

JUSTICE UPDATE

Saskatchewan Justice

January 2005

The Administration of Estates Amendment Act, 2004/Loi de 2004 modifiant la Loi sur l'administration des successions

(Bill 10) Chapter 3

This Act amends *The Administration of Estates Act* to allow the Public Guardian and Trustee to administer estates, where the value of the property does not exceed \$10,000, without the requirement to apply for letters of administration.

This Act came into force on June 10, 2004.

The Adoption Amendment Act, 2004/Loi de 2004 modifiant la Loi de 1998 sur l'adoption

(Bill 25) Chapter 4

The definition of birth father is broadened to include all biological fathers, regardless of their circumstances or relationship to the birth mother.

The use of an affidavit of birth mother is eliminated. This involved the birth mother indicating by affidavit that there was no legal birth father as per the definition of birth father in *The Adoption Act, 1998*. Instead, there will be two options: either both parents consent to the adoption or a judge dispenses with the consent of one parent.

In addition several housekeeping amendments are made, including revising the provision addressing confidentiality to clarify rules regarding preservation of records and information. The term "three days" was changed to "72 hours" to clarify that a full 72 hours must pass after a child is born before birth parents can sign a consent, voluntary committal, or transfer of guardianship for adoption.

This Act came into force on December 8, 2004.

The Adoption Consequential Amendment Act, 2004

(Bill 25) Chapter 4

This bill contains amendments to *The Child and Family Services Act* that reflect the amendments made by Bill 25 to *The Adoption Act, 1998*.

This Act came into force on December 8, 2004.

The Agri-Food Act, 2004

(Bill 65) Chapter A-15.21

This Act provides for the establishment of development commissions, development boards and marketing boards to promote, develop, regulate and control the production and marketing of agricultural products. It sets out the responsibilities of the Agri-Food Council to supervise and monitor these agencies, and the power of the Minister to suspend powers of an agency, or the operation of an agency's board. It sets up an appeal process, by which a person aggrieved by an act or omission of an agency may appeal to the Agri-Food Appeal Committee and ultimately to the Court of Queen's Bench. This Act replaces and updates *The Agri-Food Act*. The major changes:

- provide agencies with more flexibility in their operations, for example, to appoint as well as elect board members and to base their levy on a factor other than sales (e.g. acreage);
- provide agencies with additional powers, such as the power to make loans and grants;
- provide the Agri-Food Council with increased powers to monitor and hold accountable agencies;
- move administrative procedures currently in the Act into the regulations; and
- modernize the language in the Act.

This Act came into force on October 8, 2004.

The Archives Act, 2004

(Bill 33) Chapter A-26.1

This new Act replaces *The Archives Act*. The Act provides for:

- a restatement of the mandate that the Archives Board is the custodian of all public and private records having provincial significance;
- updating the powers of the Provincial Archivist;
- co-ordination of *The Archives Act, 2004* with *The Freedom of Information and Protection of Privacy Act*;
- a definition of "ministerial record" and clarification as to how ministerial records are to be managed;
- clarification that public ministerial records are Crown property from the time they are created;

- authorization for the Archives Board to develop forms of agreement to receive and manage ministerial records and records of the Office of Executive Council;
- updating the process for reviewing and approving record retention and disposal schedules; and
- clarification of the powers and duties of the heads of government institutions to manage records under their control.

This Act came into force on June 17, 2004.

The Assessment Management Agency Amendment Act, 2004

(Bill 68) Chapter 53

This Bill enacts the following changes to *The Assessment Management Agency Act*:

- revises the composition of the board of directors of the Saskatchewan Assessment Management Agency (SAMA);
- provides SAMA with authority to determine equivalency assessments for Lloydminster;
- requires school divisions to contribute to the funding for SAMA and authorizes the Minister of Learning to pay school divisions' requisitions directly to SAMA;
- requires a municipality to obtain the consent of the boards of education for which it collects taxes before changing the means by which it carries out property valuations;
- requires SAMA to conduct a primary audit of property assessments every year and authorizes it to undertake more comprehensive secondary audits on a selective basis, and requires municipalities and assessment appraisers to provide SAMA with any necessary information to carry out the audits; and
- establishes a process for a municipality or assessment appraiser to appeal SAMA's findings on a secondary audit to the Saskatchewan Municipal Board.

The portions of the Act dealing with audits came into force on January 1, 2005. Provisions of the Act that relate to the City of Lloydminster came into force on January 15, 2005. The balance of the Act came into force on November 30, 2004.

The Automobile Accident Insurance Amendment Act, 2004

(Bill 7) Chapter 35

This amendment Act makes a large number of amendments to *The Automobile Accident Insurance Act*, including the following:

- makes drinking drivers receiving 24 hour suspensions as experienced drivers or 30 day suspensions as new drivers subject to surcharges under the Safe Driver Recognition program;
- provides that procedures for appealing additional premiums to the Highway Traffic Board will be set out in the regulations;
- makes changes to tort coverage, including expanding the definition of "dependant" to ensure consistency with no-fault coverage and denying coverage to insured persons, their spouses and dependants in cases of suicide or attempted suicide;
- ensures that drivers who forget to renew their licences are not denied coverage as unqualified or unauthorized drivers and denies coverage to drivers using their vehicles in off-road speed, skill, endurance or power tests;
- clarifies that a tort award for non-economic loss will be reduced by the amount of a permanent impairment benefit received by an insured;
- limits claims against the hit and run and uninsured motorist provisions of the Act by governments, Crown corporations and municipalities;
- requires that accidents involving out-of-province vehicles be reported to police; and
- makes changes to no-fault coverage, including allowing top-ups to a benefit received under another program for a single person if it is less than the person is entitled to receive under no-fault, and allowing the dismissal of an appeal to the appeal commission after six months if the appeal is not pursued.

All provisions of this Act except the one respecting the dismissal of abandoned appeals came into force on June 30, 2004. The provision respecting the dismissal of appeals came into force on August 1, 2004.

The Cattle Marketing Deductions Amendment Act, 2004

(Bill 66) Chapter 36

The amendments to *The Cattle Marketing Deductions Act, 1998* are administrative in nature and are required to dovetail the collection of Saskatchewan's provincial cattle marketing deduction with the collection of a federal levy on interprovincial cattle sales. Among other things, the amendments authorize the Minister to enter into agreements with a national agency regarding the collection of the federal levy in Saskatchewan, the remitting of levies to the national agency, the distribution of levies collected on interprovincial sales according to province of origin of the cattle, and the activities to be funded pursuant to the national cattle check-off.

This Act came into force on June 20, 2005.

The Certified Management Consultants Amendment Act, 2004

(Bill 3) Chapter 6

This Act amends *The Certified Management Consultants Act* to allow the Institute of Certified Management Consultants of Saskatchewan to establish the criteria for registration of prospective members through bylaws and to grant certificates to members who have met these requirements. It also amends an incorrect reference in the Act from the Institute of Certified Management Accountants of Saskatchewan Inc. to the Institute of Certified Management Consultants of Saskatchewan.

This Act came into force on June 17, 2005 when *The Certified Management Consultants Act* came into force.

The Cities Amendment Act, 2004

(Bill 58) Chapter 54

A number of minor changes are made to *The Cities Act*, including:

- clarifying that a city may exercise its natural person powers outside its boundaries for a municipal purpose;
- clarifying that special taxes can be applied to any property that benefits from the services for which the tax is levied; and
- providing a general power to apply to a justice of the peace or Provincial Court judge for a search warrant where there are reasonable grounds to believe that an offence against the Act or a city bylaw has occurred and evidence of the offence is likely to be found in the place or premises to be searched.

This Act came into force on November 30, 2004.

The City of Lloydminster Act

(Bill 71) Chapter C-11.2

This Act replaces *The Lloydminster Municipal Amalgamation Act*, which outlined the governance and authorities for the City of Lloydminster. *The City of Lloydminster Act* contains provisions enabling the Lieutenant Governor in Council to enact, by Order in Council in conjunction with an Alberta Order in Council, a Charter for the City. In addition, the Act enables the Lieutenant Governor in Council (again in conjunction with the Alberta Lieutenant Governor in Council) to specify that certain other provincial legislation will apply in the City of Lloydminster. The power conferred on the Lieutenant Governor in Council includes the ability to amend the Charter where a corresponding Order in Council is also made under the Alberta Act.

The Act came into force on January 1, 2005.

The Contributory Negligence Amendment Act, 2004

(Bill 41) Chapter 37

Amendments to *The Contributory Negligence Act* will affect the manner in which the law of joint and several liability operates in Saskatchewan. The Act now specifically provides that where a defendant is unable to pay his or her share of damages as assessed by the court, the share of the insolvent defendant must be reallocated, on a pro rata basis, to the other defendants. Previously, defendants called upon to pay damages to the plaintiff could seek contribution from remaining defendants, but they were limited in so doing to collecting the amount originally assessed against those defendants. Now the remaining defendants must share, on a pro rata basis, the effect of the unfunded liability.

Furthermore, the Act now requires that where a plaintiff's own conduct has been found to contribute to his or her own injury or loss, the plaintiff must also share, on a pro rata basis, in the effect of a shortfall created by the unfunded liability of an insolvent defendant. As a result, the inability of a defendant to pay the amount assessed against it will result in a contributorily negligent plaintiff receiving less, in proportion to the liability initially assessed against him or her by the Court.

The amendments apply to damages or losses caused or contributed to by a person's acts or omissions that take place on or after January 1, 2005.

The Credit Reporting Act

(Bill 38) Chapter C-43.2

This Act repeals and replaces *The Credit Reporting Agencies Act*. It revises the definition of a “credit reporting agency” to include a person who provides credit reports on a regular, co-operative and non-profit basis, changes the term for licences for credit reporting agencies from the current five year term to a term prescribed in the regulations, and eliminates the bonding provisions for credit reporting agencies.

It also updates and expands the provisions that restrict the type of information that credit reporting agencies may include in their credit reports. In particular, it prohibits information from being included:

- unless the source of the information is recorded or can be easily ascertained by the consumer;
- if the information is not based on the most reliable evidence reasonably available;
- if the information is unfavorable personal information and the agency has not made reasonable efforts to corroborate the information; and
- if the information is adverse and is more than six years old.

The Act also:

- reduces the time period that credit reporting agencies can retain information relating to bankruptcy on an individual's credit report from 14 years to six years;
- provides that the regulations may prescribe additional information that may not be included in a credit report;
- updates and expands the provision that prohibits credit reporting agencies from providing credit reports to persons that do not have a “permissible purpose” under the Act to obtain a credit report;
- prohibits any person from obtaining a credit report without a “permissible purpose”;
- provides that no one may obtain a credit report without obtaining the consent of the consumer or providing the consumer with prior written notice that a credit report will be obtained;
- requires users of credit reports to notify the consumer when credit is denied or when the consumer is offered less advantageous terms than would be the case in the absence of the credit report information;

- updates and expands the provisions dealing with consumers' rights to disclosure;
- updates and expands the provisions dealing with consumers' rights to dispute inaccuracies in their credit reports and have them corrected;
- updates the Registrar's inspection and investigation powers to make them similar to the powers of regulators under other consumer protection legislation;
- authorizes the Registrar to enter into agreements with other regulators; and
- updates the penalties for non-compliance with the Act.

This Act came into force on March 1, 2005.

The Crown Corporations Amendment Act, 2004

(Bill 35) Chapter 38

The Crown Corporations Amendment Act, 2004 establishes the authority for the Crown Investments Corporation of Saskatchewan (CIC) to undertake human resources programs on behalf of the CIC Crown corporations. It also authorizes the provision of funding for programs that CIC and the Crowns develop and deliver in partnership with post-secondary institutions and it sets out CIC's authority to establish programs to promote or enhance business opportunities on a province-wide basis.

This Act came into force on June 17, 2004.

The Crown Corporations Public Ownership Act

(Bill 75) Chapter C-50.102

This Act establishes the procedure to be followed if a Crown corporation listed in the Act or the regulations is to be privatized. No such privatization shall proceed unless it is specifically authorized by an Act of the Legislature. Every Bill to authorize the privatization of a Crown corporation must be referred to a policy field committee of the Legislative Assembly, after first reading. Before the policy field committee considers the Bill, the Lieutenant Governor in Council is required to appoint a person to examine the terms of the proposed privatization, and prepare a written report on the proposed privatization that will be tabled in the Assembly. No Act authorizing the privatization of a Crown corporation will come into force until at least 90 days after the date fixed for the return to the writ for the next general election following enactment of that Act.

The Act further provides that any Bill to amend, repeal, override or suspend the operation of this Act must itself be referred to a policy field committee of the Legislative Assembly after first reading. That policy field committee must provide the opportunity for representations to be made to it by members of the public.

Nothing in the Act is to be construed as restricting a Crown corporation from carrying out its operations in the ordinary course of business, including selling, exchanging or otherwise disposing of property.

This Act came into force on November 30, 2004.

The Department of Energy and Mines Amendment Act, 2004

(Bill 17) Chapter 7

This Act reflects changes as a result of the merging of the Departments of Energy and Mines and Economic and Co-operative Development to become the Department of Industry and Resources. This Act removes references to the Department of Energy and Mines. Other minor changes repeal sections of the Act that are duplicated in *The Government Organization Act*. These are provisions respecting the department's seal; the staff of the department; the hiring of specialized services; and the filing of the annual report.

The legislation is renamed *The Energy and Mines Act*.

This Act came into force on June 10, 2004.

The Department of Post-Secondary Education and Skills Training Amendment Act, 2004

(Bill 11) Chapter 55

This Act amends *The Department of Post-Secondary Education and Skills Training Act, 2000* to:

- change the name of the Act from *The Department of Post-Secondary Education and Skills Training Act, 2000* to *The Post-Secondary Education and Skills Training Act*;
- remove references to the Department of Post-Secondary Education and Skills Training;
- repeal a number of outdated and redundant provisions; and
- repeal a number of provisions that duplicate sections of *The Government Organization Act*.

This Act came into force on November 30, 2004.

The Electrical Inspection Amendment Act, 2004

(Bill 9) Chapter 56

This Act amends *The Electrical Inspection Act, 1993* to:

- state that electrical inspectors shall display identification cards;
- allow the chief electrical inspector to cancel or refuse to issue a permit to a person who supplies, transmits, distributes or sells electrical energy contrary to *The Power Corporation Act* without the consent of SaskPower;
- allow the chief electrical inspector, rather than the Minister, to order a person, who operates a generating plant that supplies electrical energy to premises on which a defective installation exists, to discontinue service to the premises;
- prohibit a person from obstructing or interfering with an inspector in the course of the performance of the inspector's duties or powers;
- allow the chief electrical inspector or an inspector to order a person to pay an administrative penalty if the person has performed the work of electrical installation without a permit;
- increase the maximum fine for non-compliance with the Act from \$1,000 to \$10,000;
- provide for directors' liability for the offences of the corporation and for vicarious liability of employers for the offences of employees;
- change the period during which a prosecution of an alleged offence may be commenced from one year to two years after the alleged offence becomes known to an inspector;
- require an appeal of an electrical inspector's decision to be made in writing to the chief inspector;
- authorize the chief electrical inspector to issue public safety bulletins; and
- provide for a series of housekeeping amendments including adding a definition of "transmission line" and amending the definition of "work of electrical installation" to exclude certain specified work and any other work of electrical installation that is prescribed in the regulations.

Sections 1 to 16 and 18 to 23 were proclaimed into force March 1, 2005. Section 17 came into force on September 9, 2005.

**The Enforcement of Maintenance Orders
Amendment Act, 2004/Loi de 2004 modifiant la
Loi de 1997 sur l'exécution des ordonnances
alimentaires**

(Bill 39) Chapter 8

Amendments to *The Enforcement of Maintenance Orders Act, 1997*, include the following:

- a new provision which provides the Director of Maintenance Enforcement with specific authority to attach RRSPs and require trustees of RRSP accounts to convert the attached portion of the account to cash to satisfy outstanding maintenance obligations;
- a new provision enabling the Director to enforce a judgment against a defaulting garnishee in the same manner as if the garnishee were a respondent against whom a maintenance order is made;
- allowing hearsay evidence in maintenance enforcement proceedings where the evidence is, in the opinion of the judge, credible, trustworthy and relevant to the proceedings;
- a requirement that respondents appear personally in court in response to a summons for a default hearing, unless otherwise ordered by the court; and
- a number of amendments of a more technical nature dealing with garnishment procedure and service of notices required under the Act.

The amendments came into force on October 1, 2004.

The Fatal Accidents Amendment Act, 2004

(Bill 40) Chapter 9

This amendment Act allows the family members of a deceased person to recover damages for grief and loss of guidance, care and companionship in relation to the wrongful death of their loved one on or after August 1, 2004. The damages are set at \$60,000 for a spouse, \$30,000 for a parent and \$30,000 for a minor child.

This Act came into force on June 10, 2004.

**The Film Employment Tax Credit Amendment
Act, 2004**

(Bill 85) Chapter 57

The amendments to *The Film Employment Tax Credit Act* authorize regulations to be made to establish time frames within which an eligible film must be registered under the Act, and within which an application for a tax credit must be submitted.

This Act came into force on February 1, 2006.

**The Financial Administration Amendment
Act, 2004**

(Bill 1) Chapter 10

This Act amends *The Financial Administration Act, 1993* to:

- provide for interim funding commencing on April 1, based on one-twelfth of the previous year's estimates. This interim funding does not apply to new programs. New programs continue to require interim supply bills;
- allow for net budgeting within the general revenue fund in certain limited circumstances;
- establish authority for one department to provide services to, or administer grants for, other departments and recover costs from those departments;
- update the payment certification provisions to allow for electronic certification;
- increase from \$1,000 to \$5,000 the amount payable to the Crown that the Minister of Finance is authorized to remit or exempt a person from liability to pay; and
- remove the reference to the specific information that must be included in the financial statements of the general revenue fund and the summary financial statements.

This Act came into force on June 10, 2004, but is retroactive in effect to April 1, 2004.

The Gas Inspection Amendment Act, 2004

(Bill 8) Chapter 11

This amendment Act:

- states that gas inspectors shall display identification cards;
- increases the time within which a prosecution of an alleged offence may be commenced, from one year to two years after an inspector becomes aware of the offence;
- allows the chief gas inspector to issue public safety bulletins;
- prohibits a person from obstructing or interfering with inspectors performing their duties;
- increases the maximum fine for offences from \$1,000 to \$10,000;
- provides for directors' liability for the offences of corporations and for vicarious liability of employers for the offences of employees;

- allows the chief gas inspector or an inspector to order a person to pay an administrative penalty if the person has performed work of gas installation without a permit;
- requires appeals of gas inspectors' decisions to be in writing; and
- adds hydrogen gas to the definition of "gas".

This Act came into force on October 8, 2004.

The Geographic Names Board Amendment Act, 2004

(Bill 16) Chapter 12

This Act amends *The Geographic Names Board Act* to provide for a series of housekeeping amendments including authorizing the Minister to appoint the secretary to the board, removing references to administration of the Board through a government department, updating the name of the Geographic Names Board of Canada and adopting gender neutral language.

This Act came into force on June 10, 2004.

The Highway Traffic Amendment Act, 2004

(Bill 14) Chapter 13

This amendment Act:

- removes the registration exemption for farm trailers over 4600 kilograms;
- restricts the Highway Traffic Board's authority to rehear an application;
- clarifies the rules regarding when a person is required to obtain a Saskatchewan driver's licence and vehicle registration;
- establishes an offence for speeding in a school zone, and allows for regulations to be made establishing the same school zone speed limit in all municipalities;
- makes it an offence to drive a vehicle in excess of 60 kilometres per hour when passing a tow truck that is stopped on a highway, has its amber lights in operation and is providing assistance as a tow truck;
- makes it an offence for commercial vehicles to have radar warning devices;
- removes the seat-belt exemption when driving a vehicle in reverse;
- changes the procedures of the Highway Traffic Board relating to the issuance of safety directives to commercial vehicles, including allowing the board or its designate to issue a safety directive without holding a show cause hearing;

- requires that accidents involving out-of-province vehicles be reported to police;
- repeals vicarious liability provisions, which previously held vehicle owners liable for any loss, damage or injury caused by their motor vehicle to the same extent as the driver;
- includes as an unauthorized driver who is subject to vehicle impoundment one who is not meeting his or her obligations under the Ignition Interlock Program; and
- clarifies that a conditional discharge is considered a conviction for the purposes of the public order vehicle impoundment provisions.

Provisions respecting Highway Traffic Board issuance of safety directives and hearing of appeals, removal of the seat belt exemption when backing up, repeal of vicarious liability provisions, reporting of accidents involving out of province vehicles and unauthorized drivers subject to vehicle impoundment came into force on June 30, 2004. The provision respecting conditional discharges being considered convictions for vehicle impoundment purposes came into force on August 1, 2004. The provisions respecting speed restrictions in school zones and restrictions on radar warning devices came into force on April 1, 2005. The amendment to the definition of "trailer" was proclaimed into force on October 1, 2005. This Act was repealed on July 1, 2006 when The Traffic Safety Act came into force.

The Income Tax Amendment Act, 2004

(Bill 70) Chapter 39

Amendments to *The Income Tax Act, 2000* include:

- amendments to the formulae for the provincial caregiver and infirm dependant tax credits to ensure that the maximum credit amounts match the disability tax credit supplement amount;
- amendments to the application of pension income, dividend and overseas employment tax credits for multi-jurisdictional taxpayers to restore consistency with the national income tax system;
- amendments to adopt the federal *Income Tax Act* definition of "co-habiting spouses" from the Canada Child Tax Benefit for the purposes of the Saskatchewan dependent child tax credit and the Saskatchewan Child Benefit;
- amendments to increase benefits under the Saskatchewan Sales Tax Credit;
- amendments to de-link, beginning with the 2005 taxation year, Saskatchewan's income tax indexation factor from the national inflation rate. Instead, the indexation factor for each taxation year will be set out in regulations;

- amendments to the determination of the Saskatchewan small business threshold in order to properly reference the changing federal threshold;
- amendments to increase the investment tax credits for manufacturing and processing to reflect the increase in the Provincial Sales Tax rate; and
- amendments to the definition of eligible Canadian manufacturing and processing profits for the purposes of the Saskatchewan Manufacturing and Processing Profits Tax Reduction to restore consistency with the federal *Income Tax Act* definition.

The Act came into force on June 17, 2004, however, the provisions are retroactive to the fixed dates set out in section 17 of the amendment Act.

The Irrigation Amendment Act, 2004

(Bill 57) Chapter 58

This Act makes significant amendments to *The Irrigation Act, 1996*, including:

- allowing the government to acquire, operate and dispose of irrigation works; if the Minister transfers irrigation works to an irrigation district, the amendments allow the Minister to set terms and conditions on which the irrigation works can subsequently be disposed of by the irrigation district; if irrigation works were transferred to an irrigation district before this provision came into force, the amendments require districts to enter into an agreement with the Minister by March 31, 2007, outlining the terms and conditions on which the irrigation works can be disposed of by the irrigation district;
- authorizing irrigation districts to charge fees for commercial activities;
- giving irrigation districts increased borrowing powers;
- providing for the Minister to appoint a member to the district board of an irrigation district;
- providing that irrigation certificates will be issued for specified land, rather than to a person, and that the Minister may register an interest based on the certificate against the title to the land in the Land Titles Registry;
- requiring approval by the Minister of all Irrigation Crop Diversification Corporation bylaws; and

- removing all references to the Saskatchewan Irrigation Projects Association, which was previously established and regulated by Part VI of the Act.

The repeal of Part VI will come into force on April 1, 2005. The balance of the Act came into force on November 30, 2004.

The Labour-sponsored Venture Capital Corporations Amendment Act, 2004

(Bill 13) Chapter 14

The amendments provide flexibility for provincial labour-sponsored venture capital funds to partner with or merge with other funds. They also authorize the transfer of funds from a Registered Retirement Savings Plan to a Registered Retirement Income Fund. The Act also makes minor administrative and housekeeping changes.

This Act came into force on June 10, 2004.

The Labour Standards Amendment Act, 2004

(Bill 50) Chapter 40

The Act makes amendments respecting the Minimum Wage Board. It requires the Board to review the minimum wage at least every two years and repeals the power of the board to make regulations. The Lieutenant Governor in Council is provided with the authority to make regulations respecting the minimum wage.

The provision respecting absence to care for family members who are ill or injured is amended to also provide job protection for employees who access compassionate care benefits under the *Employment Insurance Act (Canada)*. Employees are protected to a maximum of 16 weeks in a 52 week period.

This Act came into force on June 17, 2004.

The Land Surveyors and Professional Surveyors Amendment Act, 2004

(Bill 20) Chapter 15

This amending Act provides that members of the Saskatchewan Land Surveyors Association, who are not residents of Saskatchewan, are now eligible for election to the council of the association. The Act also provides that no more than three members of the council may be members who reside outside Saskatchewan.

This Act came into force on June 10, 2004.

The Land Titles Amendment Act, 2004

(Bill 19) Chapter 59

This Act amends *The Land Titles Act, 2000* to provide for a series of changes including:

- an amendment to section 197 to make it clear that the transition from registered instrument in the old legislation to a registered interest in the new legislation applies only when the title was accurately converted;
- an amendment to section 195 to carry forward the provisions of *The Land Titles Conversion Facilitation Regulations* respecting conversion of surface titles that were silent regarding the status of minerals;
- an amendment to section 9 that clarifies the conflict of interest provisions relating to the ability of lawyers employed by Information Services Corporation (ISC) to provide legal advice to ISC and to maintain an unrelated practice outside of ISC;
- an amendment to section 27 to clarify the priority of converted instruments and the priority of instruments known as revolving lines of credit;
- an amendment to section 28 to permit customers to withdraw an application after submission but prior to registration;
- an amendment to section 33 to permit other provinces, territories and foreign governments to own title;
- a new provision to permit the value of title to be deemed to have been sworn in prescribed circumstances in order to eliminate the need for a separate affidavit;
- an amendment to section 50 to permit interests in lands to be registered even though the supporting interest is not registered;
- an amendment to section 109 to clarify that a judge has the power to make a vesting order;
- a new section 131.1 that reinstates the rule from the former Act that requires proof of death of the annuitant or a court order for the discharge of an annuity mortgage; and
- a new section 160.5 that reinstates the rule from the former Act that an instrument is effective even though the person that executed it has subsequently died.

This Act came into force on November 30, 2004, however, section 6 is retroactive in effect to January 1, 2004, and sections 11, 14, 15, 19 and 20 are retroactive in effect to June 25, 2001.

The Legislative Assembly and Executive Council Amendment Act, 2004

(Bill 61) Chapter 41

This amending legislation provides for the following changes:

- the requirement for a by-election to be held within six months of a vacancy in the Assembly will only apply within the first 40 months after a general election;
- the addition of five new positions to the list of appointments in section 11 for which a member may receive additional allowances (Deputy Leader of the Opposition, Deputy Opposition House Leader, Government House Leader, Deputy Government House Leader, Third Party House Leader);
- a new section 60.4 to provide for sessional or annual allowances for these five positions and legislative secretaries;
- authorizing the Board of Internal Economy to vary the level of allowances set by directive under section 67.1 during the period after the adoption of a report by a review committee but before the appointment of a new review committee; and
- consequential amendments to *The Government Organization Act* regarding legislative secretaries.

All of the changes relating to the new allowances are retroactive in effect to January 1, 2004. The balance of the Act came into force on June 17, 2004.

The Limitations Act

(Bill 51) Chapter L-16.1

This Act replaces the existing *Limitation of Actions Act* with a new Act to clarify and rationalize limitation periods for legal actions. The new Act will:

- provide a single two year limitation period for legal actions;
- provide that the limitation period for all actions starts to run when the claimant first knew, or ought to have known, that the injury had occurred, was attributable to the defendant's conduct and warranted bringing a proceeding;
- include an ultimate limitation period which bars all actions after 15 years from the act or omission which gave rise to the action;
- include provisions for special circumstances which modify the operation of the basic limitation period:
 - retain the provision postponing the running of a limitation period for minors or mentally disabled persons who are not represented by a personal or property guardian;

- provide that where a defendant fraudulently conceals the fact that injury occurred, this suspends the ultimate limitation period;
- provide that acknowledgment or part payment of a debt means the period runs from that act; and
- allow parties to contractually extend the limitation period;
- provide for circumstances where there is no limitation period. For example, there is no limitation period for a proceeding where the claim results from sexual assault, and from assault, where the parties are in an intimate or dependent relationship; and
- to the extent possible, remove or rationalize special limitation periods in other statutes which apply to certain professions and institutions.

This Act repeals *The Public Officers' Protection Act* and the *Laws Continuance Act*. It consequentially amends 57 statutes so that they are consistent with the principles of *The Limitations Act*. In some cases limitation periods are repealed; in other cases, specific limitation periods are preserved or amended.

The statutes consequentially amended are:

1. *The Age of Majority Act*;
2. *The All Terrain Vehicles Act*;
3. *The Automobile Accident Insurance Act*;
4. *The Builders' Lien Act*;
5. *The Business Corporations Act*;
6. *The Certified General Accountants Act*, 1994;
7. *The Chiropractic Act*, 1994;
8. *The Cities Act*;
9. *The Community Bonds Act*;
10. *The Community Cablecasters Act*;
11. *The Companies Act*;
12. *The Consumer Protection Act*;
13. *The Contributory Negligence Act*;
14. *The Credit Union Act*, 1998;
15. *The Energy and Mines Act*;
16. *The Environmental Management and Protection Act*, 2002;
17. *The Escheats Act*;
18. *The Expropriation Procedure Act*;
19. *The Fatal Accidents Act*;
20. *The Highway Traffic Act*;
21. *The Highways and Transportation Act*, 1997;
22. *The Land Contracts (Actions) Act*;
23. *The Land Titles Act*, 2000;
24. *The Libel and Slander Act*;
25. *The Medical Profession Act*, 1981;
26. *The Medical Radiation Technologists Act*;
27. *The Mental Health Services Act*;
28. *The Mineral Taxation Act*, 1983;
29. *The Naturopathy Act*;
30. *The New Generation Co-operatives Act*;
31. *The Northern Municipalities Act*;
32. *The Ophthalmic Dispensers Act*;
33. *The Optometry Act*, 1985;
34. *The Osteopathic Practice Act*;
35. *The Partnership Act*;
36. *The Personal Property Security Act*, 1993;
37. *The Privacy Act*;
38. *The Provincial Lands Act*;
39. *The Public Libraries Act*, 1996;
40. *The Registered Psychiatric Nurses Act*;
41. *The Revenue and Financial Services Act*;
42. *The Rural Municipality Act*, 1989;
43. *The Sales on Consignment Act*;
44. *The Saskatchewan Farm Security Act*;
45. *The Saskatchewan Insurance Act*;
46. *The Securities Act*, 1988;
47. *The Snowmobile Act*;
48. *The Social Workers Act*;
49. *The Speech-Language Pathologists and Audiologists Act*;
50. *The Survival of Actions Act*;
51. *The Tax Enforcement Act*;
52. *The Trustee Act*;
53. *The Unconscionable Transactions Relief Act*;
54. *The Urban Municipality Act*, 1984;
55. *The Veterinarians Act*, 1987;
56. *The Wages Recovery Act*; and
57. *The Woodmen's Lien Act*.

This Act came into force on May 1, 2005.

The Limitations Consequential Amendment Act, 2004/Loi de 2004 sur les modifications corrélatives découlant de la loi intitulée The Limitations Act

(Bill 52) Chapter 16

This Act consequentially amends seven bilingual Acts so that they are consistent with the principles in *The Limitations Act*. In some cases the limitation periods are repealed, some are preserved and some are amended.

The statutes amended by this Act are:

- *The Co-operatives Act, 1996*;
- *The Education Act, 1995*;
- *The Enforcement of Maintenance Orders Act, 1997*;
- *The Family Maintenance Act, 1997*;
- *The Non-profit Corporations Act, 1995*;
- *The Queen's Bench Act, 1998*; and
- *The Small Claims Act, 1997*.

This Act came into force on May 1, 2005.

The Medical Profession Amendment Act, 2004

(Bill 83) Chapter 60

Amendments to *The Medical Profession Act, 1981* provide new bylaw-making authority to the College of Physicians and Surgeons in a number of areas, including the creation of bylaws:

- a) to require member participation in continuing education;
- b) to set requirements for maintaining membership in the College;
- c) to prescribe electoral divisions, boundaries and procedures; and
- d) to prescribe the number and terms of office of elected members of council.

Further amendments provide for the appointment of more than one deputy registrar and enable international medical graduates to be placed on the education register, while they are undergoing an assessment of their knowledge, skills and abilities.

This Act came into force on July 18, 2005.

The Miscellaneous Statutes Repeal (Regulatory Reform) Act, 2004

(Bill 31) Chapter 61

This Act repeals the following Acts:

- *The Co-operative Guarantee Act*
- *The Hearing Aid Act*
- *The IPSCO Inc. and United Steelworkers of America, Local 5890, Collective Bargaining Agreement Act*
- *The Potash Resources Act*
- *The Pulp and Paper Mills Act*

All provisions of this Act except the one repealing *The Hearing Aid Act* came into force on November 30, 2004. The repeal of *The Hearing Aid Act* came into force on November 15, 2008.

The Municipal Employees' Pension Amendment Act, 2004

(Bill 4) Chapter 17

This Act amends *The Municipal Employees' Pension Act* to:

- provide members who are eligible to retire and who choose to transfer their commuted value out of the pension plan, with the option of receiving an allowance from the pension plan, if the amount that a member wishes to transfer exceeds the amount that member is permitted to transfer pursuant to the federal *Income Tax Act*;
- eliminate the option for spousal beneficiaries to purchase annuities from the pension plan;
- provide part-time employees with the same method of earning and crediting contributory service with respect to the time worked during the academic year as is provided to full-time employees;
- make a number of administrative and housekeeping changes, including updating the names of other Acts, removing outdated references, repealing definitions that are no longer used and adopting gender neutral language.

The provision relating to the option to receive an allowance from the pension plan for the amount that exceeds the maximum transfer amount came into force on January 1, 2005. The other provisions came into force on June 10, 2004.

The Municipal Revenue Sharing Amendment Act, 2004

(Bill 44) Chapter 18

The amendments to *The Municipal Revenue Sharing Act* implement budget increases in the total amounts available for revenue sharing with Saskatchewan municipalities. The amount of urban revenue sharing is increased to \$44,109,550. The amount of rural revenue sharing is increased to \$33,960,450.

The amendments came into force on June 10, 2004 but are retroactive in effect to April 1, 2004.

The Northern Municipalities Amendment Act, 2004

(Bill 46) Chapter 19

Two amendments have been made to *The Northern Municipalities Act*. An amendment to the Act will allow the northern municipality revenue sharing regulations to be made retroactively. In addition, the amendment provides authority to make regulations enabling the minister to make payments of revenue sharing grants to northern settlements, as well as northern municipalities.

The amendments came into force on June 10, 2004.

The Pension Benefits Amendment Act, 2004

(Bill 47) Chapter 42

This Act amends *The Pension Benefits Act, 1992* to:

- provide for rules regulating flexible pension plans, including allowing defined benefit plans to offer optional ancillary benefits;
- increase minimum pre-retirement survivor benefits for all years of service;
- provide that a surviving spouse may elect to receive a pre-retirement survivor benefit as a lump sum payment;
- permit a spouse to waive entitlement to a pre-retirement survivor benefit;
- allow the amount considered to be a small benefit to be set out in the regulations;
- allow exceptions to the locking in provisions to be set out in the regulations; and
- exempt additional voluntary contributions from enforcement proceedings by creditors.

This Act came into force on June 1, 2005.

The Planning and Development Amendment Act, 2004

(Bill 45) Chapter 20

Amendments to section 134 of *The Planning and Development Act, 1983* include:

- an exemption from the requirement of subdivision approval for surface leases for well sites, roadways, battery sites, compressor sites, and sites for related equipment or for pipelines or power lines;
- a provision exempting surface leases registered as at March 1, 2004 without a certificate of approval, from the requirement for subdivision approval;
- a requirement that a person registering an interest based on a surface lease notify the municipality in which the land is located, and a further provision that the registration of an interest in the Land Titles Registry is invalid if the municipality was not notified; and
- provisions clarifying that plans for easements and agreements for rights of way for pipelines and power lines used exclusively in connection with gathering petroleum or natural gas do not require subdivision approval. (This provision, however, would not exempt general transmission lines.)

The amendments came into force on June 10, 2004.

The Political Contributions Tax Credit Amendment Act, 2004

(Bill 27) Chapter 43

Effective January 1, 2004, amendments to *The Political Contributions Tax Credit Act* provide for a political contribution tax credit of 75 percent of the first \$400 contributed, 50 percent of the next \$350 contributed and 33 $\frac{1}{3}$ percent of the next \$525 contributed. The maximum political contribution tax credit under the amendments is \$650 which would be available where a tax payer has contributed not less than \$1,275.

This Act came into force on June 17, 2004, but will apply to the 2004 tax year.

The Post-Secondary Graduate Tax Credit Amendment Act, 2004

(Bill 64) Chapter 44

These amendments increase the post-secondary graduate tax credit in each taxation year from 2004 to 2007. In addition, the Act is amended to make it clear that the credit will be issued in the taxation year in which the individual graduates.

This Act came into force on June 17, 2004, but is retroactive in effect to January 1, 2004.

The Powers of Attorney Amendment Act, 2004/Loi de 2004 modifiant la Loi de 2002 sur le procurations

(Bill 32) Chapter 21

This amendment Act:

- allows grantors of enduring powers of attorney to give attorneys decision-making authority with respect to personal as well as financial matters;
- extends to personal attorneys the requirements for accounting regarding decisions made;
- clarifies that a property attorney may not make or change a will in the name of a grantor;
- provides that if there is a dispute about whether a decision is within the authority of a personal or property attorney, the decisions of the attorneys are inconsistent and the expenditure of money is involved, the property attorney's decision will prevail, but either party may ask the court to decide which decision is to be followed.

This Act came into force on January 1, 2005. However, the portion of section 14 of the amendment Act that enacted new clauses 16(1)(b) and (c) in the 2002 Act was repealed by *The Miscellaneous Statutes (Bilingual) Amendment and Repeal Act, 2009* on March 31, 2009.

The Power Corporation Amendment Act, 2004

(Bill 2) Chapter 62

This Act amends *The Power Corporation Act* to clarify SaskPower's exclusive franchise to transmit and sell electricity in Saskatchewan by adding definitions of "distribution" and "transmission" to the Act. The Act also includes provisions that allow SaskPower to:

- adopt or incorporate by reference standards, rules or guidelines respecting the transmission of electrical energy;
- require compliance with standards that are established for the design and operation of facilities that are interconnected with the corporation's facilities; and
- refuse to transmit or distribute electrical energy to or on behalf of a person that fails to comply with a standard established to ensure the reliability and security of the corporation's facilities.

The Act also allows regulations to be made prescribing the "nominal design voltage" for the purposes of the definition of "distribution". The Act also includes a number of housekeeping amendments.

This Act came into force June 15, 2005.

The Prairie Agricultural Machinery Institute Amendment Act, 2004

(Bill 76) Chapter 63

This amendment Act provides for the incorporation of the operations of the Western Beef Development Centre into the Prairie Agricultural Machinery Institute (PAMI). The amendments allow PAMI to undertake research and development in the beef sector.

This Act came into force on November 30, 2004.

The Provincial Court Amendment Act, 2004

(Bill 24) Chapter 22

This amendment Act:

- provides that the pensions of judges retiring before April 1, 2003 and their survivors will be adjusted for cost of living at the same time and rate as superannuation allowances are adjusted for retired civil servants;
- makes technical changes requested by the Canada Revenue Agency to ensure that the Provincial Court judges' pension plan complies with the *Income Tax Act* (Canada).

This Act came into force on June 10, 2004.

The Provincial Sales Tax Amendment Act, 2004

(Bill 36) Chapter 45

The amendments to *The Provincial Sales Tax Act* increase the provincial sales tax from 6 percent to 7 percent. The tax on mobile homes, modular homes and ready-to-move homes is increased from 3 percent to 3½ percent. In addition, the price range at which the minimum tax of 2¢ applies is changed from 26¢-41¢ to 26¢-35¢. A revised schedule sets out the declining tax rates that apply to certain inter-jurisdictional vehicles.

The Act came into force on June 17, 2004 but is retroactive in effect to April 1, 2004.

The Psychologists Amendment Act, 2004

(Bill 34) Chapter 23

Restricted licences are renamed provisional licences. The conditions under which they may be issued are revised to remove the requirement that a person must have successfully completed the examinations prescribed by bylaw. Not having completed the practical training required in the bylaws is maintained as the other situation in which a provisional licence may be issued.

The Act is amended to require the membership to approve the bylaws.

Records of facilities may be brought before the discipline committee, subject to provisions in *The Saskatchewan Evidence Act* and *The Regional Health Services Act* that protect certain records.

This Act came into force on May 12, 2006.

The Public Employees Pension Plan Amendment Act, 2004

(Bill 28) Chapter 24

This Act amends *The Public Employees Pension Plan Act* to:

- eliminate the definition of “allocated interest” and replace it with a definition for “allocated investment earnings”;
- revise the composition of the Public Employees Pension Plan Board by:
 - increasing the number of members of the board from seven to nine;
 - providing that the Board consists of:
 - one person appointed by the Public Service Commission;
 - one person appointed by SaskEnergy, SaskPower and SaskTel;
 - one person appointed by the Saskatchewan Property Management Corporation, the Saskatchewan Institute of Applied Science and Technology and the Saskatchewan Liquor and Gaming Authority;
 - one person appointed by the Saskatchewan Government and General Employees’ Union;
 - one person appointed by the Communications, Energy and Paper Workers Union of Canada;
 - one person appointed by the International Brotherhood of Electrical Workers Local 2067;
 - one person appointed by the Canadian Union of Public Employees Local 600;
 - allowing the members of the Public Employees Pension Plan Board to appoint the Board’s chairperson and to set the term of office for and determine the remuneration of the chairperson;
- allow the Board to provide prescribed pension benefits that may be purchased by the members of the Public Employees Pension Fund with amounts standing to their credit in the fund;
- provide that the Board may establish policies for the calculation of the amounts in the fund standing to the credit of members.

This Act came into force on June 10, 2004, with the exception of section 4. Section 4, which revises the composition of the Board, came into force on September 1, 2004.

The Public Health Amendment Act, 2004

(Bill 56) Chapter 46

Amendments in this Act include the following:

- the obligations of hamlets and organized hamlets are clarified in relation to the provision of potable water and sewage systems;
- rules with respect to obligations to supply potable water are clarified;
- an unproclaimed section of *The Public Health Act, 1994*, which dealt with mandatory pasteurization of milk, is deleted, since milk pasteurization is federally regulated;
- local authorities, rather than the Minister, are authorized to order the destruction of food that is unfit for human consumption;
- local authorities are given more flexibility to determine whether a building that is unfit for human occupation needs to be placarded, and whether an order needs to be issued to address the building’s condition;
- local authorities are authorized to request a municipality to abate a health hazard;
- medical health officers are authorized to issue orders to control vector-borne diseases by reducing numbers of animals or their breeding grounds or harbourages;
- authority is provided to a medical health officer, with the approval of the chief medical health officer, to issue an order to a municipal council, regional park authority, government agency or any other person to carry out an order to abate a serious public health threat posed by mosquitoes; further provisions authorize entry on land to carry out the order, and for the Minister to provide a grant to the person to defray costs of complying with the order;
- authorization is added for regulations or municipal bylaws to be made requiring plumbing fixtures to be installed in buildings, regulating ice or water bottling processing and requiring persons engaging in certain activities to be registered;
- the need for the Minister and the local authority to approve bylaws relating to setting fees for plumbing permits or fluoridating a water supply is deleted;

- authority for certain orders to be served by publication in a newspaper is added;
- liability protection is provided to a person who carries out an order and to a person who assists in mosquito control measures, if that person acts in good faith.

This Act came into force on June 17, 2004, subject to the following exceptions. Section 11 (local authorities may request municipalities to abate health hazards) came into force on October 1, 2004. Section 7 (supply of potable water) will come into force on proclamation.

The Public Inquiries Amendment Act, 2004

(Bill 69) Chapter 47

The Act amends *The Public Inquiries Act* to provide that the commissioners of a public inquiry and their legal counsel will enjoy the same legal immunities with respect to actions taken in furtherance of an inquiry as those enjoyed by a judge of the Court of Queen's Bench in the performance of his or her duties.

This Act came into force on June 17, 2004.

The Public Service Amendment Act, 2004

(Bill 60) Chapter 48

The Public Service Amendment Act, 2004 authorizes a permanent head of a department to delegate to another official in the department his or her power to suspend departmental employees. Additional amendments set out the authority of the Lieutenant Governor in Council to make regulations providing how positions excluded from the application of the Act are to be dealt with. This Act also provides that an employee employed by executive government will be permitted to take a leave of absence without pay to serve as a Member of the Legislative Assembly. Previously, the Act required such employees to resign their positions. This amendment will apply to currently sitting and future Members of the Legislative Assembly.

This Act came into force on June 17, 2004.

The Public Works and Services Act

(Bill 77) Chapter P-46.1

This new Act establishes a range of responsibilities for the Minister responsible for the Act relating to the acquisition, disposition, construction, alteration, maintenance, management and operation of public works and the provision of supplies and services to public agencies and the related acquisition, alteration, repair, maintenance, management, operation and disposal of property. The Minister has a broad range of authority to acquire property for the use or purposes of

the government, public agencies and public institutions and to dispose of that property. The Minister is also authorized to provide services, accommodation and facilities to the government, develop, service or otherwise improve lands, erect buildings, manage facilities, act as a general contractor or project manager, conduct research, studies, investigations, surveys and programs, enter into agreements, and fix, levy and collect fees, rates, interest or charges for the provision of any services.

The Act also provides a specific expropriation authority, and the ability to enter on land for the purposes of public work. The Act sets out the requirements for conducting tenders, for requiring that security be given to the government for the performance of any work and for entering into agreements with public agencies and public institutions for acquisition of services.

The Act repeals *The Public Works Act* and provides that a reference in any Act, regulation or order to the Saskatchewan Property Management Corporation is deemed to be a reference to the Government of Saskatchewan as represented by the Minister.

This Act came into force on April 1, 2005.

The Purchasing Act, 2004

(Bill 12) Chapter P-49.1

This Act, which repeals and replaces *The Purchasing Act*,

- provides that, in acquiring supplies for public agencies, preference may be given to Saskatchewan supplies with respect to acquisitions of less than a prescribed amount;
- allows for the establishment of policies and procedures relating to the acquisition of services that are consistent with the principles in the Act relating to the acquisition of goods;
- allows for the donation of surplus items;
- authorizes the acquisition or disposition of supplies in certain circumstances for other governments or public institutions such as regional health authorities or boards of education, if requested by them.

This Act came into force on June 1, 2005.

The Queen's Bench Amendment Act, 2004/Loi de 2004 modifiant la Loi de 1998 sur la Cour du Banc de la Reine

(Bill 30) Chapter 25

This Act amends the provisions respecting mediation in *The Queen's Bench Act, 1998* to:

- provide for flexibility to allow parties to exchange documents before proceeding to mediation;

- allow the court to direct parties back to mediation;
- clarify the authority of the director of the Dispute Resolution Office to grant exemptions from the mediation requirement;
- clarify the authority of the director to allow postponements of the mediation;
- clarify the general rule that participation and attendance at mediation means face to face meetings of parties; and
- allow courts to award costs in situations where parties have not complied with the requirement to mediate.

This Act came into force on June 10, 2004.

The Regional Health Services Amendment Act, 2004

(Bill 55) Chapter 49

The following amendments are contained in this Act:

- authority is provided to establish a diagnostic services registry;
- the Minister is authorized to issue guidelines and directions respecting the content of operating agreements between regional health authorities and health care organizations and respecting policies affecting regional health authority operations;
- the requirements for bylaws and rights of appeal respecting appointments, reappointments, privileging and disciplining of practitioner staff are clarified;
- a more detailed provision setting out requirements for the formal reporting of critical incidents is adopted.

This Act came into force on June 17, 2004, subject to the following exceptions. The provisions respecting reporting of critical incidents came into force on September 15, 2004. Section 10, respecting appeals of decisions with respect to practitioner staff, came into force on December 16, 2005 when section 45 of *The Regional Health Services Act* came into force.

The Regional Parks Amendment Act, 2004

(Bill 23) Chapter 50

These amendments give regional parks the authority to borrow money and invest funds. The Minister responsible for the Act may request reports from regional parks respecting their outstanding borrowings and current investments. Gender neutral language is adopted throughout the Act.

This Act came into force on June 17, 2004

The Safer Communities and Neighbourhoods Act (Bill 43) Chapter S-0.1

This new legislation establishes a process to address residential and commercial buildings and land that have been the source of chronic community problems. The Act also provides authority to shut down fortified buildings that constitute a public safety risk.

Part II of the Act addresses residential and commercial buildings and land that are habitually used for "specified uses", including the production, sale or use of illegal drugs, prostitution, child sexual abuse or the unlawful sale and consumption of alcohol. The Director of Community Operations investigates confidential complaints received from members of the public regarding a particular property. The Act provides for the resolution of complaints by agreement where possible. In the alternative, on application by the Director, a court may order the vacating of property, the termination of a lease agreement, the closure of property for up to 90 days or any other provision needed to make an order effective.

Part III provides for a process whereby an order could be made, subject to appeal, requiring fortifications that raise public safety concerns to be removed. Such fortifications could include bulletproof glass, explosive resistant materials, armour to reinforce doors, window bars or other fortifications. The Act authorizes the Director of Community Operations to designate a fortified building as a threat to public safety and to require that the fortifications be removed. In determining whether a building is a public safety threat, the Director may consider factors such as the number and types of fortifications, whether they impair access for law enforcement or emergency personnel, the nature of the neighbourhood in which the building is located, whether the fortifications are necessary given the purpose for which the building is used, the persons occupying the building as well as whether any criminal activity has previously taken place in the building. The Act then sets out the process by which an owner or occupant of the building may appeal the Removal Order to the court. Failure to comply with a Removal Order may result in the issuance of a Closure Order by the Director. This would close the building for up to 90 days and direct any necessary measures to be taken to remove fortifications at the cost of the owner of the building.

Parts I, III and IV came into force on October 15, 2004. Parts II and V came into force on November 15, 2004.

The Saskatchewan Association of School Business Officials Act, 2004

(Bill 21) Chapter S-8.2

This Act repeals and replaces *The Saskatchewan Association of School Business Officials Act, 1993*. The Act establishes an executive to manage the affairs of the association and provides for the appointment of a public representative on the executive.

The Act provides authority for the association to make regulatory and administrative bylaws, including:

- prescribing the qualifications, standards and tests of competency for the registration of members;
- setting standards regarding professional conduct and competency and the manner and method of practice of members;
- prescribing procedures for investigating and hearing complaints against members; and
- establishing education programs and setting standards for continuing education.

The Act also provides protection for the title "Registered School Business Official". The Act includes provisions relating to the investigation and discipline of members of the association and includes offence and penalty provisions.

This Act came into force on November 1, 2004.

The Saskatchewan Farm Security Amendment Act, 2004

(Bill 22) Chapter 26

The Saskatchewan Farm Security Act is amended to remove the requirement in section 68 for a certificate of independent legal advice to be completed as a prerequisite for a farmer who intends to waive his or her exemption regarding certain personal property with respect to new debt only. A second amendment will allow a farmer to waive his or her exemption for certain personal property even when existing debt is involved, but only where a certificate of independent legal advice has been obtained. Previously a waiver was not available respecting existing debt.

This Act came into force on November 15, 2004.

The Saskatchewan Pension Annuity Fund Amendment Act, 2004

(Bill 5) Chapter 27

This Act amends *The Saskatchewan Pension Annuity Fund Act* to establish the Saskatchewan Pension Annuity Fund Board. It also authorizes the Lieutenant Governor in Council to make an order to transfer the administration of the Saskatchewan Pension Annuity Fund from the Public Employees Pension Board to the Saskatchewan Pension Annuity Fund Board.

This Act came into force on June 10, 2004.

The Saskatchewan Property Management Corporation Repeal Act

(Bill 78) Chapter 64

The Saskatchewan Property Management Corporation Repeal Act transfers all property and liabilities from the Saskatchewan Property Management Corporation to the Government of Saskatchewan. All employees of the corporation are transferred to and become employees of the Government of Saskatchewan.

The Act includes transitional provisions for the audit and annual report requirements and formally winds up and dissolves the Saskatchewan Property Management Corporation. The Act also repeals *The Saskatchewan Property Management Corporation Act*.

This Act came into force April 1, 2005.

The Securities Amendment Act, 2004

(Bill 53) Chapter 28

Amendments to *The Securities Act, 1988* include the following provisions:

- a prohibition on unfair practices when effecting a trade or engaging in investor relations;
- a prohibition on any course of conduct that contributes to an artificial price for a security, or conduct which defrauds any person; and
- provisions enhancing the Commission's regulation-making authority to require the appointment of audit committees, internal controls, disclosure controls and the certification of financial statements by officers of a corporation.

Other amendments include the removal of continuous disclosure provisions from the Act in order to allow for the implementation of certain National Instruments which will harmonize provisions for reporting issuers and mutual fund managers with other jurisdictions. In addition, provisions relating to certain registration and prospectus exemptions have been repealed as they

are now contained in National Instruments. The definition of “proxy”, “reporting issuer” and “offering memorandum” have also been amended to reflect changes in the industry. The Director of the Commission is given the power to issue a cease trade order where an issuer defaults in its continuous disclosure obligations under an undertaking and the Director may now accept delegated power from the Commission to issue investigation orders.

The amendments came into force on June 30, 2004, except for the portion of section 10 which repeals sections 84 and 86 to 91 of the Act, as well as section 12, which repeals sections 93 and 95 to 97 of the Act. The portion of section 10 and section 12 were proclaimed in force January 1, 2006. It was necessary for these sections to remain in force until *National Instrument 81-106 Investment Fund Continuous Disclosure* was adopted as a Commission regulation.

The Snowmobile Amendment Act, 2004

(Bill 29) Chapter 29

This amendment Act:

- requires all drivers born on or after January 1, 1989 to have completed a snowmobile safety course before operating a snowmobile that is required to be registered;
- enables a snowmobile operator over 16 years of age to operate a snowmobile without a driver's licence, provided the driver has completed a safety course;
- clarifies that a class 7 driver (learner's licence) can only operate a snowmobile on the travelled portion of a highway while supervised;
- allows the trail manager to designate areas of land as designated trails by erecting signs along the trails and requires an updated map to be available in the trail manager's office for public inspection;
- sets out registration exemptions for commercial fishers and hunters in the Northern Saskatchewan Administration District.

This Act came into force on June 10, 2004.

The Statute Law Amendment Act, 2004

(Bill 62) Chapter 65

This Act makes several very minor amendments to 37 existing statutes. It corrects inaccurate references, typographical errors and other minor mistakes in statutes. It also corrects errors made in previous consequential amendments or makes consequential amendments that were previously missed.

This Act came into force on November 30, 2004.

The Statute Law Amendment Act, 2004 (No. 2)/Loi de modification législative de 2004 (n° 2)

(Bill 63) Chapter 66

This Act provides for technical amendments to bilingual legislation. The Bill corrects reference errors, typographical errors, updates references to statutes, and corrects other minor technical errors in seven Acts.

This Act came into force on November 30, 2004.

The Superannuation (Supplementary Provisions) Amendment Act, 2004

(Bill 6) Chapter 30

This Act amends *The Superannuation (Supplementary Provisions) Act* to:

- eliminate the provision allowing an employee to make an election to contribute for superannuation and to transfer any amounts in the employee's savings account to the superannuation fund;
- eliminate the provision allowing an employee to make an election to cease making contributions where the superannuation allowance for which the employee would be eligible would exceed the maximum yearly superannuation allowance of \$7,000;
- prohibit the payment of interest on the refund of contributions that exceed the maximum contributions permitted pursuant to the *Income Tax Act* (Canada);
- revise the latest date that an employee's superannuation allowance is payable from the age of 71 years to the age of 69 years;
- eliminate the provision that requires a lump sum to be paid to a spouse or children of a deceased employee, where the employee dies before completing 10 years of service;
- add provisions that authorize the Lieutenant Governor in Council to make retroactive orders designating dates by which employees must elect to commence early retirement and dates of retirement;
- provide that any payment made with respect to the retirement of an employee to whom an order applies shall not be deemed to be invalid by reason only of the fact that the order was made after the date of the payment; and

- repeal a number of spent provisions and include transitional provisions that provide that if a person is entitled to receive a payment or superannuation allowance pursuant to a provision that has been repealed, the entitlement continues as if the provision had not been repealed.

This Act came into force on June 10, 2004, subject to the following exceptions.

Section 15 came into force on June 10, 2004, but is retroactive in effect to April 1, 1989. Section 16 came into force on June 10, 2004, but is retroactive in effect to December 31, 1991. Section 17 came into force on June 10, 2004, but is retroactive in effect to April 1, 1994.

The Tobacco Control Amendment Act, 2004

(Bill 54) Chapter 51

This Act amends *The Tobacco Control Act* to include the following:

- requiring enclosed public places, including public buildings and facilities, bus shelters and private clubs to be 100 percent smoke-free starting January 1, 2005;
- prohibiting the selling of tobacco products in video arcades, amusement parks and theatres;
- providing municipalities with jurisdiction to enact bylaws that restrict smoking in outdoor places such as open-air sports facilities, patios and entrances to public buildings;
- requiring proprietors of enclosed public places to request patrons to immediately extinguish lighted tobacco, inform the patron of the non-smoking law and refuse to provide goods and services to the patron until the patron ceases smoking;
- providing authority for charging proprietors and individuals in premises where smoking is prohibited or restricted and occupants are found to be smoking;
- providing regulation-making authority related to the requirements for signage and locations where signage can be placed in tobacco retail establishments, and for places where smoking is prohibited or restricted;
- clarifying that cigarillos may not be sold in packages that contain less than five;
- defining what is meant by a second, third, fourth and subsequent conviction for the purpose of imposing penalties upon a conviction;
- including provisions respecting previous convictions in the case of successor owners of a business and affiliated franchises;

- providing that tobacco control officers may request information from a person who has left a retail establishment and who an officer has reason to believe is underage, and was sold tobacco products;
- increasing maximum fines for obstruction of a tobacco enforcement officer, to \$3,000 for a first offence and \$5,000 for subsequent offences.

The amendments respecting smoking in enclosed public places came into force on January 1, 2005. The other amendments came into force on June 17, 2004.

The Tobacco Tax Amendment Act, 2004

(Bill 37) Chapter 31

The amendments to *The Tobacco Tax Act, 1998* increase the tax rates levied on tobacco products.

The amendments came into force on June 10, 2004, but are retroactive in effect to April 1, 2004.

The Traffic Safety Act

(Bill 72) Chapter T-18.1

This new Act consolidates *The Vehicle Administration Act*, *The Highway Traffic Act* and *The Motor Carrier Act*. The new legislation includes the rules and regulations involving road safety, driver licensing, vehicle registration and motor carrier compliance requirements.

The following changes of substance were made:

- the Highway Traffic Board's ability to regulate its own process is clarified; and
- audit provisions are updated to assist Saskatchewan Government Insurance to monitor motor carriers' compliance with legal requirements.

This Act came into force on July 1, 2006.

The Traffic Safety Consequential Amendment Act, 2004/Loi de 2004 sur les modifications corrélatives découlant de la loi intitulée The Traffic Safety Act

(Bill 73) Chapter 67

This Act makes consequential amendments to bilingual legislation required as a result of the enactment of *The Traffic Safety Act*. This Act changes references to *The Vehicle Administration Act*, *The Highway Traffic Act* and *The Motor Carrier Act* to *The Traffic Safety Act* where appropriate.

This Act came into force on July 1, 2006 when section 1 of *The Traffic Safety Act* came into force.

**The Vehicle Administration Amendment Act, 2004
(Bill 48) Chapter 32**

This amendment Act:

- enables Saskatchewan Government Insurance (SGI) to refuse to issue a driver's licence or certificate of registration to a person who has defaulted on a payment of a deductible loan;
- allows SGI to require a driver with a poor driving record to attend an education or safety seminar;
- establishes place of business criteria and appeal provisions for motor carriers registering vehicles under the International Registration Plan;
- permits the use of a single licence plate on a vehicle;
- allows SGI to waive periodic vehicle inspections;
- clarifies when administrative suspensions for drinking and driving commence and extends (over the next six years) from five to ten years the time frame within which previous convictions can be taken into account in determining whether an offence is a second or subsequent offence;
- repeals the section that prohibited early reinstatement of a driver's licence to a person who is disqualified from driving for five years; and
- sets out rules for appeals to the Highway Traffic Board on driver licensing issues, and allows an appeal to the Highway Traffic Board of an administrative suspension for drinking and driving.

All provisions except those dealing with vehicles registered under the International Registration Plan and with administrative suspensions came into force on June 30, 2004. Section 19, respecting the expanded definition of previous convictions, came into force on January 1, 2005. The other provisions will come into force on proclamation.

The Vital Statistics Amendment Act, 2004/Loi de 2004 modifiant la Loi de 1995 sur les services de l'état civil

(Bill 49) Chapter 33

The provisions respecting registration of births are amended to remove the provisions that permitted a birth mother to choose not to acknowledge a birth father on the child's registration of birth.

This Act came into force on September 1, 2005.

The Vital Statistics Amendment Act, 2004 (No. 2)/Loi no 2 de 2004 modifiant la Loi de 1995 sur les services de l'état civil

(Bill 84) Chapter 68

Amendments to *The Vital Statistics Act, 1995* provide authority to the Director of Vital Statistics to publish genealogical indexes of births, marriages and deaths that occur in Saskatchewan. Authority is also given to the Director to enter into agreements with private sector agencies (e.g. genealogical societies and data-entry service providers) to assist in the creation of the genealogical indexes.

This Act came into force on November 30, 2004.

The Wildlife Habitat Protection Amendment Act, 2004

(Bill 79) Chapter 69

This Act removes certain lands from the purview of *The Wildlife Habitat Protection Act*. It also corrects a number of land descriptions in the Schedule to the Act.

This Act came into force on November 30, 2004.

The Workers' Compensation Board Pension Implementation Act

(Bill 15) Chapter W-17.2

This Act authorizes the transfer of assets and liabilities of the Workers' Compensation Board Superannuation Fund to a new pension plan registered under *The Pension Benefits Act, 1992*. The Act also provides for a consequential amendment to

The Workers' Compensation Act, 1979, which empowers the Workers' Compensation Board to establish and operate a pension plan.

The Workers' Compensation Board Superannuation Act is repealed and references to this Act in a number of other statutes are removed.

The changes which result from this Act become effective on the day on which the new pension plan is registered pursuant to *The Pension Benefits Act, 1992*.