

2007

CHAPTER 29

An Act to amend certain Environment Statutes with respect
to matters concerning Inspections and Investigations

(Assented to May 17, 2007)

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 Miscellaneous Environment Statutes (Inspections and Investigations) Amendment Act, 2007*.

S.S. 1994, c.F-16.1 amended

2(1) *The Fisheries Act (Saskatchewan), 1994* is amended in the manner set forth in this section.

(2) The heading before section 17 is struck out and the following substituted:

“ENFORCEMENT”.

(3) The following section is added before section 17 and after the heading before section 17:

“Interpretation of sections 17 to 25

16.1 In sections 17 to 25:

(a) **‘record’** includes any books, papers, documents, information or electronic books, papers, documents or information;

(b) **‘vehicle’** includes a conveyance, an aircraft, a boat or other watercraft and any accessory attached to a conveyance, aircraft, boat or other watercraft”.

(4) The following section is added after section 17:

“Officer may be accompanied

17.1 If an officer is conducting an inspection or investigation pursuant to this Act, the officer may be accompanied by any person who, in the opinion of the officer, by virtue of his or her expertise in a particular field or his or her knowledge of facts relevant to the matter being inspected or investigated, may assist the officer in carrying out the officer’s duties”.

(5) The following sections are added after section 19:**“Search of person**

19.1 An officer may search any person if the officer has reasonable grounds to believe that the person has concealed on his or her person any evidence of an offence against this Act.

“Entry on land

19.2 An officer and any person or persons lawfully accompanying an officer for the purposes of carrying out the officer’s duties may enter on or pass over any land, whether enclosed or not, and while so engaged he or she is liable only for any damage that he or she may wilfully cause”.

(6) Sections 20 to 25 are repealed and the following substituted:**“Inspections**

20(1) Subject to subsection 22(4), for any purpose relating to the administration or enforcement of this Act, an officer may do all or any of the following:

- (a) enter at any reasonable time and inspect:
 - (i) any premises required to be licensed pursuant to this Act; or
 - (ii) any commercial premises used by a person required to be licensed pursuant to this Act;
- (b) enter at any reasonable time and inspect any place, including any premises or vehicle, in which the officer has reasonable grounds to believe that:
 - (i) there is any fish, fishing gear or equipment or other thing to which this Act applies;
 - (ii) any activity to which this Act applies has been carried on, is being carried on or is likely to be carried on; or
 - (iii) there are records that are required to be kept pursuant to this Act or that relate to the administration of this Act;
- (c) require the owner or any person in possession of a place, including any premises or vehicle, being inspected pursuant to this section and any agent, representative, partner, director, officer or employee of the owner or person, to:
 - (i) answer any questions that may be relevant to the administration or enforcement of this Act; and
 - (ii) provide the officer with all reasonable assistance;
- (d) for the purposes of clause (c), require any of the persons mentioned in that clause to attend at a place and time set by the officer;

- (e) require any of the persons mentioned in clause (c) to produce:
 - (i) any fish, fishing gear or equipment or other thing to which this Act applies; or
 - (ii) any records that:
 - (A) are required to be kept pursuant to this Act or that relate to the administration of this Act; and
 - (B) the officer reasonably requires;
 - (f) inspect any fish, fishing gear or equipment, or other thing to which this Act applies or any record that is required to be kept pursuant to this Act or that relates to the administration of this Act.
- (2) If the officer requires any records to be produced pursuant to this section, the officer may examine the records and make copies of the records in accordance with section 23.
- (3) For the purposes of producing a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the officer may use that computer system, including the computer hardware or software, or other data storage, processing or retrieval device.
- (4) If an officer is unable to produce a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the officer may, after giving a receipt:
- (a) remove any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record;
 - (b) produce that record with reasonable dispatch; and
 - (c) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the officer and the person from whom they were taken.

“Additional powers on inspection

20.1 In addition to the powers mentioned in section 20, in carrying out an inspection pursuant to this Act, an officer may do all or any of the following:

- (a) open or cause to be opened any container found in the place that the officer believes on reasonable grounds contains any fish, fishing gear or equipment or other thing to which this Act applies;
- (b) take samples of any fish or other thing to which this Act applies;
- (c) conduct any tests or analyses and take any measurements.

“Duty to assist

21(1) No person shall fail to answer questions or to provide reasonable assistance in accordance with section 20 or 20.1 in the manner and within the period specified by the officer.

(2) No person shall fail to produce any records, fish, fishing gear or equipment or other thing to which this Act applies in accordance with section 20 or 20.1 within the period reasonably required by the officer.

(3) No person shall refuse to produce the person’s licence to an officer or the department when requested to do so.

“Stopping and detaining a vehicle

21.1(1) For any purpose relating to the administration or enforcement of this Act, including conducting an inspection pursuant to section 20 or 20.1 or carrying out an investigation pursuant to section 22, an officer may:

(a) require any vehicle to be stopped;

(b) require the vehicle to be moved to a place where the inspection pursuant to section 20 or 20.1 or the investigation pursuant to section 22 can be carried out; and

(c) detain the vehicle for a reasonable time.

(2) Every operator or person in charge of the vehicle shall comply with the requirements of an officer made pursuant to this section.

“Investigations

22(1) If a justice or provincial court judge is satisfied by information on the oath of an officer that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice or provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place, including any premises or vehicle, named or described in the warrant;

(b) seize and remove anything that may be evidence of an offence against this Act.

(2) With a warrant issued pursuant to subsection (1), an officer may:

(a) enter at any time and search any place, including any premises or vehicle, named or described in the warrant;

(b) open and examine anything that the officer finds in the place, premises or vehicle;

(c) require the production of and examine any records or other things to which this Act applies that the officer has reasonable grounds to believe may contain information related to an offence against this Act;

- (d) remove, for the purpose of making copies, any records examined pursuant to this section and any computer hardware and software and other data storage, processing or retrieval device required to produce a readable record;
 - (e) do any of the things mentioned in clauses 20.1(b) and (c);
 - (f) do any of the things mentioned in section 21.1; and
 - (g) do any of the things mentioned in section 24.
- (3) Subject to subsection (4), 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 grounds to believe that the delay necessary to obtain a warrant would result:
 - (i) in danger to human life or safety; or
 - (ii) in the loss, removal or destruction of evidence.
- (4) 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.
- (5) If, pursuant to this section, an officer removes any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record, the officer shall:
- (a) produce that record with reasonable dispatch; and
 - (b) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the officer and the person from whom they were taken.

“Copies of records

- 23(1)** If any records are inspected, examined, removed, produced or provided pursuant to section 20 or 22, an officer may make copies of those records.
- (2) An officer shall:
- (a) make those copies with reasonable dispatch; and
 - (b) promptly return the originals of the records to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the officer and the person who furnished them or from whom they were taken.

- (3) If the originals of any record are to be removed from a place, the officer shall take all reasonable steps to ensure that a copy of the record is left at the place to allow business to be carried on.
- (4) A document certified by the minister, an officer or any person authorized by the minister to be a copy of a record made pursuant to this section:
- (a) is admissible in evidence without proof of the office or signature of that person; and
 - (b) has the same probative force as the original record.

“Seizure of certain objects

- 24(1)** In addition to the powers mentioned in sections 20, 20.1 and 22, in conducting an inspection pursuant to section 20 or 20.1 or in carrying out an investigation pursuant to section 22, an officer may seize any fish, fishing gear or equipment or other thing to which this Act applies, including a vehicle, that the officer has reasonable grounds to believe:
- (a) was used in the commission of an offence or is something in relation to which an offence against this Act has been committed;
 - (b) will provide evidence with respect to the commission of an offence against this Act; or
 - (c) was taken or obtained by the commission of an offence against this Act.
- (2) Any fish, fishing gear or equipment or other thing to which this Act applies that is seized pursuant to subsection (1) may be removed to any place that the officer considers appropriate for the preservation and containment of the fish, fishing gear or equipment or other thing to which this Act applies.
- (3) If a vehicle is being used to transport any fish, fishing gear or equipment or other thing to which this Act applies and the fish, fishing gear or equipment or other thing has been seized by the officer pursuant to subsection (1), any person in charge of or operating the vehicle shall convey the seized fish, fishing gear or equipment or other thing to which this Act applies to any place that the officer may direct.
- (4) If any fish or other thing to which this Act applies is liable to seizure by an officer and has been mixed with other similar products so as to render it impractical or difficult to distinguish or separate the fish or other thing from the other products or materials with which it is mixed, all of those products or materials so mixed may be seized.
- (5) Notwithstanding subsection 26(2), if an officer has custody of any fish or other thing to which this Act applies that is seized pursuant to this Act and that is perishable or susceptible to deterioration, the minister, the department or the officer may dispose of it, in whole or in part, in any manner approved by the minister, and any proceeds realized from the disposition are to be dealt with in the manner set out in the regulations.

“Obstruction

25 No person shall resist, obstruct, hinder, delay or interfere with an officer, or a person aiding an officer, in the performance of the officer’s duties”.

(7) The following clause is added after clause 37(jj):

“(jj.1) for the purposes of subsection 24(5), respecting the manner in which proceeds realized from the disposition of the fish or other thing to which this Act applies are to be dealt with”.

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

3(1) *The Forest Resources Management Act* is amended in the manner set forth in this section.

(2) The heading before section 66 is struck out and the following substituted:

“ENFORCEMENT”.

(3) Sections 66 to 76 are repealed and the following substituted:

“Interpretation of sections 66.1 to 75

66 In sections 66.1 to 75:

- (a) **‘Act’** includes the regulations;
- (b) **‘forest product’** includes infected material and any products manufactured from forest products or infected materials;
- (c) **‘record’** includes any books, papers, documents, information or electronic books, papers, documents or information.

“General powers of officers

66.1 All officers have the power of peace officers to enforce this Act and are entitled, while performing their duties, to all the protection that peace officers are entitled to pursuant to the *Criminal Code*.

“Officer may be accompanied

67 If an officer is conducting an inspection or investigation pursuant to this Act, the officer may be accompanied by any person who, in the opinion of the officer, by virtue of his or her expertise in a particular field or his or her knowledge of facts relevant to the matter being inspected or investigated, may assist the officer in carrying out the officer’s duties.

“Arrest without warrant

68 An officer may arrest, without a warrant, any person found committing an offence against this Act.

“Search of person

69 An officer may search any person if the officer has reasonable grounds to believe that the person has concealed on his or her person any evidence of an offence against this Act.

“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, the minister, an officer or an inspector may enter on or pass over any lands, whether enclosed or not, and while so engaged he or she is liable only for any damage that he or she may wilfully cause.

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

“Inspections

71(1) Subject to subsection 73(4), for any purpose relating to the administration or enforcement of this Act, an officer may do all or any of the following:

- (a) enter at any reasonable time and inspect:
 - (i) any premises required to be licensed pursuant to this Act; or
 - (ii) any commercial premises used by a person required to be licensed pursuant to this Act;
- (b) enter at any reasonable time and inspect any place, including any premises or vehicle, in which the officer has reasonable grounds to believe that:
 - (i) there is any forest product or other thing to which this Act applies;
 - (ii) any activity to which this Act applies has been carried on, is being carried on or is likely to be carried on; or
 - (iii) there are records that are required to be kept pursuant to this Act or that relate to the administration of this Act;
- (c) require the owner or any person in possession of a place, including any premises or vehicle, being inspected pursuant to this section and any agent, representative, partner, director, officer or employee of the owner or person, to:
 - (i) answer any questions that may be relevant to the administration or enforcement of this Act; and
 - (ii) provide the officer with all reasonable assistance;
- (d) for the purposes of clause (c), require any of the persons mentioned in that clause to attend at a place and time set by the officer;

- (e) require any of the persons mentioned in clause (c) to produce:
 - (i) any forest product or other thing to which this Act applies; or
 - (ii) any records that:
 - (A) are required to be kept pursuant to this Act or that relate to the administration of this Act; and
 - (B) the officer reasonably requires;
 - (f) inspect any forest product or other thing to which this Act applies or record that is required to be kept pursuant to this Act or that relates to the administration of this Act.
- (2) If the officer requires any records to be produced pursuant to this section, the officer may examine the records and make copies of the records in accordance with section 74.
- (3) For the purposes of producing a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the officer may use that computer system, including the computer hardware or software, or other data storage, processing or retrieval device.
- (4) If an officer is unable to produce a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the officer may, after giving a receipt:
- (a) remove any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record;
 - (b) produce that record with reasonable dispatch; and
 - (c) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the officer and the person from whom they were taken.

“Additional powers on inspection

71.1 In addition to the powers mentioned in section 71, in carrying out an inspection pursuant to this Act, an officer may do all or any of the following:

- (a) open or cause to be opened any container found in the place that the officer believes on reasonable grounds contains any forest product or other thing to which this Act applies;
- (b) take samples of any forest product or other thing to which this Act applies;
- (c) conduct any tests or analyses and take any measurements.

“Duty to assist

72(1) No person shall fail to answer questions or to provide reasonable assistance in accordance with section 71 or 71.1 in the manner and within the period specified by the officer.

(2) No person shall fail to produce any records, forest product or other thing to which this Act applies in accordance with section 71 or 71.1 within the period reasonably required by the officer.

(3) No person shall refuse to produce the person’s licence to an officer or the department when requested to do so.

“Stopping and detaining a vehicle

72.1(1) For any purpose relating to the administration or enforcement of this Act, including conducting an inspection pursuant to section 71 or 71.1 or carrying out an investigation pursuant to section 73, an officer may:

(a) require any vehicle to be stopped;

(b) require the vehicle to be moved to a place where the inspection pursuant to section 71 or 71.1 or the investigation pursuant to section 73 can be carried out; and

(c) detain the vehicle for a reasonable time.

(2) Every operator or person in charge of the vehicle shall comply with the requirements of an officer made pursuant to this section.

“Investigations

73(1) If a justice or provincial court judge is satisfied by information on the oath of an officer that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice or provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place, including any premises or vehicle, named or described in the warrant;

(b) seize and remove anything that may be evidence of an offence against this Act.

(2) With a warrant issued pursuant to subsection (1), an officer may:

(a) enter at any time and search any place, including any premises or vehicle, named or described in the warrant;

(b) open and examine anything that the officer finds in the place, premises or vehicle;

(c) require the production of and examine any records or other things to which this Act applies that the officer has reasonable grounds to believe may contain information related to an offence against this Act;

- (d) remove, for the purpose of making copies, any records examined pursuant to this section and any computer hardware and software and other data storage, processing or retrieval device required to produce a readable record;
 - (e) do any of the things mentioned in clauses 71.1(b) and (c);
 - (f) do any of the things mentioned in section 72.1; and
 - (g) do any of the things mentioned in section 77.
- (3) Subject to subsection (4), 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 grounds to believe that the delay necessary to obtain a warrant would result:
 - (i) in danger to human life or safety; or
 - (ii) in the loss, removal or destruction of evidence.
- (4) 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.
- (5) If, pursuant to this section, an officer removes any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record, the officer shall:
- (a) produce that record with reasonable dispatch; and
 - (b) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the officer and the person from whom they were taken.

“Copies of records

74(1) If any records are inspected, examined, removed, produced or provided pursuant to section 71 or 73, an officer may make copies of those records.

- (2) An officer shall:
- (a) make those copies with reasonable dispatch; and
 - (b) promptly return the originals of the records to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the officer and the person who furnished them or from whom they were taken.

(3) If the originals of any record are to be removed from a place, the officer shall take all reasonable steps to ensure that a copy of the record is left at the place to allow business to be carried on.

(4) A document certified by the minister, an officer or any person authorized by the minister to be a copy of a record made pursuant to this section:

(a) is admissible in evidence without proof of the office or signature of that person; and

(b) has the same probative force as the original record.

“Obstruction

75 No person shall resist, obstruct, hinder, delay or interfere with an officer, or a person aiding an officer, in the performance of the officer’s duties”.

(4) Clauses 79(1)(h) and (i) are repealed.

S.S. 1993, c.N-3.1 amended

4(1) *The Natural Resources Act* is amended in the manner set forth in this section.

(2) The heading before section 5 is struck out.

(3) Sections 6 to 13 are repealed and the following substituted:

“ENFORCEMENT

“Interpretation of sections 6.1 to 13

6 In sections 6.1 to 13:

(a) **‘Act’** includes the regulations;

(b) **‘record’** includes any books, papers, documents, information or electronic books, papers, documents or information;

(c) **‘vehicle’**, notwithstanding section 2, also includes a boat or other watercraft and any accessory attached to a boat or watercraft.

“General powers of officers

6.1 All officers have the power of peace officers to enforce this Act and are entitled, while performing their duties, to all the protection that peace officers are entitled to pursuant to the *Criminal Code*.

“Officer may be accompanied

6.2 If an officer is conducting an inspection or investigation pursuant to this Act, the officer may be accompanied by any person who, in the opinion of the officer, by virtue of his or her expertise in a particular field or his or her knowledge of facts relevant to the matter being inspected or investigated, may assist the officer in carrying out the officer’s duties.

“Arrest without warrant

7 An officer may arrest, without a warrant, any person found committing an offence against this Act.

“Search of person

7.1 An officer may search any person if the officer has reasonable grounds to believe that the person has concealed on his or her person any evidence of an offence against this Act.

“Inspections

8(1) Subject to subsection 10(4), for any purpose relating to the administration or enforcement of this Act, an officer may do all or any of the following:

- (a) enter at any reasonable time and inspect:
 - (i) any premises required to be licensed pursuant to this Act; or
 - (ii) any commercial premises used by a person required to be licensed pursuant to this Act;
- (b) enter at any reasonable time and inspect any place, including any premises or vehicle, in which the officer has reasonable grounds to believe that:
 - (i) there is anything to which this Act applies;
 - (ii) any activity to which this Act applies has been carried on, is being carried on or is likely to be carried on; or
 - (iii) there are records that are required to be kept pursuant to this Act or that relate to the administration of this Act;
- (c) require the owner or any person in possession of a place, including any premises or vehicle, being inspected pursuant to this section and any agent, representative, partner, director, officer or employee of the owner or person, to:
 - (i) answer any questions that may be relevant to the administration or enforcement of this Act; and
 - (ii) provide the officer with all reasonable assistance;
- (d) for the purposes of clause (c), require any of the persons mentioned in that clause to attend at a place and time set by the officer;
- (e) require any of the persons mentioned in clause (c) to produce:
 - (i) anything to which this Act applies; or
 - (ii) any records that:
 - (A) are required to be kept pursuant to this Act or that relate to the administration of this Act; and
 - (B) the officer reasonably requires;
- (f) inspect anything to which this Act applies or any record that is required to be kept pursuant to this Act or that relates to the administration of this Act.

(2) If the officer requires any records to be produced pursuant to this section, the officer may examine the records and make copies of the records in accordance with section 11.

(3) For the purposes of producing a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the officer may use that computer system, including the computer hardware or software, or other data storage, processing or retrieval device.

(4) If an officer is unable to produce a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the officer may, after giving a receipt:

- (a) remove any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record;
- (b) produce that record with reasonable dispatch; and
- (c) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the officer and the person from whom they were taken.

“Additional powers on inspection

8.1 In addition to the powers mentioned in section 8, in carrying out an inspection pursuant to this Act, an officer may do all or any of the following:

- (a) open or cause to be opened any container found in the place that the officer believes on reasonable grounds contains anything to which this Act applies;
- (b) take samples of anything to which this Act applies;
- (c) conduct any tests or analyses and take any measurements.

“Duty to assist

9(1) No person shall fail to answer questions or to provide reasonable assistance in accordance with section 8 or 8.1 in the manner and within the period specified by the officer.

(2) No person shall fail to produce any records or thing to which this Act applies in accordance with section 8 or 8.1 within the period reasonably required by the officer.

(3) No person shall refuse to produce the person’s licence to an officer or the department when requested to do so.

“Stopping and detaining a vehicle

9.1(1) For any purpose relating to the administration or enforcement of this Act, including conducting an inspection pursuant to section 8 or 8.1 or carrying out an investigation pursuant to section 10, an officer may:

- (a) require any vehicle to be stopped;
- (b) require the vehicle to be moved to a place where the inspection pursuant to section 8 or 8.1 or the investigation pursuant to section 10 can be carried out; and
- (c) detain the vehicle for a reasonable time.

(2) Every operator or person in charge of the vehicle shall comply with the requirements of an officer made pursuant to this section.

“Investigations

10(1) If a justice or provincial court judge is satisfied by information on the oath of an officer that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice or provincial court judge may issue a warrant to do all or any of the following:

- (a) enter and search any place, including any premises or vehicle, named or described in the warrant;
- (b) seize and remove anything that may be evidence of an offence against this Act.

(2) With a warrant issued pursuant to subsection (1), an officer may:

- (a) enter at any time and search any place, including any premises or vehicle, named or described in the warrant;
- (b) open and examine anything that the officer finds in the place, premises or vehicle;
- (c) require the production of and examine any records or other things to which this Act applies that the officer has reasonable grounds to believe may contain information related to an offence against this Act;
- (d) remove, for the purpose of making copies, any records examined pursuant to this section and any computer hardware and software and other data storage, processing or retrieval device required to produce a readable record;
- (e) do any of the things mentioned in clauses 8.1(b) and (c);
- (f) do any of the things mentioned in section 9.1;
- (g) do any of the things mentioned in section 12.

(3) Subject to subsection (4), 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 grounds to believe that the delay necessary to obtain a warrant would result:
 - (i) in danger to human life or safety; or
 - (ii) in the loss, removal or destruction of evidence.

(4) 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.

(5) If, pursuant to this section, an officer removes any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record, the officer shall:

- (a) produce that record with reasonable dispatch; and
- (b) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the officer and the person from whom they were taken.

“Copies of records

11(1) If any records are inspected, examined, removed, produced or provided pursuant to section 8 or 10, an officer may make copies of those records.

(2) An officer shall:

- (a) make those copies with reasonable dispatch; and
- (b) promptly return the originals of the records to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the officer and the person who furnished them or from whom they were taken.

(3) If the originals of any record are to be removed from a place, the officer shall take all reasonable steps to ensure that a copy of the record is left at the place to allow business to be carried on.

(4) A document certified by the minister, an officer or any person authorized by the minister to be a copy of a record made pursuant to this section:

- (a) is admissible in evidence without proof of the office or signature of that person; and
- (b) has the same probative force as the original record.

“Seizure of certain objects

12(1) In addition to the powers mentioned in sections 8, 8.1 and 10, in conducting an inspection pursuant to section 8 or 8.1 or in carrying out an investigation pursuant to section 10, an officer may seize anything to which this Act applies, including a vehicle, that the officer has reasonable grounds to believe:

- (a) was used in the commission of an offence or is something in relation to which an offence against this Act has been committed;
- (b) will provide evidence with respect to the commission of an offence against this Act; or
- (c) was taken or obtained by the commission of an offence against this Act.

(2) Anything to which this Act applies that is seized pursuant to subsection (1) may be removed to any place that the officer considers appropriate for the preservation and containment of the thing to which this Act applies.

(3) If a vehicle is being used to transport anything to which this Act applies and the thing has been seized by the officer pursuant to subsection (1), any person in charge of or operating the vehicle shall convey the seized thing to which this Act applies to any place that the officer may direct.

(4) If anything to which this Act applies is liable to seizure by an officer and has been mixed with other similar products so as to render it impractical or difficult to distinguish or separate the thing from the other products or materials with which it is mixed, all of those products or materials so mixed may be seized.

(5) If an officer has custody of anything to which this Act applies that is seized pursuant to this Act and is perishable or susceptible to deterioration, the minister, the department or the officer may dispose of it, in whole or in part, in any manner approved by the minister, and any proceeds realized from the disposition are to be dealt with in the manner set out in the regulations.

“Obstruction

13 No person shall resist, obstruct, hinder, delay or interfere with an officer, or a person aiding an officer, in the performance of the officer’s duties”.

(4) Section 15 is repealed and the following substituted:

“Offence and penalty

15 Any person who contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$250,000”.

(5) The following clause is added after clause 23(i):

“(i.1) for the purposes of subsection 12(5), respecting the manner in which proceeds realized from the disposition of the thing to which this Act applies are to be dealt with”.

Coming into force

5 This Act comes into force on assent.

