

2018

CHAPTER 10

An Act to amend *The Environmental Management and Protection Act, 2010* respecting environmental handling charges

(Assented to May 30, 2018)

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

Short title

1 This Act may be cited as *The Environmental Management and Protection (Environmental Handling Charges) Amendment Act, 2018*.

SS 2010, c E-10.22 amended

2 *The Environmental Management and Protection Act, 2010* is amended in the manner set forth in this Act.

Section 40 amended

3 **Subsection 40(2) is repealed and the following substituted:**

“(2) The environmental handling charge required to be remitted to the minister pursuant to subsection (1) is:

- (a) with respect to a designated container that is a metal can, 7¢;
- (b) with respect to a designated container that is a plastic bottle, 8¢;
- (c) with respect to a designated container that is a non-refillable glass bottle, 9¢;
- (d) with respect to a designated container that is a multi-material, shelf stable container, 5¢;
- (e) with respect to a designated container that is a paper-based polycoat gable top container, 5¢”.

Transitional

4(1) In this section:

“**Crown**” means the Crown in right of Saskatchewan;

“**Crown agent**” means any present or former member of the Executive Council, any present or former legislative secretary as defined in *The Executive Government Administration Act*, the ministry over which the minister presides and any present or former director, officer, agent or employee of the Crown or the ministry;

“**new provisions**” means the provisions of the parent Act as they read on and after the enactment of this Act;

“**parent Act**” means *The Environmental Management and Protection Act, 2010*.

(2) The terms and expressions used in this section that are used in Part VI of the parent Act have the same meaning in this section as in Part VI of that Act.

(3) Notwithstanding any other Act or law:

(a) a person who, on or after April 1, 2018 and before the day on which this Act is assented to, paid or remitted to the Crown money as an environmental handling charge in the amounts imposed pursuant to the new provisions is not entitled to a refund from the general revenue fund of the money so paid;

(b) a consumer from whom, on or after April 1, 2018 and before the day on which this Act is assented to, an environmental handling charge was recovered in the amounts imposed pursuant to the new provisions is not entitled to a refund from the general revenue fund of the money so paid; and

(c) all money mentioned in clauses (a) and (b) is deemed to have been properly remitted or recovered.

(4) No action or proceeding lies or shall be instituted or continued against the Crown, a Crown agent or any other person who is obligated to remit an environmental handling charge to the Crown to recover moneys mentioned in subsection (3), and no action or proceeding lies or shall be instituted or continued against the Crown or a Crown agent based on any cause of action arising from, resulting from, or incidental to the enactment or application of this Act.

(5) Every cause of action against the Crown or a Crown agent arising from, resulting from, or incidental to anything mentioned in subsection (4) is extinguished.

Coming into force

5 This Act comes into force on assent, but is retroactive and is deemed to have been in force on and from April 1, 2018.