

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, 24 to 60 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, 2014, c.E-13.1*.

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.

Table of Contents

	PART VII Special Non-profit Corporations
PART I Preliminary Matters	DIVISION 1 Fund
1 Short title	24 Not yet proclaimed
2 Interpretation	25 Not yet proclaimed
3 Crown bound	26 Not yet proclaimed
PART II Emission Baseline, Emission Targets, Monitoring and Reporting	27 Not yet proclaimed
4 Greenhouse gas emission baseline	28 Not yet proclaimed
5 Greenhouse gas emission reduction target	29 Not yet proclaimed
6 Report	30 Not yet proclaimed
PART III Responsibilities and Powers of Minister	31 Not yet proclaimed
7 Responsibilities and powers of minister	DIVISION 2 Saskatchewan Climate Research and Development Corp.
8 Power to enter into agreements	32 Not yet proclaimed
9 Appointment of enforcement officers	33 Not yet proclaimed
PART IV Advisory Council	34 Not yet proclaimed
10 Not yet proclaimed	35 Not yet proclaimed
PART V Office of Climate Change	36 Not yet proclaimed
11 Not yet proclaimed	37 Not yet proclaimed
12 Not yet proclaimed	38 Not yet proclaimed
13 Not yet proclaimed	DIVISION 3 Saskatchewan Climate Change Foundation
14 Not yet proclaimed	39 Not yet proclaimed
15 Not yet proclaimed	40 Not yet proclaimed
16 Not yet proclaimed	41 Not yet proclaimed
PART VI Regulated Emitters and Greenhouse Gas Emission Reduction Programs	42 Not yet proclaimed
DIVISION 1 Regulated Emitters	43 Not yet proclaimed
17 Establishment of baseline emission level	44 Not yet proclaimed
18 Reduction in emissions required	45 Not yet proclaimed
19 Annual returns	DIVISION 4 Environment Corporation
20 Not yet proclaimed	46 Not yet proclaimed
DIVISION 2 Greenhouse Gas Emission Reduction Programs and other Programs	47 Not yet proclaimed
21 Greenhouse gas emission reduction programs	48 Not yet proclaimed
22 Not yet proclaimed	49 Not yet proclaimed
23 Duties imposed on qualified persons re certificates, documents and opinions	50 Not yet proclaimed
	51 Not yet proclaimed
	52 Not yet proclaimed

DIVISION 5

General Matters re Special Non-profit Corporations

- 53 Not yet proclaimed
- 54 Not yet proclaimed
- 55 Not yet proclaimed
- 56 Not yet proclaimed
- 57 Not yet proclaimed
- 58 Not yet proclaimed
- 59 Not yet proclaimed
- 60 Not yet proclaimed

PART VIII

Administration, Inspections and Enforcement

- 61 Public information
- 62 Minister may apply for compliance or enjoining order
- 63 Issuing, amending, altering or replacing minister's orders
- 64 Appeals to Court of Queen's Bench re minister's order
- 65 Appeal does not stay order or decision
- 66 Not yet proclaimed
- 67 Audits and inspections
- 68 Additional powers on inspection
- 69 Duty to assist
- 70 Investigations

- 71 Copies of records
- 72 Seizure of certain objects
- 73 Obstruction
- 74 Entry on land

PART IX

Offences and Administrative Penalties

- 75 Offences
- 76 Vicarious liability
- 77 Not yet proclaimed
- 78 Administrative penalty
- 79 Appeal to the Court of Queen's Bench re administrative penalty

PART X

General

- 80 Immunity
- 81 Service of notice or documents
- 82 Act prevails
- 83 Powers of minister re information, etc., to be submitted
- 84 Regulations
- 85 Review of Act

PART XI

Coming into Force

- 86 Coming into force

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*.

Interpretation

2 In this Act:

- (a) **Not yet proclaimed.**
- (b) **Not yet proclaimed.**
- (c) **“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;
- (d) **“code”** means the code adopted by the Lieutenant Governor in Council in the regulations;
- (e) **“council”** means the Climate Change Advisory Council established pursuant to section 10;
- (f) **“enforcement officer”** means an enforcement officer appointed pursuant to section 9;
- (g) **Not yet proclaimed.**
- (h) **Not yet proclaimed.**
- (i) **Not yet proclaimed.**
- (j) **“greenhouse gas”** means:
 - (i) carbon dioxide (CO₂);
 - (ii) methane (CH₄);
 - (iii) nitrous oxide (N₂O);
 - (iv) prescribed categories of hydrofluorocarbons (HFCs);
 - (v) prescribed categories of perfluorocarbons (PFCs);
 - (vi) sulphur hexafluoride (SF₆); or
 - (vii) any other prescribed gas;

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

- (k) **“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;
- (l) **“minister”** means the member of Executive Council to whom for the time being the administration of this Act is assigned;
- (m) **“ministry”** means the ministry over which the minister presides;
- (n) **Not yet proclaimed.**
- (o) **Not yet proclaimed.**
- (p) **Not yet proclaimed.**
- (q) **Not yet proclaimed.**
- (r) **“prescribed”** means prescribed in the regulations;
- (s) **“qualified person”** means:
 - (i) a member of a class of persons that is prescribed or is set out in the code; or
 - (ii) 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;
- (t) **Not yet proclaimed.**
- (u) **“regulated emitter”** means a prescribed person, or a person who is a member of a class of prescribed persons, who:
 - (i) emits a greenhouse gas; and
 - (ii) meets the prescribed requirements;
- (v) **“regulated emitter’s prescribed greenhouse gas emissions level”** means the level of greenhouse gas emissions for a regulated emitter after applying the reductions in greenhouse gas emissions prescribed pursuant to section 18 with respect to the regulated emitter;
- (w) **Not yet proclaimed.**
- (x) **Not yet proclaimed.**
- (y) **“standards”** means standards, policies or protocols developed or established by the minister.

2010, c.M-2.01, s.2.

Crown bound

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

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

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;

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

- (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) **Not yet proclaimed.**
 - (j) **Not yet proclaimed.**
 - (k) **Not yet proclaimed.**
 - (l) **Not yet proclaimed.**
 - (m) develop or adopt standards, including protocols, respecting any matter governed by this Act;
 - (n) **Not yet proclaimed.**
 - (o) **Not yet proclaimed.**
 - (p) designate persons or classes of persons who are qualified persons and impose terms and conditions that the minister considers appropriate on those designations; and
 - (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 shall 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) **Not yet proclaimed.**
- (8) **Not yet proclaimed.**
- (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), the minister shall give the qualified 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.

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

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.

Appointment of enforcement officers

9(1) The minister may appoint any persons or class of persons as enforcement 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.

2010, c.M-2.01, s.9.

**PART IV
Advisory Council**

Advisory Council

10(1) Not yet proclaimed.

(2) Not yet proclaimed.

(3) Not yet proclaimed.

(4) Not yet proclaimed.

(5) Not yet proclaimed.

(6) Not yet proclaimed.

(7) Not yet proclaimed.

(8) Not yet proclaimed.

(9) Not yet proclaimed.

(10) Not yet proclaimed.

(11) Not yet proclaimed.

2010, c.M-2.01, s.10.

PART V
Office of Climate Change

Interpretation

11 Not yet proclaimed.

2010, c.M-2.01, s.11.

Office established

12(1) Not yet proclaimed.

(2) Not yet proclaimed.

2010, c.M-2.01, s.12.

Co-ordinator of office

13(1) Not yet proclaimed.

(2) Not yet proclaimed.

2010, c.M-2.01, s.13.

Purposes of office

14 Not yet proclaimed.

2010, c.M-2.01, s.14.

Activities of office

15 Not yet proclaimed.

2010, c.M-2.01, s.15.

Annual report

16(1) Not yet proclaimed.

(2) Not yet proclaimed.

2010, c.M-2.01, s.16; 2014, c.E-13.1, s.62.

PART VI
Regulated Emitters and Greenhouse Gas Emission Reduction Programs

DIVISION 1
Regulated Emitters

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
- (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.

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

- (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
 - (b) establish a new baseline emission level for a regulated facility or amend or revise the baseline emission level for a regulated facility.

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

- (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.

Reduction in emissions required

18 For each prescribed year, every regulated emitter shall reduce its greenhouse gas emissions by the prescribed amount below the baseline emission level for the regulated emitter established pursuant to section 17.

2010, c.M-2.01, s.18.

Annual returns

- 19(1)** Every regulated emitter shall submit to the minister an annual return that:
- (a) shows the regulated emitter's greenhouse gas emissions; and
 - (b) contains the prescribed information.
- (2) An annual return required by subsection (1) must be submitted on or before the prescribed date.
- (3) When submitting the annual return required by subsection (1) for the first time, a regulated emitter shall include an opinion from a qualified person verifying the accuracy of the return.
- (4) The minister may, by notice in writing to a regulated emitter, require that an annual return by that regulated emitter after its first return include an opinion from a qualified person verifying the accuracy of an annual return or returns specified in the written notice.

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

- (5) A written notice given pursuant to subsection (4) is effective for the annual return or returns specified in the written notice.
- (6) If the minister gives a written notice pursuant to subsection (4), the opinion from a qualified person must be provided by the later of:
- (a) the date on which the annual return with respect to which the minister has required the opinion is to be submitted pursuant to subsection (2); and
 - (b) the day that is 90 days after the date on which the minister gives a written notice pursuant to subsection (4).

2010, c.M-2.01, s.19.

Carbon compliance payment

- 20(1) Not yet proclaimed.**
- (2) **Not yet proclaimed.**
 - (3) **Not yet proclaimed.**
 - (4) **Not yet proclaimed.**
 - (5) **Not yet proclaimed.**
 - (6) **Not yet proclaimed.**
 - (7) **Not yet proclaimed.**

2010, c.M-2.01, s.20.

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) A prescribed electrical utility or a member of a prescribed class of electrical utilities or any prescribed person providing natural gas services or member of a prescribed class of persons providing natural gas services shall:
- (a) examine conservation measures and evaluate energy choices when examining:
 - (i) greenhouse gas emission reduction programs; and
 - (ii) any other program that is prescribed for the purposes of this Act; and
 - (b) report to the minister at the prescribed times.

(4) A report submitted pursuant to this section must contain the prescribed information.

2010, c.M-2.01, s.21.

Specified emitter greenhouse gas emission reduction programs

22 Not yet proclaimed.

2010, c.M-2.01, s.22.

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 VII
Special Non-profit Corporations**

**DIVISION 1
Fund**

Fund established

24(1) Not yet proclaimed.

(2) Not yet proclaimed.

2010, c.M-2.01, s.24.

Purposes of Fund

25 Not yet proclaimed.

2010, c.M-2.01, s.25.

Powers of Fund

26 Not yet proclaimed.

2010, c.M-2.01, s.26.

Power to provide financial assistance to regulated emitters

27(1) Not yet proclaimed.

2010, c.M-2.01, s.27.

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

Membership of Fund

28 Not yet proclaimed.

2010, c.M-2.01, s.28.

Board of Fund

29(1) Not yet proclaimed.

2010, c.M-2.01, s.29.

Chairperson and vice-chairperson

30(1) Not yet proclaimed.

2010, c.M-2.01, s.30.

Fund not agent of the Crown

31 Not yet proclaimed.

2010, c.M-2.01, s.31.

DIVISION 2

Saskatchewan Climate Research and Development Corp.

Research Corporation established

32(1) Not yet proclaimed.

(2) Not yet proclaimed.

2010, c.M-2.01, s.32.

Purposes of Research Corporation

33(1) Not yet proclaimed.

2010, c.M-2.01, s.33.

Powers of Research Corporation

34 Not yet proclaimed.

2010, c.M-2.01, s.34.

Membership of Research Corporation

35 Not yet proclaimed.

2010, c.M-2.01, s.35.

Board of Research Corporation

36(1) Not yet proclaimed.

(2) Not yet proclaimed.

(3) Not yet proclaimed.

(4) Not yet proclaimed.

- (5) **Not yet proclaimed.**
- (6) **Not yet proclaimed.**
- (7) **Not yet proclaimed.**
- (8) **Not yet proclaimed.**

2010, c.M-2.01, s.36.

Chairperson and vice-chairperson

- 37(1) Not yet proclaimed.**
- (2) **Not yet proclaimed.**
- (3) **Not yet proclaimed.**

2010, c.M-2.01, s.37.

Research Corporation not agent of the Crown

- 38 Not yet proclaimed.**

2010, c.M-2.01, s.38.

DIVISION 3
Saskatchewan Climate Change Foundation

Foundation established

- 39(1) Not yet proclaimed.**
- (2) **Not yet proclaimed.**

2010, c.M-2.01, s.39.

Purposes of Foundation

- 40 Not yet proclaimed.**

2010, c.M-2.01, s.40.

Powers of Foundation

- 41 Not yet proclaimed.**

2010, c.M-2.01, s.41.

Membership of Foundation

- 42 Not yet proclaimed.**

2010, c.M-2.01, s.42.

Board of Foundation

- 43(1) Not yet proclaimed.**
- (2) **Not yet proclaimed.**
- (3) **Not yet proclaimed.**
- (4) **Not yet proclaimed.**

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

(5) **Not yet proclaimed.**

(6) **Not yet proclaimed.**

(7) **Not yet proclaimed.**

(8) **Not yet proclaimed.**

2010, c.M-2.01, s.43.

Chairperson and vice-chairperson

44(1) Not yet proclaimed.

(2) **Not yet proclaimed.**

(3) **Not yet proclaimed.**

2010, c.M-2.01, s.44.

Foundation not agent of the Crown

45 Not yet proclaimed.

2010, c.M-2.01, s.45.

**DIVISION 4
Environment Corporation**

Environment Corporation established

46(1) Not yet proclaimed.

2010, c.M-2.01, s.46.

Purposes of Environment Corporation

47 Not yet proclaimed.

2010, c.M-2.01, s.47.

Powers of Environment Corporation

48 Not yet proclaimed.

2010, c.M-2.01, s.48.

Membership of Environment Corporation

49 Not yet proclaimed.

2010, c.M-2.01, s.49.

Board of Environment Corporation

50(1) Not yet proclaimed.

(2) **Not yet proclaimed.**

(3) **Not yet proclaimed.**

- (4) **Not yet proclaimed.**
- (5) **Not yet proclaimed.**
- (6) **Not yet proclaimed.**
- (7) **Not yet proclaimed.**
- (8) **Not yet proclaimed.**

2010, c.M-2.01, s.50.

Chairperson and vice-chairperson
51(1) Not yet proclaimed.

- (2) **Not yet proclaimed.**
- (3) **Not yet proclaimed.**

2010, c.M-2.01, s.51.

Environment Corporation not agent of the Crown
52 Not yet proclaimed.

2010, c.M-2.01, s.52.

DIVISION 5
General Matters re Special Non-profit Corporations

Interpretation of Division
53 Not yet proclaimed.

2010, c.M-2.01, s.53.

Application of *Non-profit Corporations Act, 1995*
54(1) Not yet proclaimed.

- (2) **Not yet proclaimed.**
- (3) **Not yet proclaimed.**

2010, c.M-2.01, s.54.

Head office
55 Not yet proclaimed.

2010, c.M-2.01, s.55.

General powers of special non-profit corporations
56 Not yet proclaimed.

2010, c.M-2.01, s.56.

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

Reports

57 Not yet proclaimed.

2010, c.M-2.01, s.57.

Fiscal year

58 Not yet proclaimed.

2010, c.M-2.01, s.58.

Audit

59 Not yet proclaimed.

2010, c.M-2.01, s.59.

Annual report

60(1) Not yet proclaimed.

(2) Not yet proclaimed.

2010, c.M-2.01, s.60; 2014, c.E-13.1, s.62.

ART VIII

Administration, Inspections and Enforcement

Public information

61(1) Subject to subsection (4), all 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 are deemed to be public information.

(2) The minister may disclose to the public any 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, including posting the information, data, test result, report, return, record or response on the ministry's Internet website.

(3) Subject to the regulations, a person who submits 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 information, data, test result, report, return or record or response be kept confidential for a period of up to five years after the date of submission on the basis that the information, data, test result, report, return, record or response contains matters that:

- (a) are of a commercial, financial, scientific or technical nature; and
- (b) would reveal proprietary business, competitive or trade secret information about that person's business.

(4) A request made pursuant to subsection (3) is to be dealt with in the prescribed manner.

2010, c.M-2.01, s.61.

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.

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.

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

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.

Minister may direct production of information

66(1) Not yet proclaimed.

(2) **Not yet proclaimed.**

2010, c.M-2.01, s.66.

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.

MANAGEMENT AND REDUCTION OF GREENHOUSE GASES c. M-2.01

- (4) Subject to subsection 70(4), for any purpose relating to the administration or enforcement of this Act, an enforcement 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 enforcement 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 enforcement 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 enforcement 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 enforcement 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 enforcement 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 enforcement officer requires any records to be produced pursuant to this section, the enforcement 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 enforcement officer may use that computer system, including the computer hardware or software, or other data storage, processing or retrieval device.

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

(7) If an enforcement 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 enforcement 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 enforcement officer and the person from whom they were taken.

2010, c.M-2.01, s.67.

Additional powers on inspection

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

- (a) open or cause to be opened any container found in the place that the enforcement 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.

2010, c.M-2.01, s.68.

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 enforcement 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 enforcement officer.

2010, c.M-2.01, s.69.

Investigations

70(1) If a justice or provincial court judge is satisfied by information on the oath of an enforcement 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.

- (2) With a warrant issued pursuant to subsection (1), an enforcement 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 enforcement 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 enforcement 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 enforcement 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 enforcement 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 enforcement 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 enforcement officer removes any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record, the enforcement 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 enforcement officer and the person from whom they were taken.

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

Copies of records

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

(2) An enforcement 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 enforcement officer and the person who furnished them or from whom they were taken.

(3) If the originals of any record are to be removed from a place, the enforcement 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 enforcement 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.

2010, c.M-2.01, s.71.

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 enforcement officer may seize anything to which this Act applies that the enforcement 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 enforcement officer considers appropriate for the preservation and containment of the thing to which this Act applies.

(3) If an enforcement 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 enforcement 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.

2010, c.M-2.01, s.72.

Obstruction

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

2010, c.M-2.01, s.73.

Entry on land

74(1) An enforcement officer and any person lawfully accompanying the enforcement officer may, for the purposes of carrying out his or her 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.

2010, c.M-2.01, s.74.

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 enforcement 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 enforcement 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 or the code; or
- (d) fail to comply with any provision of this Act, the regulations 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;

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

- (b) directing the convicted person to repair any damage to the environment that resulted from the commission of the offence in a manner and within the period specified by the order;
 - (c) requiring the convicted person to take steps to prevent any damage to the environment that may result from the commission of the offence in a manner and within the period specified by the order;
 - (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) **Not yet proclaimed.**
 - (f) requiring the convicted person to do any other thing that, in the opinion of the court, is necessary in the circumstances.
- (5) **Not yet proclaimed.**
- (6) **Not yet proclaimed.**

2010, c.M-2.01, s.75.

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.

Limitation period on prosecutions

77 **Not yet proclaimed.**

2010, c.M-2.01, s.77.

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:

- (a) that regulated emitter, qualified person or other prescribed person has contravened any prescribed provision of this Act, the regulations or the code; or
 - (b) **Not yet proclaimed.**
- (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) **Not yet proclaimed.**

2010, c.M-2.01, s.78.

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;

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

- (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 enforcement officer, any person lawfully accompanying an enforcement 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.

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) **Not yet proclaimed.**

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

- (c) for the purposes of clause 2(c), prescribing the manner for determining the CO₂e amount, and the global warming potential, for each particular greenhouse gas;
- (d) for the purposes of clause 2(j), prescribing additional greenhouse gases;
- (e) **Not yet proclaimed.**
- (f) for the purposes of clause 2(u), prescribing regulated emitters and the requirements to determine who is a regulated emitter or a member of a class of regulated emitters;
- (g) **Not yet proclaimed.**
- (h) for the purposes of section 5, establishing a greenhouse gas emission reduction target for Saskatchewan;
- (i) **Not yet proclaimed.**
- (j) **Not yet proclaimed.**
- (k) for the purposes of clause 7(2)(l), 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 determining the carbon compliance payment required by section 20;
- (l) **Not yet proclaimed.**
- (m) 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;
- (n) 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;
- (o) for the purposes of subsection 17(3), prescribing dates, including authorizing the minister to determine dates;
- (p) 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;
- (q) for the purposes of section 18, prescribing the amount of the reduction of CO₂e from the baseline emission level for a regulated emitter and prescribing years, including:
 - (i) prescribing different classes of regulated emitters;
 - (ii) prescribing different amounts of reduction of CO₂e for different classes of regulated emitters; and
 - (iii) authorizing the minister to establish the amount of the reduction of CO₂e from the baseline emission level for a regulated emitter, to revise or amend the amount of reduction of CO₂e that was prescribed and to establish years;

MANAGEMENT AND REDUCTION OF GREENHOUSE GASES c. M-2.01

- (r) for the purposes of section 19, prescribing the dates for annual returns required from a regulated emitter and the required contents for returns;
- (s) **Not yet proclaimed.**
- (t) for the purposes of section 21:
 - (i) prescribing entities, electrical utilities or persons providing natural gas services or classes of entities, electrical utilities or persons providing natural gas services;
 - (ii) prescribing programs with respect to which reports must be made;
 - (iii) prescribing elements to be included in reports for the purposes of subsection (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;
- (u) **Not yet proclaimed.**
- (v) **Not yet proclaimed.**
- (w) **Not yet proclaimed.**
- (x) for the purposes of section 61:
 - (i) prescribing the manner in which a request may be made and dealt with;
 - (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; and
 - (iii) establishing a right to appeal to the Court of Queen's Bench a decision made with respect to a request;
- (y) 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);
- (z) **Not yet proclaimed.**
- (aa) for the purposes of subsection 72(3), respecting proceeds realized from dispositions;
- (bb) for the purposes of subsection 81(2), prescribing means of service;
- (cc) providing for and respecting the cancellation, alteration, suspension or renewal of approvals issued pursuant to this Act, the regulations or the code;
- (dd) 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;
- (ee) respecting administrative penalties;

c. M-2.01 MANAGEMENT AND REDUCTION OF GREENHOUSE GASES

- (ff) 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);
 - (iii) requiring compliance with a standard or guideline adopted pursuant to subclause (i);
 - (gg) adopting a code;
 - (hh) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
 - (ii) 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.
- (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.

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.

