

# ***The Non-status Indian and Metis Program Regulations, 1988***

*Repealed*

by chapter G-5.1 Reg 80 (effective September 10, 1997).

*Formerly*

Chapter G-5.1 Reg 16 (effective May 4, 1988) as amended by  
Saskatchewan Regulations 61/95.

## **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.

## Table of Contents

- 1 Title
- 2 Interpretation
- 3 Application
- 4 Training allowance
- 5 Travel allowance
- 6 Agreements
- 7 Termination
- 8 Overpayment

## CHAPTER G-5.1 REG 16

### *The Government Organization Act*

#### **Title**

**1** These regulations may be cited as *The Non-status Indian and Metis Program Regulations, 1988*.

#### **Interpretation**

**2** In these regulations:

- (a) “**course**” means a trade, technical or educational course and includes employment-related skill training, academic upgrading, language instruction, life-skills instruction or any other program that the minister responsible may approve;
- (b) “**dependant**” means a spouse or any other individual who is listed on an eligible applicant’s Saskatchewan Health Services Card;
- (c) “**eligible applicant**” means an individual who:
  - (i) is a non-status Indian or Metis;
  - (ii) is a Canadian citizen and Saskatchewan resident;
  - (iii) is not eligible for assistance from Indian and Northern Affairs Canada;
  - (iv) possesses a valid Saskatchewan Health Services Card;
  - (v) is under 65 years of age and:
    - (A) is at least 18 years of age; or
    - (B) is 16 or 17 years of age and would be better served in an adult training institution in the opinion of that institution and in the opinion of:
      - (I) where that individual receives educational services from a board of education, the board of education of the school division in which the individual resides; or
      - (II) where that individual receives educational services from a conseil scolaire, the conseil scolaire of the francophone education area in which the individual resides; and
  - (vi) has been out of school for:
    - (A) at least one year before the date of application for a training allowance;
    - (B) less than one year before the date of application for a training allowance, has completed Grade 10 and is applying to enroll in a

trade or technical course that is to commence at the start of the next semester, as defined by the institution offering the course, following the date of application; or

(C) less than one year before the date of application for a training allowance, has completed Grade 12 and is applying to enroll in a post-secondary education course that is to commence at the start of the next semester, as defined by the institution offering the course, following the date of application;

(d) **“full-time attendance”** means, with respect to a course, attendance by a student for at least 25 hours per week or attendance that is defined by the institution offering the course as full time;

(e) **“minister responsible”** means the minister to whom for the time being the administration of these regulations is assigned;

(f) **“Saskatchewan Health Services Card”** means a Saskatchewan Health Services Card issued for the purposes of *The Saskatchewan Medical Care Insurance Act* or *The Saskatchewan Hospitalization Act*;

(g) **“spouse”** includes a person with whom an eligible applicant has cohabited for a period of not less than six months immediately preceding the date of the eligible applicant’s application for a training allowance;

(h) **“training allowance”** means an allowance paid pursuant to section 4.

27 May 88 cG-5.1 Reg 16 s2; 15 Sep 95 SR 61/95 s3.

#### Application

**3** An eligible applicant may apply to the minister responsible for a training allowance to assist him to attend a course.

27 May 88 cG-5.1 Reg 16 s3.

#### Training allowance

**4(1)** Where:

- (a) the minister responsible receives an application pursuant to section 3;
- (b) the course is approved by the minister responsible;
- (c) the duration of the course is at least five days and not more than:
  - (i) 12 weeks in the case of a course other than an Adult Basic Education Program course; or
  - (ii) 52 weeks in the case of an Adult Basic Education Program course;
- (d) the eligible applicant will be in full-time attendance at the course and will not be employed for more than 24 hours per week during the course;

the minister responsible may pay a training allowance to the eligible applicant.

(2) The amount of the training allowance paid to an eligible applicant is to be calculated using rates approved by Treasury Board and is to be based on the number of dependants supported by an eligible applicant.

- (3) A training allowance may be paid to an eligible applicant for:
- (a) each day of attendance at the course;
  - (b) each statutory holiday, where the eligible applicant qualifies for the training allowance on the day before and the day after the statutory holiday;
  - (c) subject to subsection (4), each day of absence from the course for reason of illness, compassionate leave, pressing necessity or medical appointment to a maximum of one-half day for each week of the course that has been attended;
  - (d) where the applicant:
    - (i) qualifies for the training allowance on the day before and the day after the Christmas holiday period, that number of days that the minister responsible may determine;
    - (ii) qualifies for the training allowance on the day before or the day after the Christmas holiday period of the institution offering the course, that number of days that the minister responsible may determine.
- (4) Subject to subsection (5), where an eligible applicant who is receiving a training allowance is absent from a course for more than two consecutive days due to illness, no training allowance shall be paid to the eligible applicant unless he submits to the minister responsible a medical certificate in a form satisfactory to that minister.
- (5) Where the minister responsible is satisfied that there are reasonable grounds to do so and that a hardship to the eligible applicant would otherwise ensue, he may exempt an eligible applicant from subsection (4).
- (6) Where the number of dependants supported by an eligible applicant who is receiving a training allowance changes, he shall immediately notify the minister responsible in writing of the change, and the minister responsible may:
- (a) recalculate the amount of the training allowance to which the eligible applicant is entitled pursuant to this section; and
  - (b) subject to subsection (7), pay the training allowance in the amount recalculated pursuant to clause (a), effective no earlier than the first day of the week in which the minister responsible receives the written notice.
- (7) Where the minister responsible is satisfied that any delay in receiving the written notice required pursuant to subsection (6) is not the fault of the eligible applicant and that a hardship for the eligible applicant would otherwise ensue, the minister responsible may pay the training allowance in the amount recalculated pursuant to clause (6)(a) effective at any date, earlier than the first day of the week in which he received the written notice, that he considers appropriate.
- (8) Where an eligible applicant and his spouse each receive a training allowance, only one of them may claim their children as dependants.

(9) An eligible applicant's spouse may be claimed as a dependant only where the spouse is not employed or is not receiving any income, other than a family allowance.

(10) Subject to subsection (11), where an eligible applicant applies for a training allowance after the commencement of a course, the training allowance is payable no earlier than the first day of the week in which the minister responsible receives the application.

(11) Where the minister responsible is satisfied that a hardship to an eligible applicant would otherwise ensue, he may pay the training allowance effective at any date, earlier than the first day of the week in which he received the application, that he considers appropriate.

(12) Where the minister responsible considers it to be appropriate, he may pay to an eligible applicant:

- (a) any tuition fee or other costs that the eligible applicant may be required to pay to attend the course; and
- (b) a grant to reimburse the eligible applicant for any textbooks or other supplies that the institution offering the course may require.

(13) The minister responsible may make an advance payment of all or any part of a training allowance to an eligible applicant who qualifies for a training allowance before the eligible applicant has completed the course he is attending.

27 May 88 cG-5.1 Reg 16 s4.

#### **Travel allowance**

5(1) The minister responsible may pay a travel allowance, for each day of attendance in the course, to an eligible applicant who qualifies for a training allowance.

(2) Travel allowances paid to an eligible applicant are to be calculated as follows:

- (a) in the case of a student who lives more than 10 kilometres from the training institution, at the rate of \$0.10 per kilometre for each kilometre travelled between the training institution and the applicant's residence, to a maximum of \$7.50 per day; or
- (b) in the case of a student who lives 10 kilometres or less from the training institution, at the rate of \$1 per day for each day of training.

27 May 88 cG-5.1 Reg 16 s5; 15 Sep 95 SR 61/95 s4.

#### **Agreements**

6 The minister responsible may enter into agreements with any regional college within the meaning of *The Regional Colleges Act* or the Saskatchewan Institute of Applied Science and Technology to permit the regional college or the Saskatchewan Institute of Applied Science and Technology to:

- (a) receive applications for training allowances and travel allowances;

- (b) determine the eligibility of applicants for training allowances; and
  - (c) pay training allowances and travel allowances to eligible applicants;
- in accordance with the other provisions of these regulations.

27 May 88 cG-5.1 Reg 16 s6.

**Termination**

7(1) Where, in the opinion of the minister responsible, an eligible applicant who is receiving a training allowance has failed to comply with these regulations, the minister responsible may terminate the eligible applicant's training allowance.

(2) An eligible applicant whose training allowance is terminated by the minister responsible pursuant to subsection (1) may apply to that minister or to an official of the department over which that minister presides who is designated by that minister for the purpose for a review of the decision and, on the review, that minister or that official may:

- (a) confirm the decision;
  - (b) reverse the decision;
  - (c) pay the eligible applicant all or any part of the training allowance to which he would have been entitled had the training allowance not been terminated;
  - (d) impose terms and conditions to be followed by an eligible applicant;
  - (e) recalculate the amount of the training allowance which an eligible applicant is entitled to receive and pay that recalculated training allowance to the eligible applicant; or
  - (f) do any combination of the things mentioned in clauses (b) to (e).
- (3) There is no appeal from the decision of the minister responsible or the designated official, as the case may be, made pursuant to subsection (2).

27 May 88 cG-5.1 Reg 16 s7.

**Overpayment**

8(1) In this section, "**overpayment**" includes the payment of a training allowance to a person who is not eligible to receive a training allowance or that amount of the training allowance by reason of:

- (a) an error made by the department over which the minister responsible presides; or
  - (b) incorrect or misleading information supplied by that person to the department over which the minister responsible presides.
- (2) Where a person has received an overpayment of a training allowance, the overpayment is a debt due to Her Majesty in right of Saskatchewan and, in addition to any other manner in which it may be recovered, may be recovered by deducting the amount of the overpayment from additional training allowances payable to the person pursuant to these regulations.

27 May 88 cG-5.1 Reg 16 s8.