

BILL

No. 157

An Act to amend *The Oil and Gas Conservation Act*

(Assented to _____)

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

Short title

1 This Act may be cited as *The Oil and Gas Conservation Amendment Act, 2010*.

R.S.S. 1978, c.O-2 amended

2 *The Oil and Gas Conservation Act* is amended in the manner set forth in this Act.

Section 2 amended

3 Subsection 2(1) is amended:

- (a) by repealing clause (b);
- (b) by adding the following clause after clause (d):

“(d.1) ‘**electronic**’ means created, recorded, transmitted or stored in digital or other intangible form by electronic, magnetic or optical means or by any other similar means”;
- (c) by repealing clause (h.2) and substituting the following:

“(h.2) ‘**licensee**’ means a person who holds a licence and includes a trustee or receiver-manager of property of a licensee”;
- (d) by adding the following clause after clause (j):

“(j.01) ‘**ministry**’ means the ministry over which the minister presides”;
- (e) by repealing clause (j.1) and substituting the following:

“(j.1) ‘**non-oil-and-gas substance**’ means any substance, other than oil and gas waste, from a prescribed industry”;
- (f) by repealing clause (k) and substituting the following:

“(k) ‘**owner**’ means a person who has the right to produce oil or gas from a pool and appropriate the oil or gas that person produces from the pool to the person, to other persons or to the person and other persons”;
- (g) by repealing clauses (n.1) and (n.2);
- (h) by adding the following clause before clause (p):

“(n.3) ‘**registry**’ means the petroleum registry established pursuant to section 66”; and

(i) **by repealing clause (p) and substituting the following:**

“(p) **‘wasteful operations’** means:

(i) the inefficient, excessive or improper use of, or the dissipation of, reservoir energy;

(ii) the locating, spacing, drilling, equipping, completing or operating of or producing from a well in a manner that causes, or is likely to cause:

(A) a reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations and practices; or

(B) unnecessary or excessive surface loss or destruction of oil or gas;

(iii) the inefficient or improper storage of oil or gas, whether on the surface or in a subsurface formation; or

(iv) the escape or the flaring of gas, if in the opinion of the minister, having regard to prudent and proper operations and practices, the gas could be gathered, processed if necessary, and the gas or the products from it marketed, stored for future marketing or beneficially injected into a subsurface formation”.

Section 3 amended

4 Subsection 3(1) is amended:

(a) **by repealing clause (a) and substituting the following:**

“(a) to minimize waste and prevent wasteful operations”;

(b) **by striking out “and” after clause (e); and**

(c) **by repealing clause (f) and substituting the following:**

“(f) to protect the environment, property and the safety of the public with respect to the operations of the oil and gas industry;

“(g) to regulate the injection, storage and withdrawal of substances into or from subsurface formations in a manner that ensures that:

(i) the substance is properly stored;

(ii) the environment, property and the safety of the public are protected; and

(iii) other subsurface resource uses are not unduly diminished;

“(h) to regulate the injection of oil and gas waste and non-oil-and-gas substances into subsurface formations;

“(i) to regulate the withdrawal of substances from a well for commercial, industrial or other uses, including increasing or improving oil or gas recovery or operations; and

“(j) to regulate wells and facilities for non-renewable resource management purposes, including primary production of minerals other than oil and gas”.

New section 5

5 Section 5 is repealed and the following substituted:

“Administration by ministry

5 This Act shall be administered by the ministry”.

Section 7.1 amended

6(1) Clause 7.1(1)(c) is amended by striking out “department” and substituting “ministry”.

(2) Clause 7.1(2)(a) is amended by striking out “department” and substituting “ministry”.

Section 7.2 amended

7 Subsection 7.2(1) is repealed and the following substituted:

“(1) The minister may direct an official of the ministry to do any of the things mentioned in subsection 7.11(1) if:

- (a) a board has not been established pursuant to section 7; or**
- (b) the minister considers it advisable”.**

New sections 7.31 to 7.34

8 Section 7.31 is repealed and the following substituted:

“Inspections

7.31(1) In this section and in sections 7.32 and 7.33:

- (a) ‘Act’ includes the regulations and any orders made pursuant to this Act;**
- (b) ‘property’ includes computer software;**
- (c) ‘record’ includes any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media.**

(2) A member, officer or employee of the board may make inquiries and conduct inspections and examinations respecting the business and activities of any person governed by this Act.

(3) Subject to subsection 7.32(4), the member, officer or employee of the board may do all or any of the following things in the course of making an inquiry or conducting an inspection or examination:

- (a) enter any well, plant, facility or any place at which oil or gas is refined, produced, handled, processed or treated or any place used in connection with a well, plant, facility or place at which oil or gas is refined, produced, handled, processed or treated;**
- (b) enter at any reasonable time premises containing any records or property required to be maintained pursuant to this Act or related to the administration of this Act and inspect those records or that property;**

(c) require the person and any agent, representative, partner, director, officer or employee of the person to:

(i) answer any questions that may be relevant to the inquiry, inspection or examination; and

(ii) provide the member, officer or employee of the board with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

(d) take any samples or carry out any tests or examinations that the member, officer or employee of the board considers necessary while at any of the places or premises mentioned in clause (a) or (b);

(e) use any machinery, equipment, appliances or things that the member, officer or employee of the board considers necessary while at any places or premises mentioned in clause (a) or (b);

(f) in order to produce information, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used in connection with the business or activities of any person governed by this Act;

(g) remove for examination and copying anything that may be relevant to the inquiry, inspection or examination, including removing any computer hardware or software or any other data storage, processing or retrieval device or system in order to produce information.

(4) The member, officer or employee of the board may serve a written demand on any person requiring that person to produce any records or property:

(a) required to be maintained pursuant to this Act; or

(b) related to the administration of this Act.

(5) No person on whom a written demand is served pursuant to this section shall fail to produce the records or property mentioned in the written demand within the time specified in the written demand.

(6) If the member, officer or employee of the board demands any records or property pursuant to this section, the member may examine the records or property and make copies of the records with reasonable dispatch and promptly return the originals of the records to the person who produced them.

(7) If the member, officer or employee of the board requires a person to answer questions, to produce a record or other property or to provide assistance in accordance with this section, the person shall do so in the manner and within the period specified by the member, officer or employee of the board.

(8) The member, officer or employee of the board shall:

(a) give a receipt for anything that the member, officer or employee of the board removes for examination and copying;

(b) promptly return anything removed pursuant to this section to the place from which it was removed or any other place agreed to by the member, officer or employee of the board and the person who furnished it; and

(c) take all reasonable steps to ensure that, if a record is taken, a copy of the record is left at the premises to allow business to be carried on.

“Investigations

7.32(1) If a justice or a provincial court judge is satisfied by information under oath 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 the provincial court judge may issue a warrant to do all or any of the following:

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

(2) With a warrant issued pursuant to subsection (1), the member, officer or employee of the board may:

- (a) enter at any time and search any place or premises named in the warrant;
- (b) stop and search any vehicle described in the warrant;
- (c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the member, officer or employee of the board finds in the place, premises or vehicle;
- (d) require the production of and examine any records or property that the member, officer or employee of the board believes, on reasonable grounds, may contain information related to an offence against this Act;
- (e) remove, for the purpose of making copies, any records examined pursuant to this section; and
- (f) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.

(3) Subject to subsection (4), the member, officer or employee of the board 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 member, officer or employee of the board 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) The member, officer or employee of the board shall not enter any premises that are a private dwelling without the consent of the occupier or a warrant issued pursuant to this section.

“Copies admissible as evidence

7.33 A record certified by the member, officer or employee of the board, to be a copy of a record made pursuant to section 7.31 or 7.32 is admissible in evidence, without proof of the office or signature of the person appearing to have certified the document, and has the same probative force as the original document.

“Entry on land

7.34 For the purposes of carrying out their duties pursuant to this Act, a member, officer or employee of the board and any person lawfully accompanying the member, officer or employee of the board may enter on or pass over any land, whether enclosed or not, without a warrant”.

New sections 8 and 8.01**9 Section 8 is repealed and the following substituted:****“Licence for well**

8(1) No person shall commence to drill a well, undertake any operations preparatory or incidental to the drilling of a well, continue any drilling operations, any producing operations or any injecting operations, or suspend the operation of or abandon a well unless the person holds a valid licence authorizing the activity.

(2) Notwithstanding subsection (1), a person may, without a licence:

(a) survey the site for a well; or

(b) on the direction or with the consent of the minister undertake operations to suspend or abandon a well.

(3) No person shall drill a well other than at the location specified in the licence or, if the licence has been amended with respect to the location of the well, at the location specified in the amendment.

“Licence for facility

8.01(1) No person shall commence to construct or to operate a facility, undertake any operations preparatory or incidental to the construction or operation of a facility, continue any construction or operation of a facility or suspend the operation of or abandon a facility unless:

(a) the person holds a valid licence authorizing the activity; or

(b) the facility is exempt from the requirement of holding a licence by regulation.

(2) Notwithstanding subsection (1), a person may, without a licence:

(a) survey the site for a facility; or

(b) on the direction or with the consent of the minister undertake operations to suspend or abandon a facility”.

New section 8.1**10 Section 8.1 is repealed and the following substituted:****“Application for licence**

8.1 An applicant for a licence shall:

(a) apply to the minister in a form and manner satisfactory to the minister;

(b) provide the minister with any other information or material that the minister may reasonably require;

(c) if required by the regulations, submit to the minister the prescribed orphan fund fee;

(d) if required pursuant to section 15, file security with the minister in accordance with that section;

(e) provide evidence satisfactory to the minister that the applicant meets the prescribed eligibility requirements; and

(f) submit to the minister any prescribed fees”.

New section 9.2**11 The following section is added after section 9.1:****“Agreement to transfer licence - ministerial approval required**

9.2(1) This section applies to an agreement to sell or otherwise dispose of the licensee’s interest in a well or facility that:

(a) was in existence on or before the day on which this section comes into force; or

(b) is entered into on or after the day on which this section comes into force.

(2) Subject to subsection (3), if a licensee enters into an agreement to sell or otherwise dispose of the licensee’s interest in a well or facility, the licensee must apply for a transfer of a licence within 14 days after signing the agreement.

(3) In the case of an agreement that was in existence on or before the day on which this section comes into force, a licensee must apply for a transfer of a licence within 14 days after the day on which this section comes into force.

(4) If the applicant fails to apply for a transfer of a licence in accordance with subsection (2) or (3), the minister may, after giving any notice that the minister considers reasonable, order the shut-down of a well or facility, the operation of which contravenes this section, and prohibit the operation of the well or facility until the minister orders otherwise”.

New section 10**12 Section 10 is repealed and the following substituted:****“Transfer of licence restricted**

10(1) A licence may not be transferred without the written approval of the minister.

(2) A licensee who intends to transfer a licence to another person shall:

(a) apply to the minister in a form and manner satisfactory to the minister;

(b) provide the minister with any other information or material that the minister may reasonably require; and

(c) submit to the minister any prescribed fees.

(3) The minister may:

(a) approve the transfer of the licence if the minister is satisfied that:

(i) the licensee and the person to whom the licence is to be transferred have complied with this Act and the regulations;

(ii) if required by the regulations, the licensee and the person to whom the licence is to be transferred have submitted the prescribed orphan fund fee;

(iii) if required pursuant to section 15, the licensee and the person to whom the licence is to be transferred have filed security with the minister in accordance with that section;

-
- (iv) the person to whom the licence is to be transferred meets the prescribed eligibility requirements for an applicant for a licence; and
 - (v) it is in the public interest to do so; or
- (b) refuse to approve the transfer of the licence.
- (4) If the minister approves the transfer of the licence, the minister may amend the licence to include any terms and conditions that the minister considers appropriate.
- (5) If the minister refuses to approve the transfer of a licence pursuant to clause (3)(b), the minister shall provide the licensee with written reasons for the refusal.
- (6) The minister shall not unreasonably withhold approval for the transfer of a licence”.

Section 10.1 amended**13 Subsections 10.1(2) and (3) are repealed and the following substituted:**

- “(2) A licence may not be transferred pursuant to this section without the written approval of the minister.
- “(2.1) An applicant for the transfer of a licence pursuant to this section shall:
- (a) apply to the minister in a form and manner satisfactory to the minister;
 - (b) provide the minister with any other information or material that the minister may reasonably require;
 - (c) if required by the regulations, submit to the minister the prescribed orphan fund fee;
 - (d) if required pursuant to section 15, file security with the minister in accordance with that section;
 - (e) provide evidence satisfactory to the minister that the applicant meets the prescribed eligibility requirements for an applicant for a licence; and
 - (f) submit to the minister any prescribed fees.
- “(3) The minister may:
- (a) subject to subsection (4), approve the transfer of the licence if the minister is satisfied that:
 - (i) the person to whom the licence is to be transferred has complied with this Act and the regulations;
 - (ii) if required by the regulations, the licensee and the person to whom the licence is to be transferred have submitted the prescribed orphan fund fee;
 - (iii) if required pursuant to section 15, the licensee and the person to whom the licence is to be transferred have filed security with the minister in accordance with that section;
 - (iv) the person to whom the licence is to be transferred meets the prescribed eligibility requirements for an applicant for a licence; and
 - (v) it is in the public interest to do so; or
 - (b) refuse to approve the transfer of the licence”.

New sections 10.2 and 10.3**14 The following sections are added after section 10.1:****“Transfer of licence in the public interest**

10.2(1) The minister may make an order directing the transfer of a licence to a person who, in the opinion of the minister, has the right or obligation to receive it, whether or not the person consents to the transfer.

(2) Before the minister acts pursuant to subsection (1), the minister shall give to the person to whom the licence is to be transferred and the person from whom the licence is to be transferred:

(a) written notice of the minister’s intended action and the reasons for the 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 given, as to why the intended action should not be taken.

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

(4) After considering any representations made pursuant to clause (2)(b), the minister shall issue a written decision and shall serve a copy of the decision made pursuant to this section on any person to whom notice was given pursuant to subsection (2).

(5) If the minister makes an order directing the transfer of the licence, the minister may amend the licence to include any terms and conditions that the minister considers appropriate.

(6) An order of the minister directing the transfer of a licence pursuant to this section has the same effect as a transfer approved pursuant to section 10.

“Transfer only effective on approval

10.3 A transfer of a licence has no effect until the minister has approved the transfer in writing”.

New section 11**15 Section 11 is repealed and the following substituted:****“Notice of failure to comply**

11(1) The minister may issue a notice of failure to comply to a licensee if:

(a) the minister has reasonable grounds to believe that:

(i) the licensee has failed to comply with:

(A) this Act or the regulations;

(B) any term or condition of a licence; or

(C) an order made pursuant to this Act; or

(ii) the licensee ceases to meet the prescribed eligibility requirements for an applicant for a licence; or

(b) the licensee is named in a declaration pursuant to section 53.6.

(2) No licensee that receives a notice of failure to comply pursuant to subsection (1) shall fail to comply with the notice within the period specified in the notice”.

Section 12 amended**16(1) Subsection 12(2) is repealed and the following substituted:**

- “(2) The minister may amend, suspend or cancel a licence if:
- (a) the licensee is in agreement with the amendment, suspension or cancellation;
 - (b) the licensee fails to comply with a notice issued pursuant to subsection 11(1) within the period specified in the notice;
 - (c) the security required pursuant to section 15 has not been provided in the amount and within the time required; or
 - (d) the licensee has contravened any provision of this Act or the regulations or has failed to comply with any order made pursuant to this Act”.

(2) Subsection 12(3) is amended by adding “and manner” after “in a form”.

(3) Subsection 12(5) is repealed.

New section 12.2**17 The following section is added before section 13:****“Obligations continue**

12.2 If a licence is suspended or cancelled:

- (a) all rights and privileges conveyed by the licence are suspended or cancelled, as the case may be; and
- (b) notwithstanding the suspension or cancellation of a licence, the responsibility of the licensee and any working interest participant in the well, facility or associated flowline, and the well site and facility site, continues after the suspension or cancellation of the licence with respect to any obligations of the licensee pursuant to:
 - (i) this Act;
 - (ii) the regulations;
 - (iii) any orders made pursuant to this Act; or
 - (iv) any terms or conditions of the licence”.

Section 14 amended**18 Subsection 14(1) is repealed and the following substituted:**

“(1) Subject to subsection (2) and to section 15, if, on the coming into force of this subsection, a licence is required for the operation of a facility that existed on the day before this subsection came into force, the minister may issue a licence to a person who meets the prescribed eligibility requirements for an applicant for a licence as if the person had applied for a licence pursuant to section 8.1 and satisfied the requirements of that section”.

Section 15 amended**19 Subsection 15(1) is amended:**

- (a) in the portion preceding clause (a) by striking out “upstream” wherever it appears;**
- (b) in clause (a) by adding “, 10.2” after “10.1”; and**
- (c) in clause (b) by striking out “upstream” wherever it appears.**

Section 16 amended**20 Clause 16(b) is repealed and the following substituted:**

“(b) for the purposes of clause 8.01(1)(b), designating facilities or classes of facilities that are exempt from the requirement of holding a licence”.

Section 17 amended**21 Subsection 17(1) is amended:**

(a) **in clause (h) by adding “of oil, gas or products” after “recovery”;**

(b) **by repealing clause (j) and substituting the following:**

“(j) respecting the taking of cores, the making of logs and the submitting of core and log analyses to the minister”;

(c) **by repealing clause (k) and substituting the following:**

“(k) respecting the containment, storage, handling, transportation, treatment, processing, recovery, reuse, recycling, destruction and disposal of oil and gas waste anywhere in Saskatchewan and non-oil-and-gas substances at a licensed facility or well or associated site”; **and**

(d) **by repealing clause (n) and substituting the following:**

“(n) respecting the processing and storing of:

(i) oil, condensate and gas;

(ii) oil, condensate and gas products and by-products; and

(iii) non-oil-and-gas substances at a licensed facility or well or associated site”.

Section 17.01 amended**22 Subsection 17.01(1) is repealed and the following substituted:**

“(1) Notwithstanding any licence, permit or approval, if, in the minister’s opinion, it is necessary to do so for the purposes of public safety or the safety of any person, for the protection of property or the environment or for any other prescribed purpose, the minister may order any person to:

(a) suspend the operation of any well, structure test hole, oil shale core hole, flowline or facility in the manner and within the time specified in the order; and

(b) abandon, restore, remediate or reclaim any well, structure test hole, oil shale core hole, flowline or facility, or the site of any well, structure test hole, oil shale core hole, flowline, or facility, in the manner and within the time specified in the order”.

Section 17.04 amended**23 Subsection 17.04(1) is repealed and the following substituted:**

“(1) Notwithstanding section 17.01, if the minister considers it in the public interest to take immediate action or is unable to readily identify or locate the person to whom an order pursuant to section 17.01 should be directed, the minister may, in any manner and by any method the minister considers appropriate:

-
- (a) suspend the operation of any well, structure test hole, oil shale core hole, flowline or facility; and
 - (b) abandon, restore, remediate or reclaim any well, structure test hole, oil shale core hole, flowline or facility, or the site of any well, structure test hole, oil shale core hole, flowline or facility”.

New section 17.041**24 The following section is added after section 17.04:****“Entry on land re minister’s order**

- 17.041(1)** A person carrying out suspension, abandonment, restoration, remediation or reclamation operations pursuant to section 17.01 or 17.04 may enter on or pass over any land, whether enclosed or not, for the purposes of carrying out the suspension, abandonment, restoration, remediation or reclamation.
- (2) Before entering on any land pursuant to subsection (1), the person shall give prior written notice of the person’s intention to enter on or pass over the land to the land owner and to the occupant, unless it is impractical under the circumstances to do so.
- (3) If a person who attempts to enter on or pass over any land pursuant to subsection (1) is prevented from entering on or passing over the land, that person may apply to a justice or a provincial court judge for a warrant pursuant to subsection (4).
- (4) A justice or a provincial court judge may issue a warrant, if the justice or the provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that the following circumstances exist:
- (a) entry to the land is necessary for the purpose set out in subsection (1); and
 - (b) the person has been denied entry to the land mentioned in subsection (1) for the purpose set out in that subsection.
- (5) A warrant issued pursuant to subsection (4) authorizes the person named in the warrant to enter the land named in the warrant to:
- (a) examine or pass over the land; and
 - (b) carry out the activities mentioned in subsection (1).
- (6) A person who enters on or passes over any land pursuant to subsection (1) shall compensate the land owner or occupant for:
- (a) direct expenses and for any damage to the land owner’s or occupier’s land or property arising directly from that entry; and
 - (b) use of land outside the surface lease area.
- (7) If a dispute arises as to the compensation payable pursuant to subsection (6), the compensation is to be determined pursuant to *The Surface Rights Acquisition and Compensation Act*”.

New sections 17.05 to 17.053**25 Section 17.05 is repealed and the following substituted:****“Inspections**

17.05(1) In this section and in sections 17.051 and 17.052:

- (a) **‘Act’** includes the regulations and any orders made pursuant to this Act;
- (b) **‘property’** includes computer software;
- (c) **‘record’** includes any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media.

(2) The minister may make inquiries and conduct inspections and examinations respecting the business and activities of any person governed by this Act.

(3) Subject to subsection 17.051(4), the minister may do all or any of the following things in the course of making an inquiry or conducting an inspection or examination:

- (a) enter any land or any site where a well, structure test hole, oil shale core hole, flowline, or facility is or was located, or any lands affected by any well, structure test hole, oil shale core hole, flowline or facility, whether or not the land is included in a surface lease;
- (b) enter at any reasonable time premises containing any records or property required to be maintained pursuant to this Act or related to the administration of this Act and inspect those records or that property;
- (c) require the person and any agent, representative, partner, director, officer or employee of the person to:
 - (i) answer any questions that may be relevant to the inquiry, inspection or examination; and
 - (ii) provide the minister with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;
- (d) take any samples or carry out any tests or examinations that the minister considers necessary while at any of the places or premises mentioned in clause (a) or (b);
- (e) use any machinery, equipment, appliances or things that the minister considers necessary while at any places or premises mentioned in clause (a) or (b);
- (f) in order to produce information, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used in connection with the business or activities of any person governed by this Act;
- (g) remove for examination and copying anything that may be relevant to the inquiry, inspection or examination, including removing any computer hardware or software or any other data storage, processing or retrieval device or system in order to produce information.

-
- (4) The minister may serve a written demand on any person requiring that person to produce any records or property:
- (a) required to be maintained pursuant to this Act; or
 - (b) related to the administration of this Act.
- (5) No person on whom a written demand is served pursuant to this section shall fail to produce the records or property mentioned in the written demand within the time specified in the written demand.
- (6) If the minister demands any records or property pursuant to this section, the minister may examine the records or property and make copies of the records with reasonable dispatch and promptly return the originals of the records to the person who produced them.
- (7) If the minister requires a person to answer questions, to produce a record or other property or to provide assistance in accordance with this section, the person shall do so in the manner and within the period specified by the minister.
- (8) The minister shall:
- (a) give a receipt for anything that the minister removes for examination and copying;
 - (b) promptly return anything removed pursuant to this section to the place from which it was removed or any other place agreed to by the minister and the person who furnished it; and
 - (c) take all reasonable steps to ensure that, if a record is taken, a copy of the record is left at the premises to allow business to be carried on.

“Investigations

- 17.051(1)** If a justice or a provincial court judge is satisfied by information under oath 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 the provincial court judge may issue a warrant to do all or any of the following:
- (a) enter and search any place or premises named in the warrant;
 - (b) stop and search any vehicle described in the warrant;
 - (c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.
- (2) With a warrant issued pursuant to subsection (1), the minister may:
- (a) enter at any time and search any place or premises named in the warrant;
 - (b) stop and search any vehicle described in the warrant;
 - (c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the minister finds in the place, premises or vehicle;
 - (d) require the production of and examine any records or property that the minister believes, on reasonable grounds, may contain information related to an offence against this Act;

- (e) remove, for the purpose of making copies, any records examined pursuant to this section; and
 - (f) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.
- (3) Subject to subsection (4), the minister 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 minister 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) The minister shall not enter any premises that are a private dwelling without the consent of the occupier or a warrant issued pursuant to this section.

“Copies admissible as evidence

17.052 A record certified by the minister, or any person authorized by the minister, to be a copy of a record made pursuant to section 17.05 or 17.051 is admissible in evidence, without proof of the office or signature of the person appearing to have certified the document, and has the same probative force as the original document.

“Entry on land re inspection and investigation

17.053 For the purposes of carrying out their duties pursuant to this Act, the minister and any person lawfully accompanying the minister may enter on or pass over any land, whether enclosed or not, without a warrant”.

New section 17.06

26 Section 17.06 is repealed and the following substituted:

“Forfeiture of machinery, etc.

17.06 The minister may order that any machinery, equipment or materials or oil, gas or products at the site of a well or facility be forfeited to the Crown in right of Saskatchewan if:

- (a) the machinery, equipment or materials or oil, gas or products are located at the site of a well or facility that is no longer active;
- (b) the abandonment, restoration, remediation or reclamation of the well or facility or the site of the well or facility is, in the minister’s opinion, required; and
- (c) the owner, operator or licensee of the well or facility cannot be located”.

Section 17.1 amended

27(1) Subsection 17.1(1) is amended:

- (a) in clause (a):
 - (i) by repealing subclause (i); and
 - (ii) by repealing subclause (vi) and substituting the following:
“(vi) introducing any substance or energy into the producing formation”; and

(b) by repealing clause (b) and substituting the following:

“(b) drilling, producing from and operating horizontal wells; and

“(c) injecting, storing or disposing of oil and gas wastes or non-oil-and-gas substances in subsurface formations”.

(2) The following subsection is added after subsection 17.1(1):

“(1.1) Subclause (1)(a)(vi) does not apply to the introduction into the well or wellbore of a substance or form of energy for the sole purpose of aiding in the lifting of fluids in the well or fracturing or stimulation of the reservoir at or near the wellbore by mechanical, chemical, thermal, explosive or other means”.

(3) Subsection 17.1(3) is repealed and the following substituted:

“(3) No person shall proceed with a plan described in subsection (1) before the plan has been submitted to the minister and an order approving the plan has been issued”.

Section 18 amended

28 Section 18 is amended:

(a) in clause (a):

(i) by repealing subclause (ii) and substituting the following:

“(ii) the identification of ownership of wells, facilities, producing leases and pipelines”;

(ii) by repealing subclause (iii) and substituting the following:

“(iii) the making and filing with the minister of well logs, directional surveys, tests, reports and analyses on well location, drilling, drilling tests, injection and production”;

(iii) by repealing subclause (iv) and substituting the following:

“(iv) the conducting and filing of analyses or other information pertaining to oil, gas, water, products and other substances”;

(iv) by repealing subclause (v) and substituting the following:

“(v) the drilling, casing, cementing, operating and plugging of wells in accordance with good practices and in any manner as to prevent:

(A) the escape of oil or gas from one stratum into another;

(B) the harmful intrusion of water, oil and gas wastes and non-oil-and-gas substances into an oil or gas stratum or the environment;

(C) the pollution of fresh water supplies by oil, gas, salt water, oil and gas wastes or non-oil-and-gas substances; and

(D) blowouts, cavings, seepages, gas migrations, casing vent flow and fires”;

(v) by repealing subclause (vi) and substituting the following:

“(vi) that the production from and injection into wells be separated into gaseous and liquid hydrocarbons and non-hydrocarbons, and that each of these be accurately measured by any means and according to any standards as may be determined by the minister”;

(vi) by repealing subclause (viii) and substituting the following:

“(viii) metering or measuring any of the following substances in pipelines, gathering systems or other places:

- (A) oil or gas;
 - (B) products;
 - (C) water; or
 - (D) other substances”;
- and**

(vii) by repealing subclause (ix) and substituting the following:

“(ix) every person who produces, injects, sells, purchases, acquires, stores, consumes, transports, refines or processes oil, gas, water, products or other substances to keep and maintain in Saskatchewan complete and accurate records of the quantities of them, requiring that those records are available for examination by the minister or any person authorized by the minister at all reasonable times, and requiring that person to file with the minister any reports, contracts or other information that may be required with respect to that oil or gas, water, or those products or substances”;

(b) in clause (b) by adding “and facilities” after “wells”;

(c) by repealing clause (c) and substituting the following:

“(c) requiring and respecting the taking and method of taking of cores and samples of any kind and their submission to the minister”;

(d) in subclause (d)(i) by adding “the environment,” after “protection of”; and

(e) in clause (e) by striking out “gas”;

(f) by repealing clause (g) and substituting the following:

“(g) providing for the taking over of any well, facility or related equipment or operation that is a menace to oil, gas or water-bearing formations or to the environment, life or property if:

- (i) remedial measures are considered necessary; and
- (ii) the owner of the well or facility fails to use the measures mentioned in subclause (i)”;

(g) by repealing clause (g.1) and substituting the following:

“(g.1) in the circumstances mentioned in clause (g), providing for the execution of the remedial measures mentioned in that clause at the expense of the owner of the well, facility or related equipment or operation”;

(h) by repealing clause (h) and substituting the following:

“(h) respecting the issuance of permits and licences authorizing the drilling of structure test holes and oil shale core holes and prescribing fees for those permits and licences”;

-
- (i) **by repealing clause (h.1) and substituting the following:**
“(h.1) respecting the inspection and control of structure test holes and oil shale core holes and the making and submission to the minister of logs, log analyses, core analyses, and reports”;
- (j) **by adding the following clause after clause (i):**
“(i.1) respecting the withdrawal of substances from a well for commercial, industrial or other uses”;
- (k) **in clause (j) by striking out “of the operation of equipment and facilities” and substituting “of facilities and related equipment and operations”;**
- (l) **in subclause (n)(i) by striking out “waste crude oil” and substituting “oil and gas waste”;**
- (m) **by adding the following clause after clause (r):**
“(r.1) respecting the completing, chemical treating and fracturing of wells”;
- (n) **by repealing clause (v) and substituting the following:**
“(v) respecting the confidentiality of, and access to, data, reports, documents, applications, returns, statements, estimates, analyses, declarations, plans, maps, surveys, records and other information acquired in the course of administering this Act, the regulations and orders made pursuant to this Act”;
- (o) **by repealing clause (x) and substituting the following:**
“(x) requiring the submission of data, reports, documents, applications, returns, statements, estimates, analyses, declarations, plans, maps, surveys, records and other information;
“(x.1) respecting the form and manner in which data, reports, documents, applications, returns, statements, estimates, analyses, declarations, plans, maps, surveys, records and other information are to be submitted”;
- (p) **by repealing clause (aa) and substituting the following:**
“(aa) respecting penalties for failure to comply with the requirements mentioned in clauses (c), (x) and (x.1), including providing for the manner in which those penalties are to be determined or assessed and authorizing the minister to determine or assess the penalties and to waive all or any portion of a penalty”;
- (q) **in clause (cc):**
(i) **in subclause (i) by striking out “, upstream facility or any other oil or gas facility” and substituting “or facility”; and**
(ii) **in subclause (ii) by striking out “, upstream facility or any other oil or gas facility” and substituting “or facility”;**
- (r) **by repealing clause (ee) and substituting the following:**
“(ee) respecting the storage, handling, transportation, treatment, consumption and disposition of oil, gas, water, products and other substances”;

(s) by repealing clause (ff) and substituting the following:

“(ff) respecting the containment, storage, handling, transportation, treatment, processing, recovery, reuse, recycling, destruction and disposal of oil and gas wastes and non-oil-and-gas substances at a well, pipeline, facility or site of a well or facility and the injection, disposal and storage of oil and gas wastes and non-oil-and-gas substances in subsurface formations”;

(t) by repealing clause (gg) and substituting the following:

“(gg) respecting the venting, flaring, incineration, destruction, or conversion of gas, the burning of oil or gas or any air pollutant emission or noise pollutant emission resulting from the operation of a well, facility or related operation;

“(gg.1) controlling, restricting or prohibiting any actions of any person for the purpose of abating noise or controlling noise levels”;

(u) by repealing clause (ii) and substituting the following:

“(ii) respecting the processing and storing of:

(i) oil, condensate and gas;

(ii) oil, condensate and gas products and by-products; and

(iii) non-oil-and-gas substances or any other substances at a licensed well or facility”;

(v) by repealing clause (jj) and substituting the following:

“(jj) respecting the forfeiture of machinery, equipment and materials and oil, gas and products pursuant to section 17.06 and the payment of the proceeds, or any portion of the proceeds, from the sale of the machinery, equipment and materials and oil, gas and products to persons who have an interest in them”;

(w) by repealing clause (ll) and substituting the following:

“(ll) prescribing industries for the purposes of clause 2(1)(j.1)”;

(x) by adding the following clauses after clause (mm):

“(mm.1) for the purposes of section 53.01, prescribing:

(i) information that must be submitted to the minister to permit the minister to serve the person by electronic means; and

(ii) means and manner of service;

“(mm.2) for the purposes of section 58.1, respecting administrative penalties, including:

(i) prescribing the amount of an administrative penalty and, for that purpose, prescribing different amounts for different contraventions; and

(ii) prescribing the contraventions of this Act, the regulations, or an order made pursuant to this Act for which a penalty may be assessed;

“(mm.3) for the purposes of section 58.2, prescribing any other documents or material to be filed with the Court of Queen’s Bench to appeal the minister’s decision”.

Section 18.01 amended**29 Subsection 18.01(2) is amended:**

- (a) **in clause (a) by striking out “upstream”;**
- (b) **in clause (b) by striking out “upstream” wherever it appears; and**
- (c) **in clause (c) by striking out “upstream”.**

New section 18.02**30 The following section is added after section 18.01:****“Regulations regarding electronic documents and information**

18.02(1) The Lieutenant Governor in Council may make regulations:

- (a) governing the development, use and retention of documents and information in electronic form by the ministry and persons dealing with the ministry in carrying out the business processes of the ministry, including:
 - (i) requiring that documents or classes of documents be in an approved electronic format and respecting the manner in which that format is determined or approved, including authorizing the minister to determine the appropriate format;
 - (ii) governing the methods and means of transmission of approved electronic documents or classes of approved electronic documents, including the establishment of rules, procedures and guidelines for their transmission;
 - (iii) governing the means by which the identity and authority of persons who create, submit or send approved electronic documents are verified;
 - (iv) respecting electronic signatures on approved electronic documents and the legal effect of those signatures; and
 - (v) authorizing the minister to determine any of the matters set out in this clause;
- (b) providing that a provision in a regulation made pursuant to subclause (a)(i) or (ii) supersedes another Act or regulation of Saskatchewan with respect to the same subject-matter;
- (c) governing the legal effect and enforceability of approved electronic documents, certified copies of approved electronic documents and endorsements made on approved electronic documents, including:
 - (i) giving an approved electronic document the same effect as if it were in writing and signed;
 - (ii) giving an approved electronic document the same probative force as the original electronic document; and
 - (iii) exempting an approved electronic document from any requirement at law that a document must be in writing or signed;
- (d) authorizing the minister to refuse to accept documents that are not approved electronic documents or do not meet the requirements of or established pursuant to the regulations made pursuant to clauses (a) to (c) with respect to the documents;

(e) authorizing the minister to establish rules respecting the acknowledgment of receipt of approved electronic documents;

(f) authorizing the minister to exempt a document or class of document from any requirement of or established pursuant to a regulation made pursuant to clauses (a) to (e), subject to any terms and conditions the minister considers appropriate;

(g) governing the applicability of regulations made pursuant to clauses (a) to (f) to the business processes administered by the ministry;

(h) respecting the confidentiality of, and the communication of and access to, reports, returns, estimates, declarations, records and other information obtained pursuant to this Act.

(2) Notwithstanding any other Act or law, if a regulation is enacted pursuant to clause (1)(b), it operates to supersede another Act or regulation of Saskatchewan specified in the regulation”.

New section 18.2

31 Section 18.2 is repealed and the following substituted:

“Regulations re oil and gas sales information

18.2 Notwithstanding any other provision of this Act, for the purpose of formulating and implementing policy for the development, conservation and management of the oil and gas resources of Saskatchewan and monitoring developments in the oil and gas market in Saskatchewan and in oil and gas markets outside Saskatchewan, the Lieutenant Governor in Council may make regulations:

(a) requiring sales contracts, records and returns related to oil, gas and products and the marketing of oil, gas and products to be submitted to the minister;

(b) requiring the keeping of records and returns for the purposes of this section;

(c) prescribing information to be included in records and returns for the purposes of this section;

(d) respecting the confidentiality requirements to be observed in connection with contracts, records and returns submitted to the minister pursuant to this section”.

Section 18.3 amended

32 Section 18.3 is amended by striking out “department” and substituting “ministry”.

Section 20.91 amended

33 Subsection 20.91(2) is amended by striking out “upstream” wherever it appears.

Section 20.96 amended

34 Subsection 20.96(1) is amended in the portion preceding clause (a) by striking out “department” and substituting “ministry”.

Section 20.98 amended

35 Section 20.98 is amended by striking out “upstream”:

- (a) in clause (c); and
- (b) in clause (d).

Section 21 amended

36 Section 21 is amended by striking out “waste” and substituting “resulting in wasteful operations”.

Section 30 amended

37 Section 30 is amended by striking out “department” and substituting “ministry”:

- (a) in clause (2)(b); and
- (b) in subsection (5).

Section 31 amended

38 Section 31 is amended by striking out “department” and substituting “ministry”:

- (a) in clause (b); and
- (b) in clause (c).

New sections 53 and 53.01

39 Section 53 is repealed and the following substituted:

“Address for service

53(1) Every person who is the owner of a well or facility or who is a licensee, permittee or holder of a minister’s approval pursuant to this Act shall register with the minister an address in Saskatchewan and an email address for service on that person of any communication given or made pursuant to this Act or the regulations.

(2) Every person mentioned in subsection (1) who is not a resident of Saskatchewan shall have an agent in Saskatchewan and shall register with the minister the agent’s name, address in Saskatchewan and email address for service on that person of any communication given or made pursuant to this Act or the regulations.

“Service of communication

53.01(1) In this section, ‘**business day**’ means a day other than a Saturday, Sunday or holiday.

(2) Any communication required by this Act or the regulations to be given or served may be given or served:

- (a) by personal service;
- (b) by ordinary or registered mail to the last known address of the person being served;
- (c) on a person mentioned in subsection (6), by electronic means; or
- (d) by any other prescribed means.

-
- (3) A communication served by ordinary mail or registered mail is deemed to have been received on the fifth business day following the day of its mailing, unless the person to whom it is mailed establishes that through no fault of the person, the person did not receive it or that the person received it at a later date.
- (4) A communication served by electronic means is deemed to have been received on the second business day after it is sent.
- (5) Service of a communication to be sent by any other prescribed means is to be proved in the prescribed manner.
- (6) Every person mentioned in subsection 53(1):
- (a) is deemed to have consented to receive any communication from the minister pursuant to this Act or the regulations by electronic means established by the minister; and
 - (b) shall provide the minister with the prescribed information to permit the minister to serve that person by electronic means.
- (7) Irregularity in the service of a communication does not affect the validity of an otherwise valid communication”.

Section 53.1 amended

40 Section 53.1 is amended by striking out “department” and substituting “ministry” wherever it appears.

New section 53.6

41 The following section is added after section 53.5:

“Action re principals

53.6(1) The minister may make a declaration pursuant to subsection (2), if:

- (a) a licensee or working interest participant:
 - (i) fails to comply with any provision of the Act or regulations;
 - (ii) fails to comply with any order made pursuant to this Act; or
 - (iii) has an outstanding debt to the minister, or to the account of the orphan fund, with respect to suspension, abandonment or reclamation costs; and
- (b) the minister considers it in the public interest to make a declaration.

(2) In the circumstances mentioned in subsection (1), the minister may make a declaration setting out the nature of the failure to comply or the outstanding debt and naming one or more directors, officers, agents or other persons who, in the minister’s opinion, were directly or indirectly in control of the licensee or working interest participant at the time of the failure to comply or failure to pay.

(3) Before the minister makes a declaration pursuant to subsection (2), the minister shall give to any person affected by the proposed declaration:

- (a) written notice of the minister’s intended action and the reasons for the intended action; and
- (b) an opportunity to make written submissions to the minister within 10 business days after the written notice mentioned in clause (a) is given, as to why the intended action should not be taken.

-
- (4) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (3).
- (5) After considering any representations made pursuant to clause (3)(b), the minister shall:
- (a) make a declaration pursuant to subsection (2); or
 - (b) determine that no declaration should be made.
- (6) The minister shall serve a copy of his or her decision pursuant to subsection (5) on any person to whom notice was given pursuant to subsection (3).
- (7) If the person named in a declaration made pursuant to subsection (2) is the licensee, applicant, transferor or transferee mentioned in any of clauses (a) to (e), or a director, officer, agent or other person who, in the minister's opinion, is directly or indirectly in control of the licensee, applicant, transferor or transferee mentioned in any of clauses (a) to (e), the minister may do all or any of the following:
- (a) suspend any operations of a licensee pursuant to this Act;
 - (b) refuse to consider an application for a licence from an applicant;
 - (c) refuse to consider an application to transfer a licence from an applicant, licensee transferor or transferee pursuant to this Act;
 - (d) require the submission of abandonment and reclamation deposits in an amount determined by the minister before granting any licence or transfer to an applicant, transferor or transferee pursuant to this Act;
 - (e) require the submission of abandonment and reclamation deposits in an amount determined by the minister for any wells or facilities of any licensee.
- (8) This section applies with respect to a failure to comply or an outstanding debt whether the failure to comply or the debt arose before or after the coming into force of this section”.

New section 54

42 Section 54 is repealed and the following substituted:

“Wasteful operations

54 No person shall engage in or commit any wasteful operations”.

New section 57

43 Section 57 is repealed and the following substituted:

“Sale, etc., of illegal oil or gas prohibited

57 No person shall sell, purchase or acquire, transport, process or handle illegal oil, illegal gas or illegal product”.

Section 58 amended

44 Subsection 58(2) is amended by striking out “producer” and substituting “person”:

- (a) in the portion preceding clause (a); and**
- (b) in clause (b) in the portion preceding subclause (i).**

New sections 58.1 and 58.2**45 The following sections are added after section 58:****“Administrative penalty**

58.1(1) The minister may assess a penalty in the prescribed amount against any person for prescribed contraventions of this Act, the regulations or an order made pursuant to this Act.

- (2) Before assessing a penalty, the minister shall provide notice to the person:
 - (a) setting out the facts and circumstances that, in the minister’s opinion, render the person liable to a penalty;
 - (b) specifying the amount of the penalty that the minister considers appropriate in the circumstances; and
 - (c) informing the person of the person’s right to make representations to the minister.
- (3) No penalty is to be assessed by the minister more than three 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 made pursuant to subsection (5), the minister may:
 - (a) assess a penalty and set a date by which the penalty is to be paid in full; or
 - (b) determine that no penalty should be assessed.
- (7) The minister shall serve a copy of his or her decision pursuant to subsection (6) on the person who made the representations.
- (8) The minister may file in the Court of Queen’s Bench a certificate signed by the minister and setting out:
 - (a) the amount of the penalty assessed pursuant to subsection (6); and
 - (b) the person from whom the penalty is to be recovered.
- (9) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen’s Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.
- (10) The minister may assess a penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the penalty.

“Appeal to the Court of Queen’s Bench re administrative penalty

58.2(1) Any person aggrieved by a decision of the minister to impose an administrative penalty pursuant to section 58.1 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) the notice of motion commencing the appeal;
 - (d) any other prescribed documents or material; and
 - (e) any other material that the Court of Queen’s Bench may require.
- (3) On hearing an appeal pursuant to this section, the judge of the Court of Queen’s Bench may issue an order:
- (a) confirming the 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”.

New sections 59 to 59.3**46 Section 59 is repealed and the following substituted:****“Offences**

59(1) No person shall:

- (a) make or cause to be made a false statement or provide false information to the minister or any person acting on behalf of the minister in any report, document or other form of communication required pursuant to this Act, the regulations or an order made pursuant to this Act;
- (b) omit or cause to be omitted full, true and correct information in any report, document or other form of communication required pursuant to this Act, the regulations or an order made pursuant to this Act;
- (c) 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 or any person acting on behalf of the minister;
- (d) destroy, mutilate, alter, falsify or remove from Saskatchewan any report, document, records or other form of communication required by this Act, the regulations or an order made pursuant to this Act or cause any information to be to be destroyed, mutilated, altered, falsified or removed from Saskatchewan;
- (e) obstruct or interfere with the minister or any person acting on behalf of the minister in the exercise of any of the powers conferred by this Act, the regulations or an order made pursuant to this Act; or
- (f) fail to comply with this Act, the regulations or an order made pursuant to this Act.

(2) Every person who contravenes a provision of this Act, the regulations or an order made pursuant to this Act is guilty of an offence and liable on summary conviction to:

- (a) a fine not exceeding \$500,000 for each day or part of a day during which the offence continues;
- (b) imprisonment for a term not exceeding one year; or
- (c) both that fine and imprisonment.

(3) If a person is convicted of an offence pursuant to this Act and the court is satisfied that as a result of the commission of the offence monetary benefits accrued to the offender, the court may order the offender to pay, in addition to a fine pursuant to subsection (2), a fine in an amount equal to the court's estimation of the amount of those monetary benefits.

(4) 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.

“Additional order from convicting court

59.1(1) In addition to or instead of 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) requiring the convicted person to remove a substance in a manner and within the period specified by the order;
- (b) prohibiting the convicted person from doing any act or engaging in any activity that, in the opinion of the court, may result in the continuation of the offence;
- (c) directing the convicted person to repair, mitigate or minimize any damage to the environment or subsurface formations that resulted from the commission of the offence in a manner and within the period specified by the order, or to restore or reclaim any property that has been damaged as a result of the commission of the offence in a manner and within the period specified by the order;
- (d) requiring the convicted person to take steps to prevent any damage to the environment or subsurface formations that may result from the commission of the offence in a manner and within the period specified by the order;
- (e) 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 corrective action taken by or at the direction of the minister as a result of the commission of the offence;
- (f) requiring the convicted person to do any other thing that, in the opinion of the court, is necessary in the circumstances.

(2) An order made pursuant to subsection (1) may contain any other conditions with respect to the circumstances of the offence and of the person who committed or contributed to the commission of the offence as the court considers appropriate to prevent similar unlawful conduct or to contribute to the rehabilitation of the person.

“Vicarious liability

59.2 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 on prosecutions

59.3 No prosecution for a contravention of this Act or the regulations is to be commenced more than three years after the facts on which the alleged contravention is based first came to the knowledge of the minister”.

Section 60 repealed

47 Section 60 is repealed.

Section 60.1 amended

48 Section 60.1 is amended in the portion following clause (c) by striking out “\$5,000” and substituting “\$25,000”.

Section 61 repealed

49 Section 61 is repealed.

New section 63

50 Section 63 is repealed and the following substituted:

“Minister may apply for compliance order

63(1) The minister may apply to a judge of the Court of Queen’s Bench for all or any of the following:

- (a) an order compelling a person to comply with this Act, the regulations, an order made pursuant to this Act or the terms and conditions of a licence, permit or minister’s approval;
- (b) an order enjoining any person from proceeding contrary to this Act, the regulations, an order made pursuant to this Act or the terms and conditions of a licence, permit or minister’s approval.

(2) On an application pursuant to this section, the judge of the Court of Queen’s Bench may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.

(3) The minister may apply for an order pursuant to subsection (1) regardless of whether an order pursuant to this Act has been made with respect to the matter”.

New Part IX

51 The following Part is added after section 65:

“PART IX**Petroleum Registry****“Petroleum registry**

66(1) The petroleum registry is established.

(2) The minister is responsible for the administration, maintenance and operation of the registry.

(3) The minister may use the registry in accordance with this Act and the regulations for the purposes of administering oil and gas operations in Saskatchewan.

(4) The minister may require any person to submit prescribed information and to carry out any duties imposed on the person by this Act and the regulations through the registry in accordance with this Act and the regulations.

(5) If the minister requires a person to comply with subsection (4), the minister shall cause notice of the requirement to be given to the person in any manner that the minister considers appropriate to bring the requirement to that person’s attention.

“Disclosure of information

67 Notwithstanding any other provision of this Act, any other Act or law or the terms of an agreement:

(a) the provision of information to the registry by the minister or any employee of the ministry or to any person employed or engaged to operate or maintain the registry for the purposes of the registry:

(i) is deemed not to be a disclosure or communication of information that this Act, any other Act or law or any agreement requires to be kept confidential; and

(ii) is deemed not to be a contravention of any provision of this Act, any other Act or law or any agreement that requires the information to be kept confidential; and

(b) the minister and the employees of the ministry shall preserve the confidentiality of the information in accordance with the provisions of this Act, any other Act or law and the terms of any agreement”.

Coming into force

52 This Act comes into force on proclamation.

FOURTH SESSION

Twenty-sixth Legislature

SASKATCHEWAN

B I L L

No. 157

An Act to amend *The Oil and Gas Conservation Act*

Received and read the

First time

Second time

Third time

And passed

Honourable Bill Boyd
