

JUSTICE UPDATE

**Saskatchewan Justice
October 1994**

October, 1994

TO ALL MEMBERS OF THE LAW SOCIETY OF SASKATCHEWAN

I am pleased to be able to send you summaries of legislation from the recently adjourned session of the Legislative Assembly.

I would draw your particular attention to the following summaries:

1. Amendments to *The Queen's Bench Act* establishing the Family Law Division and institutionalizing mediation in family and civil litigation. The Family Law Division legislation will be proclaimed on December 1, 1994. The legislation respecting family mediation (Regina and Saskatoon) will be proclaimed on February 1, 1995. The civil mediation legislation (Regina and Swift Current) will be proclaimed on December 1, 1994.
2. *The Victims of Domestic Violence Act* which introduces three new tools to be used on behalf of victims of domestic violence:
 - the Emergency Intervention Order
 - the Victim's Assistance Order
 - the Warrant of Entry.

This legislation is intended to consolidate existing civil remedies in domestic violence situations and to facilitate ease of access to these remedies for victims. This legislation will be proclaimed on February 1, 1995.

3. *The Saskatchewan Farm Security Amendment Act, 1994* which recognizes the right of first refusal and the right to lease back as property that is exempt from seizure under the Act, and which exempts the Farm Credit Corporation from the leaseback provisions of the Act. A summary of the agreement between the Farm Credit Corporation and the Government of Saskatchewan regarding Farm Credit Corporation's voluntary leaseback program is included as an appendix to the Justice Update.

Members should note that *The Personal Property Security Act, 1993* will be proclaimed on January 1, 1995 and at that time the on-line personal property registry system will become operational. It should also be noted that *The Condominium Property Act, 1993* will come into force on January 1, 1995.

In 1995, the Department of Justice will be offering access to an electronic database of statutes and regulations through the Queen's Printer. The access will allow clients to search up to date and consolidated statutes and regulations as they come into force. Queen's Printer has available all revised regulations in a consolidated form, and will be offering a loose-leaf service up to date to December 31, 1994 in January of 1995.

I trust this information will be useful to all members.

Yours sincerely,

Robert W. Mitchell, Q.C.
Minister of Justice and
Attorney General

The Agriculture Development Fund Repeal Act
(Bill 9) Chapter 2

This Act repeals *The Agriculture Development Fund Act* and transfers all powers, privileges and duties of the Agriculture Development Fund to the Minister of Agriculture and Food. The Fund itself remains in place although it will now be administered by the Department of Agriculture and Food.

This Act will come into force on April 1, 1994.

The Agrologists Act, 1994
(Bill 35) Chapter A-16.1

This Act replaces *The Agrologists Act* and provides updated discipline and bylaw-making powers to the Saskatchewan Institute of Agrologists.

This Act will come into force on proclamation.

The Alcohol and Gaming Regulation Amendment Act, 1994
(Bill 33) Chapter 31

This Act amalgamates the Horse Racing Commission with the Liquor and Gaming Authority. The Act will provide for permits for the possession, sale, use, importation or manufacture of alcohol. Details respecting the various kinds of permits are moved to the regulations. Offences under the Act are revised and clarified.

This Act will come into force on proclamation.

The Animal Protection Amendment Act, 1994
(Bill 34) Chapter 13

This amending legislation extends the protection available under the Act to all farm animals including animals such as sheep, ostrich, bison, etc. It also increases the amounts of the fines for violation of the Act to provide for an improved deterrent.

This Act will come into force on November 1, 1994.

The Assessment Management Agency Amendment Act, 1994
(Bill 62) Chapter 33

The amendments introduce a number of changes to the Saskatchewan Assessment Management Agency (SAMA).

The Act implements budget decisions respecting funding of the agency by the province and local governments.

The Act enhances accountability of the Agency to local governments by providing for:

- SAMA to hold annual meetings for boards of education and municipalities to consider resolutions, reports, legislative changes and to elect municipal and board of education SAMA board members;
- municipal input into SAMA's annual budget.

Municipalities will have the option to conduct their own field assessments individually or jointly at their own expense rather than relying on SAMA.

The Act will protect the quality of assessments:

- assessments will be done in a manner consistent with SAMA's manual, policies and the Act;
- qualified persons must conduct the assessments;
- assessments and assessment rolls will be subject to SAMA review, audit and confirmation.

Section 6 of the Act which refers to assessment policy review committees and technical advisory committees came into force on January 1, 1994. Section 9 will come into force on proclamation. The remainder of the Act came into force on September 12, 1994.

The Automobile Accident Insurance Amendment Act, 1994
(Bill 56) Chapter 34

This Act establishes the Personal Injury Benefits (no fault) scheme. All victims in automobile accidents occurring after the coming into force of the Act will be entitled to income replacement and death benefits regardless of whether they were at fault or not. Victims who were not at fault will also be entitled to personal impairment benefits. Benefits will be indexed in the manner set out in the Act. Except in the case of suits for special economic loss, all law suits respecting automobile accidents will be prohibited. The manner in which claims are to be made and the manner of payments to victims are also set out. The Act also provides for voluntary mediation between a victim and the insurer and for appeals to the Court of Queen's Bench respecting the Insurer's decisions. Broad regulation making powers are included. Victims in automobile accidents occurring before the coming into force of the Act are not covered by the Act, but will make their claims in accordance with existing laws.

This Act also contains several other minor amendments, including clarifying the deductions arising out of debts owed to the insurer that the insurer may make from benefits otherwise payable and clarifying the investment powers of the insurer.

This Act comes into force on proclamation.

The Certified General Accountants Act, 1994
(Bill 15) Chapter C-4.11

This Act replaces *The Certified General Accountants Act* and provides updated discipline and bylaw-making powers to the Certified General Accountants Association. A new process of peer review is implemented. The bylaws and ethics committee is given a new mandate to review a member's statement of account, on request by a client, to determine whether it is fair and reasonable.

The limitation period for suing a certified general accountant for negligence or malpractice arising from professional services is changed to 24 months after the cause of action arose.

This Act will come into force on proclamation.

The Child and Family Services Amendment Act, 1994
(Bill 45) Chapter 35

This Act will permit the Minister of Social Services to enter into agreements to transfer legal guardianship of children who are permanent wards of the minister. Guardianship will pass from the minister to a caregiver, such as an extended family member, who wishes to assume long-term responsibility for a child. The Act will also allow the minister to provide financial assistance to legal guardians where necessary.

Other amendments will increase the autonomy and authority of the Indian child and family service agencies. Amendments will also ensure that agencies are bound by the same confidentiality rules as are Department of Social Services employees, and are given the same protection from liability.

This Act also contains some technical amendments respecting supervision orders. The Act will come into force on proclamation.

The Chiropractic Act, 1994
(Bill 44) Chapter C-10.1

This Act replaced *The Chiropractic Act* and provides updated discipline and bylaw-making powers to the Chiropractors' Association of Saskatchewan.

The limitation period for suing a chiropractor for negligence or malpractice arising from professional services is changed to 24 months after the cause of action arose.

This Act will come into force on proclamation.

The Community Bonds Amendment Act, 1994
(Bill 6) Chapter 15

The amendments:

- add Regional Economic Development Authorities as bodies that may form community bond corporations;
- provide that community bonds converted to project shares at maturity are subject to *The Securities Act, 1988*; and
- enhance compliance measures.

This Act came into force on May 2, 1994.

The Credit Union Amendment Act, 1994
(Bill 64) Chapter 36

Credit Unions will have the option of adopting bylaws which permit the election of directors on a regional basis.

This Act came into force on September 1, 1994.

The Crown Corporations Amendment Act, 1994
(Bill 67) Chapter 37

This amendment Act allow the Crown Investments Corporation (CIC) to provide indemnities to corporations in which CIC or subsidiary Crown corporations hold securities and to participate in joint ventures with CIC or subsidiary Crown corporations.

This Act came into force on June 15, 1994.

The Crown Foundation Act
(Bill 22) Chapter C-50.12

This new Act provides for the establishment of Crown Foundations for the benefit of the University of Saskatchewan and the University of Regina. The foundations will receive donations and in turn transfer them to the universities for the purpose of supporting and promoting educational and research activities.

The Act came into force on October 10, 1994.

The Department of Economic Development Amendment Act, 1994
(Bill 2) Chapter 16

The amendments authorize the Minister of Economic Development to establish a corporation for the purpose of providing trade development services. Regulations may provide for the scope, mandate and objectives of the corporation. The Minister is permitted to be a member of, or shareholder in, the corporation.

This Act came into force on proclamation.

The Education Amendment Act, 1994
(Bill 52) Chapter 38

This amendment Act eliminates barriers to the voluntary amalgamation of urban and rural school divisions. It will allow amalgamated school divisions to be structure in such a way that its urban and rural components can retain their previous practices with respect to board member elections and election or appointment of local boards of trustees or school advisory committees.

The Act also contains a number of housekeeping amendments. It came into force on June 2, 1994.

The Environmental Management and Protection Amendment Act, 1994
(Bill 36) Chapter 17

This legislation provides for two main amendments:

- authorization of the development of a regulatory framework for an improved reclamation process for mines that are decommissioned or abandoned;
- expansion of the provincial permit granting provisions to facilitate improved regulation of fish habitat in fish-bearing waters.

This Act came into force on May 2, 1994.

The Fisheries Act (Saskatchewan), 1994
(Bill 8) Chapter F-16.1

This Act updates forty year old fisheries legislation in Saskatchewan. It incorporates some powers currently contained in federal regulations. The Act gives the Minister of Environment and Resource Management powers respecting licensing and fees, the allocation of fish resources, the delivery and marketing of fish, the importation and stocking of fish and the establishment and enhancement of fish populations. It contains broad regulations making powers. The Act contains offence provisions and delineates the powers of peace officers to enforce the legislation.

This Act will come into force on proclamation.

The Frustrated Contracts Act
(Bill 26) Chapter F-22.2

This new legislation implements the recommendations of the Saskatchewan Law Reform Commission regarding frustrated contracts. It displaces the common law rules and provides instead for apportionment of benefits between parties following a frustrating event, apportionment of losses following frustration and for the survival of any arbitration provision in the case of frustration. The Act applies only to contracts that fail to speak to the issue of frustration and is not retroactive in effect.

This Act came into force on March 28, 1994.

The Fuel Tax Amendment Act, 1994
(Bill 14) Chapter 4

This Act enables Saskatchewan to enter into agreements and participate in programs with other jurisdictions in Canada and the United States in relation to fuel taxes. These provisions authorize Saskatchewan to join the International Fuel Tax Agreement (IFTA), which allows interprovincial and international truckers to use their home jurisdictions to deal with fuel taxes owing in all member jurisdictions in which they operate. The Act contains regulation making powers respecting the issuing of IFTA licenses to Saskatchewan carriers, and allows the government to enter into agreements with carriers with respect to their duties and obligations.

This Act came into force on March 28, 1994.

The Health Services Utilization and Research Commission Act
(Bill 29) Chapter H-1.1

The Health Services Utilization and Research Commission is continued by this Act. There are two facets to the Commission's responsibilities. The first is to foster the efficient and effective use of health services. The second is to provide funding to promote and support research in the health sciences and health-related social sciences through research competitions. The Commission is required to submit an annual report to the Legislative Assembly.

This Act came into force on June 2, 1994.

The Labour Standards Amendment Act, 1994
(Bill 32) Chapter 39

These amendments:

- improve protection and benefits for part-time employees;
- enhance maternity, paternity, adoption and bereavement leave benefits;
- improve protection against dismissal;
- address issues respecting hours of work, meal breaks and time off;
- improve lay-off notice provisions;
- improve the administration and enforcement of the Act;
- establish a new adjudication and appeals system;
- modify provisions respecting entitlements to annual holidays;
- provide for an entitlement to leave for employees who are candidates in school divisions and district health boards thereby treating all local government service the same;
- clarify that the application of the Act extends to employees who work at home.

This Act came into force on proclamation.

The Land Titles Amendment Act, 1994
(Bill 23) Chapter 5

The amendments address concerns with previous amendments that introduced the concept of summary mortgages. The amendments also confirm that a purchaser of a registered interest in land for which no certificate of title has been issued has priority over non-registered interests.

This Act will come into force on proclamation.

The Legislative Assembly and Executive Council Amendment Act, 1994 (No. 6)
(Bill 70) Chapter 40

This amending legislation provides for the appointment of an independent commission to study MLA's salaries and constituency allowances and to report its recommendations to the Board of Internal Economy. It also introduces a process whereby an MLA may refer a decision of the Speaker regarding the use of MLA funds to the Conflict of Interest Commissioner for review of the decision.

This Act came into force on October 1, 1994.

The Medical Laboratory Licensing Act, 1994
(Bill 43) Chapter M-9.2

The Act repeals *The Medical Laboratory Licensing Act* and:

- requires all medical laboratories to be licensed;
- authorizes the Department of Health to license laboratories on the basis of need and accreditation;
- authorizes the Department of Health to delegate the responsibility for the development and operation of a quality assurance program to a person or an association.

This Act will come into force on proclamation.

The Meewasin Valley Authority Amendment Act, 1994
(Bill 18) Chapter 6

This Act establishes the funding level for the Meewasin Valley Authority for the 1994-95 fiscal year. The Planning and Development Committee and the Engineering Advisory Committee are consolidated into a Development Review Committee.

The amendments to the funding level came into force on April 1, 1994. The other amendments came into force on March 28, 1994.

The Municipal Employees' Superannuation Amendment Act, 1994
(Bill 17) Chapter 18

The amendments provide for:

- closer integration of the plan with The Pensions Benefits Act, 1992;
- enhanced portability of a member's allowance;
- enhanced benefits for a surviving spouse or dependants on the death of a member;
- division of pensions on marriage breakdown.

This Act will come into force on May 2, 1994.

The Municipal Revenue Sharing Amendment Act, 1994
(Bill 61) Chapter 41

The amendments establish the level of provincial assistance to urban municipalities and rural municipalities for the 1994-95 fiscal year.

The Act came into force on April 1, 1994.

The Natural Resources Amendment Act, 1994
(Bill 65) Chapter 42

The amendments:

- provide that the Resource Protection and Development Fund may enter into contractual arrangements with other provincial and federal jurisdictions for services such as the repair and maintenance of aircraft; and
- windup the Forest Renewal and Development Fund and transfer its assets and liabilities to the general revenue fund.

The Act came into force on April 1, 1994.

The Ombudsman Amendment Act, 1994
(Bill 12) Chapter 7

The appointment of a Children's Advocate is provided for by this legislation. The advocate will be appointed in the same manner as the provincial Ombudsman and will be associated with that office. The advocate is required to receive, review and investigate any matter that comes to his or her attention from any source, including a child. The advocate may become involved in any matter relating to the interests and well-being of children who receive services from any department or agency of the government. Where appropriate, the advocate is to attempt to resolve the matters that come to his or her attention through negotiation, conciliation, mediation or other non-adversarial approaches. In addition, the advocate has the responsibility to become involved with public education regarding the needs, interest and well-being of children.

Other amendments provide for confidentiality of information received by the Children's Advocate and ensure consistency with the parts of the Act dealing with the Ombudsman.

The Act is expected to come into force on November 7, 1994.

The Parks Amendment Act, 1994
(Bill 38) Chapter 43

This amending legislation provides for the designation of the Clarence-Steepbanks Recreation Reserve as a provincial wilderness park. The Act also makes several administrative amendments to the legal description of the provincial park system.

With the exception of section 6, this Act came into force on June 2, 1994. Section 6, which establishes the Grasslands Protected Area, will come into force on proclamation.

The Physical Therapists Amendment Act, 1994
(Bill 42) Chapter 25

This amendment will allow physical therapists to assess and treat patients without a physician referral.

A standard provision requiring the College of Physical Therapists to submit an annual report to the Minister of Health is also established.

This Act came into force on proclamation.

The Potash Corporation of Saskatchewan Reorganization Repeal Act
(Bill 59) Chapter 26

This Act provides for the repeal of *The Potash Corporation of Saskatchewan Reorganization Act*, which provides for public participation in the Saskatchewan potash industry, effective December 30, 1994. Section 11 of that Act, which contained restrictions on share ownership by non-residents, was repealed effective May 12, 1994.

The Act also includes a consequential amendment which deals with the head office of the Potash Corporation of Saskatchewan. It delineates head office functions, and stipulates that the head office shall be in Saskatchewan.

The Provincial Auditor Amendment Act, 1994
(Bill 71) Chapter 44

This Act provides that if the Legislature is not in session when the Provincial Auditor delivers a report to the Speaker, the Clerk of the Legislative Assembly shall, in any event make the reports available to the public.

This Act came into force on June 2, 1994.

The Provincial Court Amendment Act, 1994
(Bill 46) Chapter 19

These amendments:

- repeal the provisions of The Provincial Court Act that set up a commission process for determining judicial salaries and benefits;
- disestablish the Provincial Court Commission and remove the requirements to take action on the recommendations they released in December, 1993;
- eliminate causes of action arising from this Act, the previous provisions or any agreement made between the government and the judges.

This Act came into force on May 2, 1994. All provisions except section 7 are retroactive to June 22, 1993.

The Public Health Act, 1994
(Bill 28) Chapter P-37.1

This Act repeals and replaces *The Abandoned Refrigerator Act, The Anatomy Act, The Public Health Act, The Venereal Disease Prevention Act* and certain provisions in *The Health Services Act* and to a large extent is merely a modern version of those Acts. Public health legislation is intended to foster community health by establishing an administrative framework for delivering community health programs and by regulating activities that affect community health. It extends to such matters as water supplies and sewage disposal, the sale of food, the abatement of health hazards, the reporting of communicable diseases, the control of epidemics and the licensing of commercial and community activities that affect public health.

The Act contemplates that the principal responsibility for delivering community health programs will rest with district health boards rather than municipal governments, as was the case under the old legislation. However it also allows for those situations where it is more appropriate to place this responsibility on the Minister of Health, municipal government or aboriginal organizations.

The Act will come into force on proclamation.

The Queen's Bench (Family Law Division) Amendment Act, 1994
(Bill 39) Chapter 27

The Unified Family Court Act will be repealed. In its place, a Family Law Division of the Court of Queen's Bench will be established province-wide. All family law proceedings in that court will be brought in the Family Law Division. In Saskatoon and Regina, the Family Law Division will be given exclusive jurisdiction in family law proceedings; in other areas the Family Law Division will have concurrent jurisdiction with the Provincial Court under those statutes where the Provincial Court currently has jurisdiction (*The Child and Family Services Act, The Family Maintenance Act, The Enforcement of Maintenance Orders Act*).

Provisions previously found in *The Unified Family Court Act* including consolidation of actions, custody an access reports and restraining orders are updated and moved to *The Queen's Bench Act*. The Act also includes a number of transitional provisions and consequential amendments.

This Act will come into force on December 1, 1994.

The Queen's Bench (Mediation) Amendment Act, 1994
(Bill 40) Chapter 20

This bill introduces mediation as an aspect of all civil proceedings in the Court of Queen's Bench, both family and non-family. After the close of pleadings in a non-family matter or on the commencement of a family law proceeding the action cannot proceed without the parties discussing the possibility of mediation with a mediator. If either party fails to participate, he or she could be ordered to participate by the court and ultimately his or her pleadings or other documents could be struck out by the court. This process will be introduced initially on a pilot project basis.

Section 54.1 of the Act relates to family mediation. It requires parties who commence a family law proceeding to attend a mediation screening and orientation session prior to taking any further step in the proceeding. A mediator will meet with each party separately to present an overview of the mediation process, to learn what issues the party wants to resolve and to assist the party in assessing whether or not mediation is the best option available at that time to resolve the issues. It is important to note that the legislation does not prevent a party from making an application to the court for interim relief. The regulations will designate Saskatoon and Regina as sites for this program. The regulations also list a number of types of actions that are exempt from the mediation screening and orientation session. This portion of the Act and regulations will be proclaimed on February 1, 1995.

Section 54.2 relates to civil mediation. It requires that, after the close of pleadings in a contested matter that is not a family law proceeding, the parties will attend a mediation session prior to taking any further step in the proceeding. A mediator will meet with each party individually to discuss the particulars of the dispute, to assist each in identifying his or her interests and the issues to resolve. After meeting with each party separately, the mediator will then meet with the parties jointly to discuss the mediation process and how it may or may not be an appropriate procedure for resolution of their dispute. The regulations will designate Swift Current and Regina as the sites for this program and will also establish exemptions. This portion of the Act and regulations are scheduled to come into force on December 1, 1994.

The Registered Psychologists Amendment Act, 1994
(Bill 41) Chapter 28

Persons employed as psychologists by a district health board of The University of Regina are added to the list of persons who are exempt from the requirement to register under *The Registered Psychologists Act*.

This Act will come into force on proclamation.

The Representation Act, 1994
(Bill 58) Chapter R-20.3

This Act implements the report of the Constituency Boundaries Commission to create new constituency boundaries for Saskatchewan.

This Act comes into force on the day following the day of the dissolution of the Twenty-second Legislative Assembly.

The Research Council Amendment Act, 1994
(Bill 7) Chapter 45

This Act removes the requirement that the membership of the research council include university faculty members. A provision specifically provides that the Saskatchewan Research Council is an agent of the Crown. Amendments are also included to ensure that this legislation is consistent with *The Tabling of Documents Act, 1991*.

This Act came into force on June 2, 1994.

The Revenue and Financial Services Amendment Act, 1994
(Bill 16) Chapter 8

The Act is being amended to incorporate a package of improved administrative and compliance initiatives. For example, corporate directors may now be liable in certain circumstances for taxes collected from the company's customers and not remitted. Liability is subject to the defense of due diligence.

The penalties for audit assessments are revised. The penalty remains unchanged at 10% of the assessment however the maximum penalty payable is increased to \$25,000. Interest on audit assessments will accrue from the date the unpaid tax was due. Previously interest was payable from the end of the period covered by the audit. These changes came into force on July 1, 1994.

The balance of the amendments came into force on March 28, 1994.

The Rural Municipality Amendment Act, 1994
(Bill 21) Chapter 29

This amending legislation provides for a number of changes to *The Rural Municipality Act, 1989* including:

- allowing organized hamlets to become a division within a rural municipality with representation on the rural municipal council;
- authorizing rural public utility boards to borrow funds to establish water distribution systems for rural residents who are not served by running water;
- enhancing authority for rural municipalities to provide fire protection and emergency response services;
- clarifying and strengthening conflict of interest provisions.

Certain provisions respecting public utility boards are retroactive to January 1, 1992. Section 19 came into force on September 16, 1994. The balance of the Act came into force on September 1, 1994.

The Saskatchewan Assistance Amendment Act, 1994
(Bill 13) Chapter 9

This Act allows the Department of Social Services to enter into agreements with Indian bands and other agencies for the delivery of social assistance. A number of housekeeping amendments are also made.

This Act came into force on June 20, 1994.

The Saskatchewan Farm Security Amendment Act, 1994 (No. 2)
(Bill 63) Chapter 30

This legislation makes two amendments regarding tenure for Saskatchewan farmers:

- exemption of Farm Credit Corporation from the operation of the six-year leaseback program in recognition of the commitment by FCC to voluntarily provide equal or improved leaseback protection to its Saskatchewan farm clients;
- recognition of the right of first refusal and the right to leaseback as property that is exempt from seizure by creditors under the Act.

These amendments came into force on May 12, 1994.

The Saskatchewan Gaming Corporation Act
(Bill 72) Chapter S-18.2

This Act creates a new Crown corporation to establish, operate, manage and conduct casino operations in Saskatchewan. The corporation is made up of seven persons appointed by Cabinet, three of whom have been nominated by the Chiefs' Legislative Assembly of the Federation of Saskatchewan Indian Nations.

The Act creates two funds subject to annual audit, the First Nations Fund and the Associated Entities Fund. Each fund is to receive 25% of the corporation's net profits for each fiscal year. The Act sets out the purposes for which moneys in the funds may be used.

This Act, except the provision setting up the two funds, was proclaimed in force on June 15, 1994.

The Saskatchewan Government Insurance Amendment Act, 1994
(Bill 47) Chapter 46

There are minor changes in this Act which relate to the investment powers of Saskatchewan Government Insurance (SGI). The reference in the legislation to the *Canadian and British Insurance Companies Act* (Canada) is removed since that federal Act no longer exists. Instead, investments must now be authorized pursuant to the *Insurance Companies Act* (Canada) or *The Crown Corporations Act, 1993*. A provision is added which allows the corporation to dispose of any investments in any manner that it considers expedient. A regulation-making power respecting investments authorized pursuant to *The Crown Corporations Act, 1993* or the *Insurance Companies Act* (Canada) is included.

This Act came into force on June 2, 1994.

The Saskatchewan Opportunities Corporation Act
(Bill 3) Chapter S-32.11

The Act provides for the establishment of the Saskatchewan Opportunities Corporation which has the objective of creating, encouraging and facilitating business opportunities in Saskatchewan by providing:

- financial assistance;
- management services;
- counselling and training;
- information and advice;
- other services that, in the opinion of the corporation, would further the purposes of the Act.

This Act came into force on August 15, 1994.

The State of the Environment Report Amendment Act, 1994
(Bill 37) Chapter 21

This legislation amends the reporting requirements under the Act to provide for the release of the State of the Environment Report every two years rather than annually.

This Act came into force on May 2, 1994.

The Summary Offences Procedure Amendment Act, 1994
(Bill 50) Chapter 22

This Act makes a number of small changes to the procedure respecting provincial offences. An amendment allows a police officer in charge to authorize interim release of a person arrested on a warrant to appear in court. Another amendment repeals the municipal bylaw appeal provision which applied only to bylaw offences in Regina and Saskatoon and created an inconsistency with the appeal procedure for municipal bylaws elsewhere in the province. As a result of this change, the first level of appeal for all provincial and municipal bylaw offences is the Court of Queen's Bench and then to the Court of Appeal. This change is consistent with a similar amendment to *The Traffic Safety Court of Saskatchewan Act, 1988*.

Two other minor clarification amendments are made with respect to the issue and service of municipal bylaw tickets.

All provisions other than those which deal with municipal bylaw appeals came into force on June 20, 1994. The provisions respecting municipal bylaw appeals will come into force on proclamation.

The Superannuation (Supplementary Provisions) Amendment Act, 1994
(Bill 27) Chapter 23

This Act will allow the Lieutenant Governor in Council to establish early retirement programs for public sector pension plans.

This Act is retroactive to April 1, 1994.

The Teachers Superannuation and Disability Benefits Act
(Bill 66) Chapter T-9.1

This new Act replaces the existing legislation and provides for the following major changes:

- implementation of the 1992-94 Collective Bargaining Agreement;
- updating of the provisions to ensure compliance of the plan with federal legislation;
- simplification and clarification of the existing provisions.

This Act came into force on June 2, 1994.

The Tourism Authority Act
(Bill 5) Chapter T-15.01

The Act establishes the Tourism Authority which is charged with the responsibility to facilitate:

- the marketing of tourism;
- the provision of visitor and information services;
- the education and training of persons involved in the tourism industry;
- the planning and development of tourism destination areas;
- the administration of tourism funding programs, other than capital funding;
- research and policy development in tourism;
- public awareness of tourism;
- the development and promotion of tourism in Saskatchewan.

The Authority is comprised of 39 members: six from government and the balance from specific industry organizations. The Board may approve additional seats from other organizations not specifically listed.

This Act came into force on September 19, 1994.

The Trade Union Amendment Act, 1994
Bill 54 (Chapter 47)

The amendments in this legislation can be categorized under the following headings:

1. Collective bargaining and dispute resolution:
 - the Labour Relations Board may assist in setting the terms of a first agreement;
 - voluntary expedited arbitration is available;
 - a special mediator may assist in resolution of disputes;
 - procedures for voluntary grievance mediation through the Department of Labour;
 - default arbitration applies where the agreement fails to provide for arbitration procedures;
 - arbitrators may deal with time limits and delay, encourage settlement of disputes and use mediation;
 - time limits apply to decisions of arbitrators and arbitration boards;
 - changes to terms and conditions of work must be bargained collectively after the expiry of collective agreements.
2. Rules governing strikes and lockouts:
 - procedures for reinstatement of workers following a work stoppage;
 - a mechanism for unions and the employer to make contributions to benefit plans during a work stoppage.
3. Major workplace changes:
 - addresses adjustment issues related to removal or relocation of work outside the bargaining unit;
 - specifies successorship obligations, for example, provisions will discourage companies from operating through related companies to avoid collective bargaining obligations.
4. Administration and enforcement of the Act:
 - provides the Labour Relations board with powers regarding certain orders;
 - requires a certification or decertification vote after an unfair labour practice has been found;
 - permits the Department of Labour, on request, to provide information about rights and responsibilities under the Act;
 - clarifies exclusions from the bargaining unit;
 - alters the composition of the Labour Relations Board.

All portions of this Act, except that portion of Section 15 which enacts subsection 26.6(2), are expected to come into force on October 24, 1994.

The Traffic Safety Court of Saskatchewan Amendment Act, 1994
(Bill 49) Chapter 24

This Act repeals the appeal section in the Act. That section provided that when a matter was appealed from a traffic justice (in Saskatoon or Regina), the appeal was by a retrial before a Provincial Court Judge. As a result of the amendment, for traffic offences everywhere in the province, an appeal on the record is available to the Court of Queen's Bench with a further and final appeal available to the Court of Appeal. This change provides consistency throughout the province in appeal procedures and levels.

This Act came into force on October 1, 1994.

The Trustee Amendment Act, 1994
(Bill 25) Chapter 10

The amendments provide that reasonable funeral, testamentary and administration expenses have priority over other claims against an insolvent estate.

The Act came into force on March 28, 1994.

The Trusts Convention Implementation Act
(Bill 24) Chapter T-23.1

This uniform implementing legislation provides access for Saskatchewan to the *Convention on the Law Applicable to Trusts and on Their Recognition*. This Convention provides a protocol for civil law jurisdictions, unfamiliar with the concept of a trust, to recognize and enforce trust provisions.

This Act came into force on September 1, 1994.

The Urban Municipalities Amendment Act, 1994
(Bill 20) Chapter 48

This Act makes a series of amendments to *The Urban Municipality Act, 1984* including:

- vehicle impoundment for multiple ticket offenders;
- clarification of the rules and procedures for petitions to council and votes on bylaws;
- revisions to the assessment and assessment appeal procedures;
- administrative updating to accommodate electronic transfers and other computer applications.

This Act came into force on September 1, 1994.

The Vegetable and Honey Sales Amendment Act, 1994
(Bill 10) Chapter 11

This amending legislation recognizes the rapid development of the commercial fruit industry in Saskatchewan by allowing for the development of regulatory standards in this new industry. The Act also modernizes the method of serviced under the Act and increases penalties.

This Act came into force on March 28, 1994.

The Victims of Domestic Violence Act
(Bill 30) Chapter V-6.02

This new legislation provides for two new remedies for victims of domestic violence:

1. *Emergency intervention orders*

Emergency intervention orders will be available from specially trained justices of the peace and are intended to provide immediate protection to a victim of domestic violence. An emergency intervention order could include a restraining order against an abuser, an order providing a victim exclusive possession of the home an order directing a peace officer to remove the abuser from the home or an order directing a peace officer to accompany the victim or the abuser to the home to supervise the removal of personal belongings. The order of the justice of the peace is subject to confirmation by the Court of Queen's Bench and is not enforceable until it has been served on the abuser.

2. *Victim's assistance orders*

A victim's assistance order is intended to provide victims of domestic violence with remedies such as compensation for monetary loss suffered as a result of the violence, temporary possession of personal property and more detailed orders regarding both the abused victim and members of the victims family. A victim's assistance order is available on application to the Court of Queen's Bench.

Orders under this Act will be available to all victims of domestic violence including spouses, children, seniors, disabled persons and any other person in an intimate or family relationship with an abuser.

The Act will also provide for a warrant to authorize entry into a building where reasonable access to an individual has been denied to examine the situation and, if necessary, remove a victim of domestic violence.

This Act is targeted for proclamation on February 1, 1995.

The Wascana Centre Amendment Act, 1994
(Bill 19) Chapter 12

This Act establishes the funding level for the Wascana Centre Authority for the 1994-95 fiscal year.

This Act came into force on April 1, 1994.

APPENDIX

EXECUTIVE SUMMARY OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF SASKATCHEWAN AND THE FARM CREDIT CORPORATION

1. FCC has announced a national five year lease back product to help its Canadian farm clients coming out of debt settlement regain land ownership. Saskatchewan FCC clients will be able to access the program, and will in no case receive a lease back of a shorter term than that provided pursuant to sections 27.1 and 27.9 of *The Saskatchewan Farm Security Act*, subject to meeting eligibility requirements and due performance of their responsibilities.
2. FCC will offer a lease back to the farmer of all transferred land and the farmer may enter into a lease for any or all of that land that has been transferred by agreement or pursuant to the foreclosure process.
3. FCC adopts the criteria in *The Saskatchewan Farm Security Act* for denying a lease as follows:
 - (a) a farmer has dealt with FCC in a dishonest manner;
 - (b) a farmer has had the ability to meet his or her obligations pursuant to the mortgage with FCC but did not do so;
 - (c) the farm land has deteriorated through the absence, neglect or wilful act of the farmer;
 - (d) the farm land has been abandoned by the farmer.
4. FCC's obligation to provide a lease ends on the same basis as it would if FCC was covered by the provincial legislation, ie. that the farmer fails to make a payment, that the farmer breaches a term or condition of the lease, that the farm land is sold back to the farmer, where the farmer fails to exercise his or her options to lease where it is offered to them, where the farmer fails to comply with the recommendation of the FCC Loan Review Board or, where the farmer ceases to be a Canadian resident. However, it should be noted that FCC's obligations would only terminate when it gives written notice to the farmer with respect to failure to pay rent or with respect to the breach of the terms and conditions of a lease and gives the farmer 15 days to remedy the situation or to launch an appeal to the FCC Loan Review Board for determination of whether or not the lease is properly terminated or the lease should be reinstated.
5. FCC shall implement written notice periods with respect to the various technical and procedural aspects of the leasing process.

6. FCC will have similar lease assignability rules to those in place in *The Saskatchewan Farm Security Act*.
7. FCC will provide a six year lease back to all new entrants to the program. All qualifying farmers in an existing lease arrangement will be offered an additional five years regardless of how long they have been leasing already.
8. The sunset clause of June 1, 1997, for bringing new land into the program is adopted from *The Saskatchewan Farm Security Act*.
9. FCC will negotiate and determine lease rental payments under this program in a manner that is consistent with its existing practice of determining lease rental payments. Rents are to be calculated on a market basis.
10. The FCC Loan Review Board will act as the appeal board to determine disputes between FCC and a farmer. The Loan Review Board will look at similar issues to those looked at by the Farm Tenure Arbitration Board under *The Saskatchewan Farm Security Act*. The FCC executive will be able to override a recommendation of the Board only in the most exceptional circumstances.
11. FCC has agreed to appoint a minimum of four members of the Loan Review Board from a membership list provided by the provincial government. This list may include sitting members of the Farm Tenure Arbitration Board and will respect the existing membership criteria of FCC for a Loan Review Board member.
12. FCC has also agreed that a member of the Board picked from a list provided by the provincial government would be present at every board consideration of a dispute pursuant to this agreement, except where not logistically feasible. As the board sits in three person panels, this means that on each three person panel there will be one provincial representative.
13. Board members provided by the province would also sit on all other activities of the Loan Review Board. They are remunerated by the Farm Credit Corporation.
14. The reports of the Board shall be provided to both FCC and the farmer, who have 15 days to comply with the report.
15. The Government of Saskatchewan has introduced legislation to exempt FCC from the application sections 27.1 to 27.9 of *The Saskatchewan Farm Security Act*.