

BILL

No. 107

An Act respecting the Prevention, Management, Control and Extinguishing of Fires

TABLE OF CONTENTS

PART I	
Preliminary Matters	
1	Short title
2	Interpretation
3	Application of Act
4	Protection of Crown
5	Crown bound
PART II	
Administration	
6	Minister's responsibilities
7	Executive director
8	Ministry officers
PART III	
Responsibility for Wildfire Suppression	
9	Exemption from liability for wildfire suppression
10	Minister responsible for wildfires in wildfire management areas
11	Rural municipality responsible for all fires within municipality
12	When minister may take action to control wildfires in any municipality
13	Liability for fires and recovery of costs or expenses
PART IV	
Officers' Powers in Wildfire Suppression	
14	Obtaining assistance
15	Power to appropriate and use equipment, etc.
PART V	
Protection and Prevention	
16	Wildfire danger rating notification
17	Burn notification number
18	Revocation, etc., of burn notification number
PART VI	
Industrial or Commercial Operations	
19	Responsibility for fire suppression
20	Wildfire prevention and preparedness plans for industrial or commercial operations
21	Compliance with wildfire prevention and preparedness plan required
22	Order if no wildfire prevention and preparedness plan
23	Designation of high fire risk activities and additional fire prevention measures
24	Industrial or commercial burning
25	Railways
PART VII	
Resource Management Fires	
26	Minister may permit resource management fires
27	Requirement for a resource management burn plan
PART VIII	
New Developments on Designated Lands	
28	Interpretation of Part
29	Interface wildfire hazard assessments and ratings
30	Requirements for new developments
31	Control order
32	Appeal of control order
PART IX	
Regulated Activities	
33	Requirements re burning
34	Prohibitions on equipment
35	Requirement to check equipment frequently
36	Duty to report a fire
37	False information in records, accounts
38	Duty to supply information and provide assistance to officers
39	Obstruction of officer
40	Destruction of notices, equipment, etc.
41	Prohibition of fires
42	Prohibition of activities or equipment
43	Area closure and travel restriction
44	Crown not liable re use of vehicles and certain areas restrictions
45	Powers re terrorist activity
PART X	
Offences, Penalties and Administrative Penalties	
46	General
47	Additional powers of court

WILDFIRE

2

48	Minister may apply for compliance order	68	Power to stop vehicles, etc.
49	Vicarious liability	69	Power to close or restrict use of road
50	Limitation on prosecutions	70	Power to extinguish fires
51	Administrative penalty	71	Power to start fires
52	Appeal to the Court of Queen's Bench re administrative penalty	72	Power to delegate
53	Remedies preserved	73	Power to make an order
54	Civil rights	74	Officer may be accompanied
		75	Copies of records
	PART XI		PART XII
	Inspections and Investigations		General
55	General powers of officers	76	Fire control agreements
56	Arrest without warrant	77	Duties imposed on qualified persons re certificates, documents and opinions
57	Power of entry for wildfire	78	Service of notice or documents
58	Power to carry out inspections	79	Irregularity of service not to affect validity
59	Investigation of cause, origin and circumstances of fire	80	Immunity
60	Audits	81	Regulations
61	Application for order to enter and inspect	82	Amounts for which person is liable to Crown are debts due to the Crown
62	Warrant		
63	Powers without warrant		
64	Seizure of certain articles		
65	Power to detain and disposal of seized articles		
66	Power to issue order re fire hazard		
67	Search of person		
			PART XIII
			Repeal and Coming into Force
		83	S.S. 1982-83, c.P-22.1 repealed
		84	Coming into force

(Assented to)

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

PART I Preliminary Matters

Short title

1 This Act may be cited as *The Wildfire Act*.

Interpretation

2 In this Act:

- (a) **“Act”** includes the regulations and the code;
- (b) **“approved”** means approved by the minister in accordance with this Act;
- (c) **“audit”** means an audit of an industrial or commercial operation conducted in accordance with section 60;
- (d) **“building”** means any structure used or intended for supporting or sheltering any use or occupancy;
- (e) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (f) **“code”** means the code adopted by the Lieutenant Governor in Council in the regulations;
- (g) **“Crown”** means the Crown in right of Saskatchewan;

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- (h) **“designated land”** means:
- (i) a provincial forest; and
 - (ii) any park land or part or category of park land that is designated in the regulations;
- (i) **“executive director”** means the executive director appointed pursuant to section 7;
- (j) **“fire”** means any type of fire, including a wildfire;
- (k) **“fire hazard”** means any of the following:
- (i) combustible material that:
 - (A) through its characteristics, type, condition, quantity, location, distribution, continuity or arrangement, increases the potential for starting a fire;
 - (B) may contribute to the spread of fire; or
 - (C) may affect the ability to suppress a fire;
 - (ii) activities that, due to their nature or concentration, pose a high risk for starting a fire;
 - (iii) the operation of equipment that, due to its design, location, poor maintenance, condition, defect or use, may contribute to or start a fire;
 - (iv) a situation or circumstance that, due to lack of precautions and preventive measures taken, increases the risk to life, property or the environment from wildfire;
 - (v) other circumstances or conditions that, through their nature, location, condition or arrangement, or through any combination of the factors mentioned in subclauses (i) to (iv), could create a fire hazard;
- (l) **“industrial or commercial operation”** means:
- (i) an activity carried on in connection with forestry operations, mining, oil and gas operations, mineral exploration, road construction and maintenance, the operation of public utilities, outfitting, peatmoss operations, the operation of institutional camps and railway operations; and
 - (ii) any activity or development, other than one mentioned in subclause (i), that is prescribed in the regulations or the code;
- (m) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (n) **“ministry”** means the ministry over which the minister presides;
- (o) **“ministry officer”** means an employee of the ministry appointed pursuant to section 8;
- (p) **“occupant”** means a person, other than the owner, who:
- (i) is in actual possession of land or buildings; or
 - (ii) has charge, management or control of land or buildings;

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- (q) **“officer”** means:
- (i) a ministry officer;
 - (ii) an enforcement officer appointed pursuant to *The Parks Act*;
 - (iii) a member of the Royal Canadian Mounted Police;
 - (iv) a park warden as defined in the *National Parks Act (Canada)*;
 - (v) a member of a police service as defined in *The Police Act, 1990*;
 - (vi) a bylaw enforcement officer appointed pursuant to section 337 of *The Cities Act*, section 373 of *The Municipalities Act* or section 394 of *The Northern Municipalities Act, 2010*;
 - (vii) a fire inspector as defined in *The Fire Prevention Act, 1992*;
 - (viii) any other person who is designated as an officer in the regulations;
- (r) **“park land”** means park land as defined in *The Parks Act*;
- (s) **“provincial forest”** means a provincial forest as designated pursuant to section 12 of *The Forest Resources Management Act*;
- (t) **“qualified person”** means:
- (i) a member of a class of persons that is prescribed or is set out in the code; or
 - (ii) an individual designated by the minister for one or more purposes or activities that are governed by this Act;
- (u) **“railway company”** includes a corporation that owns or operates a railway operation, whether as an original enterprise or undertaking or pursuant to a lease, contract or agreement or otherwise;
- (v) **“railway operation”** includes:
- (i) the operation and maintenance of the engines, locomotives and rolling stock of a railway; and
 - (ii) the repair, construction, reconstruction and maintenance of the railway track and railway right of way;
- (w) **“railway operator”** means a person who owns or is otherwise responsible for the control, management or operation of a railway operation;
- (x) **“resource management fire”** means a fire caused or allowed pursuant to Part VII;
- (y) **“right of way”** means the land owned by the Crown for the purposes of a public highway, road, railway, public utility or pipeline;
- (z) **“slash”** means the debris left as a result of forest and other vegetation being altered by forestry practices and other land use activities;
- (aa) **“start”**, with respect to fire, means to kindle, light, place, use, fuel, maintain or set out a fire or cause a fire to be started;
- (bb) **“vacant Crown land”** means, subject to the regulations, land in the name of the Crown, other than land in the name of the Crown in a city, town, village, hamlet, northern village, northern hamlet, northern settlement, regional park, resort village or resort subdivision, that is not disposed of pursuant to a lease;

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- (cc) **“vehicle”** means a device in, on or by which a person or thing is or may be transported or drawn on a highway and includes special mobile machines and farm equipment and all terrain vehicles as defined in *The All Terrain Vehicles Act*, but does not include vehicles running only on rails or solely on railway company property;
- (dd) **“wildfire”** means an unplanned fire that burns organic soil, grasses, forbes, shrubs, trees and associated vegetative fuels in their natural or modified state, and does not include structural, vehicle or landfill fires;
- (ee) **“wildfire emergency”** means a present or imminent situation or condition resulting from a wildfire that requires prompt action to prevent or limit:
- (i) loss of life;
 - (ii) harm or damage to the safety, health, or welfare of people; or
 - (iii) damage to property or the environment;
- (ff) **“wildfire management”** means wildfire prevention, detection, control, preparedness, suppression, investigation, research, training, education or reclamation and includes any activities related to the foregoing;
- (gg) **“wildfire management area”** means:
- (i) a provincial forest, including a provincial forest within the boundaries of a rural municipality or the Northern Saskatchewan Administration District;
 - (ii) park land;
 - (iii) vacant Crown land; and
 - (iv) every quarter section of land lying wholly or partly within 4.5 kilometres of the boundaries of a provincial forest;
- (hh) **“wildfire prevention and preparedness plan”** means a wildfire prevention and preparedness plan required pursuant to section 20;
- (ii) **“wildfire season”** means the period within a year prescribed in the regulations during which fire restrictions or requirements may be imposed;
- (jj) **“wood residue”** means bark, slabs, edgings, shavings, sawdust and any other by-products resulting from the manufacture or processing of forest products.

Application of Act

3(1) Subject to subsection (2), this Act applies within the following areas of Saskatchewan:

- (a) every rural municipality;
 - (b) park land;
 - (c) a provincial forest, including a provincial forest within the boundaries of a rural municipality or the Northern Saskatchewan Administration District.
- (2) This Act does not apply within any city, town, village, hamlet, northern village, northern hamlet, northern settlement, regional park, resort village or resort subdivision.
- (3) Notwithstanding subsections (1) and (2), the minister may take any action to control and extinguish a wildfire in any part of Saskatchewan.

Protection of Crown

- 4 Nothing in this Act imposes an obligation on:
- (a) the minister to carry out wildfire management on any land; or
 - (b) the Crown to pay compensation for loss or damage incurred by any person by a wildfire.

Crown bound

- 5 The Crown is bound by this Act.

PART II

Administration

Minister's responsibilities

6(1) The minister is responsible for all matters not by law assigned to any other minister or government agency relating to wildfires, including:

- (a) the prevention, detection, control, suppression and investigation of wildfires;
 - (b) preparedness for and reclamation after wildfires;
 - (c) wildfire research and training and education respecting wildfires; and
 - (d) research and education respecting the role of wildfires in the ecosystem.
- (2) Subject to the regulations, for the purposes of carrying out the minister's responsibilities, the minister may:
- (a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting prevention, detection, and suppression of and preparation for wildfires and the coordination and development of systems pertaining to wildfire management;
 - (b) sponsor, undertake and coordinate planning, research and investigations respecting wildfires;
 - (c) specify requirements and procedures for the development, preparation, approval, implementation, amendment and revision of plans required pursuant to this Act;
 - (d) specify procedures for a resource management fire;
 - (e) collect, process, correlate, analyse and maintain a wildfire database;
 - (f) specify requirements and procedures for the treatment, removal, mitigation and disposal of fire hazards;
 - (g) determine any criteria, terms, conditions or requirements that must be met by a person in order to carry out any activity governed by this Act;
 - (h) specify restrictions on activities, use of equipment or the ignition and use of fire during a high wildfire danger;
 - (i) specify terms and standards governing wildfire prevention and protection measures for any new structural development on designated lands;
 - (j) designate individuals or classes of individuals who are qualified persons and impose terms and conditions that the minister considers appropriate on those designations;

- (k) develop or establish standards or requirements respecting any matter governed by this Act;
 - (l) 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.
- (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 or requirements that are developed or established pursuant to clause (2)(k) and that are set out in the code, and of any amendments to those standards and requirements:
- (a) to be published in the Gazette; and
 - (b) to be made public in any other manner that the minister considers appropriate.
- (5) Notwithstanding any other provision of this Act, at the request of a person engaged 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 do not lessen fire protection and provide an equivalent or better level of safety or protection to life, property and the environment; and
 - (b) it is in the public interest to do so.
- (6) After any consultation that the minister considers appropriate with the person engaged in an activity governed by this Act, the minister may modify any of the criteria, terms, conditions or requirements approved pursuant to subsection (5) if the minister is satisfied that:
- (a) the person faces practical difficulties in complying with the code or faces unusual circumstances;
 - (b) the modifications do not lessen any fire protection requirements and provide an equivalent or better level of safety or protection to life, property and the environment; and
 - (c) it is in the public interest to do so.
- (7) Notwithstanding any other provision of this Act, a person may comply with the alternative or modified criteria, terms, conditions or requirements approved by the minister pursuant to subsection (5) or (6) instead of the criteria, terms, conditions or requirements set out in the code.
- (8) The code may apply, adopt by reference or incorporate any matter that is contained in any document, standard, rule, specification or method and that is formulated, issued, prescribed or published by any person whether:
- (a) wholly or partially or as amended by the code;
 - (b) as formulated, issued, prescribed or published at the time the code is made or at any time before then; or
 - (c) as amended from time to time in accordance with this Act.

Executive director

- 7(1) The minister may appoint a person as executive director.
- (2) The minister may appoint a person as acting executive director to act when the executive director, by reason of absence, illness or other cause, is unable to carry out his or her responsibilities.
- (3) The executive director shall perform the responsibilities imposed on, and may exercise the powers given to, the executive director by this Act.
- (4) The executive director may delegate to any employee of the ministry the performance of any responsibility imposed on the executive director or the exercise of any power given to the executive director, other than the power of delegation pursuant to this subsection.
- (5) The executive director may set any limit or condition on a delegation pursuant to subsection (4) that the executive director considers reasonable.
- (6) The carrying out of any of the responsibilities of the executive director or the exercise of any of the powers of the executive director by the acting executive director or an employee of the ministry to whom the responsibility or power is delegated pursuant to subsection (4) is deemed to be a carrying out of the responsibility or an exercise of the power by the executive director.

Ministry officers

- 8(1) For the purposes of clause 2(o), the minister may appoint as ministry officers any employees or classes of employees of the ministry that the minister considers necessary.
- (2) In an appointment of a ministry officer pursuant to subsection (1), the minister shall specify:
- (a) the powers pursuant to this Act that the ministry officer may exercise; and
 - (b) the area of Saskatchewan within which the ministry officer may exercise the powers mentioned in clause (a).
- (3) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

PART III**Responsibility for Wildfire Suppression****Exemption from liability for wildfire suppression**

- 9(1) The Crown, the minister, any employees of the ministry and any other persons who assist the ministry in controlling and extinguishing a wildfire pursuant to this Act are not liable for any damages or costs:
- (a) arising or resulting from the wildfire or respecting any matters or actions undertaken with reasonable care to control and extinguish the wildfire; or
 - (b) relating to any matter or action omitted to be undertaken in good faith by the minister or by any person acting pursuant to this Act.

(2) Subject to sections 11 and 12, municipalities, employees of municipalities and other persons who assist municipalities in controlling and extinguishing a wildfire pursuant to this Act are not liable for damages or costs:

- (a) arising or resulting from the wildfire or respecting any matters or actions undertaken with reasonable care to control and extinguish the wildfire; or
- (b) relating to any matter or action omitted to be undertaken in good faith by the municipality or by any person acting pursuant to this Act.

Minister responsible for wildfires in wildfire management areas

10 Subject to the regulations, the minister is responsible for wildfire management within a wildfire management area.

Rural municipality responsible for all fires within municipality

11(1) Subject to subsection (2) and to the other provisions of this Act, if a fire originated or is burning in a rural municipality, the rural municipality:

- (a) is responsible for controlling and extinguishing the fire, including in the following areas:
 - (i) all private land and occupied Crown land;
 - (ii) any lands that are an environmental reserve, public reserve or municipal reserve within the meaning of *The Planning and Development Act, 2007* and that are administered by the rural municipality;
 - (iii) any road and road right of way under its direction, control and management;
 - (iv) any structure, vehicle or landfill, transfer station, or waste collection site; and
- (b) shall pay the costs and expenses for controlling and extinguishing the fire, subject to its right to recover costs and expenses pursuant to section 12.

(2) If a wildfire originates within that part of a wildfire management area that is in a rural municipality, the minister is responsible for controlling and extinguishing the wildfire.

When minister may take action to control wildfires in any municipality

12(1) The minister may take any action to control and extinguish a wildfire that originated or is burning in a municipality if:

- (a) in the opinion of a ministry officer:
 - (i) satisfactory action to control and extinguish the wildfire is not being taken by that municipality or that any action undertaken is inadequate; or
 - (ii) the wildfire poses a threat to a wildfire management area; or
- (b) the municipality or a person authorized by the municipality requests the minister to take action.

(2) If the minister takes action pursuant to clause (1)(a), the minister shall notify the municipality of the action and the reasons for it.

(3) If a municipality undertakes actions to control and extinguish a wildfire within a wildfire management area, the municipality shall immediately notify a ministry officer and shall obtain approval from the ministry officer to continue those actions.

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- (4) The minister is not required to reimburse the municipality for costs or expenses of controlling and extinguishing a wildfire if the municipality has failed to provide the notice required in subsection (3).
- (5) If the minister incurs costs or expenses for controlling and extinguishing a wildfire pursuant to subsection (1):
- (a) the municipality is liable for all or part of the costs or expenses of controlling and extinguishing the wildfire; and
 - (b) those costs or expenses are a debt due to the Crown.
- (6) Subject to the regulations, if the minister is satisfied that the costs or expenses for controlling and extinguishing a wildfire pursuant to subsection (5) constitute an excessive financial burden on a municipality, the minister may provide partial remission of liability for those costs or expenses.
- (7) The minister may reimburse a municipality for the reasonable costs or expenses it incurs as a result of controlling and extinguishing a wildfire within a wildfire management area if the municipality:
- (a) has complied with this Act, the regulations and the code; and
 - (b) has provided the minister with a report satisfactory to the minister that establishes that the wildfire originated in the wildfire management area and that contains the prescribed information.
- (8) For the purposes of clause (7)(b), if the wildfire was not fully contained within the wildfire management area, the municipality may request the minister to assign a ministry officer to assist the municipality in preparing its report for the purpose of determining the cause of the wildfire and where the wildfire originated.
- (9) On receiving a request pursuant to subsection (8), the minister shall assign a ministry officer to assist the municipality.

Liability for fires and recovery of costs or expenses

13(1) This section applies to a person who:

- (a) without lawful authority, starts, causes to be started or is otherwise responsible for a fire;
 - (b) disobeys or refuses or neglects to carry out any of the provisions of this Act or an officer's order and, as a result, is responsible for a fire; or
 - (c) owns or has charge or control of the land on which a fire starts and does not establish to the satisfaction of the minister that the fire started or was lit without that person's express or implied consent.
- (2) A person described in subsection (1) is responsible for the fire.
- (3) If a person described in subsection (1) is responsible for the fire getting out of control and the minister, a municipality or any other person incurs costs or suffers loss or damage resulting from the fire, the person is liable to the Crown, the municipality or the person for:
- (a) the costs or expenses incurred by the minister, the municipality or other person in controlling and extinguishing the fire and in investigating the fire;
 - (b) the value of Crown timber or forest resources damaged or destroyed;
 - (c) the costs necessary to rehabilitate or reforest the land; and
 - (d) any other property damaged or destroyed.

(4) Subject to the regulations, the minister may determine how the value of the Crown timber or forest resources damaged or destroyed pursuant to clause (3)(b) is to be calculated.

PART IV

Officers' Powers in Wildfire Suppression

Obtaining assistance

14(1) In a wildfire emergency, an officer, a rural municipality or any other person prescribed in the regulations may obtain the voluntary assistance of a person to perform a wildfire management activity authorized by the officer.

(2) The minister may remunerate a person who provides voluntary assistance to an officer pursuant to subsection (1) at a rate determined by the minister.

(3) A rural municipality may remunerate a person who provides voluntary assistance to the rural municipality pursuant to subsection (1) at a rate determined by the rural municipality.

(4) A person prescribed in the regulations may remunerate a person who provides voluntary assistance pursuant to subsection (1) to that person at a rate determined by that person.

(5) Notwithstanding any other Act or law, a person who pursuant to subsection (1) assists:

- (a) an officer is deemed not to be an employee of the ministry for the purposes of this Act;
- (b) a rural municipality is deemed not to be an employee of the rural municipality for the purposes of this Act; or
- (c) a person prescribed in the regulations is deemed not to be an employee of that person for the purposes of this Act.

Power to appropriate and use equipment, etc.

15(1) In a wildfire emergency, an officer may order any person who owns, operates or has control of any vehicle, aircraft, boat, tool, appliance or any other equipment, material, facility or land to release it to an officer for use in controlling and extinguishing a wildfire.

(2) No person to whom an order made pursuant to subsection (1) is directed shall fail without reasonable excuse to comply with the order.

(3) The minister shall pay compensation, at market prices, to any person whose vehicle, aircraft, boat, tool, appliance or any other equipment, material, facility or land is used pursuant to subsection (1) to control and extinguish a wildfire.

(4) An officer may, in writing, delegate to any other person his or her powers pursuant to subsection (1).

PART V

Protection and Prevention

Wildfire danger rating notification

16 Subject to the regulations, when the minister considers it necessary or appropriate to do so, the minister may make available to the public the daily wildfire danger rating.

Burn notification number

17(1) Subject to subsection (3), section 27 and the regulations, unless he or she has obtained a burn notification number, no person shall start a fire during the wildfire season:

- (a) in a provincial forest;
- (b) in a quarter section of land lying wholly or partly within 4.5 kilometres of the boundaries of a provincial forest; or
- (c) in park land.

(2) A person who intends to obtain a burn notification number shall apply to the minister in the manner prescribed in the regulations.

(3) Subsection (1) does not apply to ministry officers, employees of the ministry and persons who assist the ministry and who are acting in the performance of their duties.

Revocation, etc., of burn notification number

18(1) Subject to subsections (2) to (8), the minister may prohibit a person from applying for or obtaining a burn notification number for not more than three years if the minister is satisfied the person has contravened any provision of this Act.

(2) Before prohibiting a person from applying for or obtaining a burn notification number, the minister shall serve the person with written notice of the proposed action.

(3) A person to whom a written notice is sent pursuant to subsection (2) may make written representations to the minister respecting whether or not the person should be prohibited from obtaining a burn notification number.

(4) Representations pursuant to subsection (3) must be made within 30 days after the person received the notice pursuant to subsection (2).

(5) Nothing in this section requires the minister to give any person an oral hearing.

(6) After considering any representations or if the period for making representations has expired and no representations have been made, the minister may:

- (a) prohibit the person from obtaining a burn notification number for the period set out in the notice; or
- (b) decide not to take any action pursuant to this section.

(7) The minister shall serve a copy of his or her decision pursuant to this section on the person affected by the minister's decision.

(8) The minister's decision pursuant to this section is final.

PART VI**Industrial or Commercial Operations****Responsibility for fire suppression**

19(1) In this Part and in section 81, “operator” means, with respect to an industrial or commercial operation, the person who conducts the industrial or commercial operation.

(2) Every operator shall comply with the requirements set out in the regulations in carrying out the industrial or commercial operation.

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- (3) When a fire is burning within a part of designated lands on which an industrial or commercial operation is actively being conducted or is located, the operator is responsible, without compensation, for initially controlling and extinguishing the fire.
- (4) Subject to any fire control agreement entered into pursuant to section 76, the operator shall pay all costs associated with controlling and extinguishing the fire mentioned in subsection (3).
- (5) The operator shall:
- (a) immediately notify a ministry officer of the fire; and
 - (b) if it is safe in the operator's opinion given the circumstances and conditions applicable to the fire, commence fighting the fire until:
 - (i) relieved by a ministry officer; or
 - (ii) the fire is extinguished.
- (6) If a wildfire was started as a direct or indirect result of the activities of an industrial or commercial operation or if those activities contributed to the spread of a wildfire or interfered with or impeded the ability to suppress a wildfire, the operator is liable to the Crown for any costs incurred by the minister in controlling and extinguishing the wildfire and for any damage to the Crown as a result of the wildfire.

Wildfire prevention and preparedness plans for industrial or commercial operations

20(1) The operator of an industrial or commercial operation on designated lands shall prepare and submit to the minister for consideration a wildfire prevention and preparedness plan:

- (a) before the start of a wildfire season; or
 - (b) if the industrial or commercial operation commences after the start of a wildfire season, before beginning to conduct the industrial or commercial operation.
- (2) If the minister is not satisfied with the wildfire prevention and preparedness plan submitted pursuant to subsection (1), the minister may require that the operator preparing the wildfire prevention and preparedness plan resubmit it with any changes that the minister may direct.
- (3) The wildfire prevention and preparedness plan must be in a form and contain the information prescribed in the regulations or the code.
- (4) The minister may delegate all or any of the minister's powers pursuant to this section to a ministry officer or an enforcement officer as defined in *The Parks Act*.
- (5) The minister may impose any terms and conditions that the minister considers appropriate on a delegation pursuant to subsection (4).

Compliance with wildfire prevention and preparedness plan required

21 No operator shall fail to follow the requirements contained in the wildfire prevention and preparedness plan, the regulations or the code as any of them apply to the activities engaged in by that person.

Order if no wildfire prevention and preparedness plan

22(1) Subject to subsections (2) to (10), the minister may issue an order suspending or restricting all or any activities of an industrial or commercial operation until:

- (a) a wildfire prevention and preparedness plan has been submitted to the minister; and
 - (b) the requirements of the preparedness plan, the regulations or the code are met to the satisfaction of a ministry officer, within a period specified by the minister in the order.
- (2) Before issuing an order pursuant to subsection (1), the minister shall serve the person with written notice of the proposed action.
- (3) A person to whom a written notice is sent pursuant to subsection (2) may make written representations to the minister respecting whether or not the order should be issued or modified.
- (4) Representations pursuant to subsection (3) must be made within 30 days after the person received the notice pursuant to subsection (2).
- (5) Nothing in this section requires the minister to give any person an oral hearing.
- (6) After considering any representations or if the period for making representations has expired and no representations have been made, the minister may:
- (a) issue the order; or
 - (b) decide not to issue the order.
- (7) Notwithstanding subsections (1) to (6), the minister may immediately issue an order pursuant to subsection (1) if the minister considers it necessary to do so for public safety.
- (8) If the minister acts pursuant to subsection (7), the minister shall provide the person who is affected by the order with an opportunity to make representations within 30 days after the date on which the order was issued respecting why the order should not be issued or should be modified.
- (9) The minister shall serve a copy of his or her decision pursuant to this section on the person affected by the minister's decision.
- (10) The minister's decision pursuant to this section is final.

Designation of high fire risk activities and additional fire prevention measures

23 In accordance with the code, the minister may designate within any designated lands:

- (a) high fire risk activities associated with an industrial or commercial operation; and
- (b) any additional fire prevention measures that must be instituted during periods when the risk of starting a fire is high.

Industrial or commercial burning

24 If an industrial or commercial operation disposes of slash or wood residue by burning outside the wildfire season and within designated lands, the operator shall notify the minister of the location and date of the planned burn before undertaking the burning.

Railways

- 25(1) Notwithstanding section 3, this section applies throughout Saskatchewan.
- (2) No operator of a railway operation shall fail to:
- (a) maintain locomotives and engines, equipment and rolling stock in a manner that ensures that they do not produce an ignition source capable of starting a fire on or adjacent to the railway operation;
 - (b) control vegetation and other combustible materials in the railway right of way so that it does not become a fire hazard; or
 - (c) provide access to an officer when an order is given to the railway operator of rolling stock by the officer, if rolling stock due to its stationary position along a railway right of way may restrict access to control and extinguish a wildfire;
 - (d) comply with any other requirements set out in the regulations or the code.
- (3) If a wildfire originates within 100 metres of the centreline of the track of a railway company:
- (a) the wildfire is, for the purposes of this Act, conclusively presumed to have been caused by the railway company;
 - (b) the railway company shall take immediate action that is necessary to control and extinguish the wildfire;
 - (c) if action satisfactory to the minister or a municipality affected by the wildfire is not taken by the railway company, the minister or municipality may take any action that is necessary to control and extinguish the wildfire.
- (4) If the minister takes action pursuant to clause (3)(c), the railway company is liable to the Crown for the costs or expenses of controlling and extinguishing the wildfire incurred by the minister and for any damage caused by the wildfire to the Crown.
- (5) If a municipality takes action pursuant to clause (3)(c), the railway company is liable to the municipality for the costs or expenses of controlling and extinguishing the wildfire incurred by the municipality and for any damage caused by the wildfire to the municipality.
- (6) If an officer reasonably believes that an engine locomotive, rolling stock or other equipment is being used or has been used in the commission of a contravention of this Act and that, as a result, there is an extreme fire hazard or there is a danger to the safety of persons or property, the officer may enter any railway right of way and, without a warrant, stop and inspect the engine, locomotive, rolling stock or any other equipment.

PART VII**Resource Management Fires****Minister may permit resource management fires**

26(1) Notwithstanding any other provision of this Act, for the purposes mentioned in subsection (2), the minister may cause or allow a person to conduct a resource management fire on:

- (a) any Crown land; or
- (b) any other land if, in the minister's opinion, the situation requires a fire.

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- (2) The minister may act pursuant to subsection (1) for the purpose of:
- (a) increasing public safety;
 - (b) protecting life, property or the environment;
 - (c) protecting or enhancing an ecological benefit or biological diversity;
 - (d) furthering forest renewal and management practices; or
 - (e) managing Crown land to maintain specific resource values.

Requirement for a resource management burn plan

27(1) No person shall conduct a resource management fire without an approved resource management burn plan.

(2) A burn notification number issued pursuant to section 17 is not required to conduct a resource management fire.

(3) A resource management burn plan must be in a form and contain the information prescribed in the regulations.

(4) A person proposing to conduct a resource management fire shall submit the proposed resource management burn plan to the minister and, on receipt of the proposed resource management burn plan, the minister may approve the plan if the minister is satisfied that:

- (a) the proposed plan complies with this Act; and
- (b) the resource management fire is appropriate and not contrary to the public interest.

(5) The Crown, the minister, any employees of the ministry and any other persons who assist the ministry in conducting a resource management fire are not liable for any damages or costs arising or resulting from the resource management fire or respecting any matters or actions undertaken to conduct the resource management fire, unless the claim arises from the wilful misconduct or gross negligence of the Crown, the minister, any employee of the ministry or any other person who assists the ministry in conducting a resource management fire.

PART VIII

New Developments on Designated Lands

Interpretation of Part

28 In this Part and in section 81:

- (a) **“interface wildfire hazard assessment”** means an assessment conducted pursuant to subsection 29(1);
- (b) **“interface wildfire hazard rating”** means a rating mentioned in subsection 29(2);
- (c) **“new development”** means the construction or relocation of a building on designated land or the construction of multiple structures on a parcel of designated land and includes any other activities on designated land that are prescribed in the regulations or the code;
- (d) **“permanently or semi-permanently”** means, with respect to a new development, that the building or structure will be fixed to a site and not be readily movable.

Interface wildfire hazard assessments and ratings

29(1) For the purposes of this Part, subject to the regulations, the minister may undertake or cause to be undertaken an interface wildfire hazard assessment of all or any designated lands to determine the interface wildfire hazard rating for the designated land.

(2) Subject to the regulations and the code, an interface wildfire hazard rating must establish the design, construction and vegetation management requirements for any new development.

(3) The minister shall cause every interface wildfire hazard assessment and interface wildfire hazard rating mentioned in this section to be made public in any manner that the minister considers appropriate, including posting it on the ministry's website.

Requirements for new developments

30 No person shall undertake a new development on designated lands except in accordance with this Part, the regulations, the code and the interface wildfire hazard assessment mentioned in section 29.

Control order

31(1) Subject to subsections (5) to (12), the minister may issue a control order to any person who contravenes this Part or the regulations or code provisions made for the purposes of section 30.

(2) In a control order issued pursuant to subsection (1), the minister may require the person to whom the order is directed to do any one or more of the following:

(a) to refrain from undertaking a new development permanently, for a specified period, during certain times or in the circumstances specified in the order;

(b) to comply with any directions specified in the order relating to the manner in which a new development may be carried out;

(c) to carry out studies or investigations respecting the new development;

(d) to report to the minister with respect to any matter mentioned in clauses (a) to (c) in accordance with the instructions specified in the order.

(3) The minister may, by a further order, amend, alter or replace a previous control order.

(4) A person to whom a control order is directed shall comply with the order immediately on being served with the order unless the control order specifies a future day on and from which the order is to be complied with.

(5) Before issuing a control order, the minister shall serve the person with written notice of the proposed action.

(6) A person on whom a written notice is served pursuant to subsection (5) may make representations to the minister respecting whether or not the control order should be issued or modified.

(7) Representations pursuant to subsection (6) must be made within 30 days after the person received the notice pursuant to subsection (5).

(8) Nothing in this section requires the minister to give any person an oral hearing.

(9) After considering any representations or if the period for making representations has expired and no representations have been made, the minister may:

- (a) issue the control order; or
- (b) decide not to issue the control order.

(10) Notwithstanding subsections (5) to (9), the minister may immediately issue a control order if the minister considers it necessary to do so for public safety.

(11) If the minister acts pursuant to subsection (10), the minister shall provide the person who is affected by the control order with an opportunity to make representations within 30 days after the date of issuing the control order respecting why the control order should not be issued.

(12) The minister shall serve a copy of his or her decision pursuant to this section on the person affected by the minister's decision.

Appeal of control order

32(1) Any person aggrieved by a control order issued pursuant to section 31 may appeal the order on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the order.

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

- (a) confirming the control order;
- (b) amending the control order;
- (c) quashing the control order; or
- (d) doing any other thing that the judge considers appropriate.

(3) In an order issued pursuant to subsection (2), the judge of the Court of Queen's Bench may specify the period within which the control order must be complied with.

(4) An appeal pursuant to this section does not stay the operation of the control order with respect to which the appeal is taken, unless a judge of the Court of Queen's Bench orders otherwise.

PART IX

Regulated Activities

Requirements re burning

33 No person shall:

- (a) start any fire for any purpose without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- (b) at the time that he or she starts a fire, fail to make himself or herself aware of current and predicted weather conditions and ensure weather conditions are appropriate to allow the fire to burn safely and under control until the fire is extinguished;
- (c) before starting the fire, fail to make himself or herself aware of any fire prohibitions or restrictions imposed pursuant to section 41;
- (d) fail to take all necessary precautions to ensure that the fire is monitored and contained in the burn area and is kept to a controllable size to prevent escape;

- (e) fail to ensure that firefighting equipment of a type and with a capacity adequate to extinguish the fire is on site and readily accessible during the burning period;
- (f) fail to ensure that the fire is fully extinguished;
- (g) cause a public hazard by exposing residents of the area to excessive amounts of smoke and odour or create a hazard by impairing visibility on public roadways, railway crossings or airports;
- (h) deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in the spreading of a fire; or
- (i) fail to comply with any order of a ministry officer.

Prohibitions on equipment

34 In a wildfire management area during a wildfire season, no person shall use or operate a machine, vehicle, welding equipment, cutting torch, grinding device, power saw, boiler, smoke-stack, chimney, incinerator, burning barrel, or other spark emitting device or outlet without an effective means of preventing the escape of fire, sparks, or other emissions capable of igniting a fire.

Requirement to check equipment frequently

35 No person who operates any equipment or machinery, including an all terrain vehicle as defined in *The All Terrain Vehicles Act*, within a provincial forest shall fail to ensure the equipment or machinery is checked frequently throughout its daily use for any accumulation of combustible material and that any accumulation found is removed and disposed of safely.

Duty to report a fire

36 No person shall fail to notify an officer or a person authorized by the municipality for the purpose if he or she:

- (a) discovers a fire in an area of Saskatchewan to which this Act applies; or
- (b) starts or is otherwise responsible for a fire in an area of Saskatchewan to which this Act applies that is no longer under control.

False information in records, accounts

37 No person shall:

- (a) include or cause to be included any false or misleading information in any record, account or statement required to be made by this Act;
- (b) wilfully omit or cause to be omitted full, true and correct entries from any record, account or statement required by this Act; or
- (c) wilfully destroy, mutilate, alter, falsify or remove from Saskatchewan any record, account or statement required to be made by this Act or wilfully cause the record, account or statement to be destroyed, mutilated, altered, falsified or removed from Saskatchewan.

Duty to supply information and provide assistance to officers

38 No person shall:

- (a) fail to supply to an officer all information in the person's possession that the officer may request and that the officer considers is relevant to the administration or enforcement of this Act;
- (b) fail to comply with any reasonable request of an officer;
- (c) knowingly make any false or misleading statements to an officer;
- (d) 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 an officer;
- (e) fail to produce any record or thing that the person is required by this Act to produce.

Obstruction of officer

39 No person shall resist, interfere with, impede, obstruct, delay or restrict an officer or any person assisting an officer in the exercise of his or her authority pursuant to this Act.

Destruction of notices, equipment, etc.

40 No person shall, without lawful authority, remove, damage, deface or interfere with:

- (a) any notice, sign or signboard placed, erected or maintained by the ministry for the purpose of wildfire management;
- (b) any item seized or removed pursuant to section 64 or detained pursuant to section 65; or
- (c) any equipment, building, structure or any other property intended to be used for wildfire protection operations.

Prohibition of fires

41(1) Notwithstanding any other Act or law but subject to the regulations, if the minister or the executive director considers it necessary or desirable to limit the risk of starting a fire or to protect life, property or the environment, the minister or the executive director may issue an order doing all or any of the following:

- (a) prohibiting or restricting the start of any fire for any purpose or the discharge of fireworks during the period specified in the order;
- (b) requiring all persons using any fire to cease doing so and to extinguish the fire;
- (c) stating that no burn notification numbers will be provided during the period specified in the order;
- (d) suspending or revoking a burn notification number;
- (e) prohibiting or restricting the activities or uses mentioned in section 42 in the circumstances mentioned in that section.

(2) Subsection (1) does not apply to the use of fire to control and extinguish a wildfire.

(3) The minister or the executive director shall cause every order made pursuant to this section to be made public in any manner that the minister or the executive director considers appropriate, including posting it on the ministry's website.

Prohibition of activities or equipment

42(1) In an order issued pursuant to section 41, the minister or the executive director may prohibit or restrict the activities that may be carried out, or the equipment, materials or substances that may be used, in an area specified in the order for a period specified in the order, if the minister or the executive director considers that the activities or the use are likely to start or contribute to the spread of a fire.

(2) An order pursuant to subsection (1) does not apply if:

- (a) the activities of an officer or the equipment, material or substance used by an officer are required in the performance of the officer's duties;
- (b) those activities, or the use of the equipment, materials or substances, are for controlling and extinguishing a wildfire; or
- (c) a person has written authorization by the executive director that specifically allows the otherwise prohibited act.

Area closure and travel restriction

43(1) If the minister or the executive director considers it necessary or in the public interest, the minister or the executive director may order that any part of Saskatchewan be closed or be restricted to entry or travel for a period specified in the order.

(2) No person shall enter, travel through or be in a closed or restricted travel area during the period specified in the order unless the person is specifically authorized to do so by an officer.

(3) An order pursuant to subsection (1) does not apply to persons engaged in wildfire management on behalf of the Government of Saskatchewan or a municipality.

(4) The minister or the executive director shall cause every order made pursuant to this section to be made public in any manner that the minister or the executive director considers appropriate, including posting it on the ministry's website.

Crown not liable re use of vehicles and certain areas restrictions

44 The Crown, the minister and any person appointed, retained or employed by the ministry are not liable for any damages sustained by any person or his or her vehicle resulting from any unauthorized use of an access way or cleared area, including any fire guards, control lines, fuel breaks or other areas constructed for the purpose of wildfire management.

Powers re terrorist activity

45(1) In this section:

- (a) **"minister's designate"** means a person designated by the minister for the purposes of this section;
- (b) **"regulated area"** includes any area to which this Act applies;
- (c) **"terrorist activity"** means a terrorist activity as defined in the *Criminal Code*.

(2) Notwithstanding any other provision of this Act, any other Act or law or any licence, permit, approval, authorization, lease or grant of any right or benefit granted pursuant to any Act or law, if the minister has reasonable grounds to believe that terrorist activity is occurring or might occur, and that the terrorist activity or possible terrorist activity constitutes a fire threat endangering life, property or the environment:

- (a) the minister may, by order, do all or any of the following:
 - (i) close, prohibit or restrict access to or travel in, any regulated area that the minister may specify;
 - (ii) evacuate any regulated area or any premises within a regulated area that the minister may specify;
 - (iii) require any person to take any other action that the minister considers necessary:
 - (A) to protect the health or safety of the public against that threat;
 - (B) to protect property against that threat; or
 - (C) to prevent serious damage to the environment caused, or that may be caused, by that threat; and
- (b) the minister may take any action that the minister considers necessary:
 - (i) to protect the health or safety of the public against that threat;
 - (ii) to protect property against that threat; or
 - (iii) to prevent serious damage to the environment caused, or that may be caused, by that threat.

(3) Subject to subsection (4), a minister's designate may make any order described in clause (2)(a) if:

- (a) the minister's designate believes, on reasonable grounds, that:
 - (i) a terrorist activity constitutes a serious threat to the environment, to property or to the health or safety of the public; and
 - (ii) the requirements set out in the order are necessary to decrease or eliminate that serious threat; and
- (b) in the opinion of the minister's designate, there will be insufficient time for the minister to make an order pursuant to this section because of the nature of the serious threat.

(4) An order made by a minister's designate pursuant to subsection (3):

- (a) must specify the time at which it is made; and
- (b) terminates 72 hours after it is made unless the minister makes an order extending its effect.

(5) Immediately after making an order pursuant to subsection (2) or (3), the minister or the minister's designate, as the case may be, shall:

- (a) serve a copy on any person named in the order; and
- (b) cause the order to be published by any means of communication that the minister or minister's designate reasonably considers will make the order known to the majority of the population in the area affected by the order.

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- (6) No person shall fail to comply with an order made pursuant to subsection (2) or (3).
- (7) The minister may:
- (a) do all or any of the things mentioned in an order pursuant to subsection (2) or (3) if the person to whom the order is issued fails to comply with the order:
 - (i) within the period specified in the order; or
 - (ii) if no period is specified in the order, within a reasonable period after the order was issued; and
 - (b) recover the costs and expenses incurred pursuant to clause (a) on behalf of the Crown as a debt due to and recoverable by the Crown from the person who failed to comply with the order.

PART X

Offences, Penalties and Administrative Penalties

General

- 46(1)** No person shall:
- (a) fail to comply with an order of the minister, an officer or the executive director issued pursuant to this Act or the regulations; or
 - (b) fail to comply with any provision of this Act, the regulations or the code.
- (2) Subject to subsection (3), every person who contravenes a provision of this Act for which no penalty is otherwise provided is guilty of an offence and liable on summary conviction to:
- (a) in the case of an individual:
 - (i) a fine of not more than \$500,000 for each day or part of a day during which the offence continues;
 - (ii) imprisonment for a term not exceeding three years; or
 - (iii) both the fine and imprisonment;
 - (b) in the case of a corporation, a fine not exceeding \$1,000,000 for each day or part of a day during which the offence continues.
- (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.

Additional powers of court

- 47(1)** In addition to any penalty imposed on a person pursuant to section 46, the convicting court, having regard to the nature of the offence and the circumstances surrounding its commission, may make an order doing any 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;

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- (b) directing the convicted person to pay to the Crown an amount of money as compensation, in whole or part, for:
- (i) the costs incurred by the minister in controlling and extinguishing a fire and investigating a fire;
 - (ii) the value of Crown timber or forest resources damaged or destroyed as prescribed in the regulations;
 - (iii) any action carried out by the Crown that was made necessary by the act or omission that constituted the offence, including but not limited to the costs associated with any investigation, seizure, transportation and storage of articles seized;
 - (iv) the costs necessary to rehabilitate or reforest the land; and
 - (v) any Crown property and equipment damaged or destroyed;
- (c) prohibiting the person from applying for or obtaining a burn notification number for not more than three years from the date of the conviction;
- (d) directing the person to pay to the Crown, in the manner directed, an amount for the purposes of public education in the:
- (i) safe conduct of the activity in relation to which the offence was committed; or
 - (ii) subject area of wildfire prevention.

(2) If the convicting court makes an order pursuant to subsection (1) directing a person to pay an amount to the Crown, the amount is a debt due to the Crown.

(3) The order pursuant to subsection (1) may contain any terms or conditions that the convicting court considers appropriate.

Minister may apply for compliance order

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

- (a) an order compelling a person to comply with this Act, a wildfire prevention and preparedness plan or an order issued pursuant to this Act;
- (b) an order enjoining any person from proceeding contrary to this Act, a wildfire prevention and preparedness plan or an order issued pursuant to this Act.

(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 enjoining order pursuant to subsection (1) regardless of whether an order pursuant to this Act has been issued with respect to the matter.

Vicarious liability

49 In any prosecution of a person for a contravention of 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

50 No prosecution for a contravention of this Act 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.

Administrative penalty

51(1) The minister may assess a penalty in the amount prescribed in the regulations against any person for contraventions of this Act that are prescribed in the regulations.

- (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 or if the period for making representations has expired and no representations have been made, 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

52(1) Any person aggrieved by a decision of the minister to impose a penalty pursuant to section 51 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 service of the minister's decision.

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

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

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

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

Remedies preserved

53 A proceeding, conviction or penalty for an offence pursuant to this Act does not relieve the person from any other liability.

Civil rights

54 Nothing in this Act limits or affects the common law right of a person to bring and maintain a civil action for damages attributed to persons that start a fire or contribute to the escape or spread of a fire.

PART XI

Inspections and Investigations

General powers of officers

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

Arrest without warrant

56 An officer may arrest without warrant any person found committing a contravention of this Act.

Power of entry for wildfire

57 For the purpose of controlling and extinguishing a wildfire or protecting life, property or the environment, an officer, employee of the ministry or any person who assists the minister may, without a warrant at any time:

- (a) enter on or pass over any land, whether enclosed or not, and enter any building, vehicle or machinery that the officer has reasonable grounds to believe is under threat of a wildfire;
- (b) use any measures that the officer, employee of the ministry or other person making the entry considers necessary to put out the wildfire, to prevent it from spreading or to protect the land, building, vehicle or machinery; and
- (c) require the evacuation of any persons.

Power to carry out inspections

58(1) Subject to subsection 63(2), for the purpose of exercising powers or performing duties pursuant to this Act, an officer may, at any reasonable time, without a warrant, enter on or pass over any land, whether enclosed or not, and inspect any vehicle, building, equipment or machinery:

- (a) if the officer has reasonable grounds to believe that an activity governed by this Act is taking place, has taken place or is likely to take place;
- (b) if an order has been issued pursuant to this Act;
- (c) if the officer considers it necessary to inspect any records that are required to be kept pursuant to this Act or that relate to the administration of this Act; and
- (d) if the officer has reasonable grounds to believe an activity is being carried out or a condition exists that constitutes a fire hazard.

(2) In the course of and for the purpose of exercising powers pursuant to subsection (1), an officer may do any or all of the following:

- (a) require the production of any records that are related to the purpose for which the officer is exercising those powers and examine the records and make copies of those records in accordance with section 75;
- (b) require that anything be operated, used or set in motion under conditions specified by the officer;
- (c) use any machine, material or equipment in order to carry out the inspection;
- (d) 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, use that computer system, including the computer hardware or software, or other data storage, processing or retrieval device;

- (e) if an 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 and after giving a receipt:
- (i) remove any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record;
 - (ii) produce that record with reasonable dispatch; and
 - (iii) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
 - (A) the place from which they were removed; or
 - (B) any other place that may be agreed to by the officer and the person from whom they were taken;
- (f) take samples of any substance or thing;
- (g) conduct any tests or analyses and take any measurements;
- (h) open or cause to be opened any container that the officer believes on reasonable grounds contains anything to which this Act applies;
- (i) take any photographs or audio or video records;
- (j) make reasonable inquiries of any person orally or in writing.

Investigation of cause, origin and circumstances of fire

59(1) An officer authorized by this Act may investigate or cause to be investigated, at any reasonable time, the cause, origin and circumstances of any fire on any land.

(2) Subject to subsection 63(2), an officer undertaking an investigation pursuant to subsection (1) may, without a warrant, for the purposes of the investigation:

- (a) enter on or pass over any land, whether enclosed or not, and search any building, vehicle, equipment or machinery; and
- (b) exercise any of the powers mentioned in subsection 58(2).

(3) An officer may temporarily close off an area or building and prohibit any person from entering or remaining in the area or building until the investigation is completed.

Audits

60(1) In this section and section 81, “**approved operating plan**” means an operating plan or class of operating plans that is issued pursuant to an Act administered by the minister and that is prescribed in the regulations.

(2) A ministry officer may conduct an audit in accordance with this section.

(3) An audit may be conducted on any industrial or commercial operation that engages in an activity that is governed by an approved operating plan, wildfire prevention and preparedness plan or the code.

- (4) An audit conducted pursuant to this section must contain:
- (a) an assessment of how well the industrial or commercial operation mentioned in subsection (3) has complied with this Act, an approved operating plan or wildfire prevention and preparedness plan; and
 - (b) if the obligations imposed by this Act, an approved operating plan or wildfire prevention and preparedness plan have not been met, an explanation for the differences between the results and those obligations.
- (5) Subject to subsection 63(2), in carrying out a ministry officer's duties in conjunction with an audit, the ministry officer may, at any reasonable time, without a warrant:
- (a) enter and inspect any area or place if the ministry officer has reasonable grounds to believe that an activity governed by this Act is taking place;
 - (b) enter and inspect any area or place for which an order has been issued or an approved wildfire prevention and preparedness plan or an approved operating plan exists;
 - (c) enter and inspect any premises containing any books, records, papers or documents, including any computer, digital or electronic records, files or data, that are required to be kept pursuant to this Act or a wildfire prevention and preparedness plan; and
 - (d) enter and inspect any place to:
 - (i) determine if conditions or activities constitute or contribute to a fire hazard;
 - (ii) determine how a fire may have been prevented or damage from a fire may be remedied, mitigated or minimized or how land affected by the fire may be rehabilitated or reclaimed; and
 - (iii) determine if fire mitigation measures are being undertaken during periods of high wildfire danger.

Application for order to enter and inspect

61(1) If entry pursuant to section 60 is refused, the minister or a ministry officer may apply without notice to the Court of Queen's Bench for an order authorizing the minister or the ministry officer to enter and inspect any land, premises or place.

(2) On an application pursuant to subsection (1), the Court of Queen's Bench may issue the order sought, on any terms and conditions that the court considers appropriate.

Warrant

62 On the oath of an officer that there are reasonable grounds to believe that a contravention of this Act has occurred and that evidence of that contravention is likely to be found in a place, building, vehicle, equipment or machinery, a justice of the peace or a provincial court judge may issue a warrant to:

- (a) enter at any time and search any place or building named or described in the warrant;
- (b) search any vehicle, equipment or machinery described in the warrant;

- (c) seize and remove from any place, building, vehicle, equipment or machinery searched anything that may be evidence of a contravention of this Act or has been used in connection with the contravention; and
- (d) exercise any of the powers mentioned in subsection 58(2).

Powers without warrant

63(1) An officer may exercise all or any of the powers mentioned in subsection 58(2) and section 60 without a warrant if:

- (a) the conditions for obtaining a warrant exist; and
- (b) the officer believes, on reasonable grounds, that the delay necessary to obtain a warrant would result:
 - (i) in danger to life, property or the environment; or
 - (ii) in the loss, removal or destruction of evidence.

(2) No officer shall enter any building that is ordinarily occupied as a private residence without a warrant unless the owner or occupant of that building consents to the entry.

Seizure of certain articles

64(1) In addition to the powers mentioned in sections 58, 59, 60 and 63, in carrying out an investigation pursuant to section 59 or in conducting an audit pursuant to section 60, an officer may seize anything to which this Act applies that the officer has reasonable grounds to believe:

- (a) is required for the purposes of determining compliance or non-compliance with this Act; or
- (b) affords evidence that a contravention of this Act has been committed.

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

Power to detain and disposal of seized articles

65(1) Anything seized pursuant to section 64 may be detained for a period of three months after the date of seizure, unless proceedings pursuant to this Act are taken, in which case the thing may be further detained until the proceedings are concluded.

(2) If a person is convicted of a contravention of this Act, anything seized with respect to the contravention is forfeited to the Crown and is to be disposed of in the manner specified by the minister.

(3) If, after trial, the person proceeded against is acquitted and no appeal is taken or is acquitted after an appeal is taken, anything seized is to be disposed of in the manner specified by the minister.

(4) Anything seized by an officer in the performance of his or her duties that is not claimed by the owner within six months is to be disposed of in the manner specified by the minister.

Power to issue order re fire hazard

66(1) An officer who finds, within a wildfire management area, conditions or activities on any land or in any building, vehicle, equipment or machinery that in his or her opinion constitute a fire hazard may issue an order to the owner, occupant or lessee of the land, building, vehicle, equipment or machinery in or on which the fire hazard exists:

- (a) to reduce, remove or offset the hazard within a fixed time and in a manner specified by the officer; or
 - (b) to take extra precautions or prevention measures at his or her own expense within a fixed time and in a manner specified by the officer.
- (2) If an officer finds that the order made pursuant to subsection (1) has not been carried out, he or she may:
- (a) enter on the land or into the building with any equipment and persons that the officer considers necessary; and
 - (b) take any action that the officer considers necessary to reduce, remove or offset the fire hazard.
- (3) The owner, occupant or lessee of the land, building, vehicle, equipment or machinery on which the action is taken pursuant to subsection (2) shall, on demand, reimburse the ministry for the cost of the action taken, and that cost is a debt due to the Crown.
- (4) If an officer considers, on reasonable grounds that the action of a person, the operation of equipment or an activity being carried out or that may be carried out constitutes or may constitute a fire hazard resulting in the ignition of a fire or may contribute to the spread of a fire, an officer may order the person:
- (a) not to carry out the activity, or to immediately cease the activity, until further ordered by the officer;
 - (b) to alter the procedures to be followed in carrying out the activity;
 - (c) to cause a patrol to be maintained of the area where the activity was carried out for a period as ordered by the officer.

Search of person

67 An officer may search any person if the officer has reasonable grounds to believe that the person has concealed on his or her person any evidence of a contravention of this Act.

Power to stop vehicles, etc.

68(1) For the purposes of the administration or enforcement of this Act or during a wildfire emergency, to ensure the safety of persons, an officer may:

- (a) request or signal to the person in charge of or operating a vehicle, aircraft, machinery, boat or any locomotive or other equipment to stop the vehicle, aircraft, machinery, boat, locomotive or other equipment;
- (b) search the vehicle, aircraft, machinery, boat, locomotive or other equipment for evidence of an offence; and
- (c) seize anything that may be evidence of an offence.

(2) The person in charge of or operating a vehicle, aircraft, machinery, boat, locomotive or equipment shall, when requested or signalled by an officer pursuant to subsection (1):

- (a) immediately bring the vehicle, aircraft, machinery, boat, locomotive or equipment to a safe stop; and
- (b) permit the officer to search the vehicle, aircraft, machinery, boat, locomotive or equipment.

Power to close or restrict use of road

69 During a wildfire emergency, an officer may order the temporary closure of, or place any restrictions on the use of, a public or private highway or road in order to protect life, property or the environment or to facilitate wildfire emergency operations.

Power to extinguish fires

70 An officer may order a person to extinguish a fire or cause a fire to be extinguished at any time on any land in Saskatchewan.

Power to start fires

71 Notwithstanding any other provision of this Act, a ministry officer may start a fire or cause a fire to be started under the ministry officer's instructions:

- (a) within a wildfire management area for the purpose of wildfire management; or
- (b) on any other land if, in the ministry officer's opinion, the exigencies of the situation require such a fire.

Power to delegate

72 An officer may place a person who is not an officer in charge of a wildfire suppression operation.

Power to make an order

73 An officer with the power to make an order or grant an exemption or authorization pursuant to this Act may:

- (a) impose conditions that the officer considers necessary or desirable with respect to the order, exemption or authorization; and
- (b) remove or vary the conditions on his or her own motion or on the application of a person who is the subject of the order, exemption or authorization.

Officer may be accompanied

74 In carrying out an officer's duties, the officer may:

- (a) be accompanied by any person or persons who, in the opinion of the officer, by virtue of their expertise in a particular field or their knowledge of facts relevant to a matter that is the subject of an inspection, investigation or audit, may be of assistance to the officer in carrying out the officer's duties; and
- (b) enter on land with any machinery, equipment or materials that the officer considers necessary to carry out the purposes of the entry.

Copies of records

75(1) If any records are inspected, examined, produced, provided or removed pursuant to this Act, an officer may make copies of those records.

- (2) An officer shall:
- (a) make those copies with reasonable dispatch; and
 - (b) promptly return the original of the records to:
 - (i) the place they were removed from; or
 - (ii) any other place that may be agreed to by the officer and the person who furnished them or from whom they were seized.
- (3) A record certified by an officer, or by any person authorized by the minister, to be a copy 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.

PART XII**General****Fire control agreements**

76(1) In this section, “**band**” means an Indian band as defined in the *Indian Act* (Canada), and includes the council of a band.

(2) For any purpose related to the prevention, management, control or extinguishing of fires, the minister may enter into fire control agreements with:

- (a) any person carrying on an industrial or commercial operation;
- (b) the government of any other province or territory of Canada, the government of Canada or the government of any other country or any jurisdiction within that country;
- (c) any municipality;
- (d) a band;
- (e) any agency, organization, institution, association or body that has as its purpose the furthering of activities involving wildfire management; or
- (f) any other person.

(3) Any fire control agreements entered into pursuant to *The Prairie and Forest Fires Act, 1982*, as that Act existed before the coming into force of this section, are continued and may be dealt with pursuant to this Act as if entered into pursuant to this section.

Duties imposed on qualified persons re certificates, documents and opinions

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

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

Service of notice or documents

78(1) Any notice, order or decision required by this Act 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 means prescribed in the regulations.

(2) 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.

Irregularity of service not to affect validity

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

Immunity

80 No action or other proceeding lies or shall be commenced against the minister, the ministry, the minister's designate, any officer, any person lawfully accompanying an officer, the Crown 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 or in the carrying out or supposed carrying out of any function or duty imposed by this Act.

Regulations

81(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(h), designating park land or categories of park land as designated lands;
- (c) for the purposes of clause 2(l), prescribing activities or developments that are industrial or commercial operations;
- (d) for the purposes of subclause 2(q)(viii), designating persons or classes of persons as officers;
- (e) for the purposes of clause 2(ii), prescribing a period within a year as a wildfire season, including authorizing the minister to prescribe that period;
- (f) for the purposes of section 10, prescribing wildfire management activities that the minister is not responsible for within a wildfire management area;

- (g) for the purposes of subsection 12(6):
 - (i) prescribing matters that are to be considered in determining whether the costs or expenses for controlling or extinguishing a wildfire constitute an excessive financial burden on a municipality; and
 - (ii) prescribing how the partial remission of liability is to be calculated;
- (h) for the purposes of subsection 13(4), prescribing how the value of the Crown timber or forest resources damaged or destroyed is to be calculated;
- (i) for the purposes of section 17, respecting burn notification numbers, including:
 - (i) prescribing the manner of applying for a burn notification number and the information to be provided to obtain a burn notification number;
 - (ii) prescribing the requirements to be met to be issued a burn notification number;
 - (iii) prescribing the terms and conditions the minister may impose on a burn notification number;
 - (iv) authorizing the minister to prescribe the matters mentioned in subclauses (i) to (iii); and
 - (v) exempting persons or classes of persons from the requirement to obtain a burn notification number with respect to all or any class of fires;
- (j) for the purposes of Part VI and section 60, respecting industrial or commercial operations, including:
 - (i) the procedures to conduct audits and the content of audits;
 - (ii) designating high fire risk activities;
 - (iii) respecting hazard reduction measures to be adopted by industrial or commercial operations to reduce or eliminate the risk of a wildfire;
 - (iv) regulating the use and storage of inflammable liquids and hazardous materials as they pertain to wildfire precautions and prevention;
- (k) for the purposes of subsection 20(3), prescribing the form and content of a wildfire prevention and preparedness plan, including authorizing the minister to prescribe additional content;
- (l) for the purposes of section 27:
 - (i) prescribing the form and content of a resource management burn plan, including authorizing the minister to prescribe additional content; and
 - (ii) prescribing the terms and conditions the minister may impose on approving a resource management burn plan, including imposing standards and procedures for conducting a resource management fire and authorizing the minister to impose terms and conditions;
- (m) for the purposes of clause 28(c), prescribing activities that are new developments;

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- (n) for the purposes of section 29, respecting interface wildfire hazard assessments, including:
- (i) determining how interface wildfire hazard assessments are to be made;
 - (ii) determining what is to be included in interface wildfire hazard assessments; and
 - (iii) authorizing the minister to determine the matters set out in subclauses (i) and (ii);
- (o) for the purposes of section 29, respecting interface wildfire hazard ratings, including:
- (i) determining how interface wildfire hazard ratings are to be set;
 - (ii) determining what is to be included in interface wildfire hazard ratings; and
 - (iii) authorizing the minister to determine the matters set out in subclauses (i) and (ii);
- (p) for the purposes of section 41:
- (i) prescribing the circumstances in which the minister or the executive director may issue an order pursuant to that section;
 - (ii) prescribing the terms or conditions the minister or the executive director may impose in an order and authorizing the minister or the executive director to impose additional terms and conditions;
- (q) requiring the payment of interest on any debts due to the Crown pursuant to this Act and prescribing the manner of calculating that interest;
- (r) respecting the conduct and duties of persons assigned to a wildfire suppression operation;
- (s) respecting additional precautions to be taken in the disposal of slash or wood residue;
- (t) 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 manual, standard or guideline;
 - (ii) amending for the purposes of this Act any manual, standard or guideline adopted pursuant to subclause (i);
 - (iii) requiring compliance with a manual, standard or guideline adopted pursuant to subclause (i);
- (u) for the purpose of preventing fire starts, respecting, including prohibiting or restricting, the use of power saws, machinery, equipment and vehicles;
- (v) requiring the use of precautions to be taken to prevent fires and respecting those precautions;
- (w) respecting the assessment, abatement and manner of reducing fire hazards;
- (x) prohibiting or restricting the use of fires, certain activities and use of certain equipment;
- (y) respecting the use and operation of all terrain vehicles in a provincial forest;

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- (z) respecting the rehabilitation or reforestation of land damaged by fire or wildfire suppression operations;
 - (aa) for the purposes of section 51, respecting administrative penalties, including:
 - (i) prescribing the amount of an administrative penalty and, for that purpose, may prescribe different amounts for different contraventions of this Act;
 - (ii) prescribing persons or classes of persons against whom an administrative penalty may be assessed;
 - (iii) prescribing the contraventions of this Act for which an administrative penalty may be assessed; and
 - (iv) respecting the factors and considerations in determining the amount of an administrative penalty;
 - (bb) for the purposes of section 55, prescribing officers or classes of officers who have the power of peace officers;
 - (cc) respecting forms for the purposes of this Act, including authorizing the minister to establish forms for the purposes of this Act, to determine their contents and to require their use;
 - (dd) for the purposes of section 60, prescribing operating plans or classes of operating plans issued pursuant to an Act administered by the minister as approved operating plans;
 - (ee) respecting the disposal of things seized pursuant to this Act;
 - (ff) requiring the keeping of records for the purposes of this Act and respecting the required contents and form of those records;
 - (gg) for the purposes of subsection 78(1), prescribing other means of service;
 - (hh) adopting a code to be known as the Saskatchewan Environmental Code;
 - (ii) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
 - (jj) 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 for the purpose of developing reporting requirements for industrial or commercial operations for wildfire prevention, preparedness, protection and suppression activities;

(e) provisions requiring a person to prepare and submit for consideration by the minister a wildfire prevention and preparedness plan to engage in activities regulated by this Act;

(f) 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;

(g) provisions prescribing standards or adopting standards, as amended from time to time or otherwise, for the planning, design, construction, alteration, extension, vegetation management and maintenance of new developments.

Amounts for which person is liable to Crown are debts due to the Crown

82 All amounts for which a person is liable to the Crown pursuant to this Act are a debt due to the Crown and may be recovered by the minister in any manner authorized by law.

PART XIII

Repeal and Coming into Force

S.S. 1982-83, c.P-22.1 repealed

83 *The Prairie and Forest Fires Act, 1982* is repealed.

Coming into force

84 This Act comes into force on proclamation.

THIRD SESSION

**Twenty-seventh
Legislature**

SASKATCHEWAN

B I L L

No. 107

An Act respecting the Prevention, Management,
Control and Extinguishing of Fires

Received and read the

First time

Second time

Third time

And passed

Honourable Ken Cheveldayoff
