

OFFICE CONSOLIDATION, 1981

THE DEPARTMENT OF THE ENVIRONMENT ACT

being

Chapter D-14 of *The Statutes of Saskatchewan, 1978* as amended.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction and that the original Act should be consulted for all purposes of interpretation and application of the law.

CHAPTER D-14

An Act respecting the Department of the Environment

Short title	1. This Act may be cited as <i>The Department of the Environment Act</i> .
Interpretation	2. In this Act:
"advisory council"	(a) "advisory council" means the Environmental Advisory Council appointed under section 8;
"contaminant"	(b) "contaminant" means any substance whether gaseous, liquid or solid that: (i) is foreign to or in excess of the natural constituents of the environment; or (ii) affects the natural, physical, chemical or biological quality of the environment; and that is or may be injurious to the health or safety of persons or injurious or damaging to property or to plant or animal life;
"co-ordinating committee"	(c) "co-ordinating committee" means the Interagency Co-ordinating Committee appointed under section 9;
"department"	(c.1) "department" means the Department of the Environment;
"discharge"	"(c.2) 'discharge' means a discharge into the environment and includes any drainage, deposit, release or emission into the environment".
"environment"	(d) "environment" means: (i) the atmosphere other than the atmosphere in a building or in the underground works of a mine; (ii) surface water or ground water; or (iii) soil and subsoil;
"environment officer"	(d.1) "environment officer" means a person appointed pursuant to section 7.1;
"government agency"	(e) "government agency" means: (i) a department of the Government of Saskatchewan; (ii) a corporation that is an agent of the Crown in right of Saskatchewan; or (iii) any corporation, commission, board or other body empowered to exercise quasi-judicial or governmental functions and whose members are appointed by an Act of the Legislature, the Lieutenant Governor in Council or a member of the Executive Council or any combination thereof;
"ground water"	(f) "ground water" means water beneath the surface of land;
"minister"	(g) "minister" means the Minister of the Environment;

- "municipality" (h) "municipality" means a city, town, village, rural municipality or The Municipal Corporation of Uranium City and District;
- "owner of a pollutant" (h. 1) "owner of a pollutant" means the owner of a pollutant immediately before the first discharge of the pollutant, and includes a successor, assignee, executor or administrator of the owner;
- "person having control of a pollutant" (h. 2) "person having control of a pollutant" means the person having the charge, management or control of the pollutant immediately before the first discharge of the pollutant, and includes a successor, assignee, executor or administrator of the person;
- "pollutant" (h. 3) "pollutant" means a substance which results, or may result, in pollution of the environment;
- "pollution" (i) "pollution" means alteration of the physical, chemical, biological or aesthetic properties of the environment including the addition or removal of any substance that will render the environment harmful to the public health, that is unsafe or harmful for domestic, municipal, industrial, agricultural, recreational or other lawful uses or that is harmful to wild animals, birds or aquatic life;
- "surface water" (j) "surface water" means water above the surface of land and being in a river, stream, watercourse, lake, creek, spring, ravine, coulee, canyon, lagoon, swamp, marsh or other body of water;
- "waste" (k) "waste" means rubbish, slimes, tailings, fumes, smoke of mines, factories or other industrial works, effluent, sewage, garbage, refuse, scrap, discarded articles, bottles, cans or any other waste products of any kind whatsoever and includes any other substance that is a contaminant;
- "water" (l) "water" includes both surface water and ground water. 1972, c. 31, s. 2; 1979-80, c. 58, s. 3.

Department continued

3.—(1) The department of the Government of Saskatchewan called the Department of the Environment is continued.

(2) The Minister of the Environment shall preside over the department. 1972, c. 31, s. 3.

Staff

4. The staff of the department shall consist of a deputy minister, to be called the Deputy Minister of the Environment, and such other employees as are required for the proper conduct of the business of the department. 1972, c. 31, s. 4.

Seal

5. The Lieutenant Governor in Council may create a seal for the department, which shall be known as the seal of the Department of the Environment, and may at his discretion alter or modify the seal. 1972, c. 31, s. 5.

Deputy minister under direction of minister

6. The deputy minister shall, under the direction of the minister, manage the affairs of the department and generally do and perform all acts and things necessary for carrying out this Act. 1972, c. 31, s. 6.

Acts to be administered

7. The department shall administer the following Acts:

- (a) *The Air Pollution Control Act;*
- (b) *The Ground Water Conservation Act;*
- (c) *The Water Resources Management Act;*

- (d) *The Water Rights Act*;
- (e) *The Water Power Act*; and
- (f) such other Acts as may be designated by the Lieutenant Governor in Council. 1972, c. 31, s. 7.

Environment
officers

7.1—(1) The minister may appoint any person or class of persons as environment officers for the purpose of enforcing, or overseeing the enforcement of, this Act, any other Act administered by the department, the regulations made under this Act or any other Act or any order made under this Act or the regulations.

(2) The minister may set any limit or condition on an appointment pursuant to subsection (1) that he considers reasonable. 1979-80, c. 58, s. 4.

Environment-
Advisory
Council

8.—(1) The minister may, with the approval of the Lieutenant Governor in Council, appoint a council to be known as the Environmental Advisory Council consisting of not more than 12 members whose knowledge of environmental matters will be of value to the minister and who have demonstrated an interest in environmental matters.

(2) The Lieutenant Governor in Council may provide for the appointment of officers of the advisory council, the terms of office of members and other matters of procedure and internal administration of the council and shall prescribe the functions and duties of the advisory council.

(3) Members of the advisory council shall be paid such remuneration for their services and allowances for travelling and other expenses as the Lieutenant Governor in Council may determine. 1972, c. 31, s. 8.

Interagency
co-ordinating
committee

9.—(1) The Lieutenant Governor in Council may appoint a committee to be known as the Interagency Co-ordinating Committee consisting of employees of government agencies which shall co-ordinate government activities affecting the environment.

(2) The chairman of the co-ordinating committee shall be the Deputy Minister of the Environment. 1972, c. 31, s. 9.

Annual
report

10.—(1) The minister shall, in accordance with *The Tabling of Documents Act*, submit to the Lieutenant Governor in Council an annual report respecting the work performed by the department.

(2) The report required by subsection (1) shall be laid before the Legislative Assembly in accordance with *The Tabling of Documents Act*. 1972, c. 31, s. 10.

Powers and
duties of
minister

11. For the purposes of enhancing and protecting the quality of the environment, the minister may:

- (a) co-ordinate policies and programs of government agencies and advise the Lieutenant Governor in Council with respect to the management, protection and use of the environment;
- (b) undertake planning, research and investigations respecting the environment;
- (c) install, operate or maintain or cause to be installed, operated or maintained devices to obtain and assess data respecting the environment;

- (d) subject to the approval of the Lieutenant Governor in Council, enter into agreements relating to any matter pertaining to the environment with the Government of Canada, the government of any province or territory of Canada, an agency of any of those governments, any municipality, or any other person;
- (e) require a government agency, municipality or person to obtain specified data with respect to the environment within an area surrounding the location of an undertaking proposed by the agency, municipality or person and to file the data with the minister;
- (f) provide to the public information on the quality, quantity and use of the environment;
- (g) appoint such committees as he deems necessary and advisable for the proper exercise of his powers and performance of his duties;
- (h) inquire into or hold public hearings with respect to the management, use or protection of the environment, and any economic, social or other effects relevant thereto, or appoint a person to conduct such an inquiry or public hearing, and, for the purpose of the inquiry or hearing, the minister or person appointed to conduct the inquiry or hearing has the powers of a commissioner under *The Public Inquiries Act*; and
- (i) make payment to each member of a committee appointed by him under clause (g) or to the person appointed to conduct an inquiry or hearing under clause (h) of remuneration for his services and for expenses incurred by him in carrying out his duties. 1972, c. 31, s. 11; 1973, c. 28, s. 1; 1978, c. 13, s. 2.

Grants

11.1 — (1) Subject to the approval of the minister, the department may make grants to any person, agency, organization, association or institution for the purposes of enhancing and protecting the quality of the environment, but no grant made under this subsection shall exceed \$10,000.

(2) Subject to the approval of the Lieutenant Governor in Council, the minister may make grants in amounts in excess of \$10,000, to any person, agency, organization, association or institution, for the purposes of enhancing and protecting the quality of the environment. 1978, c. 13, s. 3.

Stop orders

12. — (1) Where the minister is satisfied that any person:

- (a) has contravened or is contravening a regulation under this Act; or
- (b) has contravened or is contravening any other Act or any regulation or order thereunder and the contravention, in the

opinion of the minister, is causing or is likely to cause the destruction, damage or pollution of a natural resource or the environment;

the minister may issue an order, in this section called a "stop order", to that person in accordance with subsection (2).

(2) By the terms of a stop order the minister may require that the person to whom it is directed:

- (a) cease the contravention specified in the order; and
- (b) discontinue any operations or the operations of any plant, equipment or structure either permanently or for a specified period;

and the stop order shall contain the reasons for the making of the order.

DEPARTMENT OF THE ENVIRONMENT

(3) The minister shall cause a copy of the stop order to be served on the person to whom it is directed and the person shall comply with the order within forty-eight hours after the time of such service.

(4) Where the person who is served with a stop order fails to comply with the order within the time period specified in subsection (3), the minister may apply to a judge of the Court of Queen's Bench by way of originating notice for an order directing that person to comply with the stop order.

(5) Where the person who was served with a stop order fails to comply with the stop order forthwith upon service of a copy of the order of the judge under subsection (4):

(a) the failure to comply with the stop order may be dealt with by the court as in the case of a civil contempt of the court;

(b) an officer of the department authorized by the minister for that purpose and any other person assisting that officer may, without further leave of the judge and without incurring liability therefor, enter upon any land and do any acts that are necessary to carry out the stop order;

(c) the sheriff, and any other person under the written direction of the sheriff, may assist the officer of the department and the other persons in exercising their powers and performing their duties under clause (b); and

(d) the minister may recover by action from the person who failed to comply with the stop order any costs or expenses incurred by the department of any person carrying out the stop order pursuant to clause (b).

(6) Where a person is aggrieved by an order made under subsection (4), the person may within thirty days from the date of the making of the order appeal to the Court of Appeal.

(7) The practice and procedure on an appeal under subsection (6) is, subject to such orders as the Court of Appeal may make in respect thereof, the same as nearly as may be as the practice and procedure in an appeal from a decision of a judge of the Court of Queen's Bench in an action at law.

(8) The taking of an appeal under subsection (6) does not stay the operation of the order in respect of which the appeal is taken.

(9) The minister may:

(a) amend a stop order if he considers it advisable in the circumstances to do so; or

(b) revoke a stop order;

and shall notify accordingly the person to whom the stop order was directed.

(10) This section applies whether or not the contravention of the Act, regulation or order concerned constitutes an offence, and whether or not a conviction has been adjudged for the offence. 1972, c. 31, s. 12; 1979-80, c. 58, s. 5.

Delegation of
authority by
minister and
deputy
minister

12.1 Subject to the approval of the Lieutenant Governor in Council, the minister or the deputy minister may authorize any officer of the department to perform any of the duties or to exercise any of the powers imposed or conferred upon the minister or deputy minister by this Act or any other Act or by any regulations made under this or any other Act. 1978, c. 13, s. 4.

Investigation
into
discharge

12.2 The minister may make, or cause to be made, any investigation that he considers necessary into the discharge of any pollutant, its source and extent, its effect on the environment or any advisable remedial action. 1979-80, c. 58, s. 6.

Order to
restore or
protect
environment

"12.21 — (1) Subject to the terms of any licence, permit or other privilege granted pursuant to this Act, any regulations made under this Act or any other Act or regulation administered by the department, where, in the opinion of the minister, a pollutant:

- (a) is being, or was, before or after the coming into force of this section, discharged, accidentally or otherwise; or
- (b) is present anywhere in circumstances that are harmful or potentially harmful to the environment;

he may by order direct:

- (c) in the circumstances described in clause (a), the owner of the pollutant or the person having control of the pollutant;
- (d) in the circumstances described in clause (b), the person responsible for the presence of the pollutant;

to take any measure that the minister considers necessary to protect or restore the environment.

"(2) For the purposes of subsection (1), the minister may order a person described in clause (1)(c) or (d) to:

- (a) investigate the situation;
- (b) monitor the pollutant;
- (c) lessen or prevent further discharge of the pollutant;
- (d) contain the pollutant;
- (e) remove the pollutant;
- (f) store the pollutant and monitor its storage;
- (g) destroy or otherwise dispose of the pollutant;
- (h) minimize the effects of the pollutant on the environment;
- (i) remedy any adverse effect of the pollutant on the environment;
- (j) restore the area affected by the discharge or presence of the pollutant and the environment to a condition satisfactory to the minister;

(k) maintain records on any aspect relevant to the discharge or presence of the pollutant or the measures specified in any order made under this section;

(l) report periodically to the minister, a project manager or a person designated by the minister with respect to any matter related to the discharge or presence of the pollutant or the measures specified in any order made under this section;

(m) take any measure other than those described in clauses (a) to (l) that the minister considers necessary to:

(i) facilitate compliance with an order made under this section; or

(ii) protect or restore the environment.

"(3) Where the minister issues an order pursuant to this Act or any other Act requiring that a pollutant be contained or stored, he may issue a subsequent order to a person described in clause (1)(c) or (d) to take, with respect to the pollutant, any of the measures described in subsection (2).

"(4) The minister may rescind, revoke, suspend, amend, vary or supplement any order made under this section.

"(5) An order made under this section may specify:

(a) the manner, method or procedures to be used in carrying out the measures required by the order; and

(b) the time within which any measure required by the order is to be commenced and the time within which the order or any portion of the order is to be complied with.

"(6) The minister is under no duty to give a hearing to any person before making an order under this section.

"12.22 An order made under section 12.21 is required to be served on the person to whom the order is directed.

"12.23 — (1) The minister may appoint a person as a project manager to oversee the carrying out of an order made under section 12.21.

"(2) A project manager appointed under subsection (1) may issue written directives to any person to whom an order is made under section 12.21 that relate to and are not inconsistent with the measures required by that order".

Minister
may carry
out orders

12.3 — (1) Where a person to whom an order made under section 12.21 is directed fails to comply with the order 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 under clause (a) on behalf of Her Majesty in right of Saskatchewan, as a debt due and recoverable by Her Majesty, from the person who failed to comply with the order.

- (2) A certificate signed by the minister and setting out:
 - (a) the amount of the costs and expenses incurred under clause (1)(a); and
 - (b) the person from whom the costs and expenses are recoverable;

may be filed in the office of the local registrar of the Court of Queen's Bench at the judicial centre nearest to the place where the work or the greatest portion of the work was done.

(3) When a certificate is filed pursuant to subsection (2) it is to be entered as a judgment of Her Majesty's Court of Queen's Bench for Saskatchewan, and is enforceable as a judgment of that court. 1979-80, c. 58, s. 6.

Power
to take
immediate
action

"12.4 — (1) Notwithstanding section 12.21, where the minister:

- (a) considers it in the public interest to take immediate action; or
- (b) is unable to readily identify or locate the person to whom an order under that section should be directed;

he may take or cause to be taken any measures described in subsection 12.21(2) with respect to the pollutant or its effects.

"(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 Her Majesty in right of Saskatchewan from:

- (a) in the circumstances described in clause 12.21(1)(a), the owner of the pollutant or the person having control of the pollutant;
- (b) in the circumstances described in clause 12.21(1)(b), the person responsible for the presence of the pollutant".

Reporting
of discharge

12.5 The owner of a pollutant, the person having control of a pollutant, any person on whose property a pollutant is located or any other person who has knowledge relating to the pollutant or its discharge, shall furnish and maintain any information that the minister, an environment officer or any other person designated by the minister may request for the purposes of enforcing this Act, the regulations or any order made under this Act or the regulations. 1979-80, c. 58, s. 6.

Same

12.51 Where a discharge of a pollutant designated in the regulations occurs, accidentally or otherwise:

- (a) the person having control of the pollutant; and
- (b) any other person required in the regulations:

shall immediately furnish a report of the discharge in the manner, and containing the information, prescribed in the regulations. 1979-80, c. 58, s. 6.

Appeal to
Queen's
Bench

12.6—(1) Any person aggrieved by an order of the minister under section 12.21 may appeal to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan at any time within 30 days after the date of the order.

(2) A person in respect of whom a certificate has been entered as a judgment under subsection 12.3(3) may appeal against the amount of the costs and expenses set out in the certificate to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan at any time within 30 days after the date of the entry of the certificate. 1979-80, c. 58, s. 6.

Appeal to
Court of
Appeal

12.7 Any person who is a party to an appeal under section 12.6 and who is aggrieved by a decision of the appellate court or judge may, within 30 days after the date of the decision, appeal to the Court of Appeal. 1979-80, c. 58, s. 6.

Appeal does
not stay
order, etc.

12.8 The taking of an appeal under section 12.6 or 12.7 does not stay the operation of the order in respect of which the appeal is taken, unless a judge of the court to which the appeal is taken orders otherwise. 1979-80, c. 58, s. 6.

Liability

12.9—(1) In this section, "loss or damage" includes personal injury, loss of life, loss of use or enjoyment of property and pecuniary loss, including loss of income.

"(2) The amount of any costs and expenses incurred with respect to an investigation taken pursuant to section 12.2 is a debt due to and recoverable by Her Majesty in right of Saskatchewan from the owner of the pollutant and the person having control of the pollutant.

"(3) Subject to subsections (4) and (5), any person, including Her Majesty in right of Saskatchewan or in right of Canada, has a right to compensation from:

(a) the owner of the pollutant and the person having control of the pollutant for loss or damage incurred as a result of:

(i) the discharge of a pollutant;

(ii) neglect or default in the execution of a duty imposed under section 12.5; or

(iii) an investigation or action taken pursuant to section 12.2 or 12.4; and

(b) any person to whom an order has been made under section 12.21 for loss or damage incurred as a result of the execution or intended execution, or neglect or default in the execution, of the order;

without proof of fault, negligence or wilful intent".

(4) No owner of a pollutant or person having control of a pollutant is liable under subsection (3) if he establishes that he took all reasonable steps to prevent the discharge of the pollutant or if he establishes that the discharge of the pollutant was wholly caused by:

- (a) an act of war, civil war, insurrection or an act of hostility by the government of a foreign country;
 - (b) a natural phenomenon of an exceptional, inevitable and irresistible character not reasonably foreseeable; or
 - (c) any combination of the events described in clause (a) or (b).
- (5) Notwithstanding subsection (4), the owner of a pollutant or the person having control of a pollutant is liable for:
- (a) loss or damage that is a direct result of his own neglect or default in carrying out a duty imposed or an order made under section 12.21 or 12.5; and
 - (b) any costs and expenses described in subsection (2) of this section or in section 12.3 or 12.4.
- “(6) No person is liable to any action under this section, section 12.3 or section 12.4 unless the action is commenced within six years from:

- (a) the day when the last of the costs and expenses were incurred, where the claim arises under subsection (2) of this section, section 12.3 or section 12.4;
- (b) the day when the person knew or ought to have known of the loss or damage, where the person commencing the action incurred loss or damage as a result of the discharge of a pollutant; or
- (c) the day when the person knew or ought to have known of the loss or damage, where the person commencing the action incurred loss or damage as a result of the execution or intended execution or neglect or default in the execution of an order made under section 12.21”.

(7) The right of action granted under this section is in addition to, and not in derogation of, any other right of action or any other remedy available otherwise than under this section.

“(8) For the purposes of apportioning liability on a just basis and, recognizing that liability under section 12.4 or this section is not based on fault or negligence, the provisions of *The Contributory Negligence Act* apply *mutatis mutandis* to an action commenced under section 12.4 or this section”.

Regulations

13. Notwithstanding anything in any other Act, the Lieutenant Governor in Council may make regulations:

- (a) controlling the disposal of solid wastes into the environment;
- (b) classifying manufactured products and requiring that any class of such product be reused;
- (c) prescribing the place where and manner in which solid, liquid or radioactive wastes may be disposed of on land;

“(d) prohibiting, restricting or controlling the sale, use, application and disposal of chemicals”.

- (e) prescribing the duties of any person conducting sand or gravel removal operations, or any other kind of operations that result in the destruction or disturbance of the surface of land, with respect to conservation of the soil and the rec-

clamation of the surface of that land, and conferring powers on the minister relating to such soil conservation and reclamation;

- (e.1) Repealed, 1979-80, c. 58, s. 7.
- (e.2) prescribing the terms and conditions of grants made under section 11.1;
- (f) controlling, restricting or prohibiting any actions of any person for the purpose of abating noise or controlling noise levels;
- (g) not inconsistent with the spirit of this act, for the purpose of carrying out the provisions of this Act according to their intent which shall have the same force and effect as if enacted herein;
- (h) regulating, restricting, prohibiting and requiring approvals for the discharge, drainage, diversion, handling or transportation of any substance, including any substance dealt with without processing, but not including petroleum or natural gas, arising from or relating to any activity of all or any part of the mining industry or the development of, or exploration for, any mineral resource;
- (i) regulating, and requiring approvals for, the construction, operation, maintenance, alteration or extension of facilities for the treatment, handling or disposal of any pollutant arising from any activity of all or any part of the mining industry or the development of, or exploration for, any mineral resource, other than petroleum or natural gas;
- (j) prescribing standards of design for the facilities mentioned in clause (i);
- (k) respecting the issuance of ministerial approvals under this Act or the regulations and the terms and conditions attached to any such approvals and may provide for the prescribing of such terms and conditions by the minister;
- (l) providing for and respecting the cancellation, alteration or renewal of ministerial approvals issued under this Act or the regulations;
- (m) respecting and prescribing standards of quality for pollutants, including any substance dealt with without processing, but not including petroleum or natural gas, arising from any activity of all or any part of the mining industry or the development or exploration for any mineral resource;
- (n) respecting the reclamation or abandonment of mill or mine sites on any terms and conditions;

- (o) governing the duties of any person and the procedures to be followed in the reporting, controlling, handling, transporting, disposing of and remedying adverse effects of pollutants;
- (p) respecting measures to prevent or control the discharge of pollutants and to control or mitigate the consequences and effects of pollutants;
- (q) for the purposes of section 12.51:
 - (i) designating the types, amounts and locations of discharges that must be reported;
 - (ii) prescribing the manner of reporting and the information to be contained in the report;
 - (iii) prescribing the persons who are required to report a discharge;
- (r) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act. 1972, c. 31, s. 13; 1978, c. 13, s. 5; 1979-80, c. 58, s. 7.

Offences and
penalties

14.—(1) Subject to subsection (2), every person who contravenes any provision of this act or the regulations or who fails to comply with an order of the minister or with a directive made pursuant to the powers conferred on a project manager under section 12.23 is guilty of an offence and liable on summary conviction to:

- (a) a fine of not more than \$500 and, in the case of a continuing offence, to a further fine of not more than \$50 for each day during which the offence continues, in the case of an individual;
- (b) a fine of not more than \$5,000 and, in the case of a continuing offence, to a further fine of not more than \$500 for each day during which the offence continues, in the case of a corporation.

(2) Every person who contravenes a regulation made under clause 13(h) to 13(n) is guilty of an offence and liable on summary conviction to a fine of not more than \$100,000. 1979-80, c. 58, s. 8.

Entry on
land

15. — (1) The minister, an environment officer or any other person designated by the minister may enter, with any machinery, equipment or materials that the minister considers necessary, at any reasonable time, on any land, premises or other place:

(a) for the purpose of enforcing this Act or any regulations or orders made under this Act or of exercising the minister's powers or duties under this Act; or

(b) to secure data and obtain information respecting the environment and to inspect any works related to the environment, for the purpose of this Act or any other Act administered by the department.

(2) No person shall obstruct a person authorized to make any entry under this section.

(3) Where entry pursuant to subsection (1) is refused, the minister may apply, *ex parte*, to the District Court for Saskatchewan, and the court may issue an order authorizing the minister, an environment officer or a person designated by the minister to enter any land, premises or other place.

(4) Where an order is issued pursuant to subsection (3), the minister, an environment officer or any person designated by the minister may take any step and employ any assistance that is necessary to accomplish what is authorized by the order.

(5) Every police officer and peace officer is under a duty to assist the minister, an environment officer or any person designated by the minister to enforce an order issued pursuant to subsection (3).
1979-80, c. 58, s. 9.

Non-liability
of Crown,
etc.

16. Neither Her Majesty the Queen in right of Saskatchewan nor any member of the Executive Council nor any person acting under the authority of this Act or any Act referred to in section 7 or the regulations or orders made under any of those Acts is in any way liable, except in the case of negligence, for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done under the authority or supposed authority of those Acts or the regulations or orders made thereunder. 1972, c. 31, s. 16.

Certain per-
mits, etc., to
be approved

17. — (1) Notwithstanding anything in this or any other Act, no permit, approval, licence or other authority hereafter issued for the discharge of waste into the environment is valid unless it has received the prior approval of the minister.

(2) The Lieutenant Governor in Council may by regulation exempt a class or classes of permits, approvals, licences or other authority from the application of subsection (1). 1972, c. 31, s. 17.

Crown
bound

18. The Crown is bound by this Act. 1979-80, c. 58, s. 10.

Service

“19. — (1) Any document or order required by this Act or the regulations to be served is, unless otherwise provided for, to be served personally or mailed by registered mail to the last known address of the person being served.

“(2) A document or order served by registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of his own, he did not receive the document or order or that he received it at a later date.

“(3) Irregularity in the service of an order does not affect the validity of an otherwise valid order”.

BILL

No. ¹¹⁴ of 1980-81

An Act respecting the Consequential Amendments resulting from the Amalgamation of Her Majesty's Court of Queen's Bench for Saskatchewan and the District Court for Saskatchewan.


(Assented to 1981)

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

1. This Act may be cited as *The Queen's Bench Consequential Amendment Act, 1981*. Short title

2. Subsection 28(2) of *The Attachment of Debts Act* is amended by striking out "or local clerk, as the case may be," and substituting "of the Court of Queen's Bench". Rev. Stat.
c. A-32,
section 28
amended

3. Subsection 22(8) of *The Creditors' Relief Act* is amended by striking out "local office" and substituting "office". Rev. Stat.
c. C-46,
section 22
amended

4. Subsection 15(3) of *The Department of the Environment Act* is amended by striking out "the District Court" and substituting "Her Majesty's Court of Queen's Bench". Rev. Stat.
c. D-14,
section 15
amended 

5. Section 21 of *The Drainage Control Act* is amended by striking out "the District Court" where it appears: 1979-80,
c. D-33.1,
section 21
amended

- (a) in subsection (7);
- (b) in subsection (9); and
- (c) in subsection (10);

and in each case substituting "Her Majesty's Court of Queen's Bench".

6. Subsection 25(2) of *The Education and Health Tax Act* is amended by striking out "or with the local clerk of the district court, as the case may require". Rev. Stat.
c. E-3,
section 25
amended

7. Clause 2(b) of *The Expropriation Procedure Act* is repealed and the following substituted: Rev. Stat.
c. E-16,
section 2
amended

TO HIS HONOUR

THE LIEUTENANT GOVERNOR IN COUNCIL:

The undersigned has the honour to recommend that:

1. Section 5 of The Flin Flon Extension of Boundaries Act, 1952 provides that a complementary Order in Council may apply the provisions of any Act of Manitoba or of any part thereof, either with or without modification, to the boundary area, as therein described, and may declare that any Act of Saskatchewan or any part thereof, shall cease to operate with respect to the boundary area.
2. It is advisable that The Clean Environment Act of the Province of Manitoba apply to the boundary area and that The Water Resources Management Act, 1972 and The Department of the Environment Act, 1972 cease to operate with respect to the boundary area.
3. The Province of Manitoba proposes to order an Order in Council under The Flin Flon Extension of Boundaries Act, 1952 of the Province of Manitoba complementary to this Order in Council.

The undersigned has the honour, therefore, to recommend that Your Honour's Order do issue making the Order shown below.

Recommended by:

Marie E. Byers
 Minister of Environment

Approved by:

A. Edward Bondey
 President of Council

ORDER:

His Honour, the Lieutenant Governor in Council, on the recommendation of the Executive Council, pursuant to section 5 of The Flin Flon Extension of Boundaries Act, 1952, hereby orders that the provisions of The Clean Environment Act of the Province of Manitoba, as amended from time to time, shall apply to the boundary area described in The Flin Flon Extension of Boundaries Act, 1952, and that The Water Resources Management Act, 1972 and The Department of the Environment Act, 1972, of the Province of Saskatchewan shall cease to operate with respect to the said boundary area.

This Order in Council is complementary to an Order in Council to be issued under the provisions of The Flin Flon Extension of Boundaries Act, 1952 of the Province of Manitoba, and shall be effective on and from the date the said Manitoba Order in Council is effective.

[Signature]
 Lieutenant Governor

REGINA, Saskatchewan

CERTIFIED TRUE COPY
[Signature]
 Secy. of the Executive Council