



BILL NO. 122

Government Bill

*3rd Session, 61st General Assembly
Nova Scotia
60 Elizabeth II, 2011*

An Act to Amend Chapter 1 of the Acts of 1994-95, the Environment Act

CHAPTER 61
ACTS OF 2011

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 15, 2011**

The Honourable Sterling Belliveau
Minister of Environment

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 1
of the Acts of 1994-95,
the Environment Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, as amended by Chapter 30 of the Acts of 2006, is further amended by striking out clause (i) and substituting the following clauses:

- (i) providing a responsive, effective, fair, timely and efficient administrative and regulatory system;
- (j) promoting this Act primarily through non-regulatory means such as co-operation, communication, education, incentives and partnerships.

2 Section 3 of Chapter 1, as amended by Chapter 6 of the Acts of 2001 and Chapter 30 of the Acts of 2006, is further amended by

(a) striking out “, including an adverse effect respecting the health of humans or the reasonable enjoyment of life or property” in the second, third and last lines of clause (c) and substituting “or changes the environment in a manner that negatively affects aspects of human health”;

(b) striking out “, and includes the renewal of an approval” in the second and last lines of clause (f);

(c) striking out clause (g);

(d) striking out clause (h) and substituting the following clause:

(h) “certificate of qualification” means

- (i) a certificate of qualification issued pursuant to this Act; or
- (ii) a certificate or other proof of qualification that is prescribed by the regulations as a certificate of qualification for the purpose of this Act;

(e) striking out “and Labour” in the second line of clause (o);

(f) adding immediately after clause (p) the following clauses:

(pa) “designated organization” means an organization designated by the regulations for the purpose of issuing certificates of qualification;

(pb) “directive” means a directive or instruction issued by an inspector pursuant to this Act or the regulations;

(g) relettering the clause immediately after clause (z) as clause (aaa);

(h) striking out “and Labour” in the second line of clause (ag);

(i) adding immediately after clause (ah) the following clause:

(aha) “notification” means a notice to the Minister that an activity designated in the regulations as requiring a notification is about to be commenced or is to continue beyond the period of time prescribed by the regulations;

(j) adding immediately after clause (ar) the following clause:

(ara) “review panel” means a panel established by the Minister pursuant to subsection 42(1);

(k) adding immediately after clause (as) the following clause:

(asa) “standard” means a standard, policy, code, guideline, protocol or other rule in relation to a designated activity that, by reason of its establishment or adoption by regulation or as a condition of an approval or certificate of qualification, becomes a mandatory requirement for participation in that designated activity;

(l) striking out clause (au) and substituting the following clause:

(au) “substance” means

- (i) any solid, liquid or gas,
- (ii) any sound, vibration, heat, radiation or another form of energy, or
- (iii) any combination of any of the things referred to in subclauses (i) and (ii);

and

(m) striking out “ground water” in the first line of subclause (be)(ii) and substituting “groundwater”.

3 (1) Subsection 3A(1) of Chapter 1, as enacted by Chapter 30 of the Acts of 2006, is amended by striking out “, policies, codes, guidelines or other rules” in the third line.

(2) Subsection 3A(2) of Chapter 1, as enacted by Chapter 30 of the Acts of 2006, is amended by striking out “, policy, code, guideline or other rule” in the first and second lines.

4 Subsection 8(2) of Chapter 1, as amended by Chapter 3 of the Acts of 2004, is further amended by

(a) striking out “standards,” in the second line of clause (b);

(b) striking out “, codes of practice, directives” in the second and third lines of clause (b);

(c) striking out the semicolon at the end of clause (j) and substituting a period;

and

(d) striking out clauses (k) and (l).

5 Chapter 1 is further amended by adding immediately after Section 8 the following Section:

- 8A (1) The Minister may make regulations
- (a) establishing fees and the manner of payment in relation to anything done or required to be done pursuant to this Act or the regulations, including, but not limited to, fees and the manner of payment in relation to
 - (i) emission and effluent discharge levels,
 - (ii) the provision or filing of any information, documents, notifications, returns or reports,
 - (iii) the application for, or processing, issuance or renewal of, an approval or certificate,
 - (iv) any inspection or investigation,
 - (v) any services or material provided, and
 - (vi) any other matter respecting the administration of this Act;
 - (b) prescribing forms for the purpose of this Act;
 - (c) establishing standards and designating the activities to which standards apply.

(2) A regulation establishing a standard may adopt or incorporate in whole or in part, or with modifications, a standard, policy, code, guideline, protocol or other rule of any government, organization or person as it reads at a particular time or as amended or replaced from time to time.

(3) Where a standard, policy, code, guideline, protocol or other rule is adopted as a standard or incorporated as part of a standard by a regulation made pursuant this Section, the Minister shall ensure that a copy of the standard, practice, code, guideline, objective, method or other rule is made publicly available.

(4) The exercise by the Minister of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

6 Sections 9 and 9A of Chapter 1 are repealed and the following Section substituted:

- 9 (1) The Minister may appoint any person, establish advisory committees and retain experts to advise the Minister with respect to
- (a) the content and administration of this Act, including the review of the Act pursuant to Section 174;
 - (b) any policy, program, standard or other matter under the administration of the Minister pursuant to this Act;
 - (c) the review of any refusal to issue approvals or certificates of qualification under Part V or the review of any suspension or cancellation of an approval under Part V; or

(d) any other matter referred by the Minister to the person, advisory committee or expert, as the case may be.

(2) The Minister may establish an advisory committee composed of representatives of the Department and the Mi'kmaq people to discuss environmental matters associated with the rights and interests of the Mi'kmaq people.

(3) The Round Table is deemed to be an advisory committee established pursuant to subsection (1), and the Minister may

(a) appoint members to the Round Table; and

(b) seek advice from the Round Table with respect to matters concerning issues of environmental sustainability and its linkage with economic and social prosperity.

(4) The Minister may

(a) specify the functions that

(i) any person appointed, advisory committee established and expert retained pursuant to subsection (1), and

(ii) the Round Table

are to perform, including the seeking of input from the public and the manner and time period in which those functions are to be performed;

(b) provide for the remuneration of and payment of expenses to

(i) witnesses,

(ii) members of advisory committees and the Round Table,
and

(iii) any person appointed or expert retained pursuant to subsection (1);

(c) provide for the issue of summonses requiring the attendance of witnesses, the production of documents and things and the payment of fees to witnesses.

(5) When reviewing candidates for appointment to an advisory committee or the Round Table, the Minister shall have regard to the candidate's particular knowledge, experience and interest in issues relevant to the tasks that the advisory committee or Round Table is being asked to perform.

7 Subsection 10(1) of Chapter 1 is amended by

(a) adding “, directives” immediately after “orders” in the first line of clause (d);

(b) striking out “codes of practice,” in the first and second lines of clause (g);
and

(c) striking out “, directives” in the second line of clause (g).

8 Subsection 24(1) of Chapter 1 is amended by adding “, directive” immediately after “order” in the first line.

9 Subsection 25(1) of Chapter 1, as amended by Chapter 3 of the Acts of 2004 and Chapter 30 of the Acts of 2006, is further amended by

(a) striking out “clause 9(a)” in the third line of clause (b) and substituting “subsection 9(1)”;

(b) adding “advisory committees and” immediately after “of” in the second line of clause (e);

(c) striking out “its” in the last line of clause (e) and substituting “their”; and

(d) striking out clause (fa).

10 Subsection 29(1) of Chapter 1 is amended by striking out “, in accordance with the regulations,” in the first and second lines.

11 Section 36 of Chapter 1 is amended by

(a) striking out “an administrator” in the second line and substituting “the Minister”;

(b) striking out “administrator” in the first and last lines of clause (c) and substituting “Minister”.

12 (1) Subsection 37(1) of Chapter 1 is amended by striking out “an administrator” in the second line and substituting “the Minister”.

(2) Subsection 37(2) of Chapter 1 is amended by striking out “an administrator” in the second line and substituting “the Minister”.

(3) Subsection 37(3) of Chapter 1 is amended by striking out “an administrator” in the second line and substituting “the Minister”.

13 (1) Subsection 38(1) of Chapter 1 is amended by

(a) striking out “the Board” in the second line of clause (b) and substituting “a review panel”;

(b) striking out “the Board” in the second line of clause (c) and substituting “a review panel”; and

(c) striking out “the Board” in the second line of clause (e) and substituting “a review panel”.

(2) Subsection 38(2) of Chapter 1 is amended by striking out “the Board” in the first and second lines and substituting “a review panel”.

14 (1) Subsection 39(1) of Chapter 1 is amended by striking out “the Board” in the second line and substituting “a review panel”.

(2) Subsection 39(2) of Chapter 1 is amended by striking out “the Board” in the first and second lines and substituting “a review panel”.

15 Subsection 40(1) of Chapter 1 is amended by striking out “the Board” in the fourth line and substituting “a review panel”.

16 (1) Subsection 42(1) of Chapter 1 is repealed and the following subsection substituted:

(1) The Minister may appoint persons to a review panel for the purpose of conducting a review of an environmental-assessment report and making a report and recommendation to the Minister with respect to the undertaking to which the environmental-assessment report relates.

(2) Subsection 42(2) of Chapter 1 is amended by

(a) striking out “The Board” in the first line and substituting “A review panel”; and

(b) striking out “Board” in the third line and substituting “review panel”.

(3) Subsection 42(3) of Chapter 1 is amended by

(a) striking out “The Board” in the first line and substituting “A review panel”; and

(b) striking out “Governor in Council” in the third line and substituting “Minister”.

(4) Subsections 42(4) and 42(5) of Chapter 1 are repealed.

17 Section 43 of Chapter 1 is amended by

(a) striking out “The Board” in the first line and substituting “A review panel”;

(b) striking out “Board” in the second line of clause (a) and substituting “review panel”;

(c) adding “and” after the semicolon at the end of clause (b);

(d) striking out “; and” at the end of clause (c) and substituting a period; and

(e) striking out clause (d).

18 (1) Subsection 44(1) of Chapter 1 is amended by

(a) striking out “the Board” in the second line and substituting “a review panel”; and

(b) striking out “Board” in the last line and substituting “review panel”.

(2) Subsection 44(3) of Chapter 1 is amended by

(a) striking out “the Board” in the second line and substituting “a review panel”; and

(b) striking out “Board” in the last line of clause (c) and substituting “review panel”.

19 Subsection 49(1) of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is amended by

(a) striking out “the Board” in the second line of clause (k) and substituting “a review panel”;

(b) striking out “the Board” in the second line of clause (l) and substituting “a review panel”; and

(c) striking out “the Board” each time it appears in the second line of clause (m) and substituting “a review panel”.

20 The heading immediately after Section 49 of Chapter 1 is amended by adding “, NOTIFICATIONS, STANDARDS” immediately after “APPROVALS”.

21 (1) Subsection 50(1) of Chapter 1 is amended by striking out “approval” in the last line and substituting “class of approval required for that activity”.

(2) Subsection 50(2) of Chapter 1 is amended by

(a) striking out the comma immediately after “approval” the first time it appears in the last line; and

(b) striking out “approval” the second time it appears in the last line and substituting “class of approval required for that activity”.

22 (1) Subsection 53(1) of Chapter 1 is repealed and the following subsection substituted:

(1) An application for an approval must be made in the manner prescribed by the regulations for the class of approval being sought by the applicant and must contain the information prescribed by the regulations.

(2) Subsection 53(5) of Chapter 1, as enacted by Chapter 12 of the Acts of 1999 (Second Session), is further amended by adding “and Advanced Education” immediately after “Labour” in the sixth line.

23 Section 54 of Chapter 1 is repealed and the following Section substituted:

54 (1) A decision on an application for an approval must be made within sixty days of the receipt of the completed application unless the Minister notifies the applicant otherwise in writing.

(2) For greater certainty, an application respecting an approval for an underground mine is not a completed application until the written confirmation required by subsection 53(5) has been submitted.

24 Subsection 56(4) of Chapter 1 is amended by striking out “, policies, guidelines or standards prescribed or adopted by the Department” in the fourth and last lines and substituting “or standards adopted or incorporated by the Minister”.

25 Sections 57 and 58 of Chapter 1 are repealed and the following Sections substituted:

57 (1) The Minister may issue a temporary approval to the owner of a designated activity who is operating without an approval as required by this Act or the regulations.

(2) A temporary approval issued pursuant to subsection (1) must contain the terms and conditions and the dates for compliance that must be followed by the owner to whom the temporary approval was issued.

(3) Where the owner to whom the temporary approval was issued does not fully comply with all the terms or conditions or time requirements of the temporary approval, the temporary approval is void.

58 (1) On application by an approval holder, the Minister may amend a term or condition of, add a term or condition to or delete a term or condition from an approval, if the Minister considers it appropriate to do so.

(2) The Minister may amend a term or condition of, add a term or condition to or delete a term or condition from an approval

(a) if an adverse effect has occurred or may occur;

(b) for the purpose of addressing matters related to a temporary suspension of the activity by the approval holder;

(c) if, since the approval was issued, a standard has changed or been created for an activity to which the approval relates;

(d) if the Minister determines that a term or condition imposing a monitoring or reporting requirement should be changed or added;

(e) if the approval was issued prior to January 1, 1995, and has no expiry date; or

(f) to correct a typographical error.

(3) For greater certainty, the Minister may add a term to an approval issued prior to January 1, 1995, specifying an expiry date for the approval.

(4) The Minister shall give notice in writing, together with reasons, to the approval holder at least thirty days in advance of making an amendment, addition or deletion pursuant to subsection (2).

58A (1) The Minister may cancel or suspend an approval

(a) for breach or default of the approval;

(b) if new or corrected information respecting an adverse effect is brought to the attention of the Minister; or

(c) if an approval is no longer required under this Act or the regulations.

(2) The Minister shall forthwith on cancellation or suspension of an approval pursuant to subsection (1) give notice in writing, together with reasons, of the cancellation or suspension to the approval holder.

26 (1) Subsection 61(1) of Chapter 1 is amended by striking out “and any person acting on behalf of the approval holder” in the first and second lines and substituting “or any person engaged in an activity for which an approval may be issued”.

(2) Subsection 61(2) of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is further amended by adding “the applicant and” immediately after “advise” in the last line.

27 Chapter 1 is further amended by adding immediately after Section 61 the following headings and Sections:

Notifications

61A (1) No person shall knowingly

(a) commence any activity designated by the regulations as requiring a notification; or

(b) continue any activity designated by the regulations as requiring a notification beyond the length of time prescribed by the regulations,

unless that person provides a notification to the Minister.

(2) No person shall

(a) commence any activity designated by the regulations as requiring a notification; or

(b) continue any activity designated by the regulations as requiring a notification beyond the length of time prescribed by the regulations,

unless that person provides a notification to the Minister.

61B A notification to the Minister must

(a) be provided in the manner; and

(b) contain the information,

prescribed by the regulations.

Standards

61C (1) No person shall knowingly commence or continue any activity designated by the regulations as being governed by a standard except in accordance with that standard.

(2) No person shall commence or continue any activity designated by the regulations as being governed by a standard except in accordance with that standard.

28 (1) Subsection 63(1) of Chapter 1 is amended by adding “or the authorized representative of a designated organization” immediately after “Minister” in the second line.

(2) Subsection 63(2) of Chapter 1 is amended by adding “or authorized representative” immediately after “Minister” in the first and in the last lines.

29 Subsection 64(1) of Chapter 1 is amended by adding “or the authorized representative of a designated organization” after “Minister” in the first line.

30 Section 65 of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is further amended by adding immediately after subsection (3) the following subsection:

(4) The Minister may exercise a power under subsection (1) in respect of a certificate of qualification issued by the authorized representative of a designated organization.

31 Section 65A of Chapter 1 is repealed and the following Section substituted:

65A (1) Where required by the regulations, a person who

(a) applies for an approval, a certificate of qualification or a certificate of variance to carry out an activity or undertaking;

(b) commences or continues an activity that is governed by the regulations;

(c) commences or continues an activity that is designated by the regulations as being governed by a standard;

(d) is the owner of land upon which an activity that is governed by the regulations is occurring or is about to occur; or

(e) is the owner of land upon which an activity that is designated by the regulations as being governed by a standard is occurring or is about to occur,

shall, in respect of the activity or undertaking, provide financial or other security or carry insurance.

(2) The Minister may determine the manner in which, and the conditions under which, any security that is deposited pursuant to subsection (1) may be forfeited or returned, in whole or in part.

(3) Subsection (1) does not apply to the Government or a Government agency.

32 Subsection 66(1) of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is further amended by

(a) striking out clauses (a) and (b) and substituting the following clauses:

(a) prescribing classes of approvals;

(b) designating activities or classes of activities in respect of which an approval is required and specifying the class of approval required;

(ba) designating activities in respect of which a notification is to be provided or compliance with a standard is mandated;

(bb) respecting the circumstances under which an approval or notification is required and prescribing the persons or classes of persons who are required to obtain an approval or to provide a notification;

(bc) respecting the procedures related to the provision of notifications;

(bd) respecting the procedures related to the application for or issuance of approvals;

(be) respecting temporary approvals;

(bf) designating activities or things or classes of activities or things in respect of which a certificate of qualification is required and specifying the kind of certificate of qualification required;

(bg) prescribing the persons or classes of persons who are required to obtain a certificate of qualification;

(bh) respecting the procedures related to the application for or issuance of certificates of qualification;

(bi) respecting the terms and conditions upon which approvals and certificates of qualification may be granted and to which they are subject;

(bj) respecting the terms and conditions upon which certificates of qualification may be reinstated;

(bk) designating organizations for the purpose of issuing certificates of qualification and specifying the kinds of certificates of qualification the authorized representative of a designated organization is authorized to issue;

(bl) prescribing the length of time for which certificates of qualification may be issued by the Minister;

(bm) prescribing the length of time for which certificates of qualification may be issued by the authorized representatives of a designated organization;

(bn) prescribing the length of time for which approvals may be issued and the length of time during which an activity for which a notification is to be provided is permitted to continue after notification;

(bo) permitting an approval or certificate of qualification to be issued for a shorter period of time than that prescribed by the regulations;

(bp) requiring operators, installers or designers of equipment or other things that may have an impact on the environment to meet the specified eligibility requirements as to training or experience or both, or to hold a specified kind of certificate of qualification;

(bq) prescribing certificates and other proofs of qualification from other jurisdictions as certificates of qualification for the purpose of this Act;

(b) striking out “57” in the first line of clause (e) and substituting “65A”;

(c) adding “or designated organization” immediately after “board” in the second line of clause (ea);

(d) adding “and establishing reporting requirements applicable to such boards and designated organizations” immediately after “qualification” in the third line of clause (ea); and

(e) adding immediately after clause (ea) the following clauses:

(eb) respecting the submission of reports and returns in respect of activities;

(ec) respecting the records to be kept in respect of an activity, including the form of records, and the person by whom, the place at which and the length of time for which records are to be kept;

(ed) requiring the submission of records to the Minister and providing for the inspection of records by the Minister;

(ee) establishing the means of determining what constitutes adjustments, repairs, replacements or maintenance made in the normal course of operations for the purpose of subsection 55(3);

33 Section 69 of Chapter 1 is amended by adding immediately after subsection (2) the following subsection:

(3) Any person who discovers or becomes aware of a release of a substance into the environment that is in excess of an amount, concentration, level or rate of release expressly authorized by an approval or the regulations shall forthwith, as soon as that person knows or ought to know of the release, report it in the manner prescribed in the approval or the regulations, as the case may be, to the persons identified in clauses (1)(a) to (d).

34 Section 80 of Chapter 1 is repealed and the following Section substituted:

80 (1) A person conducting pesticide research in the Province shall

(a) notify the Department before commencing the pesticide research; and

(b) provide the Department with such information as the Minister considers necessary.

(2) The Minister may give such additional directions as the Minister considers appropriate to a person to whom a research authorization certificate or a research notification certificate is issued pursuant to the *Pest Control Products Regulations* (Canada).

(3) Crops used for pesticide research shall be destroyed or otherwise prevented from direct or indirect entry into food-marketing channels, unless otherwise approved for entry into food-marketing channels by the Department of Health (Canada).

35 Subsection 89(1) of Chapter 1 is amended by adding “, in accordance with the regulations,” immediately after “may” in the second line.

36 Subsection 91(1) of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is further amended by striking out clause (c) and substituting the following clauses:

(c) respecting the duties and rights of any persons, including, but not limited to, vendors, purchasers, owners, occupiers or site professionals, in relation to property that is or may be contaminated;

(ca) respecting reporting and remediation requirements;

37 Clause 105(3)(g) of Chapter 1 is amended by striking out “water bodies” in the second line and substituting “water resources”.

38 Section 109 of Chapter 1 is repealed.

39 Clause 110(1)(k) of Chapter 1 is amended by striking out “ground water” in the third line and substituting “groundwater”.

40 (1) Subsection 111(1) of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is further amended by

(a) adding “and” immediately after the semicolon in clause (a);

(b) striking out “; and” at the end of clause (b) and substituting a period;
and

(c) striking out clause (c).

(2) Subsection 111(2) of Chapter 1 is amended by

(a) striking out the period at the end of clause (g) and substituting a semicolon; and

(b) adding immediately after clause (g) the following clause:

(h) maintain inventories and establish reporting requirements for emissions of air contaminants.

41 (1) Subsection 116(1) of Chapter 1 is amended by

(a) striking out “an administrator” in the second line and substituting “the Minister” and

(b) striking out “administrator” in the fourth line and substituting “Minister”.

(2) Subsection 116(2) of Chapter 1 is amended by striking out “administrator” in the second line and substituting “Minister”.

(3) Subsection 116(3) of Chapter 1 is amended by

(a) striking out “An administrator” in the first line and substituting “The Minister”; and

(b) striking out “administrator” in the second line and substituting “Minister”.

(4) Subsection 116(4) of Chapter 1 is amended by striking out “administrator” in the second line and substituting “Minister”.

42 (1) Subsection 119(1) of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is further amended by

(a) striking out “the administration of this Act” in the first and second lines and substituting “ensuring compliance with this Act, the regulations, a standard or an order made under Part XIII”;

(b) striking out “an approval, certificate, temporary approval, variance or order issued pursuant to this Act relates” in the first and second lines of clause (a) and substituting “this Act applies”;

(c) striking out “and” in the first line of subclause (a)(iv) and substituting a comma;

(d) adding “and the standards” immediately after “regulations” in the first and second lines of subclause (a)(iv);

(e) adding “to which this Act applies” immediately after “place” in the first line of clause (b);

(f) striking out “has reasonable grounds to believe” in the second line of clause (b) and substituting “believes”;

(g) adding “to which this Act applies” immediately after “place” in the first line of clause (c);

(h) striking out “has reasonable grounds to believe” in the second and third lines of clause (c) and substituting “believes”;

(i) adding “to which this Act applies” immediately after “place” in the first line of clause (d);

(j) striking out “has reasonable grounds to believe” in the second line of clause (d) and substituting “believes”;

(k) striking out “or is required to be the subject of an approval, temporary approval, certificate of qualification, certificate of variance or order” in the first, second, third and last lines of subclause (d)(i) and substituting “regulated pursuant to this Act, the regulations or a standard”;

(l) adding “to which this Act applies” immediately after “place” in the first line of clause (e);

(m) striking out “has reasonable grounds to believe” in the second line of clause (e) and substituting “believes”;

(n) adding “, notification, standard” immediately after “approval” the second time it appears in the fourth line of clause (e);

(o) adding immediately after clause (e) the following clause:

(ea) enter and inspect any place to which this Act applies that the inspector believes is being used by a designated organization to provide training or examinations for, or to keep records or other documents related to the training, application for or issuance of, certificates of qualification;

(p) adding “to which this Act applies” immediately after “vessel” in the second line of clause (f); and

(q) striking out “has reasonable grounds to believe” in the first and second lines of clause (g) and substituting “believes”.

(2) Section 119 of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is further amended by adding immediately after subsection (1A) the following subsection:

(1B) In the course of exercising powers pursuant to subsection (1), an inspector may do any or all of the following:

(a) require that any thing be operated, used or set in motion under conditions specified by the inspector;

(b) use any machine, structure, material or equipment in the place being inspected in order to carry out the inspection;

(c) take samples, or require that samples be taken, of any substance or thing;

(d) conduct tests or take measurements, or require that tests be conducted or measurements be taken, in respect of any substance or thing;

(e) make copies of or take extracts from any documents referred to in clause (1)(h);

(f) use any computer system at any place to examine any data contained in or available to the computer system;

(g) record or copy any information by any method;

(h) reproduce any record from data in the form of a printout or other intelligible output;

(i) take a printout or other output for examination or copying;

(j) use any copying equipment to make copies;

(k) take any photographs or audio-video records;

(l) make reasonable inquiries of any person, orally or in writing.

43 Subclause 121(1)(b)(v) of Chapter 1 is amended by striking out “impractical” in the first line and substituting “unpractical”.

44 (1) Subsection 122(1) of Chapter 1 is amended by

(a) striking out “, without a court order or a search warrant,” in the first and second lines; and

(b) striking out “if the inspector has reasonable grounds to believe that there has been an offence committed under this Act and that the thing will afford evidence as to the commission of the offence” in the fourth, fifth, sixth and seventh lines.

(2) Subsection 122(4) of Chapter 1 is repealed.

45 Chapter 1 is further amended by adding immediately after Section 122 the following Section:

122A (1) An inspector may issue a directive to a person requiring the person to

(a) take such measures in accordance with clause 71(b) as the inspector may specify;

(b) furnish the inspector with information in accordance with clause 118(b);

(c) detain a thing in accordance with subclause 119(1)(g)(i);

(d) produce a document in accordance with clause 119(1)(h); or

(e) take any action prescribed by the regulations in any circumstance prescribed by the regulations.

(2) A directive is not subject to appeal or review under this Act.

(3) The Governor in Council may make regulations

(a) respecting the issuance of directives pursuant to this Section, including

(i) prescribing the circumstances in which a directive may be issued, and

(ii) prescribing the actions a person may be required to take in relation to a directive;

(b) generally, respecting any matter necessary or advisable to effectively carry out the intent and purpose of this Section.

(4) The exercise by the Governor in Council of the authority contained in subsection (3) is regulations within the meaning of the *Regulations Act*.

46 (1) Subsection 128(1) of Chapter 1 is amended by striking out “administrator or other person appointed by the Minister” in the first and second lines and substituting “inspector”.

(2) Subsection 128(2) of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is further amended by striking out “the Minister” in the second line and substituting “an administrator”.

47 Section 133 of Chapter 1 is repealed.

48 Section 137 of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is further amended by adding immediately after subsection (5) the following subsection:

(6) The initiation of an appeal pursuant to this Section does not suspend the operation of any decision or order appealed from, including the requirement to comply with an order under Part XIII, pending the disposition of the appeal.

49 Subsection 138(3) of Chapter 1 is repealed.

50 Section 158 of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is further amended by

(a) adding immediately after clause (g) the following clause:

(ga) knowingly contravenes a directive;

(b) adding immediately after clause (h) the following clauses:

(ha) contravenes a directive;

(hb) contravenes a regulation made pursuant to subsection 106(6);

(c) adding “, 61A, 61C” immediately after “60” in the first line of clause (i); and

(d) adding “or the regulations” immediately after “Act” in the first line of clause (j).

51 (1) Subsection 159(1) of Chapter 1 is amended by

(a) adding “, 61A(1), 61C(1)” immediately after “50(1)” in the second line; and

(b) striking out “or (g)” in the second line and substituting “, (g) or (ga)”.

(2) Subsection 159(2) of Chapter 1 is amended by

(a) striking out “, 60 or” in the second line and substituting “or 60, subsections 61A(2) or 61C(2), Section”; and

(b) striking out “or (h)” in the fourth line and substituting “, (h), (ha) or (hb)”.

52 (1) Section 166 of Chapter 1, as amended by Chapter 30 of the Acts of 2006, is further amended by adding immediately after subsection (1) the following subsection:

(1A) Where a person, having failed to comply with an order made pursuant to Part XIII, is convicted of contravening subsection 132(1), the court may, in addition to any other penalty that may be imposed pursuant to this Act, make an order directing the person to comply with the order made pursuant to Part XIII.

(2) Subsection 166(4) of Chapter 1 is amended by adding “or (1A)” immediately after “(1)” in the first line.

53 Section 174 of Chapter 1 is repealed and the following Section substituted:

174 The Minister shall review this Act within ten years of the coming into force of this Section, or sooner, and at least every ten years thereafter.

54 (1) Every approval issued pursuant to the *Environment Act* that is subsisting and in force immediately before the coming into force of this Act continues in force until varied, amended, cancelled or suspended in accordance with the *Environment Act*.

(2) Where a person holds an approval issued pursuant to the *Environment Act* that is subsisting and in force immediately before the coming into force of this Act, that person

(a) is deemed to hold an approval of the class required; and

(b) is not subject to Section 61A of the *Environment Act*,

in respect of the activity for which the approval was issued.

55 Every certificate of qualification issued pursuant to the *Environment Act* that is subsisting and in force immediately before the coming into force of this Act continues in force until varied, amended, cancelled or suspended in accordance with the *Environment Act*.

56 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
