

Water Resources Protection Act

CHAPTER 10 OF THE ACTS OF 2000

An Act to Protect the Water Resources of Nova Scotia

WHEREAS Nova Scotia's water resources are essential to life and well-being in the Province and to related environmental and economic objectives and therefore must be conserved and allocated to ensure long-term self-sufficiency and utilization to the greatest benefit of the population;
AND WHEREAS the future domestic need for water is unknown, the availability of potable water is undetermined and the impact of climate change on precipitation, and hence water supplies, is uncertain and management of the resource must be based on sustainability and reflect the precautionary principle relative to future supply requirements;
AND WHEREAS large-scale removals of water, individually or cumulatively, may compromise both the ecological integrity of a system and sustainability of the resource:

Short title

1 This Act may be cited as the Water Resources Protection Act. *2000, c. 10, s. 1.*

Interpretation

2 In this Act,

- (a) "Atlantic Drainage Basin" means the geographic area that drains into the Atlantic Ocean and, for greater certainty, includes all of the Province;
- (b) "Minister" means the Minister of the Environment;
- (c) "water" means all surface water or groundwater and, for greater certainty, includes such water in the form of ice. *2000, c. 10, s. 2.*

Supervision and management of Act

3 The Minister has the general supervision and management of this Act. *2000, c. 10, s. 3.*

Prohibitions respecting Atlantic Drainage Basin

4 Notwithstanding anything contained in any other enactment, including the Environment Act and the regulations made pursuant to the Environment Act, no person shall be granted an approval to and no person shall

- (a) drill for, divert, extract, take or store water for removal;
- (b) sell or otherwise dispose of water to a person for removal;
- (c) convey or transport water for removal; or
- (d) remove water,

from the portion of the Atlantic Drainage Basin that is located within the Province. *2000, c. 10, s. 4.*

Exceptions

5 (1) Notwithstanding Section 4, water may be removed from the portion of the Atlantic Drainage Basin that is located within the Province if

- (a) it is, or is to be, packaged in the Province in a container of not more than twenty-five litres or such other maximum capacity as is prescribed by the regulations;

- (b) it is transported in a motor vehicle, vessel or aircraft and is necessary for the operation of the motor vehicle, vessel or aircraft or is intended for the use of animals or persons in or on the motor vehicle, vessel or aircraft;
 - (c) it is used or intended to be used to transport fish or any other product;
 - (d) with the approval of the Minister, used for a non-commercial purpose, including meeting short-term safety, security, fire-fighting or humanitarian needs;
 - (e) it is included in manufactured, produced or packaged foods or other products; or
 - (f) it is removed under such other circumstances as are prescribed by the regulations, and the requirements of any other enactment, including the Environment Act and regulations made pursuant to the Environment Act, are met.
- (2) For the purpose of clause (1)(e), potable or other water is not a manufactured or produced product. *2000, c. 10, s. 5.*

Conflict with other enactments

6 Where there is a conflict between this Act or the regulations and any other enactment, this Act and the regulations prevail. *2000, c. 10, s. 6.*

Offences and penalties

- 7 (1) A person who contravenes a provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not less than one thousand dollars and not more than one million dollars or to imprisonment for a period of not more than two years, or to both a fine and imprisonment.
- (2) Where a corporation contravenes this Act or the regulations, a director or officer of the corporation who authorized, permitted or acquiesced in the contravention is also guilty of an offence and is liable on summary conviction to the penalties set out in subsection (1), whether or not the corporation has been prosecuted or convicted.
- (3) Where an offence under this Act is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed. *2000, c. 10, s. 7.*

Regulations

- 8 (1) The Governor in Council may make regulations
- (a) prescribing circumstances under which water may be removed from the portion of the Atlantic Drainage Basin located within the Province;
 - (b) prescribing the maximum capacity of a container for the purpose of clause 5(a);
 - (c) defining any word or expression used but not defined in this Act;
 - (d) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out the purpose of this Act.
- (2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act. *2000, c. 10, s. 8.*

Proclamation

9 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. *2000, c. 10, s. 9.*

Proclaimed - October 5, 2000
In force - October 1, 2000