

Appendix B: Public Interest Tests for Infrastructure Development in Canadian Environmental Law

Jurisdiction	Statute or Regulation	Year	Document Type	Sector	Type of Infrastructure	Public Interest Test Provision	Number of unique tests	Use of test: Allow or prevent infrastructure?	Factors to consider?	Additional guidance?	Factors to consider (prescribed)	Additional Guidance	Decisionmaking body
Alberta	Environmental Protection and Enhancement Act	2000	Statute	Multiple	Multiple	No approval or registration on Minister's order 64 (1) Where the Minister is of the opinion that a proposed activity should not proceed because it is not in the public interest having regard to the purposes of this Act, the Minister may at any time by notice in writing to the proponent, with a copy to the Director, order that no approval or registration be issued in respect of the proposed activity.	1	Allow	No	Yes	None	Purpose of Act 2 The purpose of this Act is to support and promote the protection, enhancement and wise use of the environment while recognizing the following: (a) the protection of the environment is essential to the integrity of ecosystems and human health and to the well-being of society; (b) the need for Alberta's economic growth and prosperity in an environmentally responsible manner and the need to integrate environmental protection and economic decisions in the earliest stages of planning; (c) the principle of sustainable development...; (d) the importance of preventing and mitigating the environmental impact of development and of government policies, programs and decisions; ...(i) the responsibility of polluters to pay for the costs of their actions	Minister
Alberta	Gas Distribution Act	2000	Statute	Electricity	Gas pipeline	Application for franchise area approval 16(1) A person who proposes to construct a rural gas utility must first apply for a franchise area approval in respect of the rural gas utility. Issue of franchise area approval 17 (4) The chief officer shall not issue a franchise area approval unless the chief officer is satisfied that it is in the public interest to do so, having regard to the availability of other sources of gas, the present and future need for the extension of gas service throughout rural Alberta and any other circumstances that in the chief officer's opinion are relevant to the public interest.	1	Allow	Yes	No	- the availability of other sources of gas - the present and future need for the extension of gas service throughout rural Alberta - any other circumstances that in the chief officer's opinion are relevant to the public interest	None	Chief officer
Alberta	Hydro and Electric Energy Act	2000	Statute	Electricity	Electricity transmission line	Approval of Commission 25 (2) Approval under this section shall not be given unless the Commission is satisfied, having regard to the availability of any other source of electric energy and to any other circumstances, that it is in the public interest having regard to those circumstances and the present and future need for the extension of electric service throughout Alberta.	1	Allow	Yes	Yes	- The availability of any other source of electric energy - Any other circumstances - The present and future need for the extension of electric service throughout Alberta	Purposes of the Act 2 (a) to provide for the economic, orderly development of hydro energy that is in the public interest in Alberta, (b) to secure the observance of safe and efficient practices in the public interest in the development of hydro energy and in the generation, transmission and distribution of electric energy in Alberta, ... c. d Critical transmission infrastructure 13 13.1(1) In this section, "critical transmission infrastructure" means critical transmission infrastructure as defined in the Electric Utilities Act. (2) The construction, connection and operation of a transmission line or part of a transmission line that is designated as critical transmission infrastructure is required to meet the needs of Alberta and is in the public interest. Power of Commission re applications 19 (1) On an application for an approval, permit or licence under this Part, or for an amendment of an approval, permit or licence, the Commission may grant the approval, permit, licence or amendment subject to any terms and conditions that it prescribes or may deny the application. (1.1) Notwithstanding subsection (1), the Commission shall not refuse an approval of a transmission line or part of a transmission line designated as critical transmission infrastructure as defined in the Electric Utilities Act on the basis that, in its opinion, it does not meet the needs of Alberta.	Alberta Utilities Commission
Alberta	Natural Resources Conservation Board Act	2000	Statute	Multiple	Multiple	Purpose of Act 2 The purpose of this Act is to provide for an impartial process to review projects that will or may affect the natural resources of Alberta in order to determine whether, in the Board's opinion, the projects are in the public interest, having regard to the social and economic effects of the projects and the effect of the projects on the environment.	1	Both	Yes	No	- the social and economic effects - the effect on the environment	None	Natural Resources Conservation Board
Alberta	Oil Sands Conservation Act	2000	Statute	Oil and Gas	Oil and gas development	Approval of scheme or operation 10 (3) The Regulator may, with respect to an application referred to in subsection (1), (a) if in its opinion it is in the public interest to do so, and with the prior authorization of the Lieutenant Governor in Council, grant an approval on any terms and conditions that the Regulator considers appropriate, (b) refuse to grant an approval, (c) defer consideration of the application on any terms and conditions that the Regulator may prescribe, or (d) make any other disposition of the application that the Regulator considers appropriate. Approval of a processing plant 11 (same provisions as Section 10 above)	2	Allow	No	Yes	None	Purposes of the Act 3 The purposes of this Act are (a) to effect conservation and prevent waste of the oil sands resources of Alberta, (b) to ensure orderly, efficient and economical development in the public interest of the oil sands resources of Alberta, ...	Regulator
Alberta	Water Act	2000	Statute	Water	Water works	Approvals, licences, transfers, registrations not available 34 (1) If the Minister is of the opinion that a proposed (a) activity, (b) diversion of water or operation of a works for the diversion of water, or (c) transfer of an allocation of water under a licence, should not proceed because it is not in the public interest, the Minister may make any order referred to in subsection (2). Issuance of approvals 38 (1) Subject to section 34, the Director may issue or refuse to issue an approval to an applicant to commence or continue an activity. Renewal may issue 60 (3) The Director may decide not to renew a licence only if (a) the Director is of the opinion that it is not in the public interest to renew the licence,...	1	Allow	No	No	None	None	Minister; Director
Alberta	Alberta Utilities Commission Act	2007	Statute	Electricity	Multiple	Public interest 17 (1) Where the Commission conducts a hearing or other proceeding on an application to construct or operate a hydro development, power plant or transmission line under the Hydro and Electric Energy Act or a gas utility pipeline under the Gas Utilities Act, it shall, in addition to any other matters it may or must consider in conducting the hearing or other proceeding, give consideration to whether construction or operation of the proposed hydro development, power plant, transmission line or gas utility pipeline is in the public interest, having regard to the social and economic effects of the development, plant, line or pipeline and the effects of the development, plant, line or pipeline on the environment. (2) The Commission shall not under subsection (1) give consideration to whether critical transmission infrastructure as defined in the Electric Utilities Act is required to meet the needs of Alberta.	1	Allow	Yes	No	- social effects - economic effects - effects of the project on the environment.	None	Alberta Utilities Commission
Alberta	Electric Utilities Act	2007	Statute	Electricity	Electricity transmission line	Alleviation of constraints or other conditions on transmission system 34 (1) When the Independent System Operator determines that an expansion or enhancement of the capability of the transmission system is or may be required to meet the needs of Alberta and is in the public interest, the Independent System Operator must, subject to the regulations, prepare and submit to the Commission for approval a needs identification document that (a) describes the constraint or condition affecting the operation or performance of the transmission system and indicates the means by which or the manner in which the constraint or condition could be alleviated,(b) describes a need for improved efficiency of the transmission system, including means to reduce losses on the interconnected electric system, or (c) describes a need to respond to requests for system access service. (2) On its own initiative or in response to views expressed by the Commission, the Independent System Operator may amend a needs identification document submitted to the Commission for approval. (3) The Commission may, subject to the regulations, (a) approve the needs identification document, (b) refer the needs identification document back to the Independent System Operator with directions or suggestions for changes or additions, or (c) refuse to approve the needs identification document.	1	Allow	No	No	None	None	Alberta Utilities Commission

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Alberta	Transmission Regulation (Parent statute: Electric Utilities Act)	2007	Regulation	Electricity	Electricity transmission	Applications to the Commission under section 34(1) of Act 38 When considering whether to approve a needs identification document under section 34(3) of the Act, the Commission must (a) have regard for the principle that it is in the public interest to foster (i) an efficient and competitive electricity market, (ii) a transmission system that is flexible, reliable and efficient and preserves options for future growth, and (iii) geographic separation for the purposes of ensuring reliability of the transmission system and efficient use of land, including the use of rights of way, corridors or other routes that already contain or provide for utility or energy infrastructure or the use of new rights of way, corridors or other routes, notwithstanding that geographic separation for the purposes of ensuring reliability of the transmission system or efficient use of land may result in additional costs.	1	Allow	Yes	No	Contribution to... - electricity market efficiency and competition - transmission system flexibility, reliability, efficiency and options for future growth - geographic separation for the purposes of ensuring reliability of the transmission system and efficient use of land - providing consumers the benefit of unconstrained transmission access to the competitive electricity market	None	Alberta Utilities Commission
Alberta	Emerging Resources Royalty Regulation (Parent statute: Mines and Minerals Act)	2016	Regulation	Oil and Gas	Oil and gas development	Project approval 7 (1) The Minister may approve a project if...and (c) the Minister is of the opinion that (i) there is a large development potential of hydrocarbons from the target formation, (ii) the project would not be commercially viable if not approved, (iii) positive net royalty from the production of hydrocarbons from the target formation is likely if the project is approved, and (iv) it is in the public interest to approve the project.	1	Allow	No	No	None	None	Minister
British Columbia	Utilities Commission Act	1996	Statute	Electricity	Electricity plant or system	Certificate of public convenience and necessity 45 (1) Except as otherwise provided, after September 11, 1980, a person must not begin the construction or operation of a public utility plant or system, or an extension of either, without first obtaining from the commission a certificate that public convenience and necessity require or will require the construction or operation. (8) The commission must not give its approval unless it determines that the privilege, concession or franchise proposed is necessary for the public convenience and properly conserves the public interest. (9) In giving its approval, the commission (a) must grant a certificate of public convenience and necessity, and (b) may impose conditions about (i)the duration and termination of the privilege, concession or franchise, or (ii)construction, equipment, maintenance, rates or service, as the public convenience and interest reasonably require.	1	Allow	Yes	No	- public convenience - public necessity	None	British Columbia Utilities Commission
British Columbia	Oil and Gas Activities Act	2008	Statute	Oil and Gas	Multiple	Purposes 4 The purposes of the commission include the following: ... (b) to provide for effective and efficient processes for the review of applications for permits and to ensure that applications that are approved are in the public interest having regard to environmental, economic and social effects;	1	Allow	Yes	No	- environmental effects - economic effects - social effects	None	Oil and Gas Commission
British Columbia	Environmental Assessment Act	2018	Statute	Multiple	Multiple	Decision on application for environmental assessment certificate 29 (4)Subject to subsection (5), on receipt of a referral under subsection (1), the ministers (a) must consider, in addition to the material referred to in subsection (2), the sustainability purpose referred to in section 2 (2) (b) (i), the reconciliation purpose referred to in section 2 (2)(b) (ii) and the prescribed matters, if any, (b) may consider any other matters that they consider relevant to the public interest in making their decision on the application, and (c) must, within 30 days of receiving the referral, (i)issue an environmental assessment certificate to the proponent and attach any conditions to the certificate that the ministers consider necessary, including, without limitation, conditions respecting payments to be made for initiatives to mitigate effects of the project, or (ii)refuse to issue the certificate to the proponent.	1	Both	Yes	Yes	- 2(2)b i: is the project consistent with the promotion of sustainability by protecting the environment and fostering a sound economy and the well-being of British Columbians and their communities - 2(2)b ii: does the project support reconciliation with Indigenous peoples in British Columbia	Required assessment matters 25 (2)The following matters must be considered in every assessment: (a) positive and negative direct and indirect effects of the reviewable project, including environmental, economic, social, cultural and health effects and adverse cumulative effects; (b) risks and uncertainties associated with those effects, including the results of any interaction between effects; (c) risks of malfunctions or accidents; (d) disproportionate effects on distinct human populations, including populations identified by gender; (e) effects on biophysical factors that support ecosystem function; (f) effects on current and future generations; (g) consistency with any land-use plan of the government or an Indigenous nation if the plan is relevant to the assessment and to any assessment conducted under section 35 or 73; (h) greenhouse gas emissions, including the potential effects on the province being able to meet its targets under the Greenhouse Gas Reduction Targets Act; (i) alternative means of carrying out the project that are technically and economically feasible, including through the use of the best available technologies, and the potential effects, risks and uncertainties of those alternatives; (j) potential changes to the reviewable project that may be caused by the environment; (k) other prescribed matters.	Ministers
British Columbia	Dormancy and Shutdown Regulation (Parent statute: Oil and Gas Activities Act)	2019	Regulation	Oil and Gas	Oil and gas wells	Identifying priority sites 5 The commission may identify a type A, B or C site as a priority site, by giving to a permit holder for the site a written notice, if the commission considers, having regard to the following factors, that it is in the public interest that the site be decommissioned, assessed and restored on an expedited basis: (a) the age of the site; (b) public safety, including human health; (c) the environment; (d) social and agricultural values; (e) impacts on local communities; (f) cultural and environmental values of local Indigenous nations; (g) the capacity and portfolio of the permit holder.	1	Prevent	Yes	No	- age of the site - public safety and health - the environment - social and agricultural values - impacts on local communities - cultural and environmental values of local Indigenous nations - the capacity and portfolio of the permit holder	None	British Columbia Oil and Gas Commission
Federal	Impact Assessment Act	2019	Statute	Multiple	Multiple	Minister's decision 60 (1) After taking into account the report with respect to the impact assessment of a designated project that is submitted to the Minister under subsection 28(2) or at the end of the assessment under the process approved under section 31, the Minister must (a) determine whether the adverse effects within federal jurisdiction — and the adverse direct or incidental effects — that are indicated in the report are, in light of the factors referred to in section 63 and the extent to which those effects are significant, in the public interest; or (b) refer to the Governor in Council the matter of whether the effects referred to in paragraph (a) are, in light of the factors referred to in section 63 and the extent to which those effects are significant, in the public interest.	1		Yes	No	Factors — public interest 63 The Minister's determination under paragraph 60(1)(a) in respect of a designated project referred to in that subsection, and the Governor in Council's determination under section 62 in respect of a designated project referred to in that subsection, must be based on the report with respect to the impact assessment and a consideration of the following factors: (a) the extent to which the designated project contributes to sustainability; (b) the extent to which the adverse effects within federal jurisdiction and the adverse direct or incidental effects that are indicated in the impact assessment report in respect of the designated project are significant; (c) the implementation of the mitigation measures that the Minister or the Governor in Council, as the case may be, considers appropriate; (d) the impact that the designated project may have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982; and (e) the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change.	None	Minister

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Federal	Canadian Energy Regulator Act	2019	Statute	Oil and Gas	Oil and gas pipeline; Electricity transmission line	Report 183 (1) If the Commission considers that an application for a certificate in respect of a pipeline is complete, it must prepare and submit to the Minister, and make public, a report setting out (a) its recommendation as to whether or not the certificate should be issued for all or any part of the pipeline, taking into account whether the pipeline is and will be required by the present and future public convenience and necessity, and the reasons for that recommendation; and (b) regardless of the recommendation that the Commission makes, all the conditions that it considers necessary or in the public interest to which the certificate would be subject if the Governor in Council were to direct that the certificate be issued.	1	Allow	Yes	No	Report 183 - Factors to consider (2) The Commission must make its recommendation taking into account — in light of, among other things, any Indigenous knowledge that has been provided to the Commission and scientific information and data — all considerations that appear to it to be relevant and directly related to the pipeline, including (a) the environmental effects, including any cumulative environmental effects; (b) the safety and security of persons and the protection of property and the environment; (c) the health, social and economic effects, including with respect to the intersection of sex and gender with other identity factors; (d) the interests and concerns of the Indigenous peoples of Canada, including with respect to their current use of lands and resources for traditional purposes; (e) the effects on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982; (f) the availability of oil, gas or any other commodity to the pipeline; (g) the existence of actual or potential markets; (h) the economic feasibility of the pipeline; (i) the financial resources, financial responsibility and financial structure of the applicant, the methods of financing the pipeline and the extent to which Canadians will have an opportunity to participate in the financing, engineering and construction of the pipeline; (j) the extent to which the effects of the pipeline hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change; (k) any relevant assessment referred to in section 92, 93 or 95 of the Impact Assessment Act; and (l) any public interest that the Commission considers may be affected by the issuance of the certificate or the dismissal of the application.	None	Canada Energy Regulator
Manitoba	The Environment Act	1987	Statute	Multiple	Multiple	Action by minister respecting proposal 49 (2) Upon receiving the report from the commission with respect to an abatement project under subsection (1), the minister may approve the abatement project in whole or in part or with such variations and subject to such terms and conditions as the minister deems advisable in the public interest or may refuse to approve the abatement project.	1	Allow	No	Yes	None	Definitions 1 (2) In this Act, "abatement project" means a project for the abatement of an undesirable environmental condition affecting premises by (a) the removal and relocation of the development causing the condition; or (b) the removal and relocation of the premises affected by the condition; (* operation de dépollution *)	Minister
Manitoba	The Provincial Railways Act	1994	Statute	Rail	Railway line	Issue of approval to construct railway line 32 The superintendent may issue an approval to construct or alter a railway line if (a) the superintendent is satisfied that the proposed construction or alteration is in the public interest; and (b) the location of, and plans and specifications for, the construction or alteration of the railway line comply with this Act and are approved by the minister.	1	Allow	No	No	None	None	Superintendent (Superintendent of Railways appointed under section 14.1)
Manitoba	Provincial Planning Regulation (Parent statute: Planning Act)	2011	Regulation	Multiple	Multiple	Policy Area 10: Development Plans While land use decisions are a local responsibility, the Province has a vested interest in how land and resources are planned and how development occurs across Manitoba. The PLUPs express this interest and development plan by-laws must be generally consistent with them. "Generally consistent" means that development plan by-laws will embody the principles of sound land use planning as expressed in the PLUPs, and the goals, plans and policies contained in development plan by-laws will reflect the spirit and intent of the PLUPs.	1	Allow	Yes	Yes	- balance private gain with the costs that may be incurred by the public - evaluate short-term profits against long-term costs - (sector-specific factors outlined in regulation)	Part 2 Introduction: Why Provincial Land Use Policies? Public interests — a traditional motivation for land use planning is the protection of the public interest. The development of land and resources has both costs and benefits; land use and development decisions must balance private gain with the costs that may be incurred by the public, and evaluate short-term profits against long-term costs. Policy Area 4: Renewable Resources, Heritage and Recreation The Province has a public and stewardship interest in maintaining the sustainability of renewable resources, while ensuring a balance between conservation and development. Land use planning can support this interest by identifying renewable resource areas and protecting them from incompatible development, fragmentation and degradation, while at the same time, capturing the economic opportunities, environmental and social benefits and values they provide. Policy Area 8: Mineral Resources It is in the provincial interest to honour mineral access and development rights associated with mineral disposition and ensure that appropriate security of tenure is achieved. ... This non-renewable resource [aggregate and quarry minerals] has no cost-effective substitute for most end uses, and it is therefore in the public interest to protect high-quality aggregate and quarry mineral resources from conflicting surface land uses to minimize both construction and environmental costs.	Lieutenant Governor in Council; Planning Authorities
Manitoba	The Forest Act	2015	Statute	Forestry	Cutting and removal of Crown timber	Suspension and cancellation of licence, etc. 39 (1) The minister or any person acting under his authority may, for cause, suspend for any stated period of time or until a condition is met, any licence, permit, or agreement, issued, granted, or made under this Act, and after notice and hearing, if in the opinion of the minister it is in the public interest to do so, he may cancel the licence, permit or agreement, as the case may be.	1	Prevent	No	Yes	None	Definitions 1 (1) In this Act, "forest management licence", "timber sale agreement", "timber permit", means any forest management licence, timber sale agreement or timber permit granted under this Act authorizing the cutting and removal of Crown timber Notice and hearing before cancellation 39 (2) Before cancelling a licence, permit or agreement under subsection (1), the minister shall cause to be served upon the holder of the licence, permit or agreement, as the case may be, a notice in writing requiring him to attend before the minister or before such other person or persons designated by the minister, upon a day specified in the notice, which shall be not less than 30 days after the date of the notice, to show cause why the licence, permit or agreement should not be cancelled.	Minister
Manitoba	The Water Resources Administration Act	2018	Statute	Water	Water works	Rights of minister with respect to water control works 5 The minister may (a) construct or operate, or construct and operate, in any part of the province such water control works as he may deem necessary or expedient in the public interest;	1	Allow	Yes	No	- necessity - expediency	None	Minister
Manitoba	The Gas Pipe Line Act	2019	Statute	Oil and Gas	Gas pipeline	Circumstances to be considered 17 Upon considering an application for a construction permit for a gas transmission line, the minister shall have regard to all circumstances that appear to him to be relevant, and in particular, but not so as to limit the generality of the foregoing, shall have regard to (a) the financial responsibility of the applicant; (b) any public interest that, in the opinion of the minister, may be affected by the granting or refusal of the application; (c) the needs and general good of the residents of the province as a whole.	1	Both	Yes	No	- the financial responsibility of the applicant - the needs and general good of the residents of the province as a whole	None	Minister; Public Utilities Board (for alterations of conditions in the public interest)
Manitoba	The Water Rights Act	2019	Statute	Water	Water works	Suspension and cancellation of licence, permit or registration 19 (1) In addition to any suspension or cancellation of a licence, permit or registration that may be authorized under any other provision of this Act, the minister may, for cause, (a) suspend a licence, permit or registration for any stated period of time or until a condition is met; (b) where in the opinion of the minister it is in the public interest to do so, cancel a licence, permit or registration whether or not it has first been suspended under clause (a). [Where a licence is required to construct, establish, operate or maintain any works including water control works, the minister may, for cause, suspend or cancel the licence, permit or registration.]	1	Prevent	No	Yes	None	Notice and hearing before cancellation 19 (2) A licence, permit or registration shall not be cancelled under subsection (1) or any other provision of this Act until after notice and a hearing in accordance with subsections (3), (4) and (5).	Minister
New Brunswick	Pipeline Act	2005	Statute	Oil and Gas	Oil and gas pipeline	Permit to construct 4 (1) No person shall construct a pipeline or any part of a pipeline, or undertake any operations preparatory to constructing a pipeline, unless the person holds a permit. Considerations by the Board 7 In considering an application for a permit, the Board shall take into account all matters that it considers relevant and shall consider (a) the location of the proposed pipeline and its effect upon public health and safety and the environment, (b) the financial responsibility of the applicant, (c) in the case of a pipeline for the transmission of natural gas, the existence of present and future markets for the pipeline, and (d) such other matters as it considers relevant in the public interest.	1	Allow	Yes	No	- the location of the proposed pipeline and its effect upon public health and safety and the environment - the financial responsibility of the applicant, - the existence of present and future markets for the pipeline (if for transmission of natural gas)	None	Board (Energy and Utilities Board)

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Newfoundland and Labrador	Environmental Protection Act	2002	Statute	Multiple	Multiple	Refusal if not in public interest 79 (1) Where the minister is of the opinion that a proposed activity should not proceed because it is not in the public interest having regard to the purpose of this Act, the minister shall not issue an approval with respect to the proposed activity. (3) When deciding if a proposed activity should proceed, the minister shall consider whether or not (a) the proposed activity contravenes a policy of the government of the province; (b) the location of the proposed activity is unacceptable; and (c) there would be adverse effects from the proposed activity. Release 67 (5) Notwithstanding subsection (1), (2) or (3), or another section of this Part, the Lieutenant-Governor in Council may halt further environmental assessment of an undertaking and direct that the undertaking not proceed where the Lieutenant-Governor in Council is of the opinion that it is in the public interest to halt the assessment and give that direction.	2	1 allow; 1 prevent	Yes; No	Yes; No	- does the proposed activity contravenes a policy of the government of the province - is location of the proposed activity is unacceptable - would there be adverse effects from the proposed activity	Purpose 46 - Environmental Assessment The purpose of this Part is to (a) protect the environment and quality of life of the people of the province, and (b) facilitate the wise management of the natural resources of the province, through the institution of environmental assessment procedures before and after the commencement of an undertaking that may be potentially damaging to the environment. [The Act purpose is not stated]	Minister
Newfoundland and Labrador	Water Resources Act	2002	Statute	Water	Sewage works; water works	Approval of sewage works 36 (3) The minister may, after considering the plans, specifications, report and other information that he or she may require under subsection (1), and after considering the regulations relating to qualities, properties and treatment of sewage, or standards for effluent release, grant a permit for the construction of the proposed works, subject to those terms and conditions that the minister considers necessary. (4) Where, in the opinion of the minister, it is in the public interest to do so, the minister shall refuse to grant a permit under subsection (3). Approval of waterworks 37 (4) Where, in the opinion of the minister, it is in the public interest to do so, the minister shall refuse to grant a permit under this section, or shall grant a permit on those terms and conditions that the minister considers necessary.	2	1 prevent; 1 both	No; No	No; No	None	None	Minister
Northwest Territories	Oil and Gas Land Regulations (Parent statute: Northwest Territories Lands Act)	2014	Regulation	Oil and Gas	Oil and gas development	Exploration Agreements 29 (1) The Minister may, subject to this section, enter into an exploration agreement with a person relating to undisposed lands. (5) In selecting a proposal submitted under this section for the purpose of negotiating an exploration agreement, the Minister shall take into account any factors the Minister considers appropriate in the public interest but is not bound to select any particular proposal submitted.	1	Allow	No	No	None	None	Minister
Northwest Territories	Oil and Gas Operations Act	2014	Statute	Oil and Gas	Oil and gas development; oil and gas pipeline	Jurisdiction 19 (1) The Regulator has full and exclusive jurisdiction to inquire into, hear and determine any matter ... (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, 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. Transmission of oil and gas 48 Extension of facilities (3) If the Regulator finds that no undue burden facilities 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) transportation of oil and gas products; (b) storage of oil and gas products; (c) pipeline junctions].	2	Both	No; Yes	No	- necessity - desirability - "undue burden facilities" on operator	None	Regulator
Nova Scotia	Environment Act	1994	Statute	Multiple	Multiple	Decision not to approve proposed activity 52 (1) Where the Minister is of the opinion that a proposed activity should not proceed because it is not in the public interest having regard to the purpose of this Act, the Minister may, at any time, decide that no approval be issued in respect of the proposed activity if notice is given to the proponent, together with reasons. (2) When deciding, pursuant to subsection (1), whether a proposed activity should proceed, the Minister shall take into consideration such matters as whether the proposed activity contravenes a policy of the Government or the Department, whether the location of the proposed activity is unacceptable or whether adverse effects from the proposed activity are unacceptable.	1	Both	Yes	Yes	- does the proposed activity contravenes a policy of the Government or the Department - is the location of the proposed activity is unacceptable - are the adverse effects from the proposed activity unacceptable	Purpose of Act 2 The purpose of this Act is to support and promote the protection, enhancement and prudent use of the environment while recognizing the following goals: (a) maintaining environmental protection as essential to the integrity of ecosystems, human health and the socio-economic well-being of society; (b) maintaining the principles of sustainable development, including... (ii) the precautionary principle will be used in decisionmaking so that where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation; (vi) the linkage between economic and environmental issues, recognizing that long-term economic prosperity depends upon sound environmental management and that effective environmental protection depends on a strong economy, and...	Minister
Nova Scotia	Gas Distribution Regulations (Parent statute: Gas Distribution Act)	1998	Regulation	Electricity	Gas pipeline	Franchise Approval 3 (1) After reviewing one or more applications made pursuant to the Act and these regulations and after considering all of the evidence received and allowed in connection therewith, and after conducting such inquiry or hearing as the Board is required to hold or has considered necessary or desirable in the circumstances, the Board may by order: (a) if it is satisfied that to do so is in the public interest, grant a franchise and attach to the franchise such terms and conditions as it considers to be in the public interest; or (b) refuse to grant any franchise. [Where franchise means a franchise granted pursuant to the Act to construct and operate a gas delivery system]	1	Allow	No	Yes	None	Franchise evaluation 5 Subject to Section 6, the Board shall not grant a franchise over an area unless... (c) the applicant has submitted to the Board a Socio-Economic Impact Statement that shall include (i) a benefits plan, together with a written undertaking that if the applicant is granted a franchise, the applicant will take all reasonable measures to implement the benefits plan, (ii) evidence that the applicant is fully aware of any significant socio-economic effects of the proposed franchise, has measures in place to mitigate adverse socio-economic impacts and promote positive outcomes, and is committed to carrying out those measures in order to ensure that the franchise benefits the people directly affected by it with minimal disturbance to desirable aspects of their way of life, (iii) the probable benefits of the construction and operation of the delivery system, and (iv) the nature and extent of the impact of the sale and consumption of natural gas within the proposed franchise area.	Nova Scotia Utility and Review Board
Ontario	Environmental Protection Act	1990	Statute	Renewable Energy	Renewable Energy	Director's powers 47.5 (1) After considering an application for the issue or renewal of a renewable energy approval, the Director may, if in his or her opinion it is in the public interest to do so, (a) issue or renew a renewable energy approval; or (b) refuse to issue or renew a renewable energy approval. 2009, c. 12, Sched. G, s. 4 (1). Terms and conditions (2) In issuing or renewing a renewable energy approval, the Director may impose terms and conditions if in his or her opinion it is in the public interest to do so. 2009, c. 12, Sched. G, s. 4 (1). Other powers (3) On application or on his or her own initiative, the Director may, if in his or her opinion it is in the public interest to do so, (a) alter the terms and conditions of a renewable energy approval after it is issued; (b) impose new terms and conditions on a renewable energy approval; or (c) suspend or revoke a renewable energy approval. 2009, c. 12, Sched. G, s. 4 (1).	2	1 both 1 prevent	No; No	No; No	None	Part V.0.1 Renewable Energy - Purpose 47.2 (1) The purpose of this Part is to provide for the protection and conservation of the environment. Contents of notice requiring hearing, s. 142.1 hearing 142.2 (1) An applicant for a hearing required under section 142.1 shall state in the notice requiring the hearing, (a) a description of how engaging in the renewable energy project in accordance with the renewable energy approval will cause, (i) serious harm to human health, or (ii) serious and irreversible harm to plant life, animal life or the natural environment, Consistency with policies 145.2.2 A decision or order of the Tribunal under this Part in respect of a renewable energy approval shall be consistent with any policies issued by the Minister under section 47.7 that are in effect on the date of the Director's decision. 2009, c. 12, Sched. G, s. 13	Director, Environmental Review Tribunal

Jurisdiction	Statute or Regulation	Year	Document Type	Sector	Type of Infrastructure	Public Interest Test Provision	Number of unique tests	Use of test: Allow or prevent infrastructure?	Factors to consider?	Additional guidance?	Factors to consider (prescribed)	Additional Guidance	Decisionmaking body
Ontario	Ontario Energy Board Act	1998	Statute	Electricity	Electricity Transmission Line	<p>Part VI Transmission and distribution lines</p> <p>Order allowing work to be carried out 96</p> <p>(1) If, after considering an application under section 90, 91 or 92 the Board is of the opinion that the construction, expansion or reinforcement of the proposed work is in the public interest, it shall make an order granting leave to carry out the work, 1998, c. 15, Sched. B, s. 96.</p> <p>[Where applications under sections 90 and 91 are for hydrocarbon lines or stations; applications under section 92 are for electricity transmission or distribution line]</p> <p>Applications under s. 92</p> <p>(2) In an application under section 92, the Board shall only consider the following when, under subsection (1), it considers whether the construction, expansion or reinforcement of the electricity transmission line or electricity distribution line, or the making of the interconnection, is in the public interest:</p> <p>1. The interests of consumers with respect to prices and the reliability and quality of electricity service.</p> <p>2. Where applicable and in a manner consistent with the policies of the Government of Ontario, the promotion of the use of renewable energy sources. 2009, c. 12, Sched. D, s. 16.</p> <p>Part IV Gas marketing</p> <p>Amendment of licence 52</p> <p>The Board may, on the application of any person, amend a licence if it considers the amendment to be,</p> <p>(a) necessary to implement a directive issued under section 27, 27.1 or 28.7; or</p> <p>(b) in the public interest, having regard to the objectives of the Board. 2003, c. 3, s. 37; 2010, c. 8, s. 38 (7).</p>	1	Both	Yes	Yes	<p>For electricity transmission or distribution line, the Board shall only consider:</p> <p>- The interests of consumers with respect to prices and the reliability and quality of electricity service.</p> <p>- Where applicable and in a manner consistent with the policies of the Government of Ontario, the promotion of the use of renewable energy sources.</p>	<p>Board objectives, gas 2</p> <p>2) The Board, in carrying out its responsibilities under this or any other Act in relation to gas, shall be guided by the following objectives:</p> <p>1. To facilitate competition in the sale of gas to users.</p> <p>2. To inform consumers and protect their interests with respect to prices and the reliability and quality of gas service.</p> <p>3. To facilitate rational expansion of transmission and distribution systems.</p> <p>4. To facilitate rational development and safe operation of gas storage.</p> <p>5. To promote energy conservation and energy efficiency in accordance with the policies of the Government of Ontario, including having regard to the consumer's economic circumstances.</p> <p>5.1 To facilitate the maintenance of a financially viable gas industry for the transmission, distribution and storage of gas.</p> <p>6. To promote communication within the gas industry and the education of consumers.</p>	Ontario Energy Board
Ontario	Exploration Licences, Production and Storage Leases for Oil and Gas in Ontario (Parent statute: Mining Act)	2018	Regulation	Oil and Gas	Oil and gas wells	<p>Well licences 23</p> <p>(1) Despite any rights granted or implied in an exploration licence, production lease or storage lease, but subject to section 40 of the Ontario Energy Board Act, 1998, the Minister may issue a well licence under the Oil, Gas and Salt Resources Act for a deviated or horizontal well that will traverse the area described in an exploration licence, production lease or storage lease to a person other than the licensee or lessee if,</p> <p>(a) the proposed well is necessary to reach an oil and gas target or storage zone located on licensed or leased lands held by the person;</p> <p>(b) the affected lands have been unitized in a manner acceptable to the Minister;</p> <p>(c) in the opinion of the Minister, the proposed well will not interfere with or adversely affect existing exploration, production or storage operations; and</p> <p>(d) the well is in the public interest. O. Reg. 263/02, s. 23 (1).</p>	1	Allow	No	No	None	None	Minister
Prince Edward Island	Renewable Energy Act Development Permit Regulations (Parent statute: Renewable Energy Act)	2008	Regulation	Renewable Energy	Large capacity renewable energy generation facility	<p>Construction of large capacity renewable energy generation facility, restriction 2</p> <p>(1) No person shall construct a large capacity renewable energy generation facility, or cause a large capacity renewable energy generation facility to be constructed, unless a development permit has first been issued by the Minister that authorizes the construction of the large capacity renewable energy generation facility.</p> <p>issuance of development permit 3 (2) The Minister may, on receipt of an application for a development permit made in accordance with subsection (1), issue a development permit to the applicant where the Minister is satisfied that it is in the public interest to do so.</p>	1	Allow	No	No	None	None	Minister
Prince Edward Island	Environmental Protection Act Materials Stewardship and Recycling Regulations (Parent statute: Environmental Protection Act)	2014	Regulation	Waste	Recycling facility	<p>Requirements for issuance of permit 4</p> <p>(b) The Minister shall issue a permit to an applicant if the Minister is satisfied that,</p> <p>(d) the issuance of the permit is in the public interest having regard to the matters referred to in clauses 2(a) to (f).</p> <p>[Where a permit is required for a recycling facility.]</p>	1	Allow	Yes	No	<p>Material to be submitted 4</p> <p>(2) An applicant shall submit with an application made under subsection (1) a detailed written proposal outlining:</p> <p>(a) the location of the proposed recycling facility;</p> <p>(b) the distance from the active recycling area to (i) the nearest property boundary, and (ii) the foundation of the nearest off-site structure used for commercial, industrial, residential or institutional purposes;</p> <p>(c) the types of recyclable material and designated material, if any, to be acquired;</p> <p>(d) the plans for the acceptance, collection, storage, sorting, handling, preparing for transport and transporting of recyclable material and designated material</p> <p>(e) the quantity of recyclable material and designated material expected to be acquired annually; and</p> <p>(f) a contingency plan for the prevention, detection, handling and containment of leaks or spills of recyclable material and designated material or contamination resulting from the handling of recyclable material and designated material.</p>	None	Minister
Prince Edward Island	Water Act	2017	Statute	Water	Multiple	<p>Decision that no approval to be issued for proposed activity 7</p> <p>(1) Where the Minister is of the opinion that a proposed activity, matter or thing should not proceed because it is not in the public interest having regard to the purpose of this Act, the Minister may, at any time, with the approval of the Lieutenant Governor in Council, decide that no approval shall be issued in respect of the proposed activity, matter or thing, if notice is given to the proponent, together with reasons.</p> <p>(2) When deciding, pursuant to subsection (1), whether a proposed activity, matter or thing should not proceed, the Minister and the Lieutenant Governor in Council shall take into consideration such matters as whether the proposed activity, matter or thing contravenes a policy of the Government or the Department, whether the location of the proposed activity, matter or thing is unacceptable and whether adverse effects that may result from the proposed activity, matter or thing are unacceptable.</p>	1	Both	Yes	Yes	<p>- whether [the proposed activity] contravenes a policy of the Government or the Department</p> <p>- whether the location of the proposed activity, matter or thing is unacceptable</p> <p>- whether adverse effects that may result from the proposed activity, matter or thing are unacceptable</p>	<p>Purpose and goals 2</p> <p>The purpose of this Act is to support and promote the management, protection and enhancement of the water resources within the jurisdiction of the province, in recognition that</p> <p>(a) the Government has a guardianship role to play in ensuring that the quality, quantity, allocation, conservation and protection of water is managed in the interests of a common good that benefits and accommodates all living things in the province and their supporting ecosystems; ...</p> <p>with the following goals:</p> <p>(i) that decisions with respect to water management be made by applying consistent, science-based assessment processes; and decisions with respect to water allocation take into account seasonal conditions, climate change and the need to protect the long-term availability of groundwater, the security of aquatic ecosystems and the integrity of wetlands.</p>	Minister; Lieutenant Governor in Council
Quebec	Petroleum Resources Act	2016	Statute	Oil and Gas	Oil and gas development	<p>Special Powers 142</p> <p>The Minister may, by order, reserve to the State or withdraw from any petroleum exploration-, production- or storage-related work or activity any land containing a pool, brine or an underground reservoir if necessary for any purpose that the Minister considers to be in the public interest, in particular, for the purposes of</p> <p>(1) mining, industrial, port, airport or communications facilities;</p> <p>(2) underground conduits;</p> <p>(3) the development and utilization of waterpower, power transmission lines, storage tanks or underground reservoirs;</p> <p>(4) the creation of parks or protected areas;</p> <p>(5) plant-life and wildlife conservation;</p> <p>(6) the protection of eskers that may be a source of drinking water; and</p> <p>(7) classification as an exceptional forest ecosystem under the Sustainable Forest Development Act (chapter A-18.1) or designation of biological refuges under that Act.</p>	1	Prevent	No	Yes	None	(Section 142 lists types of activities in the public interest)	Minister

Jurisdiction	Statute or Regulation	Year	Document Type	Sector	Type of Infrastructure	Public Interest Test Provision	Number of unique tests	Use of test: Allow or prevent infrastructure?	Factors to consider?	Additional guidance?	Factors to consider (prescribed)	Additional Guidance	Decisionmaking body
Saskatchewan	Oil and Gas Conservation Act (1978)	1978	Statute	Oil and Gas	Oil and gas development	Issuance of licences 9 (1) The minister may: (a) issue a licence if the minister is satisfied that: (i) the applicant has complied with this Act, the regulations and any orders made pursuant to this Act; (ii) the applicant meets the prescribed eligibility requirements; and (iii) it is in the public interest to do so; or (b) refuse to issue the licence.	1	Allow	No	Yes	None	Purpose of Act 3 (3) The minister may determine when the public interest requires that one purpose set out in subsection (1) be given priority over another. (Where purposes are: (a) to minimize waste and prevent wasteful operations; (b) to regulate all operations for the production of oil and gas in such manner that the greatest possible ultimate recovery thereof by prudent and proper operations and practices may be realized; (c) to allow each owner the opportunity of obtaining that owner's share of the oil or gas from a pool; (d) to develop, process, utilize, protect and conserve the oil and gas resources of Saskatchewan; (e) to protect the environment, property and the safety of the public with respect to the operations of the oil and gas industry; (f) to regulate the injection, storage and withdrawal of substances into or from subsurface formations in a manner that ensures that: (i) the substance is properly stored; (ii) the environment, property and the safety of the public are protected; and (iii) other subsurface resource uses are not unduly diminished; (h) to regulate the injection of oil and gas waste and non-oil-and-gas substances into subsurface formations; (i) to regulate the withdrawal of substances from a well for commercial, industrial or other uses, including increasing or improving oil or gas recovery or operations; and (j) to regulate wells and facilities for non-renewable resource management purposes, including primary production of minerals other than oil and gas.	Minister
Saskatchewan	The Pipelines Act	1998	Statute	Oil and Gas	Oil and gas pipelines; water pipelines	Licence 5 (2) Subject to subsection (3), no person shall construct, alter, operate or abandon a pipeline or discontinue the operation of a pipeline unless that person holds a licence authorizing the construction, alteration, operation, abandonment or discontinuation. Issuance of licence 8 (2) The minister may: (a) issue a licence if the minister is satisfied that: (i) the applicant has complied with this Act, the regulations and any applicable directives; and (ii) it is in the public interest to do so; or (b) refuse to issue the licence.	1	Allow	No	No	None	None	Minister
Saskatchewan	The Petroleum Research Incentive Regulations (Parent statute: Financial Administration Act)	1999	Regulation	Oil and Gas	Field pilot projects	Minister may approve by entering into agreement 5 (1) Subject to subsection (2), if the minister is satisfied that a project meets the requirements of these regulations and that it is in the public interest to do so, the minister may approve the project by entering into an agreement with the operator that contains terms respecting the following matters...	1	Allow	No	No	None	None	Minister
Saskatchewan	The Environmental Management and Protection Act	2010	Statute	Multiple	Multiple	Amendment, suspension, cancellation of permits, accepted environmental protection plans and status of qualified persons 28 (1) The minister may cancel, amend, alter or suspend any permit or any accepted environmental protection plan, in whole or in part, if: ... (b) the minister is satisfied that it is in the public interest to do so.	1	Prevent	No	No	None	None	Minister
Saskatchewan	The Water Security Regulation (Parent statute: The Water Security Agency Act)	2015	Regulation	Multiple	Multiple (any within a reservoir development area)	Permit required 4 (1) Subject to subsection (2), no person shall undertake any development within a reservoir development area without a permit. Issuance of licence 7 After considering the factors listed in section 6, the corporation may: (a) issue a permit to the applicant if the corporation is satisfied that: (i) the applicant has complied with the Act and these regulations; and (ii) it is appropriate and in the public interest to do so; or (b) refuse to issue a permit if the corporation is satisfied that: (i) the applicant has not complied with the Act or these regulations; (ii) the applicant has provided incomplete, false, misleading or inaccurate information in support of the application; or (iii) having regard to the factors listed in section 6, issuing the permit is not appropriate or in the public interest. Amendment, suspension or cancellation of permit 9 (1) Subject to section 10, at any time during the term of a permit, the corporation may amend, suspend or cancel the permit if: (a) in the opinion of the corporation, it is in the public interest to do so;	2	1 both; 1 prevent	Yes; No	No	Review of application 6 On receipt of an application pursuant to section 5, the corporation shall consider: (a) the current and predicted future impact of the proposed development on the safe and efficient operation of the reservoir and the impact on the quality of water in the reservoir; (b) the compatibility of the proposed development with any hazards in the reservoir development area; (c) whether the proposed development is likely to result in damage to persons or property within or outside of the reservoir development area; (d) the current and predicted future impact of the proposed development on the safety of the reservoir development area for recreation, public access or other public purposes; and (e) whether the proposed development may result in increased expenditures by the Government of Saskatchewan associated with damage caused by hazards in the reservoir development area.	None	Water Security Agency
Saskatchewan	The Water Power Regulations (Parent statute: The Water Power Act)	2016	Regulation	Electricity	Hydropower works	Issuance of licence 6 (1) Subject to section 10, after consideration of the factors mentioned in section 5, the corporation may: (b) subject to section 11, refuse to issue the licence if the corporation is satisfied that: (i) the applicant has not complied with these regulations; (ii) the applicant has provided incomplete, false, misleading or inaccurate information in support of the application; or (iii) having regard to the factors mentioned in section 5, issuing the licence is not appropriate or in the public interest.	1		Yes	No	Review of application for licence 5 On receipt of an application for a licence, the corporation (the Water Security Agency) shall consider the following factors: (a) the current and future impact of the water power works, including predicted future cumulative impacts, on: (i) the property and property rights of other persons or entities existing at the date of the application; (ii) hydrology or water quality; and (iii) any other factor the corporation considers relevant; (b) whether the impacts mentioned in clause (a) can be mitigated by the applicant; (c) any other matter with respect to water management that the corporation considers reasonably relevant.	None	Water Security Agency
Yukon	Subdivision Regulations (Parent statute: Subdivision Act and Municipal Act)	1999	Regulation	Multiple	Multiple	Appeal Board 17 The appeal board may, in determining an appeal pursuant to the Subdivision Act or the Municipal Act, shall review the decision of the approving officer to determine if it was made in accordance with: (a) the Subdivision Act, the Municipal Act and these regulations as the case may be; (b) technical requirements established by any other enactment of the Legislature or any standards documents sanctioned by an Act of the Legislature; (c) the requirements of natural justice applicable to the decision; and (d) the public interest.	1	Both	Yes	Yes	- Public benefit	Definitions 1 "subdivision for the public interest" means a subdivision of land with the primary purpose of providing the land for the public benefit, such as rights-of-way, bridgeheads, protected areas, conservation areas, lands for public use, and lands for recreational, institutional or public facilities or infrastructure; « intérêt public »	Approving officer; Appeal board
Yukon	Oil and Gas Act	2002	Statute	Oil and Gas	Oil and gas development	Minister's powers 28 (1) The Minister may (a) accept the surrender of, cancel or refuse to renew a disposition as to all or part of its location when the Minister is of the opinion that any or any further exploration for or development of the oil and gas in the location or that part of the location is not in the public interest, subject to the holder of the disposition being compensated in accordance with the regulations for the holder's interest under the disposition; (d) if the Minister is satisfied that it is in the public interest to do so, agree from time to time with the holder to extend the term of the holder's disposition other than an oil and gas permit for an additional period, whether or not the term has expired when the extension is agreed to; [Where "disposition" or "oil and gas disposition" means (a) an oil and gas permit or oil and gas lease, or (b) any other instrument or contract issued or entered into under this Act that conveys rights to oil or gas or both in Yukon oil and gas lands, and includes a federal disposition; « titre d'aliénation »]	1	Both	No	Yes	None	Objectives of the Act 2 The objectives of this Act are... (b) to provide for the economic, orderly, and efficient development in the public interest of the oil and gas resources of the Yukon consistent with the principle of sustainable development, the maintenance of essential ecological processes, and the preservation of biological diversity by, among other means, (i) providing for integrated consideration of environmental and socio-economic effects in oil and gas decision-making; (ii) effecting the conservation of, and the prevention of waste of, those oil and gas resources; (iii) regulating oil and gas activities throughout the Yukon, and (iv) securing the observance of safe and efficient practices in the course of conducting oil and gas activities;	Minister
Yukon	Public Utilities Act	2002	Statute	Oil and Gas; Renewable Energy	Oil and gas development; Oil and gas pipeline; Electricity generation	Applications for certificates 39 An application for an energy project certificate or energy operation certificate shall be made to the Minister and shall contain the prescribed information. Grant or refusal of applications 42 (1) On receipt of the report and recommendations of the board, the Minister, may (a) refuse the application; or (b) grant the application subject to any terms or conditions the Minister considers to be in the public interest.	1	Allow	No	No	None	None	Minister