

development in Alberta. The Workmen's Compensation Board also maintains safety standards and pays the cost of training mine rescue crews. The mining industry is also served by the Research Council of Alberta which has made geological surveys of most of the province and has carried out projects concerned with the uses and development of minerals. The Council has studied the occurrence, uses and analyses of Alberta coals and their particular chemical and physical properties, the use of coals in the generation of power, and the upgrading and cleaning of coal; and has also studied briquetting, blending, abrasion loss, shatter and crushing strength, asphalt binders and dust-proofing of coal. Studies have been made of glass sands, salt, fertilizers, cement manufacture and brick and tile manufacture.

The province from time to time has had commissions examine various aspects of the mining industry when it has considered that their findings would be of assistance in developing such industries. The province, together with the Canadian Association of Oil Well Drilling Contractors and the Canadian Petroleum Association, maintains a detailed supervisory and safety training program concerned with the drilling of oil and gas wells. Of assistance also to mining companies and oil companies are the special reductions provided for in the Alberta Income Tax Act. These follow the parallel provisions in the federal Income Tax Act.

British Columbia. The Department of Mines and Petroleum Resources of British Columbia provides the following services: detailed geological mapping as a supplement to the work of the Geological Survey of Canada; assistance to the prospector in the field by departmental engineers and geologists; grub-stakes, limited to a maximum of \$800, for prospectors; assistance in the construction of mining roads and trails; and inspection of mines to ensure safe operating conditions.

12.3 Mining and petroleum legislation

12.3.1 Federal and departmental jurisdictions

Mineral rights vested in the Crown in right of Canada include those situated in the Yukon and Northwest Territories and off-shore underlying Canada's continental margins, as well as those underlying certain federally owned lands within the provinces.

The Supreme Court of Canada in its Opinion of November 1967 stated that, as between Canada and the province of British Columbia, Canada has proprietary rights in and legislative jurisdiction over "lands, including the mineral and other natural resources, of the sea bed and subsoil seaward from the ordinary low-water mark on the coast of the mainland and the several islands of British Columbia, outside the harbours, bays, estuaries and other similar inland waters, to the outer limit of the territorial sea of Canada, as defined in the Territorial Sea and Fishing Zones Act...". The Court also stated that the federal government has legislative jurisdiction "in respect of the mineral and other natural resources of the sea bed and subsoil beyond that part of the territorial sea of Canada... to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the mineral and other natural resources of the said areas...".

The Department of Energy, Mines and Resources, through the Resource Management and Conservation Branch, is responsible for administration and enforcement of legislation and regulations relating to mineral resources off-shore from Canada's east and west coasts and in the Hudson Bay and Hudson Strait regions, as well as with respect to federally owned mineral rights in the provinces mentioned above. The Department of Indian Affairs and Northern Development, through the Northern Economic Development Branch, is similarly responsible for mineral rights in the Yukon and Northwest Territories and underlying Canada's high-Arctic off-shore regions.

Mineral rights of Indian reserves in the provinces are also vested in the Crown in the right of Canada and are administered by the Indian-Eskimo Economic Development Branch of the Department of Indian Affairs and Northern Development. The rights to a reserve may be taken up only after the Indian band has given approval for development through a referendum vote. The minerals are then administered under the Indian Oil and Gas Regulations or the Indian Mining Regulations, except in British Columbia where mining rights must be acquired under provincial statutes and the BC Indian Reserves Mineral Resources Agreement of 1943. The Indian Oil and Gas Regulations provide for disposal of rights by public tender in the form of permit or lease parcels. The Indian Mining Regulations, on the other hand, provide for disposal based on terms negotiated with the Indian band council. The Indian councils are thus