

CONFIDENTIAL: Not for release
before tabling during the 8th Session
of the 11th Legislative Assembly.

CONFIDENTIEL : Ne pas rendre
public avant le dépôt à la 8^e session
de la 11^e Assemblée législative.

EIGHTH SESSION,
ELEVENTH LEGISLATIVE ASSEMBLY
OF THE NORTHWEST TERRITORIES

HUITIÈME SESSION,
ONZIÈME ASSEMBLÉE LÉGISLATIVE
DES TERRITOIRES DU NORD-OUEST

PROPOSED BILL

AVANT-PROJET DE LOI

AN ACT TO AMEND THE
ENVIRONMENTAL PROTECTION ACT

LOI MODIFIANT LA LOI SUR LA
PROTECTION DE L'ENVIRONNEMENT

Statement of Purpose

Exposé des motifs

The purpose of this proposed Bill is to authorize the Minister and the Commissioner to enter into agreements; to establish the powers of the Minister; to appoint inspectors; to allow the Minister to hold a public inquiry; to allow an inspector to make an emergency order; to regulate unsightly land; to allow a municipal corporation to make by-laws respecting unsightly lands and the disposal of litter; to create search and seizure powers; to establish the powers of inspectors; to appoint a Controller of Licensing; to allow the issuance and suspension of permits and licences; to establish an appeal procedure under the Act; to expand the regulation-making powers; to allow the Chief Environmental Protection Officer to apply for a review of an order; to allow a court to extend the period for holding items seized.

L'avant-projet de loi vise à autoriser le ministre et le commissaire à conclure des ententes; à établir les pouvoirs du ministre; à nommer des inspecteurs; à permettre au ministre de tenir des enquêtes publiques; à permettre à un inspecteur de prendre un arrêté d'urgence; à réglementer les lieux inesthétiques; à permettre à une municipalité d'adopter des règlements municipaux relatifs aux terrains inesthétiques et à l'élimination des débris; à établir des pouvoirs de perquisition et de saisie; à établir les pouvoirs des inspecteurs; à nommer un vérificateur des permis; à permettre la délivrance et la suspension de licences et permis; à créer une procédure d'appel en vertu de la Loi; à accroître le pouvoir de réglementation; à permettre au directeur de la protection de l'environnement de demander le réexamen d'une ordonnance; à permettre à une cour de prolonger le délai de rétention des biens saisis.

Important: This Bill is being tabled for information purposes only.

N.B. : Ce projet de loi n'est déposé qu'à titre de renseignements.

PROPOSED BILL

AVANT-PROJET DE LOI

AN ACT TO AMEND THE ENVIRONMENTAL PROTECTION ACT

LOI MODIFIANT LA LOI SUR LA PROTECTION DE L'ENVIRONNEMENT

The Commissioner of the Northwest Territories, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Le commissaire des Territoires du Nord-Ouest, sur l'avis et avec le consentement de l'Assemblée législative, édicte :

1. The *Environmental Protection Act* is amended by this Act.

1. La présente loi modifie la version anglaise de la *Environmental Protection Act* (Loi sur la protection de l'environnement).

2. (1) Paragraph 2(b) is amended by striking out "noise or substance that, if" and substituting "noise, heat, vibration or substance and includes such other substance as the Minister may prescribe that, where".

2. (1) L'alinéa 2b) est modifié par suppression des mots «noise or substance that, if» et par substitution des mots «noise, heat, vibration or substance and includes such other substance as the Minister may prescribe that, where».

(2) The following is added after paragraph 2(e):

(2) L'article 2 est à nouveau modifié par insertion, après l'alinéa e), de ce qui suit :

"licence" (e.1) "licence" means a licence issued under section 11.1;
"permit" (e.2) "permit" means a permit issued under section 11.1;
"person" (e.3) "person" includes the successor, assignee, receiver, purchaser or agent of a corporation;".

«(e.1) "licence" means a licence issued under section 11.1;
(e.2) "permit" means a permit issued under section 11.1;
(e.3) "person" includes the successor, assignee, receiver, purchaser or agent of a corporation;».

3. Section 3 is repealed and the following is substituted:

3. L'article 3 est abrogé et remplacé par ce qui suit :

Application "3. (1) This Act applies to the whole of the Territories.

«3. (1) This Act applies to the whole of the Territories. Application

Non-application (2) This Act does not apply to any person who is authorized under an Act of the Parliament of Canada or the Territories to do those things that, but for such Act, are in contravention of this Act or the regulations.".

(2) This Act does not apply to any person who is authorized under an Act of the Parliament of Canada or the Territories to do those things that, but for such Act, are in contravention of this Act or the regulations.».

4. The following is added after section 3:

4. La même loi est modifiée par insertion, après l'article 3, de ce qui suit :

Agreements "3.1. (1) The Minister may enter into agreements with a province or the Yukon Territory, or with any person, institution, organization or firm respecting the administration and enforcement of
(a) this Act and the regulations; or
(b) any Act or regulation of a province or the Yukon Territory relating to the preservation, protection or enhancement of the environment.

«3.1. (1) The Minister may enter into agreements with a province or the Yukon Territory, or with any person, institution, organization or firm respecting the administration and enforcement of
(a) this Act and the regulations; or
(b) any Act or regulation of a province or the Yukon Territory relating to the preservation, protection or enhancement of the environment.



EXPLANATORY NOTES

NOTES EXPLICATIVES

Clause 2(1)

Paragraph 2(b) now reads:

"contaminant"

- (b) "contaminant" means any noise or substance that, if discharged into the environment,
- (i) endangers the health, safety or welfare of persons,
 - (ii) interferes or is likely to interfere with normal enjoyment of life or property,
 - (iii) endangers the health of animal life, or
 - (iv) causes or is likely to cause damage to plant life or to property;

Article 2(1)

Texte actuel de l'alinéa 2b) :

Clause 2(2)

Paragraphs 2(e.1) to (e.3) are new.

Article 2(2)

Les alinéas 2e.1) à e.3) sont nouveaux.

Clause 3

Section 3 now reads:

Article 3

Texte actuel de l'article 3 :

Application

3.(1) Subject to subsection (2), this Act applies to the whole of the Territories including municipalities.

Non-application

(2) This Act does not apply to any person who is authorized under an Act of the Parliament of Canada or an Act to do those things that, but for such Act or Act, are in contravention of this Act or the regulations. 1973(3),c.2,s.3; 1985(1),c.4,s.9.

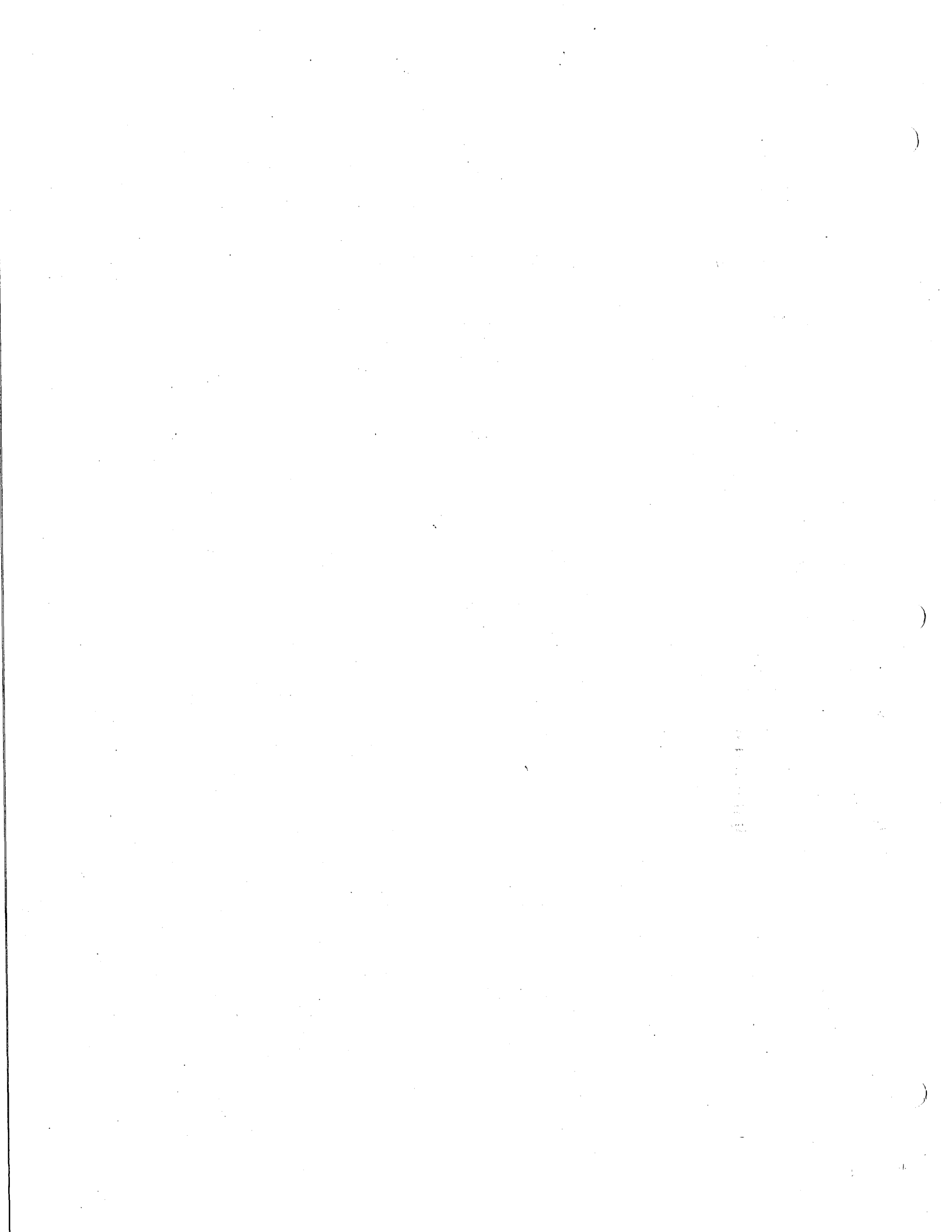
Clause 4

Sections 3.1 to 3.4 are new.

Article 4

Les articles 3.1 à 3.4 sont nouveaux.

Idem	(2) The Minister and the Commissioner may enter into agreements with the Government of Canada respecting the administration and enforcement of	(2) The Minister and the Commissioner may enter into agreements with the Government of Canada respecting the administration and enforcement of	Idem
	(a) this Act and the regulations; or (b) any Act or regulation of the Government of Canada relating to the preservation, protection or enhancement of the environment.	(a) this Act and the regulations; or (b) any Act or regulation of the Government of Canada relating to the preservation, protection or enhancement of the environment.	5
Powers of Minister	3.2. The Minister may	3.2. The Minister may	Powers of Minister
	(a) establish, operate and maintain stations to monitor the quality of the environment in the Territories;	(a) establish, operate and maintain stations to monitor the quality of the environment in the Territories;	10
	(b) conduct research studies, conferences and training programs relating to contaminants and to the preservation, protection or enhancement of the environment;	(b) conduct research studies, conferences and training programs relating to contaminants and to the preservation, protection or enhancement of the environment;	15
	(c) develop, co-ordinate and administer policies, standards, guidelines and codes of practice relating to the preservation, protection or enhancement of the environment;	(c) develop, co-ordinate and administer policies, standards, guidelines and codes of practice relating to the preservation, protection or enhancement of the environment;	20
	(d) collect, publish and distribute information relating to contaminants and to the preservation, protection or enhancement of the environment;	(d) collect, publish and distribute information relating to contaminants and to the preservation, protection or enhancement of the environment;	25
	(e) compile and study information directly or indirectly related to matters pertaining to the preservation, protection or enhancement of the environment for the purpose of using the results to exercise his or her powers under this Act; and	(e) compile and study information directly or indirectly related to matters pertaining to the preservation, protection or enhancement of the environment for the purpose of using the results to exercise his or her powers under this Act; and	30
	(f) upon written request of a party to a dispute involving a matter arising under this Act, appoint a mediator, establish the term of office, remuneration and terms of reference of the mediator to mediate the dispute.	(f) upon written request of a party to a dispute involving a matter arising under this Act, appoint a mediator, establish the term of office, remuneration and terms of reference of the mediator to mediate the dispute.	35
Committees	3.3. (1) The Minister may establish boards, committees or other bodies to provide advice relating to the preservation, protection or enhancement of the environment.	3.3. (1) The Minister may establish boards, committees or other bodies to provide advice relating to the preservation, protection or enhancement of the environment.	Committees 45
Appointment and term	(2) Where the Minister establishes a body under subsection (1), the Minister may	(2) Where the Minister establishes a body under subsection (1), the Minister may	Appointment and term
	(a) appoint the members;	(a) appoint the members;	50
	(b) establish the term of office of the members;	(b) establish the term of office of the members;	
	(c) designate a chairperson, vice-chairperson and secretary for the body;	(c) designate a chairperson, vice-chairperson and secretary for the body;	55



	(d) provide for the remuneration of the members of the body for their services and allowances for travelling and other expenses; and	(d) provide for the remuneration of the members of the body for their services and allowances for travelling and other expenses; and	
	(e) authorize the body to hire and establish remuneration for experts.	(e) authorize the body to hire and establish remuneration for experts.	5
Functions	(3) The Minister shall specify the functions that the body is to perform and the manner in which the functions are to be performed.	(3) The Minister shall specify the functions that the body is to perform and the manner in which the functions are to be performed.	Functions 10
Powers of board	(4) Where the Minister establishes a board, the board has all the powers, rights and privileges of the Supreme Court or a judge of that court for the trial of a civil action with regard to the	(4) Where the Minister establishes a board, the board has all the powers, rights and privileges of the Supreme Court or a judge of that court for the trial of a civil action with regard to the	Powers of board 15
	(a) attendance, swearing and examination of witnesses;	(a) attendance, swearing and examination of witnesses;	
	(b) the production and inspection of records and documents; and	(b) the production and inspection of records and documents; and	20
	(c) the production and examination of evidence.	(c) the production and examination of evidence.	
Publication of notice	(5) Where the Minister establishes a board, the Minister shall publish a notice in the <i>Northwest Territories Gazette</i> indicating the membership of the board, the functions the board is to perform and the manner in which the functions are to be performed.	(5) Where the Minister establishes a board, the Minister shall publish a notice in the <i>Northwest Territories Gazette</i> indicating the membership of the board, the functions the board is to perform and the manner in which the functions are to be performed.	Publication of notice 25 30
Public inquiry	3.4. (1) The Minister may direct that a public inquiry be held where a discharge of a contaminant has resulted in	3.4. (1) The Minister may direct that a public inquiry be held where a discharge of a contaminant has resulted in	Public inquiry 35
	(a) injury or death to any person;	(a) injury or death to any person;	
	(b) danger or potential danger to the health or safety of the public; or	(b) danger or potential danger to the health or safety of the public; or	
	(c) significant damage to property or the environment.	(c) significant damage to property or the environment.	40
Appointment	(2) The Minister may appoint persons to conduct the inquiry.	(2) The Minister may appoint persons to conduct the inquiry.	Appointment
Public Inquiries Act	(3) The provisions of the <i>Public Inquiries Act</i> apply to a public inquiry."	(3) The provisions of the <i>Public Inquiries Act</i> apply to a public inquiry.».	Public Inquires Act 45
	5. Subsections 4(2) and (3) are repealed and the following is substituted:	5. Les paragraphes 4(2) et 4(3) sont abrogés et remplacés par ce qui suit :	50
Powers and duties of inspectors	"(2) The Chief Environmental Protection Officer may appoint inspectors and shall specify in the appointment the powers that may be performed and the duties that may be exercised by the inspector under this Act and the regulations.	«(2) The Chief Environmental Protection Officer may appoint inspectors and shall specify in the appointment the powers that may be performed and the duties that may be exercised by the inspector under this Act and the regulations.	Powers and duties of inspectors 55

EXPLANATORY NOTES

NOTES EXPLICATIVES

Clause 5

Subsections 4(2) and (3) now read:

Article 5

Texte actuel des paragraphes 4(2) et (3) :

Assistants

(2) The Chief Environmental Protection Officer may designate in writing such inspectors as he deems necessary to assist in the performance of his duties.

Peace officers

(3) Every inspector is a peace officer for the purpose of enforcing the provisions of this Act and the regulations. 1973(3), c.3, s.4; 1985(1), c.4, s.9; 1990, c.30, s.4.

Powers of Chief Environmental Protection Officer	(3) The Chief Environmental Protection Officer may exercise any of the powers or perform any of the duties of an inspector."	(3) The Chief Environmental Protection Officer may exercise any of the powers or perform any of the duties of an inspector.».	Powers of Chief Environmental Protection Officer 5
6. The following is added after section 4:	6. La même loi est modifiée par insertion, après l'article 4, de ce qui suit :		
Delegation	"4.1. The Minister may delegate, in writing, any of his or her powers and duties, except the powers set out in sections 11.8, 11.11 and 35, to the Chief Environmental Protection Officer.	«4.1. The Minister may delegate, in writing, any of his or her powers and duties, except the powers set out in sections 11.8, 11.11 and 35, to the Chief Environmental Protection Officer.	Delegation 10
Idem	4.2. The Chief Environmental Protection Officer may delegate to any other person any of his or her powers or duties, other than powers or duties delegated to the Chief Environmental Protection Officer by the Minister.	4.2. The Chief Environmental Protection Officer may delegate to any other person any of his or her powers or duties, other than powers or duties delegated to the Chief Environmental Protection Officer by the Minister.	Idem 15
Experts and technical advisers to Chief Environmental Protection Officer	4.3. The Chief Environmental Protection Officer may engage the services of experts or persons having special technical or other knowledge to advise the Chief Environmental Protection Officer or to inquire into and report to the Chief Environmental Protection Officer on matters within the jurisdiction of the Chief Environmental Protection Officer.	4.3. The Chief Environmental Protection Officer may engage the services of experts or persons having special technical or other knowledge to advise the Chief Environmental Protection Officer or to inquire into and report to the Chief Environmental Protection Officer on matters within the jurisdiction of the Chief Environmental Protection Officer.	20 Experts and technical advisers to Chief Environmental Protection Officer 25
Peace officers	4.4. (1) For the purposes of enforcing the provisions of this Act and the regulations, every inspector is a peace officer.	4.4. (1) For the purposes of enforcing the provisions of this Act and the regulations, every inspector is a peace officer.	Peace officers
Ex officio inspector	(2) Every member of the Royal Canadian Mounted Police and every wildlife officer appointed under subsection 4(1) of the <i>Wildlife Act</i> is <i>ex officio</i> an inspector.	(2) Every member of the Royal Canadian Mounted Police and every wildlife officer appointed under subsection 4(1) of the <i>Wildlife Act</i> is <i>ex officio</i> an inspector.	35 Ex officio inspector 40
Certificate of identification	4.5. Every inspector, other than an <i>ex officio</i> inspector, shall be furnished with a certificate of identification in a form approved by the Chief Environmental Protection Officer, and on entering any place or vehicle under this Act, shall, if so requested by the owner or person in charge, produce the certificate."	4.5. Every inspector, other than an <i>ex officio</i> inspector, shall be furnished with a certificate of identification in a form approved by the Chief Environmental Protection Officer, and on entering any place or vehicle under this Act, shall, if so requested by the owner or person in charge, produce the certificate.».	Certificate of identification 45
7. (1) Section 5 is amended by renumbering it as subsection 5(1).	7. (1) L'article 5 devient le paragraphe 5(1).		50
(2) Subsection 5(1) is amended by striking out the words "and probable".	(2) Le paragraphe 5(1) est modifié par suppression des mots «and probable».		55
(3) The following is added after subsection 5(1):	(3) L'article 5 est modifié par adjonction de ce qui suit :		

EXPLANATORY NOTES

NOTES EXPLICATIVES

Clause 6

Sections 4.1 to 4.5 are new.

Article 6

Les articles 4.1 à 4.5 sont nouveaux.

Clauses 7(1) and (2)

Section 5 now reads:

Articles 7(1) et (2)

Texte actuel de l'article 5 :

Protection
order

5. Where the Chief Environmental Protection Officer is of the opinion, based on reasonable and probable grounds, that it is necessary or advisable for the protection of the environment to do so, he may by order directed to any person require that person

- (a) to install safeguards to prevent the discharge of contaminants into the environment;
- (b) to site, transport or store any contaminant in the manner set out in the order; or

Clause 7(3)

Subsection 5(2) is new.

Article 7(3)

Le paragraphe 5(2) est nouveau.

Idem

"(2) Where an inspector believes on reasonable grounds that a discharge of a contaminant in contravention of this Act or the regulations is likely to occur, the inspector may issue an order requiring any person whose actions may increase the likelihood of a discharge or the owner or person in charge of the contaminant to take the preventive measures that the inspector considers necessary."

«(2) Where an inspector believes on reasonable grounds that a discharge of a contaminant in contravention of this Act or the regulations is likely to occur, the inspector may issue an order requiring any person whose actions may increase the likelihood of a discharge or the owner or person in charge of the contaminant to take the preventive measures that the inspector considers necessary.»

Idem

8. (1) Subsection 6(1) is amended by adding "or permit the discharge of" after the word "discharge".

8. (1) Le paragraphe 6(1) est modifié par insertion, après «discharge», des mots «or permit the discharge of».

(2) Subsection 6(2) is repealed.

(2) Le paragraphe 6(2) est abrogé.

(3) Subsection 6(3) is amended by striking out "Subsections (1) and (2)" and substituting "Subsection (1)".

(3) Le paragraphe 6(3) est modifié par suppression des mots «Subsections (1) and (2)» et par substitution de «Subsection (1)».

(4) Paragraph 6(3)(b) is amended by striking out "was discharged from a residence" and substituting "was discharged from within a dwelling-house".

(4) L'alinéa 6(3)b est modifié par suppression des mots «was discharged from a residence» et par substitution des mots «was discharged from within a dwelling-house».

(5) Paragraph 6(3)(h) is amended by striking out "released" and substituting "discharged".

(5) L'alinéa 6(3)h est modifié par suppression de «released» et par substitution de «discharged».

(6) The following is added after subsection 6(3):

(6) L'article 6 est modifié par adjonction de ce qui suit :

"(4) The exceptions set out in subsection (3) do not apply where a person discharges a contaminant that the inspector has reasonable grounds to believe is not usually associated with a discharge from the excepted activity."

«(4) The exceptions set out in subsection (3) do not apply where a person discharges a contaminant that the inspector has reasonable grounds to believe is not usually associated with a discharge from the excepted activity.»

Exception does not apply

Exception does not apply

9. Section 6.1 is amended by
(a) striking out "person in control of the contaminant immediately" and substituting "person in charge of the contaminant"; and
(b) striking out "emergency" in paragraph (b).

9. L'article 6.1 est modifié par :
a) suppression des mots «person in control of the contaminant immediately» et par substitution des mots «person in charge of the contaminant»;
b) suppression de «emergency» à l'alinéa b).

10. Subsection 7(2) is repealed.

10. Le paragraphe 7(2) est abrogé.

11. Subsection 8(3) is repealed.

11. Le paragraphe 8(3) est abrogé.

12. Section 9 is amended by striking out "or subsection 8(1)" and substituting "subsection 8(1) or 10.3(1)".

12. L'article 9 est modifié par suppression des mots «or subsection 8(1)» et par substitution des mots «subsection 8(1) or 10.3(1)».

13. The following is added after section 9:

13. La même loi est modifiée par insertion, après l'article 9, de ce qui suit :

EXPLANATORY NOTES

NOTES EXPLICATIVES

Clause 8(1)

Subsection 6(1) now reads:

Discharge
of
contaminants

6. (1) Subject to subsection (3), no person shall discharge[^] a contaminant into the environment.

Article 8(1)

Texte actuel du paragraphe 6(1) :

Clause 8(2)

Subsection 6(2) now reads:

Idem

(2) Subject to subsection (3), no person responsible for a source of a contaminant shall permit the discharge of the contaminant from the source into the environment.

Article 8(2)

Texte actuel du paragraphe 6(2) :

Clauses 8(3), (4) and (5)

Subsection 6(3) now reads:

Exception

(3) Subsections (1) and (2) do not apply where the person who discharged the contaminant or permitted the discharge of the contaminant establishes that

Articles 8(3), (4) et (5)

Texte actuel du paragraphe 6(3) :

- (a) the discharge is authorized by this Act or the regulations or by an order issued under this Act or the regulations;
- (b) the contaminant has been used solely for domestic purposes and was discharged from a residence;
- (c) the contaminant was discharged from the exhaust system of a vehicle;
- (d) the discharge of the contaminant resulted from the burning of leaves, foliage, wood, crops or stubble for domestic or agricultural purposes;
- (e) the discharge of the contaminant resulted from burning for land clearing or land grading;
- (f) the discharge of the contaminant resulted from a fire set by a public official for habitat management or silviculture purposes;
- (g) the contaminant was discharged for the purposes of combatting a forest fire;
- (h) the contaminant is a soil particle or grit released in the course of agriculture or horticulture; or
- (i) the contaminant is a pesticide classified and labelled as "domestic" under the Pest Control Products Regulations (Canada).

Clause 8(6)

Subsection 6(4) is new.

Article 8(6)

Le paragraphe 6(4) est nouveau.

EXPLANATORY NOTES

NOTES EXPLICATIVES

Clause 9

Section 6.1 now reads:

Article 9

Texte actuel de l'article 6.1 :

Environmental
emergency

6.1. Where a discharge of a contaminant into the environment in contravention of this Act or the regulations occurs or a reasonable likelihood of such a discharge exists, every person causing or contributing to the discharge or increasing the likelihood of a discharge, and the owner or the person in control of the contaminant immediately before its discharge or likely discharge, shall immediately

- (a) subject to any regulations, report the discharge or likely discharge to the person or office designated by the regulations;
- (b) take all reasonable emergency measures consistent with public safety to prevent or eliminate any danger to life, health, property or the environment that results or may reasonably be expected to result from the discharge or likely discharge; and
- (c) make a reasonable effort to notify every member of the public who may be adversely affected by the discharge or likely discharge. 1990, c.30, s.5.

Clause 10

Subsection 7(2) now reads:

Article 10

Texte actuel du paragraphe 7(2) :

Idem

(2) Where an inspector believes on reasonable grounds that a discharge of a contaminant in contravention of this Act or the regulations is reasonably likely to occur, the inspector may issue an order requiring any person increasing the likelihood of a discharge or the owner or person in charge of the contaminant to take the preventive measures that the inspector considers necessary.

Clause 11

Subsection 8(3) now reads:

Article 11

Texte actuel du paragraphe 8(3) :

Civil liability
for clean-up

(3) Any person who discharges or permits the discharge of any contaminant into the environment that injures or damages the environment is liable to the Government of the Territories for the costs and expenses reasonably incurred and incidental to the taking of any action authorized by the Chief Environmental Protection Officer pursuant to subsection (2) to repair or remedy such injury or damage to the environment. 1973(3), c.2, s.8.

Clause 12

Section 9 now reads:

Article 12

Texte actuel de l'article 9 :

Service of
order .

9. An order referred to in section 5, 7 or subsection 8(1) shall be served by personal delivery to the person to be notified or by sending the order by registered mail addressed to the person at his latest known address, or where the person is a corporation addressed to the registered office of the corporation in the Territories. 1973(3),c.2,s.9.

Clause 13

Section 9.1 is new.

Article 13

L'article 9.1 est nouveau.

Emergency order	"9.1. (1) Notwithstanding section 9, where, in the opinion of an inspector, an emergency exists and an order must be issued under section 5, 7 or subsection 8(1), the inspector may issue a verbal or written order to the person who, in the opinion of the inspector, is the person best able to comply with the order.	«9.1. (1) Notwithstanding section 9, where, in the opinion of an inspector, an emergency exists and an order must be issued under section 5, 7 or subsection 8(1), the inspector may issue a verbal or written order to the person who, in the opinion of the inspector, is the person best able to comply with the order.	Emergency order 5
Order effective when issued	(2) An order issued under subsection (1) shall take effect from the time it is issued.	(2) An order issued under subsection (1) shall take effect from the time it is issued.	Order effective when issued 10
Effect of verbal order	(3) A verbal order issued under subsection (1) shall have the same force and effect as a written order.	(3) A verbal order issued under subsection (1) shall have the same force and effect as a written order.	Effect of verbal order 15
Service in written form	(4) An order issued under subsection (1) shall be served in written form in accordance with section 9 as soon as is practicable after it is issued."	(4) An order issued under subsection (1) shall be served in written form in accordance with section 9 as soon as is practicable after it is issued.».	Service in written form 20
	14. The heading "UNSIGHTLY PREMISES" and sections 10 and 11 are repealed and the following is substituted:	14. L'intertitre «UNSIGHTLY PREMISES», ainsi que les articles 10 et 11 sont abrogés et remplacés par ce qui suit :	25
	"UNSIGHTLY LAND	«UNSIGHTLY LAND	30
Application	10. Sections 10.1, 10.2 and 10.3 do not apply to land within a municipality.	10. Sections 10.1, 10.2 and 10.3 do not apply to land within a municipality.	Application 30
Meaning of unsightly land	10.1. Land is unsightly where an inspector believes, on reasonable grounds and on comparison with land used for a similar purpose, that litter or things placed on the land cause the land to be unsightly.	10.1. Land is unsightly where an inspector believes, on reasonable grounds and on comparison with land used for a similar purpose, that litter or things placed on the land cause the land to be unsightly.	Meaning of unsightly land 35
Unsightly land	10.2. No owner or occupier of land shall allow that land to become unsightly.	10.2. No owner or occupier of land shall allow that land to become unsightly.	Unsightly land 40
Order to improve condition of land	10.3. (1) Where an inspector believes on reasonable grounds that any land is unsightly, the Chief Environmental Protection Officer may issue a written order to the owner of the land or the last person to own or occupy the land to improve the condition of the land in such manner and to such extent as may be set out in the order.	10.3. (1) Where an inspector believes on reasonable grounds that any land is unsightly, the Chief Environmental Protection Officer may issue a written order to the owner of the land or the last person to own or occupy the land to improve the condition of the land in such manner and to such extent as may be set out in the order.	Order to improve condition of land 45 50
Improvement of condition of land by Chief Environmental Protection Officer	(2) Where a person fails to comply with an order under subsection (1), the Chief Environmental Protection Officer may take such action as he or she considers necessary to improve the condition of the land in accordance with the order.	(2) Where a person fails to comply with an order under subsection (1), the Chief Environmental Protection Officer may take such action as he or she considers necessary to improve the condition of the land in accordance with the order.	Improvement of condition of land by Chief Environmental Protection Officer 55 60

Clause 14

The heading preceding section 10 and sections 10 and 11 now read:

Article 14

Texte actuel de l'intertitre qui précède l'article 10 et les articles 10 et 11 :

UNSIGHTLY PREMISES

Unsightly premises

10. No person shall permit premises owned, occupied or abandoned by him to be unsightly by permitting to remain, on any part of such premises,
(a) any unused dilapidated buildings,
(b) rubbish, or
(c) discarded materials, vehicles, machinery or equipment. 1973(3),c.2,s.10.

Notice

11.(1) When the Chief Environmental Protection Officer is satisfied that a condition mentioned in section 10 exists, he shall so notify the owner or occupier of the premises or person who had abandoned the premises.

Contents of notice

(2) A notice under subsection (1) shall
(a) be in writing;
(b) be signed by the Chief Environmental Protection Officer;
(c) state that the condition mentioned in section 10 exists;
(d) state what must be done to correct the condition;
(e) state the date before which the condition must be corrected; and
(f) be served by personal delivery thereof to the person to be notified or by sending such notice by registered mail addressed to the person at his latest known address, or where the person is a corporation, addressed to the registered office of the corporation in the Territories.

Clean-up

(3) Where a notice has been given under subsection (2) and the owner or occupier does not comply with the notice within the time allowed, the Chief Environmental Protection Officer may cause the premises of that owner or occupier to be cleaned up and the cost of carrying out such work is chargeable to the owner or occupier and becomes a debt due to the Government of the Territories.

Appeal

(4) An owner or occupier may, within thirty days after receiving a notice under subsection (1), appeal the notice to the Supreme Court of the Territories.

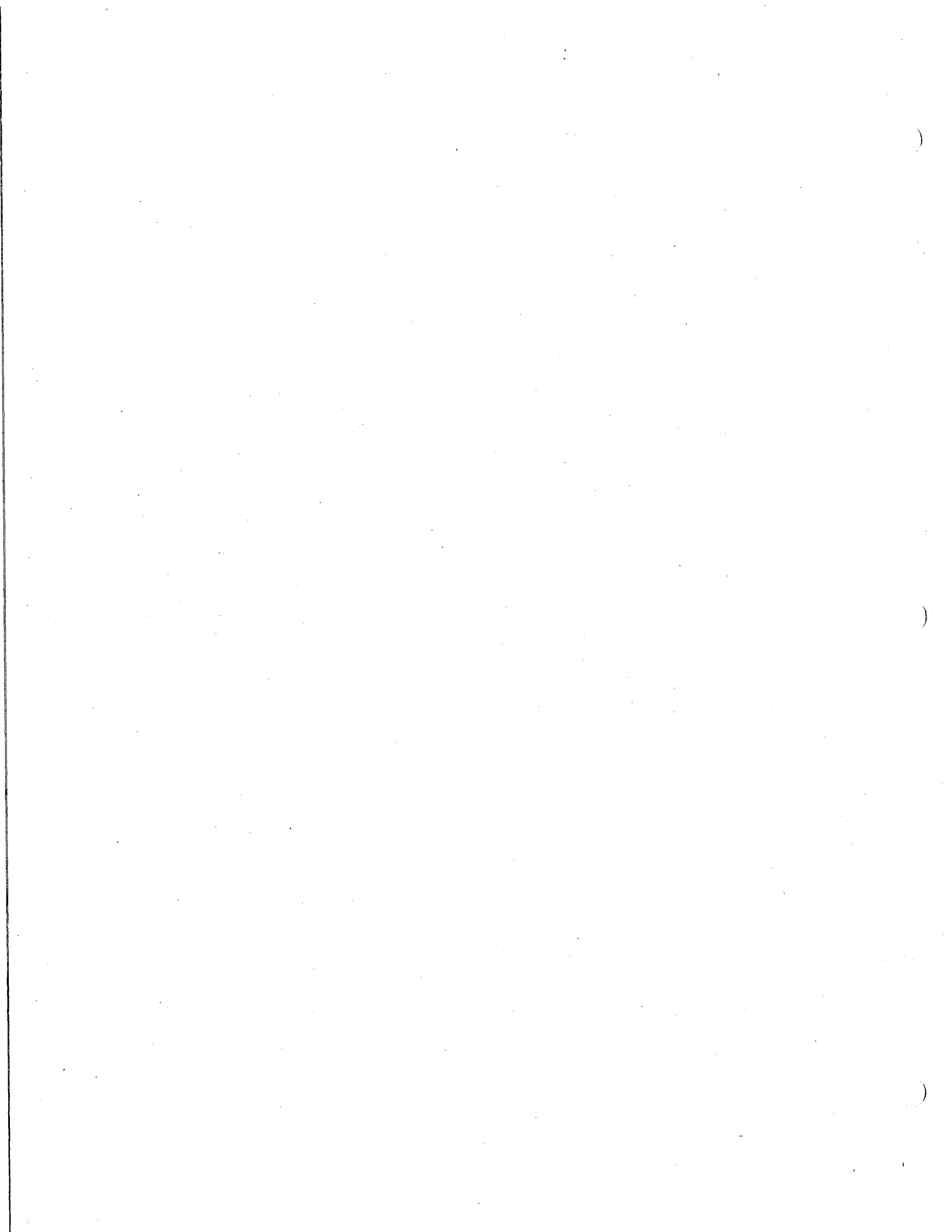
Court may make order

(5) Where an appeal is made pursuant to subsection (4), the Court shall make such order as it in the circumstances deems just.

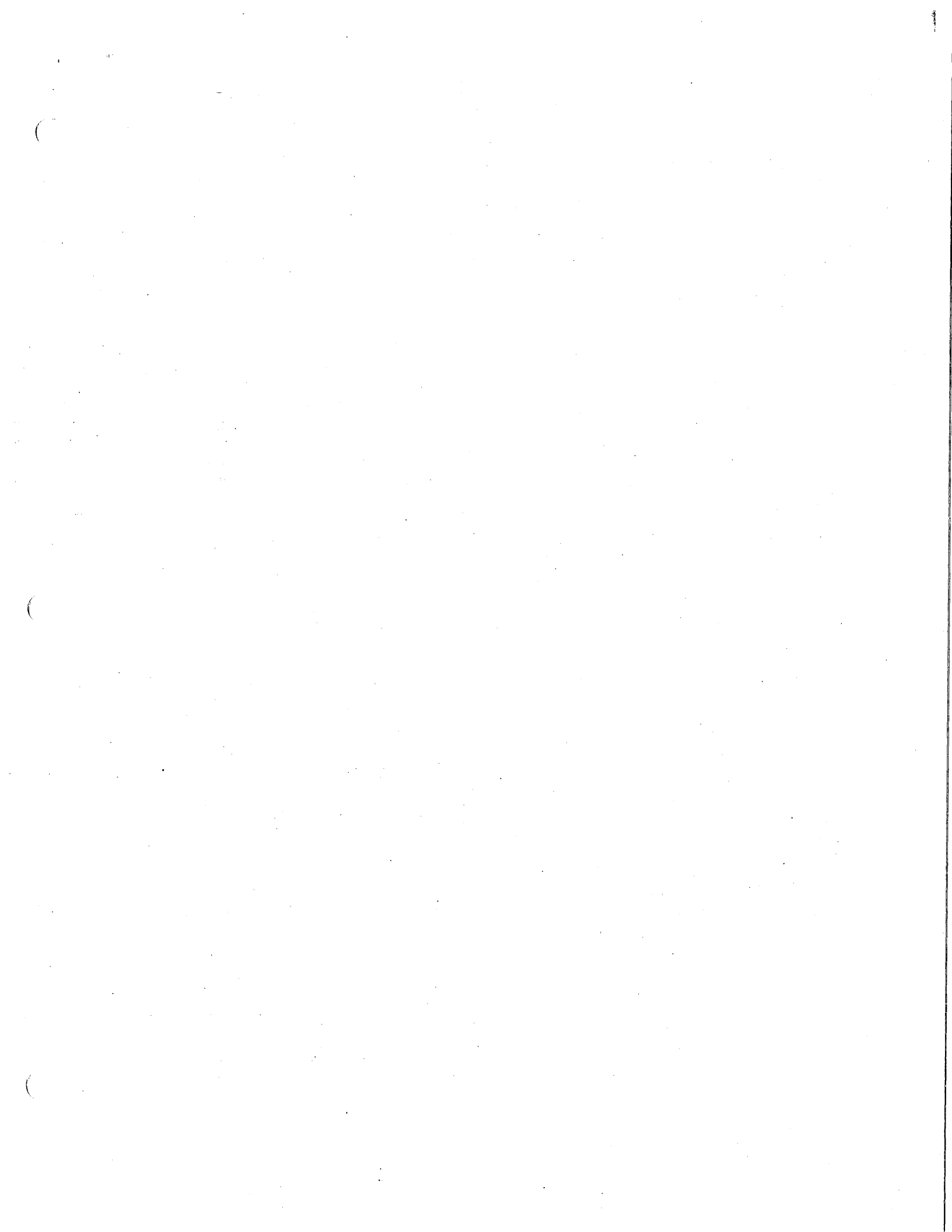
Stay of proceedings

(6) An appeal that is made pursuant to subsection (4) operates as a stay of any proceedings that may be taken by the Chief Environmental Protection Officer under this Act against the person who made the appeal.

Limitation	(3) No order may be made under subsection (1) to a person who is the last person to own or occupy land that is unsightly more than five years after that person ceased to own or occupy the land.	(3) No order may be made under subsection (1) to a person who is the last person to own or occupy land that is unsightly more than five years after that person ceased to own or occupy the land.	Limitation	5
	BY-LAWS	BY-LAWS		
By-laws	11. The council of a municipal corporation may, by by-law, (a) prohibit or regulate the disposal of litter on public or private land; or (b) define unsightly land, prohibit owners or occupiers of land from allowing that land to become unsightly and provide for the improvement of unsightly land.	11. The council of a municipal corporation may, by by-law, (a) prohibit or regulate the disposal of litter on public or private land; or (b) define unsightly land, prohibit owners or occupiers of land from allowing that land to become unsightly and provide for the improvement of unsightly land.	By-laws	10
	PERMITS AND LICENCES	PERMITS AND LICENCES		
Controller of Licensing	11.1. (1) The Minister shall appoint a Controller of Licensing who shall, in accordance with the regulations, issue permits and licences.	11.1. (1) The Minister shall appoint a Controller of Licensing who shall, in accordance with the regulations, issue permits and licences.	Controller of Licensing	20
Restrictions	(2) Every permit or licence is subject to this Act and the regulations and to the terms and conditions that apply to the permit or licence.	(2) Every permit or licence is subject to this Act and the regulations and to the terms and conditions that apply to the permit or licence.	Restrictions	25
Terms and conditions	(3) The Controller of Licensing may attach any terms or conditions to the permit or licence that he or she considers appropriate at the time of issuance of the permit or licence.	(3) The Controller of Licensing may attach any terms or conditions to the permit or licence that he or she considers appropriate at the time of issuance of the permit or licence.	Terms and conditions	30
Experts and technical advisers to Controller of Licensing	(4) The Controller of Licensing may engage the services of experts or persons having technical or other knowledge to advise the Controller of Licensing or to inquire into and report to the Controller of Licensing on matters within the jurisdiction of the Controller of Licensing.	(4) The Controller of Licensing may engage the services of experts or persons having technical or other knowledge to advise the Controller of Licensing or to inquire into and report to the Controller of Licensing on matters within the jurisdiction of the Controller of Licensing.	Experts and technical advisers to Controller of Licensing	35
Fees	11.2. (1) Every application for a permit or licence shall be accompanied by the prescribed fee.	11.2. (1) Every application for a permit or licence shall be accompanied by the prescribed fee.	Fees	45
Form	(2) Every permit, licence, application and report under this Act or the regulations shall be in the prescribed form.	(2) Every permit, licence, application and report under this Act or the regulations shall be in the prescribed form.	Form	50
Transfer	11.3. Except with the written consent of the Controller of Licensing, a permit or licence and the rights or privileges carried by a permit or licence may not be assigned or transferred.	11.3. Except with the written consent of the Controller of Licensing, a permit or licence and the rights or privileges carried by a permit or licence may not be assigned or transferred.	Transfer	55



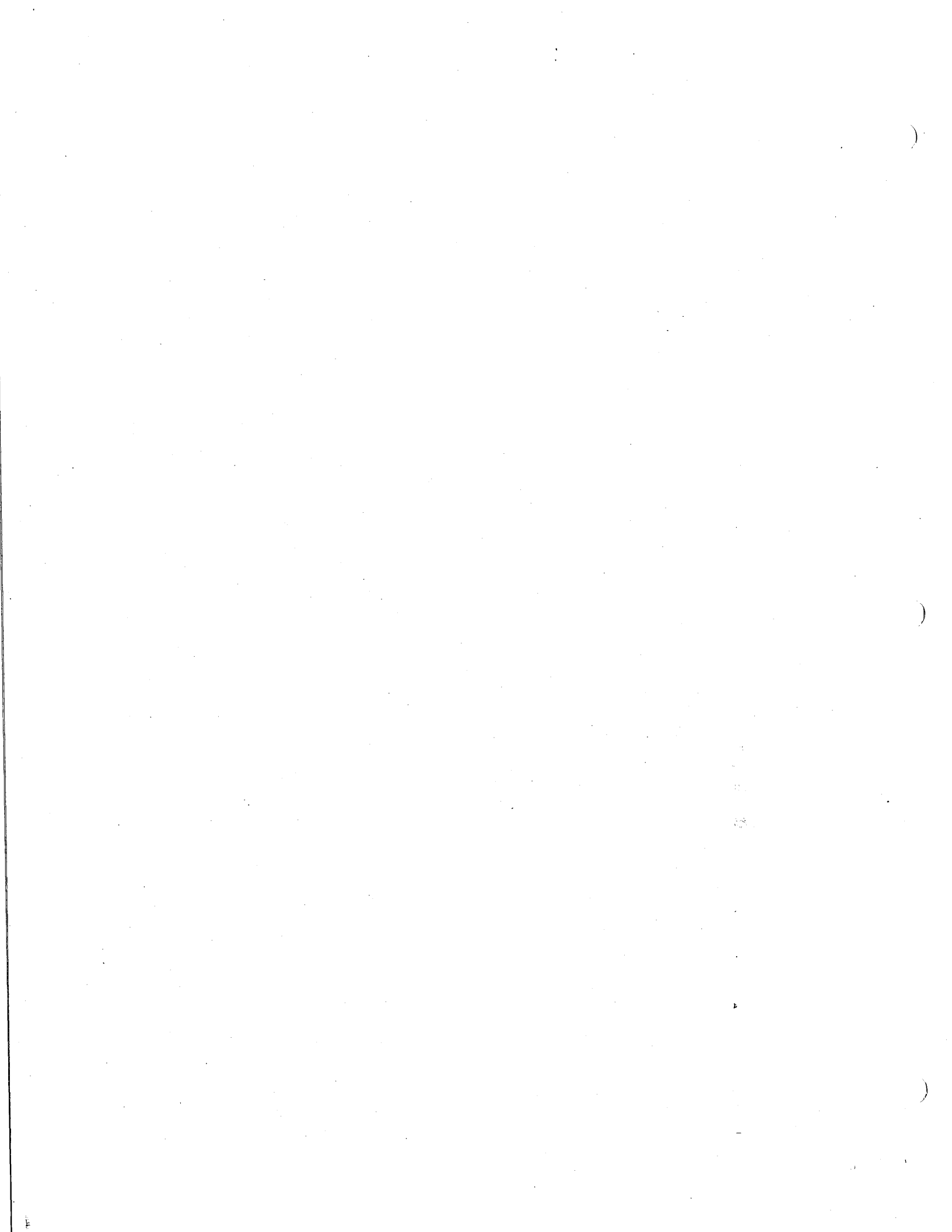
Amendment	11.4. The holder of a permit or licence may apply to the Controller of Licensing for an amendment of the permit or licence.	11.4. The holder of a permit or licence may apply to the Controller of Licensing for an amendment of the permit or licence.	Amendment	
	Suspension	Suspension		5
Non-payment of fees	11.5. (1) The Controller of Licensing may, seven days after serving a notice in accordance with section 9, suspend a permit or licence where fees or charges in respect of the permit or licence are owing and have remained unpaid for 30 days.	11.5. (1) The Controller of Licensing may, seven days after serving a notice in accordance with section 9, suspend a permit or licence where fees or charges in respect of the permit or licence are owing and have remained unpaid for 30 days.	Non-payment of fees	10
Period of suspension	(2) The Controller of Licensing may suspend a permit or licence referred to in subsection (1) until he or she receives the fees or charges that are owing.	(2) The Controller of Licensing may suspend a permit or licence referred to in subsection (1) until he or she receives the fees or charges that are owing.	Period of suspension	15
Violation of Act	11.6. (1) Where the Controller of Licensing believes on reasonable grounds that the person holding the permit or licence or the employees or agents of the person have violated a provision of this Act or the regulations, the Controller of Licensing may, three days after serving a notice in accordance with section 9, suspend a permit or licence for such period as he or she thinks reasonable.	11.6. (1) Where the Controller of Licensing believes on reasonable grounds that the person holding the permit or licence or the employees or agents of the person have violated a provision of this Act or the regulations, the Controller of Licensing may, three days after serving a notice in accordance with section 9, suspend a permit or licence for such period as he or she thinks reasonable.	Violation of Act	20
				25
Restriction on suspension	(2) Where a court refrains from suspending or cancelling the permit or licence of a person who is found guilty of an offence under this Act or the regulations, the Controller of Licensing shall not suspend the permit or licence of that person in respect of that violation.	(2) Where a court refrains from suspending or cancelling the permit or licence of a person who is found guilty of an offence under this Act or the regulations, the Controller of Licensing shall not suspend the permit or licence of that person in respect of that violation.	Restriction on suspension	30
				35
Suspension ceases	(3) Where the Controller of Licensing suspends the permit or licence of a person for a violation of a provision of this Act or the regulations and a court acquits the person of the charge of violating that provision, the suspension of the permit or licence ceases.	(3) Where the Controller of Licensing suspends the permit or licence of a person for a violation of a provision of this Act or the regulations and a court acquits the person of the charge of violating that provision, the suspension of the permit or licence ceases.	Suspension ceases	40
				45
	Right to Written Reasons	Right to Written Reasons		
Written reasons	11.7. (1) Where the Controller of Licensing refuses to issue a permit or licence or suspends a permit or licence, the Controller of Licensing shall provide written reasons for the refusal or suspension to the applicant.	11.7. (1) Where the Controller of Licensing refuses to issue a permit or licence or suspends a permit or licence, the Controller of Licensing shall provide written reasons for the refusal or suspension to the applicant.	Written reasons	50
				55
Service	(2) The Controller of Licensing shall serve, in accordance with section 9, notice of the refusal or suspension under subsection (1) and written reasons for the refusal or suspension.	(2) The Controller of Licensing shall serve, in accordance with section 9, notice of the refusal or suspension under subsection (1) and written reasons for the refusal or suspension.	Service	60



RIGHT TO APPEAL

RIGHT TO APPEAL

Right to appeal refusal	11.8. (1) A person whose application for a permit or licence is refused may, within 30 days of receiving notice of the refusal, send a notice of appeal from that decision to the Minister.	11.8. (1) A person whose application for a permit or licence is refused may, within 30 days of receiving notice of the refusal, send a notice of appeal from that decision to the Minister.	Right to appeal refusal	5
Right to appeal conditions	(2) A person whose permit or licence has been issued subject to conditions may, within 30 days of receiving the permit or licence, send a notice of appeal of the conditions to the Minister.	(2) A person whose permit or licence has been issued subject to conditions may, within 30 days of receiving the permit or licence, send a notice of appeal of the conditions to the Minister.	Right to appeal conditions	10
Right to appeal suspension	(3) A person whose permit or licence has been suspended may, within 30 days of receiving notice of the suspension, send a notice of appeal of the suspension to the Minister.	(3) A person whose permit or licence has been suspended may, within 30 days of receiving notice of the suspension, send a notice of appeal of the suspension to the Minister.	Right to appeal suspension	15
Right to appeal order	(4) Within 30 days of the issuance of an order under this Act a person may send a notice to the Minister to appeal for relief from the order.	(4) Within 30 days of the issuance of an order under this Act a person may send a notice to the Minister to appeal for relief from the order.	Right to appeal order	20
Stay	11.9. (1) An appeal of an order made under section 5 or 10.3 acts as a stay of the operation of the order appealed.	11.9. (1) An appeal of an order made under section 5 or 10.3 acts as a stay of the operation of the order appealed.	Stay	25
No stay	(2) An appeal of an order made under section 7 or subsection 8(1) does not act as a stay of the operation of the order appealed.	(2) An appeal of an order made under section 7 or subsection 8(1) does not act as a stay of the operation of the order appealed.	No stay	30
Contents of notice	11.10. A notice of appeal sent under this Act shall contain all of the grounds for appeal by the applicant.	11.10. A notice of appeal sent under this Act shall contain all of the grounds for appeal by the applicant.	Contents of notice	35
Powers of Minister	11.11. (1) The Minister may engage the services of experts or take such other reasonable actions as he or she considers necessary to obtain the information the Minister requires to make a decision on an appeal.	11.11. (1) The Minister may engage the services of experts or take such other reasonable actions as he or she considers necessary to obtain the information the Minister requires to make a decision on an appeal.	Powers of Minister	40
Idem	(2) In addition to any action taken under subsection (1), the Minister may require the appellant to provide such further information as the Minister considers necessary and the appellant shall provide the information.	(2) In addition to any action taken under subsection (1), the Minister may require the appellant to provide such further information as the Minister considers necessary and the appellant shall provide the information.	Idem	45
Time for decision	(3) Within 60 days of receiving a notice of appeal under this Act, the Minister shall (a) make a decision on the appeal; or (b) serve the appellant, in accordance with section 9, with a notice extending the time period within which he or she must make a decision on the appeal.	(3) Within 60 days of receiving a notice of appeal under this Act, the Minister shall (a) make a decision on the appeal; or (b) serve the appellant, in accordance with section 9, with a notice extending the time period within which he or she must make a decision on the appeal.	Time for decision	50
				55
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Service of reasons	(4) Within 14 days of making a decision on an appeal, the Minister shall serve the appellant, in accordance with section 9, with written decisions for appeal.	(4) Within 14 days of making a decision on an appeal, the Minister shall serve the appellant, in accordance with section 9, with written decisions for appeal.	Service of reasons	5
Decision of Minister	11.12. The decision of the Minister is final."	11.12. The decision of the Minister is final.».	Decision of Minister	
	15. Paragraph 12(2)(b) is repealed and the following is substituted:	15. L'alinéa 12(2)b est abrogé et remplacé par ce qui suit :		10
	"(b) an order given under section 10.3,".	«(b) an order given under section 10.3,».		
	16. (1) All that portion of section 12.2 preceding paragraph (a) is repealed and the following is substituted:	16. (1) Le passage de l'article 12.2 qui précède l'alinéa a) est abrogé et remplacé par ce qui suit :		15
Orders of court	"12.2. Where a person has been convicted of an offence under this Act, in addition to any other punishment that may be imposed under this Act, the court may make an order with one or more of the following terms:".	«12.2. Where a person has been convicted of an offence under this Act, in addition to any other punishment that may be imposed under this Act, the court may make an order with one or more of the following terms:».	Orders of court	20
	(2) Section 12.2 is amended by striking out "conviction" in paragraphs (d) and (e) and substituting "offence".	(2) L'article 12.2 est modifié par suppression de «conviction» aux alinéas d) et e) et par substitution de «offence».		25
	(3) Paragraph 12.2(g) is repealed and the following is substituted:	(3) L'alinéa 12.2g) est abrogé et remplacé par ce qui suit :		30
	"(g) cancelling or suspending any permit or licence issued under this Act;	«(g) cancelling or suspending any permit or licence issued under this Act;		
	(g.1) directing the person to pay the cost of any research or analysis related to the prosecution of the offence;".	(g.1) directing the person to pay the cost of any research or analysis related to the prosecution of the offence;».		35
	17. (1) All that portion of subsection 12.3(1) preceding paragraph (a) is repealed and the following is substituted:	17. (1) Le passage du paragraphe 12.3(1) qui précède l'alinéa a) est abrogé et remplacé par ce qui suit :		40
Variation of order	"12.3. (1) Subject to subsection (2), where a court makes an order under section 12.2, on application for review by the prosecutor, the Chief Environmental Protection Officer or the person who is the subject of the order, the court may require that person to appear before the court and, after hearing the evidence, the court may".	«12.3. (1) Subject to subsection (2), where a court makes an order under section 12.2, on application for review by the prosecutor, the Chief Environmental Protection Officer or the person who is the subject of the order, the court may require that person to appear before the court and, after hearing the evidence, the court may».	Variation of order	45
	(2) Subsection 12.3(3) is amended by striking out "in respect of a person".	(2) Le paragraphe 12.3(3) est modifié par suppression des mots «in respect of a person».		55
	18. Section 12.4 is repealed.	18. L'article 12.4 est abrogé.		

Clause 15

Paragraph 12(2)(b) now reads:

Article 15

Texte actuel de l'alinéa 12(2)b) :

Idem

- (2) Any person who fails to comply with the terms of
- (b) a notice given under subsection 11(1),

Clause 16(1)

The portion of section 12.2 preceding paragraph (a) now reads:

Article 16(1)

Texte actuel du passage de l'article 12.2 qui précède l'alinéa a) :

Orders of court

12.2. Where a person has been convicted of an offence under this Act, in addition to any punishment that may be imposed under this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order with one or more of the following terms:

Clause 16(2)

Paragraphs 12.2(d) and (e) now read:

Article 16(2)

Texte actuel des alinéas 12.2d) et e) :

- (d) directing the person to publish, in the manner determined by the court, the facts relating to the conviction;
- (e) directing the person to notify, at his own cost and in a specified manner, any person aggrieved or affected by the person's conduct of the facts relating to the conviction;

Clause 16(3)

Paragraph 12.2(g) now reads:

Article 16(3)

Texte actuel de l'alinéa 12.2g) :

- (g) directing the person to submit to the Minister, on application by the Minister made within three years after the date of conviction, the information with respect to such activities of the person that were the subject of the offence as the court considers appropriate and just in the circumstances; and

Paragraph 12.2(g.1) is new.

L'alinéa 12.2g.1) est nouveau.

Clause 17(1)

The portion of subsection 12.3(1) preceding paragraph (a) now reads:

Article 17(1)

Texte actuel du passage du paragraphe 12.3(1) qui précède l'alinéa a) :

Variation of order

12.3. (1) Subject to subsection (2), where a court makes an order under section 12.2, on application by the prosecutor or the person who is the subject of the order, the court may require that person to appear before the court and, after hearing the person and the prosecutor, the court may, if in the opinion of the court it is desirable as a result of a change in the circumstances of the person since the order was made,

Clause 17(2)

Subsection 12.3(3) now reads:

Limitation

(3) Where an application made under subsection (1) in respect of a person has been heard by the court, no other application under that subsection may be made with respect to that person except with leave of the court. 1990, c.30, s.8.

Article 17(2)

Texte actuel du paragraphe 12.3(3) :

Clause 18

Section 12.4 now reads:

**Offence
and punishment**

12.4. Every person who contravenes or fails to comply with an order made under section 12.2 is guilty of an offence and is liable on summary conviction

- (a) for a first offence, to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding six months, or to both; or
- (b) for each subsequent offence, to a fine not exceeding \$1,000,000 or to imprisonment for a term of less than two years, or to both. 1990, c.30, s.8.

Article 18

Texte actuel de l'article 12.4 :

19. (1) Subsection 13(1) is amended by striking out "section 12" and substituting "section 12 or 12.1, as the case may be,".

(2) Subsection 13(3) is amended by striking out "5, 7" and substituting "5, 7, 9.1, 10.3".

(3) Subsection 13(3) is further amended by adding "or 6.1" after "section 6".

20. Section 14 is repealed and the following is substituted:

"14. 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 accused whether or not the employee or agent is identified or has been prosecuted for the offence."

21. Section 15 is repealed and the following is substituted:

"15. Proceedings in respect of an offence under this Act may be instituted at any time within three years after the day on which the Chief Environmental Protection Officer became aware or ought to have become aware of the subject-matter of the proceedings."

22. The following is added after section 15:

"15.1. An order purporting to be signed by the Chief Environmental Protection Officer or an inspector, or a certified copy of the order, is admissible in evidence in an action, prosecution or other proceeding and, in the absence of evidence to the contrary, the document is proof of the statements contained in it without proof of the signature or of the official character of the person appearing to have signed it.

Other Remedies

15.2. (1) Where, on the application of the Minister, it appears to a judge of the Supreme Court that a person has done or is about to do or is likely to do any act or thing constituting or directed toward the commission of an offence under this Act, the judge may issue an injunction ordering any person named in the application

(a) to refrain from doing any act or thing that it appears to the judge may

19. (1) Le paragraphe 13(1) est modifié par suppression de «section 12» et par substitution des mots «section 12 or 12.1, as the case may be,».

(2) Le paragraphe 13(3) est modifié par suppression de «5, 7» et par substitution de «5, 7, 9.1, 10.3».

(3) Le paragraphe 13(3) est à nouveau modifié par adjonction de «or 6.1».

20. L'article 14 est abrogé et remplacé par ce qui suit :

«14. 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 accused whether or not the employee or agent is identified or has been prosecuted for the offence.»

21. L'article 15 est abrogé et remplacé par ce qui suit :

«15. Proceedings in respect of an offence under this Act may be instituted at any time within three years after the day on which the Chief Environmental Protection Officer became aware or ought to have become aware of the subject-matter of the proceedings.»

22. La même loi est modifiée par insertion, après l'article 15, de ce qui suit:

«15.1. An order purporting to be signed by the Chief Environmental Protection Officer or an inspector, or a certified copy of the order, is admissible in evidence in an action, prosecution or other proceeding and, in the absence of evidence to the contrary, the document is proof of the statements contained in it without proof of the signature or of the official character of the person appearing to have signed it.

Other Remedies

15.2. (1) Where, on the application of the Minister, it appears to a judge of the Supreme Court that a person has done or is about to do or is likely to do any act or thing constituting or directed toward the commission of an offence under this Act, the judge may issue an injunction ordering any person named in the application

(a) to refrain from doing any act or thing that it appears to the judge may

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Clause 19(1)

Subsection 13(1) now reads:

Article 19(1)

Texte actuel du paragraphe 13(1) :

Each day a separate offence 13.(1) Any violation of this Act or failure to comply with the terms of an order or notice given thereunder is a continuing offence and a separate information may be laid for each day the offence continues, and the penalties provided for in section 12 shall apply for each conviction resulting from the laying of each information.

Clauses 19(2) and (3)

Subsection 13(3) now reads:

Articles 19(2) et (3)

Texte actuel du paragraphe 13(3) :

Where prosecution not barred (3) Nothing in section 5, 7 or subsection 8(1) operates as a bar to a prosecution for violating section 6. 1973(3),c.2,s.13; 1985(1),c.4,s.9.

Clause 20

Section 14 now reads:

Article 20

Texte actuel de l'article 14 :

Proof of offence 14. 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 accused whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission. 1973(3),c.2,s.14; 1985(1),c.4,s.9.

Clause 21

Section 15 now reads:

Article 21

Texte actuel de l'article 15 :

Time limitation 15.(1) Proceedings in respect of an offence under this Act may be instituted at any time within three years after the time when the subject matter of the proceedings arose.

Consent to prosecute (2) No proceedings in respect of an offence under this Act may be instituted without the consent of the Director of Public Services. 1973(3),c.2,s.15; 1985(1),c.4,s.9.

Clause 22

Sections 15.1 and 15.2 are new.

Article 22

Les articles 15.1 et 15.2 sont nouveaux.

constitute or be directed toward the commission of an offence under this Act; or

(b) to do any act or thing that it appears to the judge may prevent the commission of an offence under this Act.

constitute or be directed toward the commission of an offence under this Act; or

(b) to do any act or thing that it appears to the judge may prevent the commission of an offence under this Act.

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(2) No injunction shall be issued under subsection (1) unless the party or parties named in the application have been served in accordance with section 9 with 48 hours notice or the urgency of the situation is such that service of notice would not be in the public interest."

(2) No injunction shall be issued under subsection (1) unless the party or parties named in the application have been served in accordance with section 9 with 48 hours notice or the urgency of the situation is such that service of notice would not be in the public interest.».

Notice

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23. Section 16 is repealed and the following is substituted:

23. L'article 16 est abrogé et remplacé par ce qui suit :

"Recovery of Costs and Expenses

«Recovery of Costs and Expenses

16. (1) The Government of the Northwest Territories may claim and recover the reasonable costs and expenses incurred in taking any measures under this Act from every person who, through his or her actions or negligence or the actions of negligence of others for whom he or she is by law responsible, caused, permitted or contributed to the discharge of a contaminant or otherwise contravened the provisions of this Act or the regulations.

16. (1) The Government of the Northwest Territories may claim and recover the reasonable costs and expenses incurred in taking any measures under this Act from every person who, through his or her actions or negligence or the actions of negligence of others for whom he or she is by law responsible, caused, permitted or contributed to the discharge of a contaminant or otherwise contravened the provisions of this Act or the regulations.

Costs and expenses

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(2) Where the Government of the Northwest Territories may claim and recover costs and expenses from two or more persons under subsection (1), the costs and expenses may be recovered jointly and severally from those persons.

(2) Where the Government of the Northwest Territories may claim and recover costs and expenses from two or more persons under subsection (1), the costs and expenses may be recovered jointly and severally from those persons.

Joint and several liability

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(3) Where a person fails to comply with an order issued under this Act, that person is liable for all costs and expenses incurred as a result of any action taken under this Act to carry out the order.

(3) Where a person fails to comply with an order issued under this Act, that person is liable for all costs and expenses incurred as a result of any action taken under this Act to carry out the order.

Liability for costs

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(4) A claim for costs and expenses under this Act may be sued for and recovered with costs as a debt due to the Government of the Northwest Territories."

(4) A claim for costs and expenses under this Act may be sued for and recovered with costs as a debt due to the Government of the Northwest Territories.».

Procedure

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24. Section 16.1 is repealed.

24. L'article 16.1 est abrogé.

25. Sections 17 and 18 are repealed and the following is substituted:

25. Les articles 17 et 18 sont abrogés et remplacés par ce qui suit :

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Clause 23

Section 16 now reads:

Procedure for recovery of claims

16. An action to recover on a claim made pursuant to subsection 8(3) or 11(3) may be brought in the Supreme Court of the Territories by the Chief Environmental Protection Officer as the nominal plaintiff. 1973(3), c.2, s.16.

Article 23

Texte actuel de l'article 16 :

Clause 24

Section 16.1 now reads:

Proof of facts

16.1. An order, certificate or notice purporting to be signed by the Minister or the Chief Environmental Protection Officer, or a certified copy of the order, certificate or notice, is admissible in evidence in an action, prosecution or other proceeding and, in the absence of any evidence to the contrary, the document is conclusive proof of the facts set out in it without proof of the signature or of the official character of the person appearing to have signed it. 1990, c.30, s.10.

Article 24

Texte actuel de l'article 16.1 :

Clause 25

Sections 17 and 18 now read:

Inspector may enter premises

17.(1) Where an inspector has reason to believe that an offence has been committed under this Act, he may at any reasonable time enter any area, place or premises other than a private dwelling for the purpose of conducting an investigation or inspection pursuant thereto.

Article 25

Texte actuel des articles 17 et 18 :

Certificate of designation

(2) An inspector shall be furnished with a certificate of his designation as an inspector and shall, if so required, produce the certificate to the person in charge of the area, place or premises referred to in subsection (1).

Assistance to inspector

(3) The owner or person in charge of any area, place or premises and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and functions, and shall furnish the inspector with such information as he may reasonably require. 1973(3), c.2, s.17; 1985(1), c.4, s.9.

Regulations

Regulations

18. The Commissioner may make regulations respecting
- (a) the safeguards required to prevent the discharge of contaminants;
 - (b) the siting, transportation and storage of contaminants;
 - (c) the material and equipment required to be on hand to alleviate the effect of any discharge of contaminants;
 - (c.1) authorizing the discharge of contaminants;
 - (c.2) respecting the reporting of discharges of contaminants or the likely discharge of contaminants;
 - (c.3) prescribing any matter that may be prescribed by this Act; and
 - (d) any other matter he deems necessary to carry out the purposes and provisions of this Act.

Trespass	"17. (1) Subject to subsection (3), an inspector, acting in the exercise of a duty or in the performance of a power under this Act may enter and pass over any public or private land without being liable for trespass.	«17. (1) Subject to subsection (3), an inspector, acting in the exercise of a duty or in the performance of a power under this Act may enter and pass over any public or private land without being liable for trespass.	Trespass	5
No liability for trespass	(2) A person who is subject to an order may enter and pass over any public or private land without being liable for trespass when the trespass is necessary for compliance with the order.	(2) A person who is subject to an order may enter and pass over any public or private land without being liable for trespass when the trespass is necessary for compliance with the order.	No liability for trespass	10
Liability	(3) An inspector or other person referred to in subsections (1) and (2) who enters and passes over land under the authority of that subsection is liable for damages to the land caused by his or her wilful or negligent act.	(3) An inspector or other person referred to in subsections (1) and (2) who enters and passes over land under the authority of that subsection is liable for damages to the land caused by his or her wilful or negligent act.	Liability	15
Application	(4) Subsections (1) and (3) apply to any person who is assisting an inspector.	(4) Subsections (1) and (3) apply to any person who is assisting an inspector.	Application	20
	Records	Records		
Request for records	18. (1) The Chief Environmental Protection Officer may, in writing, require that, within a specific time, any records that are required to be maintained for the purposes of this Act be provided to the Chief Environmental Protection Officer by the owner or person who is required by the regulations to maintain records.	18. (1) The Chief Environmental Protection Officer may, in writing, require that, within a specific time, any records that are required to be maintained for the purposes of this Act be provided to the Chief Environmental Protection Officer by the owner or person who is required by the regulations to maintain records.	Request for records	25
				30
Duty to comply	(2) A person who receives a written request under subsection (1) shall comply with the request.	(2) A person who receives a written request under subsection (1) shall comply with the request.	Duty to comply	35
	Inspection	Inspection		
Inspection	19. (1) For the purposes of determining whether there is compliance with this Act or the regulations, an inspector may, at any reasonable time, without a warrant, enter and inspect any place or vehicle, other than a dwelling-house, where the inspector believes on reasonable grounds that	19. (1) For the purposes of determining whether there is compliance with this Act or the regulations, an inspector may, at any reasonable time, without a warrant, enter and inspect any place or vehicle, other than a dwelling-house, where the inspector believes on reasonable grounds that	Inspection	40
	(a) a contaminant is located on or in the place or vehicle; or	(a) a contaminant is located on or in the place or vehicle; or		
	(b) any books, records, electronic data or other documents relevant to the administration of this Act can be found in the place or vehicle.	(b) any books, records, electronic data or other documents relevant to the administration of this Act can be found in the place or vehicle.		45
				50
Request driver to stop	(2) An inspector may, for the purposes of an inspection under subsection (1), stop a vehicle and direct the driver to park the vehicle at a place specified by the inspector.	(2) An inspector may, for the purposes of an inspection under subsection (1), stop a vehicle and direct the driver to park the vehicle at a place specified by the inspector.	Request driver to stop	55

EXPLANATORY NOTES

NOTES EXPLICATIVES

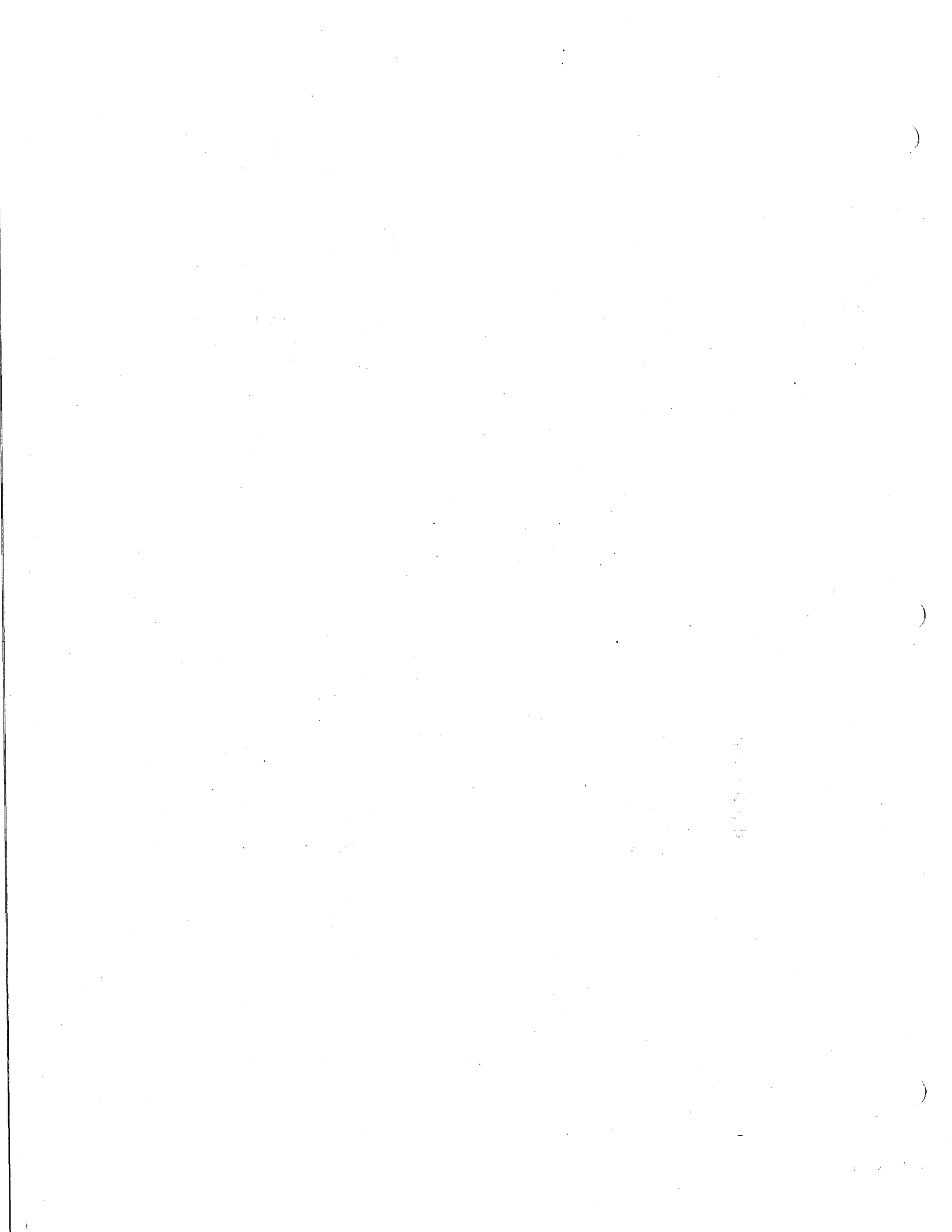
Clause 25 (cont'd)

Sections 19 to 35 are new.

Article 25 (suite)

Les articles 19 à 35 sont nouveaux.

Duty to comply	(3) Where, under subsection (2) an inspector directs the driver of a vehicle to stop, the driver shall	(3) Where, under subsection (2) an inspector directs the driver of a vehicle to stop, the driver shall	Duty to comply	
	(a) immediately park the vehicle at the place specified by the inspector; and	(a) immediately park the vehicle at the place specified by the inspector; and		5
	(b) not move the vehicle until permitted to do so by the inspector.	(b) not move the vehicle until permitted to do so by the inspector.		
Powers under inspection	20. (1) An inspector may, in the performance of an inspection under subsection 19(1),	20. (1) An inspector may, in the performance of an inspection under subsection 19(1),	Powers under inspection	10
	(a) examine any substance;	(a) examine any substance;		
	(b) open and examine any receptacle or package that the inspector has reason to believe contains any contaminant;	(b) open and examine any receptacle or package that the inspector has reason to believe contains any contaminant;		15
	(c) examine any books, records, electronic data or documents that the inspector believes on reasonable grounds contain any information required by the inspector and make copies of them or take extracts from them;	(c) examine any books, records, electronic data or documents that the inspector believes on reasonable grounds contain any information required by the inspector and make copies of them or take extracts from them;		20
	(d) take samples of any thing; and	(d) take samples of any thing; and		
	(e) conduct any tests or take any measurements.	(e) conduct any tests or take any measurements.		25
Duty of person in possession or charge	(2) Every person who is in possession or charge of any place or vehicle being inspected under subsection 19(1) shall permit the inspector	(2) Every person who is in possession or charge of any place or vehicle being inspected under subsection 19(1) shall permit the inspector	Duty of person in possession or charge	30
	(a) to use or cause to be used any computer system at the place or vehicle; and	(a) to use or cause to be used any computer system at the place or vehicle; and		
	(b) to use or cause to be used any copying equipment at the place.	(b) to use or cause to be used any copying equipment at the place.		35
Destruction of contaminant	21. (1) An inspector may destroy or otherwise dispose of a contaminant in any manner that is appropriate	21. (1) An inspector may destroy or otherwise dispose of a contaminant in any manner that is appropriate	Destruction of contaminant	40
	(a) if, in the performance of an inspection under subsection 19(1), he or she believes on reasonable grounds that the contaminant is a danger to life, health, property or the environment and has been abandoned or has deteriorated; or	(a) if, in the performance of an inspection under subsection 19(1), he or she believes on reasonable grounds that the contaminant is a danger to life, health, property or the environment and has been abandoned or has deteriorated; or		45
	(b) with the written consent of the owner or person in charge of the contaminant.	(b) with the written consent of the owner or person in charge of the contaminant.		
Liability for costs	(2) The owner of or person responsible for a contaminant is liable for all reasonable costs and expenses incurred as a result of an inspector destroying or disposing of the contaminant under subsection (1).	(2) The owner of or person responsible for a contaminant is liable for all reasonable costs and expenses incurred as a result of an inspector destroying or disposing of the contaminant under subsection (1).	Liability for costs	50
				55
	Search	Search		
Search warrant	22. (1) On <i>ex parte</i> application, a court may issue a warrant authorizing such inspectors or peace officers, as the court may specify in the	22. (1) On <i>ex parte</i> application, a court may issue a warrant authorizing such inspectors or peace officers, as the court may specify in the	Search warrant	60



warrant, to enter and search a place or vehicle, subject to such conditions as the court may specify in the warrant, where the court is satisfied by information on oath that there are reasonable grounds to believe that there is in the place or vehicle

- (a) anything in respect of which any contravention of this Act or the regulations has been or is suspected to have been committed; or
- (b) anything that there are reasonable grounds to believe will afford evidence with respect to the commission of any contravention of this Act or the regulations.

(2) An inspector or peace officer to whom a warrant is issued under subsection (1) may exercise the powers described in subsection 20(1).

23. Where an inspector on reasonable grounds believes that there is in any place or vehicle anything referred to in paragraph 22(1)(a) or (b), but by reason of exigent circumstances it would not be practicable to obtain a warrant under subsection 22(1), the inspector may search that place or vehicle without a warrant.

24. An inspector making a search under section 22 or 23 may use such force as, in the opinion of the inspector, is necessary to facilitate the search, including the breaking of any lock or fastening.

25. (1) An inspector making a search of a place or vehicle under section 22 or 23 may

- (a) use or cause to be used any computer system at the place or vehicle; and
- (b) use or cause to be used any copying equipment at the place.

(2) Every person who is in possession or charge of any place or vehicle in respect of which a search is carried out under section 22 or 23 shall permit the inspector carrying out the search

- (a) to use or cause to be used any computer system at the place or vehicle; and
- (b) to use or cause to be used any copying equipment at the place.

26. The owner or the person in charge of a place or vehicle entered by an inspector under section

warrant, to enter and search a place or vehicle, subject to such conditions as the court may specify in the warrant, where the court is satisfied by information on oath that there are reasonable grounds to believe that there is in the place or vehicle

- (a) anything in respect of which any contravention of this Act or the regulations has been or is suspected to have been committed; or
- (b) anything that there are reasonable grounds to believe will afford evidence with respect to the commission of any contravention of this Act or the regulations.

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- (a) to use or cause to be used any computer system at the place or vehicle; and
- (b) to use or cause to be used any copying equipment at the place.

26. The owner or the person in charge of a place or vehicle entered by an inspector under

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Search and seizure

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Warrant not required

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Force

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Operation of equipment

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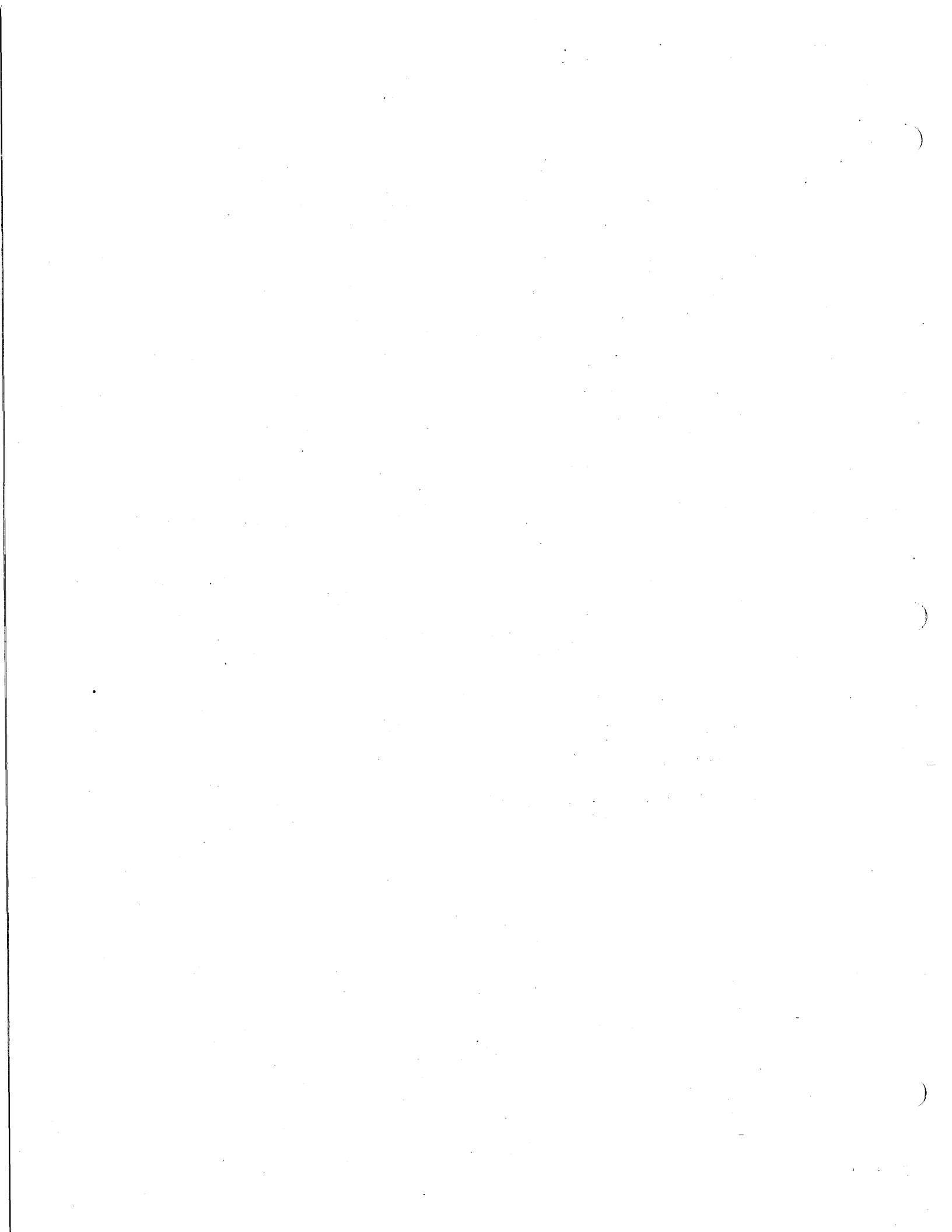
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Duty of person in possession or charge

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Assistance to inspectors



19, 22 or 23 and every person found in the place or vehicle shall

- (a) give the inspector all reasonable assistance to enable the inspector to carry out his or her duties under this Act and the regulations; and
- (b) furnish the inspector with such information as, in the opinion of the inspector is necessary for the enforcement of this Act and the regulations.

Seizure

section 19, 22 or 23 and every person found in the place or vehicle shall

- (a) give the inspector all reasonable assistance to enable the inspector to carry out his or her duties under this Act and the regulations; and
- (b) furnish the inspector with such information as, in the opinion of the inspector is necessary for the enforcement of this Act and the regulations.

Seizure

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Seizure

27. (1) Where, during the course of an inspection or a search, an inspector has reasonable grounds to believe that any provision of this Act or the regulations has been contravened, the inspector may seize any thing
- (a) by means of or in relation to which the inspector reasonably believes the contravention occurred; or
 - (b) that the inspector reasonably believes will afford evidence of the contravention.

27. (1) Where, during the course of an inspection or a search, an inspector has reasonable grounds to believe that any provision of this Act or the regulations has been contravened, the inspector may seize any thing
- (a) by means of or in relation to which the inspector reasonably believes the contravention occurred; or
 - (b) that the inspector reasonably believes will afford evidence of the contravention.

Seizure

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Limitation

(2) An inspector shall not seize any thing under subsection (1) unless it is required as evidence or for purposes of analysis or the inspector has reasonable grounds to believe that the seizure is necessary in the public interest.

(2) An inspector shall not seize any thing under subsection (1) unless it is required as evidence or for purposes of analysis or the inspector has reasonable grounds to believe that the seizure is necessary in the public interest.

Limitation

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Notice of seizure

- (3) An inspector who has seized a thing under subsection (1) shall, as soon as practicable, advise the person in whose possession it was at the time of seizure
- (a) of the seizure of the thing; and
 - (b) of the provision of this Act or the regulations that the inspector believes has been contravened.

- (3) An inspector who has seized a thing under subsection (1) shall, as soon as practicable, advise the person in whose possession it was at the time of seizure
- (a) of the seizure of the thing; and
 - (b) of the provision of this Act or the regulations that the inspector believes has been contravened.

Notice of seizure

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Release from seizure

28. The Chief Environmental Protection Officer shall release from seizure any thing seized under subsection 27(1)

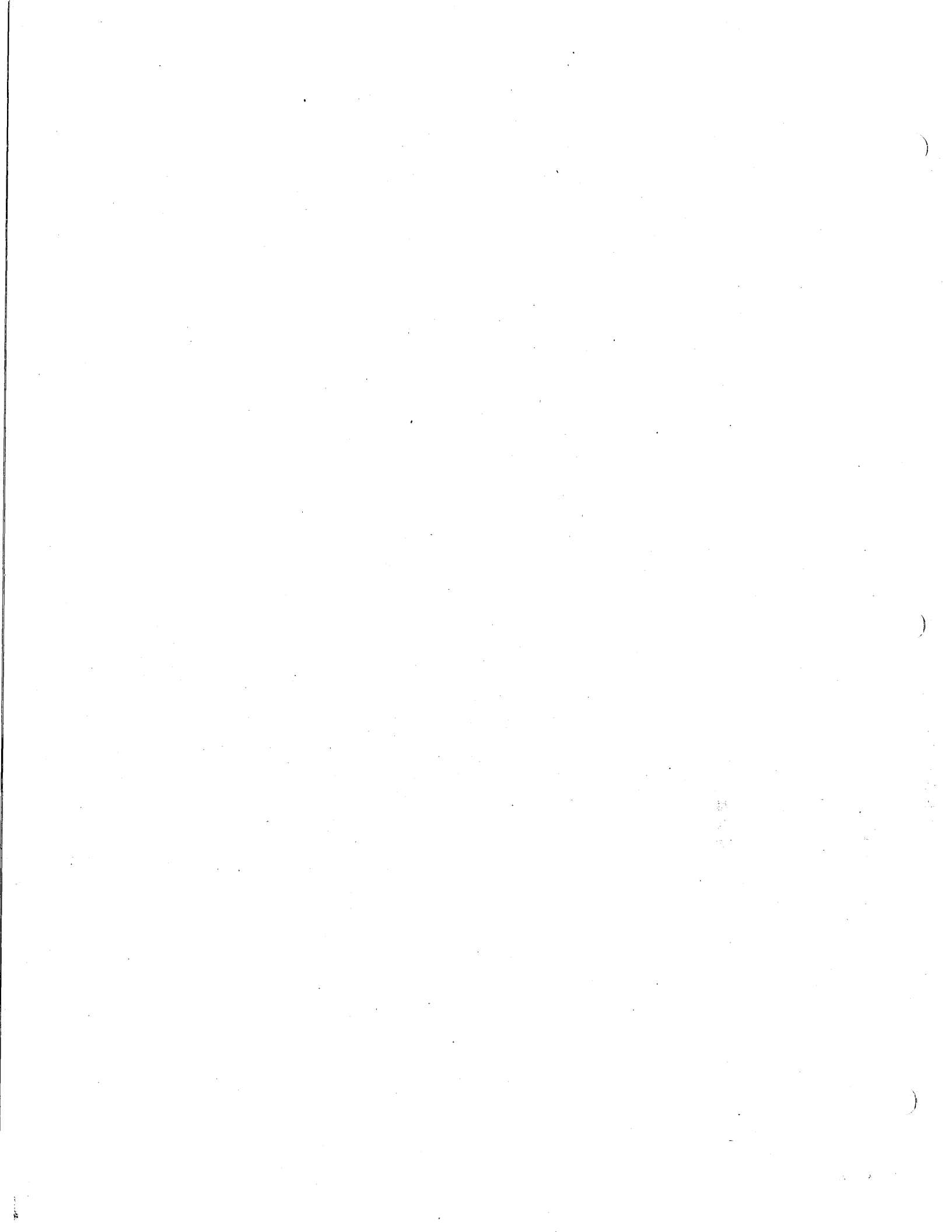
- (a) on application to the Chief Environmental Protection Officer by the owner of the thing or the person in whose possession it was at the time of seizure and the Chief Environmental Protection Officer is satisfied that it is not in the public interest to continue to detain the thing or that it is not required as evidence or for purposes of analysis; or

28. The Chief Environmental Protection Officer shall release from seizure any thing seized under subsection 27(1)

- (a) on application to the Chief Environmental Protection Officer by the owner of the thing or the person in whose possession it was at the time of seizure and the Chief Environmental Protection Officer is satisfied that it is not in the public interest to continue to detain the thing or that it is not required as evidence or for purposes of analysis; or

Release from seizure

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- (b) 180 days after the day of seizure, unless before that time
 - (i) the thing has been forfeited under section 32,
 - (ii) proceedings have been instituted in respect of the contravention in relation to which the thing was seized, in which case it may be detained until the proceedings are concluded, or
 - (iii) the Chief Environmental Protection Officer has served or made reasonable efforts to serve notice of an application for an order extending the time during which the thing may be detained in accordance with section 29.

- (b) 180 days after the day of seizure, unless before that time
 - (i) the thing has been forfeited under section 32,
 - (ii) proceedings have been instituted in respect of the contravention in relation to which the thing was seized, in which case it may be detained until the proceedings are concluded, or
 - (iii) the Chief Environmental Protection Officer has served or made reasonable efforts to serve notice of an application for an order extending the time during which the thing may be detained in accordance with section 29.

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29. (1) Where proceedings have not been instituted in respect of the contravention in relation to which a thing was seized under subsection 27(1), the Chief Environmental Protection Officer may, before the expiration of 180 days after the day of seizure and on serving notice in accordance with subsection (2) on the owner of the thing or on the person who at the time of seizure was in charge of it, apply to a court for an order extending the time during which it may be detained.

29. (1) Where proceedings have not been instituted in respect of the contravention in relation to which a thing was seized under subsection 27(1), the Chief Environmental Protection Officer may, before the expiration of 180 days after the day of seizure and on serving notice in accordance with subsection (2) on the owner of the thing or on the person who at the time of seizure was in charge of it, apply to a court for an order extending the time during which it may be detained.

Application to extend period of detention 20
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(2) A notice referred to in subsection (1) shall be served in accordance with section 9 at least 10 days prior to the date the application is to be heard and shall specify

(2) A notice referred to in subsection (1) shall be served in accordance with section 9 at least 10 days prior to the date the application is to be heard and shall specify

Notice 35

- (a) the court in which the application is to be made;
- (b) the place where and the time at which the application is to be heard;
- (c) the thing seized in respect of which the application is to be made; and
- (d) the grounds on which the Chief Environmental Protection Officer intends to rely to show why there should be an extension of the time during which the thing seized may be detained.

- (a) the court in which the application is to be made;
- (b) the place where and the time at which the application is to be heard;
- (c) the thing seized in respect of which the application is to be made; and
- (d) the grounds on which the Chief Environmental Protection Officer intends to rely to show why there should be an extension of the time during which the thing seized may be detained.

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(3) Where, on the hearing of an application made under subsection (1), the court is satisfied that the thing seized should continue to be detained, the court shall order

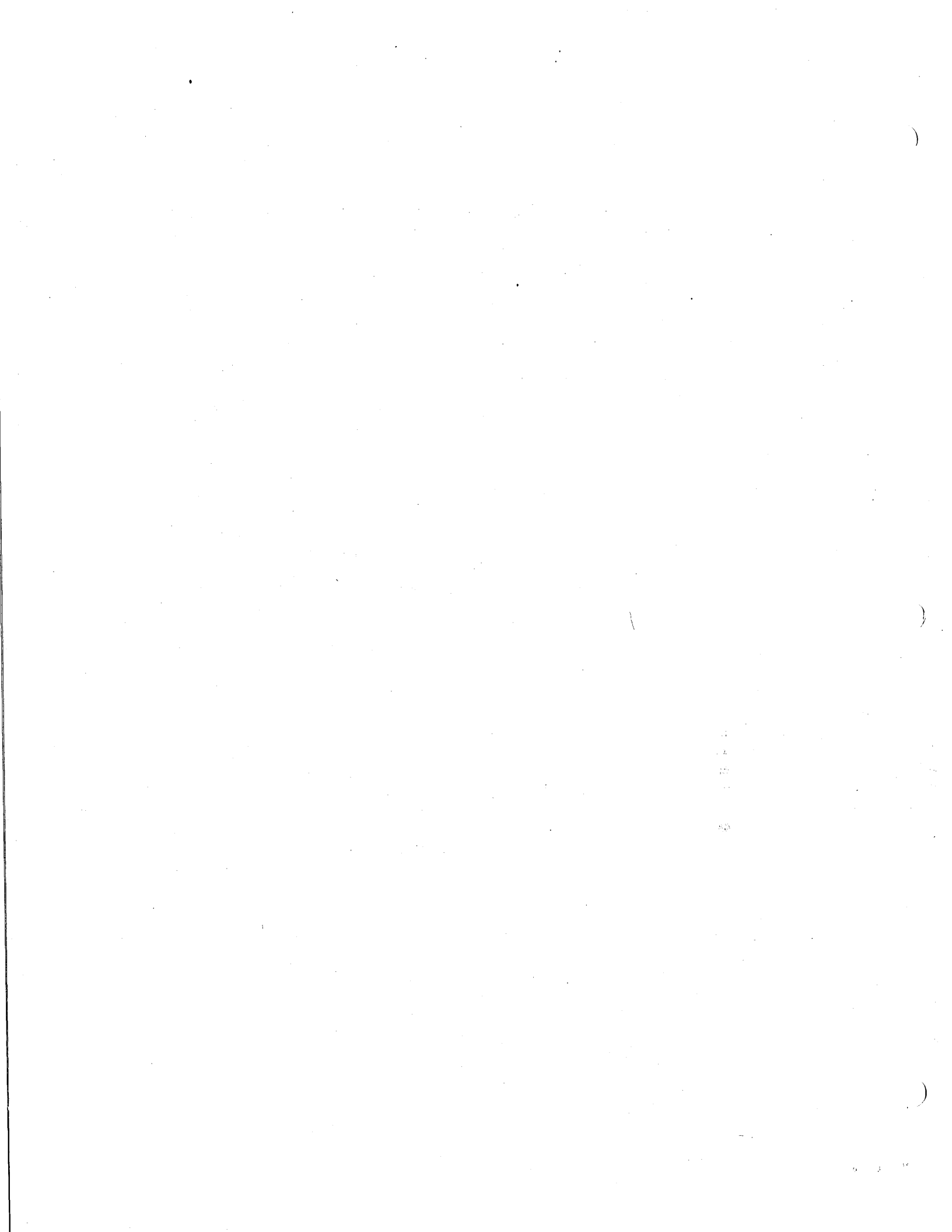
(3) Where, on the hearing of an application made under subsection (1), the court is satisfied that the thing seized should continue to be detained, the court shall order

Order of extension granted 50

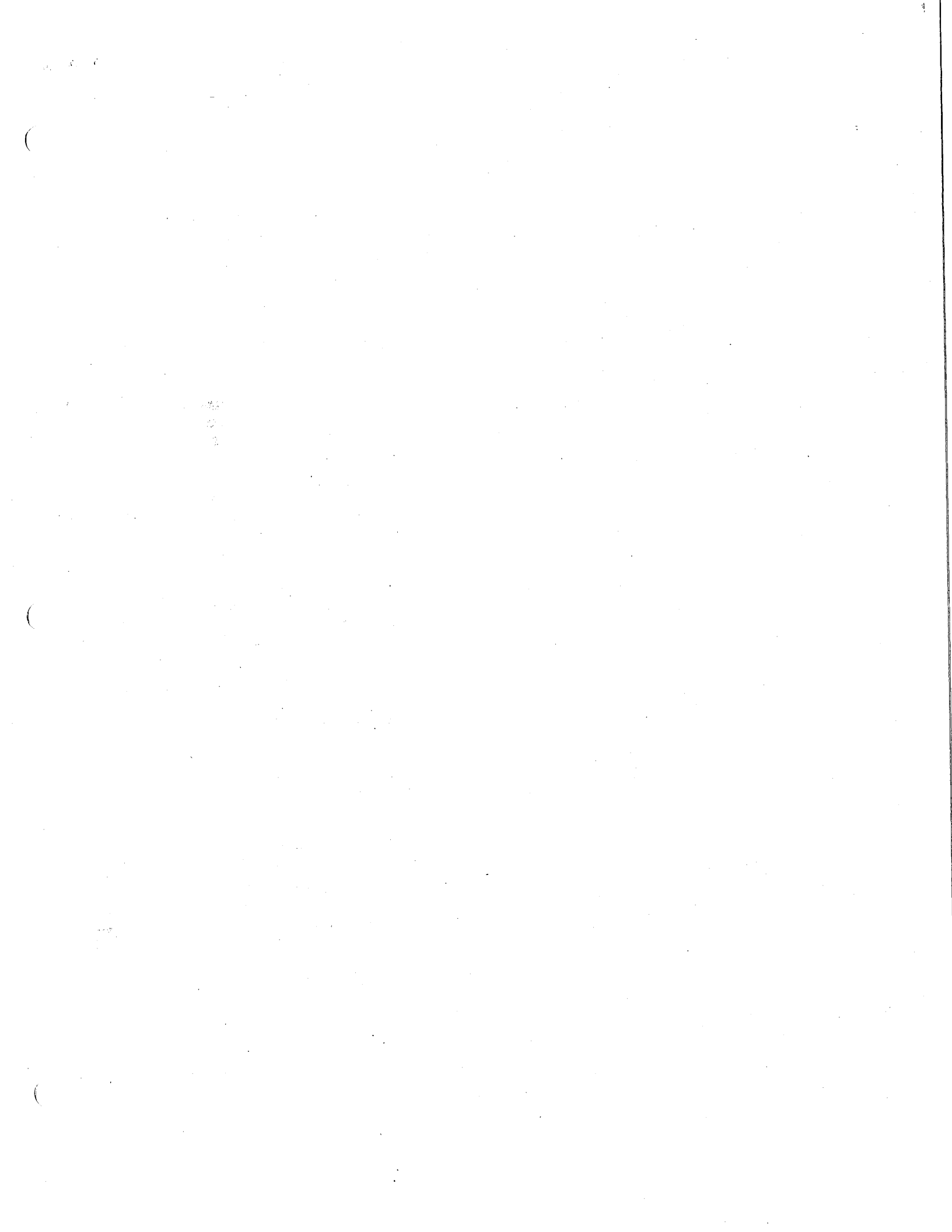
- (a) that the thing be detained for such additional period of time and on such conditions as the court considers proper; and

- (a) that the thing be detained for such additional period of time and on such conditions as the court considers proper; and

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	(b) that the thing be released from seizure at the expiration of the additional period of time unless before that time action is taken under subparagraph 28(b)(ii) or (iii).	(b) that the thing be released from seizure at the expiration of the additional period of time unless before that time action is taken under subparagraph 28(b)(ii) or (iii).	5
Order of extension refused	(4) Where, on the hearing of an application made under subsection (1), the court is not satisfied that the thing seized should continue to be detained, the court shall order that, on the expiration of 180 days after the day of seizure, it be released unless, before the expiration of the 180 days, action is taken under subparagraph 28(b)(ii) or (iii).	(4) Where, on the hearing of an application made under subsection (1), the court is not satisfied that the thing seized should continue to be detained, the court shall order that, on the expiration of 180 days after the day of seizure, it be released unless, before the expiration of the 180 days, action is taken under subparagraph 28(b)(ii) or (iii).	Order of extension refused 10
Order for restoration	(5) Where, at the time of the hearing of an application made under subsection (1), 180 days have expired after the day of seizure, the court shall order the release of the thing.	(5) Where, at the time of the hearing of an application made under subsection (1), 180 days have expired after the day of seizure, the court shall order the release of the thing.	Order for restoration 20
Storage of seized thing	30. (1) A thing seized by an inspector under subsection 27(1) shall be kept or stored in the place where it was seized except where it is removed in accordance with subsection (2) or (3).	30. (1) A thing seized by an inspector under subsection 27(1) shall be kept or stored in the place where it was seized except where it is removed in accordance with subsection (2) or (3).	Storage of seized thing 25
Removal	(2) The inspector may remove a thing seized where, in the opinion of the inspector, (a) it is not in the public interest to keep or store a thing seized in the place it was seized; or (b) the thing seized, or a sample of it, is required as evidence and removal and storage of the thing seized is necessary to ensure that the thing or sample will be available as evidence in any related proceedings.	(2) The inspector may remove a thing seized where, in the opinion of the inspector, (a) it is not in the public interest to keep or store a thing seized in the place it was seized; or (b) the thing seized, or a sample of it, is required as evidence and removal and storage of the thing seized is necessary to ensure that the thing or sample will be available as evidence in any related proceedings.	Removal 30 35 40
Idem	(3) Where the person who had possession of the thing at the time of seizure or the person entitled to possession of the place where the thing was seized requests the inspector to have it removed to some other place, the thing may be removed and stored in any other place at the direction of an inspector at the expense of the person who requested the removal.	(3) Where the person who had possession of the thing at the time of seizure or the person entitled to possession of the place where the thing was seized requests the inspector to have it removed to some other place, the thing may be removed and stored in any other place at the direction of an inspector at the expense of the person who requested the removal.	Idem 45 50
Interference with seized thing	31. (1) Unless authorized by an inspector, no person shall remove, alter or interfere in any way with any thing seized by an inspector under subsection 27(1).	31. (1) Unless authorized by an inspector, no person shall remove, alter or interfere in any way with any thing seized by an inspector under subsection 27(1).	Interference with seized thing 55
Examination of seized thing	(2) An inspector shall, at the request of the person from whom a thing was seized, allow that person or any person authorized by that	(2) An inspector shall, at the request of the person from whom a thing was seized, allow that person or any person authorized by that	Examination of seized thing 60



person to examine it and, where practicable, furnish a sample or copy of it to such person.

Forfeiture

32. (1) A thing seized by an inspector under subsection 27(1) is forfeited to the Government of the Northwest Territories where the owner or person in whose possession it was at the time of seizure consents in writing to the forfeiture of the thing.

(2) The Minister may dispose of or destroy any thing forfeited under subsection (1).

(3) If the Minister so directs, the owner or the person who was in lawful possession of the thing at the time it was seized is liable for all reasonable costs and expenses incurred as a result of the disposal or destruction of the thing seized.

33. Where a person is convicted of an offence under this Act or the regulations and any thing seized under subsection 27(1) or in relation to that offence is being detained,

(a) the thing is, if the court so directs, forfeited to the Government of the Northwest Territories in which case

(i) the Minister may dispose of or destroy the thing, and

(ii) the offender is liable for all reasonable costs of the disposal or destruction; or

(b) the thing shall, on the expiration of the time for taking an appeal from the conviction or on the final conclusion of the proceedings, as the case may be, be restored to the person from whom it was seized or to any other person entitled to possession of it on such conditions, if any, as may be imposed by order of the court and as, in the opinion of the court, are necessary to avoid the commission of any further offence under this Act or the regulations.

34. No right of action lies and no right of compensation exists against the Government of the Northwest Territories, the Commissioner, the Minister, the Chief Environmental Protection Officer or an inspector or a person acting under the authority of any of them for loss or damage arising from the disposal authorized by this Act

person to examine it and, where practicable, furnish a sample or copy of it to such person.

Forfeiture

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33. Where a person is convicted of an offence under this Act or the regulations and any thing seized under subsection 27(1) or in relation to that offence is being detained,

(a) the thing is, if the court so directs, forfeited to the Government of the Northwest Territories in which case

(i) the Minister may dispose of or destroy the thing, and

(ii) the offender is liable for all reasonable costs of the disposal or destruction; or

(b) the thing shall, on the expiration of the time for taking an appeal from the conviction or on the final conclusion of the proceedings, as the case may be, be restored to the person from whom it was seized or to any other person entitled to possession of it on such conditions, if any, as may be imposed by order of the court and as, in the opinion of the court, are necessary to avoid the commission of any further offence under this Act or the regulations.

34. No right of action lies and no right of compensation exists against the Government of the Northwest Territories, the Commissioner, the Minister, the Chief Environmental Protection Officer or an inspector or a person acting under the authority of any of them for loss or damage arising from the disposal authorized by this Act

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Forfeiture on consent

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Disposal or destruction

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Liability for costs

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Forfeiture by order of court

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Liability for thing seized

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or the deterioration of any thing during any period when it is under seizure unless the Government of the Northwest Territories or any such person was negligent in the care of the thing seized.

or the deterioration of any thing during any period when it is under seizure unless the Government of the Northwest Territories or any such person was negligent in the care of the thing seized.

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Regulations

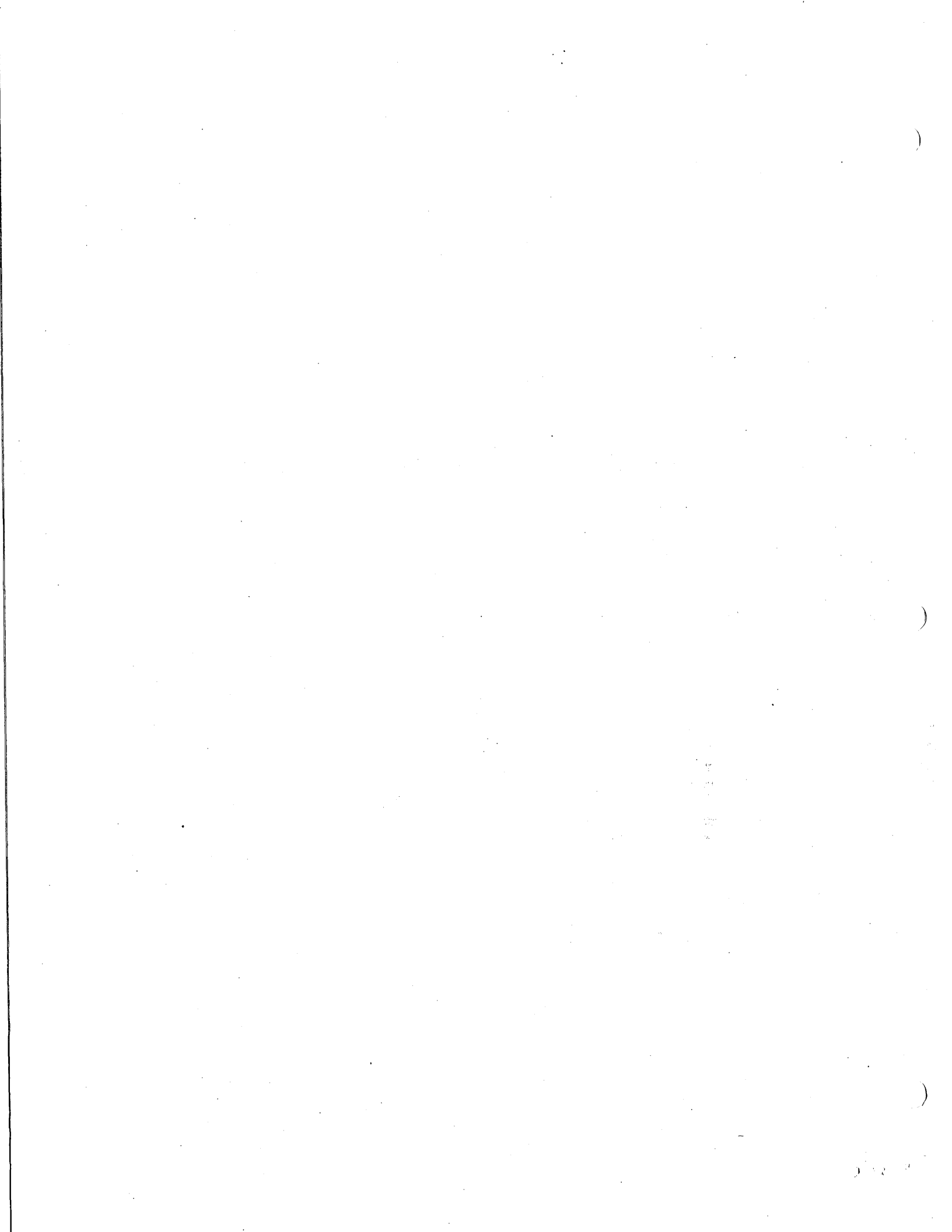
35. (1) Subject to subsection (2), the Commissioner, on the recommendation of the Minister, may make regulations

- (a) prescribing any matter that may be prescribed under this Act;
- (b) respecting contaminants or the concentration of contaminants that may or may not be discharged into the environment;
- (c) respecting the maximum permissible concentration of a contaminant in the environment;
- (d) respecting acceptable levels of contaminants within other substances;
- (e) respecting the reporting of discharges of contaminants or the likely discharge of contaminants;
- (f) respecting the methods for sampling and analyzing contaminants;
- (g) respecting the methods for sampling and analyzing the rate of emission of a contaminant into the environment;
- (h) respecting the manufacture, use, installation, removal or modification of equipment designed to control the release of contaminants;
- (i) categorizing contaminants;
- (j) respecting the design, construction, identification, siting and operation of disposal sites for contaminants;
- (k) respecting the requirements for the identification, storage, handling, discharge, transport or use of contaminants;
- (l) respecting methods of collection, treatment, distribution, recycling, reuse or disposal of contaminants;
- (m) creating classes of permits and licences;
- (n) respecting the requirements for the issuing, refusal and suspension of permits and licences and public participation relating to this subject matter;
- (o) respecting procedures relating to appeals and public participation relating to appeals;
- (p) respecting the rehabilitation of contaminated property;

Regulations

35. (1) Subject to subsection (2), the Commissioner, on the recommendation of the Minister, may make regulations

- (a) prescribing any matter that may be prescribed under this Act; 10
- (b) respecting contaminants or the concentration of contaminants that may or may not be discharged into the environment; 15
- (c) respecting the maximum permissible concentration of a contaminant in the environment;
- (d) respecting acceptable levels of contaminants within other substances; 20
- (e) respecting the reporting of discharges of contaminants or the likely discharge of contaminants;
- (f) respecting the methods for sampling and analyzing contaminants; 25
- (g) respecting the methods for sampling and analyzing the rate of emission of a contaminant into the environment;
- (h) respecting the manufacture, use, installation, removal or modification of equipment designed to control the release of contaminants; 30
- (i) categorizing contaminants;
- (j) respecting the design, construction, identification, siting and operation of disposal sites for contaminants; 35
- (k) respecting the requirements for the identification, storage, handling, discharge, transport or use of contaminants; 40
- (l) respecting methods of collection, treatment, distribution, recycling, reuse or disposal of contaminants;
- (m) creating classes of permits and licences;
- (n) respecting the requirements for the issuing, refusal and suspension of permits and licences and public participation relating to this subject matter; 45
- (o) respecting procedures relating to appeals and public participation relating to appeals; 50
- (p) respecting the rehabilitation of contaminated property;



- (q) respecting the material and equipment required to be on hand to alleviate the effect of any discharge of contaminants;
- (r) respecting the safeguards required to prevent the discharge of contaminants;
- (s) prescribing the contents of forms to be used under this Act;
- (t) prescribing fees to be charged under this Act; and
- (u) respecting any other matter necessary to carry out the purposes and provisions of this Act.

- (q) respecting the material and equipment required to be on hand to alleviate the effect of any discharge of contaminants;
- (r) respecting the safeguards required to prevent the discharge of contaminants;
- (s) prescribing the contents of forms to be used under this Act;
- (t) prescribing fees to be charged under this Act; and
- (u) respecting any other matter necessary to carry out the purposes and provisions of this Act.

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(2) Subject to subsection (3), the Minister shall publish in the *Northwest Territories Gazette* at least 90 days before the proposed effective date of a regulation, a copy of every regulation that the Commissioner proposes to make under paragraphs 35(1)(m), (n) and (o) and a reasonable opportunity shall be afforded to interested persons to make representations with respect thereto.

(2) Subject to subsection (3), the Minister shall publish in the *Northwest Territories Gazette* at least 90 days before the proposed effective date of a regulation, a copy of every regulation that the Commissioner proposes to make under paragraphs 35(1)(m), (n) and (o) and a reasonable opportunity shall be afforded to interested persons to make representations with respect thereto.

Publication of proposed regulation 15

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- (3) The Minister is not required to publish a proposed regulation if the proposed regulation
- (a) has been published pursuant to subsection (2) whether or not it has been amended as a result of representations made by interested persons as provided in that subsection; or
 - (b) makes no material substantive change in an existing regulation."

- (3) The Minister is not required to publish a proposed regulation if the proposed regulation
- (a) has been published pursuant to subsection (2) whether or not it has been amended as a result of representations made by interested persons as provided in that subsection; or
 - (b) makes no material substantive change in an existing regulation.».

Exceptions 25

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COMMENCEMENT

ENTRÉE EN VIGUEUR

26. This Act or any portion of this Act shall come into force on a day or days to be fixed by order of the Commissioner.

26. La présente loi ou telle de ses dispositions entre en vigueur à la date ou aux dates fixées par décret du commissaire.

Coming into force 26
Entrée en vigueur 40