

The Saskatchewan Assistance Act

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Chapter S-8 of *The Revised Statutes of Saskatchewan, 1978*, (effective February 26, 1979) as amended by the *Statutes of Saskatchewan*, 1979, c.65; 1979-80, c.M-32.01; 1980-81, c.79; 1983, c.11 and 77; 1989-90, c.54; 1994, c.9; 1997, c.19 and 49; 1998, c.33; 2000, c.24; 2004, c.65; 2006, c.R-22.0001; and 2008, c.34.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-8

An Act to provide for the Granting of Assistance to Persons in Need

SHORT TITLE

Short title

- 1 This Act may be cited as *The Saskatchewan Assistance Act*.

INTERPRETATION

Interpretation

- 2 In this Act:

- (a) **“assistance”** means assistance by one or more of the following methods:
- (i) the payment of moneys;
 - (ii) the furnishing of goods or services;
 - (iii) health and burial coverage;
 - (iv) any other method authorized by the regulations;
- (b) **“department”** means the Department of Community Resources and Employment;
- (c) **Repealed.** 1997, c.49, s.3.
- (c.01) **“income-tested program”** means a program to provide assistance, whether established pursuant to this Act or any other Act, that is designated in the regulations as an income-tested program;
- (c.1) **“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;
- (d) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e) **“municipality”** means a city, town, village, rural municipality or northern municipality;
- (f) **“person in need”** means a person, who either on his own behalf or on behalf of his dependant, or on behalf of whom a need for assistance has been established in accordance with the regulations;
- (f.1) **“program Act”** means an Act pursuant to which an income-tested program is established;
- (f.2) **“program benefit”** means any form of assistance provided pursuant to an income-tested program;
- (f.3) **“program manager”** means a person designated by the minister to administer an income-tested program;

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(f.4) **“program regulations”** means regulations enacted pursuant to this Act or any other program Act with respect to income-tested programs;

(g) **“reside”** means being physically present in a place and **“residence”** and **“resident”** have a corresponding meaning;

(h) **“unit”** means:

(i) a unit of the department; or

(ii) one or more municipalities, Indian bands or other agencies with which the minister has entered into an agreement pursuant to subsection 8(2.1);

(i) **“unit administrator”** means:

(i) a person designated or appointed by the minister as a unit administrator; or

(ii) a person designated or appointed as a unit administrator by an Indian band, municipality or agency with which the minister has entered into an agreement pursuant to subsection 8(2.1).

R.S.S. 1978, c.S-8, s.2; 1979-80, c.M-32.01, s.61;
1983, c.77, s.68; 1994, c.9, s.3; 1997, c.49, s.3;
2004, c.65, s.30.

3 Repealed. 1997, c.49, s.4.

ADMINISTRATION

Administration by director, etc.

4(1) Repealed. 1997, c.49, s.5.

(2) The minister may authorize any officer of the department to perform any of the duties or to exercise any of the powers that are by this Act imposed or conferred upon the minister, and in such case the designated officer shall perform such duties and may exercise such powers subject to the direction of the minister.

R.S.S. 1978, c.S-8, s.4; 1997, c.49, s.5.

5 Repealed. 1994, c.9, s.4.

6 Repealed. 1994, c.9, s.4.

PROVISION OF ASSISTANCE

Duty of local unit to provide assistance to residents

7(1) Subject to any program Act or program regulations, a unit shall provide assistance to persons in need who are eligible for assistance.

(2) **Repealed.** 1994, c.9, s.5.

(3) **Repealed.** 1994, c.9, s.5.

R.S.S. 1978, c.S-8, s.7; 1994, c.9, s.5; 1997, c.49, s.6.

AGREEMENTS

Agreements between minister and Government of Canada

8(1) The minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement or agreements with the Government of Canada respecting:

- (a) the provision of assistance to persons in need;
- (b) **Repealed.** 1997, c.49, s.7.
- (c) **Repealed.** 1997, c.49, s.7.
- (d) other matters relative to the granting of assistance.

(2) **Repealed.** 1997, c.49, s.7.

(2.1) The minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement or agreements with one or more municipalities, Indian bands or other agencies for the purposes of constituting the parties contracting with the minister as a unit for the purposes of this Act.

(3) The minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement or agreements with any unit respecting:

- (a) the manner in which the unit is to provide assistance to persons in need;
- (b) the accounts to be submitted by the unit in respect of expenditures for which it is to be reimbursed as provided for by section 9; and
- (c) any other matters relative to the carrying out of this Act and the regulations as the minister may from time to time deem advisable.

(4) In every agreement the unit shall covenant and agree that it will administer the granting of assistance in the unit in accordance with the provisions and requirements of this Act and the regulations and orders thereunder.

R.S.S. 1978, c.S-8, s.8; 1983, c.11, s.79; 1994, c.9, s.6; 1997, c.49, s.7.

Interdelegation agreement

8.1(1) Subject to subsection (2), the minister may enter into an agreement with the Government of Canada:

- (a) authorizing the Government of Canada, on behalf of the minister:
 - (i) to administer the payment of program benefits pursuant to this Act in conjunction with the payment of benefits pursuant to any program established pursuant to an Act of the Parliament of Canada;
 - (ii) to make payments of program benefits pursuant to this Act to persons who are eligible to receive program benefits; and
 - (iii) to recover overpayments pursuant to section 29.5; and
- (b) authorizing the communication to the Government of Canada of personal information respecting persons who are eligible to receive benefits for the purpose of enabling the Government of Canada to carry out its undertakings pursuant to the agreement.

(2) An agreement contemplated by subsection (1) shall not be entered into unless the financial arrangements have been approved by the Minister of Finance, the transfer of personal information arrangements have been approved by the ministers responsible for the departments or agencies that hold the personal information and the terms of the agreement have been approved by the Lieutenant Governor in Council.

1998, c.33, s.3

Reimbursement of units by province

9(1) Subject to subsections (2) and (3), where a unit has entered into an agreement with the minister under section 8 the Minister of Finance shall, upon the requisition of the minister, reimburse the unit for expenditures made by it in providing assistance to persons in need in the unit in accordance with this Act and the regulations and orders thereunder.

(2) All payments made under subsection (1) shall be subject to the conditions specified in this Act and the regulations and orders thereunder and subject to the observance of the covenants, agreements and undertakings contained in the agreement.

(3) If, in the opinion of the minister, the unit fails or has failed to observe the covenants, agreements and undertakings contained in the agreement, the minister may withhold moneys payable to the the unit pursuant to subsection (1).

R.S.S. 1978, c.S-8, s.9; 1994, c.9, s.7.

10 Repealed. 1997, c.49, s.8.

11 Repealed. 1994, c.9, s.8.

12 Repealed. 1994, c.9, s.8.

PROVISION FOR ASSISTANCE BY DIRECTOR

Power of director to provide assistance

13 Notwithstanding anything contained in this or any other Act, a unit administrator or program manager may make provision for assistance to any person in need to such extent and subject to such conditions as may be prescribed by the regulations.

R.S.S. 1978, c.S-8, s.13; 1997, c.49, s.9.

Security deposits

13.1(1) This section applies to the entitlement of a landlord to receive a payment by the minister pursuant to subsection (2) or (3) in circumstances where the minister's discretion to make a payment pursuant to this section is to be exercised.

(2) Subject to subsections (3) and (4) and the regulations, the minister may pay all or part of a security deposit on behalf of a person who is receiving or is eligible to receive assistance pursuant to a program designated in the regulations for the purposes of this section if the Director of Residential Tenancies or a hearing officer appointed pursuant to *The Residential Tenancies Act, 2006* makes an order pursuant to section 70 of that Act determining the disposition of a security deposit against a person.

(3) Subject to subsection (4), the minister may, without an order mentioned in subsection (2), pay all or any of a security deposit on behalf of a person described in subsection (2) if:

(a) the minister is satisfied that the person has signed a valid written agreement described in subsection 32(4) of *The Residential Tenancies Act, 2006*; or

(b) the person does not, pursuant to subsection 33(1) of *The Residential Tenancies Act, 2006*, dispute the amount claimed by the landlord.

(4) The minister is not liable to pay on behalf of any person pursuant to subsection (2) or (3) an amount that exceeds the maximum amount prescribed in the regulations.

(5) Except where circumstances prescribed in the regulations exist, the payment by the minister to the landlord pursuant to subsection (2) or (3) of the amount of the security deposit is deemed to be an overpayment to the person on whose behalf the payment is made.

2008, c.34, s.12.

Notice to landlord

13.2(1) If a person who is receiving assistance or is eligible to receive assistance pursuant to a program designated in the regulations for the purposes of section 13.1 is required to pay a security deposit and the security deposit has not been paid, the minister shall give notice to the landlord where that tenant is no longer eligible to receive assistance.

(2) If a landlord, within 10 days after being provided with a notice pursuant to subsection (1), serves on the tenant a written demand pursuant to subsection 26(4) of *The Residential Tenancies Act, 2006*, the minister's authority to make a payment pursuant to section 13.1 remains in effect for a period of 125 days after the date specified in the notice.

2006, c.R-22.0001, s.101.

REGULATIONS AND ORDERS

Regulations

14(1) The Lieutenant Governor in Council may make such regulations not inconsistent with this Act as are deemed necessary to carry out its provisions according to their intent or to meet cases which may arise from time to time and for which no provision is made therein and without restricting the generality of the foregoing, may make regulations:

- (a) prescribing the amount of assistance that may be given;
- (b) prescribing conditions of eligibility to receive assistance;
- (c) governing the time and manner of making application for assistance;
- (d) prescribing the information, material or proof of fact, including evidence under oath, that is to be furnished or authorized to be released before assistance is given or while assistance is being given;
- (e) governing the investigation of applications in order to determine the eligibility of the applicants to receive assistance or continue receiving assistance, and prescribing the procedure to be followed in the consideration of all information, material and evidence submitted;
- (f) defining income for the purpose of this Act and the regulations and prescribing the manner in which income is to be determined;
- (g) prescribing the manner in which an applicant for assistance shall be informed as to whether his application has been granted or refused;
- (h) prescribing the time and manner in which assistance shall be given, and the forms to be used under this Act;
- (h.1) for the purposes of section 13.1:
 - (i) designating programs;
 - (ii) prescribing the maximum amount that the minister may pay as a security deposit on behalf of a person who is receiving assistance or is eligible to receive assistance pursuant to a designated program;
 - (iii) prescribing circumstances in which a payment by the minister to a landlord pursuant to subsection 13.1(2) or (3) is not deemed to be an overpayment;
- (i) prescribing the circumstances or conditions under which the grant of assistance shall be cancelled or the amount of assistance altered;
- (i.1) for the purposes of clause 2(c.01), designating programs as income-tested programs;
- (i.2) with respect to income-tested programs, prescribing:
 - (i) the types of decisions made by program managers for which notice is to be given to persons applying for or receiving program benefits; and
 - (ii) the manner in which those notices are to be given;

- (j) requiring the appointment by units of such officers, social workers, counsellors, clerical and other staff necessary to administer assistance in accordance with the Act and these regulations;
- (k) prescribing the staff development programs to be carried out by units;
- (l) requiring units to prescribe the powers and duties of staff appointed to administer assistance pursuant to clause (k);
 - (l.1) governing:
 - (i) the appointment of adjudicators to consider and determine appeals against decisions with respect to income-tested programs; and
 - (ii) the powers of adjudicators appointed pursuant to subclause (i);
- (m) prescribing the grounds on which appeals from decisions respecting program benefits or assistance in a form other than program benefits may be made;
- (n) prescribing procedures to be followed in making appeals mentioned in clause (m) and in conducting and determining those appeals;
- (o) prescribing the manner in which records shall be kept by units;
- (p) providing for the inspection and supervision by officers of the department authorized by the minister of the administration of assistance in any unit and prescribing the times at which the books, records and accounts of the unit shall be open to their inspection;
- (p.1) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act or any other program Act;
- (q) **Repealed.** 1997, c.49, s.10.
- (r) **Repealed.** 1994, c.9, s.9.
- (s) **Repealed.** 1994, c.9, s.9.
- (t) **Repealed.** 1997, c.49, s.10.
- (u) **Repealed.** 1997, c.49, s.10.
- (v) **Repealed.** 1997, c.49, s.10.
- (w) **Repealed.** 1997, c.49, s.10.
- (x) to (z) **Repealed.** 1994, c.9, s.9.

(1.1) The Lieutenant Governor in Council may, in the regulations, delegate any of the powers set out in subsection (1) to the minister, a unit administrator, any official of the department or any unit.

(1.2) Where, in the opinion of the Lieutenant Governor in Council, it is necessary or desirable for the better administration of programs that provide assistance to persons in need, the Lieutenant Governor in Council may, in regulations made pursuant to this Act:

(a) exercise, with respect to an income-tested program established pursuant to any other program Act, any of the regulation-making powers conferred on the Lieutenant Governor in Council by the program Act; and

(b) exercise any of the regulation-making powers conferred on the Lieutenant Governor in Council by this Act with respect to an income-tested program established pursuant to any other program Act.

(1.3) The Lieutenant Governor in Council may make regulations providing for and governing the provision of benefit adjustments to persons who, on or after July 1, 1998, are eligible for program benefits pursuant to one or more income-tested programs that are less advantageous than the assistance for which they were eligible before July 1, 1998.

(1.4) Regulations pursuant to subsection (1.3) may be made retroactive to a day not earlier than July 1, 1998.

(2) **Repealed.** 1989-90, c.54, s.5.

R.S.S. 1978, c.S-8, s.14; 1980-81, c.79, s.2;
1989-90, c.54, s.5 and 6; 1994, c.9, s.9; 1997,
c. 19, s.9 and c.49, s.10; 1998, c.33, s.4.

APPEALS FROM DECISIONS RESPECTING ASSISTANCE

Appeal from decision of unit

15 Subject to section 17.1, the minister shall appoint a committee for each unit to hear appeals from decisions of the unit respecting assistance, and a person who is dissatisfied with a decision of the unit may appeal to the committee on any grounds of appeal prescribed in the regulations.

1994, c.9, s.10; 1997, c.49, s.11.

16 Repealed. 1994, c.9, s.11.

Appeal from decision of director

17 Subject to sections 17.1 and 29.6, a person, including a unit administrator, who is dissatisfied with a decision of a committee mentioned in section 15 respecting assistance authorized by section 13 may appeal to the Social Services Appeal Board established pursuant to the authority granted by section 10 of *The Department of Social Services Act* on any of the grounds of appeal prescribed by the regulations, and there shall be no further appeal.

R.S.S. 1978, c.S-8, s.17; 1979, c.65, s.4; 1994,
c.9, s.12; 1997, c.49, s.12.

Appeals from decisions re income-tested programs

17.1(1) Notwithstanding section 10 of *The Department of Social Services Act*, the minister shall, in accordance with the program regulations, appoint one or more adjudicators to consider and determine appeals from decisions with respect to income-tested programs.

(2) A person who is aggrieved by a decision of a program manager with respect to an income-tested program may appeal the decision in accordance with the program regulations only on a ground of appeal specified in the program regulations.

(3) Subject to section 29.6, the decision of an adjudicator is final, and there is no further right of appeal.

1997, c.49, s.13.

Procedure

18 The procedure in all appeals shall be prescribed by the regulations.

R.S.S. 1978, c.S-8, s.18.

19 Repealed. 1994, c.9, s.13.

MISCELLANEOUS

Agreements with provinces or territories

20 The minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Saskatchewan, enter into a reciprocal agreement with any other province or any territory of Canada respecting the provision of assistance to persons in need.

R.S.S. 1978, c.S-8, s.20.

21 Repealed. 1997, c.49, s.14.

22 Repealed. 1994, c.9, s.13.

Recovery of moneys by director

23 A unit may with the unit administrator's approval, where the need is urgent but temporary and where it has reason to believe that the person in need may within a short time acquire resources greater than are necessary for his maintenance and livelihood, enter into an arrangement either before or after the granting of assistance with such person in need for the repayment of any moneys advanced for assistance and may take any security necessary to effect such repayment if the resources do in fact materialize and are greater than are necessary for the person's maintenance and livelihood.

R.S.S. 1978, c.S-8, s.23; 1997, c.49, s.15.

Members of Legislative assembly not disqualified by certain actions

24 Nothing in *The Legislative Assembly Act* shall be deemed to disqualify a person as a member of the Legislative Assembly by reason of his being concerned or interested in any bargain or contract entered into by or on behalf of a unit, a unit administrator or a program manager respecting the provision of assistance.

R.S.S. 1978, c.S-8, s.24; 1994, c.9, s.14; 1997, c.49, s.16.

Voluntary repayment

25 Any person who has received assistance from a unit may voluntarily repay the unit for any assistance given.

R.S.S. 1978, c.S-8, s.25.

26 Repealed. 1994, c.9, s.15.

Penalty for contravention of Act, regulation or order

27 A person who fails to comply with or contravenes any of the provisions of this Act or any regulation or order made under this Act is guilty of an offence and liable on summary conviction, if an individual, to a fine not exceeding \$100 and in default of payment to imprisonment for a term not exceeding three months, and, if a corporation, to a fine of not less than \$25 nor more than \$500.

R.S.S. 1978, c.S-8, s.27.

Penalty for giving false information and for receiving assistance when ineligible

28(1) A person who knowingly gives false information, or conceals information, for the purpose of obtaining or causing to be obtained assistance for himself or any other person is guilty of an offence and liable on summary conviction to a fine not exceeding \$200 and in default of payment to imprisonment for a term not exceeding six months.

(2) **Repealed.** 1997, c.49, s.17.

(3) A person who receives assets while in receipt of assistance and continues to receive assistance when he ought reasonably to know that he is no longer eligible for such assistance, is guilty of an offence and liable on summary conviction to a fine not exceeding \$200 and in default of payment to imprisonment for a term not exceeding six months.

R.S.S. 1978, c.S-8, s.28; 1997, c.49, s.17.

29 Repealed. 1997, c.49, s.18.

Interpretation of sections 29.1 to 29.6

29.1 In this section and in sections 29.2 to 29.6:

- (a) **“basic assistance” or “basic program benefit”** means:
- (i) with respect to a person whose circumstances have changed, the amount of assistance or program benefits, as the case may be, that the person is entitled to receive after the change in circumstances;
 - (ii) with respect to a person who refuses to provide or authorize the release of information, the amount of assistance or program benefits, as the case may be, that the person is entitled to receive in relation to matters for which the person has provided or authorized the release of sufficient information to establish his or her entitlement;
 - (iii) with respect to a person who provides incorrect or misleading information or who conceals information, the amount of assistance or program benefits, as the case may be, that the person is entitled to receive in relation to matters for which the person has provided correct information to establish his or her entitlement;
 - (iv) with respect to a person who receives an overpayment as a result of any other reason, the amount of assistance or program benefits, as the case may be, that the person is entitled to receive in the absence of that other reason;
- (b) **“excess assistance” or “excess program benefit”** means:
- (i) with respect to a person whose circumstances have changed, the amount by which the assistance or program benefits, as the case may be, paid to the person after the change in circumstances exceeds the amount of the person’s basic assistance or basic program benefit;
 - (ii) with respect to a person who refuses to provide or authorize the release of information, the amount by which the assistance or program benefits, as the case may be, paid to the person after the refusal to provide or authorize the release of information exceeds the amount of the person’s basic assistance or basic program benefit;
 - (iii) with respect to a person who provides incorrect or misleading information or who conceals information, the amount by which the assistance or program benefits, as the case may be, paid to the person after the provision of incorrect or misleading information or after the concealing of information exceeds the amount of the person’s basic assistance or basic program benefit;
 - (iv) with respect to a person who receives an overpayment as a result of any other reason, the amount by which the assistance or program benefits, as the case may be, paid to the person after the event giving rise to the other reason exceeds the amount of the person’s basic assistance or basic program benefit;

(c) **“other assistance”** means assistance in any form other than in the form of program benefits;

(d) **“person who receives program benefits”** or **“person who receives other assistance”** includes:

(i) a trustee to whom payments are made on behalf of another person who is entitled to receive program benefits or other assistance, as the case may be; and

(ii) **Repealed.** 1998, c.33, s.5.

1997, c.49, s.19; 1998, c.33, s.5.

Provision of information

29.2(1) A person who receives program benefits pursuant to an income-tested program shall, in accordance with the program regulations:

(a) notify the program manager of any change in his or her circumstances that affects his or her eligibility for program benefits or the amount of those benefits; and

(b) provide or authorize the release of any information prescribed in the program regulations on the request of the program manager.

(2) A person who receives other assistance shall, in accordance with the regulations:

(a) notify the unit administrator of any change in his or her circumstances that affects his or her eligibility for assistance or the amount of that assistance; and

(b) provide or authorize the release of any information prescribed in the regulations on the request of the unit administrator.

1997, c.49, s.19.

Overpayments

29.3 Where a person contravenes section 29.2 or where a person obtains program benefits or other assistance by providing incorrect or misleading information or by concealing information or where a person obtains excess program benefits or excess assistance as a result of any other reason:

(a) all amounts of excess program benefits or excess assistance received by the person are deemed to be an overpayment; and

(b) the person is not entitled to receive any program benefits in addition to the basic program benefits or any other assistance in addition to the basic assistance until he or she provides proof to the satisfaction of the program manager or the unit administrator, as the case may require, of his or her eligibility for additional program benefits or additional other assistance.

1997, c.49, s.19.

29.4 Repealed. 1998, c.33, s.6.

Recovery of overpayments

29.5(1) Where an overpayment to a person of program benefits or other assistance occurs for any reason, the overpayment is a debt due to the Crown in right of Saskatchewan and, in addition to any other manner in which it may be recovered, may be recovered:

- (a) by deducting the amount of the overpayment from future payments of program benefits or other assistance for which the person is eligible; or
 - (b) subject to subsection (2), by filing a certificate of the minister certifying the amount of the overpayment with the local registrar of the Court of Queen's Bench at any judicial centre.
- (2) A certificate may be filed pursuant to clause (1)(b) where:
- (a) 30 days have elapsed after the person to be named in the certificate has been given written notice of his or her right to appeal a determination respecting the existence or amount of an overpayment and no appeal has been commenced; or
 - (b) 30 days have elapsed after the determination of an appeal respecting the existence or amount of an overpayment.
- (3) A certificate filed pursuant to clause (1)(b) has the same effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate.
- (4) A unit administrator or program manager who files a certificate pursuant to clause (1)(b) shall promptly serve the person named in the certificate with a notice setting out:
- (a) the amount of the overpayment;
 - (b) the judicial centre at which the certificate was filed;
 - (c) the date on which the certificate was filed; and
 - (d) the person's right of review pursuant to section 29.6.
- (5) A notice required by subsection (4) must be served personally or by registered mail and, when sent by registered mail, is deemed to have been served on the person to whom it was mailed on the seventh day after the notice was mailed.

Review of certificate

29.6(1) A person named in a certificate filed pursuant to clause 29.5(1)(b) may, within 30 days after being served with the notice mentioned in subsection 29.5(4), apply by notice of motion to a judge of the Court of Queen's Bench at the judicial centre where the certificate was filed for a review, on a question of law or jurisdiction, of the certificate or the decision on which the certificate was based.

(2) On an application pursuant to subsection (1), the judge may make any amendment to the certificate that is necessary to make the certificate accord with the judge's decision.

(3) There is no appeal from a decision made pursuant to this section.

1997, c.49, s.19.

No attachment, etc., of assistance

29.7(1) Notwithstanding any other Act but subject to subsection (2), any payments to be made pursuant to this Act are not subject to attachment, garnishment, seizure or legal process and are not assignable.

(2) Nothing in subsection (1) prevents the recovery of overpayments by deducting the amount of the overpayment from future payments of program benefits or other assistance or by any other means authorized pursuant to this Act.

1998, c.33, s.7.

Act governs in case of conflict

30 Where the provisions of this Act conflict with the provisions of any Act, the provisions of this Act shall prevail.

R.S.S. 1978, c.S-8, s.30.