

# JUSTICE UPDATE

## Saskatchewan Justice

### December 2002

#### **The Alcohol and Gaming Regulation Amendment Act, 2002**

##### **(Bill 48) Chapter 41**

This Bill makes a large number of detailed amendments to *The Alcohol and Gaming Regulation Act*, including:

- restructuring the gaming registration requirements to require members of casino boards of directors to be registered, to require registration of certain categories of suppliers of non-gaming supplies and services and to exempt certain categories of gaming and non-gaming suppliers from registration, in accordance with details to be set out in the regulations;
- authorizing the Liquor and Gaming Authority to make grants to encourage responsible consumption of alcohol or responsible participation in gaming;
- clarifying the good character requirement with respect to an applicant for a horse-racing licence or a liquor permit;
- adding new categories of applicants that may be eligible for commercial liquor permits;
- providing a process for transferring a liquor permit where a business changes its legal form of ownership without changing the individuals involved in the business, and in other limited circumstances;
- providing different requirements for applicants for commercial liquor permits and applicants for special occasion permits;
- allowing the Authority to impose new terms and conditions during the duration of a liquor permit;
- providing for the Authority to be reimbursed for the costs of investigations of gaming and non-gaming suppliers;
- providing regulation-making authority to establish a code of conduct for employees of the Authority.

The provisions respecting changes to gaming registration requirements, liquor permit transfers and the employee code of conduct were repealed by 2008, c.8, s.30. The balance of the Act came into force on July 10, 2002.

#### **The Alcohol and Gaming Regulation Amendment Act, 2002 (No.2) / Loi de 2002 modifiant la Loi de 1997 sur la réglementation des boissons alcoolisées et des jeux de hasard**

##### **(Bill 77) Chapter 42**

This Bill amends *The Alcohol and Gaming Regulation Act*, 1997, which is the bilingual version of the current *Alcohol and Gaming Regulation Act*. When *The Alcohol and Gaming Regulation Act*, 1997 was proclaimed on February 1, 2003, sections 1, 2, 5, 6, 8 to 21, clauses 28(a) to (f), (h) to (k) and section 29 of this Bill, which is the bilingual version of *The Alcohol and Gaming Regulation Amendment Act, 2002*, were also proclaimed. Clauses 3(a) to (d) and (f), sections 4, 7, 22 to 25, and clauses 28(g) and (l) were proclaimed on June 1, 2008. [Clause 3(e) and sections 23, 24, 26 and 27 were repealed by 2005, c.3, s.26]

#### **The Animal Products Amendment Act, 2002**

##### **(Bill 44) Chapter 15**

This bill provides for the following changes to *The Animal Products Act*:

- a new appointment process for inspectors including a standing designation for members of the RCMP and an ability to appoint any person or category of persons as “inspectors” where an emergency exists and the person or category of persons to be appointed has the necessary training or expertise to carry out the duties;
- an expedited arbitration process for the resolution of an animal keeper's lien. The decision of the arbitrator is subject to appeal to the Court of Queen's Bench on a question of law;
- expanded regulatory authority respecting enforcement of an animal keeper's lien.

Sections 1, 2, 4 and 8 came into force on June 20, 2002. The arbitration provisions (sections 3, 5, 6 and 7) came into force on June 1, 2006.

#### **The Apprenticeship and Trade Certification Amendment Act, 2002**

##### **(Bill 5) Chapter 2**

This Act amends *The Apprenticeship and Trade Certification Act*, 1999 to:

- clarify that employee and employer representatives on the Saskatchewan Apprenticeship and Trade Certification Commission are not required to be employees or employers;
- authorize the Commission to enter into agreements to administer benefit programs for trainees; and
- more clearly identify the employment rules that apply to compulsory trades and sectors.

This Act came into force on May 30, 2002.

### **The Automobile Accident Insurance Amendment Act, 2002**

#### **(Bill 57) Chapter 44**

This amending Act makes a number of changes to *The Automobile Accident Insurance Act*. The amendments address a range of issues including changes to the Personal Injury Protection Plan, the introduction of choice regarding automobile injury insurance coverage, the implementation of the Safe Driver Recognition Program and other administrative amendments.

The Personal Injury Protection Plan amendments provide:

- an enhanced right to sue for non-economic loss (including pain and suffering) in certain circumstances;
- increased medical and rehabilitation benefits;
- increased permanent impairment benefits for an insured who sustains a catastrophic injury;
- additional flexibility in calculating income replacement benefits;
- enhanced income replacement benefits;
- enhanced death benefits;
- that an at-fault driver convicted of an offence for impaired driving will be denied a permanent impairment benefit;
- that an at-fault driver convicted of intentionally causing personal injury to another by using the vehicle as a weapon will be denied both an income replacement benefit and a permanent impairment benefit; and
- modifications to the appeal process, including the establishment of the Automobile Injury Appeal Commission.

The amendments related to choice insurance coverage:

- allow Saskatchewan residents to opt out of the coverage provided by the Personal Injury Protection Plan and to elect to receive tort-based injury insurance coverage;

- establish the rules regarding the tort election;
- provide limited benefits for Saskatchewan residents regardless of fault;
- set out conditions regarding entitlement to limited no-fault benefits;
- provide the right to sue for economic and non-economic loss;
- establish detailed rules applicable to tort actions, including who may be a party to an action, in what circumstances an action may be brought and what damages may be sought;
- establish priority of benefits under the \$200,000 liability coverage available under plate insurance;
- clarify the definition of an “uninsured motorist”;
- clarify the provisions related to proof of intoxication;
- provide immunity for good faith acts carried out by licence issuers, employees of licence issuers and employees or agents of the insurer in exercising their responsibilities under the Act;
- amend *The Highway Traffic Act* to:
  - provide for an owner’s vicarious liability for the actions of an operator; and
  - extend the limitation period where a conviction is required to determine a cause of action.

Safe Driver Recognition Program amendments:

- revise the current rating system and appeal process;
- authorize the Lieutenant Governor in Council to make an order requiring appeals in relation to safety rating assessments and additional premiums to be heard by the Highway Traffic Board;
- require that a driver’s safety rating be determined using the number of chargeable incidents entered against a driver;
- require that the amount of any discount that the driver is entitled to or the amount of any surcharge that the driver must pay be based on the driver’s safety rating;
- provide for a right of appeal in certain circumstances; and
- eliminate the right of appeal to the Provincial Court regarding the assessment of accident surcharges.

Administrative amendments:

- revise the accident reporting provisions;
- allow the insurer to inspect and have access to information contained in a motor vehicle’s sensing diagnostic module;

- remove the provision that automatically cancels insurance when an owner/operator fails to register or licence a vehicle in another jurisdiction;
- allow non-resident owners of farm vehicles to carry reduced coverage in certain circumstances;
- clarify that the insurer and the insured may act as appraisers on their own behalf in the case of disagreements regarding repairs or the amount payable respecting any loss or damage to a vehicle;
- remove the provision that reduces an at-fault owner or operator's liability for property damages; and
- expand the insurer's right of subrogation under the Act.

Subsection 3(1), sections 4 to 6, and clauses 27(a) to (e) and (g) of this Act came into force July 1, 2002. Sections 1, 2, 7, 8, 10 and 11, subsection 14(1), sections 15, 23, 25 and 26, clause 27(f), section 28, subsection 30(1), section 34, subsections 35(1) and (2) and section 36 came into force on August 1, 2002. Subsection 3(2), sections 9, 12, 13, subsection 14(2), sections 16 to 22, 24, 29, subsections 30(2) to (10), sections 31, 32, 33, and subsection 35(3) came into force on January 1, 2003.

### **The Charitable Fund-raising Businesses Act**

#### **(Bill 49) Chapter C-6.2**

This Act:

- requires that for-profit fund-raising businesses which raise funds on behalf of Saskatchewan charities be licensed;
- requires that canvassers working for fund-raising businesses wear identification cards and disclose amounts paid to the fund-raising business and canvasser;
- requires that there be a contract between the fund-raising business and the charity which addresses specific matters set out in the Act;
- allows charities to apply to the Court of Queen's Bench to have agreements with fund-raising businesses declared void as contrary to public policy.

The provision allowing an application to the Court of Queen's Bench came into force on July 15, 2002. The balance of the Act came into force on January 1, 2003.

### **The Cities Act**

#### **(Bill 75) Chapter C-11.1**

This Act represents a major revision of the legislative framework that outlines the structure, governance and general powers of cities. The Act provides a complete code of governance for those cities that choose to "opt-in" to the provisions of the Act.

*The Urban Municipality Act, 1994* continues to apply to those cities that do not pass a resolution to bring their city within the ambit of *The Cities Act*.

#### *The Cities Act:*

- contains a statement of principles and purpose identifying cities under the Act as municipal corporations that are a responsible and accountable level of government subject to provincial laws;
- delineates the purposes of cities as follows:
  - to provide good government;
  - to provide services and facilities;
  - to develop and maintain a safe and viable community;
  - to foster economic, social and environmental well-being; and
  - to provide wise stewardship of public assets;
- requires cities to establish an independent review body to investigate and report on administrative matters of concern to residents and ratepayers;
- contains a simplified assessment appeal process;
- requires councils to pass a public notice policy setting out the types of notices that residents are entitled to receive prior to city council decisions;
- contains certain public notice requirements for a city prior to the establishment of an investment or purchasing policy, before it borrows or lends money, moves capital funds to operating accounts, sets remuneration for council members or sells land below market value;
- contains annual requirements for cities to publicize their debt and debt limit along with financial statements and an auditor's report;
- contains provisions requiring greater transparency in utility pricing and investment strategy;
- contains rules regarding when a city council or committee of council can meet *in camera*; and
- provides cities with expanded authority to raise revenues through special levies on property for specific purposes or services.

This Act came into force on January 1, 2003.

### **The Cities Consequential Amendment Act, 2002 / Loi de 2002 apportant des modifications corrélatives à la loi intitulée The Cities Act**

#### **(Bill 76) Chapter 27**

This Act contains the amendments to certain bilingual Acts made necessary by the passage of Bill 59, *The Cities Act*.

This Act came into force on January 1, 2003, except for the amendment to *The Alcohol and Gaming Regulation Act, 1997* which came into force on February 1, 2003.

### **The Consumer Protection Amendment Act, 2002**

#### **(Bill 20) Chapter 16**

This Act amends *The Consumer Protection Act* to:

- limit a consumer's liability for transactions where a credit card is surrendered, lost or stolen;
- provide protection against unauthorized use of credit card information; and establish the legislative framework to:
  - require Internet sellers to disclose basic information to consumers;
  - require Internet sellers to provide a copy of the contract, containing required information, within 15 days after the consumer enters into the contract;
  - allow consumers to exercise cancellation rights in certain circumstances; and
  - allow a consumer who makes a purchase using his or her credit card to obtain a refund from the credit card company, if the Internet seller fails to provide a refund after the consumer has exercised such a cancellation right.

This Act came into force on November 1, 2005.

### **The Corporation Capital Tax Amendment Act, 2002**

#### **(Bill 36) Chapter 28**

This amendment Act authorizes an increase for some corporations in the standard corporate tax exemption of \$10 million. The additional exemption amount for a corporation is to be determined in accordance with the regulations.

This Act came into force on July 3, 2002, but is retroactive in effect to January 1, 2002.

### **The Correctional Services Amendment Act, 2002**

#### **(Bill 3) Chapter 45**

This Act adds a new provision that requires corrections officials to consult and advise victims when an inmate is being considered for an authorized absence from a provincial correctional facility for humanitarian or rehabilitative reasons. Other provisions:

- clarify that remission is earned by obeying correctional facility rules and by actively participating in programs designed to promote inmates' rehabilitation and reintegration;

- allow urinalysis to be used for program monitoring purposes where this is relevant;
- update probation order provisions to be consistent with recent *Criminal Code* changes; and
- update terminology in provisions applicable to young persons to be consistent with the *Youth Criminal Justice Act* passed by the federal government on February 4, 2002.

The Act came into force on January 1, 2003, except for section 11 which came into force on June 1, 2003.

### **The Cost of Credit Disclosure Act, 2002**

#### **(Bill 25) Chapter C-41.01**

This Act will replace the current *Cost of Credit Disclosure Act*. The new Act:

- broadens the application of the legislation to all consumer loans including credit cards, mortgage loans and leases;
- provides for the manner in which annual percentage rates and non-interest finance charges are to be calculated and disclosed;
- introduces new requirements for the information that lenders must disclose to borrowers, both before and after the consumer enters an agreement. These requirements are similar to the existing requirements although they are somewhat more detailed in certain areas;
- expressly controls the non-interest charges that may be imposed upon borrowers;
- prescribes the information that must be disclosed for different types of credit as well as the timing and delivery of disclosure statements;
- describes the credit information that must be disclosed in advertisements;
- allows consumers to prepay non-mortgage loans without penalty;
- provides that consumers will be entitled to a partial refund of certain non-interest charges upon early repayment of non-mortgage credit;
- gives consumers the right to cancel and receive a proportionate refund for certain optional services; and
- provides statutory penalties for deliberate non-compliance, in addition to the civil remedies under the Act as well as other statutory and common-law remedies.

This Act came into force on October 1, 2006.



**The Department of Agriculture and Food  
Amendment Act, 2002**

**(Bill 50) Chapter 17**

This amending legislation provides for the following changes to *The Department of Agriculture and Food Act*:

- implementation of winding down provisions for the Agri-Food Equity Fund. These provisions transfer the Fund's assets and liabilities to the Agricultural Credit Corporation of Saskatchewan. In turn, these assets and liabilities may then be transferred from the Agricultural Credit Corporation of Saskatchewan to another department, agency or Crown corporation; and
- updating of the name of the Act and the Department to the Department of Agriculture, Food and Rural Revitalization.

This Act came into force on February 28, 2003.

**The Department of Economic Development  
Amendment Act, 2002**

**(Bill 53) Chapter 46**

This Bill changes the name of *The Department of Economic Development Act, 1993* to *The Economic and Co-operative Development Act*. Provisions relating to the establishment and duties of the previous Department of Economic Development are removed from the Act.

The Minister Responsible for Information Technology is authorized to co-ordinate a uniform approach to information technology and information management throughout government, including an ability to purchase these goods and services for other government departments.

This Act came into force on July 10, 2002.

**The Education Amendment Act, 2002 / Loi  
de 2002 modifiant la Loi de 1995 sur l'éducation**

**(Bill 34) Chapter 29**

This bill establishes the Prince of Wales Scholarship Fund out of which scholarships will be paid under the Prince of Wales Scholarship program.

In addition, it will allow a newly amalgamated school division to apply different mill rates in the area of each of the former school divisions for one or two years.

The provisions respecting the Prince of Wales Scholarship Fund came into force on January 1, 2003. The balance of the Act came into force on July 3, 2002.

**The Electronic Information and Documents  
Amendment Act, 2002**

**(Bill 7) Chapter 18**

This amending Act clarifies that the consent of a "public body" to use electronic communications cannot be inferred but must be expressly authorized. It also provides that where an enactment is designated under the special rules for filing electronic documents with the government under Part III of the Act, the general rules in Part II will not apply to the filing or registration of information under the enactment.

Changes have also been made to provide that consumers will continue to be entitled to a paper copy of a document when conducting Internet sales unless they consent to electronic receipt. The Act is also amended to make it clear that where the term "provide" is used within an Act it requires more to be done than simple access on an Internet site to that information or to a particular document. Finally, Part III of the Act is amended to make it clear that where an Act is to be designated under Part III of the Act, it is permissible for only a portion of that Act to be designated.

This Act came into force on June 20, 2002.

**The Emergency Protection for Victims of Child  
Sexual Abuse and Exploitation Act**

**(Bill 2) Chapter E-8.2**

This new Act defines sexual abuse to include all situations where a child has been or is likely to be exposed to harmful interaction for a sexual purpose, including involvement in prostitution. The Bill further:

- requires individuals to report situations of children being sexually abused to a child protection worker or peace officer;
- authorizes a child protection officer, peace officer or prescribed person to apply *ex parte* to a justice of the peace for an emergency protective intervention order;
- authorizes the justice, in conducting the hearing of an application for an order, to admit hearsay evidence where, in the opinion of the justice, the evidence is credible and trustworthy;
- provides a detailed process for both emergency protection intervention orders and for subsequent longer term orders to protect a child who is a victim of sexual abuse or exploitation;
- enhances search and seizure provisions for police officers investigating child sexual abuse for the purposes of this Act; and

- creates offences for exposing a child to harmful interaction for sexual purposes and for failure to report child sexual abuse.

This Act came into force on October 1, 2002.

**The Enforcement of Canadian Judgments Act, 2002 / Loi de 2002 sur l'exécution des jugements canadiens**

**(Bill 26) Chapter E-9.1001**

This new Act repeals *The Enforcement of Canadian Judgments Act* (unproclaimed) and replaces it with a new Act which will provide for full faith and credit enforcement of both money and non-money judgments between the provinces and territories of Canada. The term "non-money judgments" includes orders such as injunctions and specific performance that are made by the courts of another province. It also includes orders that operate to define certain rights and relationships such as adult guardianship orders or orders that are purely declaratory in nature.

The Act will not apply to judicial decisions that are already subject to enforcement procedures between provinces and territories such as the maintenance order process, foreign probate orders or to fines and penalties under provincial legislation. It should also be noted that the definition of "judgment" under this Act does not include orders by administrative tribunals with respect to non-monetary relief.

This Act came into force on January 1, 2003.

**The Enforcement of Maintenance Orders Amendment Act, 2002 / Loi de 2002 modifiant la Loi de 1997 sur l'exécution des ordonnances alimentaires**

**(Bill 27) Chapter 4**

This Bill makes the following changes to *The Enforcement of Maintenance Orders Act, 1997*:

- a new remedy will allow for maintenance orders to be enforced against a corporation that is owned or controlled by a respondent. If the respondent is the sole shareholder, and is in arrears, the director may enforce the order against the corporation. If the respondent, alone or with other family members, controls a corporation, an application may be made to the court for an order declaring the corporation to be jointly and severally liable with the respondent for payment of the maintenance order;

- with respect to the remedy of driver's licence withholding, the Act previously required the Maintenance Enforcement Office (MEO) to serve the respondent with two notices of its intention to suspend the respondent's driver's licence. The amendments remove the requirement to serve a second notice and allow the MEO to direct SGI to suspend a respondent's driver's licence or withhold it from renewal after 30 days' notice is served on the respondent by ordinary mail or any other prescribed means (no other means have been prescribed);
- the MEO is authorized to enforce maintenance agreements;
- the MEO may demand or the court may order the disclosure of information respecting the status of a dependant, the relationship of the respondent to any person or public body and identifying information including a photograph;
- the process for out-of-province garnishments is streamlined;
- service requirements for garnishments are modified to allow service on the respondent by ordinary mail, and on the garnishee by fax, or on either by any other prescribed means (no other means have been prescribed);
- a new section is added to allow a respondent to apply to the court to revoke or change a continuing garnishment if the order on which it is based is decreased by the court but the claimant refuses to serve an amended garnishment to reflect the correct amount payable;
- to ensure that garnishees who voluntarily comply with a garnishment are not at risk of having to pay that money again, to the respondent, the previous subsection 26(4) is moved into a separate section 26.1.

This Act came into force on July 1, 2002.

**The Environmental Management and Protection Act, 2002**

**(Bill 71) Chapter E-10.21**

This Act repeals *The Environmental Management and Protection Act* and *The Ozone-depleting Substances Control Act, 1993* and provides updated legislation regulating the management of drinking water, waste water, contaminated sites, environmental discharges and hazardous substances.

More particularly, the Act:

- sets out responsibilities and powers of the minister respecting the environment, including provisions which allow the minister to:

- hold hearings or inquiries respecting the management, use or protection of the environment;
  - establish advisory committees and retain experts;
  - develop guidelines, standards, objectives or codes of practice; and
  - enter into agreements with governments and other organizations;
  - prohibits the discharge of a substance into the environment that may cause an adverse effect;
  - establishes a duty to report the discharge of a substance into the environment;
  - provides that any person who discharges or allows the discharge of a substance into the environment has a duty to take remedial measures to minimize the adverse effects;
  - allows the minister to conduct investigations and to issue environmental or emergency environmental protection orders;
  - allows the minister to designate an area as a contaminated site;
  - provides that if an area is designated as a contaminated site, the minister is required to give written notice to certain parties;
  - provides that a person that receives written notice of the designation may make a written representation to the minister requesting the minister to reconsider the designation;
  - defines the phrase “person directly responsible for a discharge”;
  - requires a person directly responsible for a discharge to prepare a remedial action plan for the contaminated site, to submit the plan to the minister for approval and comply with the approved plan;
  - includes provisions relating to civil liability for discharges;
  - includes provisions relating to the management of drinking water;
  - requires the department to prepare and submit annually to the minister a State of Drinking Water Quality Report;
  - requires persons responsible for waterworks to ensure that water supplied for human consumption is safe;
  - gives the minister authority to issue permits for the construction, extension, alteration or operation of any waterworks or sewage works;
  - gives the minister authority to issue permits respecting discharges into water and alterations to water bodies;
  - provides increased enforcement powers, including waterworks protection orders, sewage works protection orders, stopwork orders, emergency orders, precautionary drinking water advisories and administrative penalties;
  - allows for an appeal on a question of law to the Court of Queen’s Bench if a person is aggrieved by an environmental protection order;
  - provides updated powers for environment officers regarding search, seizure, investigations and inspections; and
  - includes provisions relating to the regulation of halocarbons to replace *The Ozone-depleting Substances Control Act*, 1993, which is repealed.
- This Act came into force on October 1, 2002.
- The Ethanol Fuel Act**  
**(Bill 1) Chapter E-11.1**
- This Act creates the legal framework to mandate the use of ethanol blended gasoline in Saskatchewan. The Act provides that on or after a date to be prescribed in regulations, every fuel distributor in the province will be required to sell only ethanol blended gasoline. The Act provides regulation-making powers to prescribe fuels and/or particular purposes that are exempt from this requirement. The Act further provides regulation-making authority for the handling and storage of ethanol blended fuel.
- The Act provides that the Minister to whom the administration of the Act is assigned is responsible for all matters relating to the production, use and blending of ethanol, including the promotion of a cleaner environment through the use of ethanol.
- This Act came into force on July 15, 2002.
- The Family Maintenance Amendment Act, 2002 /  
Loi de 2002 modifiant la Loi de 1997 sur les  
prestations alimentaires familiales**  
**(Bill 8) Chapter 5**
- This Bill amends section 3 of *The Family Maintenance Act* to provide that an order for child maintenance will continue in effect after a child’s eighteenth birthday until the child is no longer eligible for maintenance under the Act. It adopts the wording of section 4 of the Act, which currently provides an entitlement to child maintenance after age 18.
- This Act came into force on May 30, 2002.

**The Farm Financial Stability Amendment Act, 2002**

**(Bill 12) Chapter 6**

This amending legislation makes the following changes to *The Farm Financial Stability Act*:

- defines “member producer”;
- clarifies that the association is the owner of the commodities purchased under the Production Association Loan Guarantees and that the transaction between the association and the producer is not subject to *The Personal Property Security Act, 1993*; and
- authorizes regulations prescribing commodities for the purposes of these provisions.

This Act came into force on August 30, 2002.

**The Farm Financial Stability Amendment Act, 2002 (No. 2)**

**(Bill 51) Chapter 19**

This amending Act provides for the following changes to Part VI of *The Farm Financial Stability Act*:

- adds reference to a corporation within the definition of “producer”, as well as adding a definition for “feedlot”;
- includes feedlots as locations where producer members can grow, use, finish or produce commodities;
- clarifies that requirements for the release of assurance funds are prescribed according to category of producer;
- extends the regulatory authority under the Act to provide for the administration of the Production Association Loan Guarantees and to set requirements for assurance funds.

The amendments came into force on August 30, 2002.

**The Fiscal Stabilization Fund Amendment Act, 2002**

**(Bill 35) Chapter 30**

This amendment Act changes the requirements related to the annual plan to be submitted by the Minister of Finance. The Minister is required to prepare a plan for each fiscal year, setting out planned transfers into and out of the fund and the planned balance in the fund at the end of each fiscal year to which the plan applies. The minister is required to present the plan to the Legislative Assembly at the same time as budget estimates are presented for the first fiscal year to which the plan applies.

This Act came into force on July 3, 2002, but is retroactive to March 26, 2002.

**The Forest Resources Management Amendment Act, 2002**

**(Bill 65) Chapter 31**

This amending Act moves the legislative framework for controlling the spread of Dutch Elm Disease to this Act from *The Pest Control Act*. The Act requires that owners and occupants take measures to control and prevent the spread of designated insects or diseases on designated lands. It allows the Minister to specify requirements and procedures for the treatment or disposal of infected trees. It sets out the powers of provincial and municipal inspectors, including entering on land, stopping vehicles and seizing infested materials. The Act includes regulation-making authority respecting the disposal of infected material and prescribing licensing requirements for persons undertaking activities in regards to infected materials.

The Act provides for a number of other amendments, including:

- extending the definition of “harvest” to include altering or disturbing forest products and grazing of livestock;
- allowing the Minister to require that a licensee submit an operating plan for approval prior to commencing any activity authorized by a forest product permit;
- allowing the Minister to impose any terms on a plan that the Minister considers necessary or advisable;
- requiring a licensee’s operations to conform to the approved plan;
- allowing the Minister to waive compliance with the terms of an approved operating plan in exceptional circumstances;
- authorizing the Minister to establish manuals containing standards for certain forest management practices and requiring the Minister to publish a notice in the Gazette when a manual is established or amended;
- providing regulation-making authority to establish a Provincial Science Advisory Board;
- allowing the Minister to appoint members, assign duties and set out procedures for the operation of the Provincial Science Advisory Board;
- providing an exemption from the licensing requirements for persons harvesting Christmas trees for their own use;
- prohibiting a person from operating a processing facility without a licence;



- providing that an officer may rescind an order that a person stop harvesting or stop any activity that is damaging or likely to damage Crown resource land or forest products on Crown lands, if certain conditions are met;
- setting out additional circumstances where administrative penalties may be assessed against licensees; and
- general updating of provisions.

This Act came into force on July 3, 2002.

### **The Health Quality Council Act**

#### **(Bill 41) Chapter H-0.04**

This Act establishes the Health Quality Council, a corporation consisting of up to 12 members. The objects of the council include: monitoring existing clinical standards of health care and researching and developing new clinical standards of health care; researching and evaluating prescription drug prescribing practices, drug utilization and processes for reviewing and approving prescription drugs; assessing the effectiveness of new and existing health technologies; promoting improvement in the quality of health care through training and education; and developing and implementing training and education programs and activities to promote improvement in the quality of health care.

The Act includes provisions setting out the powers of the council and respecting administrative matters.

This Act came into force on November 22, 2002.

### **The Health Statutes Consequential Amendment Act, 2002 / Loi de 2002 apportant des modifications corrélatives à certaines lois sur la santé**

#### **(Bill 62) Chapter 47**

The Act amends three bilingual Acts to make consequential amendments as a result of *The Medical Profession Amendment Act, 2002* and *The Regional Health Services Act*:

- amendments to *The Co-operatives Act, 1996* update the definition of hospital services and the authority by which community clinics are funded;
- an amendment to *The Interpretation Act, 1995* amends the definition of the phrase “duly qualified medical practitioner”; and
- an amendment to *The Vital Statistics Act, 1995* updates the definition of “hospital”.

A housekeeping amendment to *The Co-operatives Act, 1996* and most of the amendments came into force on July 10, 2002. Section 3 respecting the definition of “duly qualified medical practitioner” came into force on September 1, 2003. The remaining two amendments respecting the definition of “hospital” and “hospital services”, came into force December 15, 2005.

### **The Highway Traffic Amendment Act, 2002**

#### **(Bill 40) Chapter 48**

This amending Act makes a large number of detailed amendments to *The Highway Traffic Act*, including:

- providing an exemption from the licensing requirements for a non-resident who holds a valid driving permit issued by a member state of the European Union;
- clarifying that a trailer is not exempt from registration when it is being towed for sale, storage or repair purposes, unless that trailer is otherwise exempt from registration;
- clarifying the rules regarding the 7-day grace period for the registration of replacement vehicles;
- establishing an offence for speeding in excess of 50 kilometres over the maximum speed limit;
- clarifying the rules regarding the use of flares or emergency hazard lights when leaving a vehicle parked on a highway;
- providing that the rules for beacons and flashing lights apply to all vehicles with these devices;
- clarifying the rules regarding the placement of television sets, video screens and computer screens in a vehicle;
- repealing the seatbelt exemption for persons operating a vehicle at low speeds with frequent stops;
- changing the rules regarding reporting accidents to the police;
- enabling the police to impound a vehicle driven by a person whose driver's licence is subject to a 90 day administrative suspension or is suspended for a prostitution related offence;
- allowing a hearing officer to reduce the period of impoundment for a vehicle where the circumstances warrant a shorter period of impoundment;
- amending the definition of “garage keeper” to reflect the repeal of *The Garage Keepers Act*; and

- adding an offence for repeatedly driving or parking a motor vehicle in an area frequented by prostitutes or by children who have been subjected to sexual abuse within the meaning of *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*.

Sections 13, 16 and 18 came into force on July 10, 2002, but are retroactive in effect to April 1, 2002. Sections 1, 2, 11 and 12 came into force on August 1, 2002. Sections 4, 5, 7, 8 and 9 came into force on September 1, 2002. Sections 3 and 17 came into force on October 1, 2002. Sections 14 and 15 came into force on November 1, 2002. Section 6 came into force on December 1, 2002. Section 10 came into force on January 1, 2003.

### **The Horned Cattle Purchases Amendment Act, 2002**

#### **(Bill 6) Chapter 20**

This amending legislation increases the amount deducted from horned cattle sales from \$2.00 to \$10.00 per head. The Act is also updated to revise the organizations that nominate members to the Horned Cattle Purchases Act Advisory Committee. Additional housekeeping amendments are made to update the language and references in the Act, as well as to introduce new inspection and penalty provisions.

This Act will come into force on proclamation.

### **The Income Tax Amendment Act, 2002**

#### **(Bill 58) Chapter 32**

This amendment Act:

- extends the definition of “manufacturing or processing” to include the production of electrical energy for sale;
- expands the carry-forward period of the Scientific Research and Experimental Development Tax Credit from seven to ten years;
- allows for the implementation of the Farm and Small Business Capital Gains Tax Credit;
- makes technical changes to clarify legislative intent, to correct references to federal legislation and to parallel changes in federal legislative provisions.

This Act came into force on May 24, 2002. However, most provisions are retroactive to January 1, 2001. Provisions dealing with the definition of manufacturing or processing and some technical changes are retroactive in effect to January 1, 2002. Other technical changes came into force on July 1, 2002.

### **The Independent Officers’ Remuneration (Amendment) Act, 2002**

#### **(Bill 16) Chapter 7**

This Act amends *The Ombudsman and Children’s Advocate Act* to provide that the salaries of the Ombudsman and Children’s Advocate are equal to the average of all deputy ministers’ salaries as at April 1 of each year. The Act also amends

*The Election Act, 1996* to provide that the salary of the Chief Electoral Officer is equal to the maximum of the Senior Executive 2 range in the Public Service. These changes confirm the current salaries of these independent officers of the Legislative Assembly and provide a standard for future salary changes.

This Act came into force on May 30, 2002.

### **The Inter-jurisdictional Support Orders Act / Loi sur les ordonnances alimentaires interterritoriales**

#### **(Bill 28) Chapter I-10.03**

This Act will replace *The Reciprocal Enforcement of Maintenance Orders Act, 1996* and streamline the process by which support orders are obtained, varied and enforced in cases where the parties live in different jurisdictions.

It does this, firstly, by removing the requirement for claimants to obtain a provisional order in their home jurisdiction before their material can be sent to the respondent’s jurisdiction to obtain an enforceable confirmation order. Instead, the claimant will prepare a support application package that will be sent by the Maintenance Enforcement Office to the reciprocating jurisdiction, where a court hearing will be held, based on the evidence supplied by the claimant and the respondent. In cases where the court is faced with conflicting evidence from the two parties or needs further information from the party in the other province, the Act allows the court to obtain the further evidence it requires by telephone.

The second major change will eliminate the ability of respondents to oppose registration of Canadian support orders. If a support order made in Canada is sent to Saskatchewan for enforcement, or sent from Saskatchewan to another province or territory, enforcement of the order can commence immediately. The current Act requires the Maintenance Enforcement Office to personally serve the respondent with 30 days notice before enforcement can begin. Respondents will continue to receive the 30 days notice of registration, and be able to apply to set aside registration, of maintenance orders made outside Canada.

This Act came into force on January 31, 2003.

**The IPSCO Inc. and United Steelworkers of America, Local 5890, Collective Bargaining Agreement Act, 2002**

**(Bill 83) Chapter 60**

This Act exempts from section 33 of *The Trade Union Act* a collective bargaining agreement between IPSCO and its unionized workers. Section 33 of *The Trade Union Act* has the effect of limiting the length of collective agreements to three years. (An employer and a union may agree to a longer contract but either side may give notice to bargain a new agreement after three years.) This Act ensures that the collective bargaining agreement in question will be binding for the full four year term.

This Act came into force on December 18, 2002.

**The Labour Standards Amendment Act, 2002**

**(Bill 70) Chapter 49**

This Act amends the exemption respecting employees employed primarily in farming, ranching or market gardening so that the provisions of the Act apply to commercial hog operations.

This Act came into force on September 1, 2002.

**The Land Surveys Amendment Act, 2002**

**(Bill 32) Chapter 50**

This legislation amends *The Land Surveys Act, 2000* to allow land descriptions that are not contained in plans of surveys to be considered “approved plans” for the purposes of having the Registrar of Titles issue converted titles under the new land titles system. The Act also makes for a number of housekeeping amendments including:

- permitting searches of the land surveys directory to be conducted against copies of plans maintained by the former Chief Surveyor’s office rather than those maintained by Land Titles;
- clarifying that the references to the Land Titles Registry in the sections regarding boundary confirmations and hearings (sections 52 and 55) also include reference to the abstract directory;
- allowing the Controller or Registrar of Titles to waive or refund fees, charges or taxes in part, as well as in whole;
- providing that the metes and bounds parcels remaining after a metes and bounds parcel is removed from a previously surveyed parcel will be considered to be “parcels” on an approved plan so that the Registrar of Titles may issue electronic titles to them under *The Land Titles Act, 2000*; and

- recognizing that proceedings commenced prior to proclamation of the Act may have been commenced under the former *Land Titles Act*, as well as the former *Land Surveys Act*.

This Act came into force on July 10, 2002, but is retroactive in effect to June 25, 2001.

**The Land Titles Amendment Act, 2002**

**(Bill 33) Chapter 51**

This amending legislation makes a series of housekeeping amendments to *The Land Titles Act, 2000* including the following changes:

- defines “land registry” to mean the land titles registry, the abstract directory and the writ registry;
- clarifies that the land titles registry consists of the data maintained by the Registrar as well as the documents submitted to the Registrar;
- expands regulatory authority to prescribe additional information that forms part of the registry such as the owner’s or interest holder’s address or client number;
- clarifies that when an uncertified mineral title is certified and becomes a mineral title, interests registered against the uncertified mineral title will continue;
- clarifies that where a correction is made to a title that reinstates an interest that was discharged in error, the interest retains its original priority;
- amends the provisions regarding dependent adults to reflect the new *Adult Guardianship and Co-decision-making Act*;
- extends the provisions regarding correction of registrations and suspension of registry functions, the restriction of access and the fees for land titles registry services to clarify that they apply to the abstract directory and the writ registry;
- provides clarification that a court order to sever a joint tenancy will continue to be available only on application by one of the joint tenants and not on application by some other person;
- clarifies the priority of writs and maintenance orders that are registered in the writ registry as against instruments registered in unimplemented districts; and
- clarifies that interests that were registered against leasehold titles in the former system are to be converted as interests against the registered lease in the new system.

This Act came into force on July 10, 2002, but is retroactive in effect to June 25, 2001.

**The Liquor Consumption Tax Amendment Act, 2002**

**(Bill 30) Chapter 33**

This amendment Act raises the liquor consumption tax rate from 7% to 10%.

This Act came into force on July 3, 2002, but is retroactive in effect to April 2, 2002.

**The Local Government Election Amendment Act, 2002**

**(Bill 45) Chapter 34**

The amendments to this Act include provisions:

- enabling municipal councils and boards of education to establish polling stations at personal care facilities;
- extending the mobile poll privileges currently accorded to electors with physical disabilities or limited mobility to the resident caregivers of such electors;
- allowing local authorities to extend voting hours within certain restrictions;
- enabling municipal councils and boards of education to establish disclosure requirements respecting campaign contributions and expenses, and establish campaign spending limits; and
- clarifying the procedure to be employed where the number of nominations is less than the number of vacancies to be filled.

This Act came into force on January 1, 2003.

**The Medical Profession Amendment Act, 2002**

**(Bill 37) Chapter 21**

This Act allows the College of Physicians and Surgeons to register, licence and regulate podiatric surgeons. Bylaws will describe the services they may perform. Another amendment allows greater flexibility in recognizing the credentials of psychiatrists. The physician incorporation provisions are clarified. The amendments allow the college to discipline former members for up to two years after they are no longer registered. The amendments also provide a process for the college to discipline a physician who is registered in Saskatchewan and in another jurisdiction, and who has been disciplined in that other jurisdiction.

Section 18, which allows the college to discipline former members, came into force on January 1, 2003. The other provisions in the Act came into force on August 1, 2002, except for the provisions respecting podiatric surgeons which came into force on September 1, 2003.

**The Members' Conflict of Interest Amendment Act, 2002 (No. 2)**

**(Bill 63) Chapter 52**

This amending legislation provides for the following changes:

- it expands the scope of the cooling-off provisions under the Act to prohibit former Cabinet ministers from lobbying government on their own behalf or on behalf of any other person during the 12 months after they cease to hold office;
- it implements a restriction on former Cabinet ministers from becoming an "associate" with any person who has received a contract or benefit from the government during the 12 months after they cease to hold office;
- it allows a former Cabinet minister to apply to the Conflicts Commissioner for an exemption from the 12 month cooling-off period, where the Commissioner is satisfied it is not contrary to the public interest to do so;
- it expands the scope of inquiry of the Commissioner to allow him or her to comment on the conduct of any former member of the Legislative Assembly or any current or former public servant or Crown corporation employee; and
- it provides a two year limitation period for a prosecution under the Act.

This Act came into force on October 25, 2002.

**The Members of the Legislative Assembly Benefits Act**

**(Bill 78) Chapter M-11.12**

This Act repeals *The Members of the Legislative Assembly Superannuation Act, 1979* and transfers members of the Legislative Assembly to the Public Employees Pension Plan.

This Act came into force on September 1, 2002.

**The Municipal Employees' Pension Amendment Act, 2002**

**(Bill 66) Chapter 35**

This amendment Act:

- eliminates the potential for a plan member to receive two pensions with respect to one period of disability;
- allows a plan member to purchase prior service with any employer participating in the pension plan;



- provides a police officer or firefighter who was a general member but has become a designated member (who contributes more to the plan in order to retire early) with the option to consolidate pension benefits and receive one benefit rather than two benefits on different dates;
- incorporates early retirement provisions respecting police officers or firefighters who have become designated members;
- provides for an actuarial valuation of the liabilities of the fund to be carried out every three years.

This Act came into force on July 3, 2002. Provisions dealing with the purchase of prior service are retroactive to January 1, 2001. Provisions dealing with designated members and additional allowances are retroactive to January 1, 2002.

### **The Municipal Revenue Sharing Amendment Act, 2002**

#### **(Bill 52) Chapter 36**

This amendment Act replaces the existing revenue sharing grant formula with a new provision outlining the following total amounts of grants payable:

- to cities - \$20,849,377;
- to towns, villages and resort villages - \$10,972,623;
- to rural municipalities - \$28,045,000.

This Act came into force on July 3, 2002, but is retroactive in effect to April 1, 2002.

### **The Northern Municipalities Amendment Act, 2002**

#### **(Bill 56) Chapter 37**

The amendments to *The Northern Municipalities Act* are similar to amendments to *The Urban Municipality Act, 1984* and *The Rural Municipality Act, 1989*. The amendments fall into three broad categories: local decision-making powers, public utility financial reporting and assessment powers.

- towns and northern villages may increase or decrease the size of council to a minimum of two councillors, ensuring councils will consist of at least three elected members;
- an amendment will bring the Town of Creighton fully under the Act;
- the requirement that all bylaws of a northern hamlet are subject to the prior approval of the minister has been removed;
- councils are given increased authority to deal with "junked material";

- councils may, by bylaws, extend the dangerous dog provisions in the Act to all domestic animals in the municipality;
- councils may enter into agreements with other entities by resolution as opposed to by-law and express authority is given to enter tax sharing agreements with other municipalities;
- a new regulation-making authority is created respecting performance measurement, accountability, rate and investment policies, public disclosure requirements and financial reporting requirements for public utilities;
- the basis for and methods used in property assessment must be one of the alternatives outlined or incorporated by reference in the Saskatchewan Assessment Management Agency manual;
- certain references to land or improvements will include a reference to both land and improvements and vice versa;
- combined valuation of land and improvements is allowed;
- the prohibition against the use of income based methods for appraisal purposes is removed;
- the provisions regarding an assessor's ability to collect information for assessment purposes are updated and specific provisions are introduced to protect against improper use or disclosure of income and expense information collected by the assessor;
- penalties and fines for non-compliance are updated; and
- amendments are made increasing opportunities for public inspection of the assessment roll.

The amendments to this Act came into force on July 3, 2002.

### **The Powers of Attorney Act, 2002 / Loi de 2002 sur les procurations**

#### **(Bill 24) Chapter P-20.3**

This Act:

- provides for the use of enduring powers of attorney, including contingent (or "springing") enduring powers of attorney, which come into effect on the occurrence of a specified contingency;
- includes provisions respecting the capacity to grant enduring powers of attorney and limitations on who may act as attorneys under enduring powers of attorney;

- provides for a non-mandatory prescribed enduring power of attorney form;
- includes provisions respecting the appointment of more than one attorney under an enduring power of attorney and respecting the appointment of corporate attorneys;
- includes provisions respecting the termination of authority under enduring powers of attorney; and
- includes provisions protecting persons who rely on enduring powers of attorney in good faith and respecting the non-liability of attorneys in some circumstances.

This Act came into force on April 1, 2003.

### **The Prescription Drugs Amendment Act, 2002**

#### **(Bill 39) Chapter 22**

This Act allows the Minister of Health to collect information from pharmacists and practitioners who are authorized to issue prescriptions on all drug prescriptions in Saskatchewan. The Minister may establish a database which records all personal health information respecting drugs prescribed or dispensed to persons in Saskatchewan for such purposes as reducing the inappropriate use of drugs, prohibiting abuses of drugs and planning and delivering treatment.

The Act, except for section 4, came into force on July 1, 2003.

### **The Public Employees Pension Plan Amendment Act, 2002**

#### **(Bill 17) Chapter 8**

This amendment Act changes the age at which the former spouse of a plan member can purchase a retirement benefit from 55 to 50.

This Act came into force on May 30, 2002.

### **The Queen's Bench Amendment Act, 2002 / Loi de 2002 modifiant la Loi de 1998 sur la Cour du Banc de la Reine**

#### **(Bill 15) Chapter 9**

The Queen's Bench Rules of Court provide that all communications in the course of a pre-trial conference are privileged and shall not be admitted as evidence in any proceeding. This amendment codifies that rule, and provides the same protection from disclosure for statements made during a pre-trial settlement conference conducted by a judge, as exists for statements made during mediation.

This Act came into force on May 30, 2002.

### **The Real Estate Amendment Act, 2002**

#### **(Bill 9) Chapter 53**

The Act was amended to:

- provide the Saskatchewan Real Estate Commission and the Superintendent of Real Estate with authority to share information with other regulators, law enforcement agencies and other real estate commissions;
- authorize the Commission to enter into agreements with other regulators;
- allow the Superintendent to appoint representatives to carry out the responsibilities imposed on the Superintendent pursuant to the Act;
- allow regulations to be made requiring brokerages and salespersons to carry errors and omissions insurance coverage in minimum amounts and from a specified carrier;
- allow the Commission to enact bylaws relating to the disclosure of information by registrants; and
- extend the time for the Commission to prepare and file its annual report with respect to the Real Estate Assurance Fund with the Minister.

This Act came into force on September 1, 2002.

### **The Regional Health Services Act**

#### **(Bill 61) Chapter R-8.2**

This Act establishes 12 regional health authorities to replace the 32 district health boards. It clarifies the authority of the Minister of Health to set province-wide priorities for the health care system and the responsibility of the Minister to establish goals, objectives, performance measures and create health policies. The Act allows the Minister to give written directives to regional health authorities and health care organizations in the event of non-compliance with the Act and to order inquiries.

The Act defines the responsibilities of regional health authorities to assess health needs, prepare operational plans, provide health services and evaluate the health services they provide. It requires that all meetings of regional health authorities be open to the public, except for some specified situations. Annual reports of regional health authorities must be tabled in the Legislative Assembly. It also establishes responsibilities and powers for health care organizations.

This Act also establishes a process requiring regional health authorities and health care organizations to report critical incidents to the Minister of Health.

The Act requires regional health authorities to establish community advisory networks to provide for public involvement in each health region.

The Act also authorizes the Minister of Health to establish a surgical registry to record information respecting the provision of surgery in Saskatchewan.

Most provisions of this Act came into force on August 1, 2002, with five provisions coming into force August 1, 2003. The provisions respecting funding agreements between regional health authorities and health care organizations and critical incident reporting came into force June 15, 2004 and September 15, 2004 respectively. The provision for appeals respecting the appointment, assessment or discipline of practitioner staff, and several provisions that amend or repeal provisions in other statutes came into force on December 16, 2005. Additional provisions that amend or repeal provisions in other statutes have all come into force on proclamation with the exception of subsections 65(1) and (3).

#### **The Registered Music Teachers Act, 2002**

##### **(Bill 46) Chapter R-11.1**

This Act updates *The Registered Music Teachers Act* to make it consistent with newer professions legislation. The Act reserves the use of the titles “Registered Music Teacher” and “RMT” to members of the association. A representative of the public will be included on the Saskatchewan Registered Music Teachers’ Association executive and discipline committee. Disciplinary hearings will be open to the public. The Act gives the association the authority to make bylaws setting registration requirements and register persons as members. Policy bylaws must be approved by the Minister of Learning, and the association must file an annual report with the Minister of Learning.

This Act came into force on August 1, 2004.

#### **The Registered Plan (Retirement Income) Exemption Act / Loi portant insaisissabilité des régimes enregistrés (revenu de retraite)**

##### **(Bill 23) Chapter R-13.01**

This new Act provides an exemption from enforcement measures by creditors for registered retirement savings plans, deferred profit sharing plans and registered retirement income funds as defined in the *Income Tax Act (Canada)*. Any early withdrawal of funds out of these plans would be subject to standard enforcement measures as would any individual payments out of such plans.

As with pensions, this general exemption from enforcement measures does not apply to enforcement under *The Enforcement of Maintenance Orders Act, 1997*. Enforcement by creditors against payments out of a plan are subject to the exemptions under section 22 of *The Attachment of Debts Act*.

This Act came into force on March 4, 2003.

#### **The Representation Act, 2002**

##### **(Bill 82) Chapter R-20.4**

This Act will implement the new constituency boundaries for the 58 constituencies in the province of Saskatchewan.

The Bill came into force on October 9, 2003, the day following the dissolution of the Twenty-Fourth Legislative Assembly for the purposes of a general election held November 5, 2003.

#### **The Rural Municipality Amendment Act, 2002**

##### **(Bill 55) Chapter 38**

The amendments to this Act are similar to the amendments made to *The Northern Municipalities Act* and *The Urban Municipality Act, 1984*. The amendments generally fall into three categories: local decision-making powers, public utility financial reporting and assessment powers.

- the provisions respecting restructuring of rural municipalities are amended to allow two or more rural municipalities to form one or more rural municipalities or municipal districts, and to establish joint councils;
- rural municipalities may hold joint elections with school divisions or urban municipalities;
- councils are given increased authority to deal with “derelict vehicles”;
- councils may, by bylaw, apply the dangerous dog provisions in the Act to all domestic animals in the municipality;
- councils are given greater discretion in determining the conditions under which a building will be considered a nuisance and greater collection powers with respect to the costs of remedying a nuisance;
- the authority to make grants to “persons” (as opposed to corporations or businesses) and to fund certain expenditures is enhanced and clarified;
- councils are empowered to enter into tax sharing agreements with other municipalities;

- councils are provided with the ability to enter into agreements with other entities by resolution as opposed to bylaw;
- a new regulation-making authority is created respecting performance measurement, accountability, rate and investment policies, public disclosure requirements and financial reporting requirements for public utilities;
- the basis for and methods used in property assessment must be one of the alternatives outlined or incorporated by reference in the Saskatchewan Assessment Management Agency (SAMA) manual;
- specific amendments allow for combined valuation of land and improvements;
- an amendment enables the use of income based methods for appraisal purposes;
- the provisions regarding an assessor's ability to collect information for assessment purposes is updated and specific provisions are introduced to protect against improper use or disclosure of income and expense information collected by the assessor;
- penalties and fines for non-compliance are updated;
- amendments are made increasing opportunities for public inspection of the assessment roll;
- the council may increase the amount of funds that limit of collections the administrator may hold to the amount for which the administrator is bonded;
- the council is provided with the discretion to add custom work charges to property taxes (it was previously mandatory);
- new provisions regulate property tax exemptions for leased storage space at producer owned inland grain terminals.

The amendments to this Act came into force on July 3, 2002.

**The Saskatchewan Applied Science Technologists and Technicians Amendment Act, 2002**

**(Bill 69) Chapter 54**

This Bill amends the consequential amendment to *The Architects Act, 1996* that was contained in *The Saskatchewan Applied Science Technologists and Technicians Act* to clarify that applied science technologists or certified technicians who are engaging in activities normally performed by an applied science technologist or certified technician, may not hold themselves out as being architects.

This Act came into force on July 10, 2002.

**The Saskatchewan Farm Security Amendment Act, 2002**

**(Bill 79) Chapter 55**

This amending legislation makes changes to the foreign farm land ownership provisions in Part VI of the Act to provide that the following persons will no longer have ownership restrictions respecting farm land:

- individuals who reside in Canada for at least 183 days in any year;
- Canadian citizens regardless of where they reside; and
- Canadian owned entities" i.e., corporations or similar entities with a 100 percent Canadian ownership, that are not publicly traded.

These are in addition to the existing "agricultural corporation" provisions permitting unlimited ownership where the corporation is primarily engaged in the business of farming and is majority owned by Canadian resident farmers.

The Act confirms that exemptions previously granted by the Farm Land Security Board will not be affected by these changes. The Act also contains certain housekeeping amendments to remove the Northern Saskatchewan Administration District from the application of the Act and to address certain procedural issues for the Farm Land Security Board. A 30-day time limit is implemented for appealing a board order.

This Act came into force on January 1, 2003.

**The Saskatchewan Financial Services Commission Act**

**(Bill 59) Chapter S-17.2**

This Act provides for the establishment of the Saskatchewan Financial Services Commission. The commission will oversee the regulation of financial services in Saskatchewan that is currently regulated by three entities: the Saskatchewan Securities Commission, the Financial Institutions Section of the Consumer Protection Branch and the Pension Benefits Branch of the Department of Justice.

The new Act:

- establishes a Financial Services Commission, to be composed of a maximum of seven members appointed by the Lieutenant Governor in Council;
- provides that the commission shall be responsible for the regulation of the financial services assigned to it by regulation;
- provides that the commission may exercise the powers of a financial services regulator when assigned those duties by regulation;



- authorizes the chairperson of the commission to establish panels, from a roster established by the Minister, to conduct hearings;
- provides for the appointment of employees to conduct the business of the commission;
- authorizes the Minister to establish advisory committees; and
- makes consequential amendments to financial services legislation which will enable the commission to undertake regulatory responsibilities under those Acts.

The Act came into force on February 1, 2003.

**The Saskatchewan Financial Services Commission Consequential Amendment Act, 2002 / Loi de 2002 apportant des modifications corrélatives à la loi intitulée The Saskatchewan Financial Services Commission Act**

**(Bill 60) Chapter 56**

This Act contains the consequential amendments to *The Co-operatives Act, 1996* made necessary by *The Saskatchewan Financial Services Commission Act*.

This Act came into force on the day on which *The Saskatchewan Financial Services Commission Act* came into force.

**The Saskatchewan Health Research Foundation Act**

**(Bill 43) Chapter S-21.1**

This Act establishes the Saskatchewan Health Research Foundation to manage and allocate funding for health related research. The foundation is established as a corporation governed by a board consisting of a maximum of 12 members appointed by the Lieutenant Governor in Council. Members will include representatives from the University of Saskatchewan, the University of Regina, regional health authorities and three provincial government departments – Health, Industry and Resources and Learning.

The Act sets out the objects and powers of the foundation and includes provisions respecting administration such as employees, audits and annual reports.

This Act came into force on January 31, 2003.

**The Saskatchewan Medical Care Insurance Amendment Act, 2002**

**(Bill 42) Chapter 23**

There are three matters addressed in this Act:

- expanding the definition of optometrists, chiropractors and dentists to include professional corporations established by such persons;
- amending the provision which allows money owed to the medical services plan by a physician due to a billing error or reassessment to be collected from the physician or a professional corporation of which the physician is a shareholder; and
- repealing a section dealing with refunds of certain taxes paid to municipalities or health boards. This section has been ineffective since January 1, 1997.

The section expanding the definition of optometrists, chiropractors and dentists is retroactive to December 6, 2001. The other provisions of this Act came into force on June 20, 2002.

**The Saskatchewan Opportunities Corporation Amendment Act, 2002**

**(Bill 74) Chapter 57**

This amendment increases the borrowing limits for research and development parks from \$150 million to \$170 million.

This Act came into force on July 10, 2002.

**The Saskatchewan Pension Plan Amendment Act, 2002**

**(Bill 18) Chapter 10**

This amendment Act:

- allows the board of trustees for the plan to set the terms for the annuities underwritten by the fund;
- provides that small pensions are to be paid to participants, on request, in one lump sum;
- allows death benefits to be transferred tax-free to dependent children or grandchildren;
- eliminates the six-month revocation period for new retirees.

This Act came into force on May 30, 2002.

## **The Saskatchewan Water Corporation Act**

### **(Bill 68) Chapter S-35.01**

This Act repeals *The Water Corporation Act* and continues the Saskatchewan Water Corporation. The mandate and purposes of the corporation include: constructing and operating facilities that are used in the supply, treatment or storage of water, providing water supply services and providing technical, engineering or management advice related to the supply of water, water treatment, distribution or storage of water, treatment of sewage or disposal of sewage effluent or the construction or operation of facilities used in the supply or treatment of water.

The Act includes provisions that relate to the general powers, administration and financial matters of the corporation. The Act also sets out reporting requirements and requires that the corporation prepare and submit its annual report and financial statements in accordance with *The Crown Corporations Act, 1993*.

The Act removes all regulatory functions from the corporation. Other provisions allow the corporation to construct works on or under highways and authorize the corporation to enter into service agreements with municipalities.

This Act came into force on October 1, 2002.

## **The Saskatchewan Watershed Authority Act**

### **(Bill 67) Chapter S-35.02**

This Act continues the Saskatchewan Wetland Conservation Corporation as the Saskatchewan Watershed Authority. The mandate and purpose of the Authority include: managing and protecting the water sources of Saskatchewan, promoting the economical and efficient use, distribution and conservation of water, maintaining and enhancing the quality and availability of water for domestic, agricultural, industrial and recreational uses and co-ordinating conservation programs in the province.

The Act includes provisions setting out the powers of the Authority and relating to the administration and financial matters of the Authority.

The Act also provides for the regulation of water supply in the province. More specifically, the legislation provides authority to issue licences for the right to use ground or surface water and to approve the construction or operation of any drainage works or any other facilities.

The Act provides that persons who claim to have suffered or anticipate suffering injury, loss or damage by reason of the approval of the construction or the operation of any drainage works may file written complaints with the Authority. The Act authorizes the Authority to make orders in relation to these complaints

and to take action in the event of non-compliance with such orders. The Act also provides that the Authority may act as a mediator between the parties to a complaint.

The Act provides regulation-making authority to designate reservoir development areas and special flood hazard areas.

The Act also includes a number of transitional provisions and consequential amendments to a series of Acts.

This Act came into force on October 1, 2002.

## **The SaskEnergy Amendment Act, 2002**

### **(Bill 4) Chapter 58**

This amending Act updates *The SaskEnergy Act* by clarifying SaskEnergy's distribution franchise and creating an express exception to the franchise to allow oilfield producers to install their own supply lines that cross parcel boundaries, if the supply lines serve only their own facilities and no other customers. It also removes the fixed monetary limit on the corporation's ability to acquire or dispose of real property and replaces it with a limit set by the Lieutenant Governor in Council.

Other provisions:

- allow the Lieutenant Governor in Council to set the number of board members who constitute a quorum at board meetings;
- remove the reference to an executive committee to make it consistent with *The Crown Corporations Act, 1993*;
- clarify that the responsibility for requesting a pipeline location prior to digging, grading or disturbing land rests jointly upon the person performing the work and the person who requests or contracts with the person doing the work; and
- provide that the person who requests or contracts with a third party to dig, grade or disturb land, as well as the person who carries out the digging, grading or disturbance, are liable to the corporation for damages if they fail to request a pipeline location.

This Act came into force on July 10, 2002.

## **The Speech-Language Pathologists and Audiologists Amendment Act, 2002**

### **(Bill 13) Chapter 24**

This Act increases the number of public representatives on the council of the Saskatchewan Association of Speech-Language Pathologists and Audiologists from one to three and extends these representatives' terms of office from two years to three years.

A number of other amendments relate to administration of the association. Examples are: requiring the association to file an annual report with the Minister of Health and to file a list of members with the Minister of Justice annually. These changes make the Act consistent with other provincial health professions legislation.

This Act came into force on June 20, 2002.

### **The Status of the Artist Act / Loi concernant les artistes**

#### **(Bill 73) Chapter S-58.1**

This Bill recognizes the contribution of artists and artistic creativity to Saskatchewan's cultural, social, economic and educational life, and the importance of fair compensation for artists. It outlines principles respecting artists, including freedom of speech and expression, the right to be treated fairly by government and society and the desirability of making artistic works available to the public. The minister is authorized to establish advisory committees to study economic issues respecting artists.

This Act came into force on July 3, 2002.

### **The Superannuation (Supplementary Provisions) Amendment Act, 2002**

#### **(Bill 19) Chapter 11**

This amendment Act clarifies provisions of the Act in order to ensure compliance with the *Income Tax Act (Canada)*. The amendment Act:

- clarifies that any severance payments and retiring allowances paid to members on retirement are payments made by the employer and not payments out of the pension plan;
- ensures that disability has the same meaning under this Act as under the *Income Tax Act*;
- clarifies that the maximum benefit payable to a spouse is 60% and that the additional benefit payable on behalf of surviving dependent children is payable to the spouse on behalf of the dependents;
- clarifies that where a spousal benefit is paid to a dependent child in the absence of a surviving spouse, the benefit cannot exceed the maximums provided under the *Income Tax Act*.

This Act came into force on May 30, 2002. Provisions dealing with severance payments, retiring allowances and the definition of disability are retroactive in effect to December 31, 1991. The provisions dealing with benefits for spouses and dependent children are retroactive in effect to June 28, 2001.

### **The Tax Enforcement Amendment Act, 2002**

#### **(Bill 10) Chapter 12**

*The Tax Enforcement Act* outlines the remedies available to municipalities with respect to unpaid property taxes. The Act currently provides that municipalities do not require the permission of the Provincial Mediation Board before taking tax enforcement proceedings against properties with a value less than \$2,000. This amendment changes the threshold from \$2,000 to an amount to be prescribed in the regulations.

The Act came into force on June 1, 2003.

### **The Tobacco Tax Amendment Act, 2002**

#### **(Bill 31) Chapter 13**

This amendment Act increases the tax on cigarettes from 8.6¢ per cigarette to 16¢ per cigarette, increases the tax on loose tobacco from 7.7¢ per gram to 16¢ per gram and increases the tax on cigars from a maximum of \$2.50 per cigar to a maximum of \$5 per cigar.

This Act came into force on May 30, 2002, but is retroactive to March 28, 2002.

### **The Urban Municipal Administrators Amendment Act, 2002**

#### **(Bill 11) Chapter 14**

The amendments contained in this Bill are of a housekeeping nature:

- a clause is added enabling the Urban Municipal Administrators' Association of Saskatchewan (UMAAS) to create bylaws establishing different categories of membership in the association;
- voting privileges are extended to associate members in UMAAS;
- the Discipline Committee is replaced with an Ethics Committee that has the ability to exercise the Board's disciplinary powers; and
- the office of secretary treasurer is renamed executive director.

This Act came into effect on May 30, 2002.

### **The Urban Municipality Amendment Act, 2002**

#### **(Bill 54) Chapter 39**

The amendments to this Act fall into three categories: local decision-making powers, public utility financial reporting and assessment powers.

- villages, resort villages, towns and cities obtain the ability to increase or decrease the size of council (to a minimum of two councillors, ensuring councils will consist of at least three elected members);

- urban municipalities are given powers to restructure to form one or more municipalities and to establish joint councils;
- councils are given increased authority to deal with “junked vehicles”;
- councils may, by bylaw, apply the dangerous dog provisions in the Act to all domestic animals in the municipality;
- councils are given the ability to establish prohibitions, conditions, restrictions and requirements concerning the installation and operation of alarm systems, and to charge fees respecting alarm systems;
- councils are provided with the ability to enter into agreements with other entities by resolution as opposed to bylaw and express authority is given to enter into tax sharing agreements with other municipalities;
- a new regulation-making authority is created respecting performance measurement, accountability, rate and investment policies, public disclosure requirements and financial reporting requirements for public utilities;
- the basis for and methods used in property assessment must be one of the alternatives outlined or incorporated by reference in the Saskatchewan Assessment Management Agency (SAMA) manual;
- combined valuation of land and improvements is allowed;
- an amendment enables the use of income based methods for appraisal purposes;
- the provisions regarding an assessor’s ability to collect information for assessment purposes is updated and specific provisions are introduced to protect against improper use or disclosure of income and expense information collected by the assessor;
- penalties and fines for non-compliance are updated; and
- amendments are made increasing opportunities for public inspection of the assessment roll.

Consequential amendments are made to *The Assessment Management Agency Act* and *The Municipal Board Act*.

These amendments came into force on July 3, 2002.

## **The Vehicle Administration Amendment Act, 2002**

### **(Bill 14) Chapter 25**

This amending Act provides for a number of changes including:

- updating the references to *The Enforcement of Maintenance Orders Act, 1997*;
- removing the requirement for the administrator to hold a hearing when refusing to issue, suspending, revoking or changing a driver’s licence for medical reasons;
- providing that a decision of the administrator regarding the refusal, suspension, revocation or change of a driver’s licence for medical reasons may be appealed to the Highway Traffic Board;
- allowing the administrator to change a commercial driver’s licence to a class 5 or 6 driver’s licence, instead of suspending their driver’s licence, if a medical report is not provided as required;
- adding the offence of failing to stop for a peace officer to those offences for which a driver may be subject to an administrative suspension of their driver’s licence;
- expanding the definition of “disqualified from driving” to include a medical suspension or a 90-day administrative suspension;
- allowing repeat offenders to participate in the ignition interlock program; and
- providing regulation-making authority respecting the ignition interlock program.

Sections 1, 2, 3, 6, 7 and 10 came into force on September 1, 2002. Sections 4, 5 and 9 came into force on November 1, 2002. Sections 8 and 11, respecting the ignition interlock program, will come into force on proclamation.

## **The Wildlife Habitat Protection Amendment Act, 2002**

### **(Bill 47) Chapter 40**

This Act amends the lands that are designated as wildlife habitat lands in the Schedule to the Act. The amendment involves both the removal and addition of lands to the Schedule.

This Act came into force on July 3, 2002.



**The Workers' Compensation Amendment  
Act, 2002**

**(Bill 72) Chapter 59**

This Act increases the maximum wage rate for a worker injured on or after September 1, 1985 to \$51,900 on January 1, 2003, to \$53,000 on January 1, 2004, and to \$55,000 on January 1, 2005. Burial expenses payments are increased from \$5,000 to \$10,000 plus the current annual Consumer Price Index adjustment.

The minimum and maximum permanent functional impairment awards are increased to \$2,200 and \$45,200 respectively. The independence allowance is set at 5% of these amounts.

The presumption of death is expressly made rebuttable where an employee is found dead at work.

A number of housekeeping amendments are included in this Act such as:

- providing that compensation will be paid to a common law spouse after one year of cohabitation rather than two years; and
- requiring that a worker who applies to the board to be included within the scope of the Act must give notice of the application to his or her employer.

The Act came into force on January 1, 2003.