

2003

CHAPTER 29

An Act to amend certain Statutes with respect to Measures
concerning Security Management

(Assented to June 27, 2003)

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

PART I
Short Title

Short title

1 This Act may be cited as *The Miscellaneous Statutes (Security Management) Amendment Act, 2003*.

PART II
The Charitable Fund-raising Businesses Act

S.S. 2002, c.C-6.2, section 8 amended

2 Section 8 of *The Charitable Fund-raising Businesses Act* is amended:

- (a) by renumbering it as subsection 8(1);**
- (b) by striking out “or” after clause (1)(b);**
- (c) by adding the following after clause (1)(b):**

“(b.1) the applicant has raised funds, or intends to raise funds, for a charitable organization that is named in a valid certificate signed pursuant to the *Charities Registration (Security Information) Act* (Canada); or”; **and**

- (d) by adding the following subsection after subsection (1):**

“(2) For the purposes of clause (1)(b.1), a certificate is deemed to be valid pending the determination of:

- (a) a reference to the Federal Court pursuant to section 6 of the *Charities Registration (Security Information) Act* (Canada) with respect to the certificate; or
- (b) a review of the certificate pursuant to section 10 or 11 of the *Charities Registration (Security Information) Act* (Canada)”.

PART III
The Clean Air Act

S.S. 1986-87-88, c.C-12.1 amended

3 *The Clean Air Act* is amended in the manner set forth in this Part.

Section 2 amended

4 The following clause is added after clause 2(n):

“(o) ‘**terrorist activity**’ means a terrorist activity as defined in the *Criminal Code*”.

Section 17.1 amended

5 Subsection 17.1(1) is amended:

(a) in the portion preceding clause (a) by adding “or an order pursuant to section 19.1” after “control order”; and

(b) in clause (a) by striking out “control” wherever it appears.

Section 17.2 amended

6 Subsection 17.2(1) is amended by adding “, an order pursuant to section 19.1” after “control order”.

New section 19.1

7 The following section is added after section 19:

“Powers re terrorist activity

19.1(1) In this section, ‘**minister’s designate**’ means a person designated by the minister for the purposes of this section.

(2) Notwithstanding any other provision of this Act or any provision of the regulations, any other Act or law or any licence, permit, approval, authorization, lease or grant of any right or benefit granted pursuant to any Act or law, if the minister has reasonable grounds to believe that terrorist activity is occurring or might occur, and that the terrorist activity constitutes an existing or potential threat of air pollution in quantities that might endanger the health or safety of the public or cause serious harm to the environment:

(a) the minister may, by order:

(i) direct the owner or operator of any industrial source, incinerator or fuel-burning equipment to:

(A) shut down and cease operating that industrial source, incinerator or fuel-burning equipment; and

(B) take any measures that the minister may direct to secure the industrial source, incinerator or fuel-burning equipment against terrorist activity;

- (ii) prohibit or restrict access to any industrial source, incinerator or fuel-burning equipment; and
 - (iii) require the owner or operator to take any other action that the minister considers necessary:
 - (A) to protect the health or safety of the public against that threat; or
 - (B) to prevent serious damage to the environment caused or that may be caused by that threat; and
 - (b) the minister may take any action that the minister considers necessary:
 - (i) to protect the health or safety of the public against that threat; or
 - (ii) to prevent serious damage to the environment caused or that may be caused by that threat.
- (3) Subject to subsection (4), a minister's designate may make any order described in clause (2)(a) if:
- (a) the minister's designate believes, on reasonable grounds, that:
 - (i) a terrorist activity constitutes a serious threat to the environment or the health or safety of the public; and
 - (ii) the requirements set out in the order are necessary to decrease or eliminate that serious threat; and
 - (b) in the opinion of the minister's designate, there will be insufficient time for the minister to make an order pursuant to this section because of the nature of the serious threat.
- (4) An order made by a minister's designate pursuant to subsection (3):
- (a) must specify the time at which it is made; and
 - (b) terminates 72 hours after it is made unless the minister makes an order extending its effect.
- (5) Immediately after making an order pursuant to subsection (2) or (3), the minister or the minister's designate, as the case may be, shall:
- (a) serve a copy on any person named in the order; and
 - (b) cause the order to be published by any means of communication that the minister or minister's designate reasonably considers will make the order known to the majority of the population in the area affected by the order.
- (6) No person shall fail to comply with an order made pursuant to subsection (2) or (3)".

Section 21 amended

8 Section 21 is amended by adding “, 19.1” after “17.2”.

Section 22 amended

9 The following clause is added after clause 22(1)(c):

“(c.1) fails to comply with an order made pursuant to section 19.1”.

New section 24.1

10 The following section is added after section 24:

“Immunity

24.1 No action or proceeding lies or shall be commenced against the Crown in right of Saskatchewan, the minister, the minister’s designate, the department, the director or any officer, employee or agent of the department for any loss or damage suffered by a person 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 one or more of them, 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 function or duty imposed by this Act or the regulations”.

PART IV

The Dangerous Goods Transportation Act**S.S. 1984-85-86, c.D-1.2 amended**

11 *The Dangerous Goods Transportation Act* is amended in the manner set forth in this Part.

Section 2 amended

12 The following clause is added after clause 2(m):

“(m.1) ‘**terrorist activity**’ means a terrorist activity as defined in the *Criminal Code*”.

Section 8 amended

13(1) Section 8 is renumbered as subsection 8(1).

(2) The following subsection is added after subsection 8(1):

“(2) The minister may require any person who engages in the handling, offering for transport or transportation of dangerous goods to prepare emergency plans for implementation in the event of any terrorist activity or threat of terrorist activity”.

Section 18 amended

14 The following subsection is added after subsection 18(1):

“(1.1) Every person who contravenes an order made pursuant to section 24.1 is guilty of an offence and liable on summary conviction to a fine of not more than \$100,000, to imprisonment for a term or not more than two years or to both and, in the case of a continuing offence, to a further fine of not more than \$50,000 for each day or part of a day during which the offence continues”.

New section 24.1

15 The following section is added after section 24:**“Powers re terrorist activity**

24.1(1) In this section, ‘**minister’s designate**’ means a person designated by the minister for the purposes of this section.

(2) Notwithstanding any other provision of this Act or any provision of the regulations, any other Act or law or any licence, permit, approval, authorization, lease or grant of any right or benefit granted pursuant to any Act or law but subject to any order or directive of the Minister of National Defence, if the minister has reasonable grounds to believe that terrorist activity is occurring or might occur, and that the terrorist activity constitutes an existing or potential threat of a discharge, emission or escape of dangerous goods from any container, packaging or means of transport:

- (a) the minister may, by order:
 - (i) direct any person engaged in the handling, offering for transport or transportation of dangerous goods to:
 - (A) shut down and cease the handling, offering for transport or transportation of dangerous goods; and
 - (B) take any measures that the minister considers necessary for the protection of the public, property or the environment against the terrorist activity;
 - (ii) close, or prohibit or restrict access to or travel in, any area that the minister may specify;
 - (iii) evacuate any area or any premises within any area that the minister may specify; and
 - (iv) require any person engaged in the handling, offering for transport or transportation of dangerous goods to take any other action that the minister considers necessary:
 - (A) to protect the health or safety of the public against the terrorist activity; or
 - (B) to prevent serious damage to the environment caused or that may be caused by the terrorist activity; and
- (b) the minister may take any action that the minister considers necessary:
 - (i) to protect the health or safety of the public against that threat; or
 - (ii) to prevent serious damage to the environment caused or that may be caused by that threat.

- (3) Subject to subsection (4), a minister's designate may make any order described in clause (2)(a) if:
- (a) the minister's designate believes, on reasonable grounds, that:
 - (i) a terrorist activity constitutes a serious threat to the environment or the health or safety of the public; and
 - (ii) the requirements set out in the order are necessary to decrease or eliminate that serious threat; and
 - (b) in the opinion of the minister's designate, there will be insufficient time for the minister to make an order pursuant to this section because of the nature of the serious threat.
- (4) An order made by a minister's designate pursuant to subsection (3):
- (a) must specify the time at which it is made; and
 - (b) terminates 72 hours after it is made unless the minister makes an order extending its effect.
- (5) Immediately after making an order pursuant to subsection (2) or (3), the minister or the minister's designate, as the case may be, shall:
- (a) serve a copy on any person named in the order; and
 - (b) cause the order to be published by any means of communication that the minister or minister's designate reasonably considers will make the order known to the majority of the population in the area affected by the order.
- (6) No person shall fail to comply with an order made pursuant to subsection (2) or (3).
- (7) The minister may:
- (a) do all or any of the things mentioned in an order pursuant to subsection (2) or (3) if the person to whom the order is issued fails to comply with the order:
 - (i) within the period specified in the order; or
 - (ii) if no period is specified in the order, within a reasonable period after the order was issued; and
 - (b) recover the costs and expenses incurred pursuant to clause (a) on behalf of the Crown in right of Saskatchewan as a debt due and owing to the Crown from the person who failed to comply with the order".

PART V
The Department of Health Act

R.S.S. 1978, c.D-17, new section 6.5

16 Section 6.5 of *The Department of Health Act* is repealed and the following substituted:**“Cards****6.5(1)** In this section, ‘**false document**’ means a false document as defined in section 321 of the *Criminal Code*.

(2) The minister may, in accordance with this section, issue cards to beneficiaries for the purpose of identifying persons as beneficiaries.

(3) An applicant for a card must provide the minister with any information and evidence necessary to establish the identity and eligibility of the person on whose behalf the application is made.

(4) The minister may issue a card with respect to a person named in an application if the minister is satisfied:

- (a) that the application is complete;
- (b) that the person meets the requirements for eligibility as a beneficiary;
- (c) as to the identity of the applicant and all other persons who are named in the application;
- (d) as to the truth and sufficiency of the information provided in the application; and
- (e) that the application was submitted in good faith.

(5) If the minister is not satisfied with respect to any of the matters set out in clauses (4)(a) to (e):

- (a) the minister may do any of the following in order to obtain any necessary additional evidence:
 - (i) require the attendance at his or her office of the applicant or of any other person, and examine that person respecting any matter pertaining to the application;
 - (ii) require the applicant or any other person to produce any document or evidence that, in the opinion of the minister, is necessary to enable the minister to make a determination as to the truth and sufficiency of the information provided in the application or the eligibility of the persons who are the subjects of the application or as to whether the application was submitted in good faith; or
- (b) the minister may refuse to issue a card.

- (6) No person shall, for the purpose of procuring the issuance of a card for himself or herself or for any other person:
- (a) make a written or an oral statement that he or she knows is false or misleading; or
 - (b) provide the minister with a false document.
- (7) No person shall:
- (a) create, or cause to be created, a false document that purports to be a card issued pursuant to this section;
 - (b) without lawful excuse, have in his or her possession a false document that purports to be a card issued pursuant to this section; or
 - (c) knowing that a document purporting to be a card issued pursuant to this section is a false document:
 - (i) use, deal with or act on it; or
 - (ii) cause or attempt to cause any person to use, deal with or act on it.
- (8) No person shall, on his or her own behalf, use, deal with or act on a card issued pursuant to this section with respect to another person.
- (9) No person, being the lawful holder of a card issued pursuant to this section, shall knowingly part with the possession of that card with intent that it should be used for an improper purpose.
- (10) Every person who contravenes any provision of subsection (6), (7), (8) or (9) is guilty of an offence and liable on summary conviction to a fine of not more than \$50,000, to imprisonment for a term of not more than two years or to both.
- (11) If a person is convicted of an offence pursuant to subsection (10), the convicting judge may, in addition to any penalty imposed, order the minister to amend the records of the department or to revoke the issuance of a card to the person, as the case may require.
- (12) If the convicting judge orders the revocation of the issuance of a card pursuant to subsection (11), the convicting judge shall order the person to whom the card was issued to return the card immediately to the minister.
- (13) No person shall fail to comply with an order of the convicting judge made pursuant to subsection (12).
- (14) Every person who fails to comply with an order made pursuant to subsection (12) is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000”.

PART VI
The Emergency Planning Act

S.S. 1989-90, c.E-8.1 amended

17 *The Emergency Planning Act* is amended in the manner set forth in this Part.

Section 2 amended

18 Section 2 is amended:**(a) by repealing clause (a) and substituting the following:**“(a) ‘**chief of emergency management**’ means the chief of emergency management designated pursuant to section 3”;**(b) by repealing clause (b) and substituting the following:**“(b) ‘**emergency**’ means:

(i) a calamity caused by:

(A) accident;

(B) act of war or insurrection;

(C) terrorist activity as defined in the *Criminal Code*;

(D) forces of nature; or

(ii) a present or imminent situation or condition, including a threat of terrorist activity as defined in the *Criminal Code*, that requires prompt action to prevent or limit:

(A) the loss of life;

(B) harm or damage to the safety, health or welfare of people; or

(C) damage to property or the environment”; **and****(c) by repealing clause (n) and substituting the following:**“(n) ‘**Saskatchewan Emergency Management Organization**’ means the unit of the department continued pursuant to section 3”.

Section 3 amended

19(1) Subsection 3(1) is repealed and the following substituted:

“(1) Saskatchewan Emergency Planning is continued as a unit of the department to be known as the Saskatchewan Emergency Management Organization”.

(2) Subsection 3(2) is amended by striking out “planning” and substituting “management”.**(3)** Subsection 3(4) is amended by striking out “planning” and substituting “management”.

Section 4 amended

20(1) Subsection 4(3) is amended by striking out “emergency planning” and substituting “emergency management”.**(2)** Subsection 4(4) is amended by striking out “planning” wherever it appears and in each case substituting “management”.

Section 7 amended

21 Subsection 7(4) is amended by striking out “planning” and substituting “management”.

Section 13 amended

22 Clause 13(g) is amended by striking out “planning” and substituting “management”.

Section 15 amended

23 Subsection 15(1) is amended:

(a) in clause (b) by striking out “planning” and substituting “management”; and

(b) by repealing clause (c) and substituting the following:

“(c) the Saskatchewan Emergency Management Organization”.

PART VII

The Environmental Management and Protection Act, 2002

S.S. 2002, c.E-10.21 amended

24 *The Environmental Management and Protection Act, 2002* is amended in the manner set forth in this Part.

Section 2 amended

25 The following clause is added after clause 2(cc):

“(cc.1) ‘**terrorist activity**’ means a terrorist activity as defined in the *Criminal Code*”.

Section 15 amended

26 Subclause 15(4)(b)(i) is amended by adding “, a terrorist activity” after “insurrection”.

New section 52.1

27 The following section is added after section 52:

“**Powers re terrorist activity**

52.1(1) In this section, ‘**minister’s designate**’ means a person designated by the minister for the purposes of this section.

(2) Notwithstanding any other provision of this Act or any provision of the regulations, any other Act or law or any licence, permit, approval, authorization, lease or grant of any right or benefit granted pursuant to any Act or law, if the minister has reasonable grounds to believe that terrorist activity is occurring or might occur, and is causing or might cause an adverse effect:

(a) the minister may, by order:

(i) direct a person engaged in the storage, handling, offering for transport or transportation of hazardous substances, hazardous wastes or waste dangerous goods to take any measures that the minister may direct to secure the operations against terrorist activity;

- (ii) direct a person who is operating a waterworks, sewage works or industrial effluent works to:
 - (A) shut down and cease operating that waterworks, sewage works or industrial effluent works; and
 - (B) take any measures that the minister may direct to secure the waterworks, sewage works or industrial effluent works against terrorist activity;
 - (iii) prohibit or restrict access to any waterworks, sewage works or industrial effluent works;
 - (iv) prohibit or restrict the discharge of any substance into the environment;
 - (v) designate any site as a contaminated site;
 - (vi) require any person to take any other action that the minister considers necessary:
 - (A) to protect the health or safety of the public against that adverse effect; or
 - (B) to prevent serious damage to the environment caused or that may be caused by that adverse effect; and
 - (b) the minister may take any action that the minister considers necessary:
 - (i) to protect the health or safety of the public against that adverse effect; or
 - (ii) to prevent serious damage to the environment caused or that may be caused by that adverse effect.
- (3) Subject to subsection (4), a minister's designate may make any order described in clause (2)(a) if:
- (a) the minister's designate believes, on reasonable grounds, that:
 - (i) a terrorist activity:
 - (A) is occurring or might occur; and
 - (B) is causing or might cause an adverse effect or constitutes a serious threat to the health or safety of the public; and
 - (ii) the requirements set out in the order are necessary to decrease or eliminate that adverse effect or that serious threat; and
 - (b) in the opinion of the minister's designate, there will be insufficient time for the minister to make an order pursuant to this section because of the nature of the adverse effect or serious threat.

- (4) An order made by a minister's designate pursuant to subsection (3):
- (a) must specify the time at which it is made; and
 - (b) terminates 72 hours after it is made unless the minister makes an order extending its effect.
- (5) Immediately after making an order pursuant to subsection (2) or (3), the minister or the minister's designate, as the case may be, shall:
- (a) serve a copy on any person named in the order; and
 - (b) cause the order to be published by any means of communication that the minister or minister's designate reasonably considers will make the order known to the majority of the population in the area affected by the order.
- (6) No person shall fail to comply with an order made pursuant to subsection (2) or (3).
- (7) The minister may:
- (a) do all or any of the things mentioned in an order pursuant to subsection (2) or (3) if the person to whom the order is issued fails to comply with the order:
 - (i) within the period specified in the order; or
 - (ii) if no period is specified in the order, within a reasonable period after the order was issued; and
 - (b) recover the costs and expenses incurred pursuant to clause (a) on behalf of the Crown in right of Saskatchewan as a debt due and recoverable by the Crown from the person who failed to comply with the order”.

Section 53 amended

28 Subsection 53(1) is amended by striking out “or 52” and substituting “, 52 or 52.1”.

PART VIII

The Freedom of Information and Protection of Privacy Act

S.S. 1990-91, c.F-22.01 amended

29 *The Freedom of Information and Protection of Privacy Act* is amended in the manner set forth in this Part.

Section 15 amended

30 **The following clause is added after clause 15(1)(a):**

“(a.1) prejudice, interfere with or adversely affect the detection, investigation or prevention of an act or omission that might constitute a terrorist activity as defined in the *Criminal Code*”.

Section 29 amended**31 The following clause is added after clause 29(2)(h):**

“(h.1) for any purpose related to the detection, investigation or prevention of an act or omission that might constitute a terrorist activity as defined in the *Criminal Code*, to:

- (i) the Government of Canada or its agencies, Crown corporations or other institutions;
- (ii) the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions;
- (iii) the government of a foreign jurisdiction or its institutions;
- (iv) an international organization of states or its institutions; or
- (v) a local authority as defined in the regulations”.

PART IX

The Local Authority Freedom of Information and Protection of Privacy Act**S.S. 1990-91, c.L-27.1 amended**

32 *The Local Authority Freedom of Information and Protection of Privacy Act* is amended in the manner set forth in this Part.

Section 14 amended**33 The following clause is added after clause 14(1)(a):**

“(a.1) prejudice, interfere with or adversely affect the detection, investigation or prevention of an act or omission that might constitute a terrorist activity as defined in the *Criminal Code*”.

Section 28 amended**34 The following clause is added after clause 28(2)(h):**

“(h.1) for any purpose related to the detection, investigation or prevention of an act or omission that might constitute a terrorist activity as defined in the *Criminal Code*, to:

- (i) a government institution;
- (ii) the Government of Canada or its agencies, Crown corporations or other institutions;
- (iii) the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions;
- (iv) the government of a foreign jurisdiction or its institutions;
- (v) an international organization of states or its institutions; or
- (vi) another local authority”.

PART X
The Natural Resources Act

S.S. 1993, c.N-3.1 amended

35 *The Natural Resources Act* is amended in the manner set forth in this Part.

New section 14.1

36 The following section is added after section 14:

“Powers re terrorist activity

14.1(1) In this section:

- (a) **‘minister’s designate’** means a person designated by the minister for the purposes of this section;
- (b) **‘regulated area’** means all or any part of:
 - (i) an ecological reserve as defined in *The Ecological Reserves Act*;
 - (ii) park land as defined in *The Parks Act*;
 - (iii) a provincial forest as defined in *The Forest Resources Management Act*;
 - (iv) provincial lands as defined in *The Provincial Lands Act* and administered by the minister;
 - (v) a regional park as defined in *The Regional Parks Act, 1979*;
- (c) **‘terrorist activity’** means a terrorist activity as defined in the *Criminal Code*.

(2) Notwithstanding any other provision of this Act or any provision of the regulations, any other Act or law or any licence, permit, approval, authorization, lease or grant of any right or benefit granted pursuant to any Act or law, if the minister has reasonable grounds to believe that terrorist activity is occurring or might occur, and that the terrorist activity constitutes an existing or potential threat of serious harm to parks or natural resources or to the health or safety of the public:

- (a) the minister may, by order:
 - (i) close, or prohibit or restrict access to or travel in, any regulated area that the minister may specify;
 - (ii) evacuate any regulated area or any premises within a regulated area that the minister may specify; and
 - (iii) require any person to take any other action that the minister considers necessary:
 - (A) to prevent serious damage to parks or natural resources caused or that may be caused by that threat; or
 - (B) to protect the health or safety of the public against that threat; and

- (b) the minister may take any action that the minister considers necessary:
- (i) to protect the health or safety of the public against that threat; or
 - (ii) to prevent serious damage to parks or natural resources caused or that may be caused by that threat.
- (3) Subject to subsection (4), a minister's designate may make any order described in clause (2)(a) if:
- (a) the minister's designate believes, on reasonable grounds, that:
 - (i) a terrorist activity constitutes a serious threat to parks or natural resources or to the health or safety of the public; and
 - (ii) the requirements set out in the order are necessary to decrease or eliminate that serious threat; and
 - (b) in the opinion of the minister's designate, there will be insufficient time for the minister to make an order pursuant to this section because of the nature of the serious threat.
- (4) An order made by a minister's designate pursuant to subsection (3):
- (a) must specify the time at which it is made; and
 - (b) terminates 72 hours after it is made unless the minister makes an order extending its effect.
- (5) Immediately after making an order pursuant to subsection (2) or (3), the minister or the minister's designate, as the case may be, shall:
- (a) serve a copy on any person named in the order; and
 - (b) cause the order to be published by any means of communication that the minister or minister's designate reasonably considers will make the order known to the majority of the population in the area affected by the order.
- (6) No person shall fail to comply with an order made pursuant to subsection (2) or (3)".

Section 15 amended

37 Section 15 is amended by striking out "\$25,000" and substituting "\$250,000".

New section 17

38 Section 17 is repealed and the following substituted:**“Immunity**

17 No action or proceeding lies or shall be commenced against the Crown in right of Saskatchewan, the minister, any person authorized or designated by the minister to do any thing or exercise any power pursuant to this Act, the department, an officer, any person lawfully accompanying an officer or any employee or agent of the department for any loss or damage suffered by a person 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 one or more of them, 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 function or duty imposed by this Act or the regulations”.

PART XI

The Oil and Gas Conservation Act

R.S.S. 1978, c.O-2, new section 18.01

39 The following section is added after section 18 of *The Oil and Gas Conservation Act*:

“Regulations respecting security

18.01(1) In this section, ‘**terrorist activity**’ means a terrorist activity as defined in the *Criminal Code*.

(2) For the purposes of addressing security with respect to a terrorist activity or a threat of terrorist activity, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the circumstances in which the minister may order the shut-down of a well, upstream facility or operation in the production of oil or gas;
- (b) respecting the security measures that the owner of a well, upstream facility or operation must undertake with respect to that well, upstream facility or operation and requiring those security measures to be taken;
- (c) respecting appeals from a decision of the minister to shut down a well, upstream facility or operation.

(3) In the event of a conflict between an order made by the minister pursuant to this Part and the regulations made pursuant to this section, the regulations are to prevail”.

PART XII
The Pipelines Act, 1998

S.S. 1998, c.P-12.1, new section 25.1

40 The following section is added after section 25 of *The Pipelines Act, 1998*:

“Regulations respecting security

25.1(1) In this section, ‘**terrorist activity**’ means a terrorist activity as defined in the *Criminal Code*.

(2) For the purposes of addressing security with respect to a terrorist activity or a threat of terrorist activity, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the circumstances in which the minister may order the shut-down of a pipeline;
- (b) respecting the security measures that the owner of a pipeline must undertake with respect to that pipeline and requiring those security measures to be taken;
- (c) respecting appeals from a decision of the minister to shut down a pipeline”.

PART XIII
The Prairie and Forest Fires Act, 1982

S.S. 1982-83, c.P-22.1 amended

41 *The Prairie and Forest Fires Act, 1982* is amended in the manner set forth in this Part.

New section 24.1

42 The following section is added after section 24:

“Powers re terrorist activity

24.1(1) In this section:

- (a) ‘**minister’s designate**’ means a person designated by the minister for the purposes of this section;
- (b) ‘**regulated area**’ includes any area to which this Act applies;
- (c) ‘**terrorist activity**’ means a terrorist activity as defined in the *Criminal Code*.

(2) Notwithstanding any other provision of this Act or any provision of the regulations, any other Act or law or any licence, permit, approval, authorization, lease or grant of any right or benefit granted pursuant to any Act or law, if the minister has reasonable grounds to believe that terrorist activity is occurring or might occur, and that the terrorist activity or possible terrorist activity constitutes a fire hazard endangering life, property or the environment:

- (a) the minister may, by order:
 - (i) close, or prohibit or restrict access to or travel in, any regulated area that the minister may specify;

- (ii) evacuate any regulated area or any premises within a regulated area that the minister may specify; and
 - (iii) require any person to take any other action that the minister considers necessary:
 - (A) to protect the health or safety of the public against that hazard;
 - (B) to protect property against that hazard; or
 - (C) to prevent serious damage to the environment caused or that may be caused by that hazard; and
 - (b) the minister may take any action that the minister considers necessary:
 - (i) to protect the health or safety of the public against that hazard;
 - (ii) to protect property against that hazard; or
 - (iii) to prevent serious damage to the environment caused or that may be caused by that hazard.
- (3) Subject to subsection (4), a minister's designate may make any order described in clause (2)(a) if:
- (a) the minister's designate believes, on reasonable grounds, that:
 - (i) a terrorist activity constitutes a serious threat to the environment, to property or to the health or safety of the public; and
 - (ii) the requirements set out in the order are necessary to decrease or eliminate that serious threat; and
 - (b) in the opinion of the minister's designate, there will be insufficient time for the minister to make an order pursuant to this section because of the nature of the serious threat.
- (4) An order made by a minister's designate pursuant to subsection (3):
- (a) must specify the time at which it is made; and
 - (b) terminates 72 hours after it is made unless the minister makes an order extending its effect.
- (5) Immediately after making an order pursuant to subsection (2) or (3), the minister or the minister's designate, as the case may be, shall:
- (a) serve a copy on any person named in the order; and
 - (b) cause the order to be published by any means of communication that the minister or minister's designate reasonably considers will make the order known to the majority of the population in the area affected by the order.

(6) No person shall fail to comply with an order made pursuant to subsection (2) or (3).

(7) No action or proceeding lies or shall be commenced against the Crown in right of Saskatchewan, the minister, any person authorized or designated by the minister to do any thing or exercise any power pursuant to this Act, the department, an officer, any person lawfully accompanying an officer or any employee or agent of the department for any loss or damage suffered by a person 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 one or more of them, pursuant to or in the exercise or supposed exercise of any power conferred by this section or any regulations made for the purposes of this section or in the carrying out or supposed carrying out of any function or duty imposed by this section or those regulations”.

Section 26 amended

43 Section 26 is amended:

- (a) in clause (a) by striking out “\$2,000” and substituting “\$250,000”; and**
- (b) in clause (b) by striking out “\$10,000” and substituting “\$500,000”.**

PART XIV

The Private Investigators and Security Guards Act, 1997

S.S. 1997, c.P-26.01 amended

44 *The Private Investigators and Security Guards Act, 1997* is amended in the manner set forth in this Part.

Section 12 amended

45 The following clause is added after clause 12(2)(c):

“(c.1) the registrar is satisfied that the applicant or licensee has attempted to obtain access to confidential information, the disclosure of which might prejudice, interfere with or adversely affect the detection, investigation or prevention of an act or omission that might constitute a terrorist activity as defined in the *Criminal Code*”.

Section 14 amended

46 Section 14 is amended:

- (a) by renumbering it as subsection 14(1); and**
- (b) by adding the following subsections after subsection (1):**

“(2) Where a licence is suspended or cancelled pursuant to this section, the registrar may require the person whose licence was suspended or cancelled to forward the person’s licence to the registrar.

“(3) Where a person does not forward a licence to the registrar in accordance with this section, the registrar or a person authorized by the registrar may seize the licence”.

PART XV

The Public Health Act, 1994, Transitional and Consequential Amendments

S.S. 1994, c.P-37.1 amended

47 *The Public Health Act, 1994* is amended in the manner set forth in this Part.

Section 2 amended

48 **Section 2 is amended:**

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

“(f.1) ‘**chief medical health officer**’ means the person designated as the chief medical health officer pursuant to subsection 11(4)”;

(b) **by repealing clause (m);**

(c) **by adding the following clause after clause (t):**

“(t.1) ‘**medical health officer**’ means a public health officer who is designated as a medical health officer pursuant to subsection 11(1), and includes the chief medical health officer”; **and**

(d) **by adding the following clause after clause (jj):**

“(jj.1) ‘**serious public health threat**’ means any of the following, if it poses a significant risk to the health of many people:

(i) an occurrence or threat of an occurrence of a communicable disease;

(ii) the presence or threat of the presence of:

(A) a biological toxin;

(B) a chemical agent or radioactive material”.

Section 11 amended

49(1) **Subsection 11(1) is amended:**

(a) **in clause (a) by striking out “designated public health officers” and substituting “medical health officers”; and**

(b) **in clause (b) by striking out “designated public health officer” and substituting “medical health officer”.**

(2) **Clause 11(2)(a) is amended by striking out “designated public health officer” and substituting “medical health officer”:**

(a) **in subclause (i); and**

(b) **in subclause (iii).**

(3) **Subsection 11(3) is amended by striking out “designated public health officer” and substituting “medical health officer”.**

(4) The following subsection is added after subsection 11(3):

“(4) The minister shall designate as the chief medical health officer a person who:

- (a) has the prescribed qualifications for a medical health officer; and
- (b) is either:
 - (i) an employee of the Government of Saskatchewan; or
 - (ii) under contract to provide services as a medical health officer”.

Section 31 amended

50 Subsection 31(1) is amended by striking out “designated public health officer” and substituting “medical health officer”.

New section 31.1

51 The following section is added after section 31:

“Reporting – serious illnesses

31.1(1) In this section, ‘institution’ means:

- (a) a school or a registered independent school as defined in *The Education Act, 1995*;
- (b) a facility or place operated by a regional health authority or an affiliate, as defined in *The Regional Health Services Act*; or
- (c) a prescribed facility.

(2) A physician, a nurse or a head of an institution shall immediately report to a medical health officer any illness that, in his or her opinion, is serious and is occurring at a high rate”.

Section 32 amended

52(1) Subsection 32(1) is amended in the portion preceding clause (a) by striking out “designated public health officer” and substituting “medical health officer”.

(2) Subsection 32(3) is repealed and the following substituted:

“(3) A report submitted pursuant to subsection (1) must include:

- (a) the name, sex, age, address and telephone number of the person who has or is suspected to have, or who is or is suspected to be a carrier of, a category I communicable disease; and
- (b) any prescribed information”.

(3) Subsection 32(4) is amended by striking out “designated public health officer” and substituting “medical health officer”.

Section 34 amended

53(1) Clause 34(1)(d) is amended by striking out “designated public health officer” and substituting “medical health officer”.

(2) Clause 34(2)(b) is amended by striking out “designated public health officer” and substituting “medical health officer”.

(3) Subsection 34(3) is amended in the portion preceding clause (a) by striking out “designated public health officer” and substituting “medical health officer”.

Section 35 amended

54 Section 35 is amended by striking out “designated public health officer” and substituting “medical health officer”.

Section 36 amended

55(1) Subsection 36(1) is amended by striking out “designated public health officer” and substituting “medical health officer”.

(2) Subsection 36(2) is amended by striking out “designated public health officer” and substituting “medical health officer”.

Section 37 amended

56 Subsection 37(1) is amended by striking out “designated public health officer” wherever it appears and in each case substituting “medical health officer”.

Section 38 amended

57(1) Subsection 38(1) is amended by striking out “designated public health officer” wherever it appears and in each case substituting “medical health officer”.

(2) Subsection 38(2) is amended:

(a) by repealing clause (d) and substituting the following:

“(d) require a person who is or probably is infected with, or who has been or might have been exposed to, a communicable disease to isolate himself or herself immediately and to remain in isolation from other persons”;

(b) by striking out “designated public health officer” and substituting “medical health officer”:

(i) in clause (h);

(ii) in the portion of clause (i) preceding subclause (i); and

(iii) in clause (j); and

(c) by adding the following clause after clause (k):

“(k.1) require a person with knowledge of the names of members of a group to disclose to a medical health officer the names of individual members of that group who are suspected by a medical health officer of:

(i) having been in contact with a person infected with a communicable disease; or

(ii) having been infected with a communicable disease”.

(3) Clause 38(3)(c) is amended by striking out “designated public health officer” and substituting “medical health officer”.

Section 39 amended

58 Clause 39(1)(b) is amended by striking out “designated public health officer” and substituting “medical health officer”.

Section 40 amended

59 Subsection 40(3) is amended by striking out “designated public health officer” and substituting “medical health officer”.

Section 41 amended

60(1) Subsection 41(1) is amended by striking out “designated public health officer” and substituting “medical health officer”.

(2) Subsection 41(2) is amended by striking out “designated public health officer” and substituting “medical health officer”.

Section 42 amended

61 Section 42 is amended by striking out “designated public health officer” and substituting “medical health officer”:

(a) in clause (a); and

(b) in clause (b).

Section 44 amended

62(1) Clause 44(1)(b) is amended by striking out “designated public health officer” and substituting “medical health officer”.

(2) Subsection 44(2) is amended by striking out “designated public health officer” and substituting “medical health officer”.

Section 45 amended

63(1) Subsection 45(1) is repealed and the following substituted:

“(1) The minister may make an order described in subsection (2) if the minister believes, on reasonable grounds, that:

(a) a serious public health threat exists in Saskatchewan; and

(b) the requirements set out in the order are necessary to decrease or eliminate the transmission of a communicable disease”.

(2) Subsection 45(2) is amended:

(a) by repealing subclause (d)(i) and substituting:

“(i) to be immunized or given prophylaxis where the disease is one for which immunization or prophylaxis is available”; **and**

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

“(f) require a local authority, a medical health officer or a public health officer to investigate matters relating to the serious public health threat and report to the minister the results of the investigation;

“(g) require any person who, in the opinion of the minister or medical health officer, is likely to have information that is necessary to decrease or eliminate the serious public health threat to disclose that information to the minister or a medical health officer;

“(h) authorize public health officers, peace officers or prescribed persons to confiscate substances or other materials found in any place, premises or vehicle, if those substances or materials are suspected by the public health officer, peace officer or prescribed person of causing or contributing to a serious public health threat or packages, containers or devices containing or suspected of containing any of those substances or materials;

“(i) require any person to be isolated from other persons until a medical health officer is satisfied that isolation is no longer necessary to decrease or eliminate the transmission of a communicable disease”.

(3) The following subsections are added after subsection 45(2):

“(2.1) An order made pursuant to clause (2)(g) applies notwithstanding any other Act or regulation.

“(2.2) Subject to subsection (2.3), with the approval of the chief medical health officer, a medical health officer may make any order described in subsection (2) if:

- (a) the medical health officer believes, on reasonable grounds, that:
 - (i) a serious public health threat exists in Saskatchewan; and
 - (ii) the requirements set out in the order are necessary to decrease or eliminate the serious public health threat; and
- (b) in the opinion of the medical health officer, there will be insufficient time for the minister to make an order pursuant to this section because of the nature of the serious public health threat.

“(2.3) An order made by a medical health officer pursuant to subsection (2.2):

- (a) must specify the time at which it is made; and
- (b) terminates 48 hours after it is made unless the minister makes an order extending its effect”.

(4) The portion of subsection 45(3) preceding clause (a) is amended by adding “or the medical health officer” after “minister”.

(5) Subsection 45(5) is amended:

(a) in the portion preceding clause (a) by adding “or the medical health officer” after “minister” wherever it appears;

(b) by striking out “or” after clause (b);

(c) in clause (c) by adding “or the medical health officer” after “minister”;

(d) by adding “or” after clause (c); and

(e) by adding the following clause after clause (c):

“(d) in the case of an order directed to a large number of persons in a particular place, premises or vehicle, by making a public announcement in the place, premises or vehicle”.

New section 45.1

64 The following section is added after section 45:**“Preventive detention order**

45.1(1) If a person fails to comply with an order pursuant to clause 45(2)(i) and a medical health officer believes on reasonable grounds that the person is endangering the lives, safety or health of the public because the person is or probably is infected with, or has been or might have been exposed to, a communicable disease, the medical health officer may detain the person for a period not exceeding the prescribed period of transmissibility of the disease.

(2) A person detained by a medical health officer pursuant to subsection (1) may request a review of his or her detention by application to the Court of Queen’s Bench served on the minister, and the court may make any order with respect to the detention or the release of the person that the court considers appropriate, having regard to the danger to the lives, safety or health of the public”.

Section 46 amended

65 Subsection 46(1) is amended:**(a) by adding the following clause after clause (t):**

“(t.1) prescribing information that must be included in a report submitted pursuant to section 32”;

(b) by adding the following clause after clause (v):

“(v.1) prescribing facilities as institutions for the purposes of clause 31.1(1)(c)”;

(c) in clause (x) by striking out “designated public health officer” and substituting “medical health officer”;**(d) by adding the following clauses after clause (x):**

“(x.1) respecting the detection, investigation, prevention, reduction, control and removal of serious public health threats, prohibiting or regulating acts that create or contribute to serious public health threats and imposing requirements to prevent the creation or worsening of serious public health threats;

“(x.2) for the purposes of clause 45(2)(h), prescribing persons who are authorized to confiscate substances or other materials that are suspected of causing or contributing to a serious public health threat or packages, containers or devices containing or suspected of containing any of those substances or materials”;

(e) by adding the following clause after clause (z):

“(z.1) for the purposes of subsection 45.1(1), prescribing the periods of transmissibility of communicable diseases”;

(f) in clause (hh) by striking out “designated public health officer” and substituting “medical health officer”.

Section 47 amended**66 Clause 47(1)(b) is repealed and the following substituted:**

“(b) without limiting the generality of clause (a), for all or any of the functions or purposes set out in subsection 46(1), other than the functions or purposes set out in clauses 46(1)(a), (b), (c), (d), (e), (h), (m), (n), (p), (t), (v.1), (w), (x), (x.1), (x.2), (y), (kk), (mm), (nn) and (oo)”.

Section 48 amended**67 Clause 48(1)(b) is repealed and the following substituted:**

“(b) without limiting the generality of clause (a), for all or any of the functions or purposes set out in subsection 46(1), other than the functions or purposes set out in clauses 46(1)(a), (b), (c), (d), (e), (h), (m), (n), (p), (t), (v.1), (w), (x), (x.1), (x.2), (y), (kk), (mm), (nn) and (oo)”.

Section 53 amended**68(1) Subsection 53(4) is repealed and the following substituted:**

“(4) A justice of the peace or a judge of the Provincial Court of Saskatchewan may issue a warrant authorizing a public health officer to enter and search any place or premises or search any vehicle named in the warrant where the public health officer believes, on reasonable grounds, that:

- (a) an offence against this Act has been or is being committed and there is evidence of the offence to be found in the place, premises or vehicle proposed to be searched; or
- (b) a condition, substance, agent or thing:
 - (i) is present in the place, premises or vehicle proposed to be searched; and
 - (ii) is causing or is likely to cause, or is contributing to or is likely to contribute to, a serious public health threat”.

(2) Clause 53(6)(b) is repealed and the following substituted:

“(b) the public health officer believes, on reasonable grounds, that the delay necessary to obtain a warrant would:

- (i) result in the loss or destruction of evidence; or
- (ii) hinder the prevention or control of the serious public health threat”.

Section 55 amended**69(1) The following subsection is added after subsection 55(1):**

“(1.1) A medical health officer may call for the assistance of a peace officer in enforcing an order made pursuant to subsection 38(2), 45(2) or 45(3) or in detaining a person pursuant to subsection 45.1(1)”.

(2) Subsection 55(2) is amended by adding “or (1.1)” after “subsection (1)”.

Section 64 amended

70 Subsection 64(1) is amended by adding “or prophylaxis” after “immunization” wherever it appears.

Transitional

71(1) A reference in any regulation or bylaw made pursuant to *The Public Health Act, 1994* to a designated public health officer is deemed to be a reference to a medical health officer.

(2) An order made by a designated public health officer pursuant to *The Public Health Act, 1994* that is in effect immediately before the coming into force of this section is continued as an order of a medical health officer.

S.S. 2002, c.E-10.21, section 16 amended

72 Section 16 of *The Environmental Management and Protection Act, 2002* is amended:

(a) in subsection (3) by striking out “designated public health officer” and substituting “medical health officer”; and

(b) in subsection (4):

(i) by repealing clause (a); and

(ii) by adding the following clause after clause (b):

“(c) ‘**medical health officer**’ means medical health officer as defined in *The Public Health Act, 1994*”.

S.S. 1980-81, c.M-10.1, section 30 amended

73 Subclause 30(3)(b)(iii) of *The Medical Profession Act, 1981* is amended by striking out “designated public health officer” and substituting “medical health officer”.

S.S. 1983, c.N-5.1, section 63 amended

74 Clause 63(e) of *The Northern Municipalities Act* is amended by striking out “designated public health officer” and substituting “medical health officer”.

S.S. 1983-84, c.U-11, section 2 amended

75 Clause 2(1)(s) of *The Urban Municipality Act, 1984* is amended by striking out “designated public health officer” and substituting “medical health officer”.

PART XVI

The Saskatchewan Medical Care Insurance Act**R.S.S. 1978, c.S-29, section 11 amended**

76 Subsection 11(2) of *The Saskatchewan Medical Care Insurance Act* is amended by striking out “\$25” and substituting “\$50,000”.

Part XVII
The Vehicle Administration Act

S.S. 1986, c.V-2.1 amended

77 *The Vehicle Administration Act* is amended in the manner set forth in this Part.

Section 15 amended

78 The following subsection is added after subsection 15(4):

“(5) If the administrator is not satisfied with respect to any of the matters set out in subsections (2) and (3):

(a) a representative of the administrator may do any of the following in order to obtain any necessary additional evidence:

(i) require the attendance at his or her office of the applicant or of any other person, and examine that person respecting any matter pertaining to the application;

(ii) require the applicant or any other person to produce any document or evidence that, in the opinion of the representative of the administrator, is necessary to enable the representative of the administrator to make a determination as to the truth and sufficiency of the information provided in the application or the eligibility of the persons who are the subjects of the application or as to whether the application was submitted in good faith; or

(b) the administrator may refuse to issue a driver’s licence”.

Section 16 amended

79 The following subsection is added after subsection 16(1):

“(1.01) An applicant for a driver’s licence must provide the administrator with any information and evidence that the administrator considers necessary to establish the identity and eligibility of the person on whose behalf the application is made”.

New section 16.1

80 The following section is added after section 16:

“Offences re drivers’ licences

16.1(1) In this section, ‘false document’ means a false document as defined in section 321 of the *Criminal Code*.

(2) No person shall, for the purpose of procuring the issuance of a driver’s licence for himself or herself or for any other person:

(a) make a written or an oral statement that he or she knows is false or misleading; or

(b) provide the administrator with a false document.

- (3) No person shall:
- (a) create, or cause to be created, a false document that purports to be a driver's licence;
 - (b) without lawful excuse, have in his or her possession a false document that purports to be a driver's licence; or
 - (c) knowing that a document purporting to be a driver's licence is a false document:
 - (i) use, deal with or act on it; or
 - (ii) cause or attempt to cause any person to use, deal with or act on it.
- (4) No person shall, on his or her own behalf, use, deal with or act on a driver's licence issued with respect to another person.
- (5) No person, being the lawful holder of a driver's licence, shall knowingly part with the possession of that driver's licence with intent that it should be used for an improper purpose.
- (6) Every person who contravenes any provision of subsection (2), (3), (4) or (5) is guilty of an offence and liable on summary conviction to a fine of not more than \$50,000, to imprisonment for a term of not more than two years or to both.
- (7) If a person is convicted of an offence pursuant to subsection (6), the convicting judge may, in addition to any penalty imposed, order the administrator to amend its records or revoke the issuance of a driver's licence, as the case may require.
- (8) If the convicting judge orders the revocation of the issuance of a driver's licence pursuant to subsection (7), the convicting judge shall order the person to whom the driver's licence was issued to return the driver's licence immediately.
- (9) No person shall fail to comply with an order of the convicting judge made pursuant to subsection (8).
- (10) Every person who fails to comply with an order made pursuant to subsection (8) is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000".

Section 35 amended

81 Clause 35(1)(a) is amended by striking out “subsection 29(3) or (4)” and substituting “subsection 29(7) or (8)”.

Section 80 amended

82 The portion of section 80 preceding clause (a) is amended by adding “16.1,” after “sections”.

**PART XVIII
Coming into force****Coming into force**

83 This Act comes into force on assent.