

# BILL

No. 126

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

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- (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) **“Environment Corporation”** means the Saskatchewan Environment Corporation established pursuant to section 45;
- (h) **“Foundation”** means the Saskatchewan Climate Change Foundation established pursuant to section 38;
- (i) **“Fund”** means the Saskatchewan Technology Fund Corp. established pursuant to section 23;
- (j) **“greenhouse gas”** means:
- (i) carbon dioxide (CO<sub>2</sub>);
  - (ii) methane (CH<sub>4</sub>);
  - (iii) nitrous oxide (N<sub>2</sub>O);
  - (iv) prescribed categories of hydrofluorocarbons (HFCs);
  - (v) prescribed categories of perfluorocarbons (PFCs);
  - (vi) sulphur hexafluoride (SF<sub>6</sub>); or
  - (vii) any other prescribed gas;
- (k) **“greenhouse gas emission baseline”** means the baseline amount of greenhouse gas emissions for Saskatchewan, expressed in CO<sub>2</sub>e, 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) **“offset credit”** means a credit for any prescribed activity that:
- (i) reduces the emission of greenhouse gases; or
  - (ii) sequesters greenhouse gases;
- (o) **“performance agreement”** means an agreement entered into by the minister pursuant to clause 7(2)(o);
- (p) **“performance credit”** means a credit expressed in CO<sub>2</sub>e that is approved by the minister for a regulated emitter whose actual emissions for a year are less than the emissions level prescribed for that regulated emitter with respect to a regulated facility of that regulated emitter after applying the prescribed reductions of emissions against the regulated emitter’s applicable baseline emission level;
- (q) **“pre-certified investment”** means a large-scale and transformative project that is designed to result in a reduction in greenhouse gas emissions and is determined by the minister to be a pre-certified investment pursuant to clause 7(2)(k) and the regulations;
- (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) **“recognition for early action”** means a certificate specifying an amount of tonnes of CO<sub>2</sub>e provided by the minister pursuant to clause 7(2)(j) and the regulations to a regulated emitter to recognize actions taken before the coming into force of this Act by that regulated emitter to reduce greenhouse gas emissions;
- (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) **“Research Corporation”** means the Saskatchewan Climate Research and Development Corp. established pursuant to section 31;
- (x) **“Saskatchewan Initiatives”** means initiatives, targets, plans, proceedings and goals for Saskatchewan that:
- (i) relate to climate change and greenhouse gas emissions; and
  - (ii) are prescribed or otherwise established by the Lieutenant Governor in Council;
- (y) **“standards”** means standards, policies or protocols developed or established by the minister.

**Crown bound**

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

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.

**Greenhouse gas emission reduction target**

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

**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 *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each report prepared pursuant to this section.

**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;
  - (b) undertake planning, research and investigations and make forecasts respecting greenhouse gas emissions, climate change and adaptation to climate change;
  - (c) install, operate and maintain, or cause to be installed, operated or maintained, devices to measure greenhouse gases;
  - (d) obtain and collect data respecting greenhouse gas emissions, climate change and adaptation to climate change;
  - (e) provide information to the public, and undertake programs of education, awareness and demonstration, respecting greenhouse gas emissions, climate change and adaptation to climate change;
  - (f) promote the reduction of greenhouse gas emissions and the sequestration of greenhouse gases;
  - (g) maintain records of greenhouse gas emissions;
  - (h) recommend targets for reductions of greenhouse gas emissions;
  - (i) establish, maintain or approve the use of registries of offset credits and, if the minister approves the use of a registry of offset credits, the minister may determine:
    - (i) the manner in which the registry may be used; and
    - (ii) the terms and conditions governing the use of the registry;

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- (j) subject to the regulations, recognize actions taken before the coming into force of this Act to reduce greenhouse gas emissions and, for that purpose, may:
- (i) establish guidelines, policies and standards respecting the criteria for recognition for early action, who may apply for recognition for early action and the manner of applying for recognition for early action; and
  - (ii) issue certificates and impose any terms and conditions that the minister considers appropriate on those certificates;
- (k) subject to the regulations, determine what are pre-certified investments and, for that purpose, may:
- (i) establish guidelines, policies and standards respecting the criteria for approving those investments, who may apply for approval of those investments and the manner of applying for approval; and
  - (ii) approve those investments and impose any terms and conditions that the minister considers appropriate on those approvals;
- (l) subject to the regulations, determine other amounts of CO<sub>2</sub>e that regulated emitters may deduct when calculating greenhouse gas emissions for the purposes of a return required by section 19 and, for that purpose, may:
- (i) establish guidelines, policies and standards respecting the criteria for determining those amounts, who may apply to receive permission to deduct those amounts and the manner of applying for permission; and
  - (ii) permit those deductions and impose any terms and conditions that the minister considers appropriate on those permissions;
- (m) develop or adopt standards, including protocols, respecting any matter governed by this Act;
- (n) subject to the approval of the Lieutenant Governor in Council and the regulations:
- (i) incorporate one or more bodies corporate for the purposes of carrying out activities authorized pursuant to this Act or the regulations; and
  - (ii) either:
    - (A) become a shareholder or member of that corporation; or
    - (B) hold shares issued by or a membership interest in that corporation if:
      - (I) the shares or membership interest have been issued for nominal consideration; and
      - (II) the shares or membership interest do not entitle the holder to receive dividends or to receive the remaining property of the corporation on dissolution;
- (o) subject to the regulations, enter into performance agreements with any regulated emitter or any other person;
- (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.

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- (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) If the minister incorporates a body corporate pursuant to this section, the minister shall:
- (a) cause a notice of the incorporation to be published in the Gazette; and
  - (b) lay before the Legislative Assembly a report, in accordance with *The Tabling of Documents Act, 1991*, outlining:
    - (i) the name of the body corporate;
    - (ii) the reasons for its incorporation; and
    - (iii) whether or not the minister is a member of that corporation or holds any shares or membership interest in that corporation.
- (8) The Lieutenant Governor in Council may issue a declaration that any body corporate incorporated pursuant to this section is not an agent of the Crown and, if a declaration is issued pursuant to this section, the declaration prevails over any other Act or law.

**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.

**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.

PART IV

**Advisory Council**

**Advisory Council**

- 10(1) The Climate Change Advisory Council is established.
- (2) The council consists of the minister and not more than 11 other members appointed by the Lieutenant Governor in Council.
- (3) A person appointed in accordance with subsection (2):
- (a) holds office at pleasure for a period not exceeding three years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and
  - (b) is eligible for reappointment.
- (4) If a member appointed pursuant to subsection (2) dies or resigns, the person ceases to be a member on the date of death or on the day on which the resignation is received by the council, as the case may be.
- (5) If the office of a member appointed pursuant to subsection (2) becomes vacant, the Lieutenant Governor in Council may:
- (a) appoint a person for the remainder of the term of the person who vacated the office; or
  - (b) appoint a person for the term mentioned in subsection (3).
- (6) No member of the council, other than the minister or a member of the council who is also a member of the public service, shall hold office for more than two consecutive terms.
- (7) The council shall meet at the request of the minister.
- (8) The minister is the chairperson of the council.
- (9) The council shall advise the minister on:
- (a) matters relating to greenhouse gas emissions, climate change and adaptation to climate change;
  - (b) best management practices to address climate change and adaptation to climate change; and
  - (c) any other matter determined by the minister.



- (10) Members of the council, other than the minister, are entitled to the following:
- (a) except for those members of the council who are members 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 rates approved by the Lieutenant Governor in Council for members of the public service.
- (11) The minister shall provide any technical, clerical and other assistance that the council may require and that the minister considers reasonable.

## PART V

### Office of Climate Change

#### Interpretation

**11** In this Part, “office” means the Office of Climate Change established pursuant to section 12.

#### Office established

**12(1)** The Office of Climate Change is established within the ministry.

(2) The co-ordinator appointed pursuant to section 13 is responsible for managing and administering the affairs of the office.

#### Co-ordinator of office

**13(1)** The minister shall appoint a co-ordinator of the office.

(2) The co-ordinator appointed pursuant to subsection (1) shall:

- (a) subject to the direction of the minister, represent the Government of Saskatchewan on matters related to climate change and adaptation to climate change; and
- (b) perform any other duties assigned by the minister.

#### Purposes of office

**14** The purposes of the office are to:

- (a) prepare, co-ordinate and implement the Saskatchewan Initiatives;
- (b) promote the reduction of greenhouse gas emissions in Saskatchewan; and
- (c) assist Saskatchewan residents and Saskatchewan’s economy to adapt to climate change and to address the impacts of climate change.

#### Activities of office

**15** Without restricting the minister’s right to exercise any of the minister’s powers pursuant to this Act, the minister may direct the office to do any of the following:

- (a) guide, promote, co-ordinate and implement policies, strategies and programs respecting greenhouse gas emissions, climate change and adaptation to climate change;
- (b) undertake planning, research and investigations and make forecasts respecting greenhouse gas emissions, climate change and adaptation to climate change;

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- (c) install, operate and maintain, or cause to be installed, operated or maintained, devices to measure greenhouse gases;
  - (d) obtain and collect data respecting greenhouse gas emissions, climate change and adaptation to climate change;
  - (e) provide information to the public, and undertake programs of education, awareness and demonstration, respecting greenhouse gas emissions, climate change and adaptation to climate change;
  - (f) promote the reduction of greenhouse gas emissions and the sequestration of greenhouse gases;
  - (g) maintain records of greenhouse gas emissions;
  - (h) recommend targets for reductions of greenhouse gas emissions;
  - (i) establish, maintain or approve the use of registries of offset credits and, if the office approves the use of a registry of offset credits, the office may determine:
    - (i) the manner in which the registry may be used; and
    - (ii) the terms and conditions governing the use of the registry;
  - (j) develop or adopt any guideline, standard, objective, management criterion, protocol or similar instrument;
  - (k) at the request of the minister, make recommendations on any matters governed by this Act;
  - (l) undertake any other duties that the minister may direct.

**Annual report**

**16(1)** In each fiscal year, the office shall, in accordance with *The Tabling of Documents Act, 1991*, submit to the minister an annual report on the activities of the office for the preceding fiscal year.

(2) The minister shall, in accordance with *The Tabling of Documents Act, 1991*, lay before the Legislative Assembly each report received by the minister pursuant to this section.

**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.

(2) The baseline emission level for each regulated emitter must be calculated in the prescribed manner.

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- (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.

**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.

**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.
- (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).

### **Carbon compliance payment**

**20(1)** For each calendar year in which a regulated emitter has not reduced its greenhouse gas emissions as required by section 18, the regulated emitter shall pay to the Fund a carbon compliance payment.

(2) The amount of a carbon compliance payment a regulated emitter shall pay is the positive amount CCP calculated in accordance with the following formula:

$$\text{CCP} = [A - P - O - \text{PC} - \text{PCI} - \text{REA} - \text{OC}] \times C$$

where:

- A is the regulated emitter's actual greenhouse gas emissions level for the year;
- P is the regulated emitter's prescribed greenhouse gas emissions level for the year after application of the reductions that are required pursuant to section 18;
- O is any offset credit utilized by the regulated emitter for the year towards achievement of its prescribed reductions in accordance with subsection (3);
- PC is the number of tonnes of CO<sub>2</sub>e of performance credits utilized by the regulated emitter for the year towards achievement of its prescribed reductions in accordance with subsection (3);
- PCI is the number of tonnes of CO<sub>2</sub>e allocated to the regulated emitter by the minister as a result of investment by that regulated emitter in a pre-certified investment that the regulated emitter is able to include during the year towards the achievement of its prescribed reductions;
- REA is the number of tonnes of CO<sub>2</sub>e allocated to the regulated emitter by the minister with respect to recognition for early action that the regulated emitter is able to include in the year towards the achievement of its prescribed reductions;
- OC is the amount of other tonnes of CO<sub>2</sub>e that the minister permits the regulated emitter to deduct pursuant to clause (3)(e); and
- C is the carbon compliance price.

(3) Subject to the regulations and to the code, when calculating the carbon compliance payment required by subsection (2), the regulated emitter may deduct:

- (a) any offset credits acquired by the regulated emitter and used by the regulated emitter towards its prescribed reduction requirements;

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- (b) any amount of tonnes of CO<sub>2</sub>e allocated to the regulated emitter by the minister as a result of investment by that regulated emitter in a pre-certified investment;
- (c) any amount of tonnes of CO<sub>2</sub>e that the minister approves the regulated emitter using as performance credits and that are used by the regulated emitter towards its prescribed reduction requirements;
- (d) any amount of tonnes of CO<sub>2</sub>e allocated to the regulated emitter by the minister with respect to a recognition for early action; and
- (e) any other amounts of tonnes of CO<sub>2</sub>e that may be allocated to the regulated emitter by the minister or that the minister or this Act permits the regulated emitter to use.
- (4) A regulated emitter shall:
- (a) pay the carbon compliance payment to the Fund on or before filing its annual return required pursuant to section 19; and
- (b) at the time it files its annual return required pursuant to section 19, provide evidence satisfactory to the minister that it has paid the carbon compliance payment mentioned in clause (a).
- (5) Unless otherwise prescribed, section 19 and this section:
- (a) apply to each facility owned or operated by a regulated emitter; and
- (b) in the case of a class of regulated emitters prescribed for the purposes of clause 17(1)(b), apply in the prescribed manner to all facilities owned or operated by a regulated emitter.
- (6) Before an offset credit can be included in a calculation pursuant to this section, it must satisfy the requirements of this Act, the regulations and the code.
- (7) If a regulated emitter fails to pay a carbon compliance payment within the time required by this section:
- (a) the amount of the carbon compliance payment is a debt due and owing to the Fund;
- (b) the regulated emitter is liable to the Fund, in addition to the amount of the carbon compliance payment, for interest, not to exceed the prescribed rate, on the amount of the unpaid carbon compliance payment from the day that the carbon compliance payment was required to be paid to the day that it is paid; and
- (c) the Fund may recover the carbon compliance payment and any interest pursuant to clause (b) in any manner authorized by law.

## DIVISION 2

### **Greenhouse Gas Emission Reduction Programs and other Programs**

#### **Greenhouse gas emission reduction programs**

**21(1)** In this section and in section 83, “**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.

#### **Specified emitter greenhouse gas emission reduction programs**

**22** Prescribed persons, or members of prescribed classes of persons, who emit greenhouse gases and who are not regulated emitters shall:

- (a) develop and implement greenhouse gas emission reduction programs in the manner and to the extent that the minister, subject to the regulations, may determine; and
- (b) provide reports to the minister on the greenhouse gas emission reduction programs mentioned in clause (a) at the times and containing the information that the minister may specify.

### **PART VII**

#### **Special Non-profit Corporations**

##### **DIVISION 1**

##### **Fund**

#### **Fund established**

**23(1)** The Saskatchewan Technology Fund Corp. is established as a not-for-profit corporation without share capital.

(2) The Fund shall not seek status as a charity pursuant to the *Income Tax Act* (Canada), nor carry on activities that would be considered as making it a charity pursuant to the *Income Tax Act* (Canada).

#### **Purposes of Fund**

**24** The purposes of the Fund are:

- (a) to manage carbon compliance payments from regulated emitters and any other moneys that the Fund is authorized to hold pursuant to this Act or the regulations;
- (b) to issue receipts to:
  - (i) a regulated emitter for carbon compliance payments made to the Fund by the regulated emitter; and
  - (ii) any other person that makes a payment to the Fund;

- (c) to promote the development of climate change programs and procedures by and among regulated emitters that, in the opinion of the Fund, will assist in achieving the Saskatchewan Initiatives and will result in regulated emitters reducing their greenhouse gas emissions in Saskatchewan; and
- (d) to support the work of the other corporations established pursuant to this Part.

**Powers of Fund**

**25** The Fund may:

- (a) issue receipts to:
  - (i) a regulated emitter for carbon compliance payments made to the Fund by the regulated emitter; and
  - (ii) any other person that makes a payment to the Fund;
- (b) invest any of its moneys that it does not immediately require for its purposes in any securities authorized for the investment of moneys in the general revenue fund and dispose of those investments and reinvest the proceeds in similar investments;
- (c) subject to this Act, the regulations and its bylaws, provide financial assistance by way of a grant, investment or any other similar means to regulated emitters to assist in activities related to any of the following:
  - (i) carbon capture and storage;
  - (ii) energy conservation;
  - (iii) low-emitting technologies and processes;
  - (iv) reductions of greenhouse gas emissions;
- (d) pay to the other corporations established pursuant to this Part any moneys that the Fund may determine and that are not otherwise required by the Fund for its purposes;
- (e) establish bylaws that are consistent with its purposes, this Act and the regulations; and
- (f) do all those things that the Fund considers necessary, incidental or conducive to the carrying out of its purposes.

**Power to provide financial assistance to regulated emitters**

**26(1)** Without limiting the generality of its powers provided in section 25, the Fund may provide financial assistance to a regulated emitter in accordance with this section for the purpose of assisting the regulated emitter to reduce its greenhouse gas emissions.

- (2) A regulated emitter that intends to obtain financial assistance from the Fund for the purpose of reducing the regulated emitter's greenhouse gas emissions may apply to the Fund.
- (3) An application pursuant to subsection (2) must:
  - (a) propose a plan that will reduce the applicant's greenhouse gas emissions in a manner that the Fund considers reasonable and achievable; and
  - (b) be in a form acceptable to the Fund and contain any information that the Fund may require.

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- (4) In considering whether or not to approve an application pursuant to this section, the Fund shall consider the following:
- (a) the impact that the proposed plan by the regulated emitter may have or has had on climate change and the reduction of greenhouse gas emissions in Saskatchewan;
  - (b) the impact of the proposed plan on the greenhouse gas emissions of the regulated emitter;
  - (c) the proposed cost incurred or to be incurred for the proposed plan;
  - (d) the record of the regulated emitter in achieving other initiatives respecting reductions of greenhouse gas emissions and complying with this Act, the regulations and the code;
  - (e) the evidence, scientific or otherwise, that supports the proposed plan;
  - (f) any prescribed terms, conditions, restrictions and parameters;
  - (g) any terms, conditions, restrictions and parameters established by the Fund;
  - (h) any other matters that the Fund considers appropriate.
- (5) After considering an application pursuant to this section, the Fund may:
- (a) if the Fund is satisfied that the application complies with this section and that it is appropriate to do so, approve the application; or
  - (b) refuse to approve the application.
- (6) When approving an application or at any time after the approval, the Fund may impose any terms and conditions on the payment of financial assistance that the Fund considers appropriate, including terms and conditions:
- (a) establishing timelines to achieve the matters dealt with in the proposed plan;
  - (b) specifying how payment of financial assistance is to be made to the regulated emitter; and
  - (c) specifying how the regulated emitter shall carry out the proposed plan and how that carrying out is to be monitored and measured.

**Membership of Fund**

**27** The membership of the Fund consists of not more than 11 persons appointed by the Lieutenant Governor in Council.

**Board of Fund**

**28(1)** The board of directors of the Fund consists of those persons who are appointed to constitute the Fund pursuant to section 27.

- (2) Subject to subsections (3) to (5), a person appointed pursuant to section 27:
- (a) holds office at pleasure for a period not exceeding three years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and
  - (b) is eligible for reappointment.
- (3) No member of the board of directors shall hold office for more than two consecutive terms.



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- (4) If a member of the board of directors dies or resigns, the person ceases to be a member of the board on the date of death or on the date on which the resignation is received by the board, as the case may be.
- (5) If the office of a person appointed pursuant to section 27 becomes vacant, the Lieutenant Governor in Council may:
- (a) appoint a person for the remainder of the term of the person who vacated the office; or
  - (b) appoint a person for the term mentioned in subsection (2).
- (6) A vacancy in the membership of the board of directors does not impair the power of the remaining members of the board to act.
- (7) Subsections (3) and (5) do not apply to the minister if the minister is appointed as a member of the Fund pursuant to section 27.
- (8) Notwithstanding anything in *The Legislative Assembly and Executive Council Act, 2007*, if a member of the Legislative Assembly is appointed as a member of the Fund, he or she shall not, by reason of the appointment or of any payment to him or her pursuant to this Act, vacate his or her seat or be disqualified from sitting or voting in the Legislative Assembly.

#### **Chairperson and vice-chairperson**

- 29**(1) The Lieutenant Governor in Council shall designate one member of the board of directors of the Fund as chairperson of the board and may designate another member of the board as vice-chairperson of the board.
- (2) The chairperson shall:
- (a) preside over all meetings of the board of directors; and
  - (b) perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.
- (3) In the absence of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.

#### **Fund not agent of the Crown**

- 30** The Fund is not an agent of the Crown.

### DIVISION 2

#### **Saskatchewan Climate Research and Development Corp.**

#### **Research Corporation established**

- 31**(1) The Saskatchewan Climate Research and Development Corp. is established as a not-for-profit corporation without share capital.
- (2) The Research Corporation shall not seek status as a charity pursuant to the *Income Tax Act* (Canada), nor carry on activities that would be considered as making it a charity pursuant to the *Income Tax Act* (Canada).

**Purposes of Research Corporation**

**32(1)** The purposes of the Research Corporation are:

- (a) to carry on activities that further and promote scientific research and experimental development in Canada in matters relating to climate change, adaptation to climate change and reduction of greenhouse gas emissions;
  - (b) to provide financial assistance to further and promote scientific research and experimental development in Canada in matters relating to climate change, adaptation to climate change and reductions of greenhouse gas emissions; and
  - (c) to provide financial assistance to universities, colleges, research institutes or similar institutions for scientific research and experimental development in Canada in matters relating to climate change, adaptation to climate change and reductions of greenhouse gas emissions.
- (2) The Research Corporation shall engage in or support scientific research and experimental development in a manner consistent with the *Income Tax Act* (Canada).

**Powers of Research Corporation**

**33** The Research Corporation may:

- (a) invest any of its moneys that it does not immediately require for its purposes in any securities authorized for the investment of moneys in the general revenue fund and dispose of those investments and reinvest the proceeds in similar investments;
- (b) subject to the terms of this Act, the regulations and its bylaws, provide financial assistance by way of a loan, grant, investment or any other similar means, respecting activities that relate to the purposes of the Research Corporation;
- (c) establish bylaws that are consistent with its purposes, this Act and the regulations; and
- (d) do all those things that it considers necessary, incidental or conducive to the carrying out of its purposes.

**Membership of Research Corporation**

**34** The membership of the Research Corporation consists of not more than 11 persons appointed by the Lieutenant Governor in Council.

**Board of Research Corporation**

**35(1)** The board of directors of the Research Corporation consists of those persons who are appointed to constitute the Research Corporation pursuant to section 34.

- (2) Subject to subsections (3) to (5), a person appointed pursuant to section 34:
- (a) holds office at pleasure for a period not exceeding three years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and
  - (b) is eligible for reappointment.
- (3) No member of the board of directors shall hold office for more than two consecutive terms.
- (4) If a member of the board of directors dies or resigns, the person ceases to be a member of the board on the date of death or on the date on which the resignation is received by the board, as the case may be.

(5) If the office of a person appointed pursuant to section 34 becomes vacant, the Lieutenant Governor in Council may:

(a) appoint a person for the remainder of the term of the person who vacated the office; or

(b) appoint a person for the term mentioned in subsection (2).

(6) A vacancy in the membership of the board of directors does not impair the power of the remaining members of the board to act.

(7) Subsections (3) and (5) do not apply to the minister if the minister is appointed as a member of the Research Corporation pursuant to section 34.

(8) Notwithstanding anything in *The Legislative Assembly and Executive Council Act, 2007*, if a member of the Legislative Assembly is appointed as a member of the Research Corporation, he or she shall not, by reason of the appointment or of any payment to him or her pursuant to this Act, vacate his or her seat or be disqualified from sitting or voting in the Legislative Assembly.

#### **Chairperson and vice-chairperson**

**36(1)** The Lieutenant Governor in Council shall designate one member of the board of directors of the Research Corporation as chairperson of the board and may designate another member of the board as vice-chairperson of the board.

(2) The chairperson shall:

(a) preside over all meetings of the board of directors; and

(b) perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.

(3) In the absence of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.

#### **Research Corporation not agent of the Crown**

**37** The Research Corporation is not an agent of the Crown.

### **DIVISION 3**

#### **Saskatchewan Climate Change Foundation**

##### **Foundation established**

**38(1)** The Saskatchewan Climate Change Foundation is established as a not-for-profit corporation without share capital.

(2) The Foundation shall conduct itself in furthering its purposes in a manner consistent with those of a charitable foundation within the meaning of the *Income Tax Act* (Canada).

**Purposes of Foundation**

**39** The purposes of the Foundation are:

- (a) to promote, coordinate, facilitate or otherwise assist in any effort, endeavour, undertaking, activity, program, enterprise or plan that deals with matters related to:
  - (i) climate change and adaptation to climate change;
  - (ii) reductions of greenhouse gas emissions; or
  - (iii) other environmental issues, including pollution, environmental sustainability, environmental remediation and environmental preservation;
- (b) to promote, coordinate, facilitate or otherwise assist in any effort, endeavour, undertaking, activity, program, enterprise or plan that enhances and promotes education, awareness and demonstration respecting greenhouse gas emissions, climate change and adaptation to climate change; and
- (c) to provide financial assistance to qualified donees that are active in, have programs that address or deal with or are otherwise engaged in activities that:
  - (i) relate to climate change, adaptation to climate change, greenhouse gas emissions and reductions of greenhouse gas emissions or environmental initiatives; and
  - (ii) meet the criteria and qualifications determined by this Act, the regulations and its bylaws.

**Powers of Foundation**

**40** The Foundation may:

- (a) carry on its purposes as a charitable corporation;
- (b) make donations and otherwise provide financial assistance by way of a loan, grant, investment or any other similar means to qualified donees, as it considers appropriate in accordance with this Act, the regulations and its bylaws;
- (c) invest any of its moneys that it does not immediately require for its purposes in any securities authorized for the investment of moneys in the general revenue fund and dispose of those investments and reinvest the proceeds in similar investments;
- (d) establish bylaws that are consistent with its purposes, this Act and the regulations; and
- (e) do all those things that it considers necessary, incidental or conducive to the carrying out of its purposes.

**Membership of Foundation**

**41** The membership of the Foundation consists of not more than 11 persons appointed by the Lieutenant Governor in Council.

**Board of Foundation**

42(1) The board of directors of the Foundation consists of those persons who are appointed to constitute the Foundation pursuant to section 41.

(2) Subject to subsections (3) to (5), a person appointed pursuant to section 41:

(a) holds office at pleasure for a period not exceeding three years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and

(b) is eligible for reappointment.

(3) No member of the board of directors shall hold office for more than two consecutive terms.

(4) If a member of the board of directors dies or resigns, the person ceases to be a member of the board on the date of death or on the date on which the resignation is received by the board, as the case may be.

(5) If the office of a person appointed pursuant to section 41 becomes vacant, the Lieutenant Governor in Council may:

(a) appoint a person for the remainder of the term of the person who vacated the office; or

(b) appoint a person for the term mentioned in subsection (2).

(6) A vacancy in the membership of the board of directors does not impair the power of the remaining members of the board to act.

(7) Subsections (3) and (5) do not apply to the minister if the minister is appointed as a member of the Foundation pursuant to section 41.

(8) Notwithstanding anything in *The Legislative Assembly and Executive Council Act, 2007*, if a member of the Legislative Assembly is appointed as a member of the Foundation, he or she shall not, by reason of the appointment or of any payment to him or her pursuant to this Act, vacate his or her seat or be disqualified from sitting or voting in the Legislative Assembly.

**Chairperson and vice-chairperson**

43(1) The Lieutenant Governor in Council shall designate one member of the board of directors of the Foundation as chairperson of the board and may designate another member of the board as vice-chairperson of the board.

(2) The chairperson shall:

(a) preside over all meetings of the board of directors; and

(b) perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.

(3) In the absence of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.

**Foundation not agent of the Crown**

44 The Foundation is not an agent of the Crown.

## DIVISION 4

**Environment Corporation****Environment Corporation established**

45(1) The Saskatchewan Environment Corporation is established as a not-for-profit corporation without share capital.

(2) The Environment Corporation shall not seek status as a charity pursuant to the *Income Tax Act* (Canada), nor carry on activities that would be considered as making it a charity pursuant to the *Income Tax Act* (Canada).

**Purposes of Environment Corporation**

46 The purposes of the Environment Corporation are:

(a) to provide financial assistance to any person by way of a loan, grant or investment, and any other similar means, respecting activities related to any of the following:

- (i) carbon capture and storage;
- (ii) energy conservation;
- (iii) low-emitting technologies and processes;
- (iv) adaptation to climate change;
- (v) biodiversity and water conservation;
- (vi) education and public awareness programs related to climate change and adaptation to climate change;

(b) to promote, coordinate, facilitate or otherwise assist in any effort, endeavour, undertaking, activity, program, enterprise or plan that deals with matters mentioned in clause (a); and

(c) to promote education, awareness and demonstration respecting greenhouse gas emissions, climate change and adaptation to climate change.

**Powers of Environment Corporation**

47 The Environment Corporation may:

(a) subject to this Act, the regulations and its bylaws, provide financial assistance by way of a loan, grant, investment or any other similar means to an accepted applicant;

(b) invest any of its moneys that it does not immediately require for its purposes in any securities authorized for the investment of moneys in the general revenue fund and dispose of those investments and reinvest the proceeds in similar investments;

(c) establish bylaws that are consistent with its purposes, this Act and the regulations; and

(d) do all those things that it considers necessary, incidental or conducive to the carrying out of its purposes.

**Membership of Environment Corporation**

48 The membership of the Environment Corporation consists of not more than 11 persons appointed by the Lieutenant Governor in Council.

**Board of Environment Corporation**

49(1) The board of directors of the Environment Corporation consists of those persons who are appointed to constitute the Environment Corporation pursuant to section 48.

(2) Subject to subsections (3) to (5), a person appointed pursuant to section 48:

(a) holds office at pleasure for a period not exceeding three years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and

(b) is eligible for reappointment.

(3) No member of the board of directors shall hold office for more than two consecutive terms.

(4) If a member of the board of directors dies or resigns, the person ceases to be a member of the board on the date of death or on the date on which the resignation is received by the board, as the case may be.

(5) If the office of a person appointed pursuant to section 48 becomes vacant, the Lieutenant Governor in Council may:

(a) appoint a person for the remainder of the term of the person who vacated the office; or

(b) appoint a person for the term mentioned in subsection (2).

(6) A vacancy in the membership of the board of directors does not impair the power of the remaining members of the board to act.

(7) Subsections (3) and (5) do not apply to the minister if the minister is appointed as a member of the Environment Corporation pursuant to section 48.

(8) Notwithstanding anything in *The Legislative Assembly and Executive Council Act, 2007*, if a member of the Legislative Assembly is appointed as a member of the Environment Corporation, he or she shall not, by reason of the appointment or of any payment to him or her pursuant to this Act, vacate his or her seat or be disqualified from sitting or voting in the Legislative Assembly.

**Chairperson and vice-chairperson**

50(1) The Lieutenant Governor in Council shall designate one member of the board of directors of the Environment Corporation as chairperson of the board and may designate another member of the board as vice-chairperson of the board.

(2) The chairperson shall:

(a) preside over all meetings of the board of directors; and

(b) perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.

(3) In the absence of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.

**Environment Corporation not agent of the Crown**

51 The Environment Corporation is not an agent of the Crown.

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DIVISION 5  
**General Matters re Special  
Non-profit Corporations**

**Interpretation of Division**

**52** In this Division and in section 83, “**special non-profit corporation**” means:

- (a) the Fund;
- (b) the Research Corporation;
- (c) the Foundation; or
- (d) the Environment Corporation.

**Application of *Non-profit Corporations Act, 1995***

**53(1)** The prescribed provisions of *The Non-profit Corporations Act, 1995* apply or do not apply to the special non-profit corporations in the prescribed manner.

(2) If there is any conflict between this Act and the regulations and any provision of *The Non-profit Corporations Act, 1995*, this Act and regulations prevail.

(3) The prescribed provisions of *The Non-Profit Corporations Act, 1995* that apply to the special non-profit corporations must be interpreted and applied in a manner consistent with this Act and the regulations, and those provisions must be read with all required changes necessary to apply those provisions for the purposes of this Act and the regulations.

**Head office**

**54** The head office of a special non-profit corporation is to be at any location in Saskatchewan that the Lieutenant Governor in Council may designate.

**General powers of special non-profit corporations**

**55** In addition to any other powers provided pursuant to this Act, each special non-profit corporation may:

- (a) enter into agreements with any person, government, agency, organization, association, institution or body;
- (b) set the amount of, and charge, a fee for any service it provides;
- (c) purchase, lease or otherwise acquire any personal property;
- (d) lease real property;
- (e) sell, lease or otherwise dispose of any of its property;
- (f) accept grants, donations, gifts and bequests of any property and, subject to the terms of the grant, donation, gift or bequest, sell or otherwise dispose of that property;
- (g) in the case of the Research Corporation, the Foundation and the Environment Corporation, accept moneys from the Fund; and
- (h) accept moneys appropriated by the Legislature or the Parliament of Canada.



**Reports**

**56** The minister may require a special non-profit corporation to prepare any reports or provide information on its activities in any form and within any time specified by the minister.

**Fiscal year**

**57** The fiscal year of a special non-profit corporation is the period commencing on April 1 in one year and ending on March 31 of the following year.

**Audit**

**58** The Provincial Auditor, or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint, shall audit the accounts and financial statements of each special non-profit corporation:

- (a) annually; and
- (b) at any other times that the Lieutenant Governor in Council may require.

**Annual report**

**59(1)** Each special non-profit corporation shall, in accordance with *The Tabling of Documents Act, 1991*, submit to the minister:

- (a) a report on the activities of the special non-profit corporation for the preceding fiscal year; and
- (b) a financial statement showing the financial position of the special non-profit corporation for the preceding fiscal year in any form that may be required by the minister.

(2) The minister shall, in accordance with *The Tabling of Documents Act, 1991*, lay before the Legislative Assembly each report and statement received by the minister pursuant to this section.

## PART VIII

**Administration, Inspections and Enforcement****Public information**

**60(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.

**Minister may apply for compliance or enjoining order**

**61(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.

**Issuing, amending, altering or relacing minister's orders**

**62(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.

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

**63(1)** Any person aggrieved by an order or a decision pursuant to section 62 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 62;
  - (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.

**Appeal does not stay order or decision**

**64** An appeal pursuant to section 63 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.

**Minister may direct production of information**

**65** Prescribed persons, or members of prescribed classes of persons, who are engaged in any prescribed commercial or other activity in Saskatchewan that results in greenhouse gas emissions and who are not regulated emitters shall:

- (a) calculate the greenhouse gas emissions of that activity in the manner directed by the minister;
- (b) conduct tests to determine greenhouse gas emissions as directed by the minister;
- (c) file reports with the minister containing information specified by the minister; and
- (d) have the information mentioned in clauses (a) and (b) verified by a qualified person.

**Audits and inspections**

**66(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.

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- (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.
- (4) Subject to subsection 69(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 70.
- (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.

(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.

#### **Additional powers on inspection**

**67** In addition to the powers mentioned in section 66, 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.

#### **Duty to assist**

**68(1)** No person shall fail to answer questions or to provide reasonable assistance in accordance with section 66 or 67 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 66 or 67 within the period reasonably required by the enforcement officer.

#### **Investigations**

**69(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;

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- (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 67(b) and (c);
  - (f) do any of the things mentioned in section 71.
- (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.

**Copies of records**

- 70(1)** If any records are inspected, examined, removed, produced or provided pursuant to section 66 or 69, 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.

#### **Seizure of certain objects**

**71(1)** In addition to the powers mentioned in sections 66, 67 and 69, in conducting an inspection pursuant to section 66 or 67 or in carrying out an investigation pursuant to section 69, 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.

#### **Obstruction**

**72** 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.

#### **Entry on land**

**73(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.

### **PART IX**

#### **Offences and Administrative Penalties**

##### **Offences**

**74(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;

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- (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;
  - (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) in the case of a convicted person that is a regulated emitter required by this Act or the regulations to make a carbon compliance payment to the Fund, directing that the convicted person pay to the minister any amount that ought to have been paid by that convicted person to the Fund as a carbon compliance payment and any interest outstanding pursuant to this Act or the regulations;
  - (f) requiring the convicted person to do any other thing that, in the opinion of the court, is necessary in the circumstances.
- (5) If any amount is paid to the minister pursuant to clause (4)(e), the minister shall pay that amount to the Fund.
- (6) Any amount paid to the Fund pursuant to subsection (5):
- (a) with respect to any amount that ought to have been paid to the Fund as a carbon compliance payment, is to be applied to reduce the outstanding amount of the carbon compliance payment remaining unpaid by the convicted person; and
  - (b) with respect to interest outstanding that ought to have been paid to the Fund as an interest penalty, is to be applied to reduce the outstanding amount of the interest penalty remaining unpaid by the convicted person.



**Vicarious liability**

**75** 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.

**Limitation period on prosecutions**

**76** No prosecution for a contravention of this Act, the regulations or the code is to be commenced more than two years after the facts on which the alleged contravention is based first came to the knowledge of the co-ordinator of the Office of Climate Change.

**Administrative penalty**

**77(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) in the case of a regulated emitter, has failed to make a carbon compliance payment to the Fund as required by this Act or the regulations.
- (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) If any amount is paid to the minister as an administrative penalty with respect to non-payment of a carbon compliance payment or interest on that carbon compliance payment, the minister shall pay that amount to the Fund.

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

**78(1)** Any person aggrieved by a decision of the minister to impose an administrative penalty pursuant to section 77 may appeal that decision on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of the minister's decision.

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

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

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

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

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

## **PART X**

### **General**

#### **Immunity**

**79** 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.

**Service of notice or documents**

**80(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.

**Act prevails**

**81** 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.

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

**82(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.

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**Regulations**

**83(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of clause 2(b), prescribing the carbon compliance price;
- (c) for the purposes of clause 2(c), prescribing the manner for determining the CO<sub>2</sub>e amount, and the global warming potential, for each particular greenhouse gas;
- (d) for the purposes of clause 2(j), prescribing additional greenhouse gases;
- (e) for the purposes of clause 2(n), respecting offset credits, including:
  - (i) prescribing activities in Saskatchewan that may qualify as generating offset credits;
  - (ii) prescribing the manner in which offset credits may be used and the terms and conditions that must be complied with in order to use offset credits and authorizing the minister to determine the manner in which offset credits may be used and the terms and conditions that must be complied with in order to use offset credits;
  - (iii) authorizing the use of activities that occur outside of Saskatchewan that result in tonnes of CO<sub>2</sub>e as offset credits;
  - (iv) prescribing the terms and conditions that must be complied with in order to use the activities mentioned in subclause (iii);
- (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) for the purposes of clause 2(x), prescribing initiatives, targets, plans, proceedings and goals;
- (h) for the purposes of clause 7(2)(j), prescribing matters that the minister must consider when recognizing actions taken before the coming into force of this Act to reduce greenhouse gas emissions;
- (i) for the purposes of clause 7(2)(k), prescribing matters that the minister must consider when determining what are pre-certified investments;
- (j) for the purposes of clause 7(2)(l), prescribing matters that the minister must consider when determining other amounts of CO<sub>2</sub>e that regulated emitters may deduct when calculating greenhouse gas emissions for the purposes of determining the carbon compliance payment required by section 20;
- (k) for the purposes of clause 7(2)(o):
  - (i) prescribing the circumstances in which, and the purposes for which, the minister may enter into performance agreements; and
  - (ii) prescribing any matters to be included in performance agreements;
- (l) 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;

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- (m) 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;
- (n) for the purposes of subsection 17(3), prescribing dates, including authorizing the minister to determine dates;
- (o) for the purposes of section 18, prescribing the amount of the reduction of CO<sub>2</sub>e from the baseline emission level for a regulated emitter and prescribing years, including:
- (i) prescribing different classes of regulated emitters; and
  - (ii) prescribing different amounts of reduction of CO<sub>2</sub>e for different classes of regulated emitters;
- (p) for the purposes of section 19, prescribing the dates for annual returns required from a regulated emitter and the required contents for returns;
- (q) for the purposes of section 20, prescribing a rate of interest;
- (r) 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;
- (s) for the purposes of section 22, prescribing persons or classes of persons who emit greenhouse gases and who are not regulated emitters who shall comply with that section;
- (t) for the purposes of section 26, prescribing terms, conditions, restrictions and parameters for approval of applications to the Fund;
- (u) for the purposes of section 53, prescribing provisions of *The Non-profit Corporations Act, 1995* that are to apply or that do not apply to special non-profit corporations and prescribing the manner in which provisions of *The Non-profit Corporations Act, 1995* apply to special non-profit corporations and modifying, expanding or restricting the manner in which those provisions apply;
- (v) for the purposes of section 60:
- (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;
- (w) for the purposes of section 62, prescribing circumstances when the minister shall obtain the approval of the Lieutenant Governor in Council before issuing a written decision pursuant to subsection 62(5);

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- (x) for the purposes of section 65:
    - (i) prescribing persons and classes of persons who shall comply with that section; and
    - (ii) prescribing activities;
  - (y) for the purposes of subsection 71(3), respecting proceeds realized from dispositions;
  - (z) for the purposes of subsection 80(2), prescribing means of service;
  - (aa) providing for and respecting the cancellation, alteration, suspension or renewal of approvals issued pursuant to this Act, the regulations or the code;
  - (bb) 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;
  - (cc) respecting administrative penalties;
  - (dd) 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);
  - (ee) adopting a code;
  - (ff) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
  - (gg) 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**

**84** 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.

**PART XI****Coming into Force****Coming into force**

**85** This Act comes into force on proclamation.

THIRD SESSION

# Twenty-sixth Legislature

SASKATCHEWAN

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## B I L L

No. 126

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

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Received and read the

First time

Second time

Third time

And passed

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Honourable Nancy Heppner

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