

2002

CHAPTER S-35.01

An Act to continue the Saskatchewan Water Corporation and  
respecting Works and the Provision of Services  
respecting Water and Sewage

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(Assented to July 3, 2002)

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

PART I  
Short Title and Interpretation

**Short title**

1 This Act may be cited as *The Saskatchewan Water Corporation Act*.

**Interpretation**

2 In this Act:

- (a) **“board”** means the board of directors of the corporation;
- (b) **“corporation”** means the Saskatchewan Water Corporation continued pursuant to section 3;
- (c) **“Crown”** means Her Majesty the Queen in right of Saskatchewan;
- (d) **“ground water”** means water beneath the surface of land;
- (e) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (f) **“person”** includes:
  - (i) a conservation and development area authority;
  - (ii) the board of directors of an irrigation district; and
  - (iii) the board of directors of a watershed association;
- (g) **“services”** includes:
  - (i) the construction, management or operation of works;
  - (ii) the supply of water; and
  - (iii) the provision of technical, engineering, management or other advice, assistance or training related to:
    - (A) the supply of water;
    - (B) the treatment, storage, transmission or distribution of water;
    - (C) the collection or treatment of sewage or the disposal of sewage effluent; or
    - (D) the construction, acquisition, management or operation of works;

- (h) “**sewage**” means any liquid waste of domestic, commercial or industrial origin that contains animal, vegetable or mineral matter in suspension or solution, and includes rainwater or water resulting from the melting of snow or ice;
- (i) “**sewage effluent**” means sewage that has been treated or altered by physical, mechanical, chemical or biological methods;
- (j) “**surface water**” means water that is above the surface of land and in a river, stream, lake, creek, spring, ravine, coulee, canyon, lagoon, swamp, marsh or other watercourse or water body;
- (k) “**water**” means ground water or surface water;
- (l) “**works**” includes:
- (i) dykes, dams, weirs, drains, ditches, canals, culverts, pipes, pumps, pump stations, water treatment plants, reservoirs and lagoons; and
  - (ii) any other facility that is used in:
    - (A) the supply of water;
    - (B) the treatment, storage, transmission or distribution of water; or
    - (C) the collection or treatment of sewage or the disposal of sewage effluent.

## PART II

### Saskatchewan Water Corporation

#### Corporation continued

3(1) The Saskatchewan Water Corporation, constituted pursuant to *The Water Corporation Act*, is continued as a corporation.

(2) Sask Water is the abbreviated name of the corporation and the abbreviation, when used, has the same legal effect and meaning as the full name of the corporation.

#### Membership

4 The corporation consists of those persons who may be appointed as members of the corporation by the Lieutenant Governor in Council.

#### Mandate and purposes

5 The mandate and purposes of the corporation are the following:

- (a) to construct, acquire, manage or operate works;
- (b) to provide services in accordance with any agreements that it enters into pursuant to this Act.

**General powers**

**6(1)** In carrying out its mandate and fulfilling its purposes, the corporation may:

- (a) construct, cause to be constructed, acquire, manage or operate any works:
  - (i) on its own behalf; or
  - (ii) on behalf of any person, government, agency, organization, association, institution or body;
- (b) subject to subsection 19(3), sell, lease, convey or otherwise dispose of and convert into money any of its real or personal property that the corporation considers appropriate;
- (c) manage, insure, maintain, repair, alter or improve any of its property, and construct or erect any buildings, structures or other improvements;
- (d) provide services in accordance with any agreement entered into by the corporation;
- (e) subject to any restrictions prescribed in the regulations, enter into any agreement with any person, government, agency, organization, association, institution or body within or outside Saskatchewan;
- (f) participate in joint or other ventures with any body corporate, organization, partnership, firm or business carrying on or proposing to carry on business in Saskatchewan;
- (g) determine and collect any fees, rates or charges for its services, and any penalties and interest in relation to those fees, rates or charges, that the corporation considers appropriate;
- (h) enter into any agreement related to, or engage in any activity related to, the research, investigation or study of:
  - (i) the supply of water;
  - (ii) the treatment, storage, transmission or distribution of water; or
  - (iii) the collection or treatment of sewage or the disposal of sewage effluent;
- (i) participate in, undertake and carry out programs designed to encourage the maintenance and improvement of works;
- (j) subject to subsection (2), make grants to any person, agency, organization, association, institution or body, on any terms and conditions that the corporation considers appropriate:
  - (i) to enable or assist in the construction, extension, alteration, acquisition, management or operation of any works; or
  - (ii) for any purpose mentioned in clause (i);

- (k) subject to subsection (3), make loans to any person, agency, organization, association, institution or body, on any terms and conditions that the corporation considers appropriate, to enable or assist in the construction, extension, alteration, acquisition, management or operation of any works;
  - (l) carry out or engage in any other function or activity assigned to the corporation by the Lieutenant Governor in Council; and
  - (m) do all those things that the corporation considers necessary, incidental or conducive to carrying out its mandate and fulfilling its purposes.
- (2) The corporation shall obtain the approval of the Lieutenant Governor in Council before making any grant pursuant to clause (1)(j) in any fiscal year of the corporation that is greater than \$100,000.
- (3) The corporation shall obtain the approval of the Lieutenant Governor in Council before making any loan pursuant to clause (1)(k) in any fiscal year of the corporation that is greater than \$250,000.

**Crown agent**

7(1) The corporation is for all its purposes an agent of the Crown, and the corporation's powers pursuant to this Act may be exercised only as an agent of the Crown.

(2) All property of the corporation, all moneys acquired, administered, possessed or received from any source and all profits earned by the corporation are the property of the Crown and are, for all purposes, including taxation of whatever nature and description, deemed to be the property of the Crown.

**Responsible to minister**

8 The corporation is responsible to the minister for the performance of its duties and the exercise of its powers pursuant to this Act.

**Head office**

9 The head office of the corporation is to be at any location in Saskatchewan that the Lieutenant Governor in Council may designate.

**Capacity to contract**

10(1) The corporation has the capacity to contract and to sue and be sued in its corporate name with respect to any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation had been acquired or incurred on its own behalf.

(2) The corporation may, on behalf of the Crown, contract in its corporate name without specific reference to the Crown.

**Common seal**

11 The corporation shall have a common seal.

**Liability in tort**

12 The corporation may:

- (a) sue with respect to any tort; and
- (b) be sued with respect to liabilities in tort to the extent to which the Crown is subject pursuant to *The Proceedings against the Crown Act*.

**PART III**  
**Administration**

**Board of directors**

**13(1)** A board of directors of the corporation, consisting of those persons who are appointed to constitute the corporation pursuant to section 4, shall manage the affairs and business of the corporation.

(2) Subject to subsection (3), a person appointed pursuant to section 4:

(a) holds office at pleasure for a period not exceeding three years and until a successor is appointed; and

(b) is eligible for re-appointment.

(3) If a member of the board dies or resigns, the person ceases to be a member of the board on the date of death or on the date on which the resignation is received by the board, as the case may be.

(4) If the office of a person appointed pursuant to section 4 becomes vacant, the Lieutenant Governor in Council may:

(a) appoint a person for the remainder of the term of the person who vacated the office; or

(b) appoint a person for the term mentioned in subsection (2).

(5) A vacancy in the membership of the board does not impair the power of the remaining members of the board to act.

**Officers**

**14(1)** The Lieutenant Governor in Council shall designate one member of the board as chairperson of the board and another member of the board as vice-chairperson of the board.

(2) The chairperson:

(a) shall preside over all meetings of the board; and

(b) shall perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.

(3) If the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson shall perform all the duties and may exercise all the powers of the chairperson.

**Committees**

**15** The board may:

(a) appoint any committees that it considers necessary for the efficient conduct of the affairs and business of the corporation; and

(b) prescribe the duties of any committee appointed pursuant to clause (a).

**Remuneration and reimbursement**

**16** The Crown Investments Corporation of Saskatchewan shall fix the remuneration and rate of reimbursement for expenses of:

- (a) the members of the board; and
- (b) the members of any committee appointed pursuant to section 15.

**Staff and consultants**

**17(1)** Notwithstanding *The Public Service Act, 1998*, the corporation may:

- (a) employ any officers and employees that it considers necessary for the conduct of its operations; and
  - (b) determine the respective duties and powers, the conditions of employment and the remuneration of those officers and employees.
- (2) The corporation has control over and shall supervise its officers and employees.
- (3) The corporation shall pay to its officers and employees the remuneration determined pursuant to subsection (1).
- (4) The corporation may:
- (a) appoint or engage any professional, administrative, technical and clerical personnel that may be required for the purposes of this Act; and
  - (b) determine the salaries and other remuneration of the personnel appointed or engaged pursuant to clause (a).

**Superannuation and other plans**

**18(1)** The corporation may establish and support any of the following plans for the benefit of any officers and employees of the corporation and the dependants of those officers and employees:

- (a) a superannuation plan;
  - (b) a group insurance plan;
  - (c) any other pension, superannuation or employee benefit program.
- (2) Notwithstanding any other Act or law, a person's service with the corporation shall be counted as service pursuant to a superannuation Act mentioned in clause (a) if that person:
- (a) was, immediately before that person's employment by the corporation, a contributor to:
    - (i) *The Public Service Superannuation Act*;
    - (ii) *The Superannuation (Supplementary Provisions) Act*;
    - (iii) *The Liquor Board Superannuation Act*;
    - (iv) *The Power Corporation Superannuation Act*; or
    - (v) *The Workers' Compensation Board Superannuation Act*; and
  - (b) continues to be a contributor pursuant to a superannuation Act mentioned in clause (a) while employed by the corporation.

**Acquisition and disposal of property**

**19(1)** Subject to subsection (3), the corporation may:

- (a) acquire, by any means, any property that the corporation considers necessary for the efficient operation of its business; and
- (b) dispose of any of the corporation's property by any means and in any manner that the corporation considers appropriate.

(2) The corporation may:

- (a) purchase property by means of deferred payments; and
- (b) give security on the property purchased for the purchase price, or the unpaid balance of the purchase price, with interest.

(3) If the purchase price or sale price of real property included in one transaction entered into by the corporation exceeds the amount fixed by the Lieutenant Governor in Council, the corporation shall obtain the approval of the Lieutenant Governor in Council before acquiring or disposing of the real property.

**Acquisition of securities**

**20(1)** In this section, "**incorporated company**" includes:

- (a) a municipality;
- (b) an irrigation district established pursuant to *The Irrigation Act, 1996*; and
- (c) any other corporation that is incorporated or registered pursuant to an Act.

(2) Subject to subsection (6), the corporation may acquire, by any means that it considers appropriate, shares, bonds, debentures or other securities of any incorporated company that the corporation considers necessary for the efficient operation of its business.

(3) The corporation may dispose of the shares, bonds, debentures or securities acquired pursuant to subsection (2) by any means that it considers appropriate.

(4) The corporation may appoint any person that it considers appropriate to be the corporation's representative at any meeting of any class of shareholders, bondholders, debenture-holders, security holders or creditors with respect to any shares, bonds, debentures or securities acquired by the corporation pursuant to this section.

(5) The person appointed pursuant to subsection (4) may exercise, on behalf of the corporation, all the powers that the corporation could exercise if it were an individual shareholder, bondholder, debenture-holder, security holder or creditor of the incorporated company.

(6) If the purchase price of any shares, bonds, debentures or other securities proposed to be acquired pursuant to subsection (2) exceeds the amount fixed by the Lieutenant Governor in Council, the corporation shall obtain the approval of the Lieutenant Governor in Council before making the purchase.

**Acquisition of extra-provincial powers**

**21(1)** The corporation may:

- (a) subject to the approval of the Lieutenant Governor in Council, incorporate any other corporations for any purpose that, in the opinion of the corporation, will directly or indirectly benefit the corporation; and
  - (b) accept, directly or through subsidiary corporations, extra-provincial powers and rights and exercise its powers beyond the boundaries of Saskatchewan to the extent permitted by the laws in force where those powers are sought to be exercised.
- (2) Notwithstanding *The Business Corporations Act*, if the corporation has incorporated or continued another corporation pursuant to that Act, the articles of that other corporation are deemed to provide, after its incorporation or continuance pursuant to that Act, that the business that the other corporation may carry on is restricted to the powers and purposes of the corporation.

**Expropriation**

**22(1)** Subject to subsection (4) and to the prior approval of the Lieutenant Governor in Council, the corporation may, without the consent of the owner or of any interested person, enter on, take possession of, expropriate and use any land, building, plant, machinery, apparatus or equipment that, in the opinion of the corporation, is necessary for the purposes of the corporation.

(2) Subject to subsection (3), *The Expropriation Procedure Act* applies to any expropriation made pursuant to subsection (1) or (5).

(3) If any building, plant, machinery, apparatus or equipment that is not affixed to or part of the land on which it is located is expropriated pursuant to subsection (1), the compensation payable for the building, plant, machinery, apparatus or equipment is required to be based on its fair replacement value when that value is required to be calculated:

- (a) making a reasonable deduction for depreciation, deterioration, wear and tear and obsolescence related to the building, plant, machinery, apparatus or equipment; and
  - (b) excluding any value for franchise rights, goodwill or future earnings related to the building, plant, machinery, apparatus or equipment.
- (4) The corporation may acquire any land, lease of land or easement on land that it considers necessary for the purpose of constructing, maintaining and operating any works, including any lines:
- (a) for the treatment, storage, transmission or distribution of water in connection with those works; or
  - (b) for the collection or treatment of sewage or the disposal of sewage effluent in connection with those works.

(5) For the purposes mentioned in subsection (4), the corporation may, without the consent of the owner or any other person interested in them, enter on, take possession of, expropriate and use:

- (a) the land described in that subsection; and
- (b) those rights in or with respect to the land described in that subsection that the corporation considers advisable.

(6) Notwithstanding subsection (1), when the corporation wishes to expropriate an easement on or with respect to land for any of the purposes mentioned in subsection (4), the corporation is not required to obtain the approval of the Lieutenant Governor in Council.

(7) The corporation may exercise the powers mentioned in subsections (1) and (5) without:

- (a) any prerequisite or preliminary action or proceeding; or
- (b) any sanction or authority other than this Act.

(8) The powers mentioned in subsections (1) and (5) are deemed to include the right to take, acquire and possess, for any period that the corporation considers proper, whether pursuant to an agreement with the owner or other interested person or without their consent, those lands or those rights in or with respect to the lands that the corporation considers necessary.

**Acquisition by purchase**

**23(1)** If the corporation desires to acquire land by purchase for any of the purposes mentioned in subsection 22(4), the corporation may acquire the land:

- (a) by transfer from the registered owner pursuant to *The Land Titles Act* or *The Land Titles Act, 2000*, as the case may be; or
- (b) by proceeding pursuant to section 22.

(2) If the corporation desires to acquire an easement on or with respect to land for any of the purposes mentioned in subsection 22(4), it may acquire the easement:

- (a) by agreement;
- (b) in accordance with *The Public Utilities Easements Act*; or
- (c) by proceeding in accordance with section 22.

(3) An easement acquired by the corporation pursuant to this section is deemed to include a right of way over land consisting of the following rights:

- (a) the right of the corporation to use the land for the purpose for which it was acquired with any apparatus and equipment that the corporation considers necessary;
- (b) the right of entry on the land by the employees or agents of the corporation for the purposes for which it was acquired with any apparatus and equipment that the corporation considers necessary;
- (c) the right to inspect, repair, replace, maintain and remove the apparatus and equipment mentioned in clauses (a) and (b) or any works constructed, maintained or operated by the corporation on the land.

PART IV  
Financial Matters

**Appropriation**

**24** The Minister of Finance shall pay to the corporation out of the general revenue fund any moneys appropriated by the Legislature for the purposes of the corporation in the amounts and at the times requested by the corporation and agreed to by the Minister of Finance.

**Borrowing powers of Minister of Finance**

**25(1)** The Minister of Finance may advance moneys to the corporation out of the general revenue fund for the purposes of the corporation in the amounts, at the times, and on the terms and conditions that the Lieutenant Governor in Council may determine.

(2) In order to provide the moneys mentioned in subsection (1), the Lieutenant Governor in Council may authorize the Minister of Finance to borrow on the credit of the Government of Saskatchewan in accordance with *The Financial Administration Act, 1993*.

**Borrowing power of corporation**

**26(1)** Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow from time to time any sums of money that the corporation requires for its purposes, including:

- (a) the repayment, renewal or refunding from time to time of the whole or any part of any moneys borrowed or securities issued by the corporation pursuant to this Act;
- (b) the repayment in whole or in part of advances made by the Minister of Finance to the corporation;
- (c) the payment in whole or in part of any other liability or indebtedness of the corporation;
- (d) the funding of any expenditure made by the corporation in carrying out any of its purposes; and
- (e) the repayment in whole or in part of any temporary borrowing of the corporation, if the borrowing is related to carrying out any of its powers.

(2) For the purpose of exercising the borrowing powers mentioned in subsection (1), the corporation may issue any bonds, debentures or other securities, bearing any rate of interest and being payable as to principal and interest at any time or times, in any manner, in any place in Canada or elsewhere and in the currency of any country that the corporation, with the approval of the Lieutenant Governor in Council, may determine.

(3) The corporation may issue the bonds, debentures and other securities mentioned in subsection (2) in any amounts that will realize the net sums required for the purposes of the corporation.

- (4) A recital or declaration in the resolution or minutes of the corporation authorizing the issue of the securities, to the effect that the amount of those securities authorized is necessary to realize the net sums required for the purposes of the corporation, is conclusive evidence of that fact.
- (5) Subject to the approval of the Lieutenant Governor in Council, the corporation may, on any terms and conditions that it considers advisable:
- (a) sell or otherwise dispose of any bonds, debentures or other securities mentioned in subsection (2); and
  - (b) charge, pledge, hypothecate, deposit or otherwise deal with those securities as collateral security.
- (6) The Minister of Finance shall:
- (a) negotiate all borrowings to be made pursuant to this section; and
  - (b) arrange all details and transact and execute all matters and things that may be required during the conduct of negotiations.
- (7) The corporation may:
- (a) treat any securities dealt with as collateral security pursuant to subsection (5) as unissued, when:
    - (i) the securities are redelivered to the corporation or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which they may have been given as collateral; or
    - (ii) the corporation again becomes entitled to the securities; and
  - (b) subject to the approval of the Lieutenant Governor in Council:
    - (i) issue, reissue, charge, pledge, hypothecate, deposit, deal with as collateral security, sell or otherwise dispose of those securities on any terms and conditions that the corporation considers advisable; or
    - (ii) cancel and issue fresh securities to the same amount and in the same form in lieu of the unissued securities with the same consequences.
- (8) On the issue or reissue of securities pursuant to subsection (7), a person entitled to the securities has the same rights and remedies as if the securities had not been previously issued.
- (9) Subject to the approval of the Lieutenant Governor in Council, the corporation may, by resolution or minute, determine the form and manner in which bonds, debentures or other securities issued pursuant to this section are to be executed.
- (10) The corporation may, by resolution or minute, provide that:
- (a) the seal of the corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any bonds, debentures or other securities to which it is to be affixed; and
  - (b) any signature on any bonds, debentures or other securities and on the coupons, if any, attached to those securities, may be engraved, lithographed, printed or otherwise mechanically reproduced on those securities.

(11) When the seal of the corporation or any signature is mechanically reproduced pursuant to subsection (10):

- (a) the seal of the corporation is of the same force and effect as if manually affixed; and
- (b) notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of issue of the security, the signature is for all purposes valid and binding on the corporation.

**Temporary borrowing**

**27(1)** Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow, by way of temporary loans from any chartered bank, credit union or person, any moneys, on any terms and conditions and for any purpose that the corporation may determine:

- (a) by way of bank overdraft or line of credit;
- (b) by the pledging, as security for those temporary loans, of notes, bonds, debentures or other securities of the corporation pending their sale or in lieu of the selling of them; or
- (c) in any other manner that the corporation may determine.

(2) The corporation may execute any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of moneys and the obtaining of advances by way of temporary loans pursuant to subsection (1) in any manner that the corporation may determine.

**Charge on revenue**

**28** All interest and instalments of principal and all sinking fund and other debt service charges with respect to the securities mentioned in sections 25 to 27 are a first charge on the corporation's revenues.

**Guarantee by Saskatchewan**

**29(1)** The Lieutenant Governor in Council, on any terms and conditions that the Lieutenant Governor in Council considers advisable, may guarantee the payment of:

- (a) the principal, interest and premium, if any, of any bonds, debentures or other securities issued by the corporation;
- (b) any loans, temporary or otherwise, raised by the corporation; and
- (c) any indebtedness or liability for the payment of moneys incurred by the corporation or to which the corporation may be or become subject.

(2) Any guarantee made pursuant to subsection (1) is required to be in a form and manner that the Lieutenant Governor in Council may approve.

(3) The Minister of Finance, or any other officer of the Department of Finance who may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on the guarantee being so signed, the Government of Saskatchewan is liable, according to the tenor of the guarantee, for the payment of:

- (a) the principal, interest and premium, if any, of any bonds, debentures or other securities;
- (b) the loans, temporary or otherwise; and
- (c) the indebtedness or liability for the payment of moneys.

(4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with the terms and conditions of this section.

(5) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the money required to implement any guarantee made pursuant to this section and to advance the amount necessary for that purpose out of the general revenue fund.

**Investments**

**30(1)** The corporation may:

(a) invest any part of the capital or operating moneys of the corporation in any security or class of securities authorized for 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 conditions and in any amount the corporation considers expedient.

(2) Subject to the approval of Treasury Board, the corporation may:

(a) set up reserves for depreciation, obsolescence, replacements, contingencies and other purposes; and

(b) create and manage a sinking fund for the repayment of moneys borrowed by the corporation pursuant to section 26.

**Fiscal year**

**31** The fiscal year of the corporation is the period commencing on January 1 in one year and ending on December 31 in the same year.

**Audit**

**32** The Provincial Auditor or any other auditor or firm of auditors that the Crown Investments Corporation of Saskatchewan, with the approval of the Lieutenant Governor in Council, may appoint shall audit the accounts and financial statements of the corporation:

(a) annually; and

(b) at any other times that the Crown Investments Corporation of Saskatchewan may require.

**Annual report**

**33** The corporation shall prepare and submit its annual report and financial statements in accordance with *The Crown Corporations Act, 1993*.

PART V  
**Works and the Provision of Services**

DIVISION 1

**Works**

**Power to construct works outside municipalities, on provincial highways, etc.**

**34(1)** Subject to subsection (2) and to clause 4(1)(e) of *The Highways and Transportation Act, 1997*, the corporation may:

- (a) construct or place works on or under:
  - (i) any provincial highway, wherever situated; or
  - (ii) any other highway, road allowance, road, street, lane or other public place vested in the Crown and not situated in a municipality or in a hamlet in a rural municipality;
- (b) carry its works along or across a provincial highway or other highway, road allowance, road, street, lane or public place mentioned in clause (a); and
- (c) take down, remove or take up its works.

(2) Before exercising the powers of construction conferred by subsection (1), the corporation shall submit a copy of a plan showing the location of the proposed works to:

- (a) the minister responsible for the administration of *The Highways and Transportation Act, 1997*;
- (b) the minister responsible for the administration of *The Saskatchewan Telecommunications Act*; and
- (c) the administrator of any rural municipality in Saskatchewan within which the works or any part of the works is to be constructed.

(3) When it becomes necessary for the purpose of construction, reconstruction, alteration or improvement of any highway, road allowance, road, street, lane or other public place vested in the Crown and not situated in a municipality or in a hamlet in a rural municipality to remove any works constructed or placed on or under that highway, road allowance, road, street, lane or other public place and belonging to the corporation, the costs and expenses incurred in the work are to be apportioned between the corporation and the minister responsible for the administration of *The Highways and Transportation Act, 1997*, in any manner that they may agree on.

(4) If the corporation and the minister responsible for the administration of *The Highways and Transportation Act, 1997* are unable to agree on the apportionment of costs mentioned in subsection (3), the Saskatchewan Municipal Board, after any inquiry that it considers advisable, shall make the apportionment.

**Power to construct works inside municipalities**

**35(1)** Subject to subsection (2), the corporation may:

- (a) construct or place works on or under any highway, road, street, lane or other public place vested in the Crown and situated in a municipality or in a hamlet in a rural municipality;

- (b) carry its works along or across the highway, road, street, lane or other public place mentioned in clause (a); and
  - (c) take down, remove or take up its works.
- (2) Before exercising the powers of construction conferred by subsection (1), the corporation shall submit a plan showing the location of the proposed works to the council of the municipality.

## DIVISION 2 Provision of Services

### Agreement to provide services

**36(1)** The corporation may enter into an agreement with any municipality for the provision of services by the corporation to all or any of the following:

- (a) the city, urban municipality or northern municipality and the inhabitants of the city, urban municipality or northern municipality;
  - (b) a hamlet situated within the rural municipality and the inhabitants of that hamlet.
- (2) The council of a municipality may enter into an agreement with the corporation for the provision of services as mentioned in subsection (1).
- (3) Notwithstanding any other Act, an agreement entered into pursuant to subsection (1) or (2) may be made for any period or for an indefinite period, and it is not necessary to obtain the assent of the electors of the municipality to the agreement.
- (4) If the council of a municipality enters into an agreement with the corporation for the purposes mentioned in subsection (1), the council shall provide a copy of the agreement to the minister responsible for the administration of *The Environmental Management and Protection Act*.
- (5) The corporation may provide a copy of the agreement mentioned in subsection (4) to the minister responsible for the administration of *The Environmental Management and Protection Act*.

### Provision and installation of water quality devices or water supply devices

**37** The corporation may enter into an agreement with any municipality pursuant to which the municipality agrees to pay to the corporation those sums of money, on those terms and conditions that may be specified in the agreement, that cover the cost of providing and installing any device that controls or improves the quality or the supply of water or works in buildings whose owners make application for the device.

### Power to amend agreements

**38(1)** The corporation may inform a municipality with which the corporation has entered into an agreement for the provision of services of the corporation's intention to amend the provisions of the agreement relating to the fees, rates or charges for those services, as contained in the agreement or any schedule to the agreement.

- (2) The corporation shall inform the municipality pursuant to subsection (1) by way of a written notice addressed to:
- (a) the clerk, in the case of an agreement with a city or town;
  - (b) the treasurer, in the case of an agreement with a village or resort village;
  - (c) the administrator, in the case of an agreement with a rural municipality; and
  - (d) the clerk, in the case of an agreement with a northern municipality.
- (3) The corporation shall send the notice mentioned in subsection (2) by registered mail to the clerk, treasurer or administrator, as the case may be, at his or her office.
- (4) The notice mentioned in subsection (2) must:
- (a) contain or be accompanied by a copy of the clause, subclause or schedule that is to be made effective in lieu of provisions in the agreement or any schedule to the agreement; and
  - (b) state the date on which the amendment is to take effect.
- (5) Subject to subsections (6) and (7), on and after the date specified in the notice, the agreement is deemed to be amended in accordance with the terms of the notice.
- (6) Within 30 days after receiving a notice of amendment from the corporation, the council of a municipality may notify the corporation and the Saskatchewan Municipal Board in writing that the council:
- (a) considers the proposed amendment to be unfair or unreasonable; and
  - (b) wishes to appeal against the amendment.
- (7) The Saskatchewan Municipal Board may, by order in writing made after any hearing that it considers advisable, allow or disallow an appeal made pursuant to subsection (6).
- (8) Subject to subsection (10), a decision of the Saskatchewan Municipal Board made pursuant to subsection (7) is final.
- (9) If the Saskatchewan Municipal Board allows an appeal made pursuant to subsection (6):
- (a) the Saskatchewan Municipal Board shall make its decision retroactive to the date on which the amended fees, rates or charges were made effective; and
  - (b) the corporation shall make the proper adjustments with inhabitants in the municipality.
- (10) The corporation may further amend an agreement that has been amended pursuant to this section on giving notice in the manner provided for in this section.
- (11) This section applies to agreements with municipalities for the supply of water in bulk for the purposes of distribution systems belonging to or operated by those municipalities.

(12) An agreement for the supply of water in bulk for the purposes mentioned in subsection (11) is deemed to be within the scope of this section as if the agreement had been entered into by the corporation pursuant to this Act if the agreement was entered into:

- (a) by the Saskatchewan Water Supply Board, as that corporation existed on the day before the coming into force of *The Water Corporation Act*, and a municipality; or
- (b) by the corporation pursuant to *The Water Corporation Act*, as that Act existed on the day before the coming into force of this Act, and a municipality.

**Exclusive power to provide water, works**

**39(1)** The corporation has, and is deemed to have had on and from the coming into force of this Act, the exclusive right:

- (a) to provide water and works, or any of them, in any area in which, on that date, water and those works were not being provided;
- (b) to provide water and works, or any of them, in any area in which, on that date, the corporation was providing water and those works; and
- (c) to extend the provision of water and works, or any of them, in or adjacent to any area.

(2) The rights of the corporation mentioned in subsection (1) apply notwithstanding:

- (a) any other Act;
- (b) any licence or special franchise granted before or after the coming into force of this Act; or
- (c) any alteration on or after the coming into force of this Act of the limits of a municipality or of a hamlet in a rural municipality.

(3) Notwithstanding subsection (1), the corporation may, on any terms and conditions that it considers advisable, consent to another person providing water and works, or any of them, in any specified area.

PART VI  
**General**

**Approvals not affected**

**40** The provision of services by the corporation pursuant to this Act does not affect the application of any other Act or regulations that require:

- (a) an approval, permit or licence to use water; or
- (b) the doing or omitting of any act or thing with respect to a licence, permit, approval, right, authority, grant, promise, lease or concession granted to or to be granted pursuant to that Act or those regulations, with respect to the use of water or the provision of services.

**Immunity**

41(1) Subject to subsection 45(3), no action or proceeding lies or shall be commenced against the Crown, the minister, the corporation, any member of the corporation, any officer or employee of the corporation or any person authorized by the corporation, if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

(2) Without limiting the generality of subsection (1), no action or proceeding lies or shall be commenced against the Crown, the minister, the corporation, any member of the corporation, any officer or employee of the corporation or any person authorized by the corporation for any injury, loss or damage to any person or property arising out of, or directly or indirectly resulting from:

(a) the failure to treat, store, transmit or distribute water, collect or treat sewage or dispose of sewage effluent due to any cause, except a failure by the corporation, any member of the corporation, any officer or employee of the corporation or any person authorized by the corporation to exercise a reasonable standard of care having regard to the circumstances;

(b) the supply or distribution of water to, or the use of water by, a person beyond the point of delivery of the water to the person's premises; or

(c) the collection of sewage or the disposal of sewage effluent by a person before the point of delivery of the sewage or sewage effluent to works owned by the corporation for the purpose of collecting or treating the sewage or disposing of the sewage effluent.

**Bonding**

42 All employees of the corporation who, in the course of their employment, receive or disburse cash, and any other officers or employees of the corporation that the corporation may consider advisable, are required to be bonded in those sums that may be required by the corporation for duly accounting for money or goods that come into their hands or under their control.

**Use of property**

43 The corporation may utilize any land, building, plant, machinery, apparatus or equipment belonging to it for any revenue-producing purpose that it considers proper when the corporation is not using that land, building, plant, machinery, apparatus or equipment for the purpose of:

(a) constructing, managing or operating works;

(b) providing services; or

(c) doing any other thing within the corporation's mandate and purposes for which that land, building, plant, machinery, apparatus or equipment may have been acquired, constructed or installed.

**Powers to enforce rates, etc.**

44(1) The corporation may enforce payment of fees, rates and charges for the services provided by the corporation, including service charges, current charges and all charges of any nature or kind whatsoever:

- (a) by action in any court of competent jurisdiction; or
- (b) by distress and sale of the goods and chattels of the person owing those fees, rates or charges, wherever the goods and chattels may be found.

(2) If the corporation enforces payment of fees, rates and charges pursuant to subsection (1) by a distress and sale, the corporation shall conduct the distress and sale in the same manner as a distress and sale for unpaid taxes is to be conducted pursuant to *The Urban Municipality Act, 1984*, and the costs chargeable for the distress and sale are those payable to bailiffs pursuant to *The Distress Act*.

(3) A person who or a government, agency, organization, association, institution or body that receives services from the corporation shall:

- (a) pay the fees, rates and charges established for the provision of that service by the corporation; and
- (b) comply with the terms and conditions established for the provision of that service by the corporation.

(4) The corporation is deemed to have provided services to a person, government, agency, organization, association, institution or body when the services are accepted by that person, government, agency, organization, association, institution or body.

**Powers of entry re duties and powers of corporation**

45(1) For the purpose of doing all things that the corporation considers necessary for the operation, maintenance, repair and replacement of its works or part of its works, the corporation may enter, with any equipment, machinery or other articles that it considers necessary:

- (a) on any land on either side of its works; or
- (b) on the right of way acquired for those works.

(2) For the purpose of carrying out its duties or exercising its powers pursuant to this Act or the regulations, the corporation, or any persons authorized by the corporation, may:

- (a) enter at any reasonable time and inspect any building, structure, machinery, vehicle, land or water;
- (b) enter on premises at any reasonable time to:
  - (i) inspect service conditions;
  - (ii) read meters; and
  - (iii) remove meters and other equipment belonging to the corporation;
- (c) make or require to be made any survey, examination, investigation, test or inquiry that the corporation considers necessary; and
- (d) make, take and remove, or require to be made, taken or removed, any sample, copy or extract.

- (3) The corporation is liable for any damage or actual costs occasioned by any entry or action taken pursuant to clause (2)(a).
- (4) No person shall obstruct a person authorized pursuant to subsections (1) and (2) in exercising his or her powers pursuant to those subsections.
- (5) The corporation and any person authorized by the corporation shall not enter any place that is a private dwelling without the consent of the owner or occupier or an order of a provincial court judge issued pursuant to subsection (7).
- (6) If entry pursuant to this section is refused, the corporation may apply *ex parte* to a provincial court judge for an order authorizing the corporation, or a person authorized by the corporation, to enter and inspect any land, premises or other place.
- (7) On an application pursuant to subsection (6), the provincial court judge may issue the order sought, on any terms and conditions that the provincial court judge considers appropriate.

**Crown bound**

**46** The Crown is bound by this Act.

**Regulations**

**47** 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 any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (c) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

## PART VII Repeals and Transitional

**S.S. 1983-84, c.W-4.1 repealed**

**48** *The Water Corporation Act* is repealed.

**R.R.S. c.W-4.1 Reg 2 repealed**

**49** *The Water Corporation Transfer of Assets Regulations* are repealed.

**Employee transfers**

**50(1)** Without limiting the generality of section 24 of *The Public Service Act, 1998*, the chairperson of the Public Service Commission may transfer or second an employee from a position in a department as defined in that Act to the corporation with the approval of the corporation.

(2) Notwithstanding any other Act or law, the corporation may transfer or second any of its employees to:

- (a) the Saskatchewan Watershed Authority, as continued pursuant to *The Saskatchewan Watershed Authority Act*, with the approval of the Saskatchewan Watershed Authority; or
- (b) a department as defined in *The Public Service Act, 1998*, with the approval of the chairperson of the Public Service Commission.

**Transitional**

**51** Subject to *The Saskatchewan Watershed Authority Act*:

- (a) the assets and liabilities of the corporation as they existed on the day before the coming into force of this Act continue to be the assets and liabilities of the corporation; and
- (b) any agreements entered into by the corporation before the coming into force of this Act continue to be agreements of the corporation and may be dealt with by the corporation, and enforced by or against the corporation, as if they had been entered into pursuant to this Act.

**PART VIII**  
**Coming into Force**

**Coming into force**

**52** This Act comes into force on proclamation.