

UNEDITED

The Department of the Environment Act, 1972

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Chapter 31 of *The Statutes of Saskatchewan, 1972*
(assented to May 5, 1972).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 31

An Act to establish the Department of the Environment

(Assented to May 5, 1972)

Short title

1 This Act may be cited as *The Department of the Environment Act, 1972*.

1972, c.31, s.1.

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;

“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;

“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;

“pollution”

(i) **“pollution”** means alteration of the physical, chemical, biological or aesthetic properties of the environment including the addition or removal of any contaminant 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.

Department established

3 There shall be a department of the Government of Saskatchewan which shall be called the Department of the Environment, over which the Minister of the Environment shall preside.

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, 1972*;
- (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.

Environmental 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 twelve 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 The minister shall make and submit to the Lieutenant Governor in Council an annual report respecting the work performed by the department, which shall be laid before the Legislative Assembly within fifteen days from the commencement of the session next following the end of the financial year for which the report is made.

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; and
- (g) appoint such committees as he deems necessary and advisable for the proper exercise of his powers and performance of his duties.

1972, c.31, s.11.

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;

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.

(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 or 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.

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) controlling the use and application of chemicals including insecticides and herbicides;
- (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 reclamation of the surface of that land, and conferring powers on the minister relating to such soil conservation and reclamation;
- (f) controlling, restricting or prohibiting any actions of any person for the purpose of abating noise or controlling noise levels; and
- (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.

1972, c.31, s.13.

Offences and penalties

14 Every person who contravenes the regulations is guilty of an offence and liable on summary conviction to:

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

1972, c.31, s.14.

Entry on land

15 Notwithstanding anything in *The Expropriation Procedure Act, 1968*, the minister, or a person designated by him for the purpose of this Act or any Act referred to in section 7, may enter upon any land for the purpose of securing data and obtaining information respecting the environment and for inspection of any works related thereto.

1972, c.31, s.15.

Nonliability 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 permits, 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.

Coming into force

18 This Act comes into force on a day to be fixed by proclamation of the Lieutenant Governor.

1972, c.31, s.18.

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