The Saskatchewan Telecommunications Holding Corporation Act

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NOTE:
This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.
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CHAPTER S-34.1
An Act to establish the Saskatchewan Telecommunications Holding Corporation

PART I
Short Title and Interpretation

Section 1 Short title
1 This Act may be cited as The Saskatchewan Telecommunications Holding Corporation Act.

Section 2 Interpretation
2 In this Act:
   (a) “board” means the board of directors of the corporation;
   (b) “chairperson” means the chairperson of the board;
   (c) “corporation” means the Saskatchewan Telecommunications Holding Corporation established pursuant to section 3;
   (d) “Crown” means the Crown in right of Saskatchewan;
   (e) “designated corporation” means:
      (i) a body corporate, other than a Crown corporation, in which the corporation, directly or indirectly, has an ownership interest; and
      (ii) a Crown corporation designated by the Lieutenant Governor in Council;
   (f) “director” means a member of the board;
   (f.1) “emergency 911 telephone call” means an emergency telephone call placed to a public safety answering point by means of dialling the telephone digits 911;
   (g) “minister” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
   (h) “person” includes:
      (i) an individual;
      (ii) a body corporate;
      (iii) a trust of any kind or nature, including a voting trust; and
      (iv) any government or agent of a government;
   (i) “property” includes any right, title, estate or interest in real and personal property;
(i.1) “public safety answering point” means a telephone answering point that receives emergency 911 telephone calls and directs those calls to appropriate emergency service providers;

(i.2) “Sask911 account” means the account established pursuant to section 45.1 of The Saskatchewan Telecommunications Act;

(i.3) “Sask911 system” means the Sask911 system as defined in The Emergency 911 System Act;

(j) “telecommunications” means the emission, reception, transmission, switching, storage, compilation, transformation or manipulation of information or intelligence of any nature and includes any means by which communication, video, computer or data services are provided;

(k) “wholly-owned subsidiary” means a body corporate all of the issued shares of which are owned or held in trust, directly or indirectly, by the corporation.

1991, c.S-34.1, s.2; 1996, c.E-7.3, s.14; 2018, c.42, s.65.

PART II
Saskatchewan Telecommunications Holding Corporation

Corporation established
3(1) The Saskatchewan Telecommunications Holding Corporation is hereby established.

(2) The corporation consists of not more than 12 persons who may be appointed by the Lieutenant Governor in Council.

(2.1) Repealed. 1998, c.20, s.10.

(3) The persons appointed pursuant to subsection (2):
(a) hold office for a period not exceeding five years and until a successor is appointed; and
(b) may be reappointed.

(4) Where the office of a person appointed pursuant to subsection (2) becomes vacant:
(a) the Lieutenant Governor in Council may:
   (i) appoint another person for the remainder of the term of the person who vacated the office; or
   (ii) appoint a new person for the term mentioned in subsection (3); and
(b) the vacancy does not impair the power of the other persons constituting the corporation to act.

(5) The name “SaskTel Holding Co.” is the abbreviated form of the name of the corporation and the abbreviation, when used, has the same legal effect and meaning as the full name of the corporation.

1991, c.S-34.1, s.3; 1993, c.C-50.101, s.55; 1998, c.20, s.10.
Agent of the Crown

4(1) The:
(a) corporation; and
(b) every wholly-owned subsidiary of the corporation;
are for all their purposes agents of the Crown and their powers under this Act may be exercised only as agents of the Crown.

(2) All property of the corporation and every wholly-owned subsidiary of the corporation, all moneys acquired, administered, possessed or received from any source and all profits earned by the corporation and every wholly-owned subsidiary of the corporation are the property of the Crown and are, for all purposes, including taxation of whatever nature or description, deemed to be the property of the Crown.

1991, c.S-34.1, s.4.

Responsible to minister

5 The corporation is responsible to the minister for the performance of its duties and the exercise of its powers pursuant to this Act.

1991, c.S-34.1, s.5.

Head office

6 The head office of the corporation is to be at any location in Saskatchewan that may be designated by the Lieutenant Governor in Council.

1991, c.S-34.1, s.6.

Capacity to contract

7(1) The corporation has capacity to contract and to sue and be sued in its corporate name with respect to any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation was acquired or incurred on its own behalf.

(2) The corporation, on behalf of the Crown, may contract in its corporate name without specific reference to the Crown.

(3) The corporation is to have perpetual succession and a common seal.

1991, c.S-34.1, s.7.

Liability in tort

8 The corporation may:
(a) sue with respect to any tort; and
(b) be sued with respect to liabilities in tort to the extent to which the Crown is subject pursuant to The Proceedings Against the Crown Act.

1991, c.S-34.1, s.8.
Board of directors

9(1) A board of directors, consisting of those persons who are appointed to constitute the corporation pursuant to section 3, shall manage the affairs and business of the corporation.

(2) The Lieutenant Governor in Council shall designate one member of the board as chairperson of the board and another member of the board as vice-chairperson of the board.

(3) The chairperson:
   (a) shall preside over all meetings of the board; and
   (b) shall perform all the duties that may be imposed and may exercise all the powers that may be assigned to the chairperson by resolution of the board.

(4) Where the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson:
   (a) shall perform all the duties; and
   (b) may exercise all the powers;
   of the chairperson.

(5) The Lieutenant Governor in Council may fix the number of members of the board who are to constitute a quorum for the transaction of business at meetings of the board.

(6) The Crown Investments Corporation of Saskatchewan shall fix the remuneration and rate of reimbursement for expenses of members of the board.

Executive committee, advisory committees and boards

10(1) The board may from time to time:
   (a) appoint from its number an executive committee; and
   (b) by resolution, delegate to the executive committee any powers that it considers necessary for the efficient conduct of the affairs and business of the corporation.

(2) A member of the executive committee holds office until that member:
   (a) is removed by resolution of the board; or
   (b) has ceased to be a member of the board.

(3) The executive committee may exercise any powers of the board that are delegated to it by resolution of the board, subject to any restrictions contained in the resolution.

(4) The executive committee shall:
   (a) fix its quorum at not less than a majority of its members;
   (b) keep minutes of its proceedings; and
(c) submit to the board, at each meeting of the board, the minutes of the executive committee’s proceedings during the period since the most recent meeting of the board.

(5) The board may from time to time:

(a) appoint any advisory committees or boards that it considers necessary for the efficient conduct of the affairs and business of the corporation;

(b) prescribe the duties of any committee or board appointed pursuant to clause (a); and

(c) fix the remuneration and allowances for expenses of members of any committee or board appointed pursuant to clause (a).

Powers

11(1) The corporation may:

(a) receive from the Minister of Finance, on behalf of a designated corporation, all moneys appropriated by the Legislature to that designated corporation;

(b) assume liability for all loans and advances made to a designated corporation that the Lieutenant Governor in Council may direct;

(c) receive from a designated corporation, on a permanent or short-term basis, any funds from the designated corporation that the corporation or the Lieutenant Governor in Council may direct;

(d) make loans and advances to and guarantee any indebtedness of a designated corporation for the operation of that designated corporation on those terms and conditions that:

   (i) the corporation considers desirable; or

   (ii) the Lieutenant Governor in Council directs;

(e) stipulate for and collect any interest on all loans and advances made pursuant to clause (d) that:

   (i) the corporation considers desirable; or

   (ii) the Lieutenant Governor in Council directs;

(f) approve all rates at which reserves may be established for depreciation, depletion, sinking funds or any other purpose by a designated corporation;

(g) provide any technical, accounting, clerical, industrial relations, legal or other services and advice that may be required by a designated corporation;

(h) engage or invest in ventures or enterprises associated with telecommunications and related businesses that the corporation considers appropriate;

(h.1) subject to the regulations, charge to its customers any charges assessed to the corporation by a third party for providing the capability to the corporation’s customers to place emergency 911 telephone calls;

(h.2) subject to the regulations, collect the Sask911 fee;
(i) engage in research and development projects associated with telecommunications, data processing, office equipment and related businesses;

(j) acquire by purchase or otherwise, hold and deal with and dispose of by sale or otherwise shares of the capital stocks or bonds, debentures or other securities of any body corporate that, in the opinion of the corporation, will further the purposes of the corporation;

(k) appoint representatives or agents to exercise any of its rights or powers as holders of the stocks, bonds, debentures or other securities mentioned in clause (j);

(l) declare and pay dividends to:
   (i) the Crown Investment Corporation of Saskatchewan; or
   (ii) any other person designated by the Lieutenant Governor in Council;

(m) acquire:
   (i) personal property; and
   (ii) subject to subsection (4), real property;

(n) sell, lease or otherwise dispose of:
   (i) personal property;
   (ii) subject to subsection (4), real property;

(o) exercise any powers that the corporation considers necessary, incidental or conducive to the efficient performance of the corporation's powers, functions or duties;

(p) carry out or engage in any other function or activity assigned to it by the Lieutenant Governor in Council.

(2) The corporation has the capacity and power:

(a) to incorporate and promote any other bodies corporate for any purpose that, in the opinion of the corporation, will further the purposes of the corporation; and

(b) to accept, directly or through subsidiary corporations, extraprovincial powers and rights and to exercise powers beyond the boundaries of Saskatchewan to the extent permitted by the laws in force where those powers are sought to be exercised.

(3) With respect to a designated corporation:

(a) mentioned in subclause 2(e)(i), in which the corporation has a majority ownership interest; or

(b) mentioned in subclause 2(e)(ii);
the corporation is at all times to have access to the books, records, documents and any other materials of that designated corporation and the corporation may require that designated corporation to produce, at all reasonable times, those books, records, documents and other materials.

(4) The corporation shall obtain the approval of the Lieutenant Governor in Council if the purchase price or sale price of real property included in one transaction entered into by the corporation exceeds the amount fixed by the Lieutenant Governor in Council.

1991, c.S-34.1, s.11; 1996, c.E-7.3, s.14; 2013, c.16, s.3; 2015, c.21, s.64.

**Rates and charges, terms of service**

11.1(1) The corporation may:

(a) establish rates and charges that persons who accept, use or receive telecommunications services from the corporation are required to pay; and

(b) establish terms and conditions that persons who accept, use or receive telecommunications services from the corporation are required to comply with.

(2) Any person who accepts, uses or receives a telecommunications service from the corporation shall:

(a) pay the rates and charges established for that service by the corporation; and

(b) comply with the terms and conditions established for that service by the corporation.

(3) The corporation shall describe all the charges, rates, terms and conditions for each telecommunications service in a schedule.

(4) Notwithstanding subsection (3), the corporation is not required to set out charges, rates, terms and conditions in a schedule if it is providing a service that another person, other than a wholly-owned subsidiary of the corporation, is lawfully entitled to provide in Saskatchewan.

(5) The corporation shall make the schedule mentioned in subsection (3) available for public inspection at the corporation’s business offices during the corporation’s normal business hours.

(6) The corporation may enter into an agreement with a person to provide a particular telecommunications service to that person if, in the opinion of the corporation, a charge, rate, term or condition described in a schedule mentioned in subsection (3) is not adequate to accommodate the provision of that service to that person by the corporation.

(7) An agreement entered into pursuant to subsection (6) may set out a charge, rate, term or condition that is different from those described in a schedule mentioned in subsection (3).
(8) In the case of any conflict between a charge, rate, term or condition described in a schedule mentioned in subsection (3) and one set out in an agreement entered into pursuant to subsection (6), the charge, rate, term or condition set out in the agreement prevails.

2000, c.63, s.2.

Staff and consultants

12(1) Notwithstanding The Public Service Act, 1998, the corporation may:

(a) employ any officers and other employees that it considers necessary for the conduct of its operations; and

(b) determine their respective duties and powers, their conditions of employment and their remuneration.

(2) The corporation:

(a) has control over and shall supervise its officers and employees; and

(b) shall pay to its officers and employees the remuneration determined pursuant to subsection (1).

(3) The corporation may:

(a) appoint or engage any professional, administrative, technical and clerical personnel that may be required for the purposes of this Act; and

(b) determine the salaries and other remuneration of the personnel appointed or engaged pursuant to clause (a).

1991, c.S-34.1, s.12; 1998, c.P-42.1, s.42.

Superannuation and other plans

13(1) The corporation may establish and support any or all of:

(a) a superannuation plan;

(b) a group insurance plan;

(c) any other pension, superannuation or employee benefit program;

for the benefit of any officers and employees of the corporation and any designated corporation and the dependants of those officers and employees.

(2) Notwithstanding any other Act or law, where a person:

(a) was a contributor pursuant to:

(i) The Public Service Superannuation Act; or

(ii) The Superannuation (Supplementary Provisions) Act;

(iii) Repealed. 1998, c.S-35.2, s.15.

immediately prior to that person’s employment by the corporation or a designated corporation; and
(b) continues to be a contributor pursuant to a superannuation Act mentioned in clause (a) while employed by the corporation or a designated corporation; for the purposes of the superannuation Act pursuant to which the person contributes, the person’s service with the corporation or the designated corporation is to be counted as service pursuant to that superannuation Act and the person, his widow or her widower, as the case may be, his or her children or other dependants or his or her legal representative may be granted the allowances or gratuities provided for in that superannuation Act.


PART III
Finance and Accounting

Appropriation

14 The Minister of Finance shall pay to the corporation out of the general revenue fund any moneys appropriated by the Legislature for the purposes of the corporation:

(a) in the amounts; and
(b) at the times;

requested by the corporation.

1991, c.S-34.1, s.14; 2004, c.10, s.17.

Borrowing power of Minister of Finance

15(1) The Minister of Finance may advance moneys to the corporation out of the general revenue fund for the purposes of the corporation:

(a) in the amounts;
(b) at the times; and
(c) on those terms and conditions;

that the Lieutenant Governor in Council may determine.

(2) In order to provide the moneys mentioned in subsection (1), the Lieutenant Governor in Council may authorize the Minister of Finance to borrow, within the borrowing limitation prescribed by section 17, on the credit of the Government of Saskatchewan.

(3) For the purpose of exercising the borrowing power mentioned in subsection (2), the Lieutenant Governor in Council may authorize the Minister of Finance to issue those bonds, debentures or any other securities of the Government of Saskatchewan that the Lieutenant Governor in Council considers advisable.

(4) Any moneys that the Minister of Finance is authorized to borrow pursuant to subsection (2) are to be borrowed in accordance with The Financial Administration Act, 1993.
(5) All moneys borrowed by the Minister of Finance pursuant to subsection (2) and interest and other amounts payable on those moneys, and the principal of and the interest, premium and other amounts payable on all securities issued for the purpose of the borrowing are a charge on and are payable out of the general revenue fund.

1991, c.S-34.1, s.15; 2004, c.10, s.17 and 18; 2013, c.16, s.3.

Borrowing power of corporation

16(1) Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow from time to time any moneys, within the borrowing limitation prescribed by section 17, that the corporation requires for its purposes, including:

(a) the repayment, renewal or refunding from time to time of the whole or any part of any moneys borrowed or securities issued by the corporation pursuant to this Act;

(b) the repayment in whole or in part of advances made by the Minister of Finance to the corporation;

(c) the payment in whole or in part of any loan or liability or of any bonds, debentures or other securities or indebtedness the payment of which is guaranteed or assumed by the corporation;

(d) the:
   (i) reimbursement of the corporation for any expenditure made; and
   (ii) repayment in whole or in part of any temporary borrowing of the corporation;

   in carrying out any of the powers of the corporation.

(2) For the purpose of exercising the borrowing powers mentioned in subsection (1), the corporation may issue any bonds, debentures or other securities, bearing any rate of interest and being payable as to principal and interest at any time, in any manner, in any place in Canada or elsewhere and in the currency of any country that the corporation, with the approval of the Lieutenant Governor in Council, may determine.

(3) The corporation may issue the bonds, debentures and other securities mentioned in subsection (2) in any amounts that will realize the net sums required for the purposes of the corporation.

(4) A recital or declaration in the resolutions or minutes of the corporation authorizing the issue of the securities, to the effect that the amount of those securities authorized is necessary to realize the net sum required for the purposes of the corporation, is conclusive evidence of that fact.
(5) Subject to the approval of the Lieutenant Governor in Council, the corporation may:

(a) sell or otherwise dispose of any bonds, debentures or other securities mentioned in subsection (2); and

(b) charge, pledge, hypothecate, deposit or otherwise deal with those securities as collateral security;

on any terms and conditions that the corporation considers advisable.

(6) The corporation may:

(a) treat any securities dealt with as collateral security pursuant to subsection (5) as unissued when:

(i) the securities are redelivered to the corporation or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which they may have been given as collateral; or

(ii) the corporation again becomes entitled to the securities; and

(b) subject to the approval of the Lieutenant Governor in Council and the borrowing limitation prescribed by section 17:

(i) issue, reissue, charge, pledge, hypothecate, deposit, deal with as collateral security, sell or otherwise dispose of those securities on any terms and conditions that the corporation considers advisable; or

(ii) cancel and issue fresh securities in the same amount and in the same form in lieu of the unissued securities with the same consequences.

(7) On the issue or reissue of securities pursuant to subsection (6), a person entitled to the securities has the same rights and remedies as if the securities had not been previously issued.

(8) The corporation by resolution or minute, may determine the form and manner in which bonds, debentures and other securities issued pursuant to this section are to be executed.

(9) The corporation by resolution or minute, may provide that:

(a) the seal of the corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any bonds, debentures or other securities to which it is to be affixed; and

(b) any signature on any bonds, debentures or other securities and on the coupons, if any, attached to those securities, may be engraved, lithographed, printed or otherwise mechanically reproduced on those securities.

(10) Where the seal of the corporation or any signature is mechanically reproduced pursuant to subsection (9):

(a) the seal of the corporation is of the same force and effect as if manually affixed; and
(b) notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of issue of the security, the signature is for all purposes valid and binding on the corporation.

(11) Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow, within the borrowing limitation prescribed by section 17, by way of temporary loans from any chartered bank or credit union or from any person, any moneys, on any terms and conditions and for any purpose that the corporation may determine:

(a) by way of bank overdraft or line of credit;

(b) by the pledging, as security for those temporary loans, of notes, bonds, debentures or other securities of the corporation pending their sale or in lieu of the selling of them; or

(c) in any other manner that the corporation may determine.

(12) The corporation may execute any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of moneys and the obtaining of advances by way of temporary loans pursuant to subsection (11) in any manner that the corporation may determine.

1991, c.S-34.1, s.16.

Limitation on borrowing powers

17(1) Neither the Minister of Finance nor the corporation may borrow any moneys by the issue and sale of bonds, debentures or other securities or by way of temporary loans or otherwise, under the authority of this Act, where that borrowing would cause the aggregate principal amount of:

(a) the outstanding bonds, debentures or other securities; and

(b) the outstanding temporary loans;

of the corporation and Saskatchewan Telecommunications, continued pursuant to The Saskatchewan Telecommunications Act, to exceed the aggregate sum of $1,800,000,000 unless the borrowing is for the purpose of paying in whole or in part any indebtedness previously incurred for the purpose of this Act or The Saskatchewan Telecommunications Act.

(2) Sums raised or authorized to be raised by the Minister of Finance by way of loan under the authority of The Financial Administration Act, 1993 for any of the objects or purposes mentioned in that Act shall not in any way limit or restrict the borrowing powers of the Minister of Finance and the corporation under the authority of this Act.

1991, c.S-34.1, s.17; 2004, c.10, s.18; 2018, c.37, s.2.
Guarantee by Saskatchewan

18(1) The Lieutenant Governor in Council, on any terms and conditions the Lieutenant Governor in Council considers advisable, may guarantee the payment of:

(a) the principal, interest and premium, if any, of any bonds, debentures or other securities issued by the corporation;
(b) any loans, temporary or otherwise, raised by the corporation;
(c) any indebtedness or liability for the payment of moneys incurred by the corporation or to which it may be or become subject.

(2) Any guarantee made pursuant to subsection (1) is to be in the form and manner that the Lieutenant Governor in Council may approve.

(3) The Minister of Finance, or any other officer that may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on being so signed, the Government of Saskatchewan is liable, according to the tenor of the guarantee, for the payment of:

(a) the principal, interest and premium, if any, of the bonds, debentures or other securities;
(b) the loans, temporary or otherwise; and
(c) the indebtedness or liability for the payment of moneys.

(4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with this section.

(5) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the moneys required to implement any guarantee made pursuant to this section and to advance the amount necessary for that purpose out of the general revenue fund.

1991, c.S-34.1, s.18; 2004, c.10, s.17.

Investment

19(1) The corporation may from time to time:

(a) invest any part of the capital or operating moneys of the corporation in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to The Financial Administration Act, 1993;
(b) dispose of the investments in any manner, on any terms and in any amount that the corporation considers expedient.

(2) The Lieutenant Governor in Council may appoint the Minister of Finance or any other person to be the agent of the corporation for the purpose of making investments pursuant to subsection (1) or disposing of those investments.
(3) The Minister of Finance or other person appointed pursuant to subsection (2) may:

(a) arrange all details; and

(b) do, transact and execute all those deeds, matters and things;

that may be required for the purpose of making investments or disposing of investments pursuant to this section.

1991, c.S-34.1, s.19; 2004, c.10, s.17 and 18.

Fiscal year

20 The fiscal year of the corporation is the period fixed by the Lieutenant Governor in Council.

2016, c22, s.6.

Audit

21 The Provincial Auditor, or any other auditor or firm of auditors that the Crown Investments Corporation of Saskatchewan with the approval of the Lieutenant Governor in Council may appoint, shall audit the accounts and financial statements of the corporation annually and at any other times that the Crown Investments Corporation of Saskatchewan may require.

1993, c.C-50.101, s.55.

Annual report

22 The corporation shall prepare and submit its annual report and financial statements in accordance with The Crown Corporations Act, 1993.

1993, c.C-50.101, s.55.

PART IV

General

Sask911 fee

22.1(1) In this section and in clause 11(1)(h.2), “Sask911 fee” means the Sask911 fee prescribed pursuant to clause 23(a.1).

(2) Where a Sask911 fee has been prescribed:

(a) the corporation shall charge the Sask911 fee to those customers who are required by the regulations to pay the Sask911 fee; and

(b) those customers who are required by the regulations to pay the Sask911 fee shall pay the fee.

(3) If a customer fails to pay the Sask911 fee or the charge mentioned in clause 11(1)(h.1) when required pursuant to this Act, the corporation may terminate the customer’s telecommunications services until the fee or charge is paid in full.
(4) The Sask911 fee and the charge mentioned in clause 11(1)(h.1) are in addition to any sums due to the corporation from its customers pursuant to contracts in writing between the corporation and its customers.

(5) The corporation shall remit all Sask911 fees collected pursuant to this Act, less any reasonable amount the corporation may retain for collecting the Sask911 fee, to Saskatchewan Telecommunications for deposit in the Sask911 account.


Regulations

23 The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(a.1) prescribing the amount of the Sask911 fee;

(a.2) prescribing the manner of passing on to the corporation’s customers charges to the corporation for providing to the corporation’s customers the capability to place emergency 911 telephone calls;

(a.3) prescribing the classes of the corporation’s customers who are required to pay the Sask911 fee and prescribing different Sask911 fees for different classes of customers;

(b) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;

(c) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.


Coming into force

24 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1991, c.S-34.1, s.24.