

1993

CHAPTER N-3.1

An Act respecting Natural Resources

(Assented to June 22, 1993)

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

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Natural Resources Act*.

Interpretation

2 In this Act:

- (a) **"commercial activity"** means any activity involving the provision of any labour, machinery, equipment, materials and supplies and any technical, supervisory and administrative services that the Lieutenant Governor in Council, by regulation, determines is necessary or incidental to or used for any commercial undertaking of the department;
- (b) **"department"** means the department over which the minister presides;
- (c) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (d) **"natural resources"** means the renewable resources of Saskatchewan and includes:
 - (i) fish within the meaning of *The Fisheries Act*;
 - (ii) wildlife within the meaning of *The Wildlife Act*;
 - (iii) products of the forest within the meaning of *The Forest Act*;
 - (iv) resource lands and provincial forest lands within the meaning of *The Resource Lands Regulations, 1989*;
 - (v) ecological reserves within the meaning of *The Ecological Reserves Act*; and
 - (vi) other living components of ecosystems within resource lands, provincial forest lands and other lands managed by the department;
- (e) **"officer"** means an enforcement officer designated pursuant to section 5 and includes a member of the Royal Canadian Mounted Police;
- (f) **"park"** means:
 - (i) park land within the meaning of *The Parks Act*;

- (ii) regional parks established or constituted pursuant to *The Regional Parks Act, 1979*;
- (iii) any other land that, in the opinion of the minister, is of interest for its recreational, environmental, natural or historical value;
- (g) **"resource protection and development service"** means any activity involving the provision of any labour, housing, machinery, equipment, materials and supplies and any technical, supervisory and administrative services that the Lieutenant Governor in Council, by regulation, determines is necessary or incidental to or used for the protection, administration and management of Saskatchewan's natural resources;
- (h) **"vehicle"** includes a motorized conveyance, trailer, tractor, aircraft or any other conveyance, other than a boat, that is drawn, propelled or driven by any mechanical means and includes any accessory attached to the vehicle.

RESPONSIBILITIES AND POWERS OF MINISTER

Responsibilities of minister

3 The minister is responsible for all matters not by law assigned to any other minister, department, branch or agency of the Government of Saskatchewan relating to the acquisition, promotion, development, maintenance and management of parks and natural resources.

Powers of the minister

4(1) The minister may:

- (a) undertake, support or sponsor planning, research and investigations respecting parks and natural resources;
- (b) design and carry out programs respecting the management and development of parks and natural resources;
- (c) design and carry out programs designed to educate, provide interpretation and inform the public respecting things done in relation to parks and natural resources;
- (d) plan, develop, construct, acquire, operate and maintain any park, recreation site, fish hatchery, public hunting or fishing area, research laboratory, forest nursery or any other facility related to parks and natural resources;
- (e) purchase, lease or otherwise acquire any land or interest, right or estate with respect to land and assets, artifacts and movable property associated with the land for the purpose of making them available for parks and natural resources;
- (f) carry out programs to promote public safety in the use of firearms and other equipment connected with recreation;
- (g) establish programs to encourage and promote the commercial development of natural resources;

- (h) do anything that the minister considers necessary to conserve, develop, manage and utilize parks and natural resources in a sustainable manner;
 - (i) carry out commercial activities and resource protection and development services;
 - (j) enter into agreements with the Government of Canada, the government of any other province or territory of Canada or a minister, agent, or official of that government, or any person, agency, board, commission, organization, association, institution or body for the purposes of furthering the activities of the department.
- (2) Subject to subsection (3), the minister shall obtain the approval of the Lieutenant Governor in Council before entering into an agreement pursuant to clause (1)(j) whereby the Government of Saskatchewan is liable to make expenditures in excess of \$10,000 in any fiscal year.
- (3) The Lieutenant Governor in Council may prescribe, by regulation, the agreements or classes of agreements to which subsection (2) does not apply.

INVESTIGATIONS AND SEARCHES

Designation of officers

5 The minister may designate any employee or category of employees of the department as an enforcement officer or as enforcement officers for the purpose of enforcing this Act and the regulations.

General powers of officers

6 All officers have the power of peace officers to enforce this Act and the regulations and shall be entitled, while performing their duties, to all protection to which peace officers are entitled under the *Criminal Code*.

Conduct of searches

7 Where an officer is conducting a search pursuant to this Act, the officer may be accompanied by any person who, by virtue of his or her expertise in a particular field or his or her knowledge of facts relevant to the matter being investigated, may assist the officer in carrying out the officer's duties.

Arrest without warrant

8 Any officer may arrest without a warrant any person found committing an offence against the regulations.

Investigations

- 9(1) On the oath of an officer that there are reasonable and probable grounds to believe that an offence against the regulations has occurred, a justice of the peace or a judge of the Provincial Court of Saskatchewan may issue a warrant to:
- (a) enter and search any premises named in the warrant;
 - (b) search any vehicle or boat described in the warrant;
 - (c) seize anything that may be evidence of an offence against the regulations.
- (2) An officer with a warrant issued pursuant to subsection (1) may:
- (a) enter and search any place or premises named in the warrant;
 - (b) search any vehicle or boat described in the warrant;
 - (c) open and examine any trunk, box, bag, parcel, closet, cupboard or receptacle that the officer finds in the place or premises named in the warrant or the vehicle or boat described in the warrant;
 - (d) require the production of and examine any books, records, papers and other documents that the officer believes, on reasonable and probable grounds, may contain information related to an offence against the regulations;
 - (e) subject to subsection (3), on giving a receipt for the books, papers, records or documents, remove any books, papers, records or documents examined pursuant to this section for the purpose of making copies or extracts of those books, papers, records or documents;
 - (f) seize and remove anything that may be evidence of an offence against the regulations.

- (3) The minister or any person authorized by the minister shall carry out the copying of books, papers, records or documents removed pursuant to clause (2)(e) with reasonable dispatch and shall, subject to subsection (4), promptly return the books, papers, records or documents in reasonably the same condition after copying them to the person who produced or furnished them.
- (4) Books, papers, records or documents returned pursuant to subsection (3) shall be returned to:
- (a) the place from which they were removed; or
 - (b) any other place that may be agreed to by the person who produced or furnished them and the officer.
- (5) Subject to subsection (6), an officer 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 officer has reasonable and probable grounds to believe that the delay necessary to obtain the warrant would result in danger to human life or safety or the loss, removal or destruction of evidence.
- (6) No officer shall enter premises that are ordinarily occupied as a private residence without a warrant issued pursuant to this section unless the occupant of those premises consents to the entry.

Inspections

- 10(1) Subject to subsection 9(6), for the purpose of ensuring compliance with the regulations, an officer may, at any reasonable time without a warrant:
- (a) enter and inspect any commercial premises used by a person required to be licensed pursuant to the regulations;
 - (b) enter and inspect any premises for which a licence or permit has been issued pursuant to the regulations; or
 - (c) enter any premises containing any books, records, papers or documents that are required to be kept pursuant to the regulations.
- (2) Every person required to keep any books, records, papers or documents pursuant to the regulations shall produce them on the request of the officer.
- (3) An officer who requests any books, records, papers or documents required to be kept pursuant to the regulations may examine them and make copies in accordance with subsections 9(3) and (4).

Search of vehicle or boat

- 11(1) Where an officer has reasonable and probable grounds to believe that there is in a vehicle or boat evidence of an offence against the regulations, the officer may request or signal to the person in charge of or operating the vehicle or boat to stop the vehicle or boat and may search it for evidence of an offence against the regulations and seize anything that may be evidence of an offence.
- (2) The person in charge of or operating a vehicle or boat shall, on being requested to do so by an officer pursuant to subsection (1), immediately bring the vehicle or boat to a safe stop, and the operator of the vehicle or boat shall, on request, permit the officer to search the vehicle or boat.

Search of vehicle or boat

- 12(1) Where due to the circumstances, the time or the location there could reasonably be expected to be a high incidence of offences against the regulations in any area, an officer may request or signal to the person in charge of or operating a vehicle or boat in the area to stop the vehicle or boat and may search it for evidence of an offence against the regulations and seize anything that may be evidence of an offence.
- (2) The person in charge of or operating a vehicle or boat shall, on being requested to do so by an officer pursuant to subsection (1), immediately bring the vehicle or boat to a safe stop, and the operator of the vehicle or boat shall, on request, permit the officer to search the vehicle or boat.

Search of person

- 13 An officer may search any person where the officer has reasonable and probable grounds to believe that the person has concealed on himself or herself any evidence of an offence against the regulations.

Entry on land

14(1) An officer and any person lawfully accompanying the officer may, for the purposes of carrying out his or her duties, enter on or pass over any land, whether enclosed or not.

(2) Notwithstanding anything in *The Expropriation Procedure Act*, the minister or any person designated by the minister may enter on any land for the purposes of:

- (a) securing data and obtaining information respecting parks or natural resources; and
- (b) inspecting any works related to parks or natural resources.

Offence and penalty

15 Every person who violates any provision of the regulations is guilty of an offence against the regulations and is liable on summary conviction to a fine of not more than \$25,000.

Limitation of prosecutions

16 No prosecution for the violation of any provision of the regulations shall be commenced after two years from the date of the violation.

Non-liability of Crown

17 The Crown in right of Saskatchewan, any member of the Executive Council or any person acting pursuant to the authority of this Act or the regulations is not in any way liable, except in the case of negligence, for any loss or damage suffered by reason of anything in good faith done or omitted to be done pursuant to the authority of this Act or the regulations.

FUNDS

Commercial Revolving Fund

18(1) The revolving fund called the Commercial Revolving Fund is continued and the minister shall administer the revolving fund.

(2) The minister may use the revolving fund to conduct any commercial activity that the minister considers appropriate to achieve the objectives of the department.

(3) Subject to subsection (10), the Minister of Finance shall pay out of the consolidated fund on behalf of the revolving fund any sum of money the minister may require:

- (a) to conduct and promote commercial activities;
- (b) to provide any services, accommodation, materials and supplies required to conduct or promote commercial activities;
- (c) to pay for labour, supervisory and administrative costs associated with the administration of the revolving fund.

(4) The minister shall pay to the consolidated fund all or any part of any surplus in the revolving fund that Treasury Board may direct.

(5) Where the minister provides a service through the revolving fund, the minister may charge a fee to recover amounts incurred by the revolving fund to provide that service.

(6) A fee charged pursuant to subsection (5) with respect to park land or park land reserve within the meaning of *The Parks Act* is the fee determined in accordance with *The Parks Act*.

(7) Where the minister charges a fee pursuant to subsection (5), the minister shall include any additional amounts that Treasury Board directs and those additional amounts are to be paid to the Minister of Finance and credited to the consolidated fund.

(8) Subject to any terms and conditions that Treasury Board may impose, the minister may sell, rent, lease or otherwise dispose of property and assets administered by the minister through the revolving fund.

(9) There shall be paid to the Minister of Finance and credited to the revolving fund:

- (a) all fees charged pursuant to subsection (5);
- (b) all rents and fees from the disposition of park land or park land reserve pursuant to *The Parks Act*;
- (c) subject to Treasury Board approval, any moneys acquired through gift, donation, grant, bequest, agreement or contribution for research, planning, development, interpretation or

promotion activities related to park land or park land reserve.

(10) The sum of all liabilities due to the Minister of Finance from the revolving fund on the day this section comes into force and any payments made by the Minister of Finance on behalf of the revolving fund less any amounts credited to the revolving fund is not to exceed an amount that may be set by order of the Lieutenant Governor in Council.

(11) In each fiscal year, the department, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister a financial statement showing the business of the revolving fund for the preceding fiscal year.

(12) The financial statement mentioned in subsection (11) is to be in the form required by Treasury Board.

(13) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Assembly each financial statement received by the minister pursuant to subsection (11).

(14) The fiscal year of the revolving fund is the period commencing on April 1 in one year and ending on March 31 in the following year.

Resource Protection and Development Revolving Fund

19(1) The revolving fund called the Resource Protection and Development Revolving Fund is continued, and the minister shall administer the revolving fund.

(2) The minister may use the revolving fund to provide resource protection and development services.

- (3) Subject to subsection (9), the Minister of Finance shall pay out of the consolidated fund on behalf of the revolving fund any sum of money the minister may require:
- (a) to purchase, rent or lease any machinery and equipment that is, in the minister's opinion, necessary to provide resource protection and development services;
 - (b) to purchase any supplies required for the operation, maintenance or repair of the machinery and equipment mentioned in clause (a);
 - (c) to purchase any supplies and materials that are, in the minister's opinion, necessary to provide resource protection and development services;
 - (d) to purchase any lands that are, in the minister's opinion, necessary to provide resource protection and development services; and
 - (e) to pay for labour, engineering, supervisory and administrative costs associated with:
 - (i) the provision of resource protection and development services;
 - (ii) the maintenance and repair of any housing, machinery and equipment; and
 - (iii) the administration of the revolving fund.
- (4) The minister shall pay to the consolidated fund all or any part of any surplus in the revolving fund that Treasury Board may direct.
- (5) Where the minister provides a service through the revolving fund, the minister may charge a fee to recover amounts incurred by the revolving fund to provide that service.
- (6) Where the minister charges a fee pursuant to subsection (5), the minister shall include any additional amounts that Treasury Board directs, and those additional amounts are to be paid to the Minister of Finance and credited to the consolidated fund.
- (7) Subject to any terms and conditions that Treasury Board may impose, the minister may sell, rent, lease or otherwise dispose of property and assets administered by the minister through the revolving fund.
- (8) There shall be paid to the Minister of Finance and credited to the revolving fund:
- (a) all fees charged pursuant to subsection (5);
 - (b) subject to Treasury Board approval, any moneys acquired through gift, donation, grant, bequest, agreement or contribution related to the fund's programs.
- (9) The sum of all liabilities due to the Minister of Finance from the revolving fund on the day this section comes into force and any payments made by the Minister of Finance on behalf of the revolving fund less any amounts credited to the revolving fund is not to exceed an amount that may be set by order of the Lieutenant Governor in Council.
- (10) In each fiscal year, the department, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister a financial statement showing the business of the revolving fund for the preceding fiscal year.
- (11) The financial statement mentioned in subsection (10) is to be in the form required by Treasury Board.
- (12) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Assembly each financial statement received by the minister pursuant to subsection (10).
- (13) The fiscal year of the revolving fund is the period commencing on April 1 in one year and ending on March 31 in the following year.

Fish and Wildlife Development Fund

- 20(1) In this section "**fund**" means the Fish and Wildlife Development Fund continued pursuant to subsection (2).
- (2) The Fish and Wildlife Development Fund is continued, and the minister shall hold and administer the fund in accordance with this section.
- (3) The fiscal year of the fund is the period commencing on April 1 in one year and ending on March 31 in the following year.
- (4) Notwithstanding any other Act, the following are to be credited to the fund:
- (a) an amount of money equivalent to the portion of the fees, designated by the Lieutenant Governor in Council, for hunting licences and certificates and fishing licences;
 - (b) all revenue from the use and disposition of lands acquired pursuant to clause (6)(a);

- (c) all revenue from the sale, lease or other disposition of any lands pursuant to subsection (8);
 - (d) moneys acquired through gift, donation, grant, bequest, agreement or contribution related to the conservation or enhancement of fish, fish habitat, wildlife or wildlife habitat;
 - (e) all or any portion of moneys designated by the Lieutenant Governor in Council that are accepted by the Government of Saskatchewan in mitigation of or as compensation for any loss or potential loss of fish, fish habitat, wildlife or wildlife habitat;
 - (f) all interest and dividends received on investments of the fund;
 - (g) any gains on disposal of investments; and
 - (h) moneys acquired from the sale to the public of promotional literature financed by the fund relating to fish and wildlife.
- (5) The minister may:
- (a) invest any part of the moneys in the fund, not presently required for expenditure, in any security or class of securities authorized for investment of moneys in the consolidated fund pursuant to *The Financial Administration Act*; and
 - (b) dispose of any securities in which any part of the fund has been invested pursuant to clause (a), subject to the terms of the investment, in any manner and on any terms that the minister considers advisable.
- (6) The minister may use the assets of the fund for:
- (a) the acquisition, by purchase, lease or otherwise, of any area of land or any rights with respect to land that the minister considers to be suitable for fish or wildlife related purposes;
 - (b) the acquisition, by purchase, lease or otherwise, of any equipment or materials or the retention of any services that the minister considers necessary to restore degraded fish populations or fish habitat, to create new fishing opportunities or to manage fish habitat or wildlife habitat;
 - (c) the development and management for fish or wildlife related purposes of any land mentioned in clause (a) or any other land controlled by the Crown in right of Saskatchewan, in any manner that the minister considers advisable;
 - (d) the design, development and operation of facilities to enhance fish habitat and fishing opportunities;
 - (e) the acquisition of fish for fish stocking projects;
 - (f) the provision of assistance, on any terms and conditions that the minister considers advisable, to conservation groups for the development, operation or maintenance of locally sponsored fish enhancement or wildlife enhancement projects;
 - (g) the provision of information, by way of promotional, educational or other activities, related to stimulating and encouraging public knowledge and awareness of fish and wildlife and of projects financed by the fund related to fish and wildlife;
 - (h) the assessment or evaluation of any waters in Saskatchewan for their fish or fish habitat potential or any land for its wildlife or wildlife habitat potential.
- (7) The minister shall administer lands acquired pursuant to clause (6)(a) in accordance with *The Provincial Lands Act*.
- (8) Notwithstanding subsection (7), section 8 of *The Provincial Lands Act* and the regulations made pursuant to that Act, or section 43 of *The Forest Act*, if all or any portion of any lands acquired pursuant to clause (6)(a) are not required for fish or wildlife related purposes, the minister may dispose of the lands or any interest in the lands by sale, lease or otherwise on any terms and conditions that the minister considers appropriate.
- (9) The accounts and transactions of the fund are to be audited annually by the Provincial Auditor or by any other auditor appointed by the Lieutenant Governor in Council for the purpose.

Forest Renewal and Development Fund

21(1) In this section, “**fund**” means the Forest Renewal and Development Fund continued pursuant to subsection (2).

- (2) The Forest Renewal and Development Fund is continued, and the minister shall hold and administer the fund in accordance with this section.
- (3) The fiscal year of the fund is the period commencing on April 1 in one year and ending on March 31 in the following year.
- (4) Notwithstanding any other Act, the following are to be credited to the fund:
- (a) moneys payable to the Crown in right of Saskatchewan as a fee for reforestation pursuant to section 11.1 of *The Forest Act*;
 - (b) moneys acquired through gift, donation, grant, bequest, agreement or contribution for the purposes of forest management activities from any source including grants or contributions from the Government of Canada, industry, corporations, private individuals and estates;
 - (c) all interest and dividends received on investments from the fund;
 - (d) any gains on disposal of investments from the fund.
- (5) The minister may:
- (a) invest any part of the moneys in the fund, not presently required for expenditure, in any security or class of securities authorized for investment of moneys in the consolidated fund pursuant to *The Financial Administration Act*; and
 - (b) dispose of any securities in which any part of the fund has been invested pursuant to clause (a), subject to the terms of the investment, in any manner and on any terms that the minister considers advisable.
- (6) The minister may use the assets of the fund for any activity including the provision of labour, machinery, equipment, materials, supplies, technical, supervisory and administrative services and grants that, in the opinion of the minister, is required to:
- (a) establish new forest growth on provincial lands;
 - (b) develop and enhance and protect the forest resource in Saskatchewan; and
 - (c) conduct research and surveys required in the development, enhancement, or protection of the forest resource in Saskatchewan.
- (7) The minister shall pay to the consolidated fund all or any part of any surplus or other amount in the fund that Treasury Board may direct.
- (8) The accounts and transactions of the fund are to be audited annually by the Provincial Auditor or by any other auditor appointed by the Lieutenant Governor in Council for the purpose.

Annual report

22(1) In each fiscal year, the department, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister:

- (a) a report respecting the business of the Fish and Wildlife Development Fund for the preceding fiscal year;
 - (b) a financial statement showing the business of the Fish and Wildlife Development Fund for the preceding fiscal year in any form that may be required by Treasury Board;
 - (c) a report respecting the business of the Forest Renewal and Development Fund for the preceding fiscal year; and
 - (d) a financial statement showing the business of the Forest Renewal and Development Fund for the preceding fiscal year in any form that may be required by Treasury Board.
- (2) The minister, in accordance with *The Tabling of Documents Act, 1991*, shall lay before the Assembly each report and each financial statement prepared pursuant to subsection (1).

GENERAL, REPEAL AND COMING INTO FORCE

Regulations

23 The Lieutenant Governor in Council may make regulations:

- (a) respecting the management, utilization and conservation of natural resources;
- (b) respecting the provision of financial and other assistance in connection with commercial fishing;
- (c) authorizing the minister, by order, to designate in connection with commercial fishing assistance mentioned in clause (b):
 - (i) waters in respect of which assistance is payable;
 - (ii) species of fish in respect of which assistance is payable;
 - (iii) assistance rates; and
 - (iv) eligibility requirements for assistance;
- (d) respecting the recovery of commercial fishing assistance mentioned in clause (b), including the circumstances under which that assistance may be recovered;
- (e) respecting the provision, by rental, hire or otherwise, of boats, vehicles, other equipment, accommodation and other facilities, and services to hunters or fishermen;
- (f) respecting the guiding of hunters or fishermen;

- (g) respecting any matter that the minister considers necessary in connection with the licensing of persons engaged in the activities mentioned in clauses (e) and (f) including:
- (i) eligibility for a licence or permit;
 - (ii) terms and conditions to which a licence or permit is subject;
 - (iii) classes of licences and permits and the fees to be paid for them;
 - (iv) the time and location in Saskatchewan to which a licence or permit relates or is limited;
 - (v) the species of wildlife or fish to which a licence or permit relates or is limited;
 - (vi) the duties and responsibilities of a person holding a licence or permit; and
 - (vii) the renewal, revocation and suspension of licences or permits;
- (h) respecting the activities, programs or services that the Commercial Revolving Fund may be used for;
- (i) respecting the activities, programs or services that the Resource Protection and Development Revolving Fund may be used for;
- (j) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (k) respecting any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (l) respecting any other matter that the minister considers necessary to carry out this Act according to its intent.

S.S. 1983, c.R-19.01 repealed

24 *The Renewable Resources, Recreation and Culture Act* is repealed.

Coming into force

25 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.