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# Bill 228

**An Act to enact the Geologic Carbon Storage Act, 2024 and to amend various Acts  
with respect to wildfires, resource safety and surveyors**

**The Hon. G. Smith**  
Minister of Natural Resources

**Government Bill**

1st Reading      November 25, 2024

2nd Reading

3rd Reading

Royal Assent





## EXPLANATORY NOTE

### SCHEDULE 1 FOREST FIRES PREVENTION ACT

The Schedule amends the *Forest Fires Prevention Act* with respect to various matters including the following:

1. The title of the Act is changed to the *Wildland Fire Management Act* and the terms forest fire and forest area are replaced by wildland fire and wildland area respectively.
2. Section 4 of the Act is re-enacted to establish certain officers and provide that the Minister may appoint persons or designate classes of persons as such officers. New sections 5 to 5.9 of the Act set out the roles and responsibilities of such officers.
3. New section 11 of the Act provides for the issuance of permits with respect to outdoor fires outside a restricted fire zone during a fire season.
4. New section 14 of the Act provides that certain entities are required to have a wildland fire management plan.
5. The Minister's powers with respect to wildland fire emergency areas are amended to clarify that the Minister may issue certain orders restricting activities and to allow for permits to be issued with respect to such areas.
6. The Act is amended by establishing certain additional penalties, including remediation orders and administrative penalties.
7. The Lieutenant Governor in Council's authority to make regulations in section 36 of the Act is updated.
8. Certain consequential amendments are made to other Acts.

### SCHEDULE 2 GEOLOGIC CARBON STORAGE ACT, 2024

The Schedule enacts the *Geologic Carbon Storage Act, 2024*.

Part I of the Act sets out definitions and interpretive provisions that apply to the Act, articulates the purpose of the Act and sets out certain prohibitions. In particular, subsection 1 (1) of the Act defines a "carbon storage site" as any number of wells or storage repositories (underground geological areas) or wells and storage repositories, as well as ancillary works, if any, collectively used for research and evaluation activities or carbon storage activities.

Section 3 of the Act defines activities that constitute research and evaluation activities and carbon storage activities. Research and evaluation activities include, for example, using wells to explore for storage repositories capable of being used for carbon storage and obtaining information in relation to their potential use or viability for carbon storage. Carbon storage activities include, for example, using wells to inject carbon dioxide into a storage repository for the purposes of the permanent storage of carbon dioxide in the repository.

Section 4 of the Act prohibits the performance of research and evaluation activities and carbon storage activities unless certain conditions are met, which include that the activities be performed under the authority of a permit issued under the Act.

Part II of the Act addresses issues of ownership and rights to pore space (essentially voids or cavities within storage repositories). Section 7 of the Act provides that rights to pore space underlying the surface of real property form part of the surface rights estate. Section 8 of the Act allows the Lieutenant Governor in Council to, by regulation, cause rights to pore space underlying lands identified in the regulation to be taken and vested in the Crown provided that certain pre-conditions are met. Section 9 of the Act allows the Crown to, in turn, authorize others to exercise those rights through the issuance of permits under the Act. The Lieutenant Governor in Council is further authorized to make regulations providing for compensation to owners of pore space rights which are taken by regulation.

Part III of the Act governs the issuance of the various authorizations contemplated by the Act, as well as their possible transfer, suspension and revocation. These authorizations consist of permits that authorize the performance of research and evaluation activities and carbon storage activities as well as licences for the use of land that is owned or controlled by the Crown. Section 13 of the Act allows for the Ontario Land Tribunal to issue unitization orders which allow, in particular, rights to pore space within a unit area to be joined for the purpose of a carbon storage site. Sections 14 and 15 of the Act contemplate both mandatory and discretionary referrals of applications to the Ontario Energy Board and the Ontario Land Tribunal. The Minister is required to comply with the recommendations of the Board or an order of the Tribunal with respect to the application.

Part IV of the Act sets out general obligations applicable to any person performing activities contemplated by the Act and other provisions respecting the operation and closure of carbon storage sites. Section 23 of the Act allows the Ontario Land Tribunal to issue orders allowing permit holders to enter onto and use lands to perform certain activities in connection with the proper working of a carbon storage site. Sections 24 and 25 of the Act allow the Minister to issue orders to cease injecting carbon dioxide into a storage repository or to close a carbon storage site. Section 26 of the Act provides for the issuance of closure certificates and the transfer of rights, duties and obligations in relation to a closed carbon storage site to the Crown. Other

administrative requirements are set out and various regulation-making powers are included that allow for regulations in relation to the operation of carbon storage sites.

Part V of the Act governs reviews and appeals before the Ontario Land Tribunal and establishes the framework by which affected parties may seek to have certain decisions of the Minister, such as decisions to refuse to issue or to revoke permits, reviewed by or appealed to the Tribunal.

Part VI of the Act provides for various enforcement measures, including the appointment of inspectors and enforcement officers who are empowered to take various actions to determine and secure compliance with the Act and the regulations, authorizations issued under the Act, approvals to close carbon storage sites and any orders made under the Act. Various offences are established.

Part VII of the Act establishes the Carbon Storage Stewardship Fund, into which authorization holders and other persons prescribed by the regulations are required to pay money. Various amounts may be charged to the Fund and paid out of the Consolidated Revenue Fund for purposes including funding expenses incurred by the Crown in fulfilling obligations that it assumed under a closure certificate or liabilities it incurred under such a certificate.

Part VIII of the Act sets out provisions of a general nature, notably provisions authorizing regulations in relation to the Act as well as regulations of a transitional nature. This general authority to make regulations is in addition to specific regulation-making authority found in the other Parts of the Act.

Part IX of the Act sets out related amendments to the *Oil, Gas and Salt Resources Act (OGSRA)* and provisions respecting the coming into force of the Act and its short title. In particular, the *OGSRA* is amended to provide that wells under that Act exclude wells for the purpose of activities that are prohibited under the *Geologic Carbon Storage Act, 2024* or prohibited under that Act except under the authority of a permit, as well as amendments of a transitional nature.

### **SCHEDULE 3 OIL, GAS AND SALT RESOURCES ACT**

The Schedule amends the *Oil, Gas and Salt Resources Act* by adding a new section 7.0.1.3 which grants the Minister the authority to take or cause to be taken any action to prevent, decrease or eliminate a hazard to the public or to the environment with respect to a work in certain specified circumstances. In addition, this new section allows the Minister to recover the costs of any action taken from the relevant operator of the work or from the security established for the work by the operator.

### **SCHEDULE 4 SURVEYORS ACT**

The Schedule makes various amendments to the *Surveyors Act*. Here are some highlights:

1. In addition to licences, the Registrar can now issue limited licences and temporary licences. Retired members can be reinstated.
2. Details regarding the requirements and qualifications required to obtain licences and certificates such as examinations and academic and experience requirements will now be prescribed by the by-laws.
3. Regulations and by-laws are no longer required to be confirmed by vote of the members.
4. The Fees Mediation Committee is repealed.
5. Applicants can now appeal certain determinations or directions by the Academic and Experience Requirements Committee to the Registration Committee.
6. Section 42 of the Act is re-enacted to provide that service of documents or notices can also be made by electronic mail or fax.
7. Various consequential amendments are made.

**An Act to enact the Geologic Carbon Storage Act, 2024 and to amend various Acts  
with respect to wildfires, resource safety and surveyors**

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**Preamble**

The Government of Ontario:

Supports building communities by making it possible to build infrastructure and homes more quickly.

Recognizes the need for our communities to be prepared for challenging wildland fire seasons.

Recognizes the need to protect the public and the environment from risks associated with hazardous oil and gas wells.

Is committed to offering industries a critical tool for managing their emissions by enabling geologic carbon storage in Ontario with measures to safeguard the public and the environment.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Contents of this Act**

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

**Commencement**

**2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.**

**Short title**

**3 The short title of this Act is the *Resource Management and Safety Act, 2024*.**

**SCHEDULE 1  
FOREST FIRES PREVENTION ACT**

**1 The title of the *Forest Fires Prevention Act* is repealed and the following substituted:**

**Wildland Fire Management Act**

**2 The Act is amended by striking out the heading immediately before section 1 and substituting the following:**

INTERPRETATION

**3 The Act is amended by adding the following section:**

**Purpose**

**0.1** The purpose of this Act is to provide guidance and direction for wildland fire management so as to protect public safety and minimize adverse environmental, economic, health and social impacts of wildland fires, and to contribute to a resilient province.

**4 (1) The definitions of “fire”, “forest area” and “officer” in section 1 of the Act are repealed.**

**(2) Section 1 of the Act is amended by adding the following definitions:**

“boat” includes a motorboat, rowboat, canoe, punt, sailboat or raft; (“bateau”)

“conveyance” means a vehicle, boat or aircraft; (“moyen de transport”)

“fire” means any type of outdoor fire, including a wildland fire, a campfire, a fire on a charcoal barbecue or an outdoor wood burning furnace or stove; (“feu”, “incendie”)

“justice” has the same meaning as in the *Provincial Offences Act*; (“juge”)

“motorboat” means a boat with a motor that is attached to the boat and that is capable of being used as a means of propulsion, and includes any floating object being towed by a motorboat; (“bateau à moteur”)

“officer” means any officer appointed or designated under section 4; (“agent”)

“prescribed” means prescribed by the regulations made under this Act; (“prescrit”)

“vehicle” means any kind of vehicle that is driven, propelled or drawn on land or ice by any kind of power, including muscular power, and includes the rolling stock of a railway; (“véhicule”)

“wildland area” means any forest, woodland, prairie, savannah, brush, shrubland, peatland, agricultural land or grassland, but does not include a cultivated garden or lawn and does include any highway, road, trail, waterway or other transportation corridor running through the wildland area; (“zone de végétation”)

“wildland fire” means a forest, woodland, prairie, savannah, brush, shrubland, peatland, agricultural land or grassland fire or any other vegetation habitat fire; (incendie de végétation)

“wildland fire management” includes any actions or tools that relate to wildland fire prevention, mitigation, preparedness, response and recovery. (“gestion des incendies de végétation”)

**(3) Section 1 of the Act is amended by adding the following subsection:**

**Interpretation, forest area**

(2) The term “forest area” in a regulation made under this Act is deemed to have the same meaning as “wildland area”.

**(4) Subsection 1 (2) of the Act, as enacted by subsection (3), is repealed.**

**5 Subsection 3 (2) of the Act is amended by striking out “Nothing in this Act” at the beginning and substituting “Subject to section 21.2, nothing in this Act”.**

**6 Section 4 of the Act is repealed and the following substituted:**

**Officers**

**4 (1)** The Minister may appoint a person as an officer, or designate a class of persons as officers, in one or more of the following categories of officers for the purposes of this Act and the regulations:

1. Wildland fire officer.
2. Wildland fire compliance officer.
3. Wildland fire investigator.
4. Wildland fire enforcement officer.

### **Wildland fire compliance officer**

(2) By virtue of their office, a person who is appointed as a wildland fire compliance officer is both a wildland fire compliance officer and a wildland fire officer.

### **Wildland fire investigator**

(3) By virtue of their office, a person who is appointed as a wildland fire investigator is both a wildland fire investigator and a wildland fire compliance officer.

### **Wildland fire enforcement officer**

(4) By virtue of their office, a person who is appointed as or deemed to be a wildland fire enforcement officer is both a wildland fire enforcement officer and a wildland fire investigator.

### **Appointments from other jurisdictions**

(5) For greater certainty, the Minister may appoint persons from other jurisdictions as officers in the categories set out in subsection (1).

### **Wildland fire enforcement officers by virtue of office**

(6) The following persons are deemed to be wildland fire enforcement officers for the purposes of this Act by virtue of their office:

1. All conservation officers duly appointed and employed by the Ministry.
2. A park warden designated under subsection 12 (1.2) of the *Provincial Parks and Conservation Reserves Act, 2006*, but only in or related to the provincial park for which the person is designated as a park warden.
3. A park warden designated under the *Canada National Parks Act*, if he or she is acting under the direction of a conservation officer referred to in paragraph 1.
4. A police officer or First Nation Officer appointed under the *Community Safety and Policing Act, 2019*.
5. All members of the Royal Canadian Mounted Police.

### **Production of identification**

(7) Any wildland fire officer acting under this Act shall, on request, produce identification.

### **Exception**

(8) Subsection (7) does not apply to a wildland fire officer who is engaged in controlling or extinguishing a wildland fire.

### **7 Section 5 of the Act is repealed and the following substituted:**

#### **Right of entry for wildland fire management**

**5** For the purposes of wildland fire management, a wildland fire officer may enter private land and may authorize any other person acting under their direction to enter private land, with or without the officer, for the purpose of assisting the officer.

#### **Temporary closure for fire investigation**

**5.1** (1) A wildland fire officer may temporarily close off an area or building until an investigation to determine the cause and circumstances of a wildland fire is completed.

#### **Offence**

(2) No person shall enter or remain in an area or building temporarily closed by an officer under subsection (1) unless authorized by a wildland fire officer.

#### **Inspection of places**

**5.2** (1) For the purposes of this Act or the regulations or for the purpose of inspecting the site of a fire to determine its cause and circumstances, a wildland fire compliance officer may enter onto any land and inspect any building, vehicle, equipment, machinery, structure or other thing which the wildland fire compliance officer believes on reasonable grounds relates to any work or undertaking or any other thing to which this Act or the regulations apply.

#### **Powers during inspection**

- (2) During the inspection, the wildland fire compliance officer may,
- (a) require the production of any thing that is or may be relevant to the inspection;
  - (b) require the production of and inspect any document that is required to be kept under this Act;
  - (c) require that any vehicle, equipment, machinery or other thing be operated, used or set in motion under conditions specified by the officer;

- (d) use or require the use of any equipment, machinery or other thing in order to carry out the inspection, including the use of any computer system to examine data contained in or available to the computer system for the purpose of examining information relevant to the inspection, and of any copying equipment to make copies of information that is relevant to the inspection;
- (e) use or require the use of a computer system for the purposes of,
  - (i) producing a readable record from the computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records under this section, or
  - (ii) examining information relevant to the inspection, including the computer hardware or software, or other data storage, processing or retrieval device;
- (f) if an officer is unable to produce or receive a readable record from a computer system or other data storage, processing or retrieval device under clause (e) for the purpose of examining information relevant to the inspection, and after giving a receipt,
  - (i) remove any computer hardware, software and any other data storage, processing or retrieval device required to produce a readable record,
  - (ii) produce or require the production of that record with reasonable dispatch, and
  - (iii) promptly return the computer hardware, software and any other data storage, processing or retrieval device to,
    - A. the place from which they were removed, or
    - B. any other place that may be agreed to by the officer and the person from whom they were taken;
- (g) take samples of any substance or thing that is relevant to the inspection;
- (h) take measurements that are relevant to the inspection;
- (i) record observations that are relevant to the inspection;
- (j) take any photographic, audio or video records that are relevant to the inspection;
- (k) open or require the opening of any container that the officer believes on reasonable grounds contains anything to which this Act applies;
- (l) inspect any other thing that is in the building or other place being inspected; and
- (m) conduct any tests that may be relevant to the inspection.

#### **Provision of information**

(3) A person shall, during the inspection, provide information requested by the wildland fire compliance officer that is relevant to the inspection.

#### **Obligation to assist**

(4) If a wildland fire compliance officer makes a demand for any thing under subsection (2), the person having custody of the thing shall produce it to the officer and, at the request of the officer, shall provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system available, to produce a record in a readable form if the demand is for a document.

#### **Entry to dwellings**

(5) Subsection (1) does not apply to a building or part of a building that is being used as a dwelling.

#### **Warrant for dwelling**

(6) On application without notice, a justice may issue a warrant authorizing a wildland fire compliance officer to enter a dwelling if the justice is satisfied, by information given under oath or affirmation, that,

- (a) the wildland fire compliance officer is entering the dwelling to conduct an inspection for any of the purposes set out in subsection (1); and
- (b) entry to the dwelling has been refused or there are reasonable grounds to believe that entry will be refused.

#### **Same, application for warrant**

(7) An application under subsection (6) shall specify that the warrant is to enter and inspect a building or part of a building that is being used as a dwelling.

#### **Assistance**

(8) A wildland fire compliance officer may be accompanied or assisted by any person during an inspection under this section.

### **Conditions in warrant**

(9) A warrant granted under this section is subject to any conditions specified in the warrant.

### **Time of entry**

(10) An entry under this section shall be made at a time that is reasonable in view of the activity that is conducted in the building or other place.

### **Copies**

(11) A wildland fire compliance officer may make copies of any documents inspected or produced during the inspection.

### **Removal**

(12) A wildland fire compliance officer may remove any documents or other things for the purpose of making copies or for further inspection.

### **Same**

(13) The copying or further inspection referred to in subsection (12) shall be carried out with reasonable dispatch and the documents or other things shall be returned promptly to the person from whom they were taken.

### **Stopping conveyances to inspect**

**5.3** (1) A wildland fire compliance officer may stop a conveyance if they have reasonable grounds to believe that stopping the conveyance would assist in determining whether there is compliance with this Act or the regulations or for the purposes of gathering information about a fire.

### **Operator to stop**

(2) On the wildland fire compliance officer's signal to stop, the operator of the conveyance shall immediately stop and produce for inspection any document or other thing requested by the officer for the purposes of this Act.

### **Stop signals**

(3) For the purpose of subsection (2), signals to stop include,

- (a) intermittent flashes of red light or red and blue light, in the case of a vehicle;
- (b) intermittent flashes of blue light, in the case of a boat; and
- (c) a hand signal to stop, in the case of a vehicle or boat.

### **Search warrants re offences**

**5.4** (1) A wildland fire enforcement officer may obtain a search warrant under Part VIII of the *Provincial Offences Act*.

### **Exigent circumstances**

(2) If a wildland fire enforcement officer has reasonable grounds to believe that there is in a building, conveyance or other place any thing that will afford evidence of an offence under this Act but that the time required to obtain a warrant would lead to the loss, removal or destruction of the evidence, the wildland fire enforcement officer may, without a warrant, enter and search the building or other place or stop, detain, enter and search the conveyance.

### **Exception, dwellings**

(3) Subsection (2) does not apply to a building or part of a building that is being used as a dwelling.

### **Use of computers, etc.**

(4) A wildland fire enforcement officer who is conducting a search that is authorized by a warrant or by subsection (2) may,

- (a) use or require the use of any computer system or other device that contains or is able to retrieve information for the purpose of examining information contained in or available to the computer system or other device; and
- (b) produce or require the production of a printout or other output from the computer system or other device.

### **Necessary force**

(5) A wildland fire enforcement officer may use whatever force is reasonably necessary to execute a search warrant or to effect a search under subsection (2).

### **Warrant to conduct tests**

**5.5** (1) On application without notice, a justice may issue a warrant authorizing a wildland fire enforcement officer and any person specified in the warrant to use any investigative technique or procedure or to take any action described in the warrant if the justice is satisfied by information under oath that,

- (a) there are reasonable grounds to believe that an offence under this Act has been or is being committed; and

(b) evidence concerning the offence will be obtained through the use of the technique or procedure or taking the action.

**Power to enter, etc.**

(2) A warrant may authorize a wildland fire enforcement officer or other specified person to enter and search the building or other place for which the warrant was issued and, without limiting the powers of the justice under subsection (1), the warrant may, in respect of the alleged offence, authorize the person specified in it to conduct any tests, take any measurements, take any specimens or samples, set up any equipment, make any excavations and make any photographic or other records that may be relevant to the search.

**Duration**

(3) A warrant under subsection (2) is valid for 30 days or for such shorter period as may be specified.

**Production orders**

**5.6** (1) On application without notice and subject to subsection (3), a justice may issue an order to a person other than a person under investigation for an offence requiring the person to,

- (a) produce documents or copies of documents, certified by affidavit to be true copies;
- (b) produce data; or
- (c) prepare a document based on documents or data already in existence and produce it.

**Content of order**

(2) An order under subsection (1) shall require the document or data to be produced within the time, at the place and in the form specified in the order and require that it be given to a wildland fire enforcement officer named in the order.

**Grounds for order**

(3) A justice may make an order under subsection (1) if they are satisfied by information given under oath or affirmation that there are reasonable grounds to believe that,

- (a) an offence under this Act has been or is being committed;
- (b) the document or data will provide evidence respecting the offence or suspected offence; and
- (c) the person who is subject to the order has possession or control of the document or data.

**Conditions**

(4) An order under subsection (1) may contain such conditions as the justice considers advisable.

**No return of copies**

(5) Copies of documents produced under this section are not required to be returned to the person who provided them.

**Arrest without warrant**

**5.7** (1) A wildland fire enforcement officer may arrest, without warrant, a person that they have reasonable grounds to believe is committing, has committed or is about to commit an offence under this Act.

**Release**

(2) If a wildland fire enforcement officer arrests a person under this section, the officer shall, as soon as practicable, release the person from custody, unless the officer has reasonable grounds to believe that,

- (a) it is necessary in the public interest for the person arrested to be detained, having regard to all the circumstances, including the need to,
  - (i) establish the identity of the person,
  - (ii) secure or preserve evidence of or relating to the offence, or
  - (iii) prevent the continuation or repetition of the offence or the commission of another offence; or
- (b) the person arrested, if released, will not respond to a summons or offence notice or will not appear in court.

**Person not released**

(3) Subsections 149 (2) and (3) and section 150 of the *Provincial Offences Act* apply with necessary modifications if the person arrested is not released under subsection (2) of this section.

**Necessary force**

(4) A wildland fire enforcement officer may use as much force as is reasonably necessary to exercise any of the powers referred to in this section.

### **Seizure and forfeiture**

**5.8** (1) A wildland fire investigator who lawfully enters onto any lands or into an area or building under this Act may seize any thing that the wildland fire investigator believes on reasonable grounds,

- (a) has been used in the commission of an offence under this Act;
- (b) will afford evidence of the commission of an offence under this Act;
- (c) will afford evidence of the cause of a fire; or
- (d) is intermixed with a thing referred to in clause (a), (b) or (c).

### **Presence pursuant to warrant**

(2) If the wildland fire investigator is in the area or building pursuant to a warrant, subsection (1) applies to any thing, whether or not it is specified in the warrant.

### **Safekeeping**

(3) A wildland fire investigator shall deliver any thing they seize to a person authorized by the Minister for safekeeping.

### **Leaving with occupant**

(4) Despite subsection (3), a wildland fire investigator may leave a thing that they seize in the custody of the occupant of the area or building in which it was seized.

### **Occupant to safeguard**

(5) If any thing is left in the custody of an occupant under subsection (4), the occupant shall safeguard the thing until,

- (a) a wildland fire investigator removes the thing;
- (b) the occupant is notified by a wildland fire investigator that the investigation has concluded and that a charge will not be laid; or
- (c) if a charge is laid, the defendant is acquitted or the charge is dismissed, withdrawn or finally disposed of.

### **Thing carried before justice**

(6) Subsections (3) and (4) do not apply to a thing that is required to be carried before a justice by a search warrant issued under Part VIII of the *Provincial Offences Act*.

### **Return of seized things**

(7) Any thing seized and not forfeited under this section shall be returned to the person from whom it was seized if,

- (a) a charge is not laid at the conclusion of the investigation; or
- (b) a charge is laid but, when the prosecution is finally disposed of, the defendant is acquitted or the charge is dismissed or withdrawn.

### **Payment of fine**

(8) If a person is convicted of an offence and a fine is imposed,

- (a) a thing seized in connection with the offence and not forfeited to the Crown under this section shall not be returned until the fine has been paid; and
- (b) if payment of the fine is in default within the meaning of section 69 of the *Provincial Offences Act*, a justice may order that the thing be forfeited to the Crown.

### **Forfeiture if identity unknown**

(9) If the identity of the person from whom a thing was seized has not been ascertained within 30 days after the seizure, the thing is forfeited to the Crown.

### **Forfeiture on conviction**

(10) If a person is convicted of an offence under this Act, the justice may order that any thing seized in connection with the offence be forfeited to the Crown.

### **Application of subs. (10)**

(11) Subsection (10) applies in addition to any other penalty.

### **Disposition of forfeited thing**

(12) A thing forfeited to the Crown shall be disposed of in accordance with the directions of the Minister.

### **Application by person with interest**

(13) If a thing is forfeited to the Crown following a conviction under this Act, a person who claims an interest in the thing and who is not the person from whom the thing was seized or the person who was convicted may apply to a justice, not later than 30 days after the thing is forfeited, on notice to the Minister and to the person from whom the thing was seized, for an order directing that the thing be released to the person claiming the interest.

### **Condition**

(14) An order made under subsection (13) is subject to such conditions as may be imposed by the justice.

### **Evidence**

**5.9** A copy of a document produced under section 5.2, 5.4, 5.6 or 5.8 on proof by affidavit that it is a true copy, is admissible in evidence in proceedings under this Act and has the same probative force as the original document would have if it had been proved in the ordinary way.

### **8 Section 6 of the Act is repealed and the following substituted:**

#### **Information to be given to wildland fire officer by persons in wildland areas**

**6.** Every person in a wildland area shall, on request, give a wildland fire officer the following information:

1. The person's name.
2. The person's address.
3. The person's contact information.
4. The routes the person will be following within the wildland area.
5. Any locations where the person will be staying overnight in the wildland area.
6. Any other information pertaining to the protection of persons and the wildland area from fire.

### **9 Section 7 of the Act is repealed and the following substituted:**

#### **Right to summon assistance**

**7 (1)** For the purposes of controlling or extinguishing a fire, or for the purposes of responding to a wildland fire emergency, a wildland fire officer may,

- (a) use any privately-owned equipment;
- (b) employ or summon the assistance of every able person over the age of 18, except persons providing essential services and persons physically unfit; and
- (c) on private lands, take such action as the wildland fire officer considers advisable to control or extinguish a fire or to respond to a wildland fire emergency.

### **Regulations**

(2) The Minister may make regulations prescribing the use of any privately-owned equipment, and the employment and summoning of persons as set out in subsection (1), including,

- (a) prescribing the rates to be paid, and the terms and conditions for use of equipment;
- (b) prescribing rates to be paid for the employment or summoning of a person under this section, except in respect of classes of persons for whom rates of pay are the subject of an order under subsection (4);
- (c) exempting or modifying the rates, terms or conditions and imposing conditions on such exemptions or modifications;
- (d) prescribing any other criteria related to the equipment or persons, to the fire that is to be controlled or extinguished or to the wildland fire emergency that is to be responded to.

### **Adoption by reference**

(3) A regulation made under subsection (2) may adopt by reference, in whole or in part, with such changes as the Minister considers necessary, any code, standard or guideline, as it reads at the time the regulation is made or as amended from time to time.

### **Rates of pay**

(4) Except in respect of classes of persons for whom rates of pay are set out in a regulation, the Minister may, by order, fix the rates of pay for persons employed or summoned under this section.

### **Legislation Act, 2006, Part III**

(5) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (4).

**Notice of order**

(6) The Minister shall provide notice of an order made under subsection (4) at such time and in such manner as the Minister considers appropriate.

**Proof of order**

(7) A document that purports to be an order made under subsection (4) or that purports to be a copy of an order made under subsection (4) is admissible in evidence as proof of the making of the order and of the order's contents, in the absence of evidence to the contrary.

**10 Section 8 of the Act is repealed.****11 Section 10 of the Act is amended by adding the following subsections:****Minister's order extending fire season**

(2) The Minister may, by order, declare any period between January 1 and March 31, both inclusive, or between November 1 and December 31, both inclusive, in any year to be a fire season in a fire region or any part of a fire region.

***Legislation Act, 2006, Part III***

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (2).

**Notice of order**

(4) The Minister shall provide notice of an order made under subsection (2) at such time and in such manner as the Minister considers appropriate.

**Proof of order**

(5) A document that purports to be an order made under subsection (2) or that purports to be a copy of an order made under subsection (2) is admissible in evidence as proof of the making of the order and of the order's contents, in the absence of evidence to the contrary.

**12 The Act is amended by adding the following section:****Fires in fire season**

**11** (1) No person shall start or tend a fire outdoors during a fire season in an area outside a restricted fire zone except,

- (a) under the authority of and in accordance with a fire permit issued pursuant to subsection (2); or
- (b) in the prescribed circumstances.

**Issuance of fire permit**

- (2) A wildland fire compliance officer may, in accordance with any regulations,
  - (a) issue a fire permit that allows the holder of the permit to have a fire outdoors during the fire season; and
  - (b) impose written conditions on the fire permit.

**13 The Act is amended by striking out the heading immediately before section 12 and substituting the following:****RESTRICTED FIRE ZONES****14 The Act is amended by adding the following section immediately after the heading "Restricted Fire Zones":****Restricted fire zone order**

**11.1** (1) The Minister may, by order, declare all or any part of the fire region as a restricted fire zone.

***Legislation Act, 2006, Part III***

(2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1).

**Notice of order**

(3) The Minister shall provide notice of an order made under subsection (1) at such time and in such manner as the Minister considers appropriate.

**Proof of order**

(4) A document that purports to be an order made under subsection (1) or that purports to be a copy of an order made under subsection (1) is admissible in evidence as proof of the making of the order and of the order's contents, in the absence of evidence to the contrary.

**15 (1) Section 12 of the Act is amended by adding "or tend" after "shall start" in the portion before clause (a).****(2) Clause 12 (a) of the Act is repealed and the following substituted:**

(a) except under the authority of and in accordance with a fire permit issued under subsection (2); or

**(3) Section 12 of the Act is amended by adding the following subsection:**

**Issuance of fire permit**

(2) A wildland fire compliance officer may, in accordance with any regulations made under this Act,

- (a) issue a fire permit that allows the holder of the permit to have a fire outdoors in a restricted fire zone; and
- (b) impose written conditions on the fire permit.

**16 The Act is amended by adding the following section immediately after the heading “Prevention Measures”:**

**Wildland fire management plan**

**14** (1) The following entities shall prepare a wildland fire management plan that meets the prescribed standards:

- 1. Every municipality located in a fire region.
- 2. Any prescribed entity carrying out prescribed activities or operating in prescribed locations in a fire region.

**Deemed plan**

(2) If an entity referred to in subsection (1) has prepared a plan for a different purpose and, in the opinion of the Minister, that plan meets the prescribed standards for a wildland fire management plan, the plan is deemed to be a wildland fire management plan.

**Provision of plan**

(3) An entity referred to in subsection (1) shall provide the wildland fire management plan referred to in subsection (1) or (2), as the case may be, to the Ministry on request within the time specified in the request.

**Order to create or update a plan**

(4) If an entity referred to in subsection (1) does not have a wildland fire management plan or, in the opinion of the Minister, has a wildland fire management plan that does not meet the prescribed standards, the Minister may order the entity to create a wildland fire management plan that meets the prescribed standards or update its wildland fire management plan so that it meets the prescribed standards, as the case may be.

**Compliance**

(5) An entity ordered to create or update a wildland fire management plan under subsection (4) shall comply with the order within the time period set out in the order.

**Yearly review and revision of plan**

(6) Every entity referred to in subsection (1) shall review and, if necessary, revise its wildland fire management plan every year.

**17 (1) The Act is amended by adding the following section:**

**Equipment**

**15** If a work schedule under the *Crown Forest Sustainability Act, 1994* or any provision of this Act or the regulations requires equipment to be kept at a site, the equipment shall be in working order and, if a type is specified, the equipment shall be of the specified type.

**(2) Section 15 of the Act, as enacted by subsection 17 (1), is amended by adding “a wildland fire management plan” after “If” at the beginning.**

**18 (1) Subsection 16 (1) of the Act is amended by striking out “36 (a.1)” and substituting “36 (1) (c)”.**

**(2) Subsection 16 (2) of the Act is amended by striking out “36 (a.3)” and substituting “36 (1) (d)”.**

**19 Section 17 of the Act is amended striking out “an officer” at the end and substituting “a wildland fire compliance officer”.**

**20 (1) Subsection 18 (1) of the Act is amended by,**

- (a) striking out “an officer” and substituting “a wildland fire compliance officer”;
- (b) striking out “his or her” and substituting “their”; and
- (c) striking out “the officer” wherever it appears and substituting in each case “the wildland fire compliance officer”.

**(2) Subsection 18 (2) of the Act is amended by striking out “the officer” wherever it appears and substituting in each case “the wildland fire compliance officer”.**

**(3) Subsection 18 (3) of the Act is amended by striking out “an officer” and substituting “a wildland fire compliance officer”.**

**21 Section 19 of the Act is repealed and the following substituted:**

**Wildland fire management agreements**

**19 (1)** The Minister may enter into agreements with respect to wildland fire management.

**Authorization re prohibited activities**

(2) An agreement under subsection (1) may authorize a party to the agreement to engage in an activity specified in the agreement that would otherwise be prohibited under this Act.

**Same**

(3) A party to an agreement who is authorized to engage in an activity under subsection (2) shall comply with any conditions specified in the agreement relating to the authorization.

**22 Section 20 of the Act is repealed and the following substituted:**

**Extinguishment of fires**

**20** In the interest of public safety or the protection of a wildland area, a wildland fire officer may, at any time, extinguish a fire or order any person in charge or apparently in charge of a fire to extinguish the fire.

**23 Subsection 21 (1) of the Act is amended by,**

- (a) striking out “section 19” and substituting “subsection 19 (1)”;
- (b) striking out “grass, brush or forest” and substituting “wildland”;
- (c) striking out “an officer” and substituting “a wildland fire officer”; and
- (d) striking out “the officer” and substituting “the wildland fire officer”.

**24 Clause 21.1 (6) (a) of the Act is repealed.**

**25 The Act is amended by adding the following section:**

**No private law duty of care**

**21.2** The Minister does not owe a private law duty of care to any person in respect of,

- (a) any agreement entered into under subsection 19 (1);
- (b) any purported failure to enter into, amend or terminate any such agreement;
- (c) any order or implementation order or any permit made or issued under section 23; or
- (d) any purported failure to make, issue, amend or revoke any such order, implementation order or permit.

**26 Section 22 of the Act is amended by striking out “an officer” and substituting “a wildland fire officer”.**

**27 Section 23 of the Act is repealed and the following substituted:**

**Emergency area orders**

**23 (1)** Where in the opinion of the Minister a wildland fire emergency exists, the Minister may, by order, declare an area to be a wildland fire emergency area.

**Implementation orders**

(2) The Minister may make implementation orders and take such action as they consider necessary for effectual wildland fire management or for the safety of or evacuation of persons in an area that is the subject of a declaration under subsection (1).

**No contravention without permit**

(3) No person shall contravene an implementation order, except in accordance with a permit issued by the Minister under subsection (4).

**Permit re otherwise prohibited activities**

(4) The Minister may issue a permit that authorizes a person or class of persons to engage in specified activities that would otherwise be prohibited under subsection (2) if the Minister is of the opinion that permitting the specified activities,

- (a) would not pose significant risk to human health and safety; and
- (b) would permit or enable,
  - (i) the protection of human or animal health and safety,

- (ii) the protection of natural resources and human-made structures or improvements if the natural resources or human-made structures or improvements have measurable or intrinsic worth and may be destroyed or otherwise altered by a fire in an area that is subject to the declaration under subsection (1),
- (iii) the protection, recovery or maintenance of critical infrastructure,
- (iv) wildland fire control or extinguishment,
- (v) activities generating significant economic benefit to the province, or
- (vi) any other activities the Minister considers necessary in the circumstances.

#### **Conditions to permit**

(5) A permit issued under subsection (4) may include applicable conditions.

#### **Legislation Act, 2006, Part III**

(6) An order made under subsection (1) or (2) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

#### **Notice of order**

(7) The Minister shall provide notice of an order made under subsection (1) or (2) at such time and in such manner as the Minister considers appropriate.

#### **Proof of order**

(8) A document that purports to be an order made under subsection (1) or (2), as the case may be, or that purports to be a copy of an order made under subsection (1) or (2), as the case may be, is admissible in evidence as proof of the making of the order and of the order's contents, in the absence of evidence to the contrary.

**28 The Act is amended by striking out the heading immediately before section 25 and substituting the following:**

#### OFFENCES AND PENALTIES

**29 Section 25 of the Act is repealed and the following substituted:**

#### **Obstruction of officers**

**25** A person shall not,

- (a) knowingly make a false or misleading statement to a wildland fire officer who is acting under this Act; or
- (b) hinder, impede or otherwise obstruct a wildland fire officer who is acting under this Act.

**30 Section 31 of the Act is amended by adding "wildland" before "fire".**

**31 Section 32 of the Act is amended by striking out "placed in a forest area for the purpose of protecting the forest" at the end and substituting "placed in any area for the purpose of protecting the wildland area or for wildland fire management".**

**32 The Act is amended by adding the following section:**

#### **Offences for contravention or failure to comply**

**34.1** Every person is guilty of an offence who contravenes, fails to comply with or attempts to contravene or fail to comply with,

- (a) a provision of this Act or the regulations;
- (b) an order made under this Act;
- (c) a condition of a permit issued under this Act; or
- (d) a condition set out in an agreement made under subsection 19 (1).

**33 The Act is amended by striking out the heading immediately before section 35.**

**34 (1) Subsection 35 (1) of the Act is repealed and the following substituted:**

#### **Penalties**

(1) A person who is guilty of an offence set out in section 34.1 is liable, on conviction, to,

- (a) if the person is an individual, a fine of not more than \$50,000, a term of imprisonment of not more than one year, or to both; or
- (b) if the person is a corporation, a fine of not more than \$500,000.

### **Order re other penalties**

(1.1) If a person is convicted of an offence under this section, the court may, on its own initiative or on the motion of the prosecutor, make one or more of the following orders in addition to any other penalty:

1. An order requiring the person to refrain from engaging in any activity that could, in the opinion of the court, result in the continuation or repetition of the offence.
2. An order requiring the person to take any action that the court considers appropriate to remedy or prevent any harm to a wildland area that was a direct or indirect result of, or may result from, the commission of the offence.
3. An order to pay the Crown or any other person for all or part of any costs incurred to remedy or prevent any harm to a wildland area that directly or indirectly resulted from or may result from the commission of the offence.
4. An order to take such other steps as are specified in the order to comply with this Act, the regulations or any order made under this Act.
5. An order to pay to the Crown or any other person all or part of any expenses incurred by the Minister or the person, as the case may be, with respect to the seizure, storage or disposition of any thing seized in connection with the offence.
6. An order prohibiting the person from holding or applying for a permit issued under this Act and specified in the order and cancelling any such permit that the person currently holds.
7. An order to publish, in any manner that the court considers appropriate, the facts relating to the commission of the offence.

### **Other conditions**

(1.2) An order under subsection (1.1) may contain such other conditions relating to the circumstances of the offence and of the person who committed or contributed to the commission of the offence as the court considers appropriate to prevent similar unlawful conduct.

### **No stay on appeal**

(1.3) An appeal of a conviction of an offence under this Act does not stay the effect of an order made under subsection (1.1) at the time of the conviction.

**(2) Subsection 35 (2) of the Act is amended by striking out “subsection (1)” and substituting “section 34.1”.**

**(3) Subsection 35 (3) of the Act is amended by adding “this Act or” after “a provision of”.**

**(4) Subsection 35 (4) of the Act is repealed and the following substituted:**

### **Regulated operations**

(4) A wildland fire compliance officer who finds that an operation is being carried on in contravention of the regulations made under clause 36 (1) (d) may order that the operation cease until any necessary permit has been obtained or until the person is in compliance with the regulations.

**(5) Subsection 35 (6) of the Act is repealed and the following substituted:**

### **Corporations**

(6) If a corporation commits an offence under this Act, an officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted for the offence.

### **Employers and principals**

(7) In a prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the defendant acting in the course of employment or agency, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the defendant establishes that,

- (a) the offence was committed without the knowledge of the defendant; and
- (b) the offence was committed without the consent of the defendant.

### **Presiding judge**

(8) The Crown, by notice to the clerk of the Ontario Court of Justice, may require that a provincial judge preside over a proceeding in respect of an offence under this Act.

### **Limitation period**

(9) A proceeding in respect of an offence under this Act shall not be commenced after the earlier of,

- (a) two years after the day evidence of the offence first came to the attention of a wildland fire compliance officer; or

- (b) five years after the offence was, or is alleged to have been, committed.

#### **Same, transition**

(10) Subsections (1), (1.1), (6), (7) and (9) apply to an offence committed under this Act after subsection 34 (5) of Schedule 1 to the *Resource Management and Safety Act, 2024* comes into force.

**(6) Subsection 35 (10) of the Act, as enacted by subsection (5), is repealed.**

#### **35 The Act is amended by adding the following sections:**

##### **Remediation orders**

**35.1** (1) If a prescribed person is satisfied that a person is contravening or not complying with a provision of this Act or the regulations, unless the provision is prescribed, the prescribed person may issue a remediation order to the person in accordance with this section and the regulations.

##### **Contents of order**

(2) The remediation order referred to in subsection (1) shall be in writing and shall include the following information:

1. The particulars of the contravention of this Act or the regulations.
2. The activity that shall be performed for remediation purposes by the person who contravened or failed to comply with a provision of this Act or the regulations.
3. The date by which the activity referred to in paragraph 2 is to be carried out.
4. The right to request a review of the remediation order.

##### **Purposes of remediation activities**

(3) Any activities required to be performed in a remediation order shall be consistent with the purposes of wildland fire management or with any prescribed purposes.

##### **Remediation order may be imposed with other measures**

(4) A remediation order may be issued in conjunction with any other regulatory measure provided by this or any other Act.

##### **Limitation**

(5) A remediation order shall not be issued more than two years after the contravention first came to the knowledge of a wildland fire compliance officer.

##### **Deadline**

(6) A person who has received a remediation order shall carry out the required activity by the date set out in the order, subject to any stays of the order described in subsection (11).

##### **No right to be heard**

(7) There is no right to be heard before a remediation order is made.

##### **Request for review**

(8) A person who has received a remediation order may submit a request for a review of the order to the Minister.

##### **Time to submit request for review**

(9) A request for review under subsection (8) must be submitted to the Minister no more than 30 days after the day the order is served.

##### **If review requested**

(10) If a person who has received a remediation order requests a review under subsection (8), the Minister shall conduct the review in accordance with the regulations, if any.

##### **Stay of order**

(11) The commencement of a review operates as a stay of the order until the matter is finally disposed of.

##### **Decision of Minister**

(12) After conducting the review, the Minister may,

- (a) find that the person did not contravene the provision of this Act or the regulations specified in the remediation order, and rescind the remediation order;
- (b) find that the person did contravene the provision of this Act or the regulations specified in the remediation order, and affirm the remediation order; or

- (c) find that the person did contravene the provision of this Act or the regulations specified in the remediation order but determine that the penalty is excessive in the circumstances and amend the remediation order to substitute a less onerous activity.

#### **Decision final**

- (13) The Minister's decision under subsection (12) is final.

#### **Activity after review**

- (14) If the Minister finds under clause (12) (b) or (c) that a person has contravened the provision of this Act or the regulations specified in the remediation order, the person shall carry out the activity set out in the order within the time period set out by the Minister in the decision.

#### **Administrative penalties**

##### **Purpose**

**35.2** (1) The purpose of an administrative penalty imposed under this section is to promote compliance with the requirements established under this Act.

##### **Order imposing administrative penalties**

- (2) If a prescribed person is satisfied that a person is contravening or not complying with a provision of this Act or the regulations, unless the provision has been prescribed, the prescribed person may, by order, impose an administrative penalty on the person in accordance with this section and the regulations.

##### **Content of order**

- (3) The order imposing an administrative penalty shall be in writing and shall include the following information:

1. The particulars of the contravention of this Act or the regulations.
2. The date and time by which payment of the administrative penalty must be made.
3. The amount payable and how payment of the administrative penalty may be made.
4. The right to request a review of the administrative penalty order.

##### **Amount of administrative penalty**

- (4) The amounts for administrative penalties shall be determined in accordance with the regulations.

##### **Administrative penalty may be imposed with other measures**

- (5) An administrative penalty may be imposed alone or in conjunction with any other regulatory measure provided by this or any other Act.

##### **Limitation**

- (6) An administrative penalty shall not be imposed more than two years after the contravention first came to the knowledge of a wildland fire compliance officer.

##### **Deadline to pay penalty**

- (7) A person who has received an order imposing an administrative penalty shall pay the penalty within 30 days after the day the order was served, subject to any stays of the order described in subsection (12).

##### **No right to be heard**

- (8) There is no right to be heard before an order imposing an administrative penalty is made.

##### **Right to review**

- (9) A person who has received an order imposing an administrative penalty may submit a request for a review of the order to the Minister.

##### **Time to submit request for review**

- (10) A request for review under subsection (9) must be submitted to the Minister within 30 days after the order is served.

##### **If review requested**

- (11) If a person who has received an order imposing an administrative penalty requests a review under subsection (9), the Minister shall conduct the review in accordance with any prescribed requirements.

##### **Stay of order**

- (12) A review commenced under subsection (9) operates as a stay of the order until the matter is finally disposed of.

### **Decision of Minister**

(13) After conducting the review, the Minister may,

- (a) find that the person did not contravene the provision of this Act or the regulations specified in the order imposing the administrative penalty, and rescind the order imposing the administrative penalty;
- (b) find that the person did contravene the provision of this Act or the regulations specified in the order imposing the administrative penalty, and affirm the order imposing the administrative penalty; or
- (c) find that the person did contravene the provision of this Act or the regulations specified in the order imposing the administrative penalty but that the penalty is excessive in the circumstances or is, by its magnitude, punitive in nature having regard to all the circumstances and, in that case, the Minister shall amend the order imposing the administrative penalty by reducing the amount of the penalty.

### **Decision final**

(14) The Minister's decision under subsection (13) is final.

### **Payment after review**

(15) If the Minister finds under clause (13) (b) or (c) that a person has contravened the provision of this Act or the regulations specified in the order imposing the administrative penalty, the person shall pay the penalty required by the Minister within 30 days after the day the decision was made.

### **Enforcement by court**

(16) If an order imposing an administrative penalty has been issued under this section to a person and the penalty is not paid by the applicable deadline, the order imposing the administrative penalty or the Minister's decision, as the case may be, may be filed in the Superior Court of Justice and then may be enforced as if it were an order of that court.

### **Post judgment interest**

(17) Section 129 of the *Courts of Justice Act* applies in respect of an order or decision filed in the Superior Court of Justice under subsection (16) of this section and the date on which the order or decision is filed under subsection (16) of this section is deemed to be the date of the order that is referred to in section 129 of the *Courts of Justice Act*.

### **36 The Act is amended by adding the following section:**

#### GENERAL

#### **Standard of review**

**35.3** In any judicial review of a decision made by the Minister, or a delegate of the Minister, under this Act, the decision shall not be altered or set aside unless it is unreasonable.

### **37 The Act is amended by adding the following section:**

#### **Service**

**35.4** (1) An order under section 14, 35.1 or 35.2 is sufficiently sent to or served on a person if it is delivered,

- (a) personally;
- (b) by registered mail;
- (c) by email;
- (d) by any means that allows for proof of receipt; or
- (e) by any other prescribed means.

#### **Service by registered mail**

(2) If service is made by registered mail, the service is deemed to be made on the fifth day after the day of mailing.

#### **Service by email**

(3) If service is made by email, the service is deemed to be made on the day after it is sent unless that day is a Saturday or a holiday in which case the notice or order is deemed to be received on the next day that is not a Saturday or a holiday.

#### **Exception**

(4) If a person on whom service is being made by registered mail or email establishes that they did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice or order until a later date, that later date is the deemed date of receipt.

### **38 Section 36 of the Act is repealed and the following substituted:**

## **Regulations — Lieutenant Governor in Council**

**36** (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing and governing anything in this Act that is described as being prescribed, done in accordance with the regulations, provided for in the regulations or authorized or required by the regulations, other than a matter that this Act describes as being prescribed by the Minister;
- (b) declaring parts of Ontario to be fire regions and declaring the name that each fire region shall bear;
- (c) regulating or prohibiting outdoor fires;
- (d) regulating or prohibiting operations specified by the regulations;
- (e) prescribing and governing the circumstances in which a fire permit is not needed;
- (f) governing the issuance, form, refusal and cancellation of permits or classes of permits under this Act and prescribing and governing terms and conditions of such permits or classes of permits;
- (g) providing for and governing appeals from a refusal to issue or renew a permit, from the cancellation of a permit or from the imposition of terms and conditions in a permit;
- (h) designating classes of operations and activities and governing the equipment, staff and precautions to be provided or observed in respect of wildland fire management by persons engaged in any class of operation or activity;
- (i) designating kinds of stoves and installations for the purpose of section 12 and governing their use in restricted fire zones;
- (j) governing wildland fire management plans and prescribing requirements with respect to their contents;
- (k) prescribing costs, expenses, losses and damages for the purposes of subsection 21.1 (4);
- (l) governing remediation orders that may be imposed under section 35.1, including,
  - (i) prescribing the person or classes of persons who may issue remediation orders,
  - (ii) prescribing the provisions of this Act or the regulations that, when contravened, may not form the subject of a remediation order,
  - (iii) prescribing and governing procedures for making and serving a remediation order and the form and content of such orders,
  - (iv) prescribing activities that can be required in a remediation order,
  - (v) governing reviews of remediation orders, including providing procedures for requesting, commencing and conducting such reviews and prescribing criteria that are to be considered and criteria that are not to be considered in such reviews, and
  - (vi) governing the purposes in respect of which an activity in a remediation order must be consistent;
- (m) governing administrative penalties that may be imposed under section 35.2, including,
  - (i) prescribing the person or classes of persons who may issue administrative penalties,
  - (ii) prescribing the provisions of this Act or the regulations that, when contravened, may not form the subject of an administrative penalty,
  - (iii) prescribing the amount of an administrative penalty or providing for the determination of the amount of the penalty by prescribing the method of calculating the amount and the criteria to be considered in determining the amount,
  - (iv) providing for different amounts to be paid, or different calculations or criteria to be used, providing for amounts to be paid in respect of each day or part of a day and providing for higher penalties for a second or subsequent contravention or failure to comply,
  - (v) governing the payment of penalties and authorizing prescribed persons to approve a plan of periodic payments that extends beyond the deadline,
  - (vi) authorizing the imposition of late payment fees respecting penalties that are not paid before the specified deadline, including graduated late payment fees, and providing that such fees are included as part of the penalty for enforcement purposes,
  - (vii) prescribing and governing procedures for making and serving an administrative penalty order and the form and content of such orders,
  - (viii) governing reviews of administrative penalties, including providing procedures for requesting, commencing and conducting such reviews and prescribing criteria that are to be considered and criteria that are not to be considered in such reviews,

- (ix) prescribing circumstances in which a person is not required to pay an administrative penalty, and
- (x) providing that an administrative penalty is payable to the Minister of Finance;
- (n) prescribing forms and providing for their use;
- (o) respecting any matter necessary or advisable to effectively carry out wildland fire management;
- (p) defining any term that is not defined in this Act.

#### **General or specific**

(2) A regulation made under this section may be general or specific in its application.

#### **Adoption by reference**

(3) A regulation made under subsection (1) may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, standard or guideline, as it reads at the time the regulation is made or as amended from time to time.

#### **39 Section 37 of the Act is repealed and the following substituted:**

##### **Transition regulations,**

**37** The Lieutenant Governor in Council may make regulations governing such transitional matters as the Lieutenant Governor in Council considers necessary or advisable with respect to the enactment of Schedule 1 to the *Resource Management and Safety Act, 2024*.

**40** The Act is amended by striking out “forest area” in the following provisions and substituting in each case “wildland area”:

1. Section 17.
2. Section 28.
3. Section 29.
4. Section 30.
5. Section 33.

##### ***Conservation Authorities Act***

**41** Clause 29 (1) (h) of the *Conservation Authorities Act* is amended by striking out “*Forest Fires Prevention Act*” and substituting “*Wildland Fire Management Act*”.

##### ***Mining Act***

**42** Paragraph 1 of subsection 67 (3) of the *Mining Act* is amended by striking out “*Forest Fires Prevention Act*” and substituting “*Wildland Fire Management Act*”.

##### **Commencement**

**43** (1) Except as otherwise provided for in this section, this Schedule comes into force on the day the *Resource Management and Safety Act, 2024* receives Royal Assent.

(2) Subsection 34 (6) comes into force on the fifth anniversary of the day the *Resource Management and Safety Act, 2024* receives Royal Assent.

(3) Subsection 4 (4), section 16, subsection 17 (2) and sections 35 and 37 come into force on a date to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 2  
GEOLOGIC CARBON STORAGE ACT, 2024**

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**PART I  
INTERPRETATION, PURPOSE AND PROHIBITIONS**

**Interpretation**

**1** (1) In this Act,

“ancillary work” has the meaning set out in subsection (2); (“ouvrage accessoire”)

“authorization” means a research and evaluation licence, a storage licence, a research and evaluation permit or a storage permit that is issued under this Act; (“autorisation”)

“authorization holder” means the holder of an authorization; (“titulaire d’autorisation”)

“carbon storage” means the permanent storage of carbon dioxide in a storage repository; (“stockage de carbone”)

“carbon storage activities” means the activities set out in subsection 3 (2); (“activités de stockage de carbone”)

“carbon storage site” means any number of wells or storage repositories or wells and storage repositories, as well as ancillary works, if any, collectively used for research and evaluation activities or carbon storage activities; (“site de stockage de carbone”)

“Crown” means the Crown in right of Ontario; (“Couronne”)

“Minister” means the Minister of Natural Resources or such other member of the Executive Council to whom responsibility for the administration of this Act is assigned under the *Executive Council Act*; (“ministre”)

“permit holder” means the holder of a research and evaluation permit or a storage permit that is issued under this Act; (“titulaire de permis”)

“pore space” means space consisting of,

- (a) pores that are found in a storage repository and that are or have been occupied by formation water, hydrocarbons or any other mineral, and
- (b) any other cavity or void in a storage repository, whether naturally or artificially created; (“espace poral”)

“public pore space” means,

- (a) pore space underlying any land owned or controlled by the Crown, regardless of whether the lands are subject to a lease, easement or other grant of a less estate in the land or to a licence, and
- (b) pore space the rights to which have been taken by and vested in the Crown by a regulation made under subsection 8 (1); (“espace poral public”)

“regulations” means the regulations made under this Act; (“règlements”)

“research and evaluation activities” means the activities set out in subsection 3 (1); (“activités de recherche et d’évaluation”)

“storage repository” means an underground geological area; (“dépôt”)

“Tribunal” means the Ontario Land Tribunal; (“Tribunal”)

“well” means a hole in the ground, whether completely drilled or in the process of being drilled. (“puits”)

### **Meaning of “ancillary work”**

(2) For the purposes of this Act and subject to the regulations, an ancillary work is any structure, including a pipeline, or equipment that is used in association with a well, but does not include a structure or equipment if the structure or equipment is, upon leaving the well, located beyond the emergency shutdown valves or, in the absence of emergency shutdown valves, beyond the first isolation valve, unless the structure or equipment is being used in association with the construction, including completion or deepening, maintenance or decommissioning of a well or storage repository.

### **Interpretation, contravention**

(3) A reference in this Act to contravening or to a contravention of something, such as a provision of this Act or the regulations or an order or authorization issued under this Act, includes, respectively, failing or a failure to comply with it.

### **Interpretation, authorization holder “deemed incapable of acting”**

(4) A reference in this Act to an authorization holder being deemed incapable of acting is a reference to the authorization holder being in any of the following circumstances:

1. The authorization holder having made an assignment in bankruptcy or having commenced or being the subject of a proceeding under the *Bankruptcy and Insolvency Act* (Canada) or the *Companies’ Creditors Arrangement Act* (Canada).
2. The authorization holder being a corporation that has been wound up under the *Business Corporations Act* or dissolved.
3. The authorization holder being an individual who is deceased.
4. Any other circumstances prescribed by the regulations made by the Minister.

### **Purpose**

**2** The purpose of this Act is to enable the safe, responsible and permanent storage of carbon dioxide in a manner that protects public safety and the environment and minimizes potential adverse impacts on other land and resource uses.

### **Regulated activities**

#### **Research and evaluation activities**

**3** (1) For the purposes of this Act, the following are research and evaluation activities:

1. Constructing, including completing or deepening, or using a well or performing any other activity on or in a well for the purposes of,
  - i. exploring for storage repositories capable of being used for carbon storage,
  - ii. obtaining information on storage repositories in relation to their potential use or viability for carbon storage,
  - iii. injecting carbon dioxide or other substances into a storage repository to,
    - A. evaluate or test the viability of the storage repository for carbon storage, or
    - B. conduct research in relation to a carbon storage technology or demonstrate its use, or
  - iv. performing monitoring, measurement or verification activities in relation to any activities contemplated by this subsection.
2. Constructing, installing or using an ancillary work in order to perform any activities contemplated by this subsection.
3. Conducting exploration activities to assess the viability of a storage repository for carbon storage or to gather information needed to inform the design or operation of a proposed carbon storage site.
4. Maintaining or decommissioning a well drilled for any activities contemplated by this subsection or a well, storage repository or ancillary work used for any activities contemplated by this subsection.
5. Performing any other activities that relate to exploring for or assessing the viability of storage repositories for carbon storage or conducting research in relation to or demonstrating the use of carbon storage technologies and that are prescribed by the regulations made by the Minister.

#### **Carbon storage activities**

(2) For the purposes of this Act, the following are carbon storage activities:

1. Constructing, including completing or deepening, or using a well or performing any other activity on or in a well for the purposes of,
  - i. injecting carbon dioxide or other substances into a storage repository for the purposes of carbon storage, or
  - ii. performing monitoring, measurement or verification activities in relation to any activities contemplated by this subsection.
2. Constructing, installing or using an ancillary work in order to perform any activities contemplated by this subsection.
3. Maintaining or decommissioning a well drilled for any activities contemplated by this subsection or a well, storage repository or ancillary work used for any activities contemplated by this subsection.
4. Remediating or restoring land used for a carbon storage site.
5. Performing any other activities that involve or relate to the use of wells, storage repositories or ancillary works for purposes related to carbon storage and that are prescribed by the regulations made by the Minister.

### **Prohibition**

4 (1) Subject to subsection (3), it is prohibited for any person to perform any research and evaluation activities or any carbon storage activities unless,

- (a) the research and evaluation activities or carbon storage activities,
  - (i) are performed in an area of the province that is prescribed by the regulations as an area in which carbon storage sites may be located, and
  - (ii) if the regulations specify types of storage repositories whose use is permitted for that area of the province, relate to the use of a type of permitted storage repository; and
- (b) the activities are performed,
  - (i) in the case of research and evaluation activities, under the authority of a research and evaluation permit or a storage permit, or
  - (ii) in the case of carbon storage activities, under the authority of a storage permit.

### **Further prohibitions**

(2) Despite subsection (1), the regulations made by the Minister may prohibit specific research and evaluation activities or carbon storage activities from being performed in all or parts of the province, even in the circumstances set out in that subsection.

### **Non-application**

(3) Subsection (1) does not apply with respect to,

- (a) the injection of carbon dioxide underground as part of a project to enhance oil or gas recovery undertaken in accordance with the *Oil, Gas and Salt Resources Act*;
- (b) any specific research and evaluation activities or carbon storage activities that are prescribed by the regulations made by the Minister; or
- (c) the performance of any research and evaluation activities or carbon storage activities in the circumstances prescribed by the regulations made by the Minister.

### **Other methods**

(4) For greater certainty, nothing in this Act prohibits or otherwise applies to the use of other methods of storing carbon dioxide that do not involve the use of wells to inject and permanently store carbon dioxide within a storage repository.

## **Regulations, Part I**

### **Lieutenant Governor in Council**

5 (1) The Lieutenant Governor in Council may make regulations,

- (a) providing that any structure, including a pipeline, or equipment is not an ancillary work for the purposes of this Act or is not an ancillary work for the purposes of this Act in specified circumstances or if specified conditions are met;
- (b) prescribing, for the purposes of clause 4 (1) (a), areas of the province in which carbon storage sites may be located and the types of storage repositories whose use is permitted in those areas.

### **Minister**

(2) The Minister may make regulations respecting anything referred to in this Part as being prescribed or otherwise done by regulations made by the Minister.

## PART II OWNERSHIP OF AND RIGHTS TO PORE SPACE

### Definition

**6** In this Part,

“surface rights” means every right in land other than the rights to ores, mines and minerals on, in or under land.

### Ownership of pore space

**7** Rights to the pore space underlying the surface of real property form part of the surface rights estate, unless those rights have been reserved or separately granted or conveyed to another person.

### Taking of rights by the Crown

**8** (1) Subject to subsection (3), the Lieutenant Governor in Council may make regulations identifying lands and, if the Lieutenant Governor in Council makes such a regulation, rights to pore space underlying the identified lands are taken by the Crown, without the consent of any persons who own those rights, and those rights vest in the Crown.

### Scope of rights

(2) The rights to pore space vested in the Crown by regulation made under subsection (1) include the exclusive right of the Crown, a right which the Crown may authorize others to exercise, to perform research and evaluation activities and carbon storage activities in relation to storage repositories containing the pore space underlying lands identified in the regulation for the purposes of carbon storage.

### Limitations

- (3) The Lieutenant Governor in Council may only make a regulation for the purposes of subsection (1) if,
- (a) the Lieutenant Governor in Council considers it in the public interest to do so; and
  - (b) the rights that would be taken by and vested in the Crown by the regulation are in relation to pore space that underlies lands that are both owned or controlled by the Crown and privately owned.

### Revocation of regulation

(4) If a regulation made under subsection (1) is revoked or if it is amended such that lands previously identified in the regulation are no longer identified in the regulation, the rights to the pore space underlying the lands identified in the revoked regulation or previously identified in the regulation, as the case may be, vest in the current owner of the surface rights from which the rights to the pore space were taken, unless the rights have been exercised to perform carbon storage activities.

### No right of entry onto surface

(5) For greater certainty, a regulation under subsection (1) does not confer any right of entry onto the surface of land identified in the regulation.

### Crown authorization

**9** (1) Subject to subsection (2), the Minister may issue an authorization in accordance with this Act that provides the holder the exclusive right to exercise rights to pore space conferred by a regulation made under subsection 8 (1) for the purposes of carbon storage, including the performance of research and evaluation activities or carbon storage activities.

### Limitation

- (2) The Minister shall only issue a storage permit that provides the holder the exclusive right to exercise rights to pore space for the purposes of performing carbon storage activities if the Minister is satisfied that issuing the permit would result in,
- (a) the minimum amount of carbon dioxide prescribed by the regulations being stored; and
  - (b) the carbon dioxide produced by the minimum number of industrial emitters prescribed by the regulations being stored.

### Regulations governing compensation

- (3) The Lieutenant Governor in Council may make regulations governing compensation to be paid by authorization holders to whom rights have been provided under subsection (1) to owners of rights to pore space whose rights have been taken by and vested in the Crown, including regulations,
- (a) setting out the amount of any compensation or a manner of determining the amount of any compensation;
  - (b) setting out the manner in which the compensation must be paid and the times at which it must be paid;
  - (c) requiring confirmation that payment has been made.

### **Entitlements re compensation**

(4) The owner of rights to pore space that have been taken by and vested in the Crown by a regulation made under subsection 8 (1) is not entitled to any compensation except that compensation, if any, required by a regulation made under subsection (3) of this section.

### **Regulations, minimums**

(5) The Lieutenant Governor in Council may make regulations prescribing the minimum amount of carbon dioxide and the minimum number of industrial emitters for the purposes of clauses (2) (a) and (b) respectively.

### **No expropriation**

**10** Nothing referred to in this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law and no compensation is payable except in accordance with a regulation made under subsection 9 (3).

## **PART III AUTHORIZATIONS**

### **Licences for use of Crown lands and public pore space**

#### **Research and evaluation licences**

**11** (1) A research and evaluation licence confers on its holder the rights to, within areas specified in the licence, use public pore space and lands owned or controlled by the Crown for the purposes of performing research and evaluation activities.

#### **Storage licences**

(2) A storage licence confers on its holder the rights to, within areas specified in the licence, use public pore space and lands owned or controlled by the Crown for the purposes of performing carbon storage activities.

#### **Issuance**

(3) Subject to subsection (4) and to any restrictions set out in the regulations, the Minister may issue a research and evaluation licence or a storage licence to a person who applies for one in accordance with the regulations made by the Minister and who meets any requirements set out in the regulations made by the Minister.

#### **Restriction, excluded public pore space**

(4) The Minister may not issue a research and evaluation licence or a storage licence in respect of public pore space that is excluded public pore space under the regulations.

#### **Terms and conditions**

(5) The Minister may impose on a research and evaluation licence or a storage licence the terms and conditions that the Minister considers appropriate.

#### **Other licences, etc.**

(6) Except as otherwise provided by the regulations made by the Minister, the Minister may issue a research and evaluation licence or a storage licence in respect of public pore space underlying lands that are already subject to a lease, licence or other instrument issued under any Act, including public pore space underlying lands on which a mining claim has been registered under the *Mining Act* or that is subject to a lease, licence or other instrument issued under that Act.

### **Permits**

**12** (1) Subject to subsection (3) and section 14 and to any additional restrictions set out in the regulations, the Minister may issue a research and evaluation permit or a storage permit to a person if,

- (a) the person has applied for the permit in accordance with the regulations made by the Minister and the Minister has found the application to be a complete application for the purposes of section 16;
- (b) the person has fulfilled any requirements to give notice or conduct consultation activities that are set out in the regulations made by the Minister; and
- (c) in the case of a storage permit, the Minister has received written confirmation of municipal endorsement of the proposed project, as required by and in accordance with the regulations made by the Minister.

#### **Permit equivalent to licence**

(2) The Minister may issue a research and evaluation licence as part of a research and evaluation permit or a research and evaluation licence or storage licence, or both, as part of a storage permit if the person to whom the research and evaluation permit or the storage permit, as the case may be, is to be issued does not already hold the licence in question.

#### **Issuance of permits**

(3) The Minister shall only issue a research and evaluation permit or a storage permit if the Minister is satisfied that,

- (a) the activities for which the permit is sought will be carried out in a manner that protects public safety and the environment;
- (b) the activities for which the permit is sought would be permitted under this Act if the permit were issued;
- (c) the applicant has obtained the rights to the use of land and to pore space necessary for the activities for which the permit is sought;
- (d) the potential impacts on agricultural operations and systems, drinking water sources and current or planned surface and subsurface uses and activities, including mining and mineral development, oil and gas activities and underground geologic storage, have been identified and assessed and suitable measures to mitigate the identified impacts exist and will be implemented;
- (e) adequate consultation with Indigenous communities has been carried out, if the activities for which the permit is sought have the potential to adversely affect established or credibly asserted Aboriginal or treaty rights; and
- (f) any additional requirements for the issuance of the permit that are set out in the regulations made by the Minister have been met.

#### **Permitted activities**

(4) The Minister shall specify in a research and evaluation permit or a storage permit the specific activities authorized by the permit and the specific area in which those activities may be performed.

#### **Terms and conditions**

(5) The Minister may impose on the research and evaluation permit or storage permit the terms and conditions that the Minister considers appropriate.

#### **Amendments to authorizations**

(6) Subject to any restrictions set out in the regulations, the Minister may amend an authorization, including by amending or removing any of its terms or conditions or adding any terms or conditions, at the Minister's own discretion or on the application of the authorization holder.

#### **Regulations re amendments**

(7) Any application to the Minister for an amendment to an authorization shall be made in accordance with the regulations made by the Minister.

#### **Unitization orders**

##### **Definitions**

**13** (1) In this section,

“landowner” means a person who owns rights to pore space within a unit area that is the subject of an application for a unitization order; (“propriétaire foncier”)

“unitization order” means an order under subsection (2). (“ordonnance d’exploitation concertée”)

##### **Unitization order**

(2) On the application of a person who has applied for or who intends to apply for a storage permit under this Act, the Tribunal may order that,

- (a) the rights to pore space within a unit area be joined for the purpose of a carbon storage site;
- (b) management of the construction, development, use, decommissioning and oversight of the carbon storage site and the remediation and restoration of associated lands be carried out by the person, persons or class of persons named or described in the order;
- (c) the costs and benefits of operation within the unit area be apportioned in the manner specified in the order; and
- (d) any additional things provided for in the regulations be done.

##### **Issuance of orders**

(3) The Tribunal shall not issue a unitization order unless the Tribunal is satisfied that,

- (a) unitization would facilitate the optimal use of storage repositories in Ontario;
- (b) the person or persons requesting the order have made a good-faith effort to obtain the consent of all landowners to convey their rights to the pore space;
- (c) the person or persons requesting the order have obtained consent from landowners whose ownership interest represents the majority, as determined in accordance with the regulations, of the rights to the unit area's pore space;

- (d) landowners who have not consented have been or will be equitably compensated; and
- (e) any other circumstances prescribed by the regulations exist.

#### **Terms and conditions**

(4) The Tribunal may impose any terms and conditions on the unitization order that the Tribunal considers appropriate.

#### **Amendments**

(5) A person to whom a unitization order is issued or a landowner who is affected by the issuance of a unitization order may apply to the Tribunal to have the order amended, but the Tribunal shall not issue an amended order unless the Tribunal is satisfied that the circumstances set out in subsection (3) exist with respect to the amended order.

#### **Same**

(6) The Tribunal may deny the amendment or may grant the amendment and may impose any terms and conditions on the order that the Tribunal considers appropriate.

#### **Regulations**

(7) The Lieutenant Governor in Council may make regulations governing unitization orders, including regulations,

- (a) respecting anything referred to in this section as being done by regulation;
- (b) governing applications for unitization orders and setting out requirements that must be met for a unitization order to be issued;
- (c) prescribing the information that a unitization order must contain;
- (d) governing when unitization orders take effect, including specifying conditions that must be met before a unitization order takes effect;
- (e) governing the amendment, transfer or revocation of unitization orders, including setting out substantive or procedural requirements;
- (f) providing for the expiry of unitization orders, including in cases where a unitization order is not utilized after being issued;
- (g) requiring that unitization orders be registered on title to the lands affected by the orders.

#### **Referral to Ontario Energy Board**

##### **Definitions**

**14** (1) In this section and in section 15,

“Board” means the Ontario Energy Board; (“Commission”)

“gas storage area” means an area designated as a gas storage area by the Board under section 36.1 of the *Ontario Energy Board Act, 1998*. (“secteur de stockage de gaz”)

##### **Applications requiring Board input**

(2) For the purposes of this section, an application for a research and evaluation permit or a storage permit or to amend a research and evaluation permit or a storage permit requires the input of the Board in any of the following circumstances:

1. The activities for which the permit or an amendment to the permit is sought, as the case may be, involve, within a gas storage area, the construction, use, maintenance or decommissioning of a well or the performance of any other activity on or in a well.
2. The activities for which the permit or an amendment to the permit is sought, as the case may be, involve, within a distance of 1.6 kilometres from a gas storage area, the use of a well to inject carbon dioxide or other substances for the purposes of carbon storage.
3. The Minister is of the opinion that the activities for which the permit or an amendment to the permit is sought, as the case may be, may affect operations within a gas storage area.
4. Any additional circumstances prescribed by the regulations made by the Minister.

##### **Exception**

(3) The regulations made by the Minister may provide for circumstances in which, despite the existence of the circumstances set out in paragraph 2 of subsection (2), an application does not require the input of the Board.

### **Mandatory referral**

(4) The Minister shall refer an application for a permit or to amend a permit that requires the Board's input to the Board as soon as possible after having identified the circumstances under subsection (2) requiring the Board's input but not before having found the application to be a complete application for the purposes of section 16.

### **Discretionary referral**

(5) The Minister may refer other applications relating to a research and evaluation permit or a storage permit to the Board if the Minister is of the opinion that the activities for which the permit is sought may affect operations within a gas storage area.

### **Report**

(6) The Board shall review the application and provide a report to the Minister on the potential impacts that approving the application could have on the operation of a gas storage area.

### **Hearing**

(7) The Board may hold a hearing before providing its report under subsection (6) and, if it decides to do so, the Minister and the applicant are entitled to be heard at the hearing.

### **Minister to follow report**

(8) If the Board's report does not recommend that the application be refused, the Minister may grant the application, in whole or in part, provided that the Minister follows any recommendations of the Board set out in its report, such as a recommendation to impose terms and conditions; if applicable to the application, the Minister may impose additional terms and conditions as long as they do not conflict with anything in the Board's report.

### **Same**

(9) If the Board's report recommends that the application be refused, the Minister shall refuse the application.

### **Referral to Tribunal**

**15** (1) Subject to subsection (2), the Minister may refer an application for a permit or an application for an amendment to a permit that would allow for the expansion of a carbon storage site to the Tribunal for the Tribunal's direction on the application or a specific aspect of the application if, after any notification and consultation procedures required by the regulations have been completed, parties identified in the Minister's referral have expressed concerns that, in the opinion of the Minister, remain unresolved.

### **Limitation**

(2) An application may only be referred to the Tribunal under subsection (1) if the Minister has determined that the application does not need to be referred to the Board under subsection 14 (4) or, if the application does need to be referred to the Board, once the Board has completed its review and provided its report to the Minister.

### **Hearing**

(3) The Tribunal may hold a hearing on the matter referred to it and, if it decides to do so, the Minister, the applicant and any parties identified in the Minister's referral as having expressed concerns that remain unresolved are entitled to be heard at the hearing.

### **Order**

(4) The Tribunal may, whether or not it has decided to hold a hearing, issue an order directing the Minister to,

- (a) in the case of an application for a permit, issue the permit, including with any terms or conditions the Tribunal considers appropriate, or refuse to issue the permit; or
- (b) in the case of an application to amend a permit, amend the permit and impose any terms or conditions on the permit as the Tribunal considers appropriate or refuse to amend the permit.

### **Terms and conditions**

(5) The Minister may impose additional terms and conditions on the permit or the amended permit as long as they do not conflict with any directions in the Tribunal's order.

### **Referral back to Minister**

(6) The Tribunal may, before it has issued an order, refer the matter back to the Minister to allow the Minister to make a decision on the application if the parties identified in the Minister's referral as having expressed concerns have withdrawn their concerns.

### **Completeness of applications**

**16** (1) An application for an authorization is a complete application for the purposes of this section if the applicant has,

- (a) complied with all the requirements of this Act and the regulations that apply to the application, including having provided all required information; and
- (b) provided any additional information that, in the Minister's opinion, is necessary for the Minister to be able to fully consider the application.

### **Same**

(2) The Minister is not required to consider an application for an authorization if the Minister determines that it does not constitute a complete application.

### **Additional information**

(3) Despite an application having been found by the Minister to constitute a complete application, the Minister may request additional information, documents or clarifications from an applicant in regard to any matters respecting the application, and the applicant shall promptly comply with the Minister's request.

### **Notice**

(4) If the Minister determines that an application for an authorization does not constitute a complete application, the Minister shall, in writing, inform the applicant of the decision along with the reasons for the decision.

### **Deemed withdrawal**

- (5) The Minister may deem an application that does not constitute a complete application to have been withdrawn if,
  - (a) the Minister has informed an applicant under subsection (4) that the application does not constitute a complete application; and
  - (b) the Minister is of the opinion that there has been no meaningful progress on the part of the applicant to address the application's deficiencies.

### **Notice of deemed withdrawal**

(6) If the Minister deems an application to have been withdrawn under subsection (5), the Minister shall, in writing, notify the applicant of the deemed withdrawal and the reasons for it.

### **Authorizations, period of validity**

**17** (1) Subject to subsection (2), an authorization is valid for the period of time set out in or determined in accordance with the regulations made by the Minister.

### **Changes to the period of validity**

(2) Subject to any restrictions set out in the regulations, the Minister may, by providing written notice to the authorization holder, abridge or extend the period of validity of an authorization.

### **Terms or conditions**

(3) When abridging or extending the period of validity of an authorization, the Minister may impose terms and conditions on the authorization with respect to the abridgement or extension.

### **Transfers**

**18** (1) An authorization may not be transferred except in accordance with this section or subsection 19 (2).

### **Transfer on consent**

(2) An authorization may be transferred if the Minister consents in writing to the transfer and any requirements prescribed by the regulations made by the Minister have been met.

### **Conditional consent**

(3) The Minister may make the consent conditional by specifying in writing the conditions that must be met before the consent is valid.

### **Revocation**

**19** (1) The Minister may, in accordance with the regulations made by the Minister, if any, revoke an authorization if,

- (a) the authorization holder has contravened this Act, the regulations or an order or authorization issued under this Act; or
- (b) the holder of the authorization is deemed to be incapable of acting within the meaning of subsection 1 (4).

### **Transfer order**

(2) The Minister may, in the circumstances referred to in clause (1) (b), order the transfer of the authorization to a specified person instead of revoking the authorization, subject to the regulations made by the Minister, if any.

## **Suspensions**

**20** (1) The Minister may suspend an authorization by giving written notice to the authorization holder if the authorization holder has contravened this Act, the regulations or an order or authorization issued under this Act and shall do so in accordance with the regulations made by the Minister, if any.

### **Effective immediately**

(2) A suspension is effective immediately once the authorization holder has received the notice and is not stayed by a request for a review by the Tribunal or the commencement of an appeal before the Tribunal.

### **Remedial action**

(3) The Minister shall set out in the notice under subsection (1) specific actions that the authorization holder is required to take or desist from taking and the time period within which the authorization holder must do so.

### **Lifting of suspension**

(4) If the authorization holder demonstrates compliance with the requirements of the notice to the satisfaction of the Minister, the Minister shall lift the suspension by providing the authorization holder with written notice that the suspension has been lifted.

### **Revocation**

(5) The Minister may revoke an authorization that has been suspended if,

- (a) the authorization holder has failed to comply with the requirements of the notice to the satisfaction of the Minister within the time period specified in the notice; and
- (b) the time period for requesting that the Tribunal review the suspension under clause 31 (1) (a) or for commencing an appeal of the suspension before the Tribunal under clause 31 (1) (b), as applicable, has expired and no review or appeal has been requested or commenced or, following a hearing in a review or appeal, the suspension remains in place.

### **Effect of suspension**

(6) If the authorization is a permit, the permit holder shall not, during the suspension, perform any research and evaluation activities or carbon storage activities authorized by the permit except as necessary to comply with the requirements of the notice under subsection (1).

### **Contents of notice**

(7) The notice under subsection (1) shall set out the following:

- 1. The reasons for the suspension.
- 2. The specific actions that the authorization holder is required to take or desist from taking.
- 3. A statement informing the authorization holder of the authorization holder's rights under subsection 31 (1).
- 4. A statement that the suspension will be lifted once the authorization holder has complied with the notice to the satisfaction of the Minister and that, if the authorization holder does not comply with the notice within the time period specified, the Minister may revoke the authorization, subject to the authorization holder requesting a review or commencing an appeal.
- 5. Any additional information prescribed by the regulations made by the Minister.

## **Regulations, Part III**

### **Lieutenant Governor in Council**

**21** (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing restrictions for the purposes of any of subsections 11 (3), 12 (1) and (6) and 17 (2);
- (b) prescribing public pore space that is excluded public pore space for the purposes of subsection 11 (4).

### **Minister**

(2) The Minister may make regulations,

- (a) respecting anything referred to in this Part as being prescribed or otherwise done by regulations made by the Minister;
- (b) prescribing classes of licences and permits and prescribing standard terms and conditions that apply to them;
- (c) governing applications in respect of authorizations, including setting out both substantive and procedural requirements for the issuance of authorizations;

- (d) governing the Minister's determination of whether an application is a complete application for the purposes of section 16 and the deeming of applications as having been withdrawn under that section, including specifying when there has been no meaningful progress for the purposes of clause 16 (5) (b);
- (e) governing the period of validity and renewal of authorizations, including setting out both substantive and procedural requirements for the renewal of authorizations, requiring the payment of fees for renewal applications and determining when applications for renewal must be received;
- (f) governing the transfer, suspension, revocation and surrender of authorizations;
- (g) governing the rights and obligations of former holders of expired, suspended or revoked authorizations.

#### **PART IV**

#### **OBLIGATIONS AND OPERATION AND CLOSURE OF CARBON STORAGE SITES**

##### **General obligations**

**22** Any person performing activities contemplated by this Act shall,

- (a) take every precaution reasonable in the circumstances to,
  - (i) ensure that the person's employees, agents, contractors and subcontractors comply with this Act and the regulations and any order or authorization issued under this Act, and
  - (ii) eliminate or mitigate hazards and prevent potential hazards to the public or the environment stemming from activities carried out, as authorized or required by this Act or the regulations, or any order or authorization issued under this Act; and
- (b) perform any activities authorized or required by this Act or the regulations or any order or authorization issued under this Act in a manner that protects public safety and the environment.

##### **Tribunal conferral of rights over lands re carbon storage sites**

##### **Definition**

**23** (1) In this section,

"land" includes any right or interest in the land.

##### **Order of Tribunal**

(2) On application by a permit holder, the Tribunal may, by order, confer on the permit holder the right to enter onto and use any lands in order to do any of the following in connection with the proper working of a carbon storage site:

1. Perform any monitoring, measurement or verification activities that are required under this Act, the regulations or an order or authorization issued under this Act.
2. Gather information, take measurements or perform assessments, including conducting or preparing surveys of land.
3. Prevent or mitigate a hazard to public safety or the environment.

##### **Patented or unpatented land**

(3) An order may be made in respect of any patented lands and unpatented lands.

##### **Limitation**

(4) An order may not confer the right to drill a well for the purposes of performing any of the activities referred to in subsection (2).

##### **Compensation**

(5) Rights shall not be conferred by the Tribunal under subsection (2) unless,

- (a) any injury or damage that would be caused by the exercise of those rights can be adequately compensated; and
- (b) the Tribunal is of the opinion that, in light of all the circumstances, it is reasonable to confer the right.

##### **Same**

(6) Any person who has sustained injury or damage to the person's land, rights or interests due to the conferral of a right under subsection (2) or the exercise of that right shall be compensated in accordance with the order conferring that right, but the permit holder exercising the right shall take reasonable steps not to cause any unnecessary injury or damage to the person's land, property, rights or interests.

##### **Contents of order**

(7) An order under subsection (2) shall fix the compensation to which a person is entitled under subsection (6) or set out a manner for determining that compensation and shall include the time period within which the compensation must be paid.

### **Same**

(8) The Tribunal may include in an order under subsection (2) any provisions that the Tribunal considers appropriate for securing the compensation to which a person is entitled under subsection (6) and for protecting the rights and interests of any person whose land, property, rights or interests may be affected by the conferral of a right under subsection (2) or the exercise of that right, including provisions requiring the applicant to make grants or concessions or to construct works or do anything for the person or the person's land or property or for the benefit of the person or the person's land or property.

### **Terms and conditions**

(9) The Tribunal may include in an order under subsection (2) any other terms and conditions that the Tribunal considers appropriate and may provide that the right only be conferred for a specified time period.

### **Content of application**

(10) An application for an order under subsection (2) shall include,

- (a) a clear statement of,
  - (i) the right or rights being applied for,
  - (ii) the land or property affected by the conferral or exercise of that right or those rights, and
  - (iii) to the extent that they can be ascertained, the owner or owners of that land or property;
- (b) a map or plan of the locality showing the land, including land covered by water, at issue;
- (c) detailed plans and specifications of the works or things proposed to be constructed or done; and
- (d) any additional information or documents prescribed by the regulations.

### **Additional information or documents**

(11) The Tribunal may require that an application include additional information or documents.

### **Order re preparation of materials**

(12) For the purposes of preparing any information or documents required for an application, the Tribunal may, by order, authorize the applicant and any person employed or retained by the applicant to enter onto the land of any other person and perform such examinations and take such measurements as may be necessary.

### **Application materials**

(13) Any information or documents included in an application may, with the approval of the Tribunal, be amended at any stage of the proceedings.

### **Notice to Minister**

(14) The applicant shall provide a copy of the application to the Minister no later than 10 days after submitting the application to the Tribunal.

### **Tribunal may change order**

(15) The Tribunal may, by subsequent order, supplement, vary or rescind a previous order under subsection (2).

### **Descriptions**

(16) An order under subsection (2) shall contain the legal descriptions of the lands affected by the order, and a plan or plans that clearly show the lands affected by the order shall be attached to the order.

### **Rights not to be exercised until after expiration of time for appeal**

(17) A person on whom a right is conferred under this section may only enter on land and exercise the right once the time period for appealing the order conferring the right has expired or, if an appeal is commenced, once the appeal is disposed of, subject to any further restriction on the exercise of the right set out in the order.

### **Obstruction**

(18) No person shall obstruct a person who is exercising a right granted under this section or wilfully contravene an order under this section.

### **Orders to cease carbon injection**

**24** (1) The Minister may order a permit holder to temporarily or permanently cease injecting carbon dioxide into a storage repository beginning on the effective date specified in the order if the Minister has reasonable grounds to believe that,

- (a) carbon dioxide is no longer being contained, or is at risk of ceasing to be contained, within the area of the storage repository identified in the permit holder's permit;

- (b) the permit holder has contravened, is contravening or will contravene this Act, the regulations or an order or permit issued under this Act;
- (c) a well, storage repository or ancillary work that forms part of the carbon storage site constitutes or is about to become a hazard to the public or the environment or is or is about to be used in a manner that constitutes a hazard to the public or the environment;
- (d) no carbon dioxide has been injected into the storage repository for the time period prescribed by the regulations made by the Minister; or
- (e) any other circumstances prescribed by the regulations made by the Minister exist.

#### **Contents of order**

- (2) An order under subsection (1) shall,
  - (a) specify the reasons for which the order was issued and a description of the grounds on which the Minister relied in making the order;
  - (b) indicate the effective date of the order; and
  - (c) include any additional information prescribed by the regulations made by the Minister.

#### **Closure order**

- (3) The Minister may, while an order issued under subsection (1) is still in effect, order the permit holder to close any carbon storage site as of the date specified in the order if,
  - (a) remedial work to remedy the issue that led to the issuance of the order or to prevent the circumstances that led to the issuance of the order from recurring, or to do both, has not been carried out within the time period specified in the order;
  - (b) despite remedial work referred to in clause (a) having been carried out, it has not adequately addressed the issue that led to the issuance of the order or will not adequately prevent the circumstances that led to the issuance of the order from recurring; or
  - (c) as of the effective date, no carbon dioxide had been injected into the storage repository for, at a minimum, the time period prescribed by the regulations made by the Minister.

#### **Combined order**

- (4) A single order issued under subsections (1) and (3) may both require carbon dioxide to permanently cease to be injected into a storage repository and the closure of the carbon storage site as of a specified date, provided that,
  - (a) the order is being issued under clauses (1) (d) and (3) (c); or
  - (b) the Minister is of the opinion that no remedial work would adequately address the issue leading to the issuance of the order to cease injecting carbon dioxide into the storage repository or prevent the circumstances leading to the issuance of that order from recurring.

#### **Terms and conditions of closure order**

- (5) An order issued under this section may set out such terms and conditions as the Minister considers advisable, including specific requirements regarding the closure of the carbon storage site.

#### **Revocation of order**

- (6) The Minister may amend or revoke an order issued under this section at any time.

#### **Closure of a carbon storage site**

**25** (1) A permit holder shall not close a carbon storage site unless the conditions prescribed by the regulations made by the Minister have been met and the permit holder has obtained the written approval of the Minister.

#### **Same, closure without approval**

- (2) Despite subsection (1), a permit holder may close a carbon storage site without the written approval of the Minister in the circumstances set out in the regulations made by the Minister.

#### **Closure ordered by Minister**

- (3) Subsection (1) does not apply when the Minister has ordered the closure of the carbon storage site under subsection 24 (3).

#### **Conditional approval**

- (4) The Minister may make the approval conditional by specifying in writing the conditions that must be met before the approval is valid.

### **Closure obligations**

(5) A permit holder who is required to close a carbon storage or who wishes to close a carbon storage site and is permitted to do so under this section shall,

- (a) decommission all wells, storage repositories and ancillary works that make up the carbon storage site, in accordance with this Act, the regulations made by the Minister, the permit holder's permit and, if applicable, the conditions of the approval or the order to close the carbon storage site;
- (b) remediate and restore the lands used for the carbon storage site in accordance with the regulations made by the Minister, the permit holder's permit and, if applicable, the conditions of the approval or the order to close the carbon storage site;
- (c) for the duration of the time period prescribed by the regulations made by the Minister, continue to manage the carbon storage site in accordance with this Act, the regulations made by the Minister and any applicable orders or authorizations issued under this Act;
- (d) perform the notification and consultation activities and procedures as set out in the regulations made by the Minister;
- (e) satisfy any other conditions of the approval or order to close the carbon storage site, if applicable; and
- (f) satisfy any other requirements relating to the closure of the carbon storage site that are set out in any authorization issued in relation to the carbon storage site or in the regulations made by the Minister.

### **Closure certificate and transfer of liabilities**

**26** (1) A storage permit holder is eligible to request from the Minister a closure certificate for a carbon storage site once all of the following have occurred:

- 1. The storage permit holder has obtained the Minister's approval to close the carbon storage site or has been issued an order to close the carbon storage site or, if the permit holder is permitted to close the carbon storage site under subsection 25 (2), any actions or steps prescribed by the regulations made by the Minister have been completed.
- 2. The storage permit holder has satisfied the requirements of section 25.
- 3. The time period mentioned in clause 25 (5) (c) has elapsed.

### **Issuance of certificate**

(2) The Minister shall issue a closure certificate to a storage permit holder who is eligible to request one and who applies for it in accordance with the regulations made by the Minister if,

- (a) the Minister is satisfied that the carbon dioxide stored within a storage repository is behaving in a stable and predictable manner and that there is no significant risk of future leakage of the carbon dioxide; and
- (b) any conditions prescribed by the regulations have been met and any circumstances prescribed by the regulations exist.

### **Assumption of liability post-closure**

(3) Subject to any restrictions or exceptions set out in the regulations or in the closure certificate, upon its issuance, the Crown,

- (a) assumes all obligations of the holder of the storage permit for the carbon storage site with respect to the wells, storage repositories and ancillary works making up the carbon storage site for which the certificate was issued;
- (b) becomes the owner of the wells and ancillary works making up the carbon storage site for which the certificate was issued, but free and clear of all interests, charges and liens, and assumes responsibility for operating them; and
- (c) assumes any rights, duties or obligations prescribed by the regulations.

### **Same**

(4) The closure certificate shall set out the specific rights, duties or obligations assumed by the Crown, including any restrictions or exceptions set out in the regulations.

### **Revocation of closure certificate**

(5) The Minister may revoke a closure certificate at any time if the Minister is of the opinion that the person to whom it was issued failed to disclose or misrepresented a material fact when requesting the closure certificate.

### **Reversion**

(6) If a closure certificate is revoked under subsection (5), the rights that vested in and the duties and obligations assumed by the Crown in accordance with the closure certificate revert to the person whose closure certificate was revoked.

### **Assumption of rights etc., before issuance of closure certificate**

(7) In the absence of a closure certificate, the Crown may, in accordance with the regulations, assume any or all of the rights, duties or obligations referred to in subsection (3) if,

- (a) the storage permit holder for the site is deemed incapable of acting within the meaning of subsection 1 (4); or
- (b) the Minister revokes a carbon storage permit in accordance with subsection 19 (1) or 20 (5).

#### **Insurance coverage**

**27** An authorization holder shall obtain and maintain insurance coverage as required by the regulations and, if requested by the Minister, shall provide proof of insurance coverage to the Ministry of the Minister within 10 days after having received the request.

#### **Provision of information**

**28** (1) An authorization holder or former authorization holder shall provide to the Minister, upon the Minister's written request, any information related to an authorization or any activities conducted under the authority of an authorization in the custody or under the control of the authorization holder or former authorization holder.

#### **Same**

(2) Any other person who has in their custody or under their control any information referred to in subsection (1) shall, upon the Minister's written request, provide the information to the Minister.

### **Regulations, Part IV**

#### **Lieutenant Governor in Council**

**29** (1) The Lieutenant Governor in Council may make regulations,

- (a) governing orders of the Tribunal under section 23, including prescribing information and documents for the purposes of clause 23 (10) (d) and requiring that the orders be registered on title to the lands affected by the order;
- (b) prescribing conditions and circumstances for the purposes of clause 26 (2) (b);
- (c) prescribing restrictions or exceptions for the purposes of subsection 26 (3);
- (d) prescribing rights, duties and obligations for the purposes of clause 26 (3) (c) and governing those rights, duties and obligations, including providing that the Crown assumes specified rights, duties and obligations prescribed for the purposes of that clause in respect of previously issued closure certificates;
- (e) governing the reversion of rights, duties and obligations following the revocation of a closure certificate under subsection 26 (5);
- (f) governing the assumption of rights, duties and obligations in the absence of a closure certificate by application of subsection 26 (7);
- (g) governing the insurance coverage that authorization holders are required to obtain and maintain under section 27.

#### **Minister**

(2) The Minister may make regulations,

- (a) respecting anything referred to in this Part as being prescribed or otherwise done by regulations made by the Minister;
- (b) governing the construction, use, maintenance and decommissioning of wells, storage repositories and ancillary works and any other activities on or in a well, storage repository or ancillary work;
- (c) governing the remediation and restoration of land used in association with a carbon storage site;
- (d) regulating the location and spacing of wells;
- (e) prohibiting the drilling of wells in specified areas and storage repositories;
- (f) requiring authorization holders to preserve drilling and production samples and cores and to provide those samples and cores to specified persons;
- (g) requiring authorization holders to pay any sample or core processing fees charged by persons to whom the authorization holder is required to provide the samples or cores;
- (h) governing the preparation and maintenance of records by authorization holders and former authorization holders, including,
  - (i) requiring them to prepare and maintain specified records or reports, take samples, conduct tests or make surveys and prepare and maintain records of any such samples, tests and surveys, including requiring them to do so at the request of the Ministry of the Minister,
  - (ii) requiring them to provide anything referred to in subclause (i) to the Ministry of the Minister or to the public and to do so in the form or manner specified by the Minister;

- (i) requiring authorization holders that are corporations to notify the Ministry of the Minister of specified changes affecting the corporation, such as a change to the corporation's officers or directors, the bankruptcy of the corporation or its dissolution;
- (j) requiring authorization holders to provide information or reports to municipalities.

## **PART V**

### **REVIEWS AND APPEALS BEFORE TRIBUNAL**

#### **Notices of proposal**

**30** (1) Subject to subsections (4) and (5), the Minister shall provide an applicant for an authorization or an authorization holder, as the case may be, with written notice if the Minister proposes to,

- (a) impose terms and conditions on an authorization, other than any standard terms and conditions required by the regulations made under clause 21 (2) (b), or refuse to issue an authorization;
- (b) amend an authorization at the Minister's discretion;
- (c) refuse, in whole or in part, an application to amend an authorization;
- (d) refuse to consent to the transfer of an authorization;
- (e) add terms or conditions to the consent to transfer an authorization;
- (f) revoke an authorization;
- (g) issue or amend an order to temporarily or permanently cease injection into a storage repository or to close a carbon storage site; or
- (h) add conditions to an approval to close a carbon storage site under subsection 25 (4).

#### **Restriction on carrying out proposal**

(2) The Minister may only carry out the proposal,

- (a) if the person who receives the notice of proposal under subsection (1) does not commence a review or appeal within the time period required under subsection 31 (2) or provides written notice to the Minister that the person waives any right to a review or appeal; or
- (b) as provided for in sections 32 or 33, if a review or appeal is commenced by the person who receives the notice of proposal under subsection (1).

#### **Contents of notice**

(3) The notice required under subsection (1) shall,

- (a) provide a description of the proposal and reasons in support of the proposal;
- (b) inform the recipient of the recipient's rights under section 31; and
- (c) include any additional information prescribed by the regulations made by the Minister.

#### **Notice of proposal not required**

(4) The Minister may carry out a decision referred to in subsection (1) without giving a notice of proposal under that subsection in any of the following circumstances:

1. The applicant or authorization holder is deemed incapable of acting within the meaning of subsection 1 (4) and, if the authorization holder is a deceased individual, no person has been issued a certificate of appointment of estate trustee in relation to the estate and more than a year has passed since the date of the death.
2. Such circumstances as may be prescribed by the regulations.

#### **Same, decisions following OEB report or Tribunal order**

(5) In the case of a decision of the Minister under section 14 or 15, the Minister may carry out the decision without giving a notice of proposal, with the exception of any aspect of the decision that is not done on the recommendation of the Ontario Energy Board or as ordered by the Tribunal, and a notice of proposal must be given under this section for those aspects of the decision.

#### **Reviews and appeals**

**31** (1) A person who receives a notice of proposal under subsection 30 (1) or a notice of suspension under subsection 20 (1) may,

- (a) have the Tribunal review the proposal, including any specific aspect of the proposal, if the notice relates to,

- (i) a research and evaluation licence, or
- (ii) a storage licence; or
- (b) appeal the proposal, including any specific aspect of the proposal, to the Tribunal if the notice relates to,
  - (i) a research and evaluation permit,
  - (ii) a storage permit,
  - (iii) an order to temporarily or permanently cease injection of carbon dioxide into a storage repository,
  - (iv) a conditional approval under subsection 25 (4), or
  - (v) an order to close a carbon storage site.

### **Procedure**

(2) In order to commence a review or appeal, a person who receives a notice referred to in subsection 30 (1) or subsection 20 (1) must provide a written notice setting out the grounds for the review or appeal and any other information prescribed by the regulations made by the Minister to the Tribunal and the Minister within 30 days after having received the notice.

### **Hearing**

(3) The Tribunal shall hold a hearing into the proposal, and the Minister and the person who commenced the review or appeal are entitled to be heard at the hearing.

### **Disposition of review, licences**

**32** (1) After holding a hearing into a notice that is subject to review under clause 31 (1) (a), the Tribunal shall provide a report to the Minister with its recommendations on the proposal and, within 10 days after submitting its report to the Minister, send a copy of the report to the person who had commenced the review.

### **Minister's decision**

(2) After considering the Tribunal's report, the Minister shall decide whether or not to carry out the proposal and shall give written notice of the decision and the reasons for it to the person who had commenced the review, after which the Minister may carry out the proposal.

### **Same**

(3) For greater certainty, the Minister may carry out the proposal, with any changes to the proposal that the Minister considers appropriate, even if doing so is inconsistent with the recommendations of the Tribunal.

### **Decision**

(4) The Minister's decision under subsection (2) is final.

### **Disposition of appeal, permits**

- 33** (1) After holding a hearing into a notice that is subject to appeal under clause 31 (1) (b), the Tribunal may issue an order,
- (a) in the case of a notice of proposal,
    - (i) directing the Minister to carry out the proposal as set out in the notice,
    - (ii) directing the Minister not to carry out the proposal as set out in the notice, or
    - (iii) directing the Minister to take such other action that the Minister is authorized to take under this Act and that the Tribunal considers appropriate; or
  - (b) in the case of a notice of suspension,
    - (i) confirming or rescinding the suspension, or
    - (ii) confirming the suspension but modifying its terms, including by requiring the permit holder to take or desist from taking additional or different actions within the time period specified by the Tribunal in order for the suspension to be lifted.

### **Minister to carry out direction**

(2) The Minister shall comply with an order of the Tribunal issued under subsection (1) within 30 days after having received it.

### **Decision final**

(3) The Minister's decision, as directed by the Tribunal, is final.

## **Regulations, Part V**

### **Lieutenant Governor in Council**

**34** (1) The Lieutenant Governor in council may make regulations prescribing additional circumstances for the purposes of paragraph 2 of subsection 30 (4).

### **Minister**

(2) The Minister may make regulations respecting anything referred to in this Part as being prescribed or otherwise done by regulations made by the Minister.

## **PART VI ENFORCEMENT**

### **Definitions**

**35** In this Part,

“enforcement officer” means an enforcement officer under section 49; (“agent d’exécution”)

“inspector” means an inspector under section 37; (“inspecteur”)

“justice” means a provincial judge or a justice of the peace; (“juge”)

“vehicle” means any kind of vehicle that is driven, propelled or drawn on land or ice by any kind of power, including muscular power, and includes the rolling stock of a railway. (“véhicule”)

### **Review by third party**

**36** (1) Subject to any restrictions set out in the regulations, the Minister may order an authorization holder to retain an independent third party approved by the Minister to conduct a review of the authorization holder’s compliance with this Act, the regulations or any orders or authorizations issued under this Act.

### **Regulations**

(2) The independent third party shall be retained and the review shall be conducted in accordance with the regulations.

### **Report to the Ministry**

(3) The independent third party conducting the review shall, in accordance with the regulations, prepare a report on the review and provide it to the Minister and to the authorization holder.

### **Costs**

(4) Except as otherwise provided by the regulations, the cost of a review under this section shall be paid by the authorization holder in accordance with the regulations.

### **Report**

(5) The authorization holder shall take all steps necessary to address any non-compliance identified by the independent third party and to implement any recommendations set out in the report.

### **Inspectors, appointment**

**37** (1) The Minister may appoint a person or designate a class of persons as inspectors for the purposes of this Act and the regulations.

### **Inspectors by virtue of office**

(2) Enforcement officers are inspectors for the purposes of this Act by virtue of their office.

### **Production of identification**

(3) An inspector acting under this Act shall, on request, produce identification.

### **Inspection to determine compliance**

**38** (1) An inspector may enter and inspect any land, building or other place without a warrant and without the consent of the owner or occupier if the inspector has reasonable grounds to believe that doing so would assist in determining compliance with,

- (a) this Act or the regulations;
- (b) an authorization;
- (c) an approval to close a carbon storage site; or
- (d) an order made by an inspector, the Minister, the Tribunal or a court under this Act.

### **Powers during inspection**

- (2) In carrying out an inspection, an inspector may,
- (a) authorize any other person acting under the inspector's direction to enter the land, building or other place, with or without the inspector, for the purpose of assisting the inspector;
  - (b) be accompanied by any person, at the request of the inspector, who has special or expert knowledge of any matter in relation to a carbon storage site or the handling or use of a well, storage repository or ancillary work or a part of a well, storage repository or ancillary work;
  - (c) at any time occupy, use or take control of a well, storage repository or ancillary work making up a carbon storage site;
  - (d) require the production of any drawing or specification of any component of a carbon storage site or of any authorization, record or report;
  - (e) inspect any drawing, specification, authorization, record or report produced under clause (d);
  - (f) require information from any person concerning any matter related to a carbon storage site or the handling and use of any well, storage repository or ancillary work making up a carbon storage site;
  - (g) require the authorization holder or an employee, agent, contractor or subcontractor of the authorization holder to make such examinations, tests or inquiries as may be relevant to the inspection and to report to the inspector on the examinations, tests and inquiries in such form as the inspector may specify;
  - (h) alone, or in conjunction with such other persons possessing special or expert knowledge, make such examinations, tests or inquiries as may be relevant to the inspection and for such purpose take or remove any material or substance, provided that, before the material or substance is taken or removed, the inspector gives as much notice as reasonably possible to the authorization holder that the material or substance will be taken or removed;
  - (i) access any computer system or other device that contains or is able to retrieve information or require that the computer or device be accessed, for the purpose of examining information contained in or available to the computer system or other device that may be relevant to the inspection, and produce a printout or other output from the computer system or other device of information that is relevant to the inspection or require that such an output be produced;
  - (j) make copies of any documents inspected or produced during the inspection that may be relevant to the inspection; or
  - (k) remove any documents or things that may be relevant to the inspection for the purpose of making copies or of further inspection, but the copying or further inspection shall be promptly carried out and the documents or things shall be promptly returned to the person from whom they were taken.

### **Dwellings**

- (3) Subsection (1) and clause (2) (a) do not authorize an inspector or a person acting under an inspector's direction to enter a building or a part of a building that is being used as a dwelling unless the occupier of the dwelling consents to the entry.

### **Warrant for dwelling**

- (4) On application without notice, a justice may issue a warrant authorizing an inspector to enter and inspect a building or a part of a building that is being used as a dwelling if the justice is satisfied by information under oath or affirmation that there are reasonable grounds to believe that,

- (a) an inspection under this section is required for the purpose set out in subsection (1); and
- (b) entry has been refused or is likely to be refused.

### **Same, application for warrant**

- (5) An application under subsection (4) shall specify that the warrant is to enter and inspect a building or a part of a building that is being used as a dwelling.

### **Police assistance**

- (6) A warrant issued under this section authorizes the inspector named in the warrant to call upon police officers as necessary to execute the warrant.

### **Duty to assist**

- (7) It is the duty of every police officer called to render assistance under subsection (6) to render the assistance.

### **Conditions**

- (8) A warrant is subject to such conditions as may be specified in the warrant.

### **Time of entry**

(9) An entry under subsection (1) shall be made at a time that is reasonable in view of the activity that is conducted on the land or in the building or other place.

### **Stopping vehicles and boats to inspect**

**39** (1) An inspector may stop a vehicle or a boat if the inspector has reasonable grounds to believe that stopping the vehicle or boat would assist in determining compliance with,

- (a) this Act or the regulations;
- (b) an authorization;
- (c) an approval to close a carbon storage site; or
- (d) a provision of an order made by an inspector, the Minister, the Tribunal or a court under this Act.

### **Operator to stop**

(2) On the inspector's signal to stop, the operator of the vehicle or boat shall immediately stop and produce for inspection a document or any thing requested by the inspector that is relevant to the purpose for which the vehicle or boat was stopped.

### **Stop signals**

(3) For the purpose of subsection (2), signals to stop include,

- (a) a hand signal to stop made by the inspector;
- (b) if the inspector is in a vehicle, intermittent flashes of red light or red and blue light; and
- (c) if the inspector is in a boat, intermittent flashes of blue light.

### **Assisting inspector**

**40** A person shall give all reasonable assistance to an inspector conducting an inspection and shall provide any information requested by the inspector that is relevant to the inspection.

### **Obstruction of inspector**

**41** No person shall,

- (a) knowingly make a false or misleading statement to an inspector who is acting under this Act;
- (b) refuse to furnish information required by an inspector who is acting under this Act; or
- (c) otherwise obstruct an inspector who is acting under this Act.

### **Orders by inspectors where non-compliance**

**42** (1) If an inspector has reasonable grounds to believe that a person is contravening, has contravened or is about to contravene any provision of this Act or the regulations, a term or condition of an authorization or any provision of an order issued under this Act, the inspector may give to the person whom the inspector believes to be the contravener or the person's supervisor, or to both, an order directing compliance with the provision, term or condition and may require the order to be carried out immediately or within a time period specified by the inspector.

### **Notice to authorization holder**

(2) If the order is not given to an authorization holder under subsection (1), the inspector shall provide a copy of the order to the relevant authorization holder.

### **Contents of order**

(3) An order under subsection (1) shall,

- (a) be made in writing;
- (b) state the reasons for the order, including specifying the provision, terms or conditions that the inspector believes are, have been or are about to be contravened;
- (c) specify what the person is required to do to remedy the contravention or keep it from recurring;
- (d) specify the time period within which the person must comply with the order;
- (e) indicate the date on which it was issued;
- (f) state that the person may appeal the order to the Minister under subsection 47 (1); and
- (g) include any additional information prescribed by the regulations.

### **Order re preventative measures**

**43** (1) If an inspector has reasonable grounds to believe that a carbon storage site or any well, storage repository or ancillary work that makes up the carbon storage site constitutes a hazard to the public or to the environment or is about to become a hazard to the public or to the environment, the inspector may, in writing, order the holder of the permit under whose authority the carbon storage site is operated to do any of the following with respect to the carbon storage site or any well, storage repository or ancillary work that makes up the carbon storage site:

1. To assess the potential hazard or to decrease or eliminate the likelihood of the hazard occurring or recurring and to make a written report to the inspector on the actions taken.
2. To develop a plan or procedure to assess the potential hazard or to decrease or eliminate the likelihood of the hazard occurring or recurring, to implement the plan or procedure and to provide to the inspector a copy of the plan or procedure and a written report on the actions taken to implement the plan or procedure.
3. To ensure the appropriate equipment, material and personnel are available to assess the potential hazard or to decrease or eliminate the likelihood of the hazard occurring and to make a written report to the inspector on the actions taken.
4. To test for or to monitor and record the potential presence of the hazard and to report the findings, in writing, to the inspector.
5. To take or desist from taking any other action prescribed by the regulations.

### **Plan or procedure**

(2) A permit holder who has been ordered to develop a plan or procedure under paragraph 2 of subsection (1) shall, in accordance with the regulations, develop and implement the plan or procedure and shall revise the plan or procedure as required by the regulations.

### **Order to decommission a well or ancillary work**

**44** An inspector may, in writing, order a permit holder to decommission a well or ancillary work within a time period that the inspector considers appropriate if the inspector is of the opinion that the well or ancillary work represents a hazard to the public or to the environment.

### **Direction that ancillary work etc., not be used**

**45** An order under section 42, 43 or 44 may include in the order a direction that,

- (a) a well, storage repository or ancillary work not be used until the order is complied with; or
- (b) an activity permitted by an authorization not be performed.

### **Affixing tags**

**46** (1) An inspector may affix a tag to a well or ancillary work if,

- (a) the inspector has issued an order under section 42, 43 or 44 that relates to the well or ancillary work;
- (b) the Minister has issued an order to close a carbon storage site and the well or ancillary work makes up a part of the site; or
- (c) the well or ancillary work may not be used because of an order to temporarily or permanently cease injecting carbon dioxide.

### **Notification**

(2) An inspector who affixes a tag to a well or ancillary work shall notify, in writing, the relevant permit holder and any person found operating the well or ancillary work at the time at which the tag is affixed of the fact that the tag has been affixed to the well or ancillary work.

### **Use of tagged well or ancillary work**

(3) If a tag is affixed to a well or ancillary work, no person shall,

- (a) use the well or ancillary work; or
- (b) knowingly remove any substance from, or supply any substance to, the well or ancillary work.

### **No removal of tag**

(4) No person, other than an inspector, shall remove a tag affixed to a well or ancillary work.

### **Appeal from inspector's order**

**47** (1) Any person to whom an order of an inspector has been issued may appeal the order to the Minister within 30 days after the order is made by giving the Minister a written notice setting out the grounds for the appeal and paying any fee established by the Minister.

**Minister's designee**

- (2) The Minister may designate, as the Minister's designee for the purpose of disposing of an appeal under this section,
- (a) a single individual;
  - (b) a panel of three individuals or such greater odd number of individuals, who shall act by majority vote; or
  - (c) the Tribunal.

**Appeal body**

(3) For the purposes of this section, a reference to the appeal body is a reference to the Minister or, if the Minister makes a designation under subsection (2), to whoever the Minister has designated under that subsection to dispose of the appeal.

**Application of *Statutory Powers Procedure Act***

(4) The *Statutory Powers Procedure Act* does not apply to appeals of an inspector's order under this section, unless the Minister designates the Tribunal under subsection (2), in which case that Act applies to the appeal and subsections (5) to (8) do not apply to the appeal.

**Dismissal of appeal without hearing**

- (5) The appeal body may dismiss an appeal under this section without a hearing if,
- (a) the appeal is frivolous or vexatious or is commenced in bad faith; or
  - (b) the appellant has not complied with subsection (1) in commencing the appeal.

**Notice**

- (6) Before dismissing the appeal without a hearing, the appeal body shall give the appellant a written notice that,
- (a) states that the appeal body intends to dismiss the appeal;
  - (b) sets out the reasons for the dismissal; and
  - (c) notifies the appellant of the appellant's right to make written submissions with respect to the dismissal within the time period specified in the notice.

**Right to make submissions**

(7) An appellant who receives a notice may make written submissions to the appeal body with respect to the dismissal within the time period specified in the notice.

**Dismissal**

(8) The appeal body shall not dismiss the appeal until the appeal body has given notice of its intent to dismiss the appeal and considered the submissions, if any, made by the appellant.

**Powers after hearing**

- (9) If the appeal body hears the appeal, the appeal body may substitute the appeal body's findings or opinions for those of the inspector who made the order appealed from, and may,
- (a) make an order rescinding the inspector's order;
  - (b) make an order affirming the inspector's order; or
  - (c) make a new order in substitution for the inspector's order.

**Appeal body's order**

(10) The appeal body's order under subsection (9) stands in place of and has the same effect as the inspector's order and, for all purposes of this Act, shall be considered to be an order of the inspector.

**Stay of orders pending appeal**

(11) Subject to subsection (12), the bringing of an appeal under this section does not affect the operation of the order appealed from pending disposition of the appeal.

**Stay, decommissioning orders**

(12) The bringing of an appeal stays an order to decommission a well, storage repository or ancillary work pending disposition of the appeal.

**Ministerial action re carbon storage site**

**48** (1) The Minister may direct that any action be taken to prevent or eliminate a hazard to the public or the environment that has resulted from or is likely to result from a contravention under this Act in respect of which an inspector's order has been

issued if the contravention relates to a carbon storage site or any well, storage repository or ancillary work that makes up the carbon storage site and if,

- (a) the authorization holder is deemed incapable of acting within the meaning of subsection 1 (4); and
- (b) the Minister has reasonable grounds to believe that the action would prevent or eliminate the hazard.

#### **Entry onto land**

(2) A person acting under the direction of the Minister may enter onto the land on which a well, storage repository or ancillary work is located or onto adjacent land without a warrant under subsection (4) if,

- (a) the entry is made with the consent of an occupier or owner of the land; or
- (b) the Minister has reasonable grounds to believe that the delay necessary to obtain a warrant under subsection (4) would,
  - (i) endanger the health or safety of any person, or
  - (ii) result in damage to the environment or serious risk of damage to the environment.

#### **Dwellings**

(3) Subsection (2) does not authorize a person acting under the direction of the Minister to enter a building or a part of a building that is being used as a dwelling unless the occupier of the dwelling consents to the entry.

#### **Warrants authorizing entry**

(4) On application without notice, a justice may issue a warrant authorizing a person acting under the direction of the Minister to enter onto land referred to in subsection (2) and to enter and inspect a building or a part of a building that is being used as a dwelling if the justice is satisfied by information under oath or affirmation that there are reasonable grounds to believe that,

- (a) the entry is necessary to comply with the Minister's direction; and
- (b) consent to the entry has been refused or is likely to be refused.

#### **Content of warrant**

(5) A warrant issued under subsection (4) shall,

- (a) specify the times during which the warrant may be carried out;
- (b) specify that the warrant is to enter a building or a part of a building that is used as a dwelling, if applicable; and
- (c) state when the warrant expires.

#### **Renewal**

(6) Before or after the warrant expires, a justice may renew the warrant for such additional periods as the justice considers necessary.

#### **Use of force**

(7) A person acting under the direction of the Minister and authorized to enter onto land under subsection (2) or under a warrant referred to in subsection (4) may use reasonable force if necessary to enter onto the land and carry out the Minister's direction, provided that the person is a police officer or an enforcement officer or is accompanied by a police officer or an enforcement officer.

#### **Police assistance**

(8) A warrant issued under this section authorizes the inspector named in the warrant to call upon police officers as necessary to execute the warrant.

#### **Duty to assist**

(9) It is the duty of every police officer called to render assistance under subsection (8) to render the assistance.

#### **Recovery of costs**

(10) The Minister may recover the costs of any action taken in accordance with the Minister's direction by doing one or both of the following:

1. Requiring, by written notice, that payment be made to the Minister of Finance by,
  - i. the authorization holder, or
  - ii. if the authorization holder is a deceased individual, the deceased's estate.
2. Applying any security provided under this Act in relation to the carbon storage site to some or all of the costs.

### **Replenishment of security**

(11) If any portion of the security is applied to the costs under subsection (10), any person referred to in paragraph 1 of that subsection shall, at the written request of the Minister, replenish the security account by the amount applied.

### **Payment**

(12) A person who has been requested to make a payment under subsection (10) or replenish a security under subsection (11) shall do so within 30 days after having received the written notice or request.

### **Enforcement officers**

**49** (1) The Minister may appoint persons or designate a class of persons as enforcement officers for the purposes of this Act and the regulations.

### **Enforcement officers by virtue of office**

(2) For the purposes of this Act and the regulations, a conservation officer appointed under subsection 87 (1) of the *Fish and Wildlife Conservation Act, 1997* or of a class of persons appointed as conservation officers under that subsection as well as any other persons prescribed by the regulations or of a class of persons prescribed by the regulations are enforcement officers by virtue of their office.

### **Production of identification**

(3) An enforcement officer acting under this Act shall, on request, produce identification.

### **Warrants re offences**

**50** (1) An enforcement officer may obtain a search warrant under Part VIII of the *Provincial Offences Act*.

### **Warrantless searches re offences**

(2) If an enforcement officer believes on reasonable grounds that there is in a building or other place or in a vehicle or boat anything that will afford evidence of an offence under this Act but that the time required to obtain a search warrant would lead to the loss, removal or destruction of the evidence, the enforcement officer may, without a search warrant, enter and search the building or other place or the vehicle or boat.

### **Dwellings**

(3) Subsection (2) does not apply to a building or a part of a building that is being used as a dwelling unless the occupier of the dwelling consents to the entry.

### **Computers, etc.**

(4) An enforcement officer who is conducting a search that is authorized by a search warrant or by subsection (2) may,

- (a) access any computer system or other device that contains or is able to retrieve information or require that the computer system or other device be accessed for the purpose of examining information contained in or available to the computer system or other device; and
- (b) produce or require the production of a printout or other output from the computer system or other device.

### **Warrant to conduct tests**

(5) On application without notice, a justice may issue a warrant authorizing an enforcement officer to use any investigative technique or procedure or to take any action described in the warrant if the justice is satisfied by information under oath or affirmation that there are reasonable grounds to believe that an offence under this Act has been or is being committed and that evidence concerning the offence will be obtained by taking the action or through the use of the technique or procedure.

### **Assistance**

(6) A warrant referred to in subsection (1) or (5) may authorize any person specified in the warrant to accompany and assist the enforcement officer in the execution of the warrant.

### **Terms and conditions of warrant**

(7) A warrant referred to in subsection (1) or (5) shall authorize the enforcement officer to enter and search the building or other place for which the warrant was issued and, without limiting the powers of the justice under subsection (1) or (5), the warrant may, in respect of the alleged offence, authorize the enforcement officer to conduct any tests, take any measurements, take any specimens or samples, set up any equipment, make any excavations and make any photographic or other records that may be relevant to the search.

### **Duration**

(8) A warrant issued under subsection (5) is valid for 30 days or for such shorter period as may be specified in it.

### **Further warrants**

(9) A justice may issue further warrants under Part VIII of the *Provincial Offences Act* or subsection (5).

### **Production orders**

**51** (1) On application without notice, a justice may issue an order to a person, other than a person under investigation for an offence, requiring the person to do any of the following:

1. Produce documents or copies of documents certified to be true copies.
2. Produce data.
3. Prepare a document based on documents or data already in existence and produce it.

### **Content of order**

(2) An order shall require the document or data to be produced within the time period, at the place and in the form specified in the order and require that it be given to an enforcement officer named in the order.

### **Grounds for order**

(3) A justice may make an order if satisfied by information given under oath or affirmation that there are reasonable grounds to believe that,

- (a) an offence under this Act has been or is being committed;
- (b) the document or data will provide evidence respecting the offence; and
- (c) the person who is subject to the order has possession or control of the document or data.

### **Conditions**

(4) An order under subsection (1) may contain such conditions as the justice considers advisable.

### **Evidence**

(5) A copy of a document produced under this section, that is certified to be a true copy, is admissible in evidence in proceedings under this Act and has the same probative force as the original document would have if it had been proved in the ordinary way.

### **No return of copies**

(6) Copies of documents produced under this section are not required to be returned to the person who provided them.

### **Seizure and forfeiture**

**52** (1) An enforcement officer who is lawfully in a building or other place may, without a warrant, seize any thing in plain view if the enforcement officer believes on reasonable grounds that it,

- (a) has been used in the commission of an offence under this Act;
- (b) will afford evidence of the commission of an offence under this Act; or
- (c) is intermixed with a thing referred to in clause (a) or (b).

### **Presence pursuant to warrant**

(2) If an enforcement officer is in the building or other place pursuant to a warrant, subsection (1) applies to any thing, whether or not it is specified in the warrant.

### **Safekeeping**

(3) Subject to subsections (4) and (5), an enforcement officer shall deliver any thing that the enforcement officer seizes to a person authorized by the Minister for safekeeping.

### **Leaving with occupant**

(4) Subject to subsection (5), an enforcement officer may leave a thing that the enforcement officer has seized in the custody of the occupant of the building or other place in which it was seized, in which case the occupant shall safeguard the thing until,

- (a) an enforcement officer removes the thing;
- (b) the occupant is notified by an enforcement officer that the investigation has concluded and that a charge will not be laid;  
or
- (c) if a charge is laid, the defendant is acquitted or the charge is dismissed, withdrawn or is finally disposed of.

### **Thing delivered to justice**

(5) Subsections (3) and (4) do not apply to a thing that is required to be delivered to a justice by a search warrant issued under Part VIII of the *Provincial Offences Act*.

**Return of seized things**

(6) Anything seized but not forfeited to the Crown under this section shall be returned to the person from whom it was seized if,

- (a) a charge is not laid at the conclusion of the investigation; or
- (b) a charge is laid but, when the prosecution is finally disposed of, the defendant is acquitted or the charge is dismissed or withdrawn.

**Payment of fine**

(7) If a person is convicted of an offence under this Act and a fine is imposed,

- (a) a thing seized in connection with the offence but not forfeited to the Crown under this section shall not be returned until the fine has been paid; and
- (b) if any part of the fine is due and unpaid for 15 days or more, a justice may order that the thing be forfeited to the Crown.

**Forfeiture if identity unknown**

(8) If the identity of the person from whom a thing was seized has not been ascertained within 30 days after the seizure, the thing is forfeited to the Crown.

**Forfeiture on conviction**

(9) If a person is convicted of an offence under this Act, the justice may order that any other thing seized in connection with the offence be forfeited to the Crown.

**Application of subs. (9)**

(10) Subsection (9) applies in addition to any other penalty.

**Disposition of forfeited thing**

(11) A thing forfeited to the Crown shall be disposed of in accordance with the directions of the Minister.

**Application by person with interest**

(12) If a thing is forfeited to the Crown following a conviction under this Act, a person who claims an interest in the thing and who is not the person from whom the thing was seized or the person who was convicted may apply to a justice, not later than 30 days after the thing was forfeited, on notice to the Minister and to the person from whom the thing was seized, for an order directing that the thing be released to the person claiming the interest.

**Conditions**

(13) An order made under subsection (12) is subject to such conditions as may be imposed by the justice.

**Arrest without warrant**

**53** (1) An enforcement officer may, without a warrant, arrest a person if the enforcement officer believes on reasonable grounds that the person is committing, has committed or is about to commit an offence under this Act.

**Release by enforcement officer**

(2) An enforcement officer who arrests a person under this section shall, as soon as practicable, release the person from custody, unless the enforcement officer has reasonable grounds to believe that,

- (a) it is necessary in the public interest for the person arrested to be detained, having regard to all the circumstances, including the need to,
  - (i) establish the identity of the person,
  - (ii) secure or preserve evidence of or relating to the offence, or
  - (iii) prevent the continuation or repetition of the offence or the commission of another offence; or
- (b) the person arrested, if released, will not respond to the summons or offence notice or will not appear in court.

**Appearance before justice**

(3) Section 150 of the *Provincial Offences Act* applies, with necessary modifications, if the person arrested is not released.

**Use of force**

**54** An enforcement officer may use reasonable force if necessary to exercise any of the powers in sections 50 and 53.

**Obstruction of enforcement officer**

**55** No person shall,

- (a) knowingly make a false or misleading statement to an enforcement officer who is acting under this Act;

- (b) refuse to furnish information required by an enforcement officer who is acting under this Act; or
- (c) otherwise obstruct an enforcement officer who is acting under this Act.

### **Offences**

**56** (1) No person shall,

- (a) contravene an authorization, including any terms or conditions of the authorization;
- (b) contravene an approval to close a carbon storage site, including a conditional approval;
- (c) contravene an order issued under this Act by the Minister, an inspector, the Tribunal or a court;
- (d) knowingly make a false statement or provide false information in a document required under this Act;
- (e) fail to carry out the directions of an inspector;
- (f) unlawfully tamper or interfere with a carbon storage site or any well, storage repository or ancillary work that makes up a carbon storage site; or
- (g) cause or permit a carbon storage site or any well, storage repository or ancillary work that makes up a carbon storage site to be operated in a manner that results in a hazard to public safety or to the environment or cause or permit any activity related to a carbon storage site to be undertaken in such a manner.

### **Penalty**

(2) A person who contravenes subsection (1) or contravenes any other provision of this Act or any provision of the regulations is guilty of an offence and, on conviction, is liable to a fine of not more than \$500,000 or to imprisonment for a term of not more than one year, or to both.

### **Convicted person must still comply with order**

(3) A person's conviction for the offence of contravening an order does not relieve the person from having to comply with the order and, in addition to imposing a fine, the convicting judge may require the person to do any work or take or desist from taking any action to comply with the order within the time period specified by the judge.

### **Increased penalty**

(4) The maximum fine under subsection (2) may be increased by an amount equal to the amount of the monetary benefit that was acquired by or that accrued to the person as a result of the offence, including,

- (a) costs that the person avoided or delayed incurring by committing the offence; or
- (b) gains that the person accrued by committing the offence.

### **Directors and officers**

(5) If a corporation commits an offence, every director or officer of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and on conviction is liable to the punishment provided for in subsection (2) and, as applicable, subsection (4), whether or not the corporation has been prosecuted or convicted.

### **Orders on conviction**

(6) If a person is convicted of an offence, the court may, in addition to any other penalty, make one or more of the following orders:

1. An order requiring the person, within the time period specified, to take or desist from taking certain actions to prevent, decrease or eliminate any injury or damage that was a direct or indirect result of the offence committed by the person, including requiring the person to apply for an authorization under this Act.
2. At the request of a prosecutor, an order requiring the person to pay the Crown for all or part of any costs incurred by the Crown to remedy or prevent any hazard to the public or to the environment that directly or indirectly resulted, or may have resulted, from the offence committed by the person.
3. An order requiring the person to pay the Crown for all or part of any costs incurred by the Crown with respect to the seizure, storage or disposition of anything seized in connection with the offence committed by the person.
4. Such other order as the court considers proper to obtain compliance with this Act, the regulations, an order issued under this Act, other than a court order, or an authorization.

### **Presiding judge**

(7) The Crown, by notice to the clerk of the Ontario Court of Justice, may require that a provincial judge preside over a proceeding in respect of an offence under this Act.

**Limitation period**

(8) A proceeding in respect of an offence under this Act shall not be commenced more than five years after the occurrence of the last act or default upon which the contravention is based.

**Regulations, Part VI**

**57** The Minister may make regulations respecting anything referred to in this Part as being prescribed or otherwise done by the regulations.

**PART VII  
CARBON STORAGE STEWARDSHIP FUND**

**Definition**

**58** In this Part,

“Fund” means the Carbon Storage Stewardship Fund established under subsection 59 (1).

**Fund**

**59** (1) A fund known in English as the Carbon Storage Stewardship Fund and in French as Fonds d’intendance pour le stockage du carbone is established.

**Dissolution of Fund**

(2) The Lieutenant Governor in Council may, by regulation, dissolve the Fund.

**Public Accounts**

(3) The Fund shall be reported as an account in the Public Accounts.

**Amounts recorded in the Fund**

(4) The following amounts shall be recorded in the Fund:

1. The amount of money paid into the fund under subsection (5).
2. Amounts credited to the Fund under subsection (6).
3. Interest credited to the Fund in accordance with subsection (7).
4. Money from sources prescribed by the regulations.

**Payments to the Fund**

(5) An authorization holder and any other person prescribed by the regulations shall, as required by and in accordance with the regulations, pay money into the Fund.

**Fund may be subsidized**

(6) Treasury Board, having regard to the Fund’s condition, expenditures and forecasted liability, may direct that the Fund be credited with such an amount as may be considered necessary or advisable to subsidize the Fund.

**Interest credited to Fund**

(7) Interest shall be credited to the Fund at such rate, at such times and computed in such a manner as determined by the Lieutenant Governor in Council.

**Authorized charges**

**60** Subject to the regulations, amounts not exceeding the balance of the Fund may be charged to the Fund and paid out of the Consolidated Revenue Fund for the following purposes:

1. To fund expenses incurred by the Crown in exercising rights or fulfilling duties or obligations that it assumed under a closure certificate or by application of subsection 26 (7).
2. To fund liabilities of the Crown that it assumed under a closure certificate or by application of subsection 26 (7).
3. To fund expenses incurred by the Crown in connection with the administration of the Fund.
4. To reimburse the Crown for expenditures it has incurred, directly or indirectly, for any purpose described in paragraph 1, 2 or 3.
5. Any additional purpose prescribed by the regulations.

**Regulations, Part VII****Regulations**

**61** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the purposes of the Fund;
- (b) prescribing sources of money for the purposes of paragraph 4 of subsection 59 (4);
- (c) governing payments into the fund under subsection 59 (5), including prescribing persons required to pay money into the Fund, the types of payments that are required to be made and the amounts, or methods of determining the amounts, required to be paid into the fund and governing the timing of such payments;
- (d) providing for expenditures that may not be charged to the Fund and paid out of the Consolidated Revenue Fund;
- (e) prescribing additional purposes for the purposes of paragraph 5 of section 60;
- (f) restricting the use of monies in the Fund and prescribing expenditures or activities that are not eligible to receive funding;
- (g) addressing any matters arising from the dissolution of the Fund.

## **PART VIII GENERAL**

### **Forms**

**62** The Minister may approve forms for the purposes of this Act and provide for their use.

### **Regulations, general**

#### **Lieutenant Governor in Council**

**63** (1) The Lieutenant Governor in Council may make regulations,

- (a) defining any term or expression used in this Act that is not defined in this Act;
- (b) prescribing matters or considerations that the Minister, the Minister's designee under subsection 47 (2), the Tribunal or the Ontario Energy Board must consider in making any decisions under this Act;
- (c) clarifying any questions of ownership of or rights in respect of land or pore space arising from the application of this Act, including any questions stemming from the application of Part II and the making, amendment or revocation of a regulation under subsection 8 (1);
- (d) requiring and governing the registration of notices on title with respect to lands that may be affected by the construction, use, maintenance, decommissioning and closure of a carbon storage site;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

### **Minister**

(2) The Minister may make regulations,

- (a) respecting any matter that the Minister considers necessary or advisable to protect public safety or the environment in connection with a carbon storage site;
- (b) governing fees and other payments for the purposes of this Act, including regulations,
  - (i) requiring the payment of fees in respect of anything contemplated by this Act,
  - (ii) requiring the payment of fees, charges, royalties or other types of payments in relation to the use of lands owned or controlled by the Crown or public pore space;
- (c) governing a system of financial assurances, including the giving of securities, by which applicants for an authorization or authorization holders provide cash or instruments of monetary value to guarantee the performance of specified activities, including providing for the forfeiture of the cash or other instruments in specified circumstances or other treatment of the cash or other instruments;
- (d) requiring persons performing activities in relation to this Act to have specified qualifications or meet specified criteria;
- (e) requiring any documents prepared in connection with this Act to be reviewed by an expert and governing that review, including,
  - (i) setting out the required qualification of an expert and a process for selecting the expert,
  - (ii) setting out requirements or procedures for preparing any expert reports,
  - (iii) governing the costs of the review, including requiring applicants for an authorization or authorization holders to bear the cost of the review;
- (f) requiring and governing storage resource assessments, including governing how the storage potential of a storage repository and carbon storage site are assessed and characterized;

- (g) requiring and governing the development, submission, review, implementation and update of plans associated with research and evaluation activities or carbon storage activities or otherwise with authorizations issued under this Act, including governing,
  - (i) plans about the design, construction, installation, use, maintenance and decommissioning of wells, storage repositories, ancillary works and the closure of carbon storage sites, including the remediation and restoration of lands used in association with carbon storage sites,
  - (ii) plans regarding risk management, monitoring, measurement and verification, and emergency response,
  - (iii) public and local consultation and engagement on plans, including with Indigenous communities;
- (h) prescribing rules for when notices or other documents prepared or provided under this Act are considered to have been received.

#### **Additional powers of Lieutenant Governor in Council**

(3) In addition to its other powers to make regulations under this Act, the Lieutenant Governor in Council may make any regulation that the Minister is authorized to make under this Act.

#### **Rolling incorporation by reference**

(4) A regulation made by the Lieutenant Governor in Council or the Minister under this Act that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made.

#### **Regulations, transitional matters**

**64** (1) The Lieutenant Governor in Council may make regulations addressing any transitional matters as the Lieutenant Governor considers necessary or advisable to,

- (a) facilitate the implementation of this Act;
- (b) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of any Act by Schedule 2 to the *Resource Management and Safety Act, 2024*.

#### **Same**

(2) Without limiting the generality of subsection (1), regulations under that subsection may provide for any transitional matters in relation to special projects under the *Oil, Gas and Salt Resources Act*, including,

- (a) providing that an instrument under that Act is deemed to be an instrument under this Act;
- (b) exempting a person to whom a designation designating a special project is issued from,
  - (i) any provisions of this Act, including provisions respecting an application for an authorization,
  - (ii) the requirement to hold a permit to engage in any research and evaluation activities or carbon storage activities;
- (c) modifying the application of any provision of this Act with respect to a person referred to in clause (b).

#### **No personal liability**

**65** (1) No cause of action arises against any current or former member of the Executive Council, Deputy Minister, inspector or enforcement officer under this Act, Minister's designee under subsection 47 (2) or employee or agent of the Crown for any act done in good faith in the exercise or performance, or intended exercise or performance, of the person's powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions.

#### **Crown remains vicariously liable**

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of liability to which it would otherwise be subject as a result of the acts or omissions of a person specified in subsection (1).

#### **No liability for acts or omissions of others**

(3) No cause of action arises against the Crown or any person specified in subsection (1) for an act or omission of a person other than the Crown or a person specified in that subsection, if the act or omission is related, directly or indirectly, to the exercise or performance, or intended exercise or performance, of a power, duty or function under this Act.

#### **Proceedings by Crown not prevented**

(4) This section does not apply with respect to proceedings brought by the Crown.

#### **Proceedings barred**

**66** (1) No proceeding shall be commenced,

- (a) against any person specified in subsection 65 (1) in respect of a matter referred to in that subsection; or

- (b) against the Crown or any person specified in subsection 65 (1) in respect of a matter referred to in subsection 65 (3).

#### **Same**

(2) Subsection (1) does not apply with respect to an application for judicial review but does apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief, a remedy in contract, restitution, unjust enrichment or tort, a remedy for breach of trust or fiduciary obligation or any equitable remedy, enforcement of a judgment, order or award made outside Ontario or any form of compensation or damages including loss of revenue or profit.

#### **Proceedings by Crown not prevented**

- (3) This section does not apply with respect to proceedings brought by the Crown.

### **PART IX**

#### **RELATED AMENDMENTS, COMMENCEMENT AND SHORT TITLE**

##### ***Oil, Gas and Salt Resources Act***

**67 (1) Section 1 of the *Oil, Gas and Salt Resources Act* is amended by adding the following subsections:**

##### **Exclusion from the definition of “well”**

(1.1) A well is deemed not to be a well for the purposes of this Act if it is for the purpose of performing any of the activities that are, under the *Geologic Carbon Storage Act, 2024*, prohibited or prohibited except under the authority of a research and evaluation permit or storage permit issued under that Act.

##### **Exception**

(1.2) Despite subsection (1.1), a well for the purpose of performing any of the activities referred to in subsection (1.1) that is also for the purpose of a special project that has been designated by the Minister under section 11.1 is a well for the purposes of this Act. However, if a permit is issued under the *Geologic Carbon Storage Act, 2024* authorizing the performance of any of those activities, the well is deemed not to be a well for the purposes of this Act, even if the permit is subsequently revoked or expires or is subsequently surrendered.

**(2) Section 11.2 of the Act is amended by adding the following paragraph:**

- 1.1 The project must not include performing any activities that are, under the *Geologic Carbon Storage Act, 2024*, prohibited or prohibited except under the authority of a research and evaluation permit or storage permit issued under that Act.

**(3) Section 11.3 of the Act is amended by adding the following paragraph:**

4. The request must not include performing any activities that are, under the *Geologic Carbon Storage Act, 2024*, prohibited or prohibited except under the authority of a research and evaluation permit or storage permit issued under that Act.

**(4) Section 17 of the Act is amended by adding the following subsection:**

##### **Same, *Geologic Carbon Storage Act, 2024***

(2.1.1) The Lieutenant Governor in Council may make regulations respecting transitional matters arising from the enactment of Schedule 2 of the *Resource Management and Safety Act, 2024* and any amendments to this Act made by that Schedule, including exempting a person, project, activity, undertaking or work from any provision of this Act.

**(5) Subsection 18 (1) of the Act is amended by adding “*Geologic Carbon Storage Act, 2024* and the” before “*Ontario Energy Board Act, 1998*”.**

#### **Commencement**

**68 The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

#### **Short title**

**69 The short title of the Act set out in this Schedule is the *Geologic Carbon Storage Act, 2024*.**

### SCHEDULE 3 OIL, GAS AND SALT RESOURCES ACT

**1 Subsection 1 (1) of the *Oil, Gas and Salt Resources Act* is amended by adding the following definition:**

“justice” has the same meaning as in subsection 1 (1) of the *Provincial Offences Act*; (“juge”)

**2 Subsection 3.3 (3) of the Act is amended by striking out “as defined in the *Provincial Offences Act* by a search warrant issued under Part VIII of that Act” and substituting “by a search warrant issued under Part VIII of the *Provincial Offences Act*”.**

**3 The Act is amended by adding the following section:**

#### **Minister’s actions re hazards**

**7.0.1.3 (1)** The Minister may, in the circumstances described in subsection (2), take or cause to be taken any action to prevent, decrease or eliminate a hazard to the public or to the environment with respect to a work.

#### **Circumstances re Minister’s actions**

(2) The circumstances referred to in subsection (1) are,

- (a) the work is subject to an order made under section 7, 7.0.1, or 7.0.1.1 issued to one or more operators and the order had not been complied with within the time specified in the order;
- (b) in the opinion of the Minister, the work has become a hazard to the public or to the environment; and
- (c) one or more of the following applies to any of the operators mentioned in clause (a):
  - (i) An operator of the work has made an assignment in bankruptcy or has commenced or been the subject of a proceeding under the *Bankruptcy and Insolvency Act* (Canada) or the *Companies’ Creditors Arrangement Act* (Canada).
  - (ii) An operator of the work has been dissolved under provincial or federal business corporations legislation or wound up under the *Business Corporations Act*.
  - (iii) An operator of the work has died.

#### **Minister’s direction to take action**

(3) If the Minister determines, under subsection (1), that an action is to be taken, the Minister may direct a person to enter the land where the work is located, or to enter any adjacent land, to take the action.

#### **Entry with or without warrant**

- (4) A person directed by the Minister to take an action under subsection (3) may,
- (a) enter the land under the authority of a warrant obtained under subsection (5); or
  - (b) enter the land without a warrant obtained under subsection (5) if the occupier or owner of the land consents to the entry.

#### **Warrant authorizing entry**

(5) A justice who is satisfied on evidence under oath that there is reasonable ground to believe that entry onto the land where a work is located, or entry onto any adjacent land, is necessary to take an action the Minister is authorized to take or cause to be taken under subsection (1), may issue a warrant authorizing the person named in the warrant to make the entry and take the action.

#### **Execution and expiry of warrant**

- (6) A warrant issued under subsection (5) shall,
- (a) specify the times during which the warrant may be carried out; and
  - (b) state when the warrant expires.

#### **Renewal**

(7) Before or after the warrant expires, a justice may renew the order, for such additional periods as the justice considers necessary.

#### **Use of force**

(8) A person authorized under subsection (4) to enter land for the purpose of doing an action may use force as necessary to make the entry and take the action.

#### **Recovery of costs**

(9) The Minister may, by order, require any operator of the work to whom an order described in clause (2) (a) was issued to pay the costs of any action taken by a person in accordance with subsection (1).

**Same**

(10) The costs of any actions taken under this section may be recovered by the Minister from the security established for the work by any operator to whom an order described in clause (2) (a) was issued.

**Replenishment of security**

(11) The Minister may, by order, require any operator of the work to whom an order described in clause (2) (a) was issued to replenish the security from which costs were deducted under subsection (10).

**Commencement**

**4 This Schedule comes into force on the day the *Resource Management and Safety Act, 2024* receives Royal Assent.**

## SCHEDULE 4 SURVEYORS ACT

### **1 (1) Subsection 1 (1) of the *Surveyors Act* is amended by adding the following definitions:**

“limited licence” means a limited licence issued under this Act to engage in the practice of cadastral surveying; (“permis restreint”)

“temporary licence” means a temporary licence issued under this Act to engage in the practice of cadastral surveying; (“permis temporaire”)

“term of articles” means term of articles as defined in the regulations; (“stage”)

### **(2) The definition of “licensed” in subsection 1 (1) of the Act is amended by striking out “licence” at the end and substituting “licence, limited licence or temporary licence”.**

### **(3) The definition of “practice of cadastral surveying” in subsection 1 (1) of the Act is repealed and the following substituted:**

“practice of cadastral surveying” means,

- (a) the measurement of land, land under water, subsurface features or airspace to determine, locate, define, describe, establish, or re-establish a boundary,
- (b) the preparation of maps, plans, and documents in any format with respect to determining or establishing a boundary,
- (c) referencing any monument that defines a boundary, either directly or indirectly, to a network of geodetic points of any order of precision and determining coordinate values for the monument when those values are used in the development or maintenance of an information system that will be used, in whole or in part, for determining or establishing a boundary, and
- (d) advising on, reporting on, or supervising any of the activities listed in clauses (a) to (c); (“exercice de la profession d’arpenteur cadastral”)

### **(4) Subsection 1 (3) of the Act is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:**

- (c) the individual is registered as a professional forester under the *Professional Foresters Act, 2000* and is competent by virtue of training and experience, in accordance with the regulations made under that Act, to carry out acts that would be within the practice of professional surveying but that would not be within the practice of cadastral surveying.

### **2 (1) Clauses 3 (2) (a) and (b) of the Act are repealed and the following substituted:**

- (a) six persons who are members of the Association, excluding holders of temporary licences, and who are elected by the members of the Association, as provided by the regulations;
- (b) the president and the vice-president, each of whom shall be elected annually by and from among the members of the Association, excluding holders of temporary licences, as provided by the regulations;

### **(2) Subsection 3 (7) of the Act is repealed and the following substituted:**

#### **Qualifications to vote**

(7) Every member of the Association, excluding holders of temporary licences, who is not in default of payment of the annual fee prescribed by the by-laws is qualified to vote at an election of members of the Council.

### **(3) Subsection 3 (11) of the Act is amended by striking out “by a member of the Association” and substituting “by a member of the Association, excluding holders of temporary licences” in the portion before clause (a).**

### **3 (1) Subsection 5 (1) of the Act is amended by striking out “the licence” and substituting “the licence, limited licence or temporary licence”.**

### **(2) Subsection 5 (3) of the Act is amended by striking out “the member’s licence or certificate of registration” and substituting “the member’s licence, limited licence, temporary licence or certificate of registration”.**

### **4 (1) Paragraphs 8, 9, 10, 14, 16, 25, 31 and 32 of subsection 7 (1) of the Act are repealed and the following substituted:**

- 8. respecting any matter ancillary to the provisions of this Act with regard to the issuance, renewal, suspension and revocation of licences, limited licences, temporary licences, certificates of authorization and certificates of registration;
- 9. prescribing terms and conditions of licences, limited licences, temporary licences, certificates of authorization or certificates of registration;
- 10. prescribing forms of applications for licences, limited licences, temporary licences, certificates of authorization and certificates of registration and requiring their use;

14. requiring the making of returns of information by members of the Association and holders of certificates of authorization in respect of names, addresses, telephone numbers, other contact information, associates, partners, employees, directors, officers and shareholdings, and, if the corporation engages in the practice of cadastral surveying, the name of the member of the Association who directs the practice of cadastral surveying by the corporation, and in respect of professional liability insurance, and prescribing and requiring the use of forms for such returns;

16. providing for the maintenance and inspection of registers of members and holders of certificates of authorization permitted to engage in the practice of professional surveying;

25. requiring members of the Association or holders of certificates of authorization, or both, to obtain and to maintain insurance against liability that may be incurred in the practice of professional surveying and respecting the terms and conditions, requiring such members and holders to provide to the Registrar proof of the insurance coverage, and respecting the form of the proof and the times when the proof shall be provided;

31. prescribing qualifications and requirements that shall be complied with to obtain the reinstatement of a licence, limited licence, temporary licence, certificate of registration or a certificate of authorization that was cancelled by the Registrar;

32. classifying and exempting any class of holders of licences, limited licences, temporary licences, certificates of registration or certificates of authorization from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable;

**(2) Subsection 7 (1) of the Act is amended by adding the following paragraphs:**

11. authorizing the Registrar to do any of the following, if there are probable and reasonable grounds to believe that a person will not engage in the practice of cadastral surveying or the practice of professional surveying in accordance with the law and with honesty and integrity, and prescribing the process for appealing the Registrar's decision:

- i. Reject the person's application for a term of articles.
- ii. Disqualify the person from completing their term of articles.
- iii. Impose terms and conditions that the person must satisfy before their application for a term of articles is accepted, or in order to be allowed to complete their term of articles;

17.1 authorizing the Registrar to grant exceptions from the standards of practice and the performance standards, and governing the process for applying for such exceptions, as well as the process for appealing a decision of the Registrar to deny an application for an exception;

21.1 defining "term of articles" for the purposes of this Act and the regulations;

**(3) Subsections 7 (2) and (3) of the Act are repealed.**

**5 (1) Paragraph 6 of subsection 8 (1) of the Act is amended by striking out "in respect of a licence or a certificate of authorization or a certificate of registration" and substituting in each case "in respect of a licence, limited licence, temporary licence, certificate of authorization or certificate of registration".**

**(2) Paragraph 7 of subsection 8 (1) of the Act is amended by striking out "in respect of a licence or a certificate of authorization or a certificate of registration" and substituting "in respect of a licence, limited licence, temporary licence, certificate of authorization or certificate of registration".**

**(3) Paragraph 8.2 of subsection 8 (1) of the Act is repealed.**

**(4) Section 8 of the Act is amended by adding the following subsection:**

**Same, other by-laws**

(1.1) The Council may pass by-laws respecting the following matters, provided such by-laws are not inconsistent with this Act and the regulations:

- 1. Prescribing the requirements and qualifications for licences, limited licences, temporary licences, certificates of authorization and certificates of registration, including but not limited to,
  - i. the scope, standards and conduct of any examination required to obtain a licence or a certificate of registration,

- ii. the academic and experience requirements for a licence, limited licence, temporary licence or certificate of registration,
- iii. the curricula and standards of professional training programs approved by the Council, and
- iv. the academic, experience and other requirements for admission into professional training programs.

2. Prescribing the minimum amounts of professional liability insurance.

**(5) Subsections 8 (2) and (3) of the Act are repealed.**

**(6) Subsection 8 (4) of the Act is amended by striking out “subsection (1)” in the portion before clause (a) and substituting “subsections (1) and (1.1)”.**

**(7) Clause 8 (4) (b) of the Act is amended by adding “of the Association and to each holder of a certificate of authorization” at the end.**

**6 Subsection 9 (1) of the Act is repealed and the following substituted:**

**Committees**

(1) The Council shall establish and appoint as provided in this Act the following committees and may establish such other committees from time to time as the Council considers necessary:

- (a) Executive Committee;
- (b) Academic and Experience Requirements Committee;
- (c) Registration Committee;
- (d) Complaints Committee;
- (e) Discipline Committee.

**7 Subsections 11 (1) and (2) of the Act are amended by striking out “a licence under this Act” wherever it appears and substituting in each case “a licence, limited licence or temporary licence under this Act”.**

**8 (1) Subsections 12 (1) to (5) of the Act are repealed and the following substituted:**

**Issuance of licences, limited licences**

- (1) The Registrar shall issue a licence or limited licence to an individual who applies in accordance with the regulations and,
- (a) is a citizen of Canada or has the status of a permanent resident of Canada;
  - (b) is not less than 18 years of age;
  - (c) has complied with the academic and experience requirements prescribed in the by-laws for the issuance of a licence or limited licence;
  - (d) has passed the examinations prescribed by the by-laws; and
  - (e) is of good character.

**Same, temporary licences**

- (1.1) The Registrar shall issue a temporary licence to an individual who applies in accordance with the regulations and,
- (a) is not less than 18 years of age;
  - (b) has complied with the experience requirements prescribed in the by-laws for the issuance of a temporary licence; and
  - (c) is of good character.

**Same, retired members**

- (1.2) The Registrar shall issue a licence, limited licence or temporary licence to a retired member who applies in accordance with the regulations and,
- (a) is a citizen of Canada or has the status of a permanent resident of Canada;
  - (b) has complied with the academic requirements prescribed in the by-laws; and
  - (c) is of good character.

**Grounds for refusal to issue licence**

- (2) The Registrar may refuse to issue a licence, limited licence or temporary licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of cadastral surveying in accordance with the law and with honesty and integrity.

### **Referral to Academic and Experience Requirements Committee**

(3) The Registrar, on his or her own initiative, may refer and on the request of an applicant shall refer the application of the applicant for the issuance of a licence, limited licence or temporary licence to the Academic and Experience Requirements Committee for a determination as to whether or not the applicant has met the academic requirements or the experience requirements, or both, prescribed by the by-laws for the issuance of the licence, limited licence or temporary licence.

### **Direction by Committee**

(4) The Committee may direct the Registrar to issue a licence, limited licence or temporary licence subject to such conditions in respect of completion by the applicant of such academic requirements or experience requirements as are specified by the Committee.

### **(2) Section 12 of the Act is amended by adding the following subsections:**

#### **Appeal of Academic and Experience Requirements Committee's direction**

(8) An applicant may appeal a determination or direction by the Committee under subsection (3) or (4) to the Registration Committee by delivering a notice in writing to the Registrar requiring a hearing by the Registration Committee within 30 days after receiving the notice required under subsection (7).

#### **Where no hearing required**

(9) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (8), the Academic and Experience Requirements Committee's determination or direction under subsection (3) or (4) is final and binding on the Registrar and on the applicant.

#### **Hearing by Registration Committee**

(10) Where an applicant requires a hearing by the Registration Committee in accordance with subsection (8), the Registration Committee shall appoint a time for, give notice of and shall hold the hearing.

#### **Disability of member**

(11) If the Registration Committee commences a hearing and a member of the Registration Committee becomes unable to act, the remaining members may complete the hearing despite the absence of the member who is unable to act.

#### **Continuation on expiry of Committee membership**

(12) Where a proceeding is commenced before the Registration Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires, or is terminated other than for cause, before the proceeding is disposed of but after evidence is heard, the member shall be deemed to remain a member of the Registration Committee for the purpose of completing the disposition of the proceeding in the same manner as if the term of office had not expired or been terminated.

#### **Powers of Registration Committee re licences**

(13) Following a hearing under subsection (10), the Registration Committee may, by order,

- (a) where the Committee is of the opinion, upon reasonable grounds, that the applicant meets the academic requirements and experience requirements prescribed by the by-laws for the issuance of a licence, limited licence or temporary licence, direct the Registrar to issue a licence, limited licence or temporary licence to the applicant;
- (b) where the Committee is of the opinion, upon reasonable grounds, that the applicant does not meet the academic requirements or the experience requirements, or both, prescribed by the by-laws,
  - (i) direct the Registrar to refuse to issue a licence, limited licence, or temporary licence to the applicant, or
  - (ii) if the Committee is of the opinion, upon reasonable grounds, that the applicant will engage in the practice of cadastral surveying with competence and integrity, exempt the applicant from any of the academic requirements or the experience requirements, or both, prescribed by the by-laws and direct the Registrar to issue a licence, limited licence or temporary licence to the applicant; or
- (c) where the Committee is of the opinion, upon reasonable grounds, that it is necessary in order to ensure that the applicant will engage in the practice of cadastral surveying with competence and integrity,
  - (i) require the applicant to take and successfully complete such examinations as the Registration Committee may set or approve and to pay such fees as the Committee fixes,
  - (ii) require the applicant to take such additional training or meet such experience requirements as the Committee specifies, or
  - (iii) direct the Registrar to issue a licence, limited licence or temporary licence subject to such terms, conditions and limitations as the Committee specifies.

### **Extension of time for requiring hearing**

(14) The Registration Committee may extend the time for the giving of notice requiring a hearing by an applicant under subsection (8) before or after the expiration of such time where it is satisfied that there are apparent grounds for granting relief to the applicant following a hearing and that there are reasonable grounds for applying for the extension, and the Registration Committee may give such directions as it considers proper consequent upon the extension.

### **Parties**

(15) A representative appointed by the Academic and Experience Requirements Committee and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section.

### **Examination of documentary evidence**

(16) A party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report, the contents of which will be given in evidence at the hearing.

### **Members holding hearing not to have taken part in investigation, etc.**

(17) Members of the Registration Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party, or his or her representative, except upon notice to and opportunity for both parties to participate, but the Registration Committee may seek legal advice from a person who is not counsel in the proceedings and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

### **Recording of evidence**

(18) The oral evidence taken before the Registration Committee at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Superior Court of Justice.

### **Only members at hearing to participate in decision**

(19) No member of the Registration Committee shall participate in a decision of the Registration Committee following a hearing unless the member was present throughout the hearing and heard the evidence and arguments of the parties.

### **Release of documentary evidence**

(20) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person by the Registration Committee within a reasonable time after the matter in issue has been finally determined.

## **9 Subsection 13 (3) of the Act is repealed and the following substituted:**

### **Certificate of registration**

(3) The Registrar shall issue a certificate of registration in a branch of professional surveying other than cadastral surveying to an individual who applies in accordance with the regulations and,

- (a) is a citizen of Canada or has the status of a permanent resident of Canada;
- (b) is not less than 18 years of age;
- (c) has complied with the academic and experience requirements prescribed in the by-laws for the issuance of the certificate of registration in relation to the branch;
- (d) has passed any examinations prescribed in the by-laws; and
- (e) is of good character.

### **Grounds for refusal to issue certificate of registration**

(3.1) The Registrar may refuse to issue a certificate of registration to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of professional surveying in accordance with the law and with honesty and integrity.

### **Referral to Academic and Experience Requirements Committee**

(3.2) The Registrar, on his or her own initiative, may refer and on the request of an applicant shall refer the application of an applicant for a certificate of registration to the Academic and Experience Requirements Committee for a determination as to whether or not the applicant has met the academic requirements or the experience requirements, or both, prescribed in the by-laws for the issuance of the certificate of registration.

### **Direction by Committee**

(3.3) The Committee may direct the Registrar to issue a certificate of registration subject to such conditions in respect of completion by the applicant of such academic requirements or experience requirements as are specified by the Committee.

### **Hearing**

(3.4) The Committee shall receive written submissions from an applicant but is not required to hold or to afford to any person a hearing or an opportunity to make oral submissions before making a determination under subsection (3.2).

### **Notice of determination or direction**

(3.5) The Registrar shall give notice to the applicant of a determination or direction by the Committee under subsection (3.2) or (3.3) and, if the applicant is rejected, the notice shall detail the specific requirements that the applicant must meet.

### **Appeal of Committee's direction**

(3.6) An applicant may appeal a determination or direction by the Committee under subsection (3.2) or (3.3) to the Registration Committee by delivering a notice in writing to the Registrar requiring a hearing by the Registration Committee within 30 days after receiving the notice required under subsection (3.5).

### **Where no hearing requested**

(3.7) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (3.6), the Academic and Experience Requirements Committee's determination or direction under subsection (3.2) or (3.3) is final and binding on the Registrar and on the applicant.

### **Hearing by Registration Committee**

(3.8) Where an applicant requires a hearing by the Registration Committee in accordance with subsection (3.6), the Registration Committee shall appoint a time for, give notice of and shall hold the hearing and subsections 12 (11) to (20) shall apply to the proceedings, with necessary modifications.

### **10 (1) Subsection 14 (3) of the Act is repealed and the following substituted:**

#### **Same, corporations**

- (3) The Registrar shall issue a certificate of authorization to a corporation if,
- (a) a function of the corporation is to engage in the business of providing services that are within the practice of professional surveying;
  - (b) at least 50 per cent of the members of the board of directors of the corporation are members of the Association, excluding holders of temporary licences; and
  - (c) if the corporation provides or wishes to provide services to the public that are within the practice of cadastral surveying, at least one director or full-time employee of the corporation is the holder of a licence who agrees to personally supervise and direct the practice of cadastral surveying for the corporation.

**(2) Subsection 14 (4) of the Act is amended by striking out "a partnership of members of the Association or to a partnership of corporations" and substituting "a partnership of members of the Association, excluding holders of temporary licences, or to a partnership of corporations".**

**(3) Subsection 14 (5) of the Act is amended by striking out "may refuse to issue or may suspend or revoke" in the portion before clause (a) and substituting "may refuse to issue or may suspend or revoke, or impose conditions on".**

### **(4) Clause 14 (5) (d) of the Act is repealed and the following substituted:**

- (d) the Registrar is of the opinion, on reasonable and probable grounds, that the applicant does not have sufficient knowledge or experience operating a professional business.

### **11 (1) Subsections 17 (1) and (2) of the Act are repealed and the following substituted:**

#### **Hearing by Registration Committee**

(1) Where the Registrar intends to take any of the following actions, the Registrar shall serve notice of the Registrar's intention, together with written reasons, on the affected person:

1. Refuse an application for a licence, limited licence, temporary licence, certificate of authorization or certificate of registration.
2. Suspend or revoke a certificate of authorization.
3. Issue a licence, limited licence, certificate of authorization or certificate of registration subject to terms, conditions or limitations.
4. Issue a temporary licence subject to terms, conditions or limitations other than those related to the period of time for which the temporary licence is issued, the locations in which the holder of the temporary licence may work and the manner of work permitted to be done by the temporary licence holder.

## Exceptions

(2) Subsection (1) does not apply in respect of a refusal to issue a licence, limited licence, temporary licence or certificate of registration to a person who was previously licensed or who previously held a certificate of registration and whose licence, limited licence, temporary licence or certificate of registration was suspended or revoked as a result of a decision of the Discipline Committee.

### **(2) Subsection 17 (9) of the Act is repealed and the following substituted:**

#### **Powers of Registration Committee re licences**

(9) Following a hearing under this section in respect of a proposal by the Registrar in relation to a licence, limited licence or temporary licence, the Registration Committee by order may,

- (a) where the Committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications of this Act, the regulations and the by-laws and will engage in the practice of cadastral surveying with competence and integrity, direct the Registrar to issue a licence, limited licence or temporary licence to the applicant;
- (b) where the Committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications of this Act, the regulations and the by-laws, or that the applicant meets the requirements and qualifications but will not practice cadastral surveying with competence and integrity,
  - (i) direct the Registrar to refuse to issue a licence, limited licence or temporary licence to the applicant, or
  - (ii) where the Committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of cadastral surveying with competence and integrity, exempt the applicant from any of the requirements and qualifications of this Act, the regulations and the by-laws and direct the Registrar to issue a licence, limited licence or temporary licence; or
- (c) where the Committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the practice of cadastral surveying with competence and integrity,
  - (i) require the applicant to take and successfully complete such examinations as the Committee may set or approve and to pay such fees as the Committee fixes,
  - (ii) require the applicant to take such additional training as the Committee specifies, or
  - (iii) direct the Registrar to issue a licence, limited licence or temporary licence subject to such terms, conditions and limitations as the Committee specifies.

### **(3) Clause 17 (10) (b) of the Act is repealed and the following substituted:**

- (b) where the Committee is of the opinion upon reasonable grounds that the applicant or holder of a certificate of authorization does not meet the requirements and qualifications of this Act, the regulations and the by-laws, or does meet the requirements and qualifications but will not engage in the business of providing services that are within the practice of cadastral surveying with competence and integrity,
  - (i) direct the Registrar to refuse to issue a certificate of authorization to the applicant or to suspend or revoke the certificate of authorization held by the applicant, or
  - (ii) where the Committee is of the opinion upon reasonable grounds that the applicant will engage in the business of providing services that are within the practice of cadastral surveying with competence and integrity, exempt the applicant from any of the requirements and qualifications of this Act, the regulations and the by-laws and direct the Registrar to issue a certificate of authorization to the applicant or to not revoke the certificate of authorization held by the applicant, as the case requires; or

### **(4) Clauses 17 (11) (a) and (b) of the Act are repealed and the following substituted:**

- (a) where the Committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications prescribed by the regulations and the by-laws and will engage in the practice of professional surveying with competence and integrity, direct the Registrar to issue a certificate of registration to the applicant or to not revoke the certificate of registration held by the applicant, as the case requires;
- (b) where the Committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications prescribed by the regulations and the by-laws, or does meet the requirements and qualifications but will not engage in the practice of professional surveying with competence and integrity,
  - (i) direct the Registrar to refuse to issue a certificate of registration to the applicant, or
  - (ii) where the Committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of professional surveying with competence and integrity, exempt the applicant from any of the requirements and qualifications prescribed by the regulations and the by-laws and direct the Registrar to issue a certificate of registration to the applicant; or

**(5) Subsection 17 (13) of the Act is amended by striking out “the applicant” and substituting “the applicant or holder of a certificate of authorization”.**

**(6) Subsection 17 (14) of the Act is repealed and the following substituted:**

**Opportunity to show compliance**

(14) The applicant or holder of a certificate of authorization shall be given a reasonable opportunity to show or to achieve compliance, before the hearing, with all lawful requirements in respect of the licence, limited licence, temporary licence, certificate of authorization or certificate of registration, as the case requires.

**12 (1) Subsection 18 (2) of the Act is amended by striking out “licence” and substituting “licence, limited licence, temporary licence”.**

**(2) Subsection 18 (3) of the Act is amended by striking out “licence” and substituting “licence, limited licence, temporary licence”.**

**13 Subsections 20 (1) and (2) of the Act are repealed and the following substituted:**

**Cancellation for default of fees and liability insurance**

(1) The Registrar may cancel a licence, limited licence, temporary licence, certificate of authorization or certificate of registration for non-payment of any fee prescribed by the by-laws or for the failure to provide proof of liability insurance when applying for a renewal, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of his or her professional conduct while a member or holder.

**Reinstatement**

(2) A person who was a member or a holder of a certificate of authorization whose licence, limited licence, temporary licence, certificate of authorization or certificate of registration was cancelled by the Registrar under subsection (1) is entitled to have the licence, limited licence, temporary licence, certificate of authorization or certificate of registration reinstated upon compliance with the requirements and qualifications prescribed by the regulations.

**14 Subsection 21 (1) of the Act is amended by striking out “five members, including” and substituting “five members, excluding holders of temporary licences, but including”.**

**15 (1) Subsection 22 (4.1) of the Act is amended by striking out “the complainant, the member who is the subject of the complaint and the Council” and substituting “the complainant and the member who is the subject of the complaint”.**

**(2) Clause 22 (4.3) (a) of the Act is repealed and the following substituted:**

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;
- (a.1) if the Committee is of the opinion that doing so is necessary for the protection of the public, suspend or impose conditions on the licence, limited licence, temporary licence, certificate of registration or certificate of authorization of the member who is the subject of the complaint pending a hearing by the Discipline Committee;
- (a.2) direct the Registrar to appoint a mediator pursuant to section 25.1; or

**(3) Subsection 22 (4.5) of the Act is amended by striking out “by mail” and substituting “by mail or electronic means”.**

**16 Subsection 23 (2) of the Act is amended by striking out “or the Fees Mediation Committee” at the end.**

**17 (1) Clause 25 (1) (c) of the Act is amended by striking out “two members of the Association” and substituting “two members of the Association, excluding holders of temporary licences”.**

**(2) Clause 25 (7) (a) of the Act is amended by striking out “the Council” and substituting “the Complaints Committee”.**

**18 (1) Subsection 25.1 (1) of the Act is repealed and the following substituted:**

**Mediator**

(1) The Complaints Committee may, pursuant to clause 22 (4.3) (a.2), direct the Registrar to appoint a mediator to look into a matter and make a report to the Complaints Committee as to whether the matter should be referred to the Discipline Committee.

**(2) Subsection 25.1 (3) of the Act is amended by striking out “the Council” and substituting “the Complaints Committee”.**

**19 (1) Subsection 26 (1) of the Act is amended by,**

- (a) striking out “the Council” and substituting the “the Complaints Committee”; and
  - (b) striking out “the Committee” and substituting the “the chair of the Discipline Committee”.
- (2) Subsection 26 (1.2) of the Act is amended by striking out “as a member of the Council considering the referral of the matter to the Discipline Committee or”.**

**(3) Clauses 26 (4) (a) and (b) of the Act are amended by striking out “the licence” wherever it appears and substituting in each case “the licence, limited licence, temporary licence, certificate of authorization”.**

**(4) Clause 26 (4) (d) of the Act is amended by striking out “the licence” and substituting “the licence, limited licence, temporary licence, certificate of authorization”.**

**(5) Clause 26 (4) (e) of the Act is amended by striking out “the licence” in the portion before subclause (i) and substituting “the licence, the limited licence, temporary licence”.**

**(6) Subsection 26 (7) of the Act is amended by striking out “a licence” and substituting “a licence, limited licence, temporary licence, certificate of authorization”.**

**(7) Subsection 26 (9) of the Act is amended by striking out “a licence” in the portion before clause (a) and substituting “a licence, limited licence, temporary licence, certificate of authorization”.**

**20 The English version of subsection 28 (1) of the Act is amended by striking out “the Divisional Court” and substituting “the Divisional Court”.**

**21 Section 29 of the Act is repealed.**

**22 Subsection 30 (10) of the Act is repealed and the following substituted:**

**Report of Registrar**

(10) The Registrar shall report the results of the investigation to the Complaints Committee and the Complaints Committee may direct the matter to the Discipline Committee.

**23 Subsection 32 (1) of the Act is amended by adding “and the by-laws” after “the regulations”.**

**24 Section 34 of the Act is repealed and the following substituted:**

**Surrender of cancelled licence, etc.**

**34** Where a licence, limited licence, temporary licence, certificate of authorization or certificate of registration is revoked or cancelled, the former holder of the licence, limited licence, temporary licence, certificate of authorization or certificate of registration shall forthwith deliver it and any related seal to the Registrar.

**25 (1) Subsection 35 (1) of the Act is repealed and the following substituted:**

**Restoration of licence, etc.**

(1) A person whose licence, limited licence, temporary licence, certificate of authorization or certificate of registration has been revoked for cause under this Act, or whose membership has been cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence, limited licence, temporary licence, certificate of authorization or certificate of registration, but such application shall not be made sooner than two years after the revocation or cancellation.

**(2) Clause 35 (2) (b) of the Act is amended by striking out “the Council” and substituting “the Registrar”.**

**(3) Subsection 35 (3) of the Act is repealed and the following substituted:**

**Procedures**

(3) The provisions of this Act applying to hearings by the Discipline Committee, except section 28, apply with necessary modifications to proceedings of the Registration Committee under this section.

**(4) Subsection 35 (4) of the Act is repealed.**

**26 (1) Subsection 40 (1) of the Act is amended by striking out “a false licence” and substituting “a false licence, limited licence, temporary licence”.**

**(2) Subsection 40 (2) of the Act is amended by striking out “a licence” and substituting “a licence, limited licence, temporary licence”.**

**27 Section 42 of the Act is repealed and the following substituted:**

**Service of notice or document**

**42** A notice or document required under this Act or the regulations is sufficiently given, served on or delivered if it is given, served on or delivered to the intended recipient by,

- (a) personal delivery;
- (b) fax at the last fax number appearing on the Association’s records;
- (c) mail, registered mail or courier at the last address appearing on the Association’s records; or
- (d) email at the last electronic mail address appearing on the Association’s records.

**28 Section 47 of the Act is amended by adding “to the extent permitted by that licence” at the end.**

**Commencement**

**29 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**