



OIL AND GAS
COMMISSION



Mediation and
Arbitration Board

BACKGROUND

For Immediate Release
OGC NR 08-01
March 10th, 2008

Details of the Oil and Gas Commission And Mediation and Arbitration Board Memorandum of Understanding

In order to extract subsurface petroleum resources, the holder of the rights to those resources must first:

- Comply with the regulatory requirements of the Oil and Gas Commission (OGC), including requirements for public safety, protection of the environment, and minimizing interference with affected landowners; and,
- Negotiate surface access with the landowner or obtain a right of entry order from the Mediation and Arbitration Board (MAB).

The OGC and MAB may be engaged to resolve disputes between landowners and oil and gas companies with respect to the same land and proposed oil and gas installation. Often, while engaging in dispute resolution, issues may be brought before one agency that are within the jurisdiction of the other. Both organizations provide dispute resolution services within their respective spheres of jurisdiction, but neither may provide dispute resolution for issues outside of their respective jurisdiction.

TERMS OF AGREEMENT

The OGC and MAB agree to coordinate dispute resolution services within their respective spheres of jurisdiction to comprehensively address the concerns of landowners and oil and gas companies. In this regard, the OGC and MAB agree as follows:

- i.** The MAB will notify the OGC when it receives an application pursuant to section 16(1)(a) or (b) of the *Petroleum and Natural Gas Act* for a right of entry order or for damages caused by entry or occupation;
- ii.** The OGC will notify the MAB when it receives an application under the *Petroleum and Natural Gas Act* or the *Pipeline Act* requiring private land access on which the **applicant** indicates surface access issues have not been resolved;
- iii.** The OGC will notify the MAB when it receives a Notice of Unresolved Concern from a **landowner** with respect to any proposed project;

- iv. Each agency may refer the parties of a dispute before it to the other agency if it determines an issue arising in an application before it is within the jurisdiction of the other agency;
- v. The MAB and OGC will consult with each other to determine:
 - a. Whether an issue arising in an application before it is within the jurisdiction of the other agency;
 - b. Whether an issue arising in an application before it should be referred to the other agency;
 - c. Whether the dispute resolution processes of both agencies may proceed at the same time with respect to the resolution of any disputes involving the same land or whether one agency should proceed with its dispute resolution process with respect to any particular issue prior to the other agency proceeding with its dispute resolution process.
- vi. The MAB and the OGC may have access to each others files with respect to any application before it for which it also has an application respecting the same land and parties:
 - a. To the extent files and information is shared between the OGC and MAB in furtherance of this agreement, each agency shall protect any non-public records or portions thereof provided by the other agency from unauthorized disclosure in accordance with any particular law, if possible, and shall obtain the consent of the parties involved in the application before sharing non-public records;
 - b. To the extent files and information is shared between the OGC and MAB in furtherance of this agreement, each agency shall protect any non-public records or portions thereof provided by the other agency from unauthorized disclosure in accordance with any particular law, if possible, and shall obtain the consent of the providing agency before disclosing any confidential information;
 - c. Each agency will specify when information it provides is being submitted “in confidence” so that the receiving agency can refuse disclosure of that material in accordance with the *Freedom of Information and Protection of Privacy Act*, or other applicable legislation.
- vii. The executive management of the MAB and the OGC will meet annually to review cases that have followed the intent of this MOU;
- viii. Respecting all applicable privacy legislation, the OGC and MAB will co-author an annual summary of activities, cases and outcomes reviewed under this MOU and further provide that summary and possible recommendations for enhancement to the OGC Board of Directors, Deputy Minister of Energy, Mines and Petroleum Resources, and Minister of Energy, Mines and Petroleum Resources.

If you have any questions regarding the above, please contact:

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