

The Management and Reduction of Greenhouse Gases Act

being

[Chapter M-2.01](#) of *The Statutes of Saskatchewan, 2010* (effective January 1, 2018, except clauses 2(a), (b), (g) to (i), (n) to (q), (t), (w) and (x); clauses 7(2)(i) to (l), (n) and (o); subsections 7(7) and (8); sections 10 to 16, 20, 22, and 66; clause 75(4)(e); subsections 75(5) and (6); section 77; clause 78(1)(b); subsection 78(11); and clauses 84(1)(b), (e), (g), (i), (j), (l), (s), (u) to (w) and (z) not yet proclaimed) as amended by the *Statutes of Saskatchewan, 2013, c.13; 2014, c.E-13.1; and 2018, c.48.*

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER M-2.01

An Act respecting the Management and Reduction of Greenhouse Gases and Adaptation to Climate Change

PART I Preliminary Matters

Short title

1 This Act may be cited as *The Management and Reduction of Greenhouse Gases Act*.

Definitions

2 In this Act:

“**CO₂e**” means the mass of carbon dioxide that would produce the same global warming potential as a given mass of another greenhouse gas determined in the prescribed manner;

“**code**” means the code adopted by the Lieutenant Governor in Council in the regulations;

“**compliance obligation**” means the action that a regulated emitter is required to take pursuant to this Act and the regulations if the regulated emitter’s emissions exceed the emissions prescribed for that regulated emitter;

“**compliance option**” means a prescribed method by which a regulated emitter may satisfy its compliance obligation;

“**compliance period**” means a prescribed period;

“**environment officer**” means an environment officer appointed pursuant to section 9;

“**greenhouse gas**” means:

- (a) carbon dioxide (CO₂);
- (b) methane (CH₄);
- (c) nitrous oxide (N₂O);
- (d) prescribed categories of hydrofluorocarbons (HFCs);
- (e) prescribed categories of perfluorocarbons (PFCs);
- (f) sulphur hexafluoride (SF₆); or
- (g) any other prescribed gas;

“**greenhouse gas emission baseline**” means the baseline amount of greenhouse gas emissions for Saskatchewan, expressed in CO₂e, in the year selected in accordance with section 4;

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“minister” means the member of Executive Council to whom for the time being the administration of this Act is assigned;

“ministry” means the ministry over which the minister presides;

“offset credit” means a credit for any prescribed activity that:

- (a) reduces the emission of greenhouse gases;
- (b) sequesters greenhouse gases; or
- (c) captures greenhouse gases and prevents their release into the atmosphere;

“performance credit” means, subject to the regulations, a credit expressed in CO₂e that is approved by the minister for a regulated emitter whose actual emissions for a compliance period are below the emissions prescribed for that regulated emitter;

“prescribed” means prescribed in the regulations;

“qualified person” means:

- (a) a member of a class of persons that is prescribed or is set out in the code; or
- (b) a person or a member of a class of persons designated by the minister for one or more purposes or activities that are governed by this Act;

“regulated emitter” means a prescribed person, or a person who is a member of a class of prescribed persons, who:

- (a) emits a greenhouse gas; and
- (b) meets the prescribed requirements;

“standards” means standards, policies or protocols developed or established by the minister;

“technology fund” means the Saskatchewan Technology Fund established pursuant to Part VI.1.

2018, c 48, s.3.

Crown bound

3 The Crown in right of Saskatchewan is bound by this Act.

2010, c.M-2.01, s.3.

Application of Act

3.1 If the minister is satisfied that the greenhouse gas emissions of a regulated emitter or class of regulated emitters are regulated by another Act or an Act of the Parliament of Canada, the Lieutenant Governor in Council may exempt that regulated emitter or class of regulated emitters from this Act.

2018, c 48, s.4.

PART II

Emission Baseline, Emission Targets, Monitoring and Reporting**Greenhouse gas emission baseline**

4 The Lieutenant Governor in Council may establish a greenhouse gas emission baseline for Saskatchewan for a year selected by the Lieutenant Governor in Council.

2010, c.M-2.01, s.4.

Greenhouse gas emission reduction target

5 The Lieutenant Governor in Council shall establish in the regulations a greenhouse gas emission reduction target for Saskatchewan for a year or years selected by the Lieutenant Governor in Council.

2010, c.M-2.01, s.5.

Report

6(1) The minister shall:

(a) monitor compliance with:

(i) the greenhouse gas emission reduction targets established by the Lieutenant Governor in Council pursuant to this Act; and

(ii) any other matters that the minister considers appropriate; and

(b) prepare and issue reports respecting any matter governed by this Act that the minister considers to be in the public interest.

(2) The minister may use any indicators that the minister considers relevant in the preparation of a report.

(3) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report prepared pursuant to this section.

2010, c.M-2.01, s.6; 2014, c.E-13.1, s.62.

PART III

Responsibilities and Powers of Minister**Responsibilities and powers of minister**

7(1) The minister is responsible for all matters not by law assigned to any other minister or government agency respecting greenhouse gas emissions, climate change and adaptation to climate change.

(2) For the purposes of carrying out the minister's responsibilities, the minister may:

(a) guide, promote, co-ordinate, adopt and implement policies, strategies and programs respecting greenhouse gas emissions, climate change and adaptation to climate change;

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- (b) undertake planning, research and investigations and make forecasts respecting greenhouse gas emissions, climate change and adaptation to climate change;
- (c) install, operate and maintain, or cause to be installed, operated or maintained, devices to measure greenhouse gases;
- (d) obtain and collect data respecting greenhouse gas emissions, climate change and adaptation to climate change;
- (e) provide information to the public, and undertake programs of education, awareness and demonstration, respecting greenhouse gas emissions, climate change and adaptation to climate change;
- (f) promote the reduction of greenhouse gas emissions and the sequestration of greenhouse gases;
- (g) maintain records of greenhouse gas emissions;
- (h) recommend targets for reductions of greenhouse gas emissions;
- (i) establish, maintain or approve the use of registries of offset credits and, if the minister approves the use of a registry of offset credits, the minister may determine:
 - (i) the manner in which the registry may be used;
 - (ii) the manner in which offset credits may be used as a compliance option; and
 - (iii) the terms and conditions governing the use of the registry or offset credits recorded in the registry;
- (j) **Repealed.** 2018, c 48, s.5.
- (k) **Repealed.** 2018, c 48, s.5.
- (l) **Not yet proclaimed.**
- (m) develop or adopt standards, including protocols, respecting any matter governed by this Act;
- (n) **Repealed.** 2018, c 48, s.5.
- (o) **Repealed.** 2018, c 48, s.5.
- (p) subject to subsections (10) to (12), for the purposes of determining qualified persons:
 - (i) designate persons or classes of persons who are qualified persons;
 - (ii) reject persons or classes of persons from classification as qualified persons; and
 - (iii) impose any terms and conditions that the minister considers appropriate on qualified persons;

- (p.1) subject to the regulations, award performance credits to regulated emitters whose actual emissions for a compliance period are below the emissions prescribed for that regulated emitter and, if credits are awarded:
- (i) determine the manner in which performance credits may be used as a compliance option; and
 - (ii) impose any terms and conditions on the manner in which performance credits may be used;
- (p.2) subject to the regulations, determine:
- (i) how a compliance obligation of a regulated emitter is to be calculated;
 - (ii) which compliance options may be used by a regulated emitter or class of regulated emitters to fulfil a compliance obligation; and
 - (iii) the date by which a compliance obligation must be fulfilled;
- (q) do any other thing that the minister considers appropriate to carrying out the minister's responsibilities or to exercising the minister's powers pursuant to this Act and the regulations.
- (3) The minister may recommend to the Lieutenant Governor in Council the adoption of a code.
- (4) The minister shall cause notice of any standards that are developed or established pursuant to subsection (2), and of any amendments to those standards, to:
- (a) be published in the Gazette; and
 - (b) be made public in any other manner that the minister considers appropriate.
- (5) Notwithstanding any other provision of this Act, the regulations or the code, at the request of a person proposing to engage in an activity governed by this Act, the minister may approve criteria, terms, conditions or requirements submitted by that person as alternatives to those set out in the code if the minister is satisfied that:
- (a) those alternative criteria, terms, conditions or requirements provide an equivalent or better level of protection to the environment; and
 - (b) it is in the public interest to do so.
- (6) Notwithstanding any other provision of this Act, the regulations or the code, a person may comply with the alternative criteria, terms, conditions or requirements approved by the minister pursuant to subsection (5) instead of the criteria, terms, conditions or requirements set out in the code.
- (7) **Repealed.** 2018, c 48, s.5.
- (8) **Repealed.** 2018, c 48, s.5.

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(9) If the minister is satisfied that it is in the public interest to do so, the minister may:

- (a) impose terms and conditions that must be met before the minister will accept any documents or written materials prepared by a qualified person; or
- (b) refuse to accept any documents or written materials prepared by a qualified person.

(10) Before the minister takes any action pursuant to subsection (9) or rejects a person as a qualified person or imposes terms and conditions on a qualified person, the minister shall give the person:

- (a) written notice of the minister's intended action and the reasons for that intended action; and
- (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the intended action should not be taken.

(11) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (10).

(12) After considering the representations mentioned in subsection (10), the minister shall:

- (a) issue a written decision; and
- (b) serve a copy of the written decision mentioned in clause (a) on the qualified person who made the representations.

2010, c.M-2.01, s.7; 2014, c.E-13.1, s.62; 2018, c.48, s.5.

Power to enter into agreements

8 Subject to the approval of the Lieutenant Governor in Council, for the purposes of furthering, undertaking and enforcing the minister's powers and responsibilities pursuant to this Act, including the minister's powers and responsibilities respecting greenhouse gas emissions, climate change and adaptation to climate change, the minister may enter into agreements on behalf of the Government of Saskatchewan with:

- (a) the Government of Canada;
- (b) the government of any other province or territory of Canada;
- (c) the government of any other country, any state or division of that country or any minister, agent or official of that government; or
- (d) any person, agency, board, commission, organization, association, institution or body.

2010, c.M-2.01, s.8.

Environment officers

- 9(1) The minister may appoint any persons or class of persons as environment officers for the purpose of enforcing or overseeing the enforcement of this Act, the regulations and the code.
- (2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.
- (3) All prescribed environment officers or members of a prescribed class of environment officers have the powers of peace officers to enforce this Act, the regulations and the code.

2018, c 48, s.6.

PART IV
Advisory Council

Repealed. 2018, c 48, s.7.

PART V
Office of Climate Change

Repealed. 2018, c 48, s.7.

PART VI
Regulated Emitters and Greenhouse Gas Emission Reduction Programs
 DIVISION 1
Regulated Emitters

Required greenhouse gas reductions – greenhouse gas reduction programs

- 16.1(1) In accordance with the prescribed programs, prescribed regulated emitters shall reduce their greenhouse gas emissions:
- (a) in the prescribed manner;
 - (b) through the prescribed means; and
 - (c) by the prescribed date.
- (2) Subject to the regulations, any regulated emitter that does not reduce its greenhouse gas emissions as required by subsection (1) accrues a compliance obligation.
- (3) Every regulated emitter that accrues a compliance obligation shall fulfil that compliance obligation in the prescribed manner and by the prescribed date.

2018, c 48, s.8.

Establishment of baseline emission level

- 17(1) Every regulated emitter shall:
- (a) establish a baseline emission level for each facility owned or operated by that regulated emitter; or

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- (b) in the case of a regulated emitter that is a member of a prescribed class of regulated emitters, establish a baseline emission level for some or all facilities owned or operated by that regulated emitter in any prescribed manner.
- (2) The baseline emission level for each regulated emitter must be calculated in the prescribed manner.
- (3) Every regulated emitter shall apply to the minister by the prescribed date to have the baseline emission level approved by the minister.
- (4) When submitting the baseline emission level for the minister's approval, the regulated emitter shall include an opinion from a qualified person verifying the accuracy of the calculation made pursuant to subsection (2).
- (5) The minister may:
 - (a) approve the baseline emission level established pursuant to subsection (1) if the minister is satisfied that the regulated emitter has established an accurate baseline emission level; or
 - (b) refuse to approve the baseline emission level.
- (6) If the minister refuses to approve the baseline emission level pursuant to subsection (5), the minister may require a regulated emitter to:
 - (a) recalculate the baseline emission level; and
 - (b) resubmit the baseline emission level for the minister's approval.
- (7) If the minister does not approve the recalculation of a baseline emission level that is resubmitted pursuant to subsection (6), the minister may:
 - (a) require a further recalculation in accordance with subsection (6); or
 - (b) subject to subsections (8) and (9), assess and fix the baseline emission level for the regulated emitter.
- (8) Before the minister takes any action pursuant to clause (7)(b), the minister shall:
 - (a) serve written notice of the minister's intention to act and the reasons for doing so on the regulated emitter; and
 - (b) give the regulated emitter an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the minister should not act pursuant to that clause.
- (9) If the minister assesses and fixes a baseline emission level for a regulated emitter pursuant to clause (7)(b), the minister shall advise the regulated emitter in writing of the baseline emission level that is assessed and fixed.
- (10) In the prescribed circumstances, the minister may:
 - (a) direct, in writing, that a regulated emitter provide the minister with information or documentation that the minister may specify in the written direction respecting the emissions from the facility or facilities specified in the written direction for the year or years specified in the written direction; and

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- (b) establish a new baseline emission level for a regulated facility or amend or revise the baseline emission level for a regulated facility.
- (11) If the minister establishes a new baseline emission level or amends or revises a baseline emission level pursuant to clause (10)(b), the minister shall advise the regulated emitter, in writing, of:
- (a) the new baseline emission level or the amendment or revision; and
 - (b) the reasons for the new baseline emission level or the amendment or revision.
- (12) Before the minister takes any action pursuant to subsection (10), the minister shall give to the regulated emitter mentioned in that subsection:
- (a) written notice of the minister's intended action and the reasons for that intended action; and
 - (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the intended action should not be taken.
- (13) After considering the representations mentioned in subsection (12), the minister shall:
- (a) issue a written decision; and
 - (b) serve a copy of the written decision mentioned in clause (a) on the regulated emitter who made the representations.
- (14) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (8) or (12).

2010, c.M-2.01, s.17.

18 Repealed. 2018, c 48, s.9.

Returns of certain regulated emitters

19(1) Every member of a prescribed class of regulated emitters must submit to the minister a return that:

- (a) shows the regulated emitter's greenhouse gas emissions; and
 - (b) contains the prescribed information.
- (2) A return required by subsection (1) must be submitted on or before the prescribed date.
- (3) When submitting the return required by subsection (1), the regulated emitter must include an opinion from a qualified person establishing to the satisfaction of the minister the accuracy of the return.

2018, c 48, s.10.

20 Repealed. 2018, c 48, s.11.

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DIVISION 2

Greenhouse Gas Emission Reduction Programs and other Programs

Greenhouse gas emission reduction programs

21(1) In this section and in section 84, “**entity**” means any prescribed person, ministry, agency, board, commission, organization, association, institution or body or class of prescribed persons, ministries, agencies, boards, commissions, organizations, associations, institutions or bodies.

(2) A prescribed entity or a member of a prescribed class of entities shall develop, implement and provide reports, within any prescribed period, on greenhouse gas emissions, a greenhouse gas emission reduction program and any prescribed program.

(3) **Repealed.** 2018, c 48, s.12.

(4) **Repealed.** 2018, c 48, s.12.

2010, c.M-2.01, s.21; 2018, c 48, s.12.

22 Repealed. 2018, c 48, s.13.

Duties imposed on qualified person re certificates, documents and opinions

23 If a qualified person is required to provide a certificate or document required by this Act, the regulations or the code and the certificate or document certifies or provides an opinion on any matter set out in the certificate or document, the qualified person shall, with respect to those actions:

- (a) take all reasonable and prudent actions to ensure that the certificate or opinion does not contain any misrepresentation;
- (b) disclose all material facts; and
- (c) comply with all professional standards applicable to the qualified person.

2010, c.M-2.01, s.23.

PART VI.1

Saskatchewan Technology Fund

Saskatchewan Technology Fund established

23.1(1) The Saskatchewan Technology Fund is established.

(2) Subject to the regulations, the minister may use the technology fund:

- (a) to support initiatives in Saskatchewan that lead to mitigation, sequestration or capture of greenhouse gases;
- (b) to undertake the prescribed programs and fulfil the prescribed purposes;
- (c) to pay the expenses of administering the technology fund;
- (d) to undertake any other program or do any other thing that the Lieutenant Governor in Council may direct.

(3) The minister shall administer the technology fund in accordance with this Part.

- (4) Subject to the approval of the Lieutenant Governor in Council, the minister may delegate the administration of all or any portion of this Part to another person, other than the power to delegate pursuant to this section.
- (5) If the minister delegates to a person pursuant to subsection (4), that person, subject to the terms and conditions of the delegation, may exercise the powers of the minister and shall perform the duties of the minister pursuant to this Part.
- (6) The fiscal year of the technology fund is the period commencing on April 1 in one year and ending on March 31 in the following year.

2018, c 48, s.13.

Advisory committee

- 23.2(1)** Subject to the approval of the Lieutenant Governor in Council, the minister may appoint an advisory committee, which shall meet on the request of the minister, to advise the minister respecting the use and administration of the technology fund.
- (2) The advisory committee shall act in an advisory capacity to the minister on matters of general interest respecting the provisions of this Part.
- (3) The members of the advisory committee are entitled to:
- (a) except in the case of those members who are also members of the public service of Saskatchewan, remuneration for their services at the rates established by Treasury Board; and
 - (b) reimbursement for their expenses incurred in the performance of their responsibilities at the rates paid to members of the public service of Saskatchewan.

2018, c 48, s.13.

What technology fund consists of

23.3 Notwithstanding *The Financial Administration Act, 1993*, the following shall be deposited in the technology fund and not in the general revenue fund:

- (a) payments made pursuant to this Act to fulfil a compliance obligation or to satisfy a debt associated with a compliance obligation, including interest payments at the prescribed rate;
- (b) administrative penalties assessed pursuant to section 78;
- (c) all moneys acquired through gift, donation, grant or bequest;
- (d) all moneys appropriated by the Legislature for the purposes of the technology fund;
- (e) any other moneys collected by the Government of Saskatchewan that are related to limiting, mitigating, reducing or managing greenhouse gases and that the regulations, another Act or the regulations made pursuant to another Act direct are to be deposited in the technology fund.

2018, c 48, s.13.

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Investments

23.4(1) The minister may invest any moneys in the technology fund not presently required for the purposes of the technology fund in any class of investments authorized for the investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*.

(2) Profits or interest earned on money invested pursuant to subsection (1) shall be deposited to the technology fund.

(3) The minister may dispose of any securities in which any part of the technology fund has been invested pursuant to subsection (1), subject to the terms of the investment, in any manner and on any terms that the minister considers advisable.

2018, c 48, s.13.

Reports and audit

23.5(1) With respect to each fiscal year of the technology fund, the minister shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the Lieutenant Governor in Council:

(a) a report on the business of the technology fund for the preceding fiscal year; and

(b) a financial statement showing the business of the technology fund for the preceding fiscal year, in any form that Treasury Board may require.

(2) The minister must, in accordance with section 13 of *The Executive Government Administration Act*, lay before the Legislative Assembly each report and statement mentioned in subsection (1).

(3) The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the accounts and transactions of the technology fund:

(a) annually; and

(b) at any other times that the Lieutenant Governor in Council may require.

2018, c 48, s.13.

PART VII
Special Non-profit Corporations

Repealed. 2018, c48, s.15.

PART VIII
Administration, Inspections and Enforcement

Public information

61(1) Subject to subsections (3) to (11), all applications, information, data, test results, reports, returns and records and responses to a direction of the minister submitted to the minister pursuant to this Act, the regulations, the code or a greenhouse gas emission reduction program are deemed to be public information.

(2) The minister may disclose to the public any application, information, data, test result, report, return or record or response to a direction of the minister mentioned in subsection (1) at any time and in any manner that the minister considers appropriate.

(3) Subject to the regulations, a person who submits an application or any information, data, test result, report, return or record or responds to a direction of the minister pursuant to this Act may request in writing that all or any part of the application, information, data, test result, report, return, record or response be kept confidential for a period of up to 5 years after the date of submission.

(4) Before the expiry of the period mentioned in subsection (3) or, if a request by the person mentioned in that subsection has been approved pursuant to this subsection, before the expiry of the most recent period, the person may request in writing that the application, information, data, test result, report, return, record or response be kept confidential for a further period of up to 5 years.

(5) A request made pursuant to this section is to be dealt with in the prescribed manner.

(6) On receipt of a written request pursuant to subsection (3) or (4), the minister may approve the request if the minister is satisfied that the application, information, data, test result, report, return, record or response:

- (a) contains matters that:
 - (i) are of a commercial, financial, scientific or technical nature; and
 - (ii) would reveal proprietary business, competitive or trade secret information about that person's business; or
- (b) meets any prescribed criteria.

(7) If the minister does not approve the written request pursuant to subsection (3) or (4), the minister shall:

- (a) notify the person who made the request of the minister's decision along with reasons for the decision; and

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- (b) wait for a period of 30 days after sending the notice mentioned in clause (a) before disclosing the application, information, data, test result, report, return, record or response with respect to which the request was made to the public.
- (8) A person who makes a request pursuant to subsection (3) or (4) may appeal the minister's decision made pursuant to subsection (7) on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the decision.
- (9) The record of an appeal pursuant to subsection (8) consists of:
 - (a) the application, information, data, test result, report, return, record or response to a direction of the minister with respect to which the request was made;
 - (b) the written representations made to the minister by the person concerning the request that the person made;
 - (c) the minister's decision; and
 - (d) any other material that the Court of Queen's Bench may require.
- (10) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:
 - (a) confirming the minister's decision to disclose the application, information, data, test result, report, return, record or response to the public; or
 - (b) directing that all or any portion of the application, information, data, test result, report, return, record or response with respect to which the request was made be kept confidential for a period of up to 5 years.
- (11) Unless otherwise ordered by the judge of the Court of Queen's Bench, an appeal pursuant to this section stays the operation of the decision of the minister with respect to which the appeal is made.

2018, c.48, s.16.

Minister may apply for compliance or enjoining order

- 62(1)** The minister may apply to a judge of the Court of Queen's Bench for either or both of the following:
- (a) an order compelling a person to comply with this Act, the regulations or the code;
 - (b) an order enjoining any person from proceeding contrary to this Act, the regulations or the code.
- (2) On an application pursuant to this section, the judge of the Court of Queen's Bench may make the order requested, or any other order that the judge considers appropriate, on any terms and conditions that the judge considers appropriate.
- (3) The minister may apply for an order pursuant to subsection (1) whether or not an order pursuant to this Act, the regulations or the code has been issued with respect to the matter.

2010, c.M-2.01, s.62.

Any resident may apply for an investigation

62.1(1) Any resident of Saskatchewan who is at least 18 years old and who is of the opinion that a contravention against this Act, the regulations or the code has been committed may apply to the minister for an investigation of the alleged contravention.

(2) A person applying for an investigation pursuant to this section shall ensure that the application is accompanied by a solemn or statutory declaration that:

- (a) states the name and address of the applicant;
- (b) states the nature of the alleged contravention and the name of each person alleged to be involved in the commission of the contravention; and
- (c) contains a concise statement of the evidence supporting the allegations of the applicant.

2013, c 13, s2.

Investigation following application

62.2(1) Within 20 days after receiving an application pursuant to section 62.1, the minister shall:

- (a) provide the applicant with an acknowledgment of the receipt of the application; and
- (b) investigate all matters that the minister considers necessary to determine the facts relating to the alleged contravention.

(2) Subject to subsection (4), after acknowledging receipt of the application, the minister shall report to the applicant every 90 days on the progress of the investigation and the action, if any, that the minister has taken or proposes to take.

(3) In a report made pursuant to subsection (2), the minister shall include an estimate of the time required to complete the investigation or to implement the action.

(4) A report pursuant to subsection (2) is not required if the investigation is discontinued before the end of the 90-day period mentioned in that subsection.

(5) The minister may discontinue an investigation if the minister is of the opinion that the alleged contravention does not require further investigation.

(6) If an investigation is discontinued, the minister shall:

- (a) prepare a written report describing the information obtained during the investigation and stating the reasons for its discontinuation; and
- (b) send a copy of the report to the applicant and to any person whose conduct was investigated.

(7) A copy of the report sent pursuant to subsection (6) to a person whose conduct was investigated must not disclose the name or address of the applicant or any other personal information about the applicant.

2013, c 13, s2.

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Penalty for false statements

62.3(1) No person shall knowingly make a false statement in an application pursuant to subsection 62.1(2) that causes an investigation to be commenced.

(2) Every person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not more than \$25,000, to imprisonment for not more than 90 days or to both that fine and imprisonment.

2013, c 13, s2.

Issuing, amending, altering or replacing minister's orders

63(1) If the minister issues an order pursuant to this Act, the minister may amend, alter or replace that order, in whole or in part, if:

- (a) the person to whom the order is issued fails to comply with the terms of the order; or
- (b) the minister considers it appropriate to do so.

(2) Before the minister issues an order, or takes any action pursuant to subsection (1), the minister shall give to the person to whom the order is intended to be issued or whose order is to be amended, altered or replaced:

- (a) written notice of the minister's intended action and the reasons for that intended action; and
- (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the intended action should not be taken.

(3) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (2).

(4) Subject to subsection (5), after considering the representations mentioned in clause (2)(b), the minister shall issue a written decision:

- (a) confirming the order;
- (b) amending, altering or replacing the order; or
- (c) revoking the order.

(5) In the prescribed circumstances, the minister shall obtain the approval of the Lieutenant Governor in Council before issuing a written decision pursuant to subsection (4).

(6) The minister shall cause a decision made pursuant to this section to be served on the person who made the representations as soon as is practicable after the decision is made.

2010, c.M-2.01, s.63.

Appeals to Court of Queen's Bench re minister's order

64(1) Any person aggrieved by an order or a decision pursuant to section 63 to amend, alter or replace an order may appeal the order or decision on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of the order or decision.

- (2) The record of an appeal pursuant to subsection (1) consists of:
- (a) the order;
 - (b) the written representations made to the minister by the person named in the order;
 - (c) the minister's decision pursuant to section 63;
 - (d) any other prescribed documents or material; and
 - (e) any other material that the Court of Queen's Bench may require.
- (3) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:
- (a) confirming the order or the minister's decision;
 - (b) amending the order or the minister's decision;
 - (c) quashing the order or the minister's decision; or
 - (d) doing any other thing that the judge considers appropriate.

2010, c.M-2.01, s.64.

Appeal does not stay order or decision

65 An appeal pursuant to section 64 does not stay the operation of the order or minister's decision with respect to which the appeal is taken, unless a judge of the Court of Queen's Bench orders otherwise.

2010, c.M-2.01, s.65.

66 Repealed. 2018, c 48, s.17.

Audits and inspections

67(1) An environment officer may conduct an audit or inspection in accordance with this section.

- (2) An audit may be conducted on any person who engages in an activity that is governed by this Act, the regulations or the code.
- (3) An audit conducted pursuant to this section must contain:
- (a) an assessment of how well the person mentioned in subsection (2) has complied with this Act, the regulations or the code; and
 - (b) if the obligations imposed by this Act, the regulations or the code have not been met, an explanation for the differences between the results and those obligations, terms and conditions.

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- (4) Subject to subsection 70(4), for any purpose relating to the administration or enforcement of this Act, an environment officer may do any of the following:
- (a) enter at any reasonable time and inspect any commercial premises used by a regulated emitter or any other person who the environment officer has reasonable grounds to believe has records of a regulated emitter or any other person who engages in an activity that is governed by this Act, the regulations or the code;
 - (b) enter at any reasonable time and inspect any place, including any premises or vehicle, in which the environment officer has reasonable grounds to believe that:
 - (i) there is anything to which this Act applies;
 - (ii) any activity to which this Act applies has been carried on, is being carried on or is likely to be carried on; or
 - (iii) there are records that are required to be kept pursuant to this Act or that relate to the administration of this Act;
 - (c) require the owner or any person in possession of a place, including any premises or vehicle, being inspected pursuant to this section and any agent, representative, partner, director or employee of the owner or person to:
 - (i) answer any questions that may be relevant to the administration or enforcement of this Act; and
 - (ii) provide the environment officer with all reasonable assistance;
 - (d) for the purposes of clause (c), require any of the persons mentioned in that clause to attend at a place and time set by the environment officer;
 - (e) require any of the persons mentioned in clause (c) to produce:
 - (i) anything to which this Act applies; or
 - (ii) any records that:
 - (A) are required to be kept pursuant to this Act or that relate to the administration of this Act; and
 - (B) the environment officer reasonably requires;
 - (f) inspect anything to which this Act applies or any record that is required to be kept pursuant to this Act or that relates to the administration of this Act.
- (5) If the environment officer requires any records to be produced pursuant to this section, the environment officer may examine the records and make copies of the records in accordance with section 71.
- (6) For the purposes of producing a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the environment officer may use that computer system, including the computer hardware or software, or other data storage, processing or retrieval device.

(7) If an environment officer is unable to produce a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the environment officer may, after giving a receipt:

- (a) remove any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record;
- (b) produce that record with reasonable dispatch; and
- (c) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the environment officer and the person from whom they were taken.

2018, c 48, s.18.

Additional powers on inspection

68 In addition to the powers mentioned in section 67, in carrying out an inspection pursuant to this Act, an environment officer may do all or any of the following:

- (a) open or cause to be opened any container found in the place that the environment officer believes on reasonable grounds contains anything to which this Act applies;
- (b) take samples of anything to which this Act applies;
- (c) conduct any tests or analyses and take any measurements.

2018, c 48, s.18.

Duty to assist

69(1) No person shall fail to answer questions or to provide reasonable assistance in accordance with section 67 or 68 in the manner and within the period specified by the environment officer.

(2) No person shall fail to produce any records or thing to which this Act applies in accordance with section 67 or 68 within the period reasonably required by the environment officer.

2018, c 48, s.18.

Investigations

70(1) If a justice or provincial court judge is satisfied by information on the oath of an environment officer that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice or provincial court judge may issue a warrant to do all or any of the following:

- (a) enter and search any place, including any premises or vehicle, named or described in the warrant;
- (b) seize and remove anything that may be evidence of an offence against this Act.

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- (2) With a warrant issued pursuant to subsection (1), an environment officer may do all or any of the following:
- (a) enter at any time and search any place, including any premises or vehicle, named or described in the warrant;
 - (b) open and examine anything that the environment officer finds in the place, premises or vehicle;
 - (c) require the production of and examine any records or other things to which this Act applies that the environment officer has reasonable grounds to believe may contain information related to an offence against this Act;
 - (d) remove, for the purpose of making copies, any records examined pursuant to this section and any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record;
 - (e) do any of the things mentioned in clauses 68(b) and (c);
 - (f) do any of the things mentioned in section 72.
- (3) Subject to subsection (4), an environment officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to this section if:
- (a) the conditions for obtaining a warrant exist; and
 - (b) the environment officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
 - (i) in danger to human life or safety; or
 - (ii) in the loss, removal or destruction of evidence.
- (4) No environment officer shall enter premises that are ordinarily occupied as a private residence without a warrant issued pursuant to this section unless the occupant of those premises consents to the entry.
- (5) If, pursuant to this section, an environment officer removes any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record, the environment officer shall:
- (a) produce that record with reasonable dispatch; and
 - (b) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the environment officer and the person from whom they were taken.

Copies of records

71(1) If any records are inspected, examined, removed, produced or provided pursuant to section 67 or 70, an environment officer may make copies of those records.

(2) An environment officer shall:

- (a) make those copies with reasonable dispatch; and
- (b) promptly return the originals of the records to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the environment officer and the person who provided them or from whom they were taken.

(3) If the originals of any record are to be removed from a place, the environment officer shall take all reasonable steps to ensure that a copy of the record is left at the place to allow business to be carried on.

(4) A document certified by the minister, an environment officer or any person authorized by the minister to be a copy of a record made pursuant to this section:

- (a) is admissible in evidence without proof of the office or signature of that person; and
- (b) has the same probative force as the original record.

2018, c 48, s.18.

Seizure of certain objects

72(1) In addition to the powers mentioned in sections 67, 68 and 70, in conducting an inspection pursuant to section 67 or 68 or in carrying out an investigation pursuant to section 70, an environment officer may seize anything to which this Act applies that the environment officer has reasonable grounds to believe is required for the purposes of determining compliance or non-compliance with this Act, the regulations or the code.

(2) Anything to which this Act applies that is seized pursuant to subsection (1) may be removed to any place that the environment officer considers appropriate for the preservation and containment of the thing to which this Act applies.

(3) If an environment officer has custody of anything to which this Act applies that is seized pursuant to this Act and is perishable or susceptible to deterioration, the minister, the ministry or the environment officer may dispose of it, in whole or in part, in any manner approved by the minister, and any proceeds realized from the disposition are to be dealt with in the prescribed manner.

2018, c 48, s.18.

Obstruction

73 No person shall resist, obstruct, hinder, delay or interfere with an environment officer, or a person aiding an environment officer, in the performance of the environment officer's duties.

2018, c 48, s.18.

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Entry on land

74(1) An environment officer and any person lawfully accompanying the environment officer may, for the purposes of carrying out the environment officer's duties, enter on or pass over any land, whether enclosed or not.

(2) Notwithstanding anything in *The Expropriation Procedure Act*, the minister or any person designated by the minister may enter on any land for the purposes of:

- (a) securing data and obtaining information respecting greenhouse gas emissions, climate change and adaptation to climate change; and
- (b) inspecting any works related to greenhouse gas emissions, climate change and adaptation to climate change.

2018, c 48, s.18.

**PART IX
Offences and Administrative Penalties**

Offences

75(1) No person shall:

- (a) make a false statement or provide false information to the minister, an environment officer, the ministry or any person acting on behalf of the minister;
 - (b) omit to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the minister, an environment officer, the ministry or any person acting on behalf of the minister;
 - (c) fail to comply with an order of the minister issued pursuant to this Act, the regulations, any terms and conditions imposed by the minister on an order issued pursuant to this Act or the code; or
 - (d) fail to comply with any provision of this Act, the regulations, any terms and conditions imposed by the minister pursuant to this Act or the code.
- (2) Every person who contravenes a provision of this Act, the regulations or the code is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000,000.
- (3) Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.
- (4) In addition to any penalty imposed pursuant to this Act, the convicting court, having regard to the nature of the offence and the circumstances surrounding its commission, may make an order doing one or more of the following:
- (a) prohibiting the convicted person from doing any act or engaging in any activity that, in the opinion of the court, may result in the continuation of the offence;

- (b) directing the convicted person to undertake any action to reduce or limit emissions of greenhouse gases in a manner and within the period specified by the order;
 - (c) **Repealed.** 2018, c 48, s.19.
 - (d) directing the convicted person to pay to the minister an amount of money as compensation, in whole or in part, for the cost of any remedial or preventative action taken by or at the direction of the minister as a result of the commission of the offence;
 - (e) in the case of a convicted person that is a regulated emitter who the minister establishes to the satisfaction of the court has an unfulfilled compliance obligation, directing that the convicted person fulfil its compliance obligation by paying to the technology fund:
 - (i) the amount of the compliance obligation; and
 - (ii) interest on the amount mentioned in subclause (i) at the prescribed rate;
 - (f) requiring the convicted person to do any other thing that, in the opinion of the court, is necessary in the circumstances.
- (5) **Repealed.** 2018, c 48, s.19.
- (6) Any amount paid to the technology fund pursuant to clause (4)(e):
- (a) with respect to any unfulfilled compliance obligation is to be applied to reduce the outstanding amount of the compliance obligation remaining unsatisfied by the convicted person; and
 - (b) with respect to interest outstanding that ought to have been paid to the technology fund as an interest penalty is to be applied to reduce the outstanding amount of any interest penalty remaining unpaid by the convicted person.

2010, c.M-2.01, s.75; 2018, c 48, s.19.

Vicarious liability

76 In any prosecution of a person for an offence pursuant to this Act, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the person's knowledge, that it was committed by an employee, helper or agent of the person, whether or not the employee, helper or agent:

- (a) is identified; or
- (b) has been prosecuted or convicted for the offence.

2010, c.M-2.01, s.76.

77 Repealed. 2018, c 48, s.20.

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES**Administrative penalty**

78(1) Subject to the regulations, the minister may assess a prescribed penalty against any regulated emitter, qualified person or any other prescribed person if that regulated emitter, qualified person or other prescribed person has contravened any prescribed provision of this Act, the regulations or the code.

(2) Before assessing a penalty, the minister shall provide notice to the person mentioned in subsection (1):

(a) setting out the facts and circumstances that, in the minister's opinion, render the person liable to a penalty;

(b) specifying the amount of the penalty that the minister considers appropriate in the circumstances; and

(c) informing the person of that person's right to make representations to the minister.

(3) No penalty is to be assessed by the minister more than two years after the act or omission that renders the person liable to a penalty first came to the knowledge of the minister.

(4) A person to whom notice is sent pursuant to subsection (2) may make representations to the minister respecting whether or not a penalty should be assessed and the amount of any penalty.

(5) Representations pursuant to subsection (4) must be made within 30 days after the person received the notice pursuant to subsection (2).

(6) After considering any representations, the minister may:

(a) assess a penalty and set a date by which the penalty is to be paid in full; or

(b) determine that no penalty should be assessed.

(7) The minister shall send notice of his or her decision pursuant to subsection (6) to the person who made the representations.

(8) The minister may file in the Court of Queen's Bench a certificate signed by the minister and setting out:

(a) the amount of the administrative penalty assessed pursuant to subsection (6); and

(b) the person from whom the administrative penalty is to be recovered.

(9) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.

(10) The minister may assess an administrative penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the administrative penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the administrative penalty.

(11) Any amount paid to the minister as an administrative penalty with respect to failure to fulfil a compliance obligation or interest accrued due to a failure to fulfil a compliance obligation is to be paid to the technology fund.

2010, c.M-2.01, s.78; 2018, c.48, s.21.

Appeal to the Court of Queen's Bench re administrative penalty

79(1) Any person aggrieved by a decision of the minister to impose an administrative penalty pursuant to section 78 may appeal that decision on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of the minister's decision.

(2) The record of appeal pursuant to subsection (1) consists of:

- (a) the minister's decision;
- (b) any written representations made to the minister by the person named in the decision;
- (c) any other prescribed documents or material; and
- (d) any other material that the Court of Queen's Bench may require.

(3) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:

- (a) confirming the administrative penalty;
- (b) amending the amount of the administrative penalty; or
- (c) quashing the minister's decision to assess an administrative penalty.

(4) In an order pursuant to subsection (3), the judge of the Court of Queen's Bench may specify the period within which the order must be complied with.

2010, c.M-2.01, s.79.

**PART X
General**

Immunity

80 No action or other proceeding lies or shall be commenced against the minister, the ministry, any member of the advisory committee, any environment officer, any person lawfully accompanying an environment officer, the Crown in right of Saskatchewan or officers and employees of the Crown for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any one or more of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act, the regulations or the code or in the carrying out or supposed carrying out of any function or duty imposed by this Act, the regulations or the code.

2010, c.M-2.01, s.80; 2018, c.48, s.22.

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

Service of notice or documents

81(1) In this section, “**business day**” means a day other than a Saturday, Sunday or holiday.

(2) Any notice, order or decision required by this Act or the regulations to be given or served is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served or by any other prescribed means.

(3) A document served by ordinary mail or registered mail is deemed to have been received on the tenth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the document or that he or she received it at a later date.

(4) Irregularity in the service of a notice, order or decision does not affect the validity of an otherwise valid notice, order or decision.

2010, c.M-2.01, s.81.

Act prevails

82 This Act and the regulations prevail in the event of any conflict or inconsistency between:

- (a) this Act and the regulations; and
- (b) the code.

2010, c.M-2.01, s.82.

Powers of minister re information, etc., to be submitted

83(1) In this section, “**information**” includes any information, data, test results, reports, returns and records and responses to a direction of the minister submitted to the minister pursuant to this Act, the regulations or the code.

(2) The minister may:

- (a) establish the form and format for any information or calculation required to be submitted to the minister pursuant to this Act, the regulations or the code; and
- (b) by order, direct that any person who is required to submit any information or calculation to the minister pursuant to this Act, the regulations or the code provide the minister with any additional information that the minister may require within any period set by the minister in the order.

(3) The minister shall cause notice of any form and format established pursuant to clause (2)(a), and of any amendments to them, to:

- (a) be published in the Gazette; and
- (b) be made public in any other manner that the minister considers appropriate.

(4) The minister shall serve an order made pursuant to clause (2)(b) on the person to whom it is directed.

(5) Every person who is required to provide any information or calculation to the minister pursuant to this Act, the regulations or the code shall submit the information in the form and format established pursuant to clause (2)(a).

(6) No person to whom an order is made pursuant to clause (2)(b) shall fail to comply with that order.

2010, c.M-2.01, s.83.

Regulations

84(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of the definition of “CO₂e” in section 2, prescribing the manner for determining the CO₂e amount, and the global warming potential, for each particular greenhouse gas;
- (c) for the purposes of the definition of “greenhouse gas” in section 2, prescribing additional greenhouse gases;
- (d) for the purposes of the definition of “offset credit” in section 2, respecting offset credits, including:
 - (i) prescribing activities that may qualify as generating offset credits; and
 - (ii) prescribing the manner in which offset credits may be used and the terms and conditions that must be complied with in order to use offset credits and authorizing the minister to determine the manner in which offset credits may be used and the terms and conditions that must be complied with in order to use offset credits;
- (e) for the purposes of the definition of “regulated emitter” in section 2, prescribing regulated emitters and the requirements to determine who is a regulated emitter or a member of a class of regulated emitters;
- (f) for the purposes of section 5, establishing a greenhouse gas emission reduction target for Saskatchewan;
- (g) for the purposes of clause 17(1)(b), prescribing classes of regulated emitters and the manner of establishing a baseline emission level for members of a class of regulated emitters;
- (h) for the purposes of clause 7(2)(l) and section 19, prescribing matters that the minister must consider when determining other amounts of CO₂e that regulated emitters may deduct when calculating greenhouse gas emissions for the purposes of a return pursuant to section 19;
- (i) for the purposes of clause 7(2)(p.1), respecting performance credits;
- (j) for the purposes of clause 7(2)(p.2), respecting compliance obligations;

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- (k) for the purposes of subsection 17(2), prescribing the manner of calculating the baseline emission level, including authorizing the minister to determine the manner of calculating the baseline emission level;
- (l) for the purposes of subsection 17(3), prescribing dates, including authorizing the minister to determine dates;
- (m) for the purposes of subsection 17(10), prescribing circumstances in which the minister may direct regulated emitters to provide information and documentation, establish new baseline emission levels or amend or revise baseline emission levels for a regulated facility;
- (n) for the purposes of section 19:
 - (i) prescribing the dates for returns required from a regulated emitter;
 - (ii) prescribing the required contents for returns; and
 - (iii) prescribing the means by which the returns must be submitted;
- (o) for the purposes of section 21:
 - (i) prescribing entities;
 - (ii) prescribing programs with respect to which reports must be made and the manner in which reports must be made;
 - (iii) prescribing elements to be included in reports for the purposes of subsection 21(2), and, for that purpose, prescribing different elements for different entities or different classes of entities; and
 - (iv) prescribing the required information to be contained in reports;
- (p) for the purposes of section 61:
 - (i) prescribing the manner in which a request may be made and dealt with; and
 - (ii) prescribing the criteria that must be considered when deciding whether or not to keep information confidential pursuant to a request, including authorizing the minister to determine additional criteria to be considered in making that decision;
- (q) for the purposes of section 63, prescribing circumstances when the minister shall obtain the approval of the Lieutenant Governor in Council before issuing a written decision pursuant to subsection 63(5);
- (r) for the purposes of subsection 72(3), respecting proceeds realized from dispositions;
- (s) for the purposes of subsection 81(2), prescribing means of service;
- (t) providing for and respecting the cancellation, alteration, suspension or renewal of approvals issued pursuant to this Act, the regulations or the code;
- (u) requiring persons whose activities result in greenhouse gas emissions or who are involved in a program to mitigate the effects of climate change to keep records or make reports and prescribing the nature of those records or reports;

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- (v) respecting administrative penalties;
- (w) with respect to any matter governed by this Act:
 - (i) adopting, as amended from time to time or otherwise, all or any part of any standard or guideline;
 - (ii) amending for the purposes of this Act, the regulations or the code any standard or guideline adopted pursuant to subclause (i); and
 - (iii) requiring compliance with a standard or guideline adopted pursuant to subclause (i);
- (x) adopting a code;
- (y) for the purposes of the definition of “performance credit” in section 2 and clause 7(2)(p.1), respecting performance credits, including:
 - (i) determining the manner in which performance credits may be awarded to a regulated emitter;
 - (ii) determining a threshold of emissions before performance credits may be awarded; and
 - (iii) prescribing the manner in which performance credits may be used and the terms and conditions that must be complied with in order to use performance credits and authorizing the minister to determine the manner in which performance credits may be used and the terms and conditions that must be complied with in order to use performance credits;
- (z) for the purposes of the definition of “qualified person” in section 2 and clause 7(2)(p), prescribing the necessary criteria to determine who may be considered a qualified person and imposing terms and conditions on a qualified person;
- (aa) for the purposes of the definition of “compliance option” in section 2 and clause 7(2)(p.2):
 - (i) respecting compliance options; and
 - (ii) determining what credits, payment, or other mechanism constitutes a compliance option;
- (bb) for the purposes of section 16.1, respecting programs for the reduction of greenhouse gas emissions by regulated emitters including, for each program:
 - (i) establishing the program;
 - (ii) prescribing the regulated emitters or classes of regulated emitters who are subject to the program;
 - (iii) establishing the basis on which regulated emitters are required to reduce their greenhouse gas emissions, including on an absolute basis or emissions intensity basis;
 - (iv) prescribing the manner in which and means by which regulated emitters are required to reduce greenhouse gas emissions;

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- (v) prescribing the date by which greenhouse gases emissions are to be reduced by regulated emitters;
 - (vi) establishing compliance obligations for regulated emitters who do not reduce their greenhouse emissions as required by the program;
 - (vii) prescribing the manner in which and the date by which compliance obligations must be fulfilled;
 - (viii) prescribing that the minister may deem an unfulfilled compliance obligation as debt due and owing to the technology fund, together with interest on the amount of the unfulfilled compliance obligation at a prescribed rate;
 - (ix) requiring compliance by regulated emitters who are subject to the program;
 - (x) prescribing information that must be retained by regulated emitters and the period for which that information must be retained;
 - (xi) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or appropriate for the program;
- (cc) for the purposes of Part VI.1, respecting the technology fund, including:
- (i) establishing purposes for which moneys in the technology fund may be used;
 - (ii) prescribing other purposes for the use of moneys in the technology fund;
 - (iii) prescribing terms, conditions, restrictions and criteria for approval of applications to the technology fund pursuant to programs established in the technology fund;
 - (iv) prescribing the manner in which and the dates by which applications to the technology fund may be made;
 - (v) prescribing information that must be retained by persons whose applications have been approved and the period for which that information must be retained;
 - (vi) requiring persons whose applications have been approved to provide information and reports to the minister for the purposes of administering the technology fund;
 - (vii) authorizing the minister to deem as overpayments any moneys paid from the technology fund to persons who provide false or misleading information to the minister or who fail to comply with the terms and conditions of their approval and prescribing the means by which those overpayments may be recovered;
 - (viii) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or appropriate for the programs established for the purposes of the technology fund;

- (dd) prescribing a rate of interest and requiring the payment of interest on debts due to the Crown and on unpaid administrative penalties;
 - (ee) requiring regulated emitters or classes of regulated emitters set out in the regulations to be registered and respecting registrations, including:
 - (i) prescribing the criteria that must be met in order to be registered;
 - (ii) prescribing the manner and procedures to be followed in order to be registered;
 - (iii) prescribing the information to be submitted along with an application for registration;
 - (iv) authorizing the minister to impose terms and conditions on a regulated emitter that is registered; and
 - (v) prescribing measures that may be used to enforce compliance with the terms and conditions mentioned in subclause (iv);
 - (ff) prescribing environment officers or classes of environment officers who are peace officers;
 - (gg) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
 - (hh) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) The code may contain all or any of the following provisions:
- (a) provisions respecting any matter, activity or thing that is governed by this Act or that may be prescribed in the regulations;
 - (b) provisions determining any criteria, terms, conditions or requirements that must be met in order to carry out any activity governed by this Act and set out in the code;
 - (c) provisions adopting a standard, including a standard developed or established by the minister, as amended from time to time or otherwise;
 - (d) provisions requiring a person to provide the minister with a notice before engaging in activities regulated by this Act and to prescribe the information that must be contained in that notice.
- (3) Regulations made pursuant to this Act may be made retroactive to a day not earlier than the day on which this Act comes into force.
- (4) Without restricting the ability of the minister to develop or adopt any standards with respect to any matter, the authority in this Act for the Lieutenant Governor in Council to make regulations is to be construed as including the power to make regulations authorizing the minister to develop or adopt a standard with respect to that matter.

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(5) Except in circumstances that are considered by the Lieutenant Governor in Council to be an emergency, the minister shall provide a reasonable opportunity for the public to be heard respecting any proposed regulation or any proposed amendment to a regulation pursuant to this Act.

2010, c.M-2.01, s.84; 2018, c.48, s.23.

Review of Act

85 The minister shall conduct a review of this Act:

- (a) in the case of the first review, within six years after the coming into force of this Act; and
- (b) in the case of a subsequent review, within six years after the completion of the previous review.

2010, c.M-2.01, s.85.

PART XI
Coming into Force

Coming into force

86 This Act comes into force on proclamation.

2010, c.M-2.01, s.86.