

2008

CHAPTER V-7.3

An Act to effect the transfer of the administration of *The Vital Statistics Act, 1995*, *The Change of Name Act, 1995* and other statutory duties of the Director of Vital Statistics to the Information Services Corporation of Saskatchewan, and to make consequential amendments to other Acts

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(Assented to May 14, 2008)

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

Short title

1 This Act may be cited as *The Vital Statistics Administration Transfer Act*.

Interpretation

2 In this Act:

(a) **“corporation”** means the Information Services Corporation of Saskatchewan created by the Lieutenant Governor in Council as a CIC Crown corporation pursuant to *The Crown Corporations Act, 1993*, through which the minister shall administer this Act, *The Vital Statistics Act, 1995* and *The Change of Name Act, 1995*;

(b) **“deputy registrar”** means a deputy registrar appointed pursuant to subsection 8(2);

(c) **“division registrar”** means a division registrar within the meaning of section 36 of *The Vital Statistics Act, 1995*;

- (d) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e) “**registrar**” means the Registrar of Vital Statistics appointed pursuant to subsection 8(1);
- (f) “**vital statistics registry**” means the Vital Statistics Registry established pursuant to subsection 7(1).

Transfer of administration

3(1) The corporation is responsible to the minister in the performance of the duties imposed on the corporation and the exercise of the powers conferred on the corporation for the purpose of administering this Act, *The Vital Statistics Act, 1995* and *The Change of Name Act, 1995*.

(2) Notwithstanding *The Vital Statistics Act, 1995* and *The Change of Name Act, 1995* but subject to the approval of the Lieutenant Governor in Council, the corporation may impose fees, taxes, rates and other charges for any services provided pursuant to this Act, *The Vital Statistics Act, 1995* or *The Change of Name Act, 1995* and may determine the amount, and manner of payment, of those fees and other charges.

(3) If the registrar or the corporation considers it appropriate or necessary, the registrar or the corporation may:

- (a) waive, in whole or in part, the payment of any fee, tax, rate or other charge imposed pursuant to subsection (2); or
- (b) refund, in whole or in part, the amount of any fee, tax, rate or other charge imposed pursuant to subsection (2).

(4) All revenues derived from fees, taxes, rates and other charges imposed or collected pursuant to this Act, *The Vital Statistics Act, 1995* or *The Change of Name Act, 1995* are to be paid to and are the property of the corporation, unless the Lieutenant Governor in Council directs that all or any of the revenues be paid to the general revenue fund.

Transfer of employees

4(1) Notwithstanding any other Act or law or provision of a contract, for the purpose of facilitating the administration of this Act, *The Vital Statistics Act, 1995* and *The Change of Name Act, 1995*, the chairperson of the Public Service Commission may transfer any employees in the public service within the meaning of *The Public Service Act, 1998* to, and cause them to become employees of, the corporation.

(2) Notwithstanding any other Act or law or provision of a contract, any transfer described in subsection (1):

- (a) does not constitute the abolition or termination of any position or job;
- (b) does not require any advance notice, including any notice that may be required pursuant to *The Trade Union Act* or *The Labour Standards Act*; and
- (c) does not constitute constructive dismissal of any person or a breach of contract.

Superannuation

5 *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply, with any necessary modification, to the persons employed by the corporation for the purpose of administering this Act.

Transfer of assets and liabilities

6(1) Notwithstanding any other Act or law, the Lieutenant Governor in Council may transfer to and vest in the corporation any assets, liabilities, contracts and causes of action of any agency of the Government of Saskatchewan respecting the operations of the Vital Statistics Branch of the Ministry of Health or arising from the administration or enforcement of *The Vital Statistics Act, 1995* or *The Change of Name Act, 1995*, subject to any terms and conditions that the Lieutenant Governor in Council may set.

(2) The corporation may exercise all the powers, rights and privileges over or with respect to the things and matters mentioned in subsection (1) that any agency of the Government of Saskatchewan could or might have exercised, and may:

- (a) sell, release, discharge, assign, transfer, convey, dispose of or otherwise deal with all or any of those things and matters;
- (b) execute all requisite or proper assignments, transfers, discharges, releases, grants or other conveyances or documents that may be required; and
- (c) exercise all powers in connection with those things and matters in the name of the corporation as if they stood in the name of, or had been made to or in favour of, the corporation.

(3) No action, appeal, application or other proceeding being carried on or power or remedy being exercised with respect to the things and matters mentioned in subsection (1) is to be discontinued or abated on account of this Act, but may be continued in the name of the corporation, and the corporation has the same rights, is subject to the same liabilities, and shall pay or receive the same costs as if the action, appeal, application or other proceeding had been commenced or defended in the name of the corporation.

(4) With respect to the things and matters mentioned in subsection (1), the corporation may bring, maintain and exercise in its own name any action, appeal, application or other proceeding, or exercise any power, right or remedy or right of distress that any agency of the Government of Saskatchewan could have brought, maintained or exercised.

(5) Subject to subsection (6), the corporation is responsible for all debts, liabilities and obligations of any agency of the Government of Saskatchewan with respect to the matters and things mentioned in subsection (1), and nothing in this Act affects the rights of any creditor of, or any person having a claim against, any agency of the Government of Saskatchewan with respect to those matters and things, and all those rights may be asserted against the corporation.

(6) If a claim is made or an action is brought against the corporation respecting an error or omission made in the administration of *The Vital Statistics Act, 1995*, any former *Vital Statistics Act*, *The Change of Name Act, 1995*, any former *Change of Name Act* or a provision of any other Act that imposes a duty or confers a power on the Director of Vital Statistics, any payment to be made respecting the claim or action is to be made:

- (a) by the Minister of Finance from the general revenue fund if the error or omission occurred before the coming into force of section 1 of this Act; and
- (b) by the corporation if the error or omission occurred on or after the coming into force of section 1 of this Act.

Vital Statistics Registry

7(1) The Vital Statistics Registry is established.

(2) Subject to the regulations, the vital statistics registry consists of:

- (a) all records that, on the day before the coming into force of this Act, are in the possession, or under the control, of the Director of Vital Statistics or a division registrar pursuant to *The Vital Statistics Act, 1995*, any former *Vital Statistics Act*, *The Change of Name Act, 1995*, any former *Change of Name Act* or a provision of any other Act that imposes a duty or confers a power on the Director of Vital Statistics; and
- (b) all records that, on or after the coming into force of this Act, come into the possession, or under the control, of the Registrar of Vital Statistics or a division registrar pursuant to this Act or any other Act.

Registrar, deputy registrars

8(1) Notwithstanding section 34 of *The Vital Statistics Act, 1995*, the Lieutenant Governor in Council, on the recommendation of the minister and the Minister of Justice and Attorney General, may appoint a Registrar of Vital Statistics who shall, under the direction of the minister and the corporation, be responsible for:

- (a) supervising the operation of the vital statistics registry;
- (b) directing and supervising all persons employed, or otherwise engaged, by the corporation in the exercise of their powers and in the performance of their duties in connection with the vital statistics registry;
- (c) maintaining all records in the vital statistics registry; and
- (d) performing any additional functions or duties assigned to the registrar by this Act, the regulations, the minister or the corporation.

(2) Notwithstanding section 34 of *The Vital Statistics Act, 1995*, the minister and the Minister of Justice and Attorney General may appoint one or more deputy registrars to assist the registrar.

(3) The registrar and the deputy registrars are employees of the corporation and agents of the Crown, and all actions of the registrar and the deputy registrars taken pursuant to this Act and the regulations are taken on behalf of the Crown.

- (4) The Lieutenant Governor in Council may approve a seal of office for the registrar.
- (5) The registrar holds office at pleasure and may be removed by the Lieutenant Governor in Council on the recommendation of the Minister of Justice and Attorney General and the minister.
- (6) No person shall seek to direct the registrar in the performance of any duty imposed on the registrar by this Act.
- (7) The registrar shall provide an annual report to the Minister of Justice and Attorney General regarding the registrar's performance of his or her duties imposed by this Act.
- (8) The registrar shall immediately report to the Minister of Justice and Attorney General any business or practice of the corporation or of any other person that impairs the registrar's ability to carry out his or her duties imposed by this Act.

Certain matters not affected

9 Any activity undertaken by the Director of Vital Statistics or the Assistant Director of Vital Statistics and not completed before the coming into force of this Act may be continued by the registrar or a deputy registrar after the coming into force of this Act as if it had been undertaken by the registrar or deputy registrar after the coming into force of this Act.

References to Director of Vital Statistics

10(1) A reference in any Act, regulation or order to the Director of Vital Statistics is deemed to be a reference to the registrar.

(2) A reference in *The Vital Statistics Act, 1995*, *The Change of Name Act, 1995* or any regulation made pursuant to those Acts to the director is deemed to be a reference to the registrar.

References to branch

11 A reference in any Act, regulation or order to the Vital Statistics branch of the Ministry of Health is deemed to be a reference to the registrar and those officers, employees and agents of the corporation who are under the direction of the registrar for the purposes of administering this Act.

Confidentiality

12(1) No person shall disclose or provide access to information in the vital statistics registry except in accordance with this section, *The Vital Statistics Act, 1995* or *The Change of Name Act, 1995*.

(2) The corporation and the registrar shall take all reasonable measures necessary to ensure that no person other than the registrar, a deputy registrar, any other person engaged in the operation of the vital statistics registry or a person having the written authorization of the registrar has access to information in the vital statistics registry except in accordance with this section.

(3) The registrar shall continue to disclose and provide access to information in the vital statistics registry to the Ministry of Health for use in connection with any purpose related to the mandate of that ministry.

(4) The Ministry of Health shall continue to disclose and provide access to registration information, as defined in *The Health Information Protection Act*, to the registrar for use in connection with the registration of births, stillbirths, marriages or deaths or the issuance of certificates of birth, marriage or death.

(5) The registrar may disclose or provide access to information obtained pursuant to this Act to prescribed persons, in prescribed circumstances or for prescribed purposes.

Regulations

13 For the purpose of carrying out this Act according to its intent, 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) for the purposes of subsection 7(2):
 - (i) designating any category of records as part of the vital statistics registry; or
 - (ii) excluding any category of records from inclusion in the vital statistics registry;
- (c) for the purposes of clause 8(1)(d), assigning additional functions or duties to the registrar;
- (d) for the purposes of subsection 12(5), prescribing:
 - (i) categories of persons to whom information may be disclosed;
 - (ii) circumstances in which information may be disclosed; and
 - (iii) purposes for which information may be disclosed;
- (e) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (f) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

Act prevails

14 If there is a conflict between this Act and any other Act or regulation, this Act prevails.

Limitation of actions

15 No action or proceeding lies or shall be commenced against the Government of Saskatchewan, any member of the Executive Council, the corporation or any officer, employee or agent of the Government of Saskatchewan or the corporation because of the enactment of this Act.

2008

VITAL STATISTICS ADMINISTRATION TRANSFER

c. V-7.3

S.S. 1990-91, c.F-22.01, section 23 amended

16 The following clause is added after clause 23(3)(j) of *The Freedom of Information and Protection of Privacy Act*:

“(j.1) section 12 of *The Vital Statistics Administration Transfer Act*”.

S.S. 1999, c.H-0.021, section 4 amended

17 The following clause is added after clause 4(4)(g.1) of *The Health Information Protection Act*:

“(g.2) *The Vital Statistics Administration Transfer Act*”.

Coming into force

18 This Act comes into force on proclamation.

