



60 Administrative penalty  
61 Appeal to Court of Queen’s Bench re administrative penalty

PART 10  
**General**

62 Service  
63 Containment order  
64 Immunity  
65 Regulations—Lieutenant Governor in Council

PART 11  
**Repeal, Transitional and Consequential Amendments**

66 SS 1994, c F-16.1 repealed  
67 Transitional provision re licences  
68 SS 1996, c F-19.1, section 2 amended  
69 SS 2010, c H-16, section 2 amended  
70 RSS 1978, c S-52, section 3 amended

PART 12  
**Coming into Force**

71 Coming into force

(Assented to )

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART 1  
**Preliminary Matters**

**Short title**

1 This Act may be cited as *The Fisheries (Saskatchewan) Act, 2019*.

**Definitions and Interpretation**

2(1) In this Act:

“**aquatic invasive species**” means an aquatic species listed as an aquatic invasive species in the regulations;

“**aquatic species at risk**” means any species that is:

- (a) native to Saskatchewan waters; and
- (b) designated and listed pursuant to section 27 as extirpated, endangered, threatened or of special concern;

“**business day**” means a day other than a Saturday, Sunday or holiday;

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

“**commercial fisher**” means a person who holds a valid commercial fishing licence;

“**Crown**” means the Crown in right of Saskatchewan;

“**fish**”, when used as a noun, means any species of fish and includes:

- (a) any species of finfish;
- (b) any aquatic crustaceans, aquatic molluscs or aquatic invertebrates;
- (c) any eggs or sperm from any fish; or
- (d) any part or parts of any fish;

**“fish”**, when used as a verb, means to acquire, capture, catch, harvest or take any fish from or in any water, and includes any attempt to acquire, capture, catch, harvest or take any fish;

**“fishery”** means any business or commercial undertaking that involves fishing or raising, possessing, using, culturing, processing, packaging, marketing, carrying, transporting or disposing of any fish;

**“fishery officer”** means any person who is employed within the ministry and who is designated pursuant to section 8 to administer or enforce this Act, and includes:

- (a) a member of the Royal Canadian Mounted Police; and
- (b) a member of another prescribed enforcement agency;

**“habitat”** includes the substrate, air, water, food and shelter components of the environment that are necessary to sustain wild fish and aquatic species at risk;

**“licence”** means a licence, permit, authorization or allocation issued or granted pursuant to this Act;

**“market”** means to sell, to acquire or buy for subsequent resale, to barter, to trade, to deliver or to advertise for the purpose of selling, bartering, trading or delivering, and includes any attempt to market;

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

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

**“national park”** means a park in Saskatchewan that is a national park within the meaning of the *Canada National Parks Act*;

**“native”** means a fish that:

- (a) was not deliberately or accidentally introduced by humans; and
- (b) occurs within the waterbody or watershed it naturally originated in;

**“plan”** means any plan that is required to be prepared pursuant to this Act, the regulations or the code;

**“prescribed”** means prescribed in the regulations;

**“processing plant”** means a facility where fish are prepared for commercial purposes, and includes a facility for the icing, packing, cleaning, dressing, filleting, freezing, deboning, smoking, salting, canning, cooking, pickling, drying and storing of fish;

**“qualified person”** means:

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

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**“Saskatchewan waters”** means any body of water or portion of any body of water, including any stream, river, lake, pond or reservoir with respect to which:

- (a) the bed is owned by the Crown;
- (b) there is a permanent or seasonal connection to an outlet or body of water the bed of which is owned by the Crown; or
- (c) there is an agreement between the owner and the minister for the maintenance and enhancement of fish populations and for the licensing of fishing;

**“sport fishing”** means fishing for non-commercial purposes by angling or underwater spear fishing;

**“waste”** means taking improper care of fish that results in spoilage or deterioration so that the fish are unfit for human consumption;

**“watercraft”** includes a boat, canoe, kayak, dinghy or any other water based vessel;

**“wild fish”** means any fish that is native in Saskatchewan waters or any fish that has been introduced into Saskatchewan waters.

- (2) In this Act, any reference to this Act includes the regulations made pursuant to this Act.
- (3) For the purposes of this Act, the beds of all bodies of water or portions of bodies of water, including streams, rivers, lakes, ponds or reservoirs are, in the absence of evidence to the contrary, presumed to be owned by the Crown.
- (4) The presumption in subsection (3) does not apply to any body of water or portion of any body of water, including any stream, river, lake, pond or reservoir:
  - (a) the bed and bank of which are entirely contained within an Indian reserve;
  - (b) the bed and bank of which are entirely contained within a national park; or
  - (c) that falls within the meaning of clause (c) of the definition of “Saskatchewan waters” in subsection (1).

## PART 2

### Property in Fish and Possession of Fish

#### Property and rights in wild fish

- 3(1) The property in all wild fish, including any wild fish that have been unlawfully caught, is vested in the Crown.
- (2) Subject to subsection (3), no person shall acquire any right in any wild fish other than in accordance with this Act.
- (3) No person shall acquire any right in any wild fish that are designated species as defined in Part 6 other than in accordance with that Part.

#### Property in fish legally taken

- 4 Any person who has lawful possession of any fish has, subject to this Act, all property rights to the fish.

**Possession**

5 For the purposes of any provision of this Act creating an offence for possession of a thing:

- (a) a person has possession of any thing when it is in that person's personal possession or custody or when, with that person's knowledge and consent, it is:
  - (i) in the actual possession or custody of another person; or
  - (ii) in any place, whether or not that place belongs to or is occupied by that person, for the use or benefit of that person or of another person; and
- (b) a person has possession of any thing if that person is the owner or occupier of a place at which any thing is located and that person has knowledge of and consents to the thing being located at that place.

**PART 3****Application and Administration****Application of Act**

6 This Act applies to:

- (a) all fish in Saskatchewan;
- (b) all fishing in Saskatchewan waters; and
- (c) all fisheries and processing plants located in Saskatchewan.

**Minister's responsibilities and powers**

7(1) The minister is responsible for all matters not by law assigned to any other minister or government agency relating to fish, fishing in Saskatchewan waters and fisheries and for enhancing, protecting and conserving the fishery resource.

(2) Subject to the regulations, for the purposes of carrying out the minister's responsibilities, the minister may:

- (a) issue any licence subject to any terms and conditions that the minister considers appropriate;
- (b) subject to sections 14 and 18, amend the terms and conditions of any licence or cancel a licence;
- (c) limit the number, types or classes of licences issued;
- (d) allocate the fish resources in any or all of Saskatchewan waters to any persons or class of persons if the number, types or classes of licences are limited;
- (e) specify or alter the form of any licence;
- (f) classify any fish or any water according to fish quality and public health criteria;
- (g) determine the circumstances in which fish may be delivered or marketed and any terms or conditions on the delivery or marketing of fish;
- (h) permit the establishment, development, maintenance and enhancement of any fish populations;
- (i) control the importation or stocking of any fish;
- (j) do anything the minister considers necessary to conserve, develop, maintain, enhance, manage and utilize Saskatchewan's fish resource in a sustainable manner;

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- (k) approve or accept any laboratory or any analytical procedure that meets the prescribed criteria or the criteria set out in the code;
  - (l) develop or establish standards or requirements respecting any matter governed by this Act;
  - (m) designate individuals or classes of individuals who are qualified persons and impose terms and conditions that the minister considers appropriate on those designations.
- (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 or requirements that are developed or established pursuant to clause (2)(1), and of any amendments to those standards and requirements, to:
- (a) be published in the Gazette; and
  - (b) be made public in any other manner that the minister considers appropriate, including by posting on the ministry's website.

**Designation of fishery officers**

8 The minister may designate any employee within the ministry as a fishery officer for the purpose of administering and enforcing this Act.

**Advisory committees**

- 9(1) The minister may appoint advisory committees, which shall meet on the request of the minister.
- (2) An advisory committee is to advise the minister on matters of general interest respecting the provisions of this Act.
- (3) The members of an advisory committee are entitled to:
- (a) except in the case of a member who is also a member of the public service of Saskatchewan, remuneration for their services at the rates approved by the Lieutenant Governor in Council; 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.

**PART 4****Licences and Notices****Application for licence**

- 10 Every person who wishes to obtain a licence required pursuant to this Act shall:
- (a) apply in the form and manner approved by the minister;
  - (b) pay the prescribed fee; and
  - (c) provide the minister with any information that the minister requests and considers relevant to:
    - (i) the application; or
    - (ii) monitoring activities to be conducted pursuant to the licence.

**Issuance of licence on terms and conditions**

11(1) Subject to the regulations, the minister may issue any licence required pursuant to this Act.

(2) No person to whom a licence is issued shall fail to comply with any term or condition imposed on the licence.

**Requirements of valid licence**

12(1) Subject to subsection (2), a licence is valid only if:

- (a) it has been signed by the person or persons to whom it was issued or, in the case of a corporation being issued a licence, by a person authorized to sign on behalf of the corporation;
- (b) it has not been altered other than in accordance with this Act; and
- (c) the licence or application for the licence does not contain false, misleading or incomplete information provided by the licensee.

(2) An angling licence does not need to be signed by the person to whom it was issued or by a person authorized to sign on behalf of the corporation.

(3) If any licence is tampered with, altered or mutilated in any manner, the licence is void.

**Licence not transferable**

13(1) A licence issued pursuant to this Act is not transferable or assignable.

(2) No person shall:

- (a) allow the person's licence to be used or carried by another person; or
- (b) use or carry another person's licence.

**Amendment, suspension or cancellation of licence**

14(1) In this section, "**amend**" means:

- (a) making the licence subject to new or additional terms and conditions; or
- (b) modifying, removing or substituting terms and conditions to which the licence is subject.

(2) The minister may amend, suspend or cancel a person's licence or cancel a person's licence and prohibit that person for a period not longer than 5 years from applying for or obtaining a licence if the minister is satisfied that:

- (a) the person has contravened any provision of this Act;
- (b) the person has contravened any provision of the *Fisheries Act* (Canada) or any regulations made pursuant to that Act;
- (c) the person has contravened any term or condition specified in the person's licence;
- (d) it is necessary for the protection of Saskatchewan's fish resource; or
- (e) it is in the public interest to do so.

(3) The minister shall not act pursuant to subsection (2) without giving the holder of the licence an opportunity to make written representations.

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- (4) Notwithstanding subsection (3), if the minister considers that it is necessary to act to protect the public interest, the minister may immediately act pursuant to subsection (2) without giving the holder of the licence an opportunity to make written representations, but shall give the holder an opportunity to make written representations within 21 business days after the date on which the minister takes any of those actions.
- (5) If the minister acts pursuant to subsection (2), the minister shall serve the person with written notice of the amendment, suspension or cancellation or cancellation and prohibition, by personal service or registered mail.
- (6) An amendment, suspension or cancellation of a licence or a cancellation of a licence and a prohibition to apply for or obtain a licence takes effect on the latest of:
- (a) the date, if any, specified in the notice;
  - (b) the day on which it is served in the case of personal service; and
  - (c) the delivery date shown on the signed post office receipt card or, if the delivery date is not shown, on the date the signed post office receipt is returned to the sender, in the case of service by registered mail.
- (7) The decision of the minister to amend, suspend or cancel a licence or to cancel a licence and prohibit a person from applying for or obtaining a licence is final.

**Prohibition against obtaining licence—maintenance enforcement**

**15** The minister shall prohibit a person from applying for or obtaining a licence if the Director of Maintenance Enforcement has directed the minister to suspend the person's ability to secure a licence pursuant to subsection 43.02(2) of *The Enforcement of Maintenance Orders Act, 1997*.

**Licence void**

**16** If a licence is issued to a person who is prohibited from applying for or obtaining a licence pursuant to this Act, the licence is void.

**Licence required—general**

**17** No person shall fish or carry on any prescribed activity related to fishing unless the person:

- (a) has been granted a licence to fish or carry on that prescribed activity pursuant to this Act or the *Fisheries Act (Canada)* or its regulations; or
- (b) is a fishery officer performing the fishery officer's duties pursuant to this Act or the *Fisheries Act (Canada)* or its regulations.

**Licence required—native wild fish, aquatic species at risk, etc.**

**18(1)** Notwithstanding any other provisions of this Act, no person shall do the following without a licence for the purpose issued by the minister:

- (a) take any species of native wild fish or any aquatic species at risk for the purposes of display, propagation, reintroduction, rehabilitation, protection, scientific research or any other prescribed purpose;
- (b) take any amount of parts, tissues, genetic material, eggs, sperm, embryos or other forms of developmental life of any species of native wild fish or any aquatic species at risk for the purposes of display, propagation, reintroduction, rehabilitation, protection, scientific research or any other prescribed purpose.



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- (2) Subject to subsection (3), no person shall conduct surveys, research or any other activity to detect or observe any species of native wild fish or any aquatic species at risk, or assess the habitat of any species of native wild fish or any aquatic species at risk, for a commercial, scientific, academic or other prescribed purpose, without a licence issued by the minister.
- (3) Subsection (2) does not apply in the prescribed circumstances.
- (4) The minister may:
- (a) issue licences for the purposes of this section; and
  - (b) when issuing a licence, impose any terms and conditions on the licence that the minister considers appropriate.
- (5) The minister shall not amend, suspend or cancel a licence issued pursuant to this section without giving the holder of the licence an opportunity to make written representations.
- (6) Notwithstanding subsection (5), if the minister considers that it is necessary to act to protect the public interest, the minister may immediately amend, suspend or cancel a licence issued pursuant to this section without giving the holder of the licence an opportunity to be heard, but shall give the holder an opportunity to make written representations within 21 business days after the date on which the minister takes any of those actions.

**Special angling days**

**19(1)** Notwithstanding any other provision of this Act, but subject to the regulations, the minister may declare a period for sport fishing in Saskatchewan or in any portion of Saskatchewan.

(2) Every person designated in the declaration may, subject to compliance with this Act and the *Fisheries Act* (Canada) and its regulations, engage in sport fishing during that period:

- (a) without a licence; or
- (b) with a special licence if required by the regulations.

**Duties imposed on qualified persons re certificates, documents and opinions**

**20** If a qualified person is required to provide a certificate or document required by this Act 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:

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

**Status of qualified person**

21(1) 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.

(2) Before the minister does any of the things mentioned in subsection (1), the minister shall give the qualified person mentioned in subsection (1):

- (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 21 business 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) After considering the representations mentioned in subsection (2), the minister shall issue a written decision and shall serve a copy of the decision on the person who made the representations.

**PART 5****Prohibition****Prohibition re certain activities**

22 No person shall fish or acquire, raise, possess, use, culture, import, introduce into Saskatchewan waters, process, package, market, carry or transport any fish or dispose of any fish or allow any fish to be wasted except in accordance with any licence or any provisions of this Act or the *Fisheries Act* (Canada) or its regulations.

**PART 6****Protection of Aquatic Species at Risk****Definitions for Part**

23 In this Part:

**“designated species”** means any extirpated, endangered or threatened native wild fish species that is designated and listed in a minister's order made pursuant to section 27;

**“endangered”** means any native wild fish species that is threatened with imminent extirpation or extinction;

**“extirpated”** means any native wild fish species that no longer exists in the wild in Saskatchewan, but exists in the wild outside of Saskatchewan;

**“management plan”** means a statement of requirements, and specific steps to be taken, to prevent a native wild fish species that is of special concern and that is designated and listed in a minister's order made pursuant to section 27 from being at increased risk;

**“of special concern”** means any native wild fish species that:

- (a) is of special concern because of low or declining numbers due to human activities or natural events but that is not endangered or threatened; and
- (b) is designated and listed in a minister’s order made pursuant to section 27;

**“recovery plan”** means a document that outlines specific steps to be taken for the recovery and conservation of designated species;

**“threatened”** means any native wild fish species that is likely to become endangered if the factors leading to its endangerment are not reversed;

**“wild fish species”** includes any other species that is native to Saskatchewan waters.

### **Rights and privileges subject to this Part**

**24** Notwithstanding any other provision in this Act, the provisions in this Part supersede all rights and privileges given to a person pursuant to any other Part, the regulations, the code, a plan or any licence.

### **Crown bound**

**25** The Crown is bound by this Part.

### **Minister determines wild species to be at risk**

**26(1)** The minister may determine any of the following:

- (a) whether or not a native wild fish species is to be classified as extirpated, endangered, threatened or of special concern;
- (b) whether or not an aquatic species at risk is to be reclassified or is to be deleted from the list mentioned in section 27;
- (c) whether or not a native wild fish species is to be added to the list mentioned in section 27.

(2) In making the determination in subsection (1), the minister may request and consider scientific and community-based advice from an advisory committee appointed pursuant to section 9.

### **Designation and listing of wild fish species**

**27(1)** If the minister determines that it is in the public interest to classify a native wild fish species as extirpated, endangered, threatened or of special concern, the minister may, by order, designate and list the native wild fish species as:

- (a) extirpated;
- (b) endangered;
- (c) threatened; or
- (d) of special concern.

(2) If the minister makes an order pursuant to subsection (1), the minister shall cause the designations made and the list of aquatic species at risk established pursuant to subsection (1):

- (a) to be printed in the Gazette; and
- (b) to be made available to the public in any manner the minister considers appropriate, including by posting the order on the ministry’s website.

**Recovery plans**

28(1) Subject to the regulations, the minister may prepare and implement a recovery plan to protect each designated species.

- (2) A recovery plan may identify any of the following:
  - (a) the needs of and threats to any designated species or its habitat;
  - (b) the viable status needed for recovery of any designated species or its habitat;
  - (c) the options for the recovery of any designated species or its habitat;
  - (d) the costs and benefits of the options mentioned in clause (c);
  - (e) a course of action or a combination of actions for the recovery of any designated species.
- (3) A recovery plan may include provisions respecting:
  - (a) one or more designated species; and
  - (b) ecosystem management.
- (4) The minister may determine the priority with which any recovery plan or any portion of a recovery plan is to be implemented.
- (5) The factors that the minister may take into consideration when determining the priority to be assigned to a recovery plan or any portion of a recovery plan include:
  - (a) whether scientific evidence indicates that the designated species mentioned in the recovery plan is naturally becoming extirpated;
  - (b) whether it is technically or economically feasible to recover the designated species; and
  - (c) the status of the designated species in jurisdictions outside Saskatchewan.
- (6) The minister may, to the extent possible, prepare a recovery plan in cooperation with other jurisdictions where the designated species is also found.
- (7) If a recovery plan is in existence before the coming into force of this Act or if a recovery plan has been prepared in another jurisdiction for the designated species, the minister may adopt, in whole or in part, that recovery plan.
- (8) Subject to the regulations, the minister may prepare and implement a management plan.

**Activity prohibited**

29(1) In this section, “**traffic**” means to offer for sale, expose for sale, sell, buy, barter, exchange, deal, solicit or trade, or advertise for the purpose of doing any of those things.

- (2) Subject to subsections (3) and (4), no person shall do any of the following:
  - (a) kill, injure, possess, disturb, take, capture, harvest, genetically manipulate or interfere with, or attempt to do any of those things to, any designated species;
  - (b) export or cause to be exported from Saskatchewan any designated species;
  - (c) traffic in any designated species.

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- (3) Subsection (2) does not apply to a person who:
- (a) holds a licence issued pursuant to this Act that authorizes any of those activities;
  - (b) incidentally takes any designated species and immediately releases the designated species to the waters in which it was taken in a manner that causes no further harm to that designated species; or
  - (c) engages, in compliance with a recovery plan, in activities that would otherwise be prohibited.
- (4) A person in possession of an aquatic species at risk does not contravene subsection (2) if the person:
- (a) had lawful possession of an aquatic species at risk before its designation and listing pursuant to section 27;
  - (b) legally acquired a native wild fish in another jurisdiction or its territories that is an aquatic species at risk in Saskatchewan and legally imported it into Saskatchewan; or
  - (c) is, or acts on behalf of, a museum, zoo, educational institution, scientific society or government and the person is licensed to possess an aquatic species at risk and acquired the aquatic species at risk from a person who was entitled to possess it pursuant to this subsection.

#### **Licence to protect health and property**

**30** Notwithstanding anything in any other provision of this Part or the regulations, the minister may issue a licence to remove, capture, kill or destroy any aquatic species at risk if, in the opinion of the minister, it is necessary to do so:

- (a) to protect human health or the environment; or
- (b) to prevent property loss.

#### **Powers of fishery officer**

**31** Notwithstanding any other provision of this Part or the regulations, a fishery officer may kill, injure, possess, disturb, capture, harvest, take or interfere with any aquatic species at risk:

- (a) in the exercise of the fishery officer's powers or the performance of the fishery officer's duties pursuant to this Part or the regulations; and
- (b) in the manner, at the time and in the places that the minister may specify.

### **PART 7**

#### **Audits, Inspections and Investigations**

##### **Definitions for Part**

**32** In this Part:

**“fishing gear”** means any fishing gear or equipment;

**“property”** includes computer software;

**“record”** includes any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media;

**“vehicle”** includes a conveyance, an aircraft or watercraft and any accessory attached to a conveyance, aircraft or watercraft.

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**General powers**

**33** All prescribed fishery officers or prescribed classes of fishery officers have the power of peace officers to enforce this Act and are entitled, while performing their duties, to all the protection to which peace officers are entitled pursuant to the *Criminal Code*.

**Arrest without warrant**

**34** A fishery officer may arrest without warrant any person found committing a contravention of this Act.

**Licence may be requested**

**35(1)** If a fishery officer has reasonable grounds to believe that a person is or has been undertaking an activity for which a licence is required by this Act, the fishery officer may require that person:

- (a) to immediately produce a licence authorizing that activity; or
- (b) to produce within a reasonable period specified by the fishery officer evidence that the person may engage in that activity without a licence.

(2) Every person who fails to comply with a request of a fishery officer made pursuant to subsection (1) is guilty of an offence.

(3) If a person produces, at the request of a fishery officer, a licence displayed on the person's electronic device, no action or other proceeding for damages lies or shall be instituted against a fishery officer for any loss or damage to that electronic device suffered 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 that fishery officer, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or in the carrying out or supposed carrying out of any responsibility imposed by this Act.

**Search of person**

**36** A fishery officer may search any person if the fishery officer has reasonable grounds to believe that the person has concealed on that person's person any evidence of an offence against this Act.

**Entry on land**

**37** A fishery officer and any person lawfully accompanying a fishery officer for the purposes of carrying out the fishery officer's duties may enter on or pass over any land, whether enclosed or not, and while so engaged the fishery officer or person is liable only for any damage that the fishery officer or person may wilfully cause.

**Audits and inspections**

**38(1)** A fishery 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 code or a plan.

(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 code or a plan; and
- (b) if the obligations imposed by this Act, the code or a plan have not been met, an explanation for the differences between the results and those obligations.

(4) Subject to subsection (6), in carrying out a fishery officer's duties in conjunction with an audit or inspection, a fishery officer may, at any reasonable time, for the purposes of determining whether there is compliance with this Act, the code or an order made pursuant to this Act, do all or any of the following:

- (a) enter and inspect:
  - (i) any premises required to be licensed pursuant to this Act, the code or a plan; or
  - (ii) any commercial premises used by a person required to be licensed pursuant to this Act;
- (b) enter and inspect any place, including any premises or vehicle, in or on which the fishery officer has reasonable grounds to believe that:
  - (i) there is any fish or fishing gear or other thing to which this Act, the code or a plan applies;
  - (ii) any activity to which this Act, the code or a plan applies has been carried on, is being carried on or is likely to be carried on;
  - (iii) there is an aquatic invasive species in the place; or
  - (iv) there are books, records, papers or documents, including any computer digital or electronic records, files or data, that are required to be kept pursuant to this Act, the code or a plan or that relate to the administration of this Act.

(5) When conducting an audit or inspection in accordance with subsection (4), a fishery officer may do any or all of the following things:

- (a) make any inquiry the fishery officer considers appropriate;
- (b) require any person to attend at a place and time set by the fishery officer;
- (c) require any person to produce any fish, fishing gear or other thing to which this Act, the code or a plan applies;
- (d) inspect any fish, fishing gear or other thing to which this Act, the code or a plan applies;
- (e) open or cause to be opened any container found in the place, premises or vehicle that the fishery officer believes on reasonable grounds contains any fish or fishing gear to which this Act, the code or a plan applies;
- (f) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;
- (g) conduct any tests or analyses, take any samples of any fish or any other thing to which this Act applies, take any measurements and make any examinations that the fishery officer considers necessary or advisable;
- (h) take one or more persons to any place to assist the fishery officer and make arrangements with the person in charge of the place for those persons to re-enter the place to perform specified duties;
- (i) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Act, the code or a plan;

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- (j) subject to subsection (7), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given;
- (k) require any person to provide the fishery officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;
- (l) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records.
- (6) A fishery officer shall not enter a private dwelling without a warrant issued pursuant to section 40 unless the occupant of the dwelling consents to the entry.
- (7) A fishery officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:
- (a) make those copies as soon as is reasonably possible; and
  - (b) promptly return the books, records, papers or documents from which the copies were made to:
    - (i) the place from which they were removed; or
    - (ii) any other place that may be agreed to by the fishery officer and the person who produced them.

### **Obtaining information**

**39** For the purpose of obtaining any information that is required to determine compliance with this Act, the code or a plan or that is otherwise required for the performance of the duties or the exercise of the powers of the fishery officer, the fishery officer may direct any person to provide the fishery officer with any information in any form and manner and within any time that the fishery officer may specify.

### **Investigations**

**40(1)** If a justice or provincial court judge is satisfied by information on oath or affirmation that there are reasonable grounds to believe that an offence against this Act, the code or a plan 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, premises or vehicle named in the warrant;
- (b) stop and search any vehicle described in the warrant;
- (c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act, the code or a plan;
- (d) carry out any other activities mentioned in subsection (2).



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- (2) With a warrant issued pursuant to subsection (1), a fishery officer may:
- (a) enter at any time and search any place or premises named in the warrant;
  - (b) stop and search any vehicle described in the warrant;
  - (c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the fishery officer finds in the place, premises or vehicle;
  - (d) require the production of and examine any records or property that the fishery officer believes, on reasonable grounds, may contain information related to an offence against this Act, the code or a plan;
  - (e) remove, for the purpose of making copies, any records examined pursuant to this section;
  - (f) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;
  - (g) conduct any tests or analyses, take any measurements, take any samples of any fish or other thing to which this Act, the code or a plan applies and make any examinations that the fishery officer considers necessary or advisable;
  - (h) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act, the code or a plan;
  - (i) do any of the things mentioned in section 43; and
  - (j) do any of the things mentioned in section 46.
- (3) Subject to subsection (4), a fishery 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 fishery 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) A fishery officer shall not enter a private dwelling without a warrant issued pursuant to this section unless the occupant of the dwelling consents to the entry.

**Fishery officer may be accompanied**

**41** If a fishery officer is conducting an audit, inspection or investigation pursuant to this Act, the fishery officer may be accompanied by any person who, in the opinion of the fishery officer, by virtue of the person's expertise in a particular field or the person's knowledge of facts relevant to the matter being inspected or investigated, may assist the fishery officer in carrying out the fishery officer's duties.

**Duty to assist**

42(1) No person shall fail to answer questions or to provide reasonable assistance in accordance with section 38 in the manner and within the period specified by the fishery officer.

(2) No person shall fail to produce any records, fish, fishing gear, vehicle or other thing to which this Act applies in accordance with section 38 within the period reasonably required by the fishery officer.

(3) No person shall refuse to produce the person's licence to a fishery officer or the ministry when requested to do so.

**Power to stop and detain vehicles**

43(1) For the purposes of the administration or enforcement of this Act, including conducting an audit or inspection pursuant to section 38 or carrying out an investigation pursuant to section 40, a fishery officer may:

- (a) require any vehicle to be stopped;
- (b) require the vehicle to be moved to a place where the audit or inspection pursuant to section 38 or the investigation pursuant to section 40 can be carried out; and
- (c) detain the vehicle for a reasonable time.

(2) Every operator or person in charge of the vehicle shall comply with the requirements of a fishery officer made pursuant to this section.

**Aquatic invasive species inspection stations**

44 The minister may establish aquatic invasive species inspection stations for the purpose of inspecting vehicles for the presence of any aquatic invasive species.

**Submitting to inspection**

45 An individual operating a vehicle shall, on approaching an aquatic invasive species inspection station, stop the vehicle and submit to an inspection by a fishery officer.

**Seizure of fish and other things**

46(1) In addition to the powers mentioned in sections 38 and 40, in conducting an audit or inspection pursuant to section 38, in carrying out an investigation pursuant to section 40 or in conducting an inspection pursuant to section 44, a fishery officer may seize any fish, fishing gear, vehicle or any other thing to which this Act applies that the fishery officer has reasonable grounds to believe:

- (a) contains, carries or transports an aquatic invasive species;
- (b) was used in the commission of an offence or is something in relation to which an offence against this Act has been committed;
- (c) will provide evidence with respect to the commission of an offence against this Act; or
- (d) was taken or obtained by the commission of an offence against this Act.

(2) If a fishery officer seizes and detains any fish, fishing gear, vehicle or any other thing to which this Act applies, the fishery officer may:

(a) require it to be held or stored at the place or premises where it was seized, in which case the costs of storage or removal of the seized fish, fishing gear, vehicle or other thing to which this Act applies are to be paid by the person responsible for the fish or other thing at the time of the seizure; or

(b) require the person responsible for the fish or other thing at the time of seizure to remove it to any other place or premises and store it.

(3) Any fish, fishing gear, vehicle or any other thing to which this Act applies that is seized pursuant to subsection (1) may be removed to any place that the fishery officer considers appropriate for the preservation and containment of the fish, fishing gear, vehicle or other thing to which this Act applies, in which case the costs of storage or removal of the seized fish, or storage, removal or cleaning of the seized vehicle or object, are to be paid by the person responsible for the fish or other thing at the time of the seizure.

(4) If a vehicle is being used to transport any fish, fishing gear or other thing to which this Act applies and the fish, fishing gear or other thing has been seized by the fishery officer pursuant to subsection (1), any person in charge of or operating the vehicle shall convey the seized fish, fishing gear or other thing to which this Act applies to any place that the fishery officer may direct.

(5) If any fish or other thing to which this Act applies is liable to seizure by a fishery officer and has been mixed with other similar products so as to render it impractical or difficult to distinguish or separate the fish or other thing from the other products or materials with which it is mixed, all of those products or materials so mixed may be seized.

(6) Notwithstanding section 57, if a fishery officer has custody of any fish or other thing to which this Act applies that is seized pursuant to this Act and that is perishable or susceptible to deterioration, the minister or the fishery 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 manner set out in the regulations.

### **Obstruction**

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

## **PART 8**

### **Compliance**

#### **Compliance order**

48(1) The minister may apply to a judge of the Court of Queen's Bench for all or any of the following:

(a) an order compelling a person to comply with this Act, the code, an order issued pursuant to this Act, or the terms and conditions of a licence;

(b) an order enjoining any person from proceeding contrary to this Act, the code, an order issued pursuant to this Act, or the terms and conditions of a licence.

(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) regardless of whether an order pursuant to this Act has been issued with respect to the matter.

## PART 9

### Offences and Penalties

#### Offence and penalty

**49(1)** No person shall:

- (a) provide false or misleading information to the minister or a fishery officer;
- (b) falsify, in any manner, any record or return required by this Act or the code;
- (c) fail to comply with an order of the minister made pursuant to this Act; or
- (d) contravene any other provision of this Act or the code for which no penalty is provided.

(2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine not exceeding \$100,000, to imprisonment for a term not exceeding 1 year or to both; or
- (b) in the case of a corporation, to a fine not exceeding \$100,000.

(3) If a person is convicted for the contravention of any provision of this Act or the code, the judge may:

- (a) cancel that person's licence, if any; or
- (b) cancel that person's licence, if any, and prohibit the person from applying for or obtaining a licence for not more than 5 years from the date of conviction.

(4) If an offence is committed or continued on more than 1 day, it is considered a separate offence for each day on which the contravention is committed or continued.

#### Offence and penalty—Part 6

**50(1)** Any person who contravenes any provision of Part 6 or the regulations with respect to aquatic species at risk for which no monetary penalty is specified is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual:
  - (i) for a first offence, to a fine of not more than \$5,000; and
  - (ii) for a second or subsequent offence, to a fine of not more than \$10,000;
- (b) in the case of a corporation:
  - (i) for a first offence, to a fine of not more than \$20,000; and
  - (ii) for a second or subsequent offence, to a fine of not more than \$50,000.

(2) Any person who contravenes clause 29(2)(a) is guilty of an offence and liable on summary conviction:

(a) in the case of an individual:

(i) for a first offence, to a fine of not more than \$50,000, to imprisonment for a period not exceeding 6 months or to both; and

(ii) for a second or subsequent offence, to a fine of not more than \$100,000, to imprisonment for a period not exceeding 1 year or to both;

(b) in the case of a corporation:

(i) for a first offence, to a fine of not more than \$100,000; and

(ii) for a second or subsequent offence, to a fine of not more than \$200,000.

(3) Any person who contravenes clause 29(2)(c) is guilty of an offence and liable on summary conviction:

(a) in the case of an individual:

(i) for a first offence, to a fine of not more than \$100,000, to imprisonment for a period not exceeding 2 years less a day or to both; and

(ii) for a second or subsequent offence, to a fine of not more than \$200,000, or to imprisonment for a period not exceeding 2 years less a day or to both;

(b) in the case of a corporation:

(i) for a first offence, to a fine of not more than \$500,000; and

(ii) for a second or subsequent offence, to a fine of not more than \$1,000,000.

#### **Aid and abet**

**51** Any person who aids, abets, counsels or procures the contravention of this Act or the code is guilty of an offence and liable on summary conviction to the same penalties for the offence that the person has aided, abetted, counselled or procured.

#### **Limitation of prosecution**

**52** No prosecution for a contravention of this Act or the code is to be commenced more than 3 years after the date on which the alleged contravention was committed or, in the case of a continuing contravention, the last date on which the alleged contravention was committed.

#### **Directors, etc., of corporations**

**53** If a corporation commits an offence pursuant to this Act or the code, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties provided for the offence whether or not the corporation has been prosecuted or convicted.

**Vicarious liability**

**54** In any prosecution of a person for a contravention of this Act or the code, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without that 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.

**Certificate of minister**

**55** The certificate of the minister that a licence or notice has or has not been issued or given pursuant to this Act or the code is, in the absence of evidence to the contrary, admissible in evidence as proof of its contents without proof of the office or signature of the minister.

**Onus on person charged**

**56** In any prosecution pursuant to this Act or the code in which the validity or existence of a licence is in question, the onus is on the person charged to prove the validity or existence of the licence.

**Forfeitures**

**57(1)** If a person is convicted of a contravention of this Act:

- (a) any fish seized in connection with the offence is forfeited to the Crown and may be disposed of in a manner approved by the minister; and
  - (b) any fishing gear, equipment, vehicle, conveyance, aircraft or watercraft or any other thing seized in connection with the offence must:
    - (i) within 60 days after the final conclusion of the proceedings, be returned to the person from whom it was seized; or
    - (ii) be declared forfeited to the Crown by the convicting court and disposed of in the prescribed manner.
- (2) If a person is convicted of a prescribed offence:
- (a) any articles seized in connection with the offence, other than a vehicle, conveyance, aircraft or watercraft, are forfeited to the Crown and are to be disposed of in a manner approved by the minister; and
  - (b) the convicting court may order that any vehicle, conveyance, aircraft or watercraft seized in connection with the offence is forfeited to the Crown.
- (3) If a person is not convicted of an offence, any fish, fishing gear, equipment, vehicle, conveyance, aircraft or watercraft or any other thing seized with respect to the alleged offence must be returned to the person from whom it was seized within 60 days from the date:
- (a) that the person is found not guilty, unless the verdict is appealed within the 60 days; or
  - (b) that the charge is dismissed or stayed, unless the dismissal or stay is appealed within 60 days.

(4) No fishing gear, equipment, vehicle, conveyance, aircraft or watercraft or any other thing is to be returned pursuant to subsection (3):

- (a) if it is required for evidence in connection with another offence;
- (b) if it is subject to forfeiture or impoundment pursuant to subsection (1) or (2);
- (c) in the case of a vehicle, conveyance, aircraft or watercraft, until all storage, removal and cleaning charges have been paid.

(5) If any fish, fishing gear, equipment, vehicle, conveyance, aircraft or watercraft or any other thing is to be returned pursuant to subsection (1) or (3) to the person from whom it was seized and that person and anyone authorized to act on that person's behalf cannot be located, the item seized must be disposed of in the prescribed manner.

(6) The Crown or any officer or employee of the Crown is not liable for any deterioration, diminution or other devaluation of property seized pursuant to this Act but not forfeited to the Crown.

#### **Automatic cancellation of licence on conviction**

**58(1)** Subject to subsections (2) to (4), if a person is convicted of a contravention of this Act, any licence issued to that person pursuant to this Act is automatically cancelled on the date of conviction, without further action or notice.

(2) The minister shall provide written notice to a person mentioned in subsection (1) of any licence cancelled pursuant to subsection (1).

(3) Subject to subsection (4), a person's licence is not automatically cancelled on conviction for a contravention of this Act in the prescribed circumstances.

(4) Subsection (3) does not apply if a person is convicted of the same contravention twice within an 18-month period.

#### **On default, person prohibited from obtaining licence**

**59** An offender who has not paid a fine or penalty imposed for a contravention of this Act is prohibited from applying for or obtaining any licence issued pursuant to this Act, until the offender:

- (a) fully pays the fine and any late payment charge imposed; or
- (b) otherwise fully discharges the fine and any late payment charge imposed.

#### **Administrative penalty**

**60(1)** The minister may assess a penalty in the prescribed amount against a prescribed person, or prescribed class of persons, for prescribed contraventions of this Act.

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

- (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 the person's right to make representations to the minister.

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- (3) No penalty is to be assessed by the minister more than 3 years after the day on which 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 serve a copy of the minister's decision, with reasons, pursuant to subsection (6) on 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 penalty assessed pursuant to subsection (6); and
  - (b) the person from whom the 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 a penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the penalty.

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

- 61(1)** Any person aggrieved by a decision of the minister to impose a penalty pursuant to section 60 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 service of the minister's decision.
- (2) The record of an 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) the notice of appeal commencing the appeal;
  - (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 penalty;
  - (b) amending the amount of the penalty; or
  - (c) quashing the minister's decision to assess a penalty.



## PART 10

**General****Service**

**62(1)** Any notice or other document that is required to be served pursuant to the Act may be served:

- (a) by personal service made:
  - (i) in the case of an individual, on that individual;
  - (ii) in the case of a partnership, on any partner; or
  - (iii) in the case of a corporation, on any officer or director of the corporation;
- (b) by ordinary or registered mail addressed to the last address of the person to be served known to the minister;
- (c) by any method set out in *The Queen's Bench Rules* for the service of documents;
- (d) by delivering a copy to the person's lawyer if the lawyer accepts service by endorsing the lawyer's name on a true copy of the document or notice indicating that the lawyer is the lawyer for that person;
- (e) in the case of a notice to the public, or to persons who are too numerous to be served individually, by publishing the notice in any manner that the minister may direct; or
- (f) by any other prescribed means.

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

(3) A notice or document sent by a prescribed means is deemed to have been received on the prescribed number of business days from the date on which the notice or document was sent.

(4) If the minister is unable to effect service by the methods set out in subsection (1) after making reasonable efforts to do so, the minister may serve a document or notice by publishing it in a newspaper of general circulation in the area in which the person was last known to reside.

(5) Any person who is required to serve a document or notice pursuant to the Act may apply, without notice, to the court for an order for substituted service or for an order dispensing with service.

**Containment order**

**63(1)** Subject to the regulations, if the minister believes on reasonable grounds that an aquatic invasive species has been introduced into Saskatchewan waters and that it is necessary to limit the movement of watercraft into and out of the waterbody into which the aquatic invasive species has been introduced to protect fish habitat, the minister may issue a containment order to limit the movement of watercraft into and out of that waterbody.

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- (2) Subject to the regulations, the minister shall cause notice of the order:
- (a) to be published in the Gazette; and
  - (b) to be made public in any other manner that the minister considers appropriate, including by publishing the notice on the ministry's website.
- (3) No person shall fail to comply with a containment order issued pursuant to subsection (1).

### **Immunity**

**64** No action or proceeding lies or shall be commenced against the Crown, the minister, any officer or employee of the Crown or any person assisting a fishery officer if that person is acting pursuant to the authority of this Act, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act.

### **Regulations—Lieutenant Governor in Council**

**65** 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 “fishery officer” in subsection 2(1), prescribing members of another enforcement agency;
- (c) for the purposes of the definition of “qualified person” in subsection 2(1), prescribing a class of persons;
- (d) for the purposes of clause 7(2)(k), prescribing criteria for laboratory or analytical procedures;
- (e) respecting when a person governed by this Act must prepare and submit for consideration by the minister a plan to engage in activities regulated by this Act;
- (f) respecting when a person mentioned in clause (e) must provide the minister with a notice before engaging in activities regulated by this Act and prescribing the information that must be contained in that notice;
- (g) requiring the keeping of records, the provision of information to a fishery officer and the submission of returns to the ministry for activities related to this Act;
- (h) establishing categories of licences or activities authorized by licences, including authorizing the minister to establish different categories of licences, setting out the criteria the minister must consider when establishing different categories and authorizing the minister to determine the requirements that must be met to obtain a licence in each category;
- (i) respecting the use of any tags, bands or seals used in association with any licence;
- (j) respecting the terms and conditions of licences;
- (k) prescribing eligibility requirements and applications for the issuing of licences, including authorizing the minister to prescribe additional eligibility requirements and matters respecting applications for licences;

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- (l) respecting the time, the area and the fish to which a licence relates or is limited;
  - (m) for the purposes of section 18:
    - (i) prescribing purposes for which a licence is required pursuant to subsections 18(1) and (2);
    - (ii) respecting requirements of persons licensed or applying to be licensed for any of the activities mentioned in subsections 18(1) and (2) relating to notification, data reporting, qualifications and survey methodology; and
    - (iii) prescribing the circumstances in which a licence is not required pursuant to subsection 18(3);
  - (n) respecting fishing quotas or limits on the number, size or weight of fish caught and retained under the authority of a licence;
  - (o) respecting the use of fishing gear and equipment;
  - (p) constituting and defining any area of Saskatchewan as an area for:
    - (i) managing, controlling, harvesting and protecting fish or aquatic species at risk;
    - (ii) protecting, controlling or managing habitat;
  - (q) authorizing the minister or any other person to open or close any Saskatchewan waters to fishing or any type of fishing and the terms and conditions to be complied with when opening or closing waters to fishing or any type of fishing;
  - (r) establishing standards of quality for fish and for the marketing of fish;
  - (s) respecting the inspection, manner and conditions of handling, packing, dressing, processing, grading, certification, storage and transportation of fish;
  - (t) establishing the manner of disposing of fish unfit for human consumption;
  - (u) prescribing the structural and operational standards for processing plants;
  - (v) governing the inspection of fish and the classification of any fish or any water according to fish quality and public health criteria;
  - (w) restricting or prohibiting the marketing of fish, or any size or species of fish, from specified waters and authorizing the minister to restrict or prohibit the marketing of those fish;
  - (x) requiring, restricting or prohibiting the delivery or marketing of fish from any water to any person, group, agency or association specified in the regulations, and prescribing the method, time and place of delivery or marketing or the manner and conditions of the delivery or marketing restriction or prohibition;
  - (y) requiring documentation to accompany any fish transported, carried or marketed from or to any part of Saskatchewan;
  - (z) controlling, regulating and prescribing the operations of fish dealers, including the keeping of records, the provision of any information to a fishery officer, the submission of returns of any kind and the collection and remission of fish royalties from the harvests of commercial fishers to the minister;
  - (aa) controlling and regulating the operation of fishing events, including the records to be kept and the performance standards for those events;

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- (bb) governing safety practices in fishing and related activities;
  - (cc) permitting the establishment, development, maintenance and enhancement of fish populations to maintain, develop or expand fishing opportunities;
  - (dd) respecting the licensing of commercial fishers' and fish dealers' helpers or employees, and specifying criteria to limit or prohibit the employment and operations of helpers and employees and establishing different classes or categories of helpers or employees;
  - (ee) respecting the propagation, rearing, keeping, disposition and marketing of live fish, including those fish acquired and raised for aquaculture purposes;
  - (ff) prescribing the treatment, eradication, quarantine or disposal of dead or diseased fish or classes or categories of fish, and authorizing the minister to make orders respecting these matters;
  - (gg) controlling the importation or stocking of any fish and authorizing the minister to make orders respecting the importation or stocking of fish;
  - (hh) for the purposes of section 57:
    - (i) respecting the manner of disposing of any seized fish that is forfeited to the Crown;
    - (ii) prescribing the manner of disposal of seized fishing gear, equipment, vehicles, conveyances, aircraft or watercraft or any other thing that has been declared forfeited;
    - (iii) prescribing the manner of disposal of seized fish or seized fishing gear, equipment, vehicles, conveyances, aircraft or watercraft or any other thing that has been declared forfeited and whose owner cannot be located; and
    - (iv) prescribing offences for the purposes of subsection 57(2);
  - (ii) prohibiting unauthorized persons from damaging, defacing, interfering with or tampering with any fishing gear, retaining nets, posters, signs or notices that have been put in place pursuant to this Act or the *Fisheries Act* (Canada) and its regulations;
  - (jj) respecting fish taxidermists;
  - (kk) respecting aquatic species at risk, including:
    - (i) respecting the designation and listing of aquatic species at risk, including the establishment, maintenance, amendment and distribution of the list;
    - (ii) respecting programs to prepare status reports with respect to aquatic species at risk and to prepare and implement recovery plans;
    - (iii) respecting emergency provisions to designate and list aquatic species at risk and protect their habitats;
    - (iv) respecting the monitoring, assessment and reporting of the status of aquatic species at risk;
    - (v) respecting the keeping of aquatic species at risk in captivity;
    - (vi) respecting the importation into Saskatchewan, the sale, and the exportation from Saskatchewan, of aquatic species at risk;
    - (vii) regulating the shipping, transporting or storing of aquatic species at risk;

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(ll) prescribing and requiring the payment of any fees and charges connected with:

(i) the issuance or renewal of any licence required or requested pursuant to this Act; or

(ii) any other action that the minister or a fishery officer is required or authorized to take pursuant to this Act;

(mm) governing the imposition and collection of royalties for fish caught pursuant to any licence;

(nn) respecting the allocation of fish resources in Saskatchewan waters to persons or classes of persons;

(oo) respecting the revocation of licences and any process related to those revocations;

(pp) for the purposes of section 33, prescribing fishery officers and classes of fishery officers who have the powers of a peace officer to enforce this Act;

(qq) for the purposes of subsection 46(6), respecting the manner in which proceeds realized from the disposition of any fish or other thing to which this Act applies are to be dealt with;

(rr) establishing a list of aquatic invasive species, including authorizing the minister to add to or remove species from that list if it is in the public interest to do so and varying the places to which regulations made pursuant to clause (ss) apply;

(ss) respecting the control of aquatic invasive species, including regulations respecting the following:

(i) the prevention of the spread of those species;

(ii) the possession of members of those species, and their import, export and transport;

(iii) the release of members of those species into Saskatchewan waters;

(iv) the handling of members of those species;

(v) the keeping of records containing information relevant to the control of those species;

(vi) the reporting of aquatic invasive species;

(vii) the inspection, cleaning, eradication, decontamination, quarantine or disposal of aquatic invasive species;

including authorizing the minister to make orders respecting these matters and to establish additional requirements;

(tt) 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 code, standard or guideline;

(ii) amending for the purposes of this Act, any code, standard or guideline adopted pursuant to subclause (i);

(iii) requiring compliance with a code, standard or guideline adopted pursuant to subclause (i);

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- (uu) for the purposes of subsection 58(3), prescribing circumstances in which a person's licence is not automatically cancelled on conviction;
  - (vv) respecting administrative penalties, including:
    - (i) prescribing the contraventions of this Act or breaches of a term or condition of a disposition for which a penalty may be assessed; and
    - (ii) prescribing the amount of an administrative penalty and, for that purpose, may prescribe different amounts for different contraventions or breaches;
  - (ww) for the purposes of section 62, prescribing other means of serving notices or other documents and, for the purposes of subsection 62(3), the number of business days;
  - (xx) for the purposes of section 63, respecting containment orders;
  - (yy) respecting any other matter relating to fish, aquatic species at risk, aquatic invasive species, fishing or fisheries within the jurisdiction of Saskatchewan;
  - (zz) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
  - (aaa) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

## PART 11

### Repeal, Transitional and Consequential Amendments

#### SS 1994, c F-16.1 repealed

66 *The Fisheries Act (Saskatchewan), 1994* is repealed.

#### Transitional provision re licences

67(1) Every licence issued pursuant to *The Fisheries Act (Saskatchewan), 1994* that is in effect and not under suspension or cancellation on the day on which this Act comes into force:

- (a) continues in effect on and after the day on which this Act comes into force until the licence expires or is cancelled pursuant to this Act; and
- (b) may be dealt with pursuant to this Act as if it had been issued pursuant to this Act.

(2) Nothing in this Act affects the validity of any licence issued pursuant to the *Fisheries Act (Canada)* or its regulations.

#### SS 1996, c F-19.1, section 2 amended

68 Subsection 2(2) of *The Forest Resources Management Act* is amended by striking out "*The Fisheries Act (Saskatchewan), 1994*" and substituting "*The Fisheries (Saskatchewan) Act, 2019*".

**SS 2010, c H-16, section 2 amended**

**69 Subsection 2(2) of *The Hunting, Fishing and Trapping Heritage Act* is amended by striking out “*The Fisheries Act (Saskatchewan) 1994*” and substituting “*The Fisheries (Saskatchewan) Act, 2019*”.**

**RSS 1978, c S-52, section 3 amended**

**70 Subclause 3(4)(b)(i) of *The Snowmobile Act* is amended by striking out “*The Fisheries Act (Saskatchewan), 1994*” and substituting “*The Fisheries (Saskatchewan) Act, 2019*”.**

**PART 12**

**Coming into Force**

**Coming into force**

**71** This Act comes into force on assent.

FOURTH SESSION  
**Twenty-eighth Legislature**  
SASKATCHEWAN

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**B I L L**

No. 183

An Act respecting Fisheries and the Protection of  
Aquatic Species at Risk and making consequential  
amendments to other Acts

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Received and read the

First time

Second time

Third time

And passed

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Honourable Dustin Duncan

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