

1996

CHAPTER E-7.3

An Act respecting the Development, Implementation and Operation of
an Emergency 911 System and to make consequential amendments
to other Acts

(Assented to June 25, 1996)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Emergency 911 System Act*.

Interpretation

2 In this Act:

- (a) **"department"** means the department over which the minister presides;
- (b) **"district health board"** means a district health board as defined in *The Health Districts Act*;
- (c) **"emergency 911 telephone call"** means an emergency telephone call placed to a public safety answering point by means of dialling the telephone digits 911;
- (d) **"emergency service provider"** means:
 - (i) a police service or regional police service as defined in *The Police Act, 1990*;
 - (ii) the Royal Canadian Mounted Police;
 - (iii) a fire department as defined in *The Fire Prevention Act, 1992*;
 - (iv) an ambulance service;
 - (v) a department, agency or Crown corporation of the Government of Saskatchewan that provides emergency services;
 - (vi) any person, organization or agency, other than one mentioned in subclauses (i) to (v), designated as an emergency service provider by the minister;
- (e) **"Indian band"** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;
- (f) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(g) **"municipality"** means a rural municipality, city, town, village, resort village, northern village, northern hamlet or the northern administration district and includes the portion of the City of Lloydminster located within Saskatchewan;

(h) **"prescribed"** means prescribed in the regulations;

(i) **"public safety answering point"** means a telephone answering point that receives emergency 911 telephone calls and directs those calls to appropriate emergency service providers;

(j) **"Sask911 account"** means the account established pursuant to section 45.1 of *The Saskatchewan Telecommunications Act*;

(k) **"Sask911 system"** means a province-wide emergency telephone service that connects a person dialling the telephone digits 911 to emergency service providers through a public safety answering point;

(l) **"SaskTel"** means Saskatchewan Telecommunications, continued pursuant to *The Saskatchewan Telecommunications Act*.

Purpose

3 The purpose of this Act is to provide for the development, implementation and operation of the Sask911 system.

Minister responsible for Sask911 system

4 The minister is responsible for all matters not by law assigned to any other minister, department or agency of the Government of Saskatchewan relating to the development, implementation and operation of the Sask911 system.

Powers of minister

5 The minister may:

(a) enter into agreements with emergency service providers, SaskTel, councils of municipalities, Indian bands, district health boards and any other persons, bodies, organizations and associations in order to carry out the purposes of this Act;

(b) recommend to the Lieutenant Governor in Council the location, number, type and areas of coverage of public safety answering points to be prescribed;

(c) for the purposes of the Sask911 system, co-ordinate the development of a province-wide street addressing and numbering system, the development of a standard addressing manual to control the quality of data collected and the maintenance of a province-wide address directory;

(d) establish one or more committees to advise the minister respecting, or to co-ordinate any matter associated with, the development, implementation or operation of the Sask911 system; and

- (e) do any other thing the minister considers necessary to carry out the purposes of this Act.

Designation of emergency service providers

- 6(1) For the purposes of subclause 2(d)(vi), where the minister considers it appropriate, the minister may designate any person, organization or agency as an emergency service provider.
- (2) The minister shall cause a notice of every designation made pursuant to subsection (1):
 - (a) to be sent to the person, organization or agency being designated; and
 - (b) to be published in the Gazette.

Expenditures

- 7(1) In this section, "**fiscal year**" means the period commencing on April 1 of one year and ending on March 31 of the following year.
- (2) For the purposes of implementing this Act or exercising any of the minister's powers, the minister may:
 - (a) direct the department to make payments out of funds appropriated by the Legislature for the purpose; or
 - (b) direct SaskTel to make payments out of the Sask911 account.
- (3) In accordance with *The Tabling of Documents Act, 1991*, in every fiscal year the department shall submit to the minister:
 - (a) a report respecting the department's activities connected with the Sask911 system for the previous fiscal year and containing any matters the minister may direct; and
 - (b) a financial statement showing the department's expenditures connected with the Sask911 system for the previous fiscal year in any form that may be required by Treasury Board.
- (4) In accordance with *The Tabling of Documents Act, 1991*, in every fiscal year SaskTel shall submit to the minister:
 - (a) a report respecting SaskTel's activities connected with the Sask911 system for the previous fiscal year and containing any matters the minister may direct; and
 - (b) a financial statement showing the revenues of and expenditures from the Sask911 account for the previous fiscal year in any form that may be required by Treasury Board.
- (5) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each report and financial statement received by the minister pursuant to this section.

Participation

- 8(1) In this section, "**participate**" includes:
 - (a) entering into agreements;
 - (b) assisting in the development of standards, protocols, systems and procedures;
 - (c) taking part in the co-ordination of information collecting, training and addressing;

- (d) making recommendations; and
 - (e) serving on committees.
- (2) When requested by the minister, a council of a municipality, district health board, emergency service provider, telecommunications service provider, department, agency or Crown Corporation of the Government of Saskatchewan shall participate in the development, implementation and operation of the Sask911 system.
- (3) Subsection (2) does not apply to the Royal Canadian Mounted Police or to any telecommunications service provider, other than SaskTel, that is governed by the *Telecommunications Act* (Canada), but they may agree to participate in the development, implementation and operation of the Sask911 system.
- (4) Every council of a municipality, district health board, emergency service provider, telecommunications service provider, department, agency or Crown corporation of the Government of Saskatchewan shall comply with:
- (a) any prescribed standards, protocols, systems and procedures for communicating, equipping, mapping and addressing, establishing signs, call-taking and dispatching;
 - (b) any prescribed directions respecting training, information collecting, education or services; and
 - (c) any prescribed rules.
- (5) The minister shall establish an advisory committee, which will include representatives from any organization or government requested to participate pursuant to subsection (2), to advise and recommend on the development, implementation and operation of the Sask911 system.

Liability

9 No action lies or shall be instituted against a volunteer or a volunteer organization by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them in carrying out or in the supposed carrying out of any responsibility, duty or power while:

- (a) responding to an emergency 911 telephone call; or
- (b) acting at the request of an emergency service provider who is responding to an emergency 911 telephone call.

Offences

10(1) No person shall:

- (a) connect an automatic alarm of any kind to the Sask911 system; or
- (b) use or permit another person to use a telephone to place a false, frivolous or vexatious call to the number 911.

(2) Any person who contravenes any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction:

- (a) for a first offence, to a fine not exceeding \$2,000; and
- (b) for each subsequent offence, to a fine not exceeding \$5,000.

Act to prevail

11 This Act prevails in the case of any conflict between:

- (a) any provision of this Act; and
- (b) the provision of any other Act or the regulations made pursuant to any other Act.

Regulations

12 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing standards, protocols, systems and procedures for communicating, equipping, mapping and addressing, establishing signs, call-taking and dispatching for the purpose of developing, implementing and operating the Sask911 system;
- (c) prescribing directions respecting training, information collecting, education or services for the purpose of developing, implementing and operating the Sask911 system;
- (d) prescribing rules governing the development, implementation and operation of the Sask911 system;
- (e) respecting any matter or thing that the Lieutenant Governor in Council considers necessary or advisable to effect the financing, developing, implementing or operating of the Sask911 system;
- (f) respecting the confidentiality of information acquired for the development, implementation and operation of the Sask911 system and the circumstances under which that information may be disclosed;

- (g) excluding any council of a municipality, district health board, emergency service provider, telecommunications service provider, department, agency or Crown corporation of the Government of Saskatchewan, or any class of municipal councils, district health boards, emergency service providers, telecommunications service providers, departments, agencies or Crown corporations of the Government of Saskatchewan from the application of section 6;
- (h) prescribing any matter or thing that is required or authorized by this Act to be prescribed by regulation;
- (i) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.

CONSEQUENTIAL AMENDMENTS

R.S.S. 1978, c.S-34 amended

13(1) *The Saskatchewan Telecommunications Act* is amended in the manner set forth in this section.

(2) Clause 2(a) is repealed and the following substituted:

“(a) **`emergency 911 telephone call'** means an emergency telephone call placed to a public safety answering point by means of dialling the telephone digits 911;

“(a.01) **`public safety answering point'** means a telephone answering point that receives emergency 911 telephone calls and directs those calls to appropriate emergency service providers;

“(a.02) **`Sask911 account'** means the account established pursuant to section 45.1;

“(a.03) **`Sask911 system'** means the Sask911 system defined in *The Emergency 911 System Act*;

“(a.04) **`Saskatchewan Telecommunications Holding Corporation'** means the Saskatchewan Telecommunications Holding Corporation established pursuant to *The Saskatchewan Telecommunications Holding Corporation Act*”.

(3) The following clauses are added after clause 9(1)(d.1):

“(d.2) to provide, as a component of the telecommunications services offered to the public, the ability to place emergency 911 telephone calls;

“(d.3) subject to the regulations, to establish the amount of charges and to charge the cost of acquiring, installing, maintaining and operating the equipment and facilities required to place emergency 911 telephone calls to those classes of customers of telecommunications services who have the ability to place emergency 911 telephone calls;

“(d.4) subject to the regulations, to collect Sask911 fees;

“(d.5) to establish a Sask911 account;

“(d.6) to make payments from the Sask911 account in accordance with any directions from the minister responsible for *The Emergency 911 System Act*”.

(4) The following sections are added after section 45:

“Sask911 account

45.1(1) In this section, in clauses 9(1)(d.3) and (d.4) and in sections 45.2 and 46:

(a) `customer' includes a person:

(i) who connects any part of his or her telecommunications system with the telecommunications system of the corporation; and

(ii) whose customers have the capacity to place emergency 911 telephone calls through the corporation's telecommunications system;

(b) `Sask911 fee' means a fee prescribed pursuant to clause 46(c).

(2) The corporation shall establish an account to be called the Sask911 account.

(3) The Sask911 account is to consist of:

(a) all Sask911 fees collected by the corporation, less any reasonable amount the corporation may retain for collecting the Sask911 fees;

(b) all fees collected and remitted to the corporation pursuant to section 22.1 of *The Saskatchewan Telecommunications Holding Corporation Act*; and

(c) any earnings on investments of the Sask911 account.

(4) The corporation shall hold all moneys in the Sask911 account separate and apart from its other moneys.

(5) The corporation may:

(a) invest any part of the moneys in the Sask911 account in any security or class of securities that is authorized for the investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and

(b) dispose of the investments in any manner, on any terms and in any amount that the corporation considers expedient.

- (6) Moneys in the Sask911 account may be used:
- (a) to develop, implement and operate the Sask911 system and to carry out the purposes of *The Emergency 911 System Act*; and
 - (b) with the approval of the minister responsible for *The Emergency 911 System Act*, to pay for costs associated with administering the Sask911 account.
- (7) The corporation shall make payments out of the Sask911 account at the time and in the manner directed by the minister responsible for *The Emergency 911 System Act*.
- (8) The fiscal year of the Sask911 account is the period commencing on April 1 of one year and ending on March 31 of the following year.
- (9) The Provincial Auditor or any other auditor or firm of auditors appointed by the Lieutenant Governor in Council shall audit the records, accounts and financial statements of the Sask911 account annually and at any other times that the Lieutenant Governor in Council may require.
- (10) The corporation shall prepare a report and financial statement respecting the Sask911 account for the minister responsible for *The Emergency 911 System Act* in the manner and at the times required by that Act.

"Sask911 and other fees

- 45.2(1)** Where a Sask911 fee has been prescribed:
- (a) the corporation shall charge the Sask911 fee to those customers and operators of telecommunications facilities or services who are required by the regulations to pay the Sask911 fee; and
 - (b) those customers and operators of telecommunications facilities or services who are required by the regulations to pay the Sask911 fee shall pay the fee.
- (2) If a customer fails to pay the Sask911 fee or a charge established pursuant to clause 9(1)(d.3) or clause 46(b) when required pursuant to this Act, the corporation may terminate the customer's telecommunications services until the fee or charge is paid in full.
- (3) The Sask911 fee and any charge established pursuant to clause 9(1)(d.3) or clause 46(b) are in addition to any sums due to the corporation from its customers pursuant to contracts in writing between the corporation and its customers.
- (4) Notwithstanding any other Act or any contract, every customer described in clause 45.1(1)(a) shall, in every month, inform the corporation of the average number of its working telecommunications lines that have the capacity to place emergency 911 telephone calls through the corporation's telecommunications system".

(5) Section 46 is repealed and the following substituted:

“Regulations

46 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing the amount of charges the corporation may collect for the purpose of reimbursing the corporation for the costs mentioned in clause 9(1)(d.3);
- (c) prescribing the amount of the Sask911 fee;
- (d) prescribing the classes of customers and classes of operators of telecommunications facilities and services who are required to pay the Sask911 fee and prescribing different Sask911 fees for different classes of customers and classes of operators of telecommunications facilities and services;
- (e) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (f) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or desirable to carry out the intent of this Act”.

S.S. 1991, c.S-34.1 amended

14(1) *The Saskatchewan Telecommunications Holding Corporation Act* is amended in the manner set forth in this section.

(2) Section 2 is amended:

(a) by adding the following clause after clause (f):

“(f.1) **`emergency 911 telephone call'** means an emergency telephone call placed to a public safety answering point by means of dialling the telephone digits 911”; **and**

(b) by adding the following clauses after clause (i):

“(i.1) **`public safety answering point'** means a telephone answering point that receives emergency 911 telephone calls and directs those calls to appropriate emergency service providers;

“(i.2) **`Sask911 account'** means the account established pursuant to section 45.1 of *The Saskatchewan Telecommunications Act*;

“(i.3) **`Sask911 system'** means the Sask911 system as defined in *The Emergency 911 System Act*”.

(3) The following clauses are added after clause 11(1)(h):

“(h.1) subject to the regulations, charge to its customers any charges assessed to the corporation by a third party for providing the capability to the corporation's customers to place emergency 911 telephone calls;

“(h.2) subject to the regulations, collect the Sask911 fee”.

(4) The following section is added before section 23:

“Sask911 fee

22.1(1) In this section and in clause 11(1)(h.2), ‘Sask911 fee’ means the Sask911 fee prescribed pursuant to clause 23(a.1).

(2) Where a Sask911 fee has been prescribed:

(a) the corporation shall charge the Sask911 fee to those customers who are required by the regulations to pay the Sask911 fee; and

(b) those customers who are required by the regulations to pay the Sask911 fee shall pay the fee.

(3) If a customer fails to pay the Sask911 fee or the charge mentioned in clause 11(1)(h.1) when required pursuant to this Act, the corporation may terminate the customer's telecommunications services until the fee or charge is paid in full.

(4) The Sask911 fee and the charge mentioned in clause 11(1)(h.1) are in addition to any sums due to the corporation from its customers pursuant to contracts in writing between the corporation and its customers.

(5) The corporation shall remit all Sask911 fees collected pursuant to this Act, less any reasonable amount the corporation may retain for collecting the Sask911 fee, to Saskatchewan Telecommunications for deposit in the Sask911 account”.

(5) The following clauses are added after clause 23(a):

“(a.1) prescribing the amount of the Sask911 fee;

“(a.2) prescribing the manner of passing on to the corporation's customers charges to the corporation for providing to the corporation's customers the capability to place emergency 911 telephone calls;

“(a.3) prescribing the classes of the corporation's customers who are required to pay the Sask911 fee and prescribing different Sask911 fees for different classes of customers”.

Coming into force

15 This Act comes into force on proclamation.