

2002

CHAPTER 31

An Act to amend *The Forest Resources Management Act*

(Assented to July 3, 2002)

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 Forest Resources Management Amendment Act, 2002*.

S.S. 1996, c.F-19.1 amended

2 *The Forest Resources Management Act* is amended in the manner set forth in this Act.

Section 2 amended

3 Subsection 2(1) is amended:

(a) by repealing clause (a) and substituting the following:

“(a) **‘approved operating plan’** means an operating plan, including amendments to that plan, that:

- (i) is prepared with respect to a forest management agreement, term supply licence or a forest product permit; and
- (ii) is approved pursuant to section 39.1, 46.1 or 49.3;

“(a.1) **‘approved plan’** means any plan, including an approved operating plan mentioned in clause (a), that is:

- (i) required to be prepared pursuant to this Act or the regulations; and
- (ii) approved by the minister;

“(a.2) **‘Crown’** means the Crown in right of Saskatchewan;

“(a.3) **‘Crown land’** means any land vested in the Crown in right of Saskatchewan”;

(b) by repealing clause (f) and substituting the following:

“(f) **‘forest land’** means any Crown land where, in the opinion of the minister, a forest ecosystem is the predominant ecosystem and, without restricting the generality of the foregoing, includes:

- (i) any Crown resource land that is designated as a provincial forest pursuant to the regulations; and

- (ii) any Crown land described in a forest management agreement, a term supply licence or a forest product permit;

but does not include any Crown mineral or Crown mineral lands within the meaning of *The Crown Minerals Act*”;

(c) by repealing clause (m) and substituting the following:

“(m) **‘harvest’** means to cut, pick, gather, collect, accumulate, alter, disturb or remove forest products by any means and includes the grazing of livestock;

“(m.1) **‘infected material’** means either or both of the following:

- (i) any tree or arboraceous vegetation that is infected, may be infected or is likely to be infected with a disease designated by the Lieutenant Governor in Council pursuant to clause 63(2)(b), and includes:
 - (A) any part or component of a tree or arboraceous vegetation that is so infected, may be so infected or is likely to be so infected; or
 - (B) any product originating or manufactured from a tree or arboraceous vegetation, or any part or component of the tree or arboraceous vegetation, that is so infected, may be so infected or is likely to be so infected;

- (ii) any tree or arboraceous vegetation that is infested, may be infested or is likely to be infested with an insect designated by the Lieutenant Governor in Council pursuant to clause 63(2)(b), and includes:
 - (A) any part or component of a tree or arboraceous vegetation that is so infested, may be so infested or is likely to be so infested; or
 - (B) any product originating or manufactured from a tree or arboraceous vegetation, or any part or component of the tree or arboraceous vegetation, that is so infested, may be so infested or is likely to be so infested;

“(m.2) **‘inspector’** means a provincial inspector or a municipal inspector”;

(d) by repealing clause (o) and substituting the following:

“(o) **‘licence’** means a licence that is required pursuant to this Act or the regulations and that is issued for:

- (i) the harvesting of forest products, including a forest management agreement, term supply licence or forest product permit;
- (ii) the scaling of a forest product;
- (iii) the operating of a processing facility; or

(iv) the doing of any other thing or activity mentioned in clause 99(1)(f) for which a licence is required pursuant to this Act or the regulations”;

(e) in clause (r) by adding “chipping, debarking,” after “peeling.”;

(f) by adding the following clauses after clause (s):

“(s.1) **‘municipal inspector’** means a municipal inspector designated by a municipality pursuant to section 8.2;

“(s.2) **‘municipality’** includes:

(i) a regional park established pursuant to *The Regional Parks Act, 1979*;

(ii) the Meewasin Valley Authority constituted pursuant to *The Meewasin Valley Authority Act*;

(iii) the Wakamow Valley Authority constituted pursuant to *The Wakamow Valley Authority Act*;

(iv) the Wascana Centre Authority continued pursuant to *The Wascana Centre Act*; and

(v) any other prescribed entity”;

(g) by repealing subclause (u)(i) and substituting the following:

“(i) a member of the Royal Canadian Mounted Police or of a police service within the meaning of *The Police Act, 1990*”;

(h) in clause (v) by striking out “or 45(b)” and substituting “, 45(1)(b) or subsection 49.1(1)”;

(i) by repealing clause (w) and substituting the following:

“(w) **‘processing facility’** means a pulp mill, sawmill, plywood mill, fibre or strand board mill, post plant or any other facility, fixed or mobile, designed for manufacturing forest products and includes a slasher, chipper, debarker, fuelwood processor or any other mechanized equipment, fixed or mobile or any component of the equipment, designed for manufacturing forest products”;

(j) by adding the following clause after clause (x):

“(x.1) **‘provincial inspector’** means a provincial inspector designated by the minister pursuant to section 8.1”;

(k) in clause (y) by adding “and includes any activity specified in a licence or approved plan that is associated with growing and maintaining the trees” after “trees”;

(l) by repealing clause (z) and substituting the following:

“(z) **‘renewal’** means the natural or artificial renewal of any forest product and includes:

(i) reforestation; or

(ii) any activity specified in a licence or an approved plan that is associated with growing and maintaining forest products”; **and**

(m) by repealing clause (bb) and substituting the following:

“(bb) ‘scale’ means to measure and determine the volume of any section of the stem, or of the thicker branches, of a tree that has been cut but has not been processed beyond being split or having the limbs or bark removed;

“(bb.1) ‘standard’ means a specific measurable activity, result or unit of measure established by the minister and described as a standard in a manual established pursuant to section 19.1”.

Section 6 amended**4 Section 6 is amended:****(a) by repealing clause (a);****(b) by adding the following clause after clause (h):**

“(h.1) specify requirements and procedures for the treatment, removal, storage, utilization, transportation, manufacturing and disposal of infected material”; **and**

(c) by repealing clause (i) and substituting the following:

“(i) appoint members, assign duties and set out procedures for the operation of:

(i) the Provincial Forest Policy Advisory Committee established pursuant to clause 11(a);

(ii) the forest management committees established pursuant to clause 11(b); and

(iii) the Provincial Science Advisory Board established pursuant to clause 11(c)”.

New sections 8.1 to 8.4**5 The following sections are added after section 8:****“Designation of provincial inspector**

8.1 The minister may designate any person as a provincial inspector, or any category of persons as provincial inspectors, for the purpose of exercising all or any of the powers given to a provincial inspector or inspector pursuant to this Act and the regulations.

“Designation of municipal inspector

8.2 A municipality may designate any person or any employee of the municipality as a municipal inspector, or any category of persons or employees as municipal inspectors, for the purpose of exercising all or any of the powers given to a municipal inspector or inspector pursuant to this Act and the regulations.

“Limitation on powers of municipal inspector

8.3(1) A municipal inspector may exercise the powers mentioned in section 8.2 only on land within the municipality or municipalities that designated the municipal inspector.

(2) No municipal inspector shall exercise any powers mentioned in section 8.2 on Crown land.

(3) In the case of any conflict between an order made by the minister, an officer or a provincial inspector and an order made by a municipal inspector, the order made by the minister, officer or provincial inspector prevails.

“Liability of municipality

8.4 The municipality or municipalities that designate a municipal inspector pursuant to section 8.2 are liable for loss or injury arising from any act or omission of that municipal inspector acting in the course of the municipal inspector’s duties”.

Section 11 amended

6 Section 11 is amended:

- (a) **by striking out “and” after clause (a);**
- (b) **by adding “and” after clause (b); and**
- (c) **by adding the following clause after clause (b):**

“(c) may establish a Provincial Science Advisory Board to advise the minister on matters relating to monitoring the effects of forest management activities on the long- term health of the forest ecosystem”.

Section 17 amended

7 Section 17 is amended:

- (a) **in subsection (2) by striking out “subsection (3)” and substituting “subsections (3) and (4.1)”;** and
- (b) **by adding the following subsection after subsection (4):**

“(4.1) A person may, without a licence, harvest a reasonable number of trees for his or her personal use only if:

- (a) the trees are harvested for the purpose of being used as Christmas trees; and
- (b) each tree does not exceed a height of four metres”.

New section 18.1

8 The following section is added after section 18:

“Processing facility to be licensed

18.1(1) No person shall operate a processing facility without a licence.

(2) A person wishing to apply for a licence to operate a processing facility, or to have an existing licence amended, shall apply to the minister pursuant to the regulations.

(3) The minister may issue, renew or amend a licence for a processing facility if, in the minister’s opinion, the applicant has complied with the regulations and it is appropriate to do so”.

New sections 19 to 19.5

9 Section 19 is repealed and the following substituted:

“Licence and licensee to comply with this Act etc.

19(1) No licensee shall fail to comply with:

- (a) this Act and the regulations;
- (b) the terms imposed on the licensee’s licence;
- (c) the terms imposed in any approved plan prepared with respect to the licensee’s licence; and
- (d) subject to subsection 19.1(4), the standards in each manual established pursuant to section 19.1 as amended from time to time.

(2) Subject to any other provision in this Act and any amendment provisions set out in a licence, the minister may impose any terms that the minister considers appropriate on a licence at the time the licence is issued, renewed or amended.

(3) Compliance with this Act and the regulations by the licensee is deemed to be a term of every licence.

“Manuals

19.1(1) The minister may establish the following manuals:

- (a) a Forest Planning Manual;
- (b) a Forest Operations Manual;
- (c) a Scaling Manual;
- (d) a Compliance Manual.

(2) Each manual mentioned in subsection (1) must:

- (a) contain the objectives, procedures and guidelines associated with the subject-matter addressed in the manual; and
- (b) set out the standards that must be complied with.

(3) At any time, the minister may amend all or any part of a manual established pursuant to subsection (1).

(4) A licensee shall comply with the standards set out in the manuals mentioned in subsection (1) unless otherwise:

- (a) specified in the licence or approved plan; or
- (b) authorized by the minister.

(5) The minister shall:

- (a) cause a copy of each manual to be kept open for public inspection:
 - (i) at the head office of the department during normal office hours of the department; and
 - (ii) at any other office of the department that the minister considers appropriate during normal office hours of the department; and

- (b) cause a copy of each manual to be available for public inspection in any other manner that the minister considers appropriate.
- (6) When a manual is established or amended pursuant to this section, the minister shall cause a notice of the establishment or amendment to be published in the Gazette.
- (7) A manual established pursuant to this section, and an amendment to a manual made pursuant to this section, has no effect unless:
 - (a) the manual or amendment to the manual is available for public inspection pursuant to subsection (5); and
 - (b) the notice respecting the manual or amendment to the manual is published in the Gazette pursuant to subsection (6).

“Forest Planning Manual

19.2 In establishing the Forest Planning Manual, the minister may address the following:

- (a) the content and preparation of:
 - (i) the State of the Forest Report;
 - (ii) the Saskatchewan Forest Accord;
 - (iii) integrated forest land use plans; and
 - (iv) plans required pursuant to this Act and the regulations;
- (b) public involvement respecting the content, preparation and amendments to any matter addressed in subclauses (a)(i) to (iv);
- (c) any other matter that the minister considers appropriate.

“Forest Operations Manual

19.3 In establishing the Forest Operations Manual, the minister may address the following:

- (a) forest operations;
- (b) roads and rights of way;
- (c) any other matter that the minister considers appropriate.

“Scaling Manual

19.4 In establishing the Scaling Manual, the minister may address the following:

- (a) the procedures and standards to be used for scaling;
- (b) the methods to be used for measuring forest products;
- (c) any other matter that the minister considers appropriate.

“Compliance Manual

19.5 In establishing the Compliance Manual, the minister may address the following:

- (a) the submission of information relating to a licensee’s forest operations;
- (b) any other matter that the minister considers appropriate”.

Section 20 amended

10 Clause 20(c) is amended by striking out “standards” and substituting “requirements”.

Section 23 amended

11 Subsection 23(2) is repealed and the following substituted:

“(2) The minister may give notice of the lien and charge in accordance with subsection (3) if forest products or prescribed products manufactured from forest products are subject to a lien and charge pursuant to subsection (1) and:

- (a) are under seizure or attachment by a sheriff or bailiff of a court;
- (b) are claimed by or in the possession of an assignee for the benefit of creditors, a liquidator, a receiver or a secured creditor; or
- (c) have been converted into cash that has not been distributed or placed into a deposit or account with a deposit-taking institution.

“(3) If one or more of the conditions mentioned in clauses (2)(a) to (c) apply:

- (a) the minister may give written notice to the sheriff, bailiff, assignee, liquidator, receiver, deposit-taking institution or secured creditor, setting out the amount owing under the lien and charge; and
- (b) on receipt of the notice mentioned in clause (a), the person to whom the notice is directed shall pay the amount owing to the Crown in preference to and priority over all other claims”.

Section 31 amended

12(1) Subsection 31(1) is amended by adding “, or any right, benefit or obligation pursuant to a licence,” after “No licence”.

(2) Subsection 31(1.1) is amended in the portion preceding clause (a) by adding “, or any right, benefit or obligation pursuant to a licence,” after “A licence”.

New section 38

13 Section 38 is repealed and the following substituted:

“Forest management plans and operating plans

38(1) Prior to commencing any activity authorized by a forest management agreement, the licensee shall submit to the minister for approval:

- (a) a forest management plan for the full term of the agreement; and
- (b) a five-year operating plan.

(2) The licensee shall annually:

- (a) produce the five-year operating plan mentioned in clause (1)(b), commencing on the dates set out in the agreement; and
- (b) submit the five-year operating plan on the dates set out in the agreement.

(3) Once every 10 years, before a forest management agreement is extended pursuant to section 34, the licensee shall submit to the minister for approval a revised forest management plan for the full term of the agreement”.

Section 39 amended

14(1) Subsection 39(1) is amended by adding the following clause after clause (a):

“(a.1) any applicable standards set out in a manual established pursuant to section 19.1”.

(2) Clause 39(3)(a) is amended by striking out “, including detailed proposals for the location and timing of activities during the first year and general proposals for the remaining four years”.

New section 39.1

15 The following section is added after section 39:

“Approval or refusal of plan re forest management agreement

39.1(1) In this section, ‘**plan**’ includes a proposed amendment to a plan.

(2) The minister shall review a plan submitted to the minister pursuant to section 38 and:

- (a) approve the plan if, in the minister’s opinion, the plan complies with this Act and it is in the public interest to do so; or
- (b) refuse to approve the plan if the minister is not satisfied that:
 - (i) the plan complies with this Act; or
 - (ii) it is in the public interest to approve the plan.

(3) Notwithstanding any provision in a licence, on approving a plan pursuant to this section, the minister may impose on the plan any terms that the minister considers necessary or advisable”.

New section 40

16 Section 40 is repealed and the following substituted:

“Activities to conform to plans

40(1) Subject to subsection (2), the operations of a licensee who holds a licence respecting a forest management agreement are to conform to:

- (a) the approved forest management plan, including any terms imposed pursuant to subsection 39.1(3); and
- (b) the approved operating plan, including any terms imposed pursuant to subsection 39.1(3).

(2) In exceptional circumstances, the minister may waive compliance with the terms of an approved forest management plan or approved operating plan prepared by a licensee”.

New section 45

17 Section 45 is repealed and the following substituted:

“Plan re term supply licence

45(1) Subject to the regulations, prior to commencing any activity authorized by a term supply licence, the licensee shall submit to the minister for approval:

- (a) a forest management plan for the full term of the licence to be revised at times specified in the term supply licence; and
- (b) an operating plan.

(2) The licensee shall submit the operating plan mentioned in clause (1)(b) annually, commencing on the dates set out in the term supply licence”.

Section 46 amended

18 Subsection 46(1) is amended by adding the following clause after clause (a):

“(a.1) any applicable standards set out in a manual established pursuant to section 19.1”.

New section 46.1

19 The following section is added after section 46:

“Approval or refusal of plan re term supply licence

46.1(1) In this section, ‘**plan**’ includes a proposed amendment to a plan.

(2) The minister shall review a plan submitted to the minister pursuant to section 45 and:

- (a) approve the plan if, in the minister’s opinion, the plan complies with this Act and it is in the public interest to do so; or
- (b) refuse to approve the plan if the minister is not satisfied that:
 - (i) the plan complies with this Act; or
 - (ii) it is in the public interest to approve the plan.

(3) Notwithstanding any provision in a licence, on approving a plan pursuant to this section, the minister may impose on the plan any terms that the minister considers necessary or advisable”.

New section 47

20 Section 47 is repealed and the following substituted:

“Activities to conform to plans

47(1) The operations of a licensee who holds a term supply licence are to conform to:

- (a) the approved forest management plan, including any terms imposed pursuant to subsection 46.1(3); and
- (b) the approved operating plan, including any terms imposed pursuant to subsection 46.1(3).

(2) In exceptional circumstances, the minister may waive compliance with the terms of an approved forest management plan or approved operating plan prepared by a licensee”.

New sections 49.1 to 49.4

21 The following sections are added after section 49:

“Plan re forest product permit

49.1(1) Prior to commencing any activity authorized by a forest product permit, the minister may require the licensee to submit for approval an operating plan for the full term of the permit.

(2) If the licensee wishes to amend the operating plan mentioned in subsection (1), the licensee shall submit the proposed amendment to the minister for approval in accordance with the regulations.

“Preparation of plan

49.2(1) If an operating plan is required pursuant to section 49.1, the licensee who holds the forest product permit shall prepare the operating plan in accordance with:

- (a) this Act and the regulations;
- (b) any applicable standards set out in a manual established pursuant to section 19.1;
- (c) any Saskatchewan Forest Accord or integrated forest land use plan in effect for land within the licence area; and
- (d) the terms of the forest product permit.

(2) Plans prepared by the licensee who holds a forest product permit are to contain any information the minister may require.

“Approval or refusal of plan re forest product permit

49.3(1) In this section, ‘**plan**’ includes a proposed amendment to a plan.

(2) The minister shall review a plan submitted to the minister pursuant to section 49.1 and:

- (a) approve the plan if, in the minister’s opinion, the plan complies with this Act and it is in the public interest to do so; or
- (b) refuse to approve the plan if the minister is not satisfied that:
 - (i) the plan complies with this Act; or
 - (ii) it is in the public interest to approve the plan.

(3) Notwithstanding any provision in a licence, on approving a plan pursuant to this section, the minister may impose on the plan any terms that the minister considers necessary or advisable.

“Activities to conform to plans

49.4(1) Subject to subsection (2), a licensee who holds a licence respecting a forest product permit shall ensure that the operations of the licensee conform to the approved operating plan, including any terms imposed pursuant to subsection 49.3(3).

(2) In exceptional circumstances, the minister may waive compliance with the terms of an approved operating plan prepared by a licensee”.

Section 51 amended

22 Section 51 is amended by striking out “in accordance with procedures and standards determined by the minister” **and substituting** “in accordance with the Scaling Manual, an approved scaling plan, and the regulations”.

New section 53

23 Section 53 is repealed and the following substituted:

“Wood by-products

53(1) In this section:

- (a) ‘**timber**’ means any trees or parts of trees from Crown land, whether standing, fallen, cut, alive or dead;

- (b) **‘wood by-products’** means:
- (i) wood chips from timber;
 - (ii) wafers from timber; or
 - (iii) all timber or parts of timber that:
 - (A) result from a harvesting operation or from a processing facility; and
 - (B) have not been manufactured into a useable product;
 but, in the minister’s opinion, could be manufactured into a useable product without undue financial hardship to either party mentioned in this section.

(2) Unless otherwise specified in a licence, if the minister considers it necessary to maximize the use of wood by-products or to prevent damage to forest resources on Crown land, the minister may:

- (a) direct a person licensed to operate a processing facility or harvest timber to deliver any or all wood by-products resulting from the operation of the processing facility or harvesting activity to any place that the minister may designate; and
- (b) direct that person to sell the wood by-products to the owner of any processing facility that the minister may specify.

(3) If the parties agree to an acceptable price at the place of delivery, the party receiving the delivery shall offer to buy the wood by-products at that price.

(4) If the parties cannot agree on a price at the place of delivery or on any other term, the price to be paid or other term is to be fixed by arbitration.

(5) For the purposes of an arbitration pursuant to section 54, the person directed to deliver the wood by-products is deemed to be the party demanding the arbitration”.

Section 58 amended

24 Subsection 58(2) is repealed and the following substituted:

“(2) If a road is closed pursuant to subsection (1), no person shall operate a vehicle on that road, and no person shall be a passenger in or on a vehicle that is on that road, unless the person is specifically authorized to do so by an officer or in an approved operating plan”.

Section 61 amended

25 Subsection 61(3) is repealed and the following substituted:

“(3) The officer may rescind an order made pursuant to subsection (1) before the time set for its expiration if the person to whom the order is directed has done all of the following to the officer’s satisfaction:

- (a) stopped doing any activity mentioned in clauses (1)(a) and (b);
- (b) prevented further damage from occurring by an activity mentioned in clauses (1)(a) and (b);
- (c) repaired any damage caused by an activity mentioned in clauses (1)(a) and (b)”.

New sections 63 to 63.4

26 Section 63 is repealed and the following substituted:

“Designation of insects and diseases

63(1) In this section, sections 63.1 to 63.4, and sections 77 and 99:

- (a) **‘designated insects or diseases’** means those insects or diseases designated by the Lieutenant Governor in Council;
- (b) **‘designated lands’** means any lands that are within those areas designated by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may designate:

- (a) any lands for the purposes of this section, sections 63.1 to 63.4 and section 77, and may designate different lands for different insects or diseases; and
- (b) any insects or diseases for the purposes of this section, sections 63.1 to 63.4 and section 77.

“Duty re designated insects and diseases

63.1(1) Every person who owns, occupies or controls any land that is designated land shall take measures to remove, dispose of, control and prevent the spread of all designated insects or diseases on that land.

(2) Subject to the regulations, every person who owns, occupies or controls any land that is designated land shall take measures to remove or dispose of any infected material on that land that may contribute to the spread of any designated insect or disease.

“Powers re control of designated insects and diseases

63.2(1) If the minister, an officer or an inspector determines that there are on any designated lands designated insects or diseases that are causing or are likely to cause damage to forests, trees or other arboraceous vegetation, the minister, officer or inspector may make an order requiring the person who owns, occupies or controls the designated lands to:

- (a) take measures to destroy, control and prevent the spread of designated insects or diseases in a manner specified by the minister, officer or inspector; or
- (b) remove or dispose of the trees or vegetation in a manner specified by the minister, officer or inspector.

(2) Clauses 61(4)(b) to (d) and subsections 61(5) to (7) apply, with any necessary modification, to an order made by the minister, officer or inspector respecting designated insects or diseases.

(3) An order made pursuant to this section must be served on the person to whom it is directed.

(4) The minister, an officer or an inspector may take any action that the minister, officer or inspector considers necessary to remove, dispose of, control or prevent damage from designated insects or diseases to forests, trees or other arboraceous vegetation on any designated lands if:

- (a) the minister, officer or inspector considers it in the public interest to take immediate action; or
- (b) the person who is served with an order made pursuant to subsection (1) fails to comply with the order within the specified time.

(5) Without limiting the generality of subsection (4), in the circumstances mentioned in that subsection, the minister, an officer or an inspector may take any action mentioned in section 77.

“Minister, officers, inspectors powers re control of designated insects and diseases

63.3 For the purposes of carrying out any of his or her duties or exercising any of his or her powers pursuant to this Act or the regulations with respect to designated insects or diseases, the minister, an officer or an inspector may do any or all of the following on any land:

- (a) take any samples that may be necessary;
- (b) monitor or record the extent and severity of designated insect or disease infestations on any land with forests, trees or other arboraceous vegetation.

“Recovery from owner or occupant

63.4(1) Any cost or expense incurred with respect to any action taken pursuant to subsection 63.2(4) by the minister, an officer or a provincial inspector is a debt due to and recoverable by the Crown from the owner or occupant of those lands.

(2) The costs and expenses incurred with respect to any action taken pursuant to subsection 63.2(4) by a municipal inspector may be recovered from the owner or occupant of the land in the same manner as rates and taxes.

(3) Every amount described in subsection (2) is to be immediately added to and forms part of the taxes on the parcel of land on which the work was done.

(4) The treasurer of each municipality in which any expenditure has been made pursuant to subsection 63.2(4) shall, on or before November 30 in each year, notify every owner or occupant of land with respect to which an expenditure has been made of the amount chargeable against his or her land”.

Section 64 amended

27 Subsection 64(1) is amended by striking out “made pursuant to section 61 or 63” and substituting “, an officer or an inspector made pursuant to section 61 or 63.2”.

New section 70**28 Section 70 is repealed and the following substituted:****“Entry on land**

70(1) For the purposes of carrying out any of his or her duties or exercising any of his or her powers pursuant to this Act or the regulations, the minister, an officer or an inspector may enter on or pass over any lands, whether enclosed or not, without the consent of the owner or occupant.

(2) In carrying out any of his or her duties or exercising any of his or her powers pursuant to this Act or the regulations, the minister, an officer or an inspector may:

(a) enter on any lands accompanied by any person or persons who, in the opinion of the minister, officer or inspector, by virtue of their expertise in a particular field or their knowledge of facts relevant to the matter, may be of assistance to the minister, officer or inspector in carrying out his or her duties or in exercising his or her powers; and

(b) enter on any lands with any machinery, equipment or materials that the minister, officer or inspector considers necessary to carry out the purposes of the entry”.

New sections 76 and 77**29 Sections 76 and 77 are repealed and the following substituted:****“Operator to produce documents**

76(1) An officer may request or signal a person in charge of or operating a vehicle transporting forest products or infected materials or any products manufactured from forest products or infected materials, whether or not the forest products or infected materials are from Crown land, to stop the vehicle and produce any documents relating to the forest products or infected materials that the officer may request.

(2) The person in charge of or operating the vehicle, when requested or signalled to stop by an officer pursuant to subsection (1), shall:

(a) immediately bring the vehicle to a safe stop;

(b) produce any documents related to the forest products or infected materials that the officer may request; and

(c) allow the officer to inspect the forest products or infected materials.

“Seizure of forest products and infected materials

77(1) In this section, **‘forest products’** includes any product manufactured from a forest product.

(2) The minister or an officer may seize any forest products or infected materials if:

(a) the person in possession or control of the forest products or infected materials refuses or fails to inform the minister or officer of the name and address of the person from whom the forest products or infected materials were received, or of any fact within the person’s knowledge respecting the forest products or infected materials;

- (b) the minister or officer believes, on reasonable grounds, that the forest products have not been scaled or measured as required by this Act or the regulations;
 - (c) the minister or officer believes, on reasonable grounds, that dues or fees are owing respecting the forest products;
 - (d) the minister or officer believes, on reasonable grounds, that the forest products or infected materials were harvested in contravention of this Act or the regulations;
 - (e) the minister or officer believes, on reasonable grounds, that the forest products are subject to a lien pursuant to section 23;
 - (f) the forest product is wild rice and the minister or officer believes, on reasonable grounds, that the wild rice is growing on, or has been harvested from, forest land:
 - (i) for which a licence has not been obtained; or
 - (ii) with respect to which the licence has expired or has been cancelled or terminated and the dues or fees have not been paid; or
 - (g) the minister or officer believes on reasonable grounds that the seizure is necessary to control or prevent damage from designated insects or diseases to forests, trees or other arboraceous vegetation.
- (3) An inspector may seize any infected materials if:
- (a) the person in possession or control of the infected materials refuses or fails to inform the inspector of the name and address of the person from whom the infected materials were received, or of any fact within the person's knowledge respecting the infected materials;
 - (b) the inspector believes, on reasonable grounds, that the infected materials were removed, stored, utilized, transported, pruned or marketed in contravention of this Act or the regulations; or
 - (c) the inspector believes on reasonable grounds that the seizure is necessary to control or prevent damage from designated insects or diseases to forests, trees or other arboraceous vegetation.
- (4) Forest products or infected material that are seized pursuant to subsection (2) or (3) may be removed to any place that the minister, officer or inspector, as the case may be, considers appropriate for the preservation and containment of the forest products or infected materials.
- (5) The minister or an officer seizing forest products or infected materials pursuant to subsection (2) may also seize any vehicle that is being used for the purpose of transporting the forest products or infected materials, and may impound the vehicle for any reasonable period, not exceeding 30 days, that the minister or officer considers necessary to determine the disposition of the seized forest products or infected materials.

- (6) Any person in charge of or operating:
- (a) a vehicle being used to transport forest products or infected materials that have been seized by the minister or an officer pursuant to subsection (2) shall convey the seized forest products or infected materials to any place that the minister or officer may direct; and
 - (b) a vehicle being used to transport infected materials that have been seized pursuant to subsection (3) shall convey the infected materials to any place that an inspector may direct.
- (7) If forest products or infected materials liable to seizure by the minister, an officer or an inspector have been mixed with other similar products so as to render it impractical or difficult to distinguish or separate the forest products or infected materials liable to seizure from the other products or materials with which they are mixed, all of those products or materials so mixed may be seized.
- (8) The minister, an officer or a provincial inspector who has custody of any forest products or infected materials seized pursuant to this Act may dispose of them, in whole or in part, in any manner that the minister, officer or provincial inspector considers appropriate and any proceeds realized from the disposition are to be dealt with in the manner set out in the regulations.
- (9) A municipal inspector who has custody of any infected materials seized pursuant to this Act may dispose of them, in whole or in part, in the manner set out in the regulations and any proceeds realized from the disposition are to be dealt with in any manner that the municipality or municipalities that designated the municipal inspector consider appropriate”.

Section 78 amended

30(1) Subsection 78(1) is repealed and the following substituted:

- “(1) The minister may assess a penalty in an amount prescribed in the regulations against any licensee if the licensee:
- (a) fails to pay dues or fees owing in the amount or by the time specified pursuant to this Act or a licence;
 - (b) harvests forest products in excess of the volume permitted by a licence or an approved plan;
 - (c) harvests forest products in contravention of the terms of a licence, an approved plan or any applicable standards set out in a manual established pursuant to section 19.1;
 - (d) conducts renewal activities in contravention of the terms of a licence, an approved plan or any applicable standards set out in a manual established pursuant to section 19.1;
 - (e) fails to submit any records or documents with respect to the transportation, scaling, measurement, harvesting, renewal or manufacturing of forest products by the time or in the manner specified pursuant to a licence or an approved plan;
 - (f) grazes livestock in contravention of the terms of a licence or an approved plan;

(g) operates a processing facility in contravention of the terms of a licence or an approved plan; or

(h) scales forest products in contravention of the terms of a licence, an approved scaling plan or the Scaling Manual”.

(2) Subsection 78(2) is amended by striking out “person” wherever it appears and in each case substituting “licensee”.

(3) Subsection 78(3) is amended by striking out “person” and substituting “licensee”.

(4) Subsection 78(4) is amended by striking out “person” and substituting “licensee”.

(5) Subsection 78(6) is amended by striking out “person” and substituting “licensee”.

(6) The following subsections are added after subsection 78(7):

“(8) The minister may assess a penalty against a licensee pursuant to subsection (1) notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor or agent of that licensee.

“(9) If a licensee has been assessed a penalty pursuant to subsection (1), the minister may disclose any or all of the following information to the public:

(a) the name of the licensee;

(b) the municipality in which the licensee resides;

(c) a description of the facts and circumstances that gave rise to the penalty;

(d) the amount of the penalty”.

Section 79 amended

31 The following clause is added after clause 79(1)(f):

“(f.1) treat, remove, store, transport or utilize any infected material except in accordance with this Act and the regulations”.

Section 80 amended

32 Clause 80(1)(d) is repealed.

New section 95

33 Section 95 is repealed and the following substituted:

“Immunity

95 No action or proceeding lies or shall be commenced against the Crown, the minister, an officer, an inspector, any person appointed, retained or employed by the minister or the department, a municipality, municipal council or board, or any person appointed, retained or employed by the municipality if that person 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 person or by any of those persons 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 decision or order made pursuant to this Act or any duty imposed by this Act or the regulations”.

Section 99 amended

34 Subsection 99(1) is amended:

(a) by adding the following clause after clause (a):

“(a.1) prescribing other entities for the purpose of subclause 2(1)(s.2)(v)”;

(b) by adding the following clause after clause (b):

“(b.1) respecting the establishment and operation of a Provincial Science Advisory Board”;

(c) by adding the following clauses after clause (f):

“(f.1) prohibiting the doing of any activity or thing mentioned in clause (f) on forest land without holding a licence authorizing that activity or thing;

“(f.2) for the purposes of clause (f.1), respecting all or any of the following:

- (i) the eligibility for a licence;
- (ii) the terms to which a licence is subject;
- (iii) the duties and responsibilities of a person holding a licence;
- (iv) the information and material to be submitted to the minister;
- (v) the transfer and assignment of a licence;
- (vi) the amendment, renewal, cancellation and suspension of a licence”;

(d) by repealing clause (i) and substituting the following:

“(i) respecting the manuals mentioned in sections 19.2 to 19.5, including the establishment and amendment of those manuals and prescribing the content of each manual with respect to objectives, standards, procedures and guidelines”;

(e) in clause (r) by striking out “standards for”;

(f) in clause (v) by striking out “standards and forms for”; and

(g) by adding the following clauses after clause (z):

“(z.1) for the purposes of subsection 77(8), respecting the manner in which proceeds realized from the disposition of the forest products and infected materials are to be dealt with;

“(z.2) for the purposes of subsection 77(9), respecting the manner in which infected materials may be disposed of;

“(z.3) respecting the identification, treatment, utilization, storage, transportation, marketing, removal and disposal of infected material, including prescribing terms and conditions pursuant to which a person may do all or any of those things and authorizing the minister to establish any additional terms and conditions;

“(z.4) respecting the qualification of persons who, for remuneration, prune trees or arboraceous vegetation that is either infected or threatened by infection by designated insects or diseases on designated lands, including the following:

- (i) prohibiting persons who are not qualified from doing those things;
- (ii) prescribing terms and conditions pursuant to which a person may do all or any of those things and authorizing the minister to establish any additional terms and conditions;

“(z.5) respecting the licensing of persons to do any of the activities or things mentioned in clauses (z.3) and (z.4), including prohibiting the doing of any activity or thing mentioned in those clauses without holding a licence authorizing that activity or thing, and respecting all or any of the following:

- (i) the eligibility for a licence;
- (ii) the terms to which a licence is subject;
- (iii) the duties and responsibilities of a person holding a licence;
- (iv) the information and material to be submitted to the minister;
- (v) the transfer and assignment of a licence;
- (vi) the amendment, renewal, cancellation and suspension of a licence”.

New section 107.1

35 The following section is added after section 107:

“Transition re licences

107.1(1) Notwithstanding anything in any licence, no action or other proceeding lies or shall be instituted against any of the following based on any claim for loss or damage arising from the enactment or application of *The Forest Resources Management Amendment Act, 2002*:

- (a) the Crown;
- (b) any member or former member of the Executive Council; or
- (c) any officer, director, employee or agent, or former officer, director, employee or agent, of the Crown.

(2) Every claim for loss or damage resulting from the enactment or application of *The Forest Resources Management Amendment Act, 2002* is extinguished”.

Coming into force

36 This Act comes into force on assent.