

The Petroleum Registry and Electronic Documents Regulations

being

Chapter O-2 Reg 5 (effective April 1, 2012).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER O-2 REG 5

The Oil and Gas Conservation Act

Title

- 1 These regulations may be cited as *The Petroleum Registry and Electronic Documents Regulations*.

Interpretation

- 2 In these regulations:

- (a) **“approved electronic document”** means a document in an approved electronic format;
- (b) **“approved electronic format”** means an electronic format that has been determined or approved by the minister and includes an electronic format created for a document that is originally in a non-electronic form;
- (c) **“approved electronic transmission”** means a method and means of transmission that has been determined or approved by the minister;
- (d) **“business process”** means business operations or business requirements performed or administered by the ministry relating to matters governed by the electronic document enactments;
- (e) **“document”** means:
 - (i) an application, bid, report, statement, return, record, datum transaction, request, bulletin, letter, disposition, agreement, contract, transfer, encumbrance, charge, invoice or notice; or
 - (ii) any of the things mentioned in subclause (i) that the minister, in connection with a business process, creates, makes, collates, defines, presents, issues, negotiates, sends, gives, delivers, exchanges, submits, files, registers, records, stores, retains or otherwise deals with;
- (f) **“electronic document enactments”** means:
 - (i) *The Freehold Oil and Gas Production Tax Act, 2010* and the regulations made pursuant to that Act;
 - (ii) *The Oil and Gas Conservation Act* and the regulations made pursuant to that Act;
 - (iii) *The Crown Oil and Gas Royalty Regulations, 2012*;
 - (iv) The Helium and Associated Gases Regulations, 1964; and
 - (v) *The Pipelines Act, 1998* and the regulations made pursuant to that Act;

(g) “**electronic format**” means a format having certain technological attributes or characteristics in which electronic information may be presented and includes, but is not limited to, a computer graphics file or a file that contains electronic information in discrete, readable data sets;

(h) “**transmission**” means the sending, giving or delivery of an approved electronic document.

5 Apr 2012 cO-2 Reg 5 s2.

Application

3(1) Sections 4 to 7 apply with respect to any document dealt with in connection with a business process, including the operation of the registry established pursuant to *The Oil and Gas Conservation Act*, if the minister has directed or determined that those sections are to apply with respect to the performance or administration of the business process by the ministry from the date specified by the minister.

(2) If the minister makes a direction or determination pursuant to subsection (1), the minister shall cause the direction or determination to be posted on the ministry’s Internet website or to be made known to the public in any manner that the minister considers appropriate.

(3) A person engaged in a specified business process with the ministry pursuant to subsection (1) must comply with sections 4 to 6.

5 Apr 2012 cO-2 Reg 5 s3.

Enforceability of documents submitted in electronic format

4(1) An approved electronic document must not be denied legal effect or enforceability solely because it is in electronic format.

(2) An approved electronic document:

(a) is exempt from any requirement that, to be effective and enforceable, it must be in writing or be signed; and

(b) has the same effect for all purposes as if the document were in writing and as if the document were signed by any person who would have been required to sign it, but for the fact that it is in electronic form.

(3) Notwithstanding subsection (2), the minister may, with respect to any approved electronic document of any particular type or class that is submitted to or sent by the ministry, establish requirements, rules and procedures:

(a) to verify the identity of the person who created and submitted or sent the document;

(b) to verify the authority of that person to create, submit or send the document; and

(c) respecting the electronic signature on the document, including, but not limited to, the verification of the signature and the method of making the signature.

(4) If a document exists in a written form that is not a printed copy of the approved electronic document, the approved electronic document or a non-electronic copy of the approved electronic document prevails over the written form of the document in the event of a conflict.

5 Apr 2012 cO-2 Reg 5 s4.

Standards for and approvals of electronic formats and electronic transmission

5(1) The minister may determine or approve the electronic format in which a document of any particular type or class is dealt with in connection with a business process, including, but not limited to, the electronic format in which a document of that type or class is created, made, collated, defined, presented, issued, negotiated, sent, given, delivered, exchanged, submitted, filed, registered, recorded, stored, retained or otherwise dealt with.

(2) The minister may determine or approve the methods and means of transmission of all approved electronic documents or of any particular type or class of approved electronic documents and establish rules, procedures and guidelines respecting their transmission.

(3) Notwithstanding any provision of any electronic document enactment specifying or requiring that a document must be in a particular form, including a written or other non-electronic form, that document will not be accepted by the minister unless it is in the electronic format determined or approved by the minister pursuant to subsection (1).

(4) Notwithstanding any provision of any electronic document enactment specifying how or when a document must be submitted by the minister to a person or by a person to the minister, all matters relating to how and when a document must be submitted shall be determined or approved by the minister in accordance with subsection (2).

5 Apr 2012 cO-2 Reg 5 s5.

Submission of documents in electronic form

6(1) The minister may:

- (a) refuse to accept any document for any purpose, unless the document:
 - (i) is submitted to the minister by an approved electronic transmission in an approved electronic format; and
 - (ii) is organized in the same or substantially the same manner and contains all the information prescribed for that document by the electronic document enactment;
 - (b) refuse to accept any document of any particular type or class with respect to which requirements, rules or procedures have been established pursuant to subsection 4(3) if any of those requirements, rules or procedures have not been complied with respecting the document; or
 - (c) exempt from any of the requirements of clause (a) documents of any type or class submitted to the ministry in certain circumstances or for certain purposes or by or on behalf of certain persons in connection with a business process.
- (2) The minister may establish rules respecting the acknowledgment of receipt of approved electronic documents.

(3) If a person complies with subsection (1), a document will be considered to have been submitted to the minister when the minister acknowledges receipt of the document in accordance with the acknowledgment rules established by the minister pursuant to subsection (2).

5 Apr 2012 cO-2 Reg 5 s6.

Electronic documents as original documents

7(1) An approved electronic document is deemed for all purposes to be the original of the document.

(2) An endorsement or entry made on an approved electronic document has the same force and effect at law and the same evidentiary value as if the endorsement or entry were made on an original document in written form.

(3) An approved electronic document certified to be a true copy has the same force and effect at law and the same evidentiary value as if the certified copy were made of an original document in written form.

5 Apr 2012 cO-2 Reg 5 s7.

Retention of documents in electronic form

8 A requirement pursuant to an electronic document enactment to retain a document that is dealt with in connection with a business process with respect to which the minister has made a direction or determination pursuant to subsection 3(1) is satisfied if:

- (a) the document is kept in the approved electronic format for its storage and retention; and
- (b) the information contained in the document is kept accessible so as to be usable for subsequent reference by any person who is entitled or authorized to have access to the document or who is entitled or authorized to require its production.

5 Apr 2012 cO-2 Reg 5 s8.

Coming into force

9(1) Subject to subsection (2), these regulations come into force on the day on which section 51 of *The Oil and Gas Conservation Amendment Act, 2011* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 51 of *The Oil and Gas Conservation Amendment Act, 2011* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations but are retroactive and are deemed to have been in force on and from the day on which section 51 of *The Oil and Gas Conservation Amendment Act, 2011* comes into force.

5 Apr 2012 cO-2 Reg 5 s9.