)	Type B

*Offshore Petroleum Administrative Monetary
Penalties Regulations*

5/16

Item	Column 1 Provision	Column 2 Classification
33.	11(5)	Type B
34.	12(1)	Type B
35.	12(2)	Type B
36.	12(3)	Type B
37.	12(4)	Type B
38.	12(5)	Type B
39.	12(6)	Type B
40.	12(7)	Type B
41.	13(1)	Type B
42.	13(2)	Type B
43.	13(3)	Type B
44.	13(4)	Type B
45.	13(5)	Type B
46.	13(6)	Type B
47.	13(7)	Type B
48.	13(8)	Type B
49.	13(9)	Type B
50.	13(10)	Type B
51.	13(11)	Type B
52.	13(12)	Type B
53.	13(13)	Type B
54.	13(14)	Type B
55.	14(1)(a)	Type B
56.	14(1)(b)	Type B
57.	14(1)(c)	Type B
58.	14(1)(d)	Type B
59.	14(1)(e)	Type B
60.	14(1)(f)	Type B
61.	14(1)(g)	Type B
62.	14(2)	Type B
63.	14(3)	Type B
64.	14(4)	Type B
65.	15(1)	Type B
66.	15(2)	Type B
67.	16	Type B
68.	17(2)	Type B
69.	17(3)	Type B
70.	17(4)	Type B
71.	17(9)	Type B
72.	18(1)	Type B
73.	18(2)	Type B

Item	Column 1 Provision	Column 2 Classification
74.	18(4)	Type B
75.	18(8)	Type B
76.	18(9)	Type B
77.	18(10)	Type B
78.	18(11)	Type B
79.	18(12)	Type B
80.	18(13)	Type B
81.	19(a)	Type B
82.	19(b)	Type B
83.	19(c)	Type B
84.	19(d)	Type B
85.	19(e)	Type B
86.	19(f)	Type B
87.	19(g)	Type B
88.	19(h)	Type B
89.	19(i)	Type B
90.	19(j)	Type B
91.	19(k)	Type B
92.	21	Type B
93.	22(1)(a)	Type B
94.	22(1)(b)	Type B
95.	22(1)(c)	Type B
96.	22(1)(d)	Type B
97.	22(1)(e)	Type B
98.	22(1)(f)	Type B
99.	22(2)	Type B
100.	22(3)	Type B
101.	22(4)	Type B
102.	22(5)	Type B
103.	22(6)	Type B
104.	23(2)(a)	Type B
105.	23(2)(b)	Type B
106.	23(2)(c)	Type B
107.	23(2)(d)	Type B
108.	23(2)(e)	Type B
109.	23(2)(f)	Type B
110.	23(2)(g)	Type B
111.	23(2)(h)	Type B
112.	23(2)(i)	Type B
113.	23(2)(j)	Type B
114.	23(2)(k)	Type B

Item	Column 1 Provision	Column 2 Classification
115.	23(2)(l)	Type B
116.	23(2)(m)	Type B
117.	23(2)(n)	Type B
118.	23(2)(o)	Type B
119.	23(2)(p)	Type B
120.	23(2)(q)	Type B
121.	23(2)(r)	Type B
122.	23(2)(s)	Type B
123.	23(2)(t)	Type B
124.	23(2)(u)	Type B
125.	23(4)	Type B
126.	23(5)	Type B
127.	24(1)	Type B
128.	24(2)	Type B
129.	24(3)	Type B
130.	24(4)	Type B
131.	25(2)	Type B
132.	25(3)	Type B
133.	25(4)	Type B
134.	25(5)	Type B
135.	25(6)	Type B
136.	26(2)	Type B
137.	26(3)	Type B
138.	26(4)	Type B
139.	26(5)	Type B
140.	27(1)	Type B
141.	27(2)	Type B
142.	27(3)	Type B
143.	27(4)	Type B
144.	27(5)	Type B
145.	27(6)	Type B
146.	27(7)	Type B
147.	27(8)	Type B
148.	27(9)	Type B
149.	27(10)	Type B
150.	27(11)	Type B
151.	28(1)	Type B
152.	28(2)	Type B
153.	28(3)	Type B
154.	28(4)	Type B
155.	28(5)	Type B

Item	Column 1 Provision	Column 2 Classification
156.	28(6)	Type B
157.	28(7)	Type B
158.	28(8)	Type B
159.	28(9)	Type B
160.	28(10)	Type B
161.	28(11)	Type B
162.	29(1)	Type B
163.	29(2)	Type B
164.	29(3)	Type B
165.	29(4)	Type B
166.	29(5)	Type B
167.	29(6)	Type B
168.	29(7)	Type B
169.	29(8)	Type B
170.	29(9)	Type B
171.	30(1)	Type B
172.	30(2)	Type B
173.	30(3)	Type B
174.	30(4)	Type B
175.	31(1)	Type B
176.	31(2)	Type B
177.	31(3)	Type B
178.	31(4)	Type B
179.	32(1)	Type B
180.	32(2)	Type B
181.	32(3)	Type B
182.	32(4)	Type B
183.	32(5)	Type B
184.	33(2)(c)	Type B
185.	34(1)	Type B
186.	34(2)	Type B
187.	34(3)	Type B
188.	35(1)	Type B
189.	35(2)	Type B
190.	35(3)	Type B
191.	35(4)	Type B
192.	35(5)	Type B
193.	36(1)	Type B
194.	36(2)	Type B
195.	36(3)	Type B
196.	36(4)	Type B

Item	Column 1 Provision	Column 2 Classification
197.	36(5)	Type B
198.	36(6)	Type B
199.	36(7)	Type B
200.	43(8)	Type B
201.	48(3)	Type B
202.	49(1)	Type B
203.	49(2)	Type B
204.	49(3)	Type B
205.	49(4)	Type B
206.	49(5)	Type B
207.	49(6)	Type B
208.	51	Type B
209.	56(2)	Type B
210.	56(4)	Type B
211.	56(5)	Type B
212.	56(7)	Type B
213.	56(8)	Type B
214.	56(9)	Type B
215.	57(1)	Type B
216.	57(2)	Type B
217.	57(3)	Type B
218.	57(4)	Type B
219.	57(5)	Type B
220.	57(6)	Type B
221.	57(7)	Type B
222.	57(8)	Type B
223.	57(9)	Type B
224.	57(10)	Type B
225.	57(11)	Type B
226.	57(12)	Type B
227.	58(1)	Type B
228.	58(2)	Type B
229.	58(3)	Type B
230.	58(4)	Type B
231.	58(5)	Type B
232.	58(6)	Type B
233.	58(7)	Type B
234.	58(8)	Type B
235.	58(9)	Type B
236.	58(10)	Type B
237.	58(11)	Type B

Item	Column 1 Provision	Column 2 Classification
238.	58(12)	Type B
239.	58(13)	Type B
240.	58(14)	Type B
241.	59(1)	Type B
242.	59(13)	Type B
243.	60(1)	Type B
244.	60(2)	Type B
245.	61(7)	Type B
246.	61(17)	Type B
247.	61(18)	Type B
248.	62(2)	Type B
249.	62(3)	Type B
250.	62(4)	Type B
251.	63(1)	Type B
252.	63(2)	Type B
253.	65	Type B
254.	66	Type B
255.	67(1)	Type B
256.	67(3)	Type B
257.	67(4)	Type B
258.	68	Type B
259.	69	Type A
260.	70(1)	Type B
261.	70(2)	Type B
262.	70(3)	Type B

PART 4

**OFFSHORE AREA PETROLEUM
GEOPHYSICAL OPERATIONS
NEWFOUNDLAND AND LABRADOR
REGULATIONS**

Item	Column 1 Provision	Column 2 Classification
1.	6	Type B
2.	7	Type A
3.	8	Type B
4.	9	Type B
5.	10(a)	Type B
6.	10(b)	Type B
7.	10(c)	Type B
8.	11(a)	Type B
9.	11(b)	Type B
10.	11(c)	Type B
11.	11(d)	Type B
12.	11(e)	Type B
13.	11(f)	Type B
14.	12(1)	Type B
15.	12(2)(a)	Type B
16.	12(2)(b)	Type B
17.	12(2)(c)	Type B
18.	12(2)(d)	Type B
19.	12(2)(e)	Type B
20.	12(2)(f)	Type B
21.	12(3)	Type B
22.	12(4)	Type B
23.	13(a)	Type B
24.	13(b)	Type B
25.	13(c)	Type B
26.	13(d)	Type B
27.	13(e)	Type B
28.	13(f)	Type B
29.	13(g)	Type B
30.	14(a)	Type B
31.	14(b)	Type B
32.	14(c)	Type B
33.	15(a)	Type B

Item	Column 1 Provision	Column 2 Classification
34.	15(b)	Type B
35.	16	Type B
36.	17	Type B
37.	18(a)	Type B
38.	18(b)	Type B
39.	18(c)	Type B
40.	18(d)	Type B
41.	19	Type B
42.	20(1)	Type B
43.	20(2)	Type B
44.	21(1)	Type B
45.	22(1)(a)	Type B
46.	22(1)(b)	Type B
47.	22(1)(c)	Type B
48.	22(1)(d)	Type B
49.	22(3)	Type B
50.	23	Type A
51.	24	Type A
52.	25(1)	Type A
53.	25(2)	Type A
54.	25(4)	Type A
55.	25(5)	Type A
56.	25(6)	Type A
57.	25(7)	Type A
58.	25(8)	Type A
59.	25(9)	Type A
60.	26(1)(a)	Type A
61.	26(1)(b)	Type A
62.	26(1)(c)	Type A
63.	26(1)(d)	Type A
64.	26(1)(e)	Type A
65.	26(1)(f)	Type A
66.	26(2)	Type B
67.	26(4)	Type B
68.	26(7)	Type B
69.	27	Type B

PART 5

**OFFSHORE PETROLEUM DRILLING AND
PRODUCTION NEWFOUNDLAND AND
LABRADOR REGULATIONS, 2009**

Item	Column 1 Provision	Column 2 Classification
1.	11(1)	Type B
2.	18(1)	Type B
3.	18(2)	Type B
4.	19	Type B
5.	20(a)	Type B
6.	20(b)	Type B
7.	20(c)	Type B
8.	20(d)	Type B
9.	20(e)	Type B
10.	20(f)	Type B
11.	20(g)	Type B
12.	20(h)	Type B
13.	20(i)	Type B
14.	20(j)	Type B
15.	20(k)	Type B
16.	20(l)	Type B
17.	20(m)	Type B
18.	21(1)	Type B
19.	21(2)	Type B
20.	22(1)	Type B
21.	22(2)	Type B
22.	23(a)	Type B
23.	23(b)	Type B
24.	24	Type B
25.	25(1)	Type B
26.	25(2)	Type B
27.	26(a)	Type B
28.	26(b)	Type B
29.	26(c)	Type B
30.	27(a)	Type B
31.	27(b)	Type B
32.	28(1)	Type B
33.	28(2)	Type B
34.	29(a)	Type B

Item	Column 1 Provision	Column 2 Classification
35.	29(b)	Type B
36.	30(1)	Type B
37.	30(2)	Type B
38.	31	Type B
39.	32	Type B
40.	33(a)	Type B
41.	33(b)	Type B
42.	34(a)	Type B
43.	34(b)	Type B
44.	34(c)	Type B
45.	35(1)(a)	Type B
46.	35(1)(b)	Type B
47.	35(1)(c)	Type B
48.	35(2)	Type B
49.	35(3)	Type B
50.	36	Type B
51.	37(1)	Type B
52.	37(2)	Type B
53.	37(3)	Type B
54.	37(4)	Type B
55.	38	Type B
56.	39	Type B
57.	40	Type B
58.	41	Type B
59.	42	Type B
60.	43	Type B
61.	44	Type B
62.	46(a)	Type B
63.	46(b)	Type B
64.	46(c)	Type B
65.	47(1)(a)	Type B
66.	47(1)(b)	Type B
67.	47(1)(c)	Type B
68.	47(1)(d)	Type B
69.	47(1)(e)	Type B
70.	47(1)(f)	Type B
71.	47(1)(g)	Type B
72.	47(1)(h)	Type B
73.	47(1)(i)	Type B
74.	47(1)(j)	Type B
75.	47(2)(a)	Type B

*Offshore Petroleum Administrative Monetary
Penalties Regulations*

5/16

Item	Column 1 Provision	Column 2 Classification
76.	47(2)(b)	Type B
77.	48	Type B
78.	50	Type B
79.	51(1)(a)	Type B
80.	51(1)(b)	Type B
81.	52	Type B
82.	53(1)(a)	Type B
83.	53(1)(b)	Type B
84.	53(2)	Type B
85.	54(a)	Type B
86.	54(b)	Type B
87.	54(c)	Type B
88.	55	Type B
89.	56	Type B
90.	57	Type B
91.	58	Type B
92.	59	Type B
93.	60	Type B
94.	61(1)	Type B
95.	61(2)	Type B
96.	62(1)	Type B
97.	62(2)	Type B
98.	63(a)	Type B
99.	63(b)	Type B
100.	63(c)	Type B
101.	63(d)	Type B
102.	64(a)	Type B
103.	64(b)	Type A
104.	65	Type B
105.	66(a)	Type B
106.	66(b)	Type B
107.	66(c)	Type B
108.	67(1)	Type B
109.	67(3)	Type B
110.	68	Type B
111.	69	Type B
112.	70	Type B
113.	71(1)	Type B
114.	71(2)	Type B
115.	71(3)	Type B
116.	72(2)	Type B

*Offshore Petroleum Administrative Monetary
Penalties Regulations*

5/16

Item	Column 1 Provision	Column 2 Classification
117.	72(3)	Type B
118.	73(a)	Type B
119.	73(b)	Type B
120.	74(1)	Type B
121.	74(3)	Type B
122.	75	Type A
123.	76(1)	Type B
124.	77(1)(a)	Type B
125.	77(2)(a)	Type B
126.	77(2)(b)	Type B
127.	78(1)	Type A
128.	78(2)	Type A
129.	79(a)	Type A
130.	79(b)	Type A
131.	79(c)	Type A
132.	79(d)	Type A
133.	79(e)	Type A
134.	80(a)	Type B
135.	80(b)	Type B
136.	81	Type B
137.	82(a)	Type B
138.	82(b)	Type B
139.	83(a)	Type B
140.	83(b)	Type B
141.	84(2)	Type B
142.	84(3)	Type B
143.	85(a)	Type B
144.	85(b)	Type B
145.	85(c)	Type B
146.	86(1)	Type A
147.	86(2)	Type A
148.	87	Type A
149.	88(1)	Type A
150.	88(2)	Type A
151.	89	Type B
152.	90(1)	Type A
153.	90(2)	Type A
154.	91(1)	Type B
155.	91(2)	Type A
156.	92	Type A

Schedule B

PENALTIES

Item	Column 1	Column 2		Column 3	
	Total Gravity	Type A Violation		Type B Violation	
	Value	Individual	Any Other Person	Individual	Any Other Person
1.	-3 or less	\$250	\$1,000	\$1,000	\$4,000
2.	-2	\$595	\$2,375	\$4,000	\$16,000
3.	-1	\$990	\$3,750	\$7,000	\$28,000
4.	0	\$1,365	\$5,025	\$10,000	\$40,000
5.	1	\$1,740	\$6,300	\$13,000	\$52,000
6.	2	\$2,115	\$7,575	\$16,000	\$64,000
7.	3	\$2,490	\$8,850	\$19,000	\$76,000
8.	4	\$2,865	\$10,125	\$22,000	\$88,000
9.	5 or more	\$3,000	\$12,000	\$25,000	\$100,000

©Queen's Printer



NEWFOUNDLAND AND LABRADOR REGULATION 6/16

Offshore Petroleum Cost Recovery Regulations
under the
Canada-Newfoundland and Labrador Atlantic Accord Implementation
Newfoundland and Labrador Act
(O.C. 2016-024)

(Filed February 26, 2016)

Under the authority of section 29.1 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, February 26, 2016.

Julia Mullaley
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|-----------------------------|-----------------------------|
| 1. Short title | 7. Annual charge adjustment |
| 2. Definition | |
| PART 1 | PART 2 |
| REGULATORY | FORMULA FEES |
| ACTIVITY PLAN | |
| CHARGES | 8. Interpretation |
| | 9. Publication |
| | 10. Basic formula |
| 3. Regulatory activity plan | 11. Payment of fees |
| 4. Existing project | |
| 5. Recalculation | PART 3 |
| 6. Quarterly invoicing | GEODATA CENTRE |

12. Definition	15. Interest
13. Sample access fee	16. Remittance of fees and charges
PART 4 OTHER CHARGES	PART 6 CONSEQUENTIAL AMENDMENTS, TRANSITIONAL PROVISIONS AND COMMENCEMENT
14. Reimbursement of board costs	17. CNLR 2/96 Amdt.
PART 5 GENERAL	18. Transitional

Short title

1. These regulations may be cited as the *Offshore Petroleum Cost Recovery Regulations*.

Definition

2. In these regulations,

- (a) "Act" means the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act;
- (b) "actual full cost" means the full cost confirmed by the board's audited financial statements;
- (c) "direct regulatory activities" means the activities that are required for the board to fulfill its regulatory responsibilities such as assessing applications, issuing licences, granting approvals and authorizations, verifying and enforcing compliance with the Act and providing information, products and services;
- (d) "indirect regulatory costs" means the costs that support the board's direct regulatory activities such as office accommodation, supplies and equipment, professional services, communications, travel, management, training, administration, human resources services, finance, information technology services, hardware and software, the preparation of documents, including policies, standards, guidelines, procedures and notices, and the provision of technical expertise, including any advice relating to legislation or regulations, to the federal minister or the provincial minister at that minister's request; and

- (e) "project" means the work or activity referred to in paragraph 134(1)(b) of the Act.

PART 1
REGULATORY ACTIVITY PLAN CHARGES

Regulatory activity
plan

3. (1) For each new project relating to development, production, abandonment, exploratory drilling or multi-year or complex seismic programs in respect of petroleum operations, on receipt of a project description or letter of intent, the board shall

- (a) prepare a regulatory activity plan;
- (b) calculate the estimated annual charge payable by the applicant or the operator for the project by determining the estimated full cost, including indirect regulatory costs, associated with the implementation of the regulatory activity plan based on
 - (i) the cost of the estimated total number of units of time necessary to be spent in that fiscal year on direct regulatory activities for the project, and
 - (ii) any other costs, excluding costs calculated under other cost recovery methods; and
- (c) notify the applicant or the operator, in writing, of the regulatory activity plan and the estimated annual charge payable.

Existing project

4. For each existing project that was previously under a regulatory activity plan, after approval of the board's budget in any given fiscal year following its submission in accordance with subsection 27(2) of the Act, the board shall

- (a) prepare a new regulatory activity plan;
- (b) calculate the estimated annual charge payable by the applicant or the operator for the project by determining the estimated full cost, including indirect regulatory costs, associated with the implementation of the new regulatory activity plan based on

- (i) the cost of the estimated total number of units of time necessary to be spent in that fiscal year on direct regulatory activities for the project, and
- (ii) any other costs, excluding costs calculated under other cost recovery methods; and
- (c) notify the applicant or the operator, in writing, of the new regulatory activity plan and the estimated annual charge payable.

Recalculation

5. If an applicant or operator proposes changes to its project that are not reflected in the regulatory activity plan, the board may recalculate the estimated annual charge for that project and adjust the payable amount accordingly.

Quarterly invoicing

6. (1) The board shall, on a quarterly basis, prepare and send an invoice for an amount equal to 25% of the estimated annual charge payable to each applicant or operator who has been notified under paragraph 3(c) or 4(c).

(2) Within 30 days after the date of the invoice, the applicant or the operator shall pay the amount invoiced.

Annual charge adjustment

7. (1) Each year, following the end of the fiscal year, the board shall, for each project under a regulatory activity plan,

- (a) calculate the actual full cost associated with the implementation of the regulatory activity plan;
- (b) calculate the charge adjustment, if any, by subtracting the estimated annual charge, calculated in accordance with paragraph 3(b) or 4(b), from the actual full cost; and
- (c) notify the applicant or the operator in writing of the amount of the actual full cost and the amount of the charge adjustment.
- (2) If the actual full cost calculated under paragraph (1)(a) is
 - (a) less than the estimated annual charge, the difference is credited to the applicant's or operator's account and shall be refunded as a credit on the next invoice; or

- (b) greater than the estimated annual charge, the board shall invoice the applicant or the operator for an amount equal to the difference and the applicant or the operator shall pay that amount to the board within 30 days after the date of the invoice.

PART 2 FORMULA FEES

Interpretation

8. In this Part

- (a) "base units of time" means the number of units of time published by the board in accordance with section 9 based on the board's estimate of the time required for it to undertake direct regulatory activities in relation to each activity set out in the tables to section 10;
- (b) "variable units of time" means the number of units of time published by the board in accordance with section 9 based on the board's estimate of the time required for it to undertake direct regulatory activities in relation to the variables set out in column 3 of the tables to subsection 10(3);
- (c) "effective rate" means the rate published by the board in accordance with section 9 based on the estimated sum of the costs incurred by the board's undertaking of all direct regulatory activities and of the board's indirect regulatory costs minus the sum of the costs incurred by the board's undertaking of regulatory activities that are not recovered by the board at the request of the federal minister and the provincial minister and divided by the total number of units of time spent by the board for those direct regulatory activities; and
- (d) "heavy burden coefficient" means a multiplier that the board may apply to a fee for an activity if the board is of the opinion that the fee should be increased to reflect the additional number of units of time spent by the board to undertake direct regulatory activities as a result of non-compliance with the Act, negligence or lack of effort by an applicant or operator in responding to any of the board's questions during an application process or activity.

Publication **9.** Each year the board shall publish, by electronic or other means that is likely to reach applicants or operators,

- (a) the base units of time for each activity set out in the tables to section 10;
- (b) the variable units of time for each activity set out in the table to subsection 10(3); and
- (c) the effective rate.

Basic formula **10.** (1) The fee for each activity set out in the table to this subsection is determined by the formula

$$A \times C$$

where

A is the base units of time related to each activity; and

B is the effective rate.

Item	Activity
1.	Application for a declaration of significant discovery
2.	Application for a declaration of commercial discovery
3.	Application for a significant discovery licence
4.	Application for a licence for subsurface storage
5.	Application for a production licence
6.	Application for an amendment to a licence or a consolidation of licences
7.	Registration of a transfer
8.	Registration of a security notice
9.	Registration of an interest
10.	Recording of a notice
11.	Registration of an instrument other than a transfer or security notice
12.	Application to an extension, by order, of the term of a production licence
13.	Application for allowable expenditures

(2) The fee for each activity set out in column 2 of the table to this subsection is determined by the formula

$$A \times C \times D$$

where

A is the base units of time related to each activity;

C is the effective rate; and

D if applicable, is the heavy burden coefficient.

Item	Column 1 Category of Activity	Column 2 Activity
1.	Geological operations authorization (with field work)	Geochemical study
2.	Geophysical (without field work)	Geophysical study
3.	Geological (without field work)	Purchase of geological studies
4.	Geological (without field work)	Isotope age dating
5.	Geological (without field work)	In-house geological studies
6.	Geological (without field work)	Petrography
7.	Geological (without field work)	Paleontological or palynological study
8.	Geological (without field work)	Other geophysical activity
9.	Annual compliance fee	All geophysical projects

(3) The fee for each activity set out in column 2 of the table to this subsection is determined by the formula

$$(A + B) \times (C \times D)$$

where

A is the base units of time related to each activity;

B is the variable units of time multiplied by the number of primary vessels or aircraft to be used in each activity;

C is the effective rate; and

D if applicable, is the heavy burden coefficient.

Item	Column 1 Category of Activity	Column 2 Activity	Column 3 Variable
1.	Geophysical operations authorization (with field work)	2-D seismic reflection survey (primary activity)	Primary vessel
2.	Geophysical operations authorization (with field work)	3-D seismic reflection survey (primary activity)	Primary vessel
3.	Geophysical operations authorization (with field work)	4-D seismic reflection survey (primary activity)	Primary vessel
4.	Geophysical operations authorization (with field work)	Seafloor gravity survey (primary activity)	Primary vessel
5.	Geophysical operations authorization (with field work)	Seismic refraction survey (primary activity)	Primary vessel
6.	Geophysical operations authorization (with field work)	Controlled source electromagnetic survey	Primary vessel
7.	Geophysical operations authorization (with field work)	Other geophysical program	Primary vessel
8.	Geophysical operations authorization (with field work)	Aeromagnetic survey (primary activity)	Aircraft
9.	Geotechnical authorization (seabed survey)	Piston core	Primary vessel
10.	Geotechnical authorization (seabed survey)	Shallow seismic, seabed survey	Primary vessel

Payment of fees

11. (1) On the submission of an application in respect of an activity set out in any table to section 10, the applicant shall pay to the board the fee determined in accordance with that section.

(2) If the board uses a heavy burden coefficient to calculate an additional charge in respect of an activity, the board shall invoice the applicant or the operator and the applicant or the operator shall pay that amount to the board within 30 days after the date of the invoice.

PART 3 GEODATA CENTRE

Definition

12. In this Part, the daily access rate means the rate established and published by the board by electronic or other means that is likely to reach applicants and operators.

Sample access fee

13. Any person, except a person requesting access for an academic purpose, the federal minister and the provincial minister, who accesses a physical sample at the geodata centre shall pay the daily access rate for each day the sample is accessed.

PART 4 OTHER CHARGES

Reimbursement of board costs

14. The board may require reimbursement for 100% of its costs for activities that are not set out in Parts 1 to 3 and that are related to the following:

- (a) any verification of compliance under the Act involving travel to another location by the board's staff;
- (b) the Oil and Gas Committee;
- (c) any technical analysis or process review that is related to a specific project and that is requested by an applicant or operator;
- (d) any public review, written or oral hearing or inquiry that is related to a specific project and that is required or initiated by the board;

- (e) a participant funding program that is part of an environmental assessment conducted under the *Canadian Environmental Assessment Act, 2012*; and
- (f) information, products or services that are requested by a person.

PART 5 GENERAL

Interest

15. Interest on an amount owing to the board shall be calculated and compounded monthly at the rate of 1.5% and is payable and accrues during the period beginning on the due date and ending on the day before the day on which the payment is received by the board.

Remittance of fees
and charges

16. For the purposes of section 29.2 of the Act, the fees and charges obtained in accordance with these regulations shall be remitted on a quarterly basis subject to the board's operational requirements.

PART 6 CONSEQUENTIAL AMENDMENTS, TRANSITIONAL PROVISIONS AND COMMENCEMENT

CNLR 2/96 Amdt.

17. (1) Subsections 8(1) and (2) of the *Offshore Area Registration Regulations* are repealed and the following substituted:

Searches

8. (1) A person may, at the office of the registrar, inspect the daybook, the register and copies of an interest or instrument registered under Division VII of Part II of the Act.

(2) The registrar shall provide to the person making the request a certified exact copy of

- (a) an interest or instrument registered under Division VII of Part II of the Act; and
- (b) the abstract of an interest.

(2) Section 14 of the *Offshore Area Registration Regulations* is repealed.

Transitional

18. (1) Section 4 does not apply to a project that relates to development, production, abandonment, exploratory drilling or multi-year or complex seismic programs if the applicant or the operator has paid 100% of the board's estimated costs for the project for the fiscal year in which these regulations come into force.

(2) All existing projects relating to development, production, abandonment, exploratory drilling or multi-year or complex seismic programs that are under the board's regulatory authority before these regulations come into force and that do not have a regulatory activity plan are considered to have been previously under a regulatory activity plan for the purposes of section 4.

©Queen's Printer



NEWFOUNDLAND AND LABRADOR REGULATION 7/16

Offshore Petroleum Financial Requirements Regulations
under the
Canada-Newfoundland and Labrador Atlantic Accord Implementation
Newfoundland and Labrador Act
(O.C. 2016-022)

(Filed February 26, 2016)

Under the authority of subsection 145(1) of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, February 26, 2016.

Julia Mullaley
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--------------------------------------|----------------------------|
| 1. Short title | 6. Board recommendation |
| 2. Definition | regarding lesser financial |
| 3. Financial resources | requirements |
| 4. Financial responsibility | 7. Repeal |
| 5. Reimbursement into pooled
fund | |

Short title

1. These regulations may be cited as the *Offshore Petroleum Financial Requirements Regulations*.

Definition

2. In these regulations, "Act" means the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*.

Financial resources

3. (1) For the purposes of subsection 157.1(1) of the Act, the proof that an applicant has the necessary financial resources is to be made by the applicant providing the board with a statement of its net assets or of funding arrangements that it has made that demonstrates to the board's satisfaction that it is able to pay the applicable amount referred to in that subsection.

(2) The statement shall be accompanied by one or more of the following documents that substantiate it

- (a) the applicant's most recent audited annual financial statement, and if the applicant has been given a credit rating by a credit rating agency that is current at the time the application is made, a document that indicates that credit rating;
- (b) a promissory note;
- (c) an insurance policy or a certificate of insurance;
- (d) an escrow agreement;
- (e) a letter of credit;
- (f) a line of credit agreement under which funds identified in the statement are available;
- (g) a guarantee agreement; and
- (h) a security bond or pledge agreement or an indemnity bond or suretyship agreement.

(3) For greater certainty, the board may require that the statement and substantiating documents be audited by a qualified

independent auditor and that the applicant provide it with a report of the audit that is signed by the auditor.

Financial
responsibility

4. (1) A pooled fund that is established for the purposes of subsection 158(1.1) of the Act shall be located and administered in Canada.

(2) The fund is to be used only to make payments under subsection 158(2) of the Act however the fund may be used to make payments

- (a) under subsection 163(2) of the federal Act if it is also established for the purposes of subsection 163(1.01) of that Act;
- (b) under subsection 168(2) of the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*, if it is also established for the purposes of subsection 168(1.01) of that Act;
- (c) under subsection 160(2) of the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*, SNS1987, c.3, if it is also established for the purposes of subsection 160(1A) of that Act; or
- (d) under subsection 27(2) of the *Canada Oil and Gas Operations Act*, if it is also established for the purposes of subsection 27(1.01) of that Act.

(3) Moneys that are required to be paid out of the fund shall be paid by the administrator of the fund on demand.

(4) The administrator of the fund shall

- (a) every year, provide the board with an audited financial statement that demonstrates that the fund has been maintained at a minimum of \$250 million or at the higher minimum amount set by regulation;
- (b) notify the board within 24 hours of the addition of a participant to, or withdrawal of a participant from, the fund or of any change in the amount of the fund, other than one

that is solely attributable to an interest charge or a banking fee;

(c) notify the board of a contravention by a participant in the fund of his, her or its obligation under subsection 158(1.3), (1.4) or (5) of the Act within 24 hours after he, she or it becomes aware of the contravention; and

(d) provide the board with the phone number, email address and mailing address of his, her or its contact person.

Reimbursement into
pooled fund

5. For the purposes of subsection 158(5) of the Act, the reimbursement into the pooled fund of an amount that is paid out of it shall be made within 7 days after the day on which the payment is made.

Board
recommendation
regarding lesser
financial
requirements

6. (1) For the purposes of subsection 158.1(1) of the Act, the board may make a recommendation to the provincial minister in respect of an applicant if the board is satisfied that the estimated total of the losses, damages, costs and expenses, other than losses of non-use value, for which the applicant may be liable under paragraphs 157(1)(b) and (2)(b) of the Act in connection with the proposed work or activity to which the application pertains is less than the amount referred to in paragraphs 157(2.2)(a) or (b) of the Act.

(2) The recommendation shall identify the hazards that are relevant to the proposed work or activity and shall include an assessment of the risks associated with each event that could occur in connection with each of those hazards and that could result in debris, in a spill or in an authorized discharge, emission or escape of petroleum.

(3) The following information shall accompany the recommendation:

(a) the estimated total of the losses, damages, costs and expenses referred to in subsection (1);

(b) the recommended amount that is less than the amount referred to in paragraph 157(2.2)(a) or (b) or 158(1)(a) of the Act;

(c) a summary of the reasons for the recommendation;

- (d) a summary of any information provided by the applicant to the board that the board considers to be pertinent;
 - (e) any information concerning the recommendation that the board provided to the federal minister in connection with that minister's approval under subsection 158.1(1) of the Act; and
 - (f) any information requested by the provincial minister.
- (4) The board may submit to the provincial minister any other information that it considers pertinent.

Repeal

7. The Canada-Newfoundland and Labrador Oil and Gas Spills and Debris Liability Newfoundland and Labrador Regulations, Consolidated Newfoundland and Labrador Regulation 771/96 are repealed.

©Queen's Printer

Extraordinary Gazette Index

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	XNL Gazette Date & Page No.
An Act to Amend the Canada Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act			
Proclamation bringing Act Into force with the exception of: in S.11 ss.134.5(1) in S.15 ss.156.1(1), (2) and (3) (In force February 26/2016)	NLR 4/16	New	Feb 26/16 p. 3
Canada Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act			
Offshore Petroleum Administrative Monetary Penalties Regulations	NLR 5/16	New	Feb 26/16 p. 5
Offshore Petroleum Cost Recovery Regulations	NLR 6/16	New	Feb 26/16 p. 25
Offshore Petroleum Financial Requirements Regulations	NLR 7 16	New	Feb 26/16 p. 37