# BILL

No. 78

An Act respecting the Operation of Wells and Facilities Used in the Production of Mineral Resources and making consequential and related amendments to other Acts

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(Assented to )

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

## PART 1
## Preliminary Matters

**Short title**

**1-1** This Act may be cited as *The Mineral Resources Wells and Facilities Operations Act*.

**Definitions and interpretation**

**1-2**(1) In this Act:

**"administrative levy"** means the administrative levy imposed pursuant to section 2-7;

**"approved"** means approved by the minister;

**"Crown"** means the Crown in right of Saskatchewan;

**"directive"** means a directive approved pursuant to section 2-13;

**"electronic"** means created, recorded, transmitted or stored in digital or other intangible form by electronic, magnetic or optical means or by any other similar means;

**"fund advisory committee"** means the fund advisory committee established pursuant to section 8-2;

**"illegal mineral"** means a mineral produced from any well in Saskatchewan in contravention of this Act, Part 4.1 of *The Mineral Resources Act, 1985* or any regulation, order or directive made pursuant to this Act or Part 4.1 of *The Mineral Resources Act, 1985*;

**"illegal product"** means a commodity derived in whole or in part from an illegal mineral;

**"licence"** means:

(a) a licence issued pursuant to section 3-4; and

(b) in subsection 9-2(2) and section 9-3, a licence issued pursuant to *The Pipelines Act, 1998*;

**"licensee"** means:

(a) the holder of a licence issued pursuant to section 3-4; and

(b) in sections 2-7, 2-8, 2-9 and 9-3 and subsection 9-2(2), the holder of a licence issued pursuant to *The Pipelines Act, 1998*;

**"mineral"** means any non-viable substance formed by the processes of nature, irrespective of chemical or physical state and both before and after extraction, but does not include any surface or ground water or agricultural soil;

**"mineral resource"** means a mineral deposit that may be found on, in or under any lands in Saskatchewan, including without limitation any reservoir of oil, gas or oil and gas and any ore body containing any mineral;

**"mineral resource activity"** means:

(a) exploring for, producing, and any activities directly related to the production of, a mineral from a mineral resource;

(b) the injection and disposal of oil and gas waste and non oil-and-gas substances into subsurface formations;

(c) the injection, storage and withdrawal of substances not mentioned in clause (b) into or from subsurface formations;

(d) the withdrawal of substances for commercial, industrial or other uses, including increasing or improving oil or gas recovery or operations; and

(e) any other prescribed activity;

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

**"ministry"** means the ministry over which the minister presides;

**"non oil-and-gas substance"** means any substance, other than oil and gas waste, from a prescribed industry;

**"oil and gas waste"** means physical waste as that term is ordinarily understood in relation to the activities of the oil and gas industry, but does not include any prescribed physical waste;

**"orphan fund"** means the Oil and Gas Orphan Fund continued pursuant to section 8-1;

**"prescribed"** means prescribed in the regulations;

**"product"** means, as the case requires:

(a) a commodity made from oil or gas and includes refined crude oil, crude tops, topped crude, processed crude, processed crude oil, residue from crude oil, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural-gas gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or by-products derived from oil or gas and blends or mixtures of 2 or more liquid products or by-products derived from oil or gas, whether or not mentioned in this clause; or

(b) a commodity made from a mineral other than oil and gas.

(2) For the purposes of this Act, in the expressions **"oil and gas"** and **"oil or gas"**, the word **"and"** includes **"or"** and the word **"or"** includes **"and"**.

## PART 2
## Administration

**Act binds the Crown**

**2-1** This Act binds the Crown.

**General responsibilities of minister**

**2-2**(1) The minister is responsible for all matters not by law assigned to any other minister, ministry, branch or agency of the Government of Saskatchewan relating to the operations of wells and facilities associated with a mineral resource activity.

(2) For the purposes of carrying out the minister's responsibilities, the minister may:

(a) develop and approve requirements, rules, standards, directives, codes and guidelines for the regulation of:

(i) the licensing, design, drilling, construction and operation of wells and facilities associated with a mineral resource activity;

(ii) the utilization, storage, processing, transportation, distribution and disposition of minerals, products or other substances;

(iii) the keeping of records relating to the production and marketing of minerals and the submission of those records to the minister; and

(iv) the abandonment of wells and facilities and the reclamation of the associated sites;

(b) establish liability management obligations for licensees of wells, facilities and flowlines; and

(c) ensure the protection of the environment, property and public safety with respect to the operation of wells and facilities.

**Powers of minister**

**2-3**(1) The minister has exclusive jurisdiction to examine, hear and determine all matters and questions that arise pursuant to this Act, including matters with respect to which any of the following is conferred on the minister:

(a) a power, including a power to make an order;

(b) an authority;

(c) a discretion.

(2) For the purposes of carrying out the minister's responsibilities set out in section 2-2, the minister may, subject to the regulations, make any order or take any other action that the minister considers necessary or expedient for the exercise of any duty, function or power imposed or conferred on the minister by this Act.

(3) The minister may:

(a) reconsider any matter that the minister has dealt with;

(b) include in an order made pursuant to subsection (2) any terms and conditions that the minister considers advisable; and

(c) if the minister has done any of the following, rescind, alter, amend, suspend or confirm that thing:

(i) made a decision or order;

(ii) granted an approval;

(iii) issued a licence.

(4) All subsisting orders issued by the minister pursuant to *The Oil and Gas Conservation Act* before the coming into force of this Act are continued and may be dealt with as if they were issued pursuant to this Act.

**No appeal or review**

**2-4**(1) Subject to subsection (2):

(a) there is no appeal from an order or decision of the minister pursuant to this Act; and

(b) all decisions, findings and orders of the minister pursuant to this Act:

(i) are final and conclusive; and

(ii) are not reviewable by any court.

(2) No decision, finding or order of the minister shall be restrained by injunction, prohibition or other proceeding or be removed by certiorari or otherwise by any court.

**Inquiries, investigations and hearings**

**2-5**(1) Subject to the regulations, the minister may inquire into, investigate or hold hearings on any matter or thing arising from the minister's responsibilities pursuant to this Act or *The Pipelines Act, 1998* at the time and in the manner that the minister considers appropriate.

(2) For the purposes of subsection (1), the minister may:

(a) engage the services of any person, including but not limited to technical, professional or other advisors, specialists or consultants; or

(b) appoint an advisory committee;

to inquire into, investigate or hear any matter, to report findings and to provide information or advice to the minister.

(3) The minister may determine the duties and remuneration for persons or committee members engaged or appointed pursuant to clause (2)(a) or (b).

**Publication and effective date**

**2-6**(1) Unless otherwise specified in the regulations, every order made pursuant to this Act must be published in the prescribed manner and comes into force on the day on which it is published or on the day specified in the order.

(2) A regulation or order made pursuant to this Act may be made retroactive to a day not earlier than 2 years preceding the day on which the regulation or order is made.

**Administrative levy**

**2-7**(1) An administrative levy is imposed on:

(a) all wells licensed pursuant to this Act; and

(b) all pipelines licensed pursuant to *The Pipelines Act, 1998*.

(2) The administrative levy imposed by this section is to be calculated in accordance with the regulations and any adjustment factors set by the Lieutenant Governor in Council pursuant to subsection 2-12(2).

(3) Every licensee shall pay the administrative levy imposed pursuant to this section in the prescribed manner and within the prescribed period.

(4) Notwithstanding subsection (3), the minister may, subject to the regulations:

(a) exclude a licensee from assessment of the administrative levy; or

(b) waive the obligation of a licensee to pay the administrative levy.

**Interest**

**2-8** If any amount with respect to the administrative levy is not remitted by a licensee to the minister as and when required by the regulations, the licensee shall pay interest on that amount to the minister at the prescribed rate from the day on which that amount should have been remitted to the day on which it is remitted.

**Overpayment**

**2-9**(1) Subject to subsection (2), if a licensee has made an overpayment of an administrative levy, the minister:

(a) shall refund the amount of the overpayment to the licensee; and

(b) may pay interest at the prescribed rate.

(2) No refund is payable if the fact of the overpayment did not come to the knowledge of the minister within 4 years from the date on which the overpayment occurred.

(3) Notwithstanding *The Limitations Act*, no action may be brought to recover an overpayment after the expiration of 4 years from the date on which the overpayment occurred.

(4) The refund for an overpayment of an administrative levy is to be made in a manner approved by the minister.

**Security**

**2-10**(1) Subject to the regulations, the minister may require or accept from a person a letter of credit or any other prescribed form of security, in an amount determined by the minister, for the purpose of ensuring that the person's obligations pursuant to this Act, the regulations and any orders and directives made pursuant to this Act or a licence with respect to the suspension, abandonment, restoration, remediation or reclamation of wells, facilities and the sites of wells and facilities are satisfied:

(a) as a condition of a person becoming a licensee pursuant to section 3-4, 3-7, 3-8 or 3-9;

(b) if a person who is a licensee fails a liability ratings test conducted in accordance with the regulations for the purpose of determining the risk posed by the licensee with respect to the suspension, abandonment, restoration, remediation or reclamation of the wells or facilities in relation to which the licensee holds a licence and the sites of those wells and facilities; or

(c) in any other prescribed circumstances.

(2) If the minister requires a person to provide a letter of credit or other prescribed form of security, the minister shall, in accordance with the regulations, provide that person with notice of the requirement, specifying:

(a) the form of security to be provided;

(b) the amount of the security to be provided; and

(c) the date by which the security is to be provided.

(3) If a person fails to provide the letter of credit or other form of security in the amount required or within the time required, the amount not provided is a debt owing to the minister and may be recovered by the minister in any manner the minister considers appropriate, including in the manner provided in section 11-4.

**Immunity**

**2-11** No action or proceeding lies or shall be commenced against the Crown, the minister, an officer, employee or agent of the Crown or an inspector if that person is acting pursuant to the authority of this Act, the regulations or any order or directive made pursuant to this Act, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done, by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act, the regulations or any order or directive made pursuant to this Act or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act, the regulations or any order or directive made pursuant to this Act.

**Regulations for Part**

**2-12**(1) The Lieutenant Governor in Council may, for the purposes of this Part, make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Part but not defined in this Part;

(b) governing the procedure with respect to inquiries, investigations and hearings pursuant to section 2-5;

(c) for the purposes of subsection 2-6(1), prescribing the manner in which orders may be published and exempting orders from the requirement of publication;

(d) for the purposes of section 2-7:

(i) respecting the amount and payment of administrative levies;

(ii) prescribing formulas to determine the administrative levies payable with respect to wells and pipelines;

(iii) authorizing the minister to establish classes of services provided pursuant to this Act to be used in formulas to determine administrative levies;

(iv) prescribing the period within which the administrative levy must be paid or remitted;

(v) respecting the manner of payment of the administrative levy;

(vi) establishing classes of wells and pipelines and classes of licences;

(vii) exempting classes of wells and pipelines and classes of licences from the payment of an administrative levy;

(viii) respecting circumstances in which the minister may exclude a licensee from assessment of the administrative levy; and

(ix) respecting circumstances in which the minister may waive the obligation to pay the administrative levy;

(e) for the purposes of section 2-8, prescribing the rates of interest to be paid on amounts with respect to administrative levies;

(f) for the purposes of section 2-9, prescribing the rates of interest to be paid on overpayments;

(g) for the purposes of section 2-10:

(i) respecting letters of credit and other forms of security provided;

(ii) prescribing forms of security other than letters of credit;

(iii) respecting the conduct of liability ratings tests, including the factors to be considered and the timing and frequency of the tests pursuant to clause 2-10(1)(b);

(iv) prescribing other circumstances in which a letter of credit or other form of security may be required pursuant to clause 2-10(1)(c);

(h) if payment pursuant to a letter of credit or other form of security is made in favour of the minister, authorizing the minister to deposit the payment or a portion of the payment in the orphan fund;

(i) requiring a person operating a waste processing facility to provide a letter of credit or other form of security, in an amount determined by the minister, for the purpose of ensuring that the person's obligations pursuant to this Act, the regulations and any orders and directives made pursuant to this Act are satisfied with respect to the suspension, abandonment, restoration, remediation or reclamation of a waste processing facility and the site of a waste processing facility;

(j) if payment pursuant to a letter of credit or other form of security is made in favour of the minister respecting a waste processing facility, authorizing the minister to deposit the payment or a portion of the payment in the orphan fund;

(k) requiring the payment of fees or charges for any thing done, any licence or other document issued or any approval or authorization granted pursuant to this Act, the regulations and any orders and directives made pursuant to this Act, and prescribing the amounts of, and governing, those fees and charges;

(l) prescribing any matter or thing required or authorized by this Part to be prescribed in regulations;

(m) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

(2) The Lieutenant Governor in Council may, by order, set any adjustment factors that the Lieutenant Governor in Council considers appropriate to be applied to the calculation of the administrative levy.

**Directives**

**2-13**(1) The minister may, by order, approve directives relating to any of the matters mentioned in:

(a) clauses 4-10(b), (e) and (g);

(b) clauses 5-1(c), (d) and (e); and

(c) section 5-2.

(2) A directive approved in accordance with subsection (1) may adopt by reference, in whole or in part, as amended from time to time or otherwise, any relevant rule, guideline, requirement, code or standard, and may require compliance with the adopted rule, guideline, requirement, code or standard.

(3) A licensee must comply with directives approved pursuant to this section.

**Paramountcy of orders**

**2-14** In the event of a conflict between:

(a) an order made pursuant to section 5-2 or 9-4; or

(b) a directive approved pursuant to subsection 2-13(1);

and a regulation made pursuant to section 2-12, 3-13, 4-10, 5-1, 8-8, 9-16, 10-13 or clause 11-1(1)(h) or 11-7(f), the order or directive, as the case may be, prevails.

## PART 3
## Licences

**Licence for well**

**3-1**(1) No person shall commence to drill a well, undertake any operations preparatory or incidental to the drilling of a well, continue any drilling operations, any producing operations or any injecting operations, or suspend the operation of or abandon a well unless the person holds a valid licence authorizing the activity.

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

(a) survey the site for a well; or

(b) on the direction or with the consent of the minister:

(i) undertake operations at a well site; or

(ii) take actions to suspend the operation of or abandon a well.

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

**Licence for facility**

**3-2**(1) No person shall commence to construct or to operate a facility, undertake any operations preparatory or incidental to the construction or operation of a facility, continue any construction or operation of a facility or suspend the operation of or abandon a facility unless:

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

(b) the facility is exempt from the requirement to hold a licence pursuant to a regulation, order or directive.

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

(a) survey the site for a facility; or

(b) on the direction or with the consent of the minister:

(i) undertake operations at a facility site; or

(ii) take actions to suspend the operation of or abandon a facility.

**Application for licence**

**3-3** An applicant for a licence shall:

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

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

(c) if required pursuant to section 2-10 to do so, file security with the minister in accordance with that section; and

(d) provide evidence satisfactory to the minister that the applicant meets the prescribed eligibility requirements.

**Issuance of licence**

**3-4**(1) The minister may:

(a) issue a licence if the minister is satisfied that:

(i) the applicant has complied with:

(A) this Act, the regulations and any orders and directives made pursuant to this Act; and

(B) Part 4.1 of *The Mineral Resources Act, 1985* and any regulations, orders and directives made pursuant to that Part;

(ii) the applicant meets the prescribed eligibility requirements; and

(iii) it is in the public interest to do so; or

(b) refuse to issue the licence.

(2) The minister may include as a provision of the licence any terms and conditions that the minister considers appropriate.

(3) If the minister refuses to issue a licence pursuant to clause (1)(b), the minister shall provide the applicant with written reasons for the refusal.

**Compliance with licence required**

**3-5** Every licensee shall comply with the terms and conditions of the licence.

**Compliance with orders pursuant to *The Surface Rights Acquisition and Compensation Act***

**3-6** Every licensee shall comply with all orders issued pursuant to *The Surface Rights Acquisition and Compensation Act* and the proof of payment requirement set out in subsection 86.1(8) of that Act.

**Transfer of licence**

**3-7**(1) A licence may not be transferred without the written approval of the minister.

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

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

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

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

(4) The minister may:

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

(i) the licensee and the person to whom the licence is to be transferred have complied with:

(A) this Act, the regulations and any orders and directives made pursuant to this Act; and

(B) Part 4.1 of *The Mineral Resources Act, 1985* and any regulations, orders and directives made pursuant to that Part;

(ii) if required pursuant to section 2-10 to do so, the licensee and the person to whom the licence is to be transferred have filed security with the minister in accordance with that section;

(iii) the person to whom the licence is to be transferred meets the prescribed eligibility requirements for an applicant for a licence; and

(iv) it is in the public interest to do so; or

(b) refuse to approve the transfer of the licence.

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

(6) If the minister refuses to approve the transfer of a licence pursuant to clause (4)(b), the minister shall provide the licensee with written reasons for the refusal.

(7) The minister shall not unreasonably withhold approval for the transfer of a licence.

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

**Transfer of licence if licensee does not meet eligibility requirements**

**3-8**(1) If a licensee does not meet the prescribed eligibility requirements for an applicant for a licence, another person who meets the eligibility requirements may apply to the minister to have the licence transferred to that person.

(2) A licence may not be transferred pursuant to this section without the written approval of the minister.

(3) An applicant for the transfer of a licence pursuant to this section shall:

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

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

(c) if required pursuant to section 2-10 to do so, file security with the minister in accordance with that section; and

(d) provide evidence satisfactory to the minister that the applicant meets the prescribed eligibility requirements for an applicant for a licence.

(4) The minister may:

(a) subject to subsection (5), approve the transfer of the licence if the minister is satisfied that:

(i) the person to whom the licence is to be transferred has complied with:

(A) this Act, the regulations and any orders and directives made pursuant to this Act; and

(B) Part 4.1 of *The Mineral Resources Act, 1985* and any regulations, orders and directives made pursuant to that Part;

(ii) if required pursuant to section 2-10 to do so, all or any of the following have filed security with the minister in accordance with that section:

(A) the licensee;

(B) the person to whom the licence is to be transferred;

(iii) the person to whom the licence is to be transferred meets the prescribed eligibility requirements for an applicant for a licence; and

(iv) it is in the public interest to do so; or

(b) refuse to approve the transfer of the licence.

(5) The minister shall not transfer the licence unless the minister has provided the licensee with not less than 30 days' notice in writing, directed to the licensee's address for service registered pursuant to section 3-11, of the minister's intention to transfer the licence.

(6) If the minister approves the transfer of the licence, the minister may amend the licence to include as a provision of the licence any terms and conditions that the minister considers appropriate.

(7) If the minister refuses to approve the transfer of a licence pursuant to clause (4)(b), the minister shall provide the applicant with written reasons for the refusal.

**Transfer of licence in the public interest**

**3-9**(1) The minister may make an order directing the transfer of a licence to a person who, in the opinion of the minister, has the right or obligation to receive it, whether or not the person consents to the transfer.

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

(a) written notice of the minister's intended action and the reasons for the intended action; and

(b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is given, as to why the intended action should not be taken.

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

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

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

(6) An order of the minister directing the transfer of a licence pursuant to this section has the same effect as a transfer approved pursuant to section 3-7.

**Transfer only effective on approval**

**3-10** A transfer of a licence has no effect until the minister has approved the transfer in writing.

**Address for service**

**3-11**(1) Every person who is the owner of a well or facility or who is a licensee or holder of a minister's approval pursuant to this Act shall register with the minister an address in Saskatchewan and an email address for service on that person of any communication given or made pursuant to this Act, the regulations and any orders and directives made pursuant to this Act.

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

**Transitional**

**3-12**(1) All subsisting licences issued pursuant to *The Oil and Gas Conservation Act* before the coming into force of this Act are continued and may be dealt with as if they were issued pursuant to this Act.

(2) Subject to subsection (3) and to section 2-10, if, on the coming into force of this Act, a licence is required for the operation of a facility that existed on the day before this section came into force, the minister may issue a licence to a person who meets the prescribed eligibility requirements for an applicant for a licence as if the person had applied for a licence pursuant to section 3-3 and satisfied the requirements of that section.

(3) The minister may, before issuing a licence pursuant to subsection (2), require the person to provide to the minister any prescribed information and material and any other information and material that the minister may require.

(4) The minister may include as a provision of the licence any terms and conditions that the minister considers appropriate.

**Regulations for Part**

**3-13** The Lieutenant Governor in Council may, for the purposes of this Part, make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Part but not defined in this Part;

(b) respecting applications for and the issuance of licences;

(c) prescribing eligibility requirements for applying for or holding a licence;

(d) respecting the transfer of licences;

(e) for the purposes of clause 3-2(1)(b), designating facilities or classes of facilities that are exempt from the requirement of holding a licence;

(f) prescribing any matter or thing required or authorized by this Part to be prescribed in the regulations;

(g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

## PART 4
## Electronic Licence Registry

**Definitions for Part**

**4-1** In this Part:

**"Integrated Resource Information System"** means the electronic online system established on November 19, 2015 used by the minister for issuing and administering licences before the coming into force of this Act;

**"licence"** means a licence issued pursuant to Part 3;

**"registered"** means registered in the registry;

**"registry"** means the electronic licence registry continued pursuant to subsection 4-3(1) or any successor system established by the minister.

**Application**

**4-2** This Part applies to:

(a) all licences contained in the Integrated Resource Information System on the day before the day on which this Act comes into force; and

(b) all licences issued on and after the day on which this Act comes into force.

**Registry continued**

**4-3**(1) The Integrated Resource Information System is continued as the electronic licence registry.

(2) The minister shall maintain the registry for the purposes of administering licences in accordance with this Part, the regulations and any orders and directives made pursuant to this Part.

(3) The registry is to be used in the manner set out in this Act, the regulations and any orders and directives made pursuant to this Act.

**Requirements, rules and procedures re registry**

**4-4**(1) Subject to the regulations and directives, the minister may, by order:

(a) establish any requirements to ensure proper functioning of the registry; and

(b) require a registration to be made electronically in accordance with the regulations and directives.

(2) An electronic application is deemed to be submitted to the minister only if the prescribed requirements and the requirements established by the minister pursuant to this section are complied with.

**Registration of licences**

**4-5**(1) A person shall submit an application relating to a licence to the registry in accordance with the regulations and applicable directives.

(2) All licences mentioned in clause 4-2(a) are deemed to be registered on the coming into force of this Act.

(3) Unless otherwise provided in this Act, the regulations and any orders and directives made pursuant to this Act, no change to a licence that is required to be registered is effective until the change is registered.

**Restriction on or prohibition of access to registry**

**4-6** If the minister is satisfied that a person has contravened a provision of this Act, the regulations or any order or directive made pursuant to this Act, the minister may:

(a) restrict the person's access to the registry on any terms and conditions that the minister considers appropriate; or

(b) prohibit that person from accessing the registry.

**Deletion from or correction of entry**

**4-7**(1) The minister may:

(a) delete or correct an entry in the registry in accordance with the regulations; or

(b) delete or correct an entry in the registry if the registration does not comply with this Act, the regulations or any order or directive made pursuant to this Act.

(2) If the minister deletes or corrects an entry in the registry, the minister shall give notice to the holder of the licence affected by the deletion or correction in accordance with the regulations.

(3) Every deletion or correction made pursuant to this section has the same validity and effect as if the defect, inconsistency, error or omission had not occurred.

**Information in registry prevails**

**4-8** Subject to section 4-7, but notwithstanding any other provision of this Act or any other Act or law, if there is a difference between electronic information in the registry and other information, the information in the registry prevails, whether or not the other information is contained in a document that contains an original signature or seal.

**If registry functions not available**

**4-9** If the minister determines that one or more registry functions are not available, the minister may, by order, authorize the registration of a licence or changes to a licence by methods determined by the minister.

**Regulations for Part**

**4-10** The Lieutenant Governor in Council may make regulations respecting the registry, including:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Part but not defined in this Part;

(b) prescribing the terms and conditions governing access to and use of the registry, including prescribing persons who are eligible to use the registry to apply for a licence, to submit a transfer or to search the registry;

(c) prescribing the class or classes of applications that must be submitted or registered electronically;

(d) prescribing fees respecting any matter or service respecting the registry;

(e) for the purposes of section 4-5, respecting applications for registration;

(f) for the purposes of section 4-7:

(i) governing the deletion or correction of an entry in the registry; and

(ii) governing the giving of notice to a holder of a licence affected by a deletion or correction of an entry in the registry;

(g) prescribing the terms and conditions pursuant to which a holder of a licence may authorize an agent to act on the holder's behalf with respect to the matters related to the administration of the licence;

(h) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the transfer of licences mentioned in clause 4-2(a) to the registry pursuant to this Part;

(i) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

## PART 5
## Well and Facility Operations: Regulations and Orders

**Regulations**

**5-1** The Lieutenant Governor in Council may make regulations:

(a) authorizing or requiring the identification of ownership of wells, facilities, producing leases and pipelines;

(b) for the purposes of subsection 1-2(1):

(i) prescribing industries for the purposes of the definition of "non oil-and-gas substance"; and

(ii) prescribing physical waste that is not included in the definition of "oil and gas waste";

(c) requiring every person who produces, injects, sells, purchases, acquires, stores, consumes, transports, refines or processes oil, gas, water, products or any other substances:

(i) to keep and maintain complete and accurate records of the quantities and values of them;

(ii) to make the records mentioned in subclause (i) available for examination by the minister or any person authorized by the minister at all reasonable times; and

(iii) to file with the minister any reports, contracts or other information that may be required with respect to that oil and gas, water, or those products or any other substances;

(d) requiring and respecting the keeping, submission and the form and manner of submission of data, reports, documents, applications, returns, contracts, statements, estimates, calculations, analyses, declarations, plans, maps, surveys, records and other information;

(e) respecting the obligations of licensees and other persons to abandon, restore, remediate or reclaim:

(i) any well or facility; and

(ii) the site of any well or facility.

**Minister's orders**

**5-2** Without limiting the generality of clause 2-2(2)(a), the minister may make orders:

(a) respecting the drilling, plugging, producing and operating of wells and other operations associated with a mineral resource activity;

(b) respecting the completing, chemical treating and fracturing of wells;

(c) classifying wells as oil or gas wells if the minister considers it necessary for the application and enforcement of this Act;

(d) respecting the licensing of facilities, including designating facilities or classes of facilities that are exempt from the requirement of holding a licence;

(e) respecting the design, construction and operation of facilities and associated sites;

(f) respecting requirements for the construction of surface leases associated with wells licensed pursuant to this Act;

(g) respecting the methods of operation to be observed during drilling and in the subsequent management and oversight of any well:

(i) for the protection of the environment, life and property;

(ii) for the prevention and extinguishment of fires;

(iii) for the prevention of the blowing out of control wells; and

(iv) for the prevention of pollution of fresh water supplies;

(h) providing for the inspection of wells, both during and after drilling, with respect to:

(i) matters pertaining to safe operations; and

(ii) matters pertaining to general public interest, having regard to the protection of public or private property;

(i) requiring and respecting the making of well logs, surveys, tests, reports and analyses relating to well locations and sites, drilling, injection and production;

(j) requiring and respecting the taking of cores and samples of any kind, the making of subsurface logs and the submitting of core analyses and subsurface log analyses to the minister;

(k) respecting the storage, handling, transportation, treatment, consumption and disposition of oil, gas, water, products and other substances;

(l) respecting the processing and storing, at a licensed facility or well or associated site, of:

(i) oil, condensate and gas;

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

(iii) non-oil-and-gas substances;

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

(n) respecting the reporting of incidents involving well and facility operations;

(o) controlling, restricting or prohibiting any actions of any person for the purpose of abating noise or controlling noise levels;

(p) respecting the withdrawal of substances from a well for commercial, industrial or other uses;

(q) respecting the venting, flaring, incineration, destruction, or conversion of hydrocarbons or any air pollutant emission resulting from the operation of a well, facility or related operation;

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

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

(i) oil or gas;

(ii) products;

(iii) water; or

(iv) other substances;

(t) governing the suspension of operations and the abandonment and reconditioning of wells and facilities;

(u) respecting the requirements and standards for the restoration, remediation and reclamation of any area that may have been damaged, contaminated or otherwise affected by well, facility and flowline operations;

(v) respecting any other matter that the minister considers necessary or incidental to the carrying out of the minister's duties or the exercising of the minister's powers pursuant to this Act or the regulations.

## PART 6
## Volumetric and Valuation Registry

**Definition for Part**

**6-1** In this Part, **"registry"** means the volumetric and valuation registry continued pursuant to section 6-2.

**Volumetric and valuation registry**

**6-2**(1) The petroleum registry established pursuant to *The Oil and Gas Conservation Act* is continued as the volumetric and valuation registry.

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

(3) The minister may use the registry for the purposes of administering volumetric and valuation data relating to the producing operations of wells and facilities in accordance with this Act, the regulations and any orders and directives made pursuant to this Act.

(4) The minister may require any person to submit information and to carry out any duties required by this Act, the regulations and any orders and directives made pursuant to this Act through the registry in accordance with this Act, the regulations and any orders and directives made pursuant to this Act.

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

**Disclosure of information**

**6-3** Notwithstanding any other provision of this Act, any other Act or law or the terms of an agreement:

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

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

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

(b) the minister and the employees of the ministry shall preserve the confidentiality of the information in accordance with the provisions of this Act, the regulations and any orders and directives made pursuant to this Act, of any other Act or law and of the terms of any agreement.

## PART 7
## Greenhouse Gas Emissions

**Definitions for Part**

**7-1** In this Part:

**"greenhouse gas"** means:

(a) carbon dioxide;

(b) methane; or

(c) any other prescribed gas or compound;

**"greenhouse gas emission regulation"** means a regulation:

(a) that is made pursuant to this Act for the purpose of managing the emission of a greenhouse gas into the atmosphere; and

(b) that is designated pursuant to section 7-2.

**Designation of regulations**

**7-2** The Lieutenant Governor in Council may:

(a) designate a regulation made pursuant to this Act as a greenhouse gas emission regulation;

(b) specify an implementation date on and after which this Part, or any prescribed provision of this Part, applies to that greenhouse gas emission regulation; and

(c) specify that any penalty for contravening a greenhouse gas emission regulation is a penalty for the purposes of section 7-8.

**Report**

**7-3**(1) The minister shall:

(a) monitor compliance of licensees with:

(i) a greenhouse gas emission regulation; and

(ii) any other matters that the minister considers appropriate for the purpose of the administration of the greenhouse gas emission regulation; and

(b) prepare and issue reports respecting any matter governed by this Act that the minister considers to be in the public interest and publish those reports on the ministry's website and in any other manner that the minister considers appropriate.

(2) The minister may use any indicators that the minister considers relevant in the preparation of a report.

(3) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report prepared pursuant to this section.

**Power to enter into agreements**

**7-4** Subject to the approval of the Lieutenant Governor in Council and for the purposes of furthering, undertaking and enforcing the minister's powers respecting a greenhouse gas and the administration of a greenhouse gas emission regulation, the minister may enter into agreements on behalf of the Government of Saskatchewan with the Government of Canada.

**Request for investigation**

**7-5**(1) Any resident of Saskatchewan who is at least 18 years old and who is of the opinion that a contravention of a greenhouse gas emission regulation has occurred may apply to the minister for an investigation pursuant to this Act of the alleged contravention.

(2) A person applying for an investigation pursuant to this section shall ensure that the application is accompanied by a solemn or statutory declaration that:

(a) states the name and address of the applicant;

(b) states the nature of the alleged contravention and the name of each person alleged to be involved in the commission of the contravention; and

(c) contains a concise statement of the evidence supporting the allegations of the applicant.

**Minister may order investigation following application**

**7-6**(1) On receipt of an application pursuant to section 7-5, the minister shall:

(a) provide the applicant with an acknowledgment of the receipt of the application; and

(b) investigate all matters that the minister considers necessary for a determination of the facts relating to the alleged contravention.

(2) Within 90 days after receiving an application pursuant to section 7-5, the minister shall report to the applicant on the progress of the investigation and the action, if any, that the minister proposes to take.

(3) The minister may discontinue an investigation if the minister is of the opinion that the alleged contravention does not require further investigation.

(4) If an investigation is discontinued, the minister shall:

(a) prepare a written report describing the information obtained during the investigation and stating the reasons for the discontinuation of the investigation; and

(b) send a copy of the report to the applicant and to any person whose conduct was investigated.

**Issuance of false statements**

**7-7** No person shall knowingly make a false statement in a declaration made pursuant to subsection 7-5(2) that, as a result, causes an investigation to be commenced.

**Payment of penalties**

**7-8** Subject to the direction of the Lieutenant Governor in Council, all administrative penalties payable pursuant to this Act, and all other penalties assessed or imposed, with respect to a contravention of a greenhouse gas emission regulation are to be paid to:

(a) the general revenue fund; or

(b) any prescribed fund established pursuant to an Act that may be used for the purposes of reducing or managing the emissions of greenhouse gases.

## PART 8
## Oil and Gas Orphan Fund

**Oil and Gas Orphan Fund continued**

**8-1**(1) The Oil and Gas Orphan Fund continued pursuant to *The Oil and Gas Conservation Act* is continued.

(2) Subject to subsection 8-3(2) and the regulations made pursuant to clause 8-8(f), the primary purpose of the orphan fund is to provide financing for the abandonment, restoration, remediation or reclamation of wells and facilities, and the sites of wells and facilities, if the obligations of the person responsible for carrying out those activities are not being met.

**Fund advisory committee**

**8-2**(1) The minister may establish a fund advisory committee to advise the minister with respect to any matter related to the administration of the orphan fund and to perform any other prescribed functions.

(2) No action or proceeding lies or shall be commenced against any member of the fund advisory committee if that member is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that member pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

**Deposit and use of moneys in the orphan fund**

**8-3**(1) Notwithstanding *The Financial Administration Act, 1993*, the following shall be deposited in the orphan fund and not in the general revenue fund:

(a) payments pursuant to a letter of credit or other form of security if authorized by regulations made pursuant to clause 2-12(1)(h) or (k);

(b) if authorized by the regulations, proceeds from the sale of machinery, equipment or materials forfeited to the Crown in right of Saskatchewan pursuant to section 9-13;

(c) moneys recovered by the minister pursuant to section 8-4;

(d) fees levied in accordance with regulations made pursuant to clause 8-8(c).

(2) The minister may use money from the orphan fund for any prescribed purpose.

**Recovery of amounts used from the orphan fund**

**8-4** If money from the orphan fund is used to do anything that, pursuant to this Act or any regulation made pursuant to this Act, is the responsibility of another person, the minister may recover the amount expended from the orphan fund from that other person and, for that purpose, may commence an action against the person.

**Investments from the fund**

**8-5**(1) The Minister of Finance may invest any money in the orphan fund in any investments that are authorized in *The Financial Administration Act, 1993* as investments for the general revenue fund.

(2) Profits or interest earned on money invested pursuant to subsection (1) shall be deposited to the orphan fund.

(3) The Minister of Finance may dispose of any securities in which any part of the orphan fund has been invested pursuant to subsection (1), subject to the terms of the investment, in any manner and on any terms that the Minister of Finance considers appropriate.

**Annual report**

**8-6**(1) In each fiscal year of the orphan fund, the ministry shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the minister:

(a) a report of the activities of the fund for the preceding fiscal year; and

(b) a financial statement showing the business of the fund for the preceding fiscal year in a form that may be required by Treasury Board.

(2) The minister shall, in accordance with section 13 of *The Executive Government Administration Act*, lay before the Legislative Assembly each report and statement mentioned in subsection (1).

**Audit of the fund**

**8-7** The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the accounts and financial statements of the orphan fund:

(a) annually; and

(b) at any other times that the Lieutenant Governor in Council may require.

**Regulations for Part**

**8-8** For the purposes of this Part, the Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Part but not defined in this Part;

(b) respecting the administration of the orphan fund;

(c) establishing fees to be levied on wells and facilities and deposited in the orphan fund, determining who is required to pay those fees and providing for their collection;

(d) authorizing the minister to determine whether a well or facility is inactive for the purposes of the fees to be levied pursuant to clause (c);

(e) authorizing the minister to deposit in the orphan fund all or part of the net proceeds from the sale of machinery, equipment or materials forfeited to the Crown in right of Saskatchewan pursuant to section 9-13;

(f) prescribing the purposes for which money from the orphan fund may be used and authorizing the minister, in consultation with the fund advisory committee, to carry out those purposes and to determine when money from the orphan fund may be used for those purposes;

(g) providing for the allocation and payment of all or any part of the administration costs of the orphan fund, including costs related to the fund advisory committee, from the orphan fund;

(h) respecting the membership of the fund advisory committee;

(i) respecting the functions of the fund advisory committee;

(j) prescribing the fiscal year of the orphan fund;

(k) prescribing minimum amounts to be retained in reserve in the orphan fund;

(l) prescribing any matter or thing required or authorized by this Part to be prescribed in the regulations;

(m) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

## PART 9
## Enforcement, Inspection and Investigation

**Notice of failure to comply**

**9-1**(1) The minister may issue a notice of failure to comply to a licensee if:

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

(i) the licensee has failed to comply with:

(A) this Act or the regulations;

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

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

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

(b) the licensee is named in a declaration pursuant to section 9-15.

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

**Amendment, suspension, cancellation of licences**

**9-2**(1) The minister may amend or suspend a licence if the amendment or suspension is necessary for the purposes of public safety or the safety of any person or for the protection of property or the environment.

(2) The minister may amend, suspend or cancel a licence if:

(a) the licensee is in agreement with the amendment, suspension or cancellation;

(b) the licensee fails to pay the administrative levy within the prescribed period;

(c) the licensee fails to comply with a notice issued pursuant to subsection 9-1(1) within the period specified in the notice;

(d) the security required pursuant to section 2-10 has not been provided in the amount and within the time required; or

(e) the licensee has contravened any provision of this Act or the regulations or has failed to comply with any order or directive made pursuant to this Act.

(3) Unless, in the minister's opinion, action is urgently required, the minister shall not amend, suspend or cancel a licence pursuant to clause (2)(b), (c), (d) or (e) unless the licensee has been given a reasonable opportunity to make representations to the minister, in a form and manner determined by the minister, concerning the proposed amendment, suspension or cancellation.

(4) If the minister amends, suspends or cancels a licence without giving the licensee an opportunity to make representations to the minister, the minister shall:

(a) notify the licensee as soon as possible that the licence has been amended, suspended or cancelled; and

(b) provide the licensee with an opportunity to make representations within 15 days after the date of the amendment, suspension or cancellation.

**Obligations continue**

**9-3** If a licence is suspended or cancelled:

(a) all rights and privileges conveyed by the licence are suspended or cancelled, as the case may be; and

(b) notwithstanding the suspension or cancellation of a licence, the responsibility of the licensee and any working interest participant in the well, facility or associated flowline, and the well site and facility site, continues after the suspension or cancellation of the licence with respect to any obligations of the licensee pursuant to:

(i) this Act;

(ii) the regulations;

(iii) any orders or directives made pursuant to this Act; or

(iv) any terms or conditions of the licence.

**Minister's orders for suspension, abandonment and reclamation**

**9-4**(1) Notwithstanding any licence or approval, if, in the minister's opinion, it is necessary to do so for the purposes of public safety or the safety of any person, for the protection of property or the environment or for any other prescribed purpose, the minister may order any person to:

(a) suspend the operation of any well, flowline or facility in the manner and within the time specified in the order; and

(b) abandon, restore, repair, remediate or reclaim any well, flowline or facility, or the site of any well, flowline, or facility, in the manner and within the time specified in the order.

(2) The minister may, in an order made pursuant to this section, specify:

(a) the manner in which the order is to be carried out and the method or procedures to be used; and

(b) the time within which anything required by the order is to begin and the time within which the order or any part of the order is to be complied with.

**Service of order**

**9-5** An order made pursuant to section 9-4 is to be served on the person to whom the order is directed.

**Minister may carry out order**

**9-6** If a person to whom an order made pursuant to section 9-4 is directed fails to comply with the order in the specified manner or within the specified time, the minister may:

(a) carry out the order or cause the order to be carried out; and

(b) recover the costs and expenses incurred pursuant to clause (a) on behalf of the Crown in right of Saskatchewan, as a debt due to and recoverable by the Crown, from the person who failed to comply with the order.

**Power to take immediate action**

**9-7**(1) Notwithstanding section 9-4, if the minister considers it in the public interest to take immediate action or is unable to readily identify or locate the person to whom an order pursuant to that section should be directed, the minister may, in any manner and by any method the minister considers appropriate:

(a) suspend the operation of any well, flowline or facility; and

(b) abandon, restore, repair, remediate or reclaim any well, flowline or facility, or the site of any well, flowline or facility.

(2) The amount of any costs and expenses incurred with respect to any action taken pursuant to subsection (1) is a debt due to and recoverable by the Crown in right of Saskatchewan from the person identified by the minister as the person to whom an order would have been directed if the minister had not acted pursuant to subsection (1).

**Entry on land re minister's order**

**9-8**(1) A person carrying out suspension, abandonment, restoration, repair, remediation or reclamation operations pursuant to section 9-4 or 9-7 may enter on or pass over any land, whether enclosed or not, for the purposes of carrying out the suspension, abandonment, restoration, repair, remediation or reclamation.

(2) Before entering on any land pursuant to subsection (1), the person shall give prior written notice of the person's intention to enter on or pass over the land to the land owner and to the occupant, unless it is impractical under the circumstances to do so.

(3) If a person who attempts to enter on or pass over any land pursuant to subsection (1) is prevented from entering on or passing over the land, that person may apply to a justice or a provincial court judge for a warrant pursuant to subsection (4).

(4) A justice or a provincial court judge may issue a warrant, if the justice or the provincial court judge is satisfied by information under oath or affirmation that there are reasonable grounds to believe that the following circumstances exist:

(a) entry to the land is necessary for the purpose set out in subsection (1);

(b) the person has been denied entry to the land mentioned in subsection (1) for the purpose set out in that subsection.

(5) A warrant issued pursuant to subsection (4) authorizes the person named in the warrant to enter the land named in the warrant to:

(a) examine or pass over the land; and

(b) carry out the activities mentioned in subsection (1).

(6) A person who enters on or passes over any land pursuant to subsection (1) shall compensate the land owner or occupant for:

(a) direct expenses and for any damage to the land owner's or occupier's land or property arising directly from that entry; and

(b) use of land outside the surface lease area.

(7) If a dispute arises as to the compensation payable pursuant to subsection (6), the compensation is to be determined pursuant to *The Surface Rights Acquisition and Compensation Act*.

**Inspections and audits**

**9-9**(1) In this section and in sections 9-10 and 9-11:

**"Act"** includes the regulations and any orders and directives made pursuant to this Act;

**"property"** includes computer software;

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

(2) The minister may designate any person as an inspector for all or any of the following purposes:

(a) determining whether a licensee is in compliance with this Act;

(b) conducting a compliance audit of the practices of the licensee in relation to the construction, alteration, operation, discontinuation or abandonment of any well, flowline or facility owned by the licensee that is subject to this Act;

(c) determining the cause of any incident required to be reported to the minister pursuant to this Act.

(3) Subject to subsection 9-10(4), in carrying out the duties specified in subsection (2), an inspector may do all or any of the following:

(a) enter any land or site where a well, flowline or facility is or was located, or any lands affected by any well, flowline or facility, whether or not the land is included in a surface lease area;

(b) enter at any reasonable time premises containing any records or property required to be maintained pursuant to this Act or related to the design, construction, alteration, operation or abandonment of a well, flowline or facility or the discontinuation of the operation of a well, flowline or facility and inspect those records or that property;

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

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

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

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

(e) use any machinery, equipment, appliance or thing that the inspector considers necessary while at any of the places or premises mentioned in clause (a) or (b);

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

(g) remove for examination and copying anything that may be relevant to the inspection or audit, including information contained in any computer system.

(4) For the purpose of obtaining any information that is required to determine compliance with this Act or that is otherwise required for the performance of the duties or the exercise of the powers of the inspector, the inspector may direct any person, in writing, to provide the inspector with any information in any form and manner and within any time that the inspector may specify.

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

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

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

(8) An inspector shall:

(a) give a receipt for anything that the inspector removes for examination and copying;

(b) promptly return anything removed pursuant to this section to the place from which it was removed or any other place agreed to by the inspector and the person who provided it; and

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

**Investigations**

**9-10**(1) If a justice or a provincial court judge is satisfied by information under oath or affirmation that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place or premises named in the warrant;

(b) stop and search any vehicle described in the warrant;

(c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.

(2) With a warrant issued pursuant to subsection (1), an inspector may:

(a) enter at any time and search any place or premises named in the warrant;

(b) stop and search any vehicle described in the warrant;

(c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the inspector finds in the place, premises or vehicle;

(d) require the production of and examine any records or property that the inspector believes, on reasonable grounds, may contain information related to an offence against this Act;

(e) remove, for the purpose of making copies, any records examined pursuant to this section; and

(f) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.

(3) Subject to subsection (4), an inspector may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to this section if:

(a) the conditions for obtaining a warrant exist; and

(b) the inspector has reasonable grounds to believe that the delay necessary to obtain a warrant would result:

(i) in danger to human life or safety; or

(ii) in the loss, removal or destruction of evidence.

(4) An inspector shall not enter any premises that are a private dwelling without the consent of the occupier or a warrant issued pursuant to this section.

**Copies admissible as evidence**

**9-11** A record certified by the minister, or any person authorized by the minister, to be a copy of a record made pursuant to section 9-9 or 9-10 is admissible in evidence, without proof of the office or signature of the person appearing to have certified the document, and has the same probative force as the original document.

**Entry on land re inspection and investigation**

**9-12** For the purposes of carrying out their duties pursuant to this Act, the minister and any person lawfully accompanying the minister may enter on or pass over any land, whether enclosed or not, without a warrant.

**Forfeiture of machinery, etc.**

**9-13** The minister may order that any machinery, equipment or materials or minerals or products at the site of a well or facility be forfeited to the Crown in right of Saskatchewan if:

(a) the machinery, equipment or materials or minerals or products are located at the site of a well or facility that is no longer active;

(b) the abandonment, restoration, remediation or reclamation of the well or facility or the site of the well or facility is, in the minister's opinion, required; and

(c) the owner, operator or licensee of the well or facility cannot be located.

**Regulations respecting security**

**9-14**(1) In this section, **"terrorist activity"** means a terrorist activity as defined in the *Criminal Code*.

(2) For the purposes of addressing security with respect to a terrorist activity or a threat of terrorist activity, the Lieutenant Governor in Council may make regulations:

(a) prescribing the circumstances in which the minister may order the shutdown of a well, facility or operation engaged in the production of a mineral;

(b) respecting the security measures that the owner of a well, facility or operation must undertake with respect to that well, facility or operation and requiring those security measures to be taken;

(c) respecting appeals from a decision of the minister to shut down a well, facility or operation.

(3) In the event of a conflict between:

(a) an order made by the minister pursuant to:

(i) this Part or Part 5; or

(ii) Part III of *The Oil and Gas Conservation Act* as that Part existed on the day before the coming into force of this Act; and

(b) the regulations made pursuant to this section;

the regulations prevail.

**Action re principals**

**9-15**(1) The minister may make a declaration pursuant to subsection (2), if:

(a) a licensee or working interest participant:

(i) fails to comply with any provision of this Act or the regulations;

(ii) fails to comply with any order or directive made pursuant to this Act; or

(iii) has an outstanding debt to the minister, or to the account of the orphan fund, with respect to suspension, abandonment or reclamation costs; and

(b) the minister considers it in the public interest to make a declaration.

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

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

(a) written notice of the minister's intended action and the reasons for the intended action; and

(b) an opportunity to make written representations to the minister within 10 business days after the written notice mentioned in clause (a) is given, as to why the intended action should not be taken.

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

(5) After considering any representations made pursuant to clause (3)(b), the minister shall:

(a) make a declaration pursuant to subsection (2); or

(b) determine that no declaration should be made.

(6) The minister shall serve a copy of the minister's decision pursuant to subsection (5) on any person to whom notice was given pursuant to subsection (3).

(7) If the person named in a declaration made pursuant to subsection (2) is the licensee, applicant, transferor or transferee mentioned in any of clauses (a) to (e), or a director, officer, agent or other person who, in the minister's opinion, is directly or indirectly in control of the licensee, applicant, transferor or transferee mentioned in any of those clauses, the minister may do all or any of the following:

(a) suspend any operations of a licensee pursuant to this Act;

(b) refuse to consider an application for a licence from an applicant;

(c) refuse to consider an application to transfer a licence from an applicant, licensee, transferor or transferee pursuant to this Act;

(d) require the submission of abandonment and reclamation deposits in an amount determined by the minister before granting any licence or transfer to an applicant, licensee, transferor or transferee pursuant to this Act;

(e) require the submission of abandonment and reclamation deposits in an amount determined by the minister for any wells or facilities of any licensee.

(8) This section applies with respect to a failure to comply or an outstanding debt whether the failure to comply or the debt arose before or after the coming into force of this section.

**Regulations for Part**

**9-16** The Lieutenant Governor in Council may make regulations:

(a) respecting the amendment, suspension and cancellation of licences;

(b) prescribing any other purpose for which the minister may make an order pursuant to section 9-4;

(c) respecting the forfeiture of machinery, equipment and materials and oil, gas and products pursuant to section 9-13 and the payment of the proceeds, or any portion of the proceeds, from the sale of the machinery, equipment and materials and oil, gas and products to persons who have an interest in them;

(d) authorizing and governing the shutting in and sealing of wells and the shutting down of facilities and related equipment and operations for a contravention of this Act, the regulations or any order or directive made pursuant to this Act.

## PART 10
## Prohibitions, Offences and Penalties

**Sale, purchase, etc. of illegal minerals prohibited**

**10-1** No person shall sell, purchase or acquire, transport, process or handle illegal minerals or illegal product.

**Forfeiture**

**10-2**(1) The minister may order that any illegal minerals or illegal product or the proceeds from the disposition of illegal minerals or illegal product be forfeited to the Crown in right of Saskatchewan.

(2) In an order pursuant to subsection (1), the minister may direct a person to deliver immediately to the minister:

(a) the illegal minerals or illegal product that is forfeited; or

(b) if the person is no longer in possession of the illegal minerals or illegal product:

(i) minerals or product in a quantity and quality that are equivalent to that of the illegal minerals or illegal product that is forfeited; or

(ii) the proceeds of disposition of the illegal minerals or illegal product or an amount equivalent to the proceeds of disposition.

**Administrative penalty**

**10-3**(1) The minister may, on the minister's own initiative, assess a penalty in the prescribed amount against any person for prescribed contraventions of this Act, the regulations or any orders or directives made pursuant to this Act.

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

(a) setting out the facts and circumstances that, in the minister's opinion, render the person liable to a penalty;

(b) specifying the amount of the penalty that the minister considers appropriate in the circumstances; and

(c) informing the person of the person's right to make representations to the minister.

(3) No penalty is to be assessed by the minister more than 3 years after the act or omission that renders the person liable to a penalty first came to the knowledge of the minister.

(4) A person to whom notice is sent pursuant to subsection (2) may make representations to the minister respecting whether or not a penalty should be assessed and the amount of any penalty.

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

(6) After considering any representations made pursuant to subsection (5), the minister may:

(a) assess a penalty and set a date by which the penalty is to be paid in full; or

(b) determine that no penalty should be assessed.

(7) The minister shall serve a copy of the minister's decision pursuant to subsection (6), with reasons, on the person who made the representations.

(8) The minister may file in the Court of King'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 King'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.

(11) The minister may, subject to the regulations, waive the obligation of a person to pay an administrative penalty assessed pursuant to subsection (1) or clause (6)(a), as the case may be.

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

**10-4**(1) Any person aggrieved by a decision of the minister to impose an administrative penalty pursuant to section 10-3 may appeal that decision on a question of law to a judge of the Court of King's Bench within 30 days after the date of the minister's decision.

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

(a) the minister's decision;

(b) any written representations made to the minister by the person named in the decision;

(c) the notice of motion commencing the appeal;

(d) any other prescribed documents or material; and

(e) any other material that the Court of King's Bench may require.

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

(a) confirming the administrative penalty;

(b) amending the amount of the administrative penalty; or

(c) quashing the minister's decision to assess an administrative penalty.

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

**Offences**

**10-5**(1) No person shall:

(a) make or cause to be made a false statement or provide false information to the minister or any person acting on behalf of the minister in any report, document or other form of communication required pursuant to this Act, the regulations or an order made pursuant to this Act;

(b) omit or cause to be omitted full, true and correct information in any report, document or other form of communication required pursuant to this Act, the regulations or any orders or directives made pursuant to this Act;

(c) omit to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the minister or any person acting on behalf of the minister;

(d) destroy, mutilate, alter, falsify or remove from Saskatchewan any report, document, records or other form of communication required by this Act, the regulations and any orders and directives made pursuant to this Act or cause any information to be destroyed, mutilated, altered, falsified or removed from Saskatchewan;

(e) obstruct or interfere with the minister or any person acting on behalf of the minister in the exercise of any of the powers conferred by this Act, the regulations and any orders and directives made pursuant to this Act; or

(f) fail to comply with this Act, the regulations and any orders and directives made pursuant to this Act.

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

(a) in the case of an individual, to a fine of not more than $50,000 for each day or part of a day during which the offence continues, to imprisonment for a term of not more than one year or to both; or

(b) in the case of a corporation, to a fine of not more than $500,000 for each day or part of a day during which the offence continues.

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

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

**Additional order from convicting court**

**10-6**(1) In addition to or instead of any penalty imposed pursuant to this Act, the convicting court, having regard to the nature of the offence and the circumstances surrounding its commission, may make an order doing one or more of the following:

(a) requiring the convicted person to remove a substance in a manner and within the period specified by the order;

(b) prohibiting the convicted person from doing any act or engaging in any activity that, in the opinion of the court, may result in the continuation of the offence;

(c) directing the convicted person to repair, mitigate or minimize any damage to the environment or subsurface formations that resulted from the commission of the offence in a manner and within the period specified by the order, or to restore or reclaim any property that has been damaged as a result of the commission of the offence in a manner and within the period specified by the order;

(d) requiring the convicted person to take steps to prevent any damage to the environment or subsurface formations that may result from the commission of the offence in a manner and within the period specified by the order;

(e) directing the convicted person to pay to the minister an amount of money as compensation, in whole or in part, for the cost of any corrective action taken by or at the direction of the minister as a result of the commission of the offence;

(f) requiring the convicted person to do any other thing that, in the opinion of the court, is necessary in the circumstances.

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

**Vicarious liability**

**10-7** In any prosecution of a person for an offence pursuant to this Act, the regulations or any order or directive made pursuant to this Act, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the person's knowledge, that it was committed by an employee, helper, contractor or agent of the person, whether or not the employee, helper, contractor or agent:

(a) is identified; or

(b) has been prosecuted or convicted for the offence.

**Limitation on prosecutions**

**10-8** No prosecution for a contravention of this Act, the regulations or any order or directive made pursuant to this Act is to be commenced more than 3 years after the facts on which the alleged contravention is based first came to the knowledge of the minister.

**Prosecution does not bar action for damages**

**10-9** A prosecution pursuant to this Act shall not deprive any person suffering damage or injury of any cause of action the person may have.

**Minister may apply for compliance order**

**10-10**(1) The minister may apply to a judge of the Court of King's Bench for all or any of the following:

(a) an order compelling a person to comply with this Act, the regulations and any orders and directives made pursuant to this Act or the terms and conditions of a licence or minister's approval;

(b) an order enjoining any person from proceeding contrary to this Act, the regulations and any orders and directives made pursuant to this Act or the terms and conditions of a licence or minister's approval.

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

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

**Effect of payment of penalty and of forfeiture**

**10-11** The payment of a penalty shall not operate to legalize any mineral or product involved in the contravention with respect to which the penalty is imposed, and the payment of a penalty or the forfeiture of any mineral or product shall not relieve a person from liability to any other person for damages arising out of the contravention with respect to which the penalty is imposed or the forfeiture is incurred.

**Remedies**

**10-12** If the minister has more than one remedy pursuant to this or any other Act or law to enforce any regulation, order or directive made pursuant to this Act or to enforce the payment of money payable pursuant to a regulation, order or directive made pursuant to this Act, the minister may use all or any of those remedies, either concurrently or successively, until:

(a) the regulation, order or directive has been complied with; or

(b) the money that is payable, together with all costs and expenses, has been fully paid.

**Regulations for Part**

**10-13** The Lieutenant Governor in Council may make regulations:

(a) for the purposes of section 10-3, respecting administrative penalties, including:

(i) prescribing the contraventions of this Act, the regulations or any order or directive made pursuant to this Act for which an administrative penalty may be assessed;

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

(iii) prescribing the manner in which an administrative penalty is to be determined or assessed; and

(iv) authorizing the minister to determine or assess an administrative penalty, to waive all or any portion of an administrative penalty or to exclude a person from the assessment of an administrative penalty;

(b) for the purposes of section 10-4, prescribing any other documents or material to be filed with the Court of King's Bench to appeal the minister's decision.

## PART 11
## General

**Regulations regarding electronic documents and information**

**11-1**(1) The Lieutenant Governor in Council may make regulations:

(a) governing the development, use and retention of documents and information in electronic form by the ministry and persons dealing with the ministry in carrying out the business processes of the ministry, including:

(i) requiring that documents or classes of documents be in an approved electronic format and respecting the manner in which that format is determined or approved, including authorizing the minister to determine the appropriate format;

(ii) governing the methods and means of transmission of approved electronic documents or classes of approved electronic documents, including the establishment of rules, procedures and guidelines for their transmission;

(iii) governing the means by which the identity and authority of persons who create, submit or send approved electronic documents are verified;

(iv) respecting electronic signatures on approved electronic documents and the legal effect of those signatures; and

(v) authorizing the minister to determine any of the matters set out in this clause;

(b) providing that a provision in a regulation made pursuant to subclause (a)(i) or (ii) supersedes all or any part of another Act or regulation of Saskatchewan with respect to the same subject-matter;

(c) governing the legal effect and enforceability of approved electronic documents, certified copies of approved electronic documents and endorsements made on approved electronic documents, including:

(i) giving an approved electronic document the same effect as if it were in writing and signed;

(ii) giving an approved electronic document the same probative force as the original electronic document; and

(iii) exempting an approved electronic document from any requirement at law that a document must be in writing or signed;

(d) authorizing the minister to refuse to accept documents that are not approved electronic documents or do not meet the requirements of or established pursuant to the regulations made pursuant to clauses (a) to (c) with respect to the documents;

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

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

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

(h) for the purpose of section 11-2, prescribing:

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

(ii) the means and manner of service.

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

**Service of communication**

**11-2**(1) In this section and section 11-6, **"business day"** means a day other than a Saturday, Sunday or holiday.

(2) Any communication required by this Act, the regulations or any orders or directives made pursuant to this Act to be given or served may be given or served:

(a) by personal service;

(b) by ordinary or registered mail to the last known address of the person being served;

(c) on a person mentioned in subsection (6), by electronic means; or

(d) by any other prescribed means.

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

(4) A communication served by electronic means is deemed to have been received on the second business day after it is sent.

(5) Service of a communication to be sent by any other prescribed means is to be proved in the prescribed manner.

(6) Every person mentioned in subsection 3-11(1):

(a) is deemed to have consented to receive any communication from the minister pursuant to this Act, the regulations and any orders and directives made pursuant to this Act by electronic means established by the minister; and

(b) shall provide the minister with the prescribed information to permit the minister to serve that person by electronic means.

(7) Irregularity in the service of a communication does not affect the validity of an otherwise valid communication.

**Debt due to Crown**

**11-3** All amounts required by or pursuant to this Act to be paid or remitted to the minister are a debt due to the Crown and may be recovered in any manner provided in this Act or the regulations, in any manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

**Recovery of debt owing to the minister**

**11-4**(1) In this section:

**"debt owing to the minister"** means any money owing to the minister pursuant to this Act or the regulations, including money to be deposited to the orphan fund;

**"enforcing judgment creditor"** means enforcing judgment creditor as defined in *The Enforcement of Money Judgments Act*.

(2) If there is any debt owing to the minister by any person, the minister may:

(a) certify the amount of the debt, and any penalty or interest owing respecting that amount, in a certificate; and

(b) file that certificate at any judicial centre with the local registrar of the Court of King's Bench.

(3) A certificate filed pursuant to subsection (2):

(a) is to be served, within 30 days after filing, on the person who is the subject of the certificate, but failure to serve the certificate within 30 days does not affect the validity of the certificate; and

(b) has the same force and effect as if it were a judgment obtained against the person in the Court of King's Bench for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges respecting its filing.

(4) Notwithstanding *The Enforcement of Money Judgments Act*, amounts owed pursuant to this Act have priority over the claims of all enforcing judgment creditors, whether or not the Crown is also an enforcing judgment creditor with respect to those amounts.

**Collection from third parties**

**11-5**(1) In this section, **"third party"** means a person who is, or is about to become, indebted to or liable to pay money to a person who is the subject of a certificate filed pursuant to section 11-4.

(2) If a certificate has been filed pursuant to section 11-4, the minister may serve a notice of intention on the person who is the subject of the certificate advising that person of the minister's intention to serve a demand on a third party.

(3) Not sooner than 7 days after serving the notice of intention, the minister may serve a demand on a person who is a third party in relation to the person who is the subject of the certificate requiring that all or any part of the money payable by the third party to that person be paid to the minister immediately on it becoming payable to that person.

(4) A demand does not apply to any amount payable by a third party if that amount is payable:

(a) after 30 days following the day on which the demand is served; or

(b) after a period not greater than 6 months that the minister may specify in the demand following the day on which the demand is served.

(5) Payment to the minister by a third party of an amount pursuant to this section discharges the liability of the third party to the person who is the subject of the certificate to the extent of that amount.

(6) If a third party is served with a demand pursuant to this section and subsequently discharges any liability to the person who is the subject of the certificate or fails to comply with the demand, that third party is liable to the Crown in right of Saskatchewan to the extent of the lesser of:

(a) the amount of liability discharged to the person who is the subject of the certificate; and

(b) the amount specified in the demand.

**Service of demand or certificate**

**11-6**(1) A certificate mentioned in section 11-4 and a demand or notice mentioned in section 11-5 may be served personally or by registered mail sent to the last known address of the person being served.

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

**Regulations**

**11-7** 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) prescribing activities for the purposes of the definition of "mineral resource activity" in subsection 1-2(1);

(c) for the purposes of subsection 6-2(3), respecting the ways the minister may use the registry for the purposes of administering volumetric and valuation data relating to the producing operations of wells and facilities;

(d) for the purposes of the definition of "greenhouse gas" in section 7-1, prescribing a gas or compound;

(e) for the purposes of section 7-8, prescribing funds into which penalties are to be paid;

(f) respecting the confidentiality of, the communication of and access to data, reports, documents, applications, returns, statements, estimates, analyses, declarations, plans, maps, surveys, records and other information acquired in the course of administering this Act, the regulations, orders and directives made pursuant to this Act;

(g) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;

(h) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

## PART 12
## Repeal, Consequential and Related Amendments and Coming into Force

**RSS 1978, c O-2 repealed**

**12-1** *The Oil and Gas Conservation Act* is repealed.

**SS 1982-83, c E-9.10001, section 7.1 amended**

**12-2 Clause 7.1(1)(b) of *The Energy and Mines Act* is amended:**

**(a) by adding the following subclause after subclause (iii):**

**"**(iii.1) *The Mineral Resources Wells and Facilities Operations Act***";**

**(b) by adding "**or**" after subclause (iv);**

**(c) by striking out "**or**" after subclause (v); and**

**(d) by repealing subclause (v).**

**SS 2010, c F-22.11, section 2 amended**

**12-3 Clause 2(1)(n) of *The Freehold Oil and Gas Production Tax Act, 2010* is repealed and the following substituted:**

**"**(n) **'registry'** means the volumetric and valuation registry continued pursuant to *The Mineral Resources Wells and Facilities Operations Act***".**

**SS 1998, c P-12.1 amended**

**12-4**(1) *The Pipelines Act, 1998* is amended in the manner set forth in this section.

**(2) Clause 2(a.1) is repealed.**

**(3) Clause 8(1)(c) is repealed.**

**(4) Subsection 8(5) is repealed.**

**(5) Section 19 is repealed and the following substituted:**

**"Common carrier**

**19**(1) This section does not apply to pipelines for the transportation of natural gas.

(2) The minister may make a declaration that a licence holder is a common carrier and, in the declaration, impose any conditions on the licence holder that the minister considers appropriate.

(3) A common carrier must, in accordance with subsection (4), provide transportation or delivery of any fluids that are ordinarily carried by the pipeline for which the common carrier's licence was issued, or storage used in the normal course of providing that transportation.

(4) A common carrier must provide the services mentioned in subsection (3):

(a) on demand when capacity is available; and

(b) at rates that are comparable to the rates that the common carrier charges to other customers for similar services.

(5) If the minister is satisfied that a common carrier may be contravening subsection (3) or (4), the minister may:

(a) order the common carrier to do any thing that the minister considers necessary to bring about compliance with the applicable subsection; and

(b) specify in the order a day on and from which compliance with the order is required.

(6) The minister may:

(a) make a declaration that the licence holder is no longer a common carrier; or

(b) vary the conditions set out in the declaration**".**

**(6) Sections 23 and 24 are repealed and the following substituted:**

**"Inquiries and hearings**

**23** The minister may, in accordance with section 2-5 of *The Mineral Resources Wells and Facilities Operations Act*, engage the services of any person or appoint an advisory committee to hold a hearing, investigation or inquiry with respect to any matter related to this Act, the regulations or a directive and make recommendations to the minister**".**

**(7) Subsection 25.2(2) is amended by striking out "**adopted directive**" and substituting "**adopted rule, guideline, requirement, code or standard**".**

**SS 2007, c P-13.2, section 120 amended**

**12-5 Subsection 120(1) of *The Planning and Development Act, 2007* is amended:**

**(a) in clause (a) by striking out "***The Oil and Gas Conservation Act***" and substituting "***The Mineral Resources Wells and Facilities Operations Act***"; and**

**(b) in clause (h) by striking out "***The Oil and Gas Conservation Act***" and substituting "***The Mineral Resources Wells and Facilities Operations Act***".**

**RSS 1978, c S-65, section 2 amended**

**12-6 Subclause 2(j.2)(i) of *The Surface Rights Acquisition and Compensation Act* is amended by striking out "***The Oil and Gas Conservation Act***" and substituting "***The Mineral Resources Wells and Facilities Operations Act***".**

**SS 2005, c W-8.1, section 73 amended**

**12-7 Section 73 of *The Water Security Agency Act* is amended by striking out "***The Oil and Gas Conservation Act***" and substituting "***The Mineral Resources Wells and Facilities Operations Act***".**

**Coming into force**

**12-8** This Act comes into force by order of the Lieutenant Governor in Council.

THIRD SESSION

# Thirtieth Legislature

SASKATCHEWAN

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## BILL

No. 78

An Act respecting the Operation of Wells and Facilities Used in the Production of Mineral Resources and making consequential and related amendments to other Acts

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Received and read the

First time

Second time

Third time

And passed

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Honourable Chris Beaudry

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Printed under the authority of
The Speaker of the Legislative Assembly
of Saskatchewan
2026