

**2010**

**CHAPTER 36**

An Act to amend *The Wildlife Habitat Protection Act* and to make consequential amendments to other Acts

(Assented to May 20, 2010)

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 Wildlife Habitat Protection (Land Designation) Amendment Act, 2010*.

**S.S. 1983-84, c.W-13.2 amended**

**2** *The Wildlife Habitat Protection Act* is amended in the manner set forth in this Act.

**Section 2 amended**

**3 Section 2 is amended:**

(a) **by repealing clause (c.1); and**

(b) **by repealing clause (d) and substituting the following:**

“(d) **‘wildlife habitat and ecological lands’** means Crown lands designated as wildlife habitat and ecological lands pursuant to section 3”.

**New section 2.1**

**4 The following is added after section 2:**

**“Aboriginal rights protected**

**2.1** Nothing in this Act shall be construed or interpreted so as to abrogate or derogate, directly or indirectly, any treaty or aboriginal rights recognized and affirmed by subsection 35(1) of the *Constitution Act, 1982*”.

**New section 3**

**5 Section 3 is repealed and the following substituted:**

**“Designation**

**3** The Lieutenant Governor in Council may make regulations designating any Crown lands as wildlife habitat and ecological lands”.

**Section 5 amended**

**6 Section 5 is amended by adding “and ecological” after “habitat”.**

**Section 6 amended**

**7(1) Subsection 6(1) is amended by adding “and ecological” after “habitat”.**

**(2) Subsection 6(2) is amended by adding “and ecological” after “habitat”.**

**(3) Subsections 6(4) and (5) are repealed and the following substituted:**

“(4) Wildlife habitat and ecological lands may be granted by or transferred from a ministry that administers those lands on behalf of the Crown in right of Saskatchewan to a Crown corporation that may be prescribed in the regulations or any other agency of the Crown that may be prescribed in the regulations.

“(5) Wildlife habitat and ecological lands may be granted by or transferred from a Crown corporation or an agency of the Crown mentioned in subsection (4) to a ministry that is authorized by or pursuant to an Act to administer Crown lands on behalf of the Crown in right of Saskatchewan”.

**Section 7 amended**

**8 Subsection 7(1) is amended by adding “and ecological” after “habitat”.**

**New section 8**

**9 Section 8 is repealed and the following substituted:**

**“Offences and fines**

**8(1)** Any person who contravenes any provision of this Act or the regulations or any terms and conditions to which a disposition or an alteration of wildlife habitat and ecological lands is subject is guilty of an offence and liable on summary conviction:

(a) in the case of an individual:

(i) to a fine of not more than \$100,000; and

(ii) to a further fine of not more than \$100,000 for each day or part of a day during which the offence continues; and

(b) in the case of a corporation:

(i) to a fine of not more than \$500,000; and

(ii) to a further fine of not more than \$500,000 for each day or part of a day during which the offence continues.

(2) No prosecution for a contravention of this Act or the regulations is to be commenced more than three years after the facts on which the alleged contravention is based first came to the knowledge of the minister”.

**Section 8.1 amended**

**10 Section 8.1 is amended:**

**(a) in clause (b) by adding “and ecological” after “habitat”; and**

**(b) in clause (c) by adding “and ecological” after “habitat”.**

**New section 9**

**11 Section 9 is repealed and the following substituted:**

**“Regulations**

**9** 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) respecting the management and use of wildlife habitat and ecological lands;
- (c) respecting the alteration of wildlife habitat and ecological lands, including prescribing terms and conditions with respect to the alteration of wildlife habitat and ecological lands;
- (d) prescribing terms, conditions and procedures with respect to the disposition of wildlife habitat and ecological lands;
- (e) prescribing Crown corporations and other agencies of the Crown for the purposes of section 6;
- (f) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act”.

**Schedule repealed**

**12 The Schedule is repealed.**

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

**13 Subsection 20(4) of *The Natural Resources Act* is amended:**

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

“(i) any portion designated by the Lieutenant Governor in Council of moneys received from the sale of Crown lands:

(i) that were designated as wildlife habitat lands in the Schedule to *The Wildlife Habitat Protection Act* as it existed on the day before the day on which *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2010* came into force, other than lands withdrawn by regulations made pursuant to clause 9(1)(b) of that Act; or

(ii) that are designated as wildlife habitat and ecological lands in the regulations made pursuant to *The Wildlife Habitat Protection Act* on or after the day on which *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2010* came into force”.

**S.S. 2007, c.P-13.2, section 183 amended**

**14 Subclause 183(f)(v) of *The Planning and Development Act, 2007* is amended by striking out “wildlife habitat lands” and substituting “wildlife habitat and ecological lands”.**

**R.S.S. 1978, c.P-31, section 7.1 amended**

**15 Subsection 7.1(1) of *The Provincial Lands Act* is amended by striking out “wildlife habitat lands” and substituting “wildlife habitat and ecological lands”.**

**Coming into force**

**16 This Act comes into force on proclamation.**

