

1997

CHAPTER W-13.11

An Act respecting the Protection of Wildlife and Wild Species at Risk and making consequential amendments to other Acts

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(Assented to May 21, 1997)

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

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Wildlife Act, 1997*.

Interpretation

2 In this Act:

- (a) “**camp**” means a temporary place to live while away from a person’s usual place of residence;
- (b) “**certificate**” means a certificate issued pursuant to this Act or the regulations;
- (c) “**Crown**” means the Crown in right of Saskatchewan;
- (d) “**department**” means the department over which the minister presides;
- (e) “**deputy wildlife officer**” means a person appointed pursuant to section 7;
- (f) “**director**” means the Director of Fish and Wildlife appointed pursuant to section 4;

- (g) **“exotic wildlife”** means:
- (i) a vertebrate animal of any species, excluding fish, that is:
 - (A) not native to Saskatchewan; and
 - (B) usually found wild in nature in its natural habitat; and
 - (ii) any part, tissue, genetic material, eggs, sperm, embryos or other forms of developmental life of a vertebrate animal mentioned in subclause (i);
- (h) **“firearm”** means any device from which any shot, bullet or other missile can be discharged and, without limiting the generality of the foregoing, includes a rifle, shotgun, pellet gun, air gun, pistol, revolver, spring gun, longbow or crossbow;
- (i) **“fur animal”** means a fur animal as defined in the regulations;
- (j) **“fur dealer”** means a person who carries on the business of buying and selling the skins and pelts of fur animals;
- (k) **“habitat”** includes the soil, air, water, food and shelter components of the environment that are necessary to sustain wildlife and wild species;
- (l) **“hunting”** includes taking, wounding, killing, chasing, pursuing, worrying, capturing, following after or following on the trail of, searching for, shooting at, trapping, setting snares for, stalking or lying in wait for any wildlife, or attempting to do any of those things, whether or not the wildlife is then or subsequently captured, wounded or killed;
- (m) **“Indian”** means Indian as defined in the *Indian Act* (Canada);
- (n) **“licence”** means a licence, certificate, permit, quota or allocation issued pursuant to this Act or the regulations and includes any seal or corresponding document issued with the licence, certificate, permit, quota or allocation;
- (o) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (p) **“native”** means a wild species that was not deliberately or accidentally introduced by humans and that:
- (i) is a breeding resident of Saskatchewan; or
 - (ii) in some manner or degree, exists naturally in Saskatchewan;
- (q) **“open season”** means a period specified in the regulations during which wildlife may be lawfully hunted or taken;
- (r) **“person”** means an individual, association, partnership or corporation;
- (s) **“seal”** means the portion of a licence that is required to be detached from the licence and cancelled immediately after wildlife is killed, or a tag that may be supplied with a licence;
- (t) **“snare”** means a device for the taking of any wildlife in which the wildlife is caught in a noose;
- (u) **“take”** includes taking dead or alive;

- (v) “**tanner**” means a person who carries on the business of dehairing, fleshing, tanning, plucking, dressing or dyeing the pelts, skins or hides of wildlife;
- (w) “**taxidermist**” means a person who carries on the business of preparing, preserving, stuffing or mounting the heads, pelts or skins of any wildlife;
- (x) “**traffic**” means to offer for sale, expose for sale, sell, buy, barter, exchange, deal, solicit or trade, or advertise for the purpose of doing any of those things;
- (y) “**trap**” includes a spring trap, snare, deadfall, box or net or any other device used to capture any wildlife;
- (z) “**vehicle**” includes a motorized conveyance, trailer, tractor, snowmobile, aircraft or any other conveyance, other than a boat, that is drawn, propelled or driven by any mechanical means and includes any accessory attached to the vehicle;
- (aa) “**wildlife**” means a vertebrate animal of any species, excluding fish, that is wild by nature in Saskatchewan and includes:
- (i) any part, tissue, genetic material, eggs, sperm, embryos or other forms of developmental life; and
 - (ii) any exotic wildlife found in Saskatchewan;
- (bb) “**wildlife farm**” means a place on which wildlife is kept for sale, trade, barter, public exhibition, propagation or scientific purposes or for any other purposes;
- (cc) “**wildlife officer**” means any person appointed or authorized by the minister for the purposes of administering and enforcing this Act and the regulations and includes a police officer or peace officer;
- (dd) “**wild species**” means any plant, animal or organism that is wild by nature and includes:
- (i) pollen, spores, eggs, sperm, embryos or other forms of developmental life; and
 - (ii) any part, tissue or genetic material of a plant, animal or organism;
- (ee) “**wild species at risk**” means any native wild species that have been designated and listed by the Lieutenant Governor in Council pursuant to subsection 50(1) as extirpated, endangered, threatened or vulnerable.

Possession

3 For the purposes of any provision of this Act creating an offence for possession of a thing:

- (a) a person has possession of any thing when it is in that person’s personal possession or custody or when, with that person’s knowledge and consent, it is:
- (i) in the actual possession or custody of another person; or

(ii) in any place, whether or not that place belongs to or is occupied by that person, for the use or benefit of that person or of another person; and

(b) a person has possession of any thing where that person is the owner or occupier of a place at which any thing is located and that person has knowledge of and consents to the thing being located at that place.

PART II Administration

Administration of Act

4 The minister may appoint a Director of Fish and Wildlife, who is responsible to the minister, to manage and direct the administration of this Act.

Minister may delegate powers

5(1) The minister may delegate to any officer or employee of the department the exercise of any of the minister's powers or the performance of any of the minister's responsibilities pursuant to this Act or the regulations.

(2) The exercise of any power or the performance of any responsibility by a person to whom it is delegated pursuant to this section is deemed to be the exercise or the performance by the minister.

(3) The minister may set any limits or impose any conditions on a delegation of any power or responsibility pursuant to this section that the minister considers appropriate.

Appointment of wildlife officers

6 The minister may appoint and designate any person or class of persons as wildlife officers.

Appointment of deputy wildlife officers

7(1) The director may appoint deputy wildlife officers to carry out, without remuneration, the administration and enforcement of any provision of this Act or the regulations.

(2) The appointment of a deputy wildlife officer is to be for a period not exceeding two years and may be cancelled at any time by the director.

Advisory committees

8(1) The minister may appoint advisory committees, which shall meet on the request of the minister or the director.

(2) An advisory committee shall act in an advisory capacity to the minister or the director on matters of general interest respecting the provisions of this Act.

(3) The minister may pay remuneration for services and may reimburse the expenses of a member of an advisory committee at the rates established by Treasury Board.

Agreements

9 Subject to the regulations, the minister may enter into an agreement with any person, Indian band or government for any of the following purposes:

(a) protecting, managing, conserving, reintroducing or encouraging the propagation of wildlife and wild species and protecting, managing and conserving their habitats;

- (b) establishing and promoting programs respecting public safety, education about wildlife or wild species or other conservation-oriented programs;
- (c) respecting any matter considered to be necessary by the minister to carry out the provisions of this Act or the regulations.

Payment for damage

10 Subject to this Act and the regulations, the minister may:

- (a) provide compensation to any person suffering property loss or damage caused by wildlife, wild species at risk or hunters;
- (b) enter into an agreement with any person for the purpose of insuring or indemnifying against loss resulting from damage caused by wildlife, wild species at risk or hunters; and
- (c) pay to any person providing insurance or indemnification pursuant to clause (b) a portion, for each licence issued, of the fees collected or to be collected pursuant to this Act or the regulations respecting any or all classes of licences.

Big Game Damage Compensation Fund

11(1) In this section:

- (a) “**Big Game Damage Fund Licence**” means a Big Game Damage Fund Licence issued to a person in accordance with the regulations;
- (b) “**fund**” means the Big Game Damage Compensation Fund established pursuant to subsection (2).

(2) The Big Game Damage Compensation Fund is established.

(3) The fund is established for the purpose of funding programs established pursuant to Part IV of *The Farm Financial Stability Act* to provide compensation to producers for damage or loss caused by big game.

(4) The fund consists of:

- (a) revenues received on or after this section comes into force, from the sale of Big Game Damage Fund Licences less a deduction for commissions payable to the vendors of licences pursuant to section 22;
- (b) appropriations for the purposes of the fund;
- (c) moneys acquired through gift, donation, grant, bequest, agreement or contribution received for the purposes of the fund; and
- (d) any income and earnings from investments of the fund.

(5) The minister shall administer the fund.

(6) The minister shall pay moneys from the fund to the Saskatchewan Agricultural Stabilization Fund, continued pursuant to *The Farm Financial Stability Act*, at the times and in the amounts that Treasury Board may direct for the purposes of a program of big game damage compensation to producers pursuant to Part IV of that Act.

- (7) The minister may:
- (a) invest any moneys of the fund that are not presently required for use in any investments that are authorized for the investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
 - (b) dispose of the investments in any manner and on any terms that the minister considers appropriate and invest the proceeds in other investments authorized pursuant to clause (a).
- (8) The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the records, accounts and financial statements of the fund annually and at any other time that the Lieutenant Governor in Council may require.
- (9) In each fiscal year, the department, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister a financial statement showing the business of the fund for the preceding fiscal year.
- (10) The financial statement mentioned in subsection (9) is to be in the form required by Treasury Board.
- (11) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each financial statement received by the minister pursuant to subsection (9).
- (12) The fiscal year of the fund is the period commencing on April 1 of one year and ending on March 31 of the following year.

PART III Licences

Application for licence

12 Every person who wishes to obtain a licence required pursuant to this Act or the regulations shall:

- (a) apply in the form prescribed in the regulations;
- (b) pay the fee prescribed in the regulations; and
- (c) provide the minister with any information that the minister requests and considers relevant to the application.

Issue of licence on terms and conditions

13(1) The minister may issue any licence required pursuant to this Act or the regulations.

(2) When issuing a licence, the minister may impose any terms and conditions on the licence that the minister considers appropriate.

(3) No person shall fail to comply with any term or condition imposed on his or her licence.

Licence not transferable

14(1) A licence issued pursuant to this Act or the regulations is not transferable or assignable.

(2) A person shall not:

- (a) allow his or her licence or seal to be used or carried by another person; or
- (b) use or carry another person's licence or seal.

Production of licence

15 A person who has a licence shall immediately produce it for examination on request by a wildlife officer or deputy wildlife officer.

Altering licence or seal

16 Where any licence is tampered with, altered or mutilated in any manner or any seal is detached from a licence in any manner not permitted by this Act or the regulations, the licence is void.

Amendment, suspension or cancellation of licence

17(1) In this section and section 21, "**amend**" means:

- (a) making the licence subject to new or additional terms and conditions; or
- (b) modifying, removing or substituting terms and conditions to which the licence is subject.

(2) The minister may amend, suspend or cancel a licence or cancel a person's licence and prohibit that person from applying for or obtaining a licence where, in the opinion of the minister:

- (a) the person has contravened this Act, the regulations or a term or condition imposed on the licence;
- (b) the person has contravened any provision respecting firearms, hunting or the protection of wildlife or wild species at risk of any other Act, Act of the Parliament of Canada or regulation made pursuant to any other Act or Act of the Parliament of Canada;
- (c) it is necessary for the protection of wildlife or wild species at risk; or
- (d) it is in the public interest to do so.

Notice of cancellation of licence

18(1) Subject to this Act and the regulations, where the minister cancels a person's licence or cancels a person's licence and prohibits the person from applying for or obtaining a licence, the minister shall serve the person with written notice of the cancellation and prohibition by personal service or registered mail.

(2) Subject to this Act and the regulations, a cancellation or cancellation and prohibition from applying for or obtaining a licence takes effect on the latest of:

- (a) the date, if any, specified on the notice;
- (b) the date on which it is served in the case of personal service; and
- (c) the delivery date shown on the signed post office receipt card or, where the delivery date is not shown, on the date the signed post office receipt is returned to the sender in the case of service by registered mail.

(3) Subject to this Act and the regulations, the decision of the minister to cancel a licence or to cancel a person's licence and prohibit the person from applying for or obtaining a licence is final.

Automatic cancellation on conviction

19(1) Subject to subsection (2), where a person is convicted of an offence pursuant to this Act or the regulations, the licence relating to the offence is automatically cancelled on the date of conviction without further action or notice.

(2) Subject to subsection (3), a person's licence is not automatically cancelled on conviction for an offence pursuant to this Act or the regulations where so prescribed in the regulations.

(3) Subsection (2) does not apply where a person is convicted of the same offence twice within an 18-month period.

Licence void

20 Where a licence is issued to a person who is prohibited from applying for or obtaining a licence pursuant to this Act, the licence is deemed to be void.

Licence for propagation, rehabilitation and scientific purposes

21(1) Notwithstanding any other provisions of this Act, the director may, for the purposes of propagation, reintroduction, rehabilitation, protection or scientific research, issue a licence to any person or the government of any province or country:

- (a) to take a specified number of any wildlife or wild species at risk; or
- (b) to take a specified number or amount of parts, tissues, genetic material, eggs, sperm, embryos or other forms of developmental life of any wildlife or wild species at risk.

(2) Subject to subsection (3), before amending, suspending or cancelling the licence, issued pursuant to subsection (1), the director shall provide the holder of the licence with:

- (a) reasonable notice of the intended action, including written reasons; and
- (b) an opportunity to the holder of the licence to make written representations to the director.

(3) Where in the opinion of the director an emergency exists, the director may amend, suspend or cancel a licence issued pursuant to subsection (1) without notice and opportunity to make written representations.

Vendors may issue licences

22(1) Subject to subsection (2), the minister may authorize by agreement a vendor to issue licences on the minister's behalf.

(2) The licences issued by a vendor are to be subject to the terms and conditions that the minister may impose.

(3) Every vendor:

- (a) shall collect from a person the fees prescribed by regulation on the issuing of a licence;
- (b) is liable for any uncollected fees respecting the issuing of licences and is deemed to have collected that uncollected amount;

- (c) is deemed to be a trustee of the Crown for any fees collected or deemed to be collected respecting the issuing of licences;
 - (d) shall promptly remit to the minister all fees collected or deemed to be collected respecting the issuing of licences less a deduction for any commission payable to the vendor as prescribed in the regulations.
- (4) The provisions in subsections (2) and (3) are deemed to be part of every agreement in force with a vendor.

PART IV
Hunting, Trapping and Taking
DIVISION I
Property Rights in Wildlife

Property in wildlife in the Crown

- 23(1)** Subject to section 24, the property in all wildlife within Saskatchewan, including any wildlife that has been unlawfully hunted, is vested in the Crown.
- (2) No person shall acquire any right or property in any wildlife otherwise than in accordance with this Act and the regulations.

Property rights in captive wildlife

- 24(1)** Subject to this Act and the regulations, a person has all property rights, title and interest in and to any wildlife where that person:
- (a) is in possession of the wildlife; and
 - (b) has a licence authorizing possession of the wildlife.
- (2) Where a person mentioned in subsection (1) contravenes any of the provisions of this Act or the regulations respecting the wildlife under his or her control, all property rights, title and interest in and to the wildlife may be forfeited to the Crown at the discretion of the minister.
- (3) The minister may dispose of any wildlife in captivity that is the property of the Crown by sale, donation or destruction or by setting it free.

DIVISION II
Licence Required for Hunting

Licence required for hunting wildlife

- 25(1)** Subject to subsection (2), no person shall hunt any wildlife within Saskatchewan:
- (a) other than at the times, in the places and in the manner prescribed by this Part and the regulations; and
 - (b) without a licence where a licence is required by this Part or the regulations.
- (2) A wildlife officer may hunt any wildlife in:
- (a) the exercise of his or her powers or the performance of his or her duties pursuant to this Part or the regulations; and
 - (b) the manner, at the times and in the places that the director may specify.

Special licences issued

26 Notwithstanding anything to the contrary in this Part or the regulations, the minister may issue a special licence to:

- (a) any person who is physically disabled and unable to hunt without the aid of a vehicle to hunt from a vehicle;
- (b) the Governor General of Canada, the Prime Minister of Canada, the Lieutenant Governor, or the Premier of any province or any distinguished visitor to Saskatchewan to hunt in accordance with this Part and the regulations; or
- (c) a resident of Saskatchewan permitting that resident to hunt wildlife for the purpose of providing food for himself or herself and his or her family.

Constitution of trapping area

27 Subject to the regulations, the minister may, by order, constitute any area of provincial land as a registered trapline district, a fur conservation area or a fur conservation block, and the minister may amend, repeal, or rescind any order for that purpose.

Licence of person causing accident

28(1) Subject to this Part, if a person who is hunting discharges or causes to be discharged a firearm and death or injury to any person results, the person causing the death or injury is prohibited from applying for or obtaining a licence for five years from the date of that event.

(2) If the person, at the time of the event, is the holder of a licence, the licence is automatically cancelled on the happening of the event without any further action or notice.

Power of reinstatement

29(1) Subject to subsection (2), if a person's licence has been cancelled pursuant to any of the provisions of this Act and the person is prohibited from applying for or obtaining a licence, the director, in his or her absolute discretion, may waive that prohibition and allow the person to apply for or obtain a licence.

(2) Subsection (1) does not apply where a convicting judge has prohibited the person from applying for or obtaining a licence pursuant to subsection 77(2).

DIVISION III

Prohibitions and Prosecutions**Carrying of a firearm proof of hunting**

30 Carrying a firearm in a locality where any wildlife may reasonably be expected to be found is, in the absence of evidence to the contrary, proof of hunting.

Export and import of wildlife

31(1) Subject to the regulations, no person shall, without having first obtained an export or import licence issued pursuant to this Act or the regulations:

- (a) export or cause to be exported from Saskatchewan any wildlife; or
- (b) import, release or introduce into Saskatchewan any wildlife.

(2) No person shall ship or transport out of the province any wildlife without first paying the royalties prescribed in the regulations.

Captivity of wildlife

32 No person shall take into or keep in captivity or wilfully destroy or disturb any wildlife, or the eggs or nests of any bird protected pursuant to this Part or the regulations or pursuant to the *Migratory Birds Convention Act, 1994* (Canada) or the regulations made pursuant to that Act without the written permission of the director or without a licence to do so.

Possession of wildlife

33(1) No person shall possess any wildlife taken in contravention of this Part or the regulations.

(2) No person shall possess any wildlife without a licence where, pursuant to this Part or the regulations, a licence is required to possess that wildlife.

Possession of wildlife by Indian

34(1) In this section and section 35, “**agreement**” means the agreement between the Government of Canada and the Government of Saskatchewan ratified by chapter 87 of the *Statutes of Saskatchewan, 1930*.

(2) Subject to subsection (3), no person other than an Indian shall accept or have in his or her possession wildlife that has been taken by an Indian for food as permitted pursuant to section 12 of the agreement.

(3) A non-Indian may possess wildlife that has been taken for food as permitted pursuant to section 12 of the agreement by an Indian who is a father, mother, grandfather, grandmother, brother, sister, child, spouse or common-law spouse of the non-Indian.

Hunting of wildlife by Indian

35(1) Subject to subsections (2) and (3), no person other than an Indian may assist, aid or hunt with any Indian hunting wildlife for food as permitted pursuant to section 12 of the agreement.

(2) The minister may issue to a non-Indian a licence to assist or aid, or a licence to hunt with, an Indian who:

(a) is a father, mother, grandfather, grandmother, brother, sister, child, spouse or common-law spouse of the non-Indian; and

(b) is hunting wildlife for food as permitted pursuant to section 12 of the agreement.

(3) Where a licence to hunt is issued to a non-Indian pursuant to subsection (2), the non-Indian may only hunt in accordance with this Part and the regulations and the terms and conditions of any licence issued to the non-Indian.

Licence cancelled on taking limit

36(1) No person shall take, kill or possess more wildlife in one day or during any other specified period than the maximum allowable pursuant to this Part or the regulations or the *Migratory Birds Convention Act, 1994* (Canada) or the regulations made pursuant to that Act.

(2) Where the holder of a licence takes, kills or possesses the limit authorized to be taken, killed or possessed, by virtue of the licence, the licence is automatically cancelled without further action or notice and the holder, immediately on request by a wildlife officer, shall surrender the licence to the wildlife officer.

Hunting by persons under 16 years of age

37(1) No person under 16 years of age shall hunt any wildlife with a firearm unless he or she is under the direct and proper supervision of his or her parent or guardian or an adult.

(2) No person under 16 years of age shall purchase a licence without the written consent of his or her parent or guardian.

(3) No person under 12 years of age shall purchase a licence other than a trapping licence.

(4) Where an adult or a parent or guardian fails to directly and properly supervise a person under 16 years of age, or a parent or guardian of a person under 16 years of age knows that the person under 16 years of age is hunting without supervision, the adult or parent or guardian, as the case may be, is guilty of an offence and liable on summary conviction.

(5) For the purposes of subsection (4), a failure by an adult or a parent or a guardian to directly and properly supervise a person under 16 years of age is established where the person under 16 years of age is guilty of a contravention of this Part or the regulations.

Careless hunting

38 No person in possession of a firearm for the purpose of hunting shall discharge or cause to be discharged or handle the firearm without reasonable consideration for persons or property or without due care and attention.

Hunting while intoxicated

39 No person shall hunt any wildlife while intoxicated or under the influence of a narcotic or alcohol.

Carrying loaded firearms in vehicle or while on horseback

40 No person shall, at any time, except as authorized by the minister:

- (a) carry a loaded firearm in or on a vehicle or while on horseback; or
- (b) discharge a firearm from a vehicle or while on horseback.

Use of lights for hunting prohibited

41 No person shall, at any time, use a searchlight, spotlight, flashlight, jacklight, night light, headlight or any other light or cast a ray of light for the purpose of hunting any wildlife.

Hunting on certain lands

42(1) Where there are legible signs, of a size specified in the regulations, prominently placed along the boundaries of any land so as to provide reasonable notice bearing the words "No Trespassing", "No Hunting", "No Shooting" or words or symbols to a similar effect, no person shall hunt any wildlife within the boundaries of that land except with the consent of the owner or occupant.

- (2) Subject to this Part and the regulations, where there are legible signs, of a size specified in the regulations, prominently placed along the boundaries of any land so as to provide reasonable notice of instructions concerning the method of hunting or the use of vehicles connected with hunting, no person shall hunt any wildlife on that land except in accordance with the posted instructions.
- (3) No person shall erect or place or cause to be erected or placed a sign mentioned in subsection (1) or (2) along the boundary of any land of which he or she is not the owner or occupant, except with the consent of the owner or occupant.
- (4) No person shall tear down, remove, damage, deface or cover up a sign erected or placed in accordance with subsection (1), (2) or (3).
- (5) In a prosecution for a contravention of subsection (1) or (2), the onus is on the person charged to prove:
- (a) that he or she had obtained the consent of the owner or occupant to hunt on the land of that person; or
 - (b) that the land was not posted with signs as set out in subsection (1) or (2).
- (6) Where an owner or occupier of land has not erected or placed signs along the boundaries of his or her land in accordance with subsection (1) or (2), that fact alone:
- (a) is not to be deemed to imply consent by him or her to entry on the land; or
 - (b) does not imply a right of access to his or her land for the purpose of hunting.
- (7) Nothing in this section limits or affects any rights or remedies of an owner or occupier at common law.

Liability of occupier

43 An occupier of land owes no duty of care to a person who is hunting on the land except the duty not to:

- (a) create a danger with the deliberate intent of doing harm or damage to the person; and
- (b) do a wilful act with reckless disregard of the presence of the person.

Sale of hunting rights

44 Subject to this Act and the regulations, no person shall, directly or indirectly, sell, trade or barter or offer for sale, trade or barter the hunting rights for wildlife on any land.

Selling and dealing in wildlife

45 Subject to this Act and the regulations, no person shall traffic in any wildlife.

PART V
Protection of Wild Species at Risk

Interpretation

46 In this Part:

- (a) “**endangered**” means any native wild species that is threatened with imminent extirpation or extinction;
- (b) “**extirpated**” means any native wild species that no longer exists in the wild in Saskatchewan, but exists in the wild outside of Saskatchewan;
- (c) “**recovery plan**” means a document that outlines specific steps to be taken for the recovery and conservation of wild species at risk;
- (d) “**threatened**” means any native wild species that is likely to become endangered if the factors leading to its endangerment are not reversed;
- (e) “**vulnerable**” means any native wild species that is of special concern because of low or declining numbers due to human activities or natural events but that is not endangered or threatened.

Rights and privileges subject to this Part

47 Notwithstanding any other provision in this Act, the provisions in this Part supersede all rights and privileges given to a person pursuant to any other Part or the regulations.

Crown bound

48 The Crown is bound by this Part.

Minister determines wild species to be at risk

49(1) The minister may determine any of the following:

- (a) whether or not a wild species is to be classified as extirpated, endangered, threatened or vulnerable;
- (b) whether or not a wild species at risk is to be reclassified or is to be deleted from the list mentioned in section 50;
- (c) whether or not a wild species is to be added to the list mentioned in section 50.

(2) In making the determination in subsection (1), the minister may request and consider scientific and community-based advice from an advisory committee appointed pursuant to section 8.

Designation and listing of wild species

50(1) Where the minister determines that a wild species is to be classified as extirpated, endangered, threatened or vulnerable, the Lieutenant Governor in Council may, by regulation, designate and list the wild species as:

- (a) extirpated;
- (b) endangered;
- (c) threatened; or
- (d) vulnerable.

(2) Where the minister determines that a wild species at risk is to be reclassified or is to be deleted from the list established in subsection (1) or that a wild species is to be added to the list, the Lieutenant Governor in Council may, by regulation, amend the designation and the list.

Recovery plans

51(1) Subject to the regulations, the minister may prepare and implement a recovery plan to protect each wild species at risk.

- (2) A recovery plan may identify any of the following:
- (a) the needs of and threats to any wild species at risk or its habitat;
 - (b) the viable status needed for recovery of any wild species at risk;
 - (c) the options for the recovery of any wild species at risk;
 - (d) the costs and benefits of the options mentioned in clause (c);
 - (e) a course of action or a combination of actions for the recovery of any wild species at risk.
- (3) A recovery plan may include provisions respecting:
- (a) one or more wild species at risk; and
 - (b) ecosystem management.
- (4) The minister may determine the priority with which any recovery plan or any portion of a recovery plan will be implemented.
- (5) The factors that the minister may take into consideration when determining the priority to be assigned to a recovery plan or any portion of a recovery plan include:
- (a) whether scientific evidence indicates that the wild species at risk mentioned in the recovery plan is naturally becoming extirpated;
 - (b) whether it is technically or economically feasible to recover the wild species at risk; and
 - (c) the status of the wild species at risk elsewhere.
- (6) The minister may, to the extent possible, prepare a recovery plan in co-operation with other jurisdictions where the wild species at risk is also found.
- (7) Where a recovery plan is in existence before the coming into force of this Act or where a recovery plan has been prepared in another jurisdiction for the wild species at risk, the minister may adopt, in whole or in part, that recovery plan.

Activity prohibited

- 52(1)** Subject to subsections (2) and (3), no person shall do any of the following:
- (a) kill, injure, possess, disturb, take, capture, harvest, genetically manipulate or interfere with or attempt to do any of those things to any wild species at risk;
 - (b) export or cause to be exported from Saskatchewan any wild species at risk;

- (c) traffic in any wild species at risk.
- (2) Subsection (1) does not apply to a person who:
 - (a) holds a licence issued pursuant to this Act or the regulations which authorizes activities that would otherwise be prohibited; or
 - (b) engages, in compliance with a recovery plan, in activities that would otherwise be prohibited.
- (3) A person in possession of a wild species at risk does not contravene subsection (1) where the person:
 - (a) had lawful possession of a wild species at risk at the time of its designation and listing pursuant to section 50;
 - (b) legally acquired a wild species in another province or country that is a wild species at risk in Saskatchewan and legally imported it into Saskatchewan; or
 - (c) is, or acts on behalf of, a museum, zoo, educational institution, scientific society or government and the person acquired it from a person who was entitled to possess it pursuant to this subsection.

Licence to protect health and property

53 Notwithstanding anything in any other provision of this Part or the regulations, the director may issue a licence to remove, capture, kill or destroy any wild species at risk where, in the opinion of the director, it is necessary to do so:

- (a) to protect human health; or
- (b) to prevent property loss.

Powers of wildlife officer

54 Notwithstanding anything in any other provision of this Part or the regulations, a wildlife officer may kill, injure, possess, disturb, capture, harvest, take or interfere with any wild species at risk:

- (a) in the exercise of his or her powers or the performance of his or her duties pursuant to this Part or the regulations; and
- (b) in the manner, at the time and in the places that the director may specify.

PART VI
Enforcement

General powers of wildlife officers

55 All wildlife officers and deputy wildlife officers have the power of peace officers to enforce this Act and the regulations and are entitled while performing their duties to all protection to which peace officers are entitled pursuant to the *Criminal Code*.

Wildlife officers may be accompanied

56 Where a wildlife officer is conducting a search pursuant to any of the provisions of this Act, the wildlife officer may be accompanied by any person or persons who, by virtue of their expertise in a particular field or their knowledge of facts relevant to the matter being investigated, may be of assistance to the wildlife officer in carrying out the wildlife officer's duties.

Arrest without warrant

57 Any wildlife officer, without a warrant, may arrest any person found committing an offence against this Act or the regulations.

Investigations

58(1) On the oath of a wildlife officer that there are reasonable grounds to believe that an offence against this Act or the regulations has occurred and that evidence of that offence is likely to be found in a place, premises, vehicle or boat, a justice of the peace or a judge of the Provincial Court of Saskatchewan may issue a warrant to:

- (a) enter and search any place or premises named in the warrant;
 - (b) search any vehicle or boat described in the warrant; and
 - (c) seize anything that may be evidence of an offence against this Act or the regulations.
- (2) A wildlife officer with a warrant issued pursuant to subsection (1) may:
- (a) enter and search any place or premises named in the warrant;
 - (b) search any vehicle or boat described in the warrant;
 - (c) open and examine any trunk, box, bag, parcel, closet, cupboard or other receptacle that the wildlife officer finds in the place or premises mentioned in clause (a) or the vehicle or boat mentioned in clause (b);
 - (d) require the production of and examine any books, records, papers or documents that the wildlife officer believes, on reasonable grounds, may contain information related to an offence against this Act or the regulations;
 - (e) subject to section 59, remove, for the purpose of making copies or extracts, any books, records, papers or documents examined pursuant to this section;
 - (f) seize and remove anything, including a vehicle or a boat, used in connection with the offence; or
 - (g) seize and remove from any place, premises, vehicle or boat searched anything that may be evidence of an offence against this Act or the regulations.
- (3) Subject to subsection (4), a wildlife 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 wildlife officer believes, on reasonable grounds, 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 wildlife 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.

Copies of documents

59(1) Where any books, records, papers or documents are removed pursuant to section 58, a wildlife officer may make copies of those books, records, papers or documents.

(2) A wildlife officer shall:

- (a) make those copies with reasonable dispatch; and
- (b) promptly return the original of the books, records, papers or documents to:

- (i) the place they were removed from; or
- (ii) any other place that may be agreed to by the wildlife officer and the person who furnished them or from whom they were seized.

(3) A document certified by the minister, a wildlife officer or any person authorized by the minister to be a copy 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 document.

Inspections

60(1) Subject to subsection 58(4), for the purpose of ensuring compliance with this Act or the regulations, a wildlife officer may, at any reasonable time without a warrant:

- (a) enter and inspect any commercial premises used by a person required to be licensed pursuant to this Act or the regulations;
- (b) enter and inspect any premises for which a licence or permit has been issued pursuant to this Act or the regulations; or
- (c) enter any premises containing any books, records, papers or documents that are required to be kept pursuant to this Act or the regulations.

(2) Every person required to keep any books, records, papers or documents pursuant to this Act or the regulations shall produce them on the request of the wildlife officer.

(3) A wildlife officer who requests any books, records, papers or documents required to be kept pursuant to this Act or the regulations may examine them and make copies in accordance with section 59.

Search of vehicle or boat on reasonable grounds

61(1) Where a wildlife officer has reasonable grounds to believe that there is evidence in a vehicle or boat of an offence against this Act or the regulations, the wildlife officer may:

- (a) request or signal to the person in charge of or operating the vehicle or boat to stop the vehicle or boat;

- (b) search the vehicle or boat for evidence of an offence; and
 - (c) seize anything that may be evidence of an offence.
- (2) The person in charge of or operating a vehicle or boat shall, when requested or signalled by a wildlife officer pursuant to subsection (1):
- (a) immediately bring the vehicle or boat to a safe stop; and
 - (b) permit the wildlife officer to search the vehicle or boat.

Search of vehicle or boat in high incidence area

62(1) Where, due to the circumstances, time or location, there could reasonably be expected to be a high incidence of offences against this Act or the regulations in any area, a wildlife officer may:

- (a) request or signal to the person in charge of or operating a vehicle or boat in the area to stop the vehicle or boat;
 - (b) search the vehicle or boat for evidence of an offence; and
 - (c) seize anything that may be evidence of an offence.
- (2) The person in charge of or operating a vehicle or boat shall, when requested or signalled by a wildlife officer pursuant to subsection (1):
- (a) immediately bring the vehicle or boat to a safe stop; and
 - (b) permit the wildlife officer to search the vehicle or boat.

Search of person

63 A wildlife officer may search any person where the wildlife officer has reasonable grounds to believe that the person has concealed on his or her person any evidence of an offence against this Act or the regulations.

Entry on land

64 A wildlife officer, a deputy wildlife officer and any person or persons lawfully accompanying him or her for the purposes of carrying out the wildlife officer's or deputy wildlife 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.

PART VII Offences and Penalties

False information

- 65** No person shall:
- (a) provide false or misleading information to the minister, the director, the department or a wildlife officer; or
 - (b) falsify, in any manner, any application, licence, record or return required by this Act or the regulations.

Obstruction

66 No person shall resist, obstruct, hinder, delay or interfere with a wildlife officer or deputy wildlife officer in the performance of his or her duty.

Injury to property

67 No person shall injure, damage or, without permission, make use of any property owned or maintained by the Government of Saskatchewan, and no person shall tear down, remove, damage, deface or cover up any notice, sign or signboard erected, placed or maintained by or on behalf of the Government of Saskatchewan.

Certificate and reports of evidence

68(1) In a prosecution for a contravention of this Act or the regulations, the certificate or report of any of the following persons is admissible in evidence as proof of its contents, in the absence of evidence to the contrary, respecting any wildlife, wild species at risk, article or material that, according to the certificate or report, has been examined in a laboratory by that person without proof of the office or signature of that person:

- (a) a person in charge of a laboratory:
 - (i) designated in the regulations;
 - (ii) maintained by the Government of Saskatchewan; or
 - (iii) maintained by the Royal Canadian Mounted Police;
- (b) any person employed in a laboratory mentioned in clause (a).

(2) In a prosecution for a contravention of this Act or the regulations, the certificate or report of any of the following persons is admissible in evidence as proof of its contents, in the absence of evidence to the contrary, respecting the time of sunrise or the time of sunset in any area on any day, without proof of the office or signature of that person:

- (a) a person in charge of a meteorological station:
 - (i) maintained by the Government of Saskatchewan; or
 - (ii) maintained by the Government of Canada;
- (b) any person employed in a meteorological station mentioned in clause (a).

Proof of licence or permit, etc.

69(1) The certificate of the director that a licence, seal or notice has or has not been issued or given to a person pursuant to this Act or the regulations is admissible, in the absence of evidence to the contrary, as proof that the licence, seal or notice has or has not been issued or given, without proof of the office or signature of the director.

(2) In any prosecution pursuant to this Act in which the validity or existence of a licence is in question, the onus is on the person charged to prove the validity or existence of the licence.

Aid and abet

70 Any person who aids, abets, counsels or procures the contravention of a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to the penalties for the offence that the person has aided, abetted, counselled or procured.

Limitation of prosecution

71 No prosecution for contravention of any provision of this Act or the regulations shall be commenced after two years from the date of the contravention.

Directors liable

72 Any officer, director or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission by a corporation that would constitute an offence by that corporation with respect to any wild species at risk is guilty of that offence, and is liable on summary conviction to the punishment set out in section 76, whether or not the corporation has been prosecuted or convicted.

Vicarious liability

73 In any prosecution for an offence relating to wild species at risk, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the defendant's knowledge, that it was committed by an employee, helper or agent of the defendant, whether or not the employee, helper or agent is identified or has been prosecuted or convicted for the offence.

Penalty for contravention of Act

74 Subject to section 76, any person who contravenes any provision of this Act or the regulations for which no monetary penalty is specified is guilty of an offence and liable on summary conviction to a fine of not more than \$1000.

Offences and penalties - Part IV

75(1) Any person who contravenes a provision of Part IV or the regulations with respect to wildlife for which no monetary penalty is specified is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

(2) Any person who contravenes clause 25(1)(a), section 33 or those provisions of the regulations that are prescribed in the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000.

(3) Any person who contravenes section 41 is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$5,000.

(4) Any person who contravenes section 45 is guilty of an offence and liable on summary conviction to a fine of not less than \$1,000 and not more than \$25,000, to imprisonment for a period not exceeding two years less a day or to both.

Offences and penalties - Part V

76(1) Any person who contravenes any provision of Part V or the regulations with respect to wild species at risk for which no monetary penalty is specified is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual:
 - (i) for a first offence, to a fine of not more than \$5,000; and
 - (ii) for a second or subsequent offence, to a fine of not more than \$10,000;
- (b) in the case of a corporation:
 - (i) for a first offence, to a fine of not more than \$20,000; and
 - (ii) for a second or subsequent offence, to a fine of not more than \$50,000.

(2) Any person who contravenes clause 52(1)(a) is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual:
 - (i) for a first offence, to a fine of not more than \$50,000, to imprisonment for a period not exceeding six months or to both; and
 - (ii) for a second or subsequent offence, to a fine of not more than \$100,000, to imprisonment for a period not exceeding one year or to both;
- (b) in the case of a corporation:
 - (i) for a first offence, to a fine of not less than \$10,000 and not more than \$100,000; and
 - (ii) for a second or subsequent offence, to a fine of not less than \$20,000 and not more than \$200,000.

(3) Any person who contravenes clause 52(1)(c) is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual:
 - (i) for a first offence, to a fine of not less than \$10,000 and not more than \$100,000, to imprisonment for a period not exceeding two years less a day or to both; and
 - (ii) for a second or subsequent offence, to a fine of not less than \$20,000 and not more than \$200,000, or to imprisonment for a period not exceeding two years less a day or to both;
- (b) in the case of a corporation:
 - (i) for a first offence, to a fine of not less than \$50,000 and not more than \$500,000; and
 - (ii) for a second or subsequent offence, to a fine of not less than \$100,000 and not more than \$1,000,000.

Period person prohibited from obtaining licence on conviction

77(1) A person who is convicted of a contravention of:

- (a) section 38 or 41 is prohibited from applying for or obtaining a licence relating to the offence for three years from the date of the conviction;
- (b) section 45 is prohibited from applying for or obtaining a licence relating to the offence for five years from the date of the conviction;
- (c) clause 25(1)(a), section 33, subsection 36(1), section 39, 44 or 65 or those provisions of the regulations that are prescribed in the regulations is prohibited from applying for or obtaining a licence relating to the offence for:
 - (i) one year from the date of the conviction; or
 - (ii) any longer period that a convicting judge may order pursuant to subsection (2); or

(d) any provision of this Act or the regulations, other than one mentioned in clause (a), (b) or (c) or subsection 19(2), is prohibited from applying for or obtaining a licence relating to the offence for one year from the date of the conviction.

(2) If a person is convicted of a contravention mentioned in clause (1)(c), the convicting judge may order that the person convicted is prohibited from applying for or obtaining a licence relating to the offence for a maximum period of three years from the date of conviction.

PART VIII General Provisions

Immunity

78 No action or other proceeding for damages shall be instituted against the minister, the director, any wildlife officer or deputy wildlife officer, the Crown or officers and employees of the Crown for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any one or more of them, 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 function or duty imposed by this Act or the regulations.

Service of notice or documents

79(1) Any notice required by this Act or the regulations to be given or served is, unless otherwise provided for, to be served personally or mailed by ordinary or registered mail to the last known address of the person being served.

(2) A document served by ordinary mail or registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the document or that he or she received it at a later date.

Certain articles forfeited, vehicles impounded

80(1) Where a person is convicted of a contravention of section 41 or 45 or clause 52(1)(a) or (c):

(a) any wildlife or wild species at risk seized with respect to the offence is forfeited to the Crown and may be disposed of in a manner approved by the minister;

(b) any of the articles seized in connection with the offence, other than a vehicle, are forfeited to the Crown and disposed of in a manner approved by the minister;

(c) subject to clause (d), any vehicle that is seized in connection with the offence shall be impounded by the department for 60 days, and at the end of that period it shall, on payment of storage charges, be returned to the person from whom it was seized; and

(d) in the case of a contravention of section 45 or clause 52(1)(c), the judge may order that any vehicle seized in connection with the offence be forfeited to the Crown.

(2) Where a person is convicted of a contravention of any provision of this Act or the regulations other than section 41 or 45 or clause 52(1)(a) or (c), the judge may order that any of the articles seized in connection with the offence, other than a vehicle, be forfeited to the Crown.

Return of things seized

81(1) Subject to subsection (2), where any wildlife, article or thing is seized pursuant to this Act, it shall be returned to the person from whom it was seized if:

- (a) no prosecution for an offence is brought within 60 days after the date of seizure;
- (b) a prosecution results in an acquittal, unless the verdict is appealed within 60 days; or
- (c) the charge is dismissed or stayed, unless the dismissal or stay is appealed within 60 days.

(2) No wildlife, article or thing shall be returned pursuant to subsection (1) where it is:

- (a) required for evidence in connection with another offence; or
- (b) subject to forfeiture or impoundment pursuant to section 80.

(3) For the purposes of subsection (1), a prosecution is brought when the information is sworn or the summons is issued respecting the offence.

(4) Where anything is to be returned to the person from whom it was seized and that person or anyone authorized to act on that person's behalf cannot be located within six months of the seizure, the item seized shall be disposed of in any manner directed by the minister.

Proceeds from disposal

82 Proceeds received from the disposal of any article, wildlife or wild species at risk pursuant to any provision of this Act shall be deposited in the general revenue fund.

Liability exemption for property seized

83 The Crown or any officer or employee of the Crown is not liable for any deterioration, diminution, or other devaluation of property seized pursuant to this Act but not forfeited to the Crown.

Regulations

84(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) constituting any area of the province as an area for protecting, propagating, perpetuating, managing, harvesting, controlling or regulating wildlife or wild species at risk or protecting, controlling or managing habitat;
- (c) respecting the management, control and protection of any of the areas constituted in accordance with clause (b) and the wildlife, wild species at risk or habitat in those areas, and regulating hunters, trappers and other persons in those areas;

- (d) respecting the protection, management, regulation and use of any wildlife, wild species at risk or habitat;
- (e) prescribing species of wildlife to be protected and respecting the management and control of that wildlife and any products of or from it;
- (f) respecting the issuing of licences;
- (g) respecting the hunting or trapping of wildlife during open seasons;
- (h) respecting fur dealers, tanners, taxidermists and persons engaged in the business of storing wildlife, and horticulturalists;
- (i) respecting the importation into the province, the sale, and the exportation from the province of wildlife or wild species at risk;
- (j) respecting hunting-dog training and authorizing persons to act as hunting-dog trainers;
- (k) respecting the operation of wildlife farms and authorizing persons to operate wildlife farms;
- (l) respecting and governing the keeping and propagation of wildlife or wild species at risk;
- (m) identifying the following:
 - (i) species of wildlife or wild species at risk that may be held in captivity;
 - (ii) species of wildlife or wild species at risk that are dangerous;
 - (iii) species of wildlife that are domestic;
- (n) respecting and governing all matters concerning the keeping of wildlife or wild species at risk in captivity, including marking and identification, and prescribing the records to be kept;
- (o) respecting and governing the testing and treatment for diseases of wildlife or wild species at risk held in captivity or wildlife or wild species at risk that are intended to be imported or exported;
- (p) respecting the rent, hire or use of boats, vehicles and other equipment by hunters or fishermen;
- (q) respecting the guiding of hunters or fishermen;
- (r) respecting all matters relating to any licence, registered mark, permission or other right secured pursuant to this Act, including, without limiting the generality of the foregoing:
 - (i) the conditions under which and the persons to whom that licence, registered mark, permission or other right may be granted;
 - (ii) the terms and conditions to which that licence, registered mark, permission or other right is subject and its duration, suspension or cancellation;
 - (iii) the fees to be paid;

- (iv) the time and area and the wildlife or wild species at risk to which that licence, registered mark, permission or other right relates;
- (v) the returns to be made to the department and the records to be kept regarding that licence, registered mark, permission or other right;
- (vi) the buttons, badges, seals or identifying marks to be used and the manner of use;
- (vii) the return of that licence, registered mark, permission or other right;
- (viii) the delivery of any wildlife or wild species at risk taken for the purposes of management or research of wildlife or wild species at risk;
- (ix) the wildlife operations or concerns with respect to which that licence is issued;
- (x) the furnishing of a bond by a holder of a licence to the minister in any form and amount that the minister may determine;
- (s) prescribing the offences for the purposes of subsection 19(2);
- (t) respecting agreements with vendors to issue licences on behalf of the minister and prescribing the commissions payable to vendors;
- (u) regulating hunters, the number of hunters, and the manner of hunting at any time and in any area;
- (v) regulating the use, manner of use or possession of different types of firearms, ammunition, missiles or associated apparatus for any purpose related to the hunting of wildlife and prescribing the area in which they may be used;
- (w) regulating the use, manner of use or possession of different types of traps, snares, poisons, drugs, nets, recordings, decoys or other articles used in the hunting of wildlife and prescribing the area in which they may be used;
- (x) notwithstanding any other Act, specifying the time to be used for the purposes of this Act and the regulations;
- (y) prescribing the apparel to be worn by hunters;
- (z) regulating and prohibiting the use of certain vehicles or boats in any area for any purpose related to the hunting of wildlife;
- (aa) regulating the use of dogs for hunting wildlife;
- (bb) respecting trapping and the designation of trapping areas and the marketing of wildlife;
- (cc) regulating the shipping, transporting or storing of wildlife or wild species at risk;
- (dd) regulating the sale or other disposition by a trapper, fur dealer or other person of skins or pelts of fur animals;

- (ee) regulating the purchase of raw furs by individuals for personal purposes;
 - (ff) prescribing the royalties to be paid on wildlife and regulating the method of collection and all matters relating to collection and prescribing records to be kept with respect to transactions in wildlife on which royalties are payable;
 - (gg) respecting the removing, capturing, killing or destroying of wildlife or wild species at risk in order to prevent damage to property or protect human health;
 - (hh) respecting the removal, capture, killing or destruction of wildlife or wild species at risk causing a nuisance;
 - (ii) prescribing the disposal of wildlife, wild species at risk, firearms, snares, traps and other property forfeited pursuant to this Act;
 - (jj) respecting the provisions of indemnification and the payment of compensation for damage to property caused by wildlife, wild species at risk or hunters;
 - (kk) respecting programs of land use as to the preservation, maintenance and restoration of habitat and public access to land;
 - (ll) respecting co-operative programs to maintain the habitat of wildlife or wild species at risk and public access to land;
 - (mm) specifying the size of signs for the purposes of section 42;
 - (nn) prescribing provisions of the regulations for the purposes of section 77 and subsection 75(2);
 - (oo) designating laboratories for the purposes of section 68;
 - (pp) respecting the designation and listing of wild species at risk, including the establishment, maintenance, amendment and distribution of the list;
 - (qq) respecting programs to prepare status reports with respect to wild species at risk and to prepare and implement recovery plans;
 - (rr) respecting emergency provisions to designate and list wild species at risk and protect their habitats;
 - (ss) respecting the monitoring, assessment and reporting of the status of wild species at risk;
 - (tt) respecting any other matters relating to wildlife, wild species or wild species at risk;
 - (uu) prescribing any other matter or thing that is required or authorized by this Act to be prescribed;
 - (vv) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) The minister may make regulations:
- (a) defining and declaring open seasons during which and areas within which a person may hunt certain wildlife;

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- (b) prescribing a maximum number of wildlife that may be hunted in any area during an open season;
- (c) regulating hunters and hunting in any area during an open season.

PART IX

Repeal, Transitional, Consequential and Coming into Force**S.S. 1979, c.W-13.1 repealed**

85 *The Wildlife Act* is repealed.

Transitional - licence, permit or certificate

86 A licence issued pursuant to *The Wildlife Act* that is valid on the day before section 1 of this Act comes into force continues to be valid as if it were issued pursuant to this Act until the expiry date shown on the licence, and the licence may be amended, suspended, cancelled or otherwise dealt with pursuant to this Act.

Transitional - Big Game Damage Compensation Fund

87 On and after April 1, 1997:

- (a) the revenues received from the sale of Big Game Damage Fund Licences issued pursuant to the regulations and sold on or after April 1, 1997 are deemed to have accrued to the Big Game Damage Compensation Fund established pursuant to section 11 of this Act and not to the general revenue fund; and
- (b) all deposits made to the general revenue fund are deemed to have been made to the Big Game Damage Compensation Fund.

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

88(1) *The Fisheries Act (Saskatchewan), 1994* is amended in the manner set forth in this section.

(2) Section 3 is repealed and the following substituted:**“Property and rights in fish**

3(1) The property in all wild fish, including any wild fish that have been unlawfully caught, is vested in the Crown.

(2) Subject to subsection (3), no person shall acquire any right in any wild fish other than in accordance with this Act.

(3) No person shall acquire any right in any wild fish that are wild species at risk within the meaning of *The Wildlife Act, 1997* other than in accordance with that Act”.

(3) Section 6 is repealed and the following substituted:**“Application of Act**

6 This Act applies to:

- (a) all fish in Saskatchewan, except those fish that are wild species at risk within the meaning of *The Wildlife Act, 1997*;
- (b) fishing in Saskatchewan waters only; and
- (c) fisheries located in Saskatchewan”.

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

89 *The Forest Resources Management Act* is amended in subsection 2(2) by striking out “*The Wildlife Act*” and substituting “*The Wildlife Act, 1997*”.

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

90(1) *The Natural Resources Act* is amended in the manner set forth in this section.

(2) Subclause 2(d)(ii) is amended by striking out “*The Wildlife Act*” and substituting “*The Wildlife Act, 1997*”.

(3) The following subclause is added after subclause 2(d)(ii):

“(ii.1) wild species within the meaning of *The Wildlife Act, 1997*”.

S.S. 1989-90, c.R-26.1 amended

91 Clause 215(4)(c) of *The Rural Municipality Act, 1989* is amended by striking out “*The Wildlife Act*” and substituting “*The Wildlife Act, 1997*”.

S.S. 1990-1991, c.S-63.1 amended

92 Subclause 2(r)(iii) of *The Summary Offences Procedure Act, 1990* is amended by striking out “*The Wildlife Act*” and substituting “*The Wildlife Act, 1997*”.

Coming into force

93(1) Subject to subsections (2) and (3), this Act comes into force on proclamation.

(2) Sections 11 and 87 of this Act come into force on proclamation but are retroactive and are deemed to have been in force on and from April 1, 1997.

(3) Section 89 of this Act comes into force on the coming into force of subsection 2(2) of *The Forest Resources Management Act*.