

PART II**REVISED REGULATIONS OF SASKATCHEWAN****CHAPTER F-13.2 REG 2***The Film and Video Classification Act*

Section 16

Order in Council 620/97, dated September 9, 1997

(Filed September 10, 1997)

Title

1 These regulations may be cited as *The Film and Video Classification Regulations, 1997*.

Interpretation

2(1) In these regulations:

- (a) **“Act”** means *The Film and Video Classification Act*;
- (b) **“appeal”** means an appeal pursuant to section 11 of the Act;
- (c) **“appeal committee”** means an appeal committee provided for in section 11 of the Act;
- (d) **“explicit sexual scene”** means a scene in a film that depicts sexual activity, the occurrence of which is actually visible to the viewer;
- (e) **“registrant”** means a person registered pursuant to section 3;
- (f) **“sexual activity”** means a real or simulated act of:
 - (i) intercourse or masturbation;
 - (ii) genital-genital, genital-anal, oral-genital or oral-anal connection between human beings or between human beings and animals and anal or genital connection between human beings and objects;
- (g) **“sexually suggestive scene”** means a scene in a film that depicts:
 - (i) sexual activity other than an explicit sexual scene; or
 - (ii) sexual activity that is not actually visible to the viewer, but the scene and the context in which it appears are intended to suggest that sexual activity is or may be occurring.

(2) For the purposes of the Act and these regulations:

- (a) **“advertising”** includes catalogues, order forms and other printed and non-printed promotional materials circulated between wholesale and retail distributors, exhibitors and the public and retail distributors and the public;
- (b) **“person who engages in wholesale distribution”** includes the studio that has produced the film, the owner and any other person or group responsible for the release and distribution of the film.

Registration

3(1) Every wholesale distributor, retail distributor and exhibitor who is required to register with the board pursuant to subsection 8(1) of the Act shall apply by:

- (a) completing a form provided by the board and delivering it to the board; and
- (b) providing the following information along with the form:
 - (i) the name, address and telephone number of the applicant and of the manager of the applicant's business;

- (ii) the applicant's type of business;
 - (iii) the category of film product to be exhibited or distributed by the applicant;
 - (iv) the name under which the applicant is incorporated, continued or registered pursuant to *The Business Corporations Act* or *The Business Names Registration Act*, as the case may be;
 - (v) the applicant's address for service in Saskatchewan;
 - (vi) the location of each of the business premises in Saskatchewan where the applicant proposes to carry on business; and
 - (vii) the name of the person signing the form and his or her relation to the applicant.
- (2) A registration is not transferable.
- (3) A registrant shall notify the board in writing of a change, either before or within seven days after its occurrence, in any of the following:
- (a) the address for service of the registrant;
 - (b) the name under which the registrant is incorporated, continued or registered pursuant to *The Business Corporations Act* or *The Business Names Registration Act*, as the case may be;
 - (c) the location of any business premises of the registrant;
 - (d) the registrant's inventory caused by adding the category of films classified as Adult to the inventory or by removing that category of films from the inventory.
- (4) A registration expires one year after the date it was issued.

Deemed registration

4 Notwithstanding section 3, a wholesale distributor is deemed to be registered pursuant to the Act where:

- (a) the wholesale distributor is licensed or registered by a classification body in another jurisdiction to distribute films; and
- (b) an agreement has been made pursuant to section 15.1 of the Act with the classification body mentioned in clause (a) to license or register that wholesale distributor on behalf of Saskatchewan.

Wholesale distributor licensed in British Columbia

5(1) Subject to subsection (8), where an agreement pursuant to section 15.1 of the Act is in effect with British Columbia to license persons distributing film in Saskatchewan, every wholesale distributor who distributes or intends to distribute film in Saskatchewan shall obtain a licence in British Columbia pursuant to the *Motion Picture Act* (British Columbia).

(2) Where an agreement pursuant to section 15.1 of the Act is in effect with British Columbia, a wholesale distributor is deemed to be registered pursuant to the Act where the wholesale distributor:

- (a) has provided to British Columbia an address for service in Saskatchewan; and
- (b) is licensed in British Columbia pursuant to subsection (1).

(3) Where an agreement pursuant to section 15.1 of the Act expires without renewal or is terminated, the board shall send a written notice to each wholesale distributor mentioned in subsection (2):

- (a) of the expiry or termination date of the agreement; and
- (b) of the requirement of the wholesale distributor to register pursuant to section 8 of the Act within six months from the date of receipt of the written notice.

(4) The registration of a wholesale distributor is deemed to continue for six months from the date of receipt of the written notice sent pursuant to subsection (3).

(5) For the purposes of subsections (3) and (4), a written notice to the wholesale distributor may be sent by ordinary mail to the address for service in Saskatchewan.

(6) A written notice sent by ordinary mail is deemed to have been received on the seventh day following the date of its mailing unless the wholesale distributor to whom it was mailed establishes that through no fault of his or her own, the wholesale distributor did not receive the written notice or received the written notice at a later date.

(7) Where an agreement pursuant to section 15.1 of the Act is in effect with British Columbia, a wholesale distributor shall provide to each of its sales representatives who distributes film in Saskatchewan an identification card if required to do so by British Columbia.

(8) A wholesale distributor who distributes in Saskatchewan only film that has already been classified in accordance with the Act and these regulations is not required to obtain a licence in British Columbia.

Fee for classification

6 Subject to section 10, the fee payable:

- (a) for the classification of film for exhibition is \$400 per title;
- (b) for classification by documentation is \$30 per title.

Power to approve, disapprove, etc.

7(1) In exercising its authority pursuant to section 4 of the Act to approve or disapprove a film or require the removal of a portion of a film, the board shall consider the character and content of the film in its entirety and shall approve the exhibition or distribution, as the case may be, unless:

- (a) the film contains scenes depicting:
 - (i) the coercing, through the use of threat or physical force or by other means, of a person to engage in a sexual activity, where the sexual activity that was coerced is depicted in explicit sexual scenes;
 - (ii) incest or necrophilia;
 - (iii) bondage in a sexual context;
 - (iv) persons who are or who appear to be under the age of 14 involved in sexually suggestive scenes, whether or not they appear nude or partially nude;

- (v) persons who are or who appear to be under the age of 18 involved in explicit sexual scenes;
 - (vi) explicit sexual scenes involving violence;
 - (vii) scenes of brutality or torture, maiming or dismemberment of persons or animals that are portrayed with such a degree of reality and explicitness that the scenes would, in the board's opinion, be intolerable to the public;
 - (viii) sexual activity between a human being and an animal; or
 - (ix) urination or defecation for sexual gratification; and
- (b) the board considers the presence of a scene mentioned in clause (a) in the whole context of the film in which it appears and concludes that it is not in the public interest to approve the exhibition or distribution, as the case may be, of the film in Saskatchewan.
- (2) The board is not required to disapprove a film or require the removal of a portion of a film that contains scenes mentioned in subsection (1) where the board considers the theme, subject-matter or plot of the film to be artistic, historical, political, educational or scientific.
- (3) In exercising its duties pursuant to clause (1)(b), the board shall consider:
- (a) the extent to which the film:
 - (i) degrades or denies human dignity;
 - (ii) exploits men, women or children by portraying them in a manner that denies their essential worth and dignity as human beings; and
 - (iii) has capacity to stimulate illegal conduct;
 - (b) the standards of tolerance and propriety prevailing in Saskatchewan;
 - (c) the need to protect children from potential exposure to the film; and
 - (d) the need to protect freedom of thought, belief, opinion and expression.

Classification of film

8(1) In exercising its authority pursuant to section 5 of the Act to classify a film, the board, taking into consideration the criteria prescribed in this section, shall classify a film into one of the following categories:

- (a) General (G);
 - (b) Parental Guidance (PG);
 - (c) 14A;
 - (d) 18A;
 - (e) Restricted (R);
 - (f) Adult (A).
- (2) A film is to be classified as General if the content is considered by the board to be suitable for viewing by persons of all ages.
- (3) A film is to be classified as Parental Guidance where the themes or content of the film may not, in the opinion of the board, be suitable for all children.

(4) A film is to be classified as 14A where the film, in the opinion of the board, is suitable for viewing by persons 14 years of age or older but not for children under 14 years of age unless accompanied by an adult as the film contains any of the following:

- (a) violence;
- (b) coarse language;
- (c) sexually suggestive scenes.

(5) A film is to be classified as 18A where the film, in the opinion of the board, is suitable for viewing by persons over 18 years of age but not for persons under 18 years of age unless accompanied by an adult because the film contains any of the following:

- (a) explicit violence;
- (b) frequent coarse language;
- (c) horror;
- (d) sexual activity.

(6) A film is to be classified as Restricted where the film, in the opinion of the board, is not suitable for viewing by persons under 18 years of age because the film contains frequent use of any of the following:

- (a) brutal or graphic violence;
- (b) intense horror;
- (c) explicit sexual scenes;
- (d) other disturbing content.

(7) A film is to be classified as Adult where the film, in the opinion of the board, is not suitable for viewing by persons under 18 years of age because the film consists of any of the following:

- (a) predominantly explicit sexual scenes;
- (b) scenes of brutality or torture, maiming or dismemberment of persons or animals that are portrayed with a degree of reality and explicitness that would be tolerable to the community.

Permitted age

9 For the purposes of section 12 of the Act, the permitted age for the viewing, purchasing, renting, leasing or exchanging of a film:

- (a) that is classified as 14A is 14 years, unless accompanied by an adult;
- (b) that is classified as 18A is 18 years, unless accompanied by an adult;
- (c) that is classified as Restricted is 18 years; or
- (d) that is classified as Adult is 18 years.

Approval of films pursuant to agreement with British Columbia

10(1) Where an agreement pursuant to section 15.1 of the Act is in effect with British Columbia for the purpose of approving and classifying films intended for exhibition or distribution in Saskatchewan, a film is deemed to be approved and classified pursuant to the Act and these regulations where:

- (a) the film has been approved or classified in accordance with the agreement;
- and

(b) except in the case of a film classified as Adult, the classification fee prescribed in section 6 has been paid to British Columbia.

(2) Where an agreement pursuant to section 15.1 of the Act is no longer in effect, a film that has been approved or classified during the term of the agreement is deemed to be approved or classified pursuant to the Act and these regulations.

Deemed classification

11(1) Subject to subsection (2), a film that is offered for sale, rent, lease or exchange by a retail distributor is deemed to be classified pursuant to the Act and these regulations if it bears evidence of having been classified through:

- (a) the Motion Picture Association of America;
- (b) the British Board of Film Censors; or
- (c) a body that classifies, reviews or otherwise approves films and that is established pursuant to the legislation of another province or territory of Canada.

(2) Subsection (1) does not apply to a film classified as Adult except where it has been approved in accordance with an agreement pursuant to section 15.1 of the Act.

Film information sources

12 For the purposes of subclauses 4(3)(b)(ii) and 5(2)(b)(ii) of the Act, the Motion Picture Association of America and the British Board of Film Censors are recognized as bodies whose approvals or classifications of films may be used by the board.

Other information sources

13 For the purposes of clauses 4(3)(c) and 5(2)(c) of the Act, the board may base its approval or classification of a film on information that the board is satisfied is accurate and unbiased and that is obtained from film reports, consumer reports, journals or other information sources reporting on the film's content.

No admittance to minors

14(1) A retail distributor who offers for sale, rent, lease or exchange only films classified as Adult shall display in a conspicuous manner at all entrances to his or her business premises a sign reading "No admittance to persons under age 18" and shall not admit a person under 18 years of age to the business premises.

(2) A retail distributor who offers for sale, rent, lease or exchange films classified as Adult in addition to films in other classifications shall offer the Adult films in such a manner that:

- (a) all advertising material on the business premises for films classified as Adult and the films themselves are physically segregated from persons under 18 years of age in a manner that is acceptable to the board;
- (b) a person under 18 years of age is not admitted into the segregated area; and
- (c) a sign mentioned in subsection (1) is displayed at every entrance to the segregated area.

Public library exemption

15 The Act and these regulations do not apply to any film owned, sponsored, exhibited or distributed by a library that is part of the provincial public library system within the meaning of *The Public Libraries Act, 1996*, where the film is designed for educational purposes.

Advertising

16(1) In exercising its authority pursuant to section 6 of the Act to approve, prescribe or prohibit advertising, the manner of advertising or the manner of display, the board shall consider whether the advertisement or display:

- (a) contains the classification information required pursuant to clause 6(1)(b) of the Act and pursuant to these regulations;
 - (b) makes the required classification information clearly apparent to those who may view, purchase, rent, lease or exchange films; and
 - (c) contains material, images or content of a nature that, were they contained in a film, would preclude access by persons of a certain age according to the classification requirements of these regulations.
- (2) No advertisement for a film classified as Adult shall be placed, posted or exhibited on the business premises of a retail distributor who offers for sale, rent, lease or exchange only films classified as Adult so that the advertisement is visible to members of the public from outside the premises of the retail distributor.
- (3) No advertisement for a film classified as Adult shall be placed, posted or exhibited on the business premises of a retail distributor who offers for sale, rent, lease or exchange films classified as Adult in addition to films with other classifications so that the advertisement or a film classified as Adult is visible to customers in that part of the premises where films with other classifications are offered for sale, rent, lease or exchange.

Employees under age 18

17(1) A registrant who exhibits, sells, rents, leases or exchanges films classified as Adult shall not permit an employee under 18 years of age to handle or have access to films classified as Adult.

- (2) An exhibitor who exhibits films shall not permit an employee under 18 years of age to view a film classified as Restricted or Adult.

Display of films for sale or rent

18(1) Subject to subsection 27(2) and without limiting the generality of these regulations and clause 6(1)(b) of the Act:

- (a) a retail distributor shall ensure that every film offered for sale, rent, lease or exchange, other than a film classified as Adult or a film that is exempt pursuant to the Act or these regulations, bears evidence on the cassette, its jacket or its sleeve that:
 - (i) the film is approved pursuant to the Act and these regulations;
 - (ii) the film meets any requirements of the board; and
 - (iii) the film has been classified in accordance with the following:
 - (A) General - G in a green circle;
 - (B) Parental Guidance - PG in a blue square;
 - (C) 14A - 14A in a yellow triangle;
 - (D) 18A - 18A in an orange triangle;
 - (E) Restricted - R in a red octagon;
- (b) an exhibitor shall ensure that the classification of every film being exhibited is displayed in a manner that is acceptable to the board.

(2) Subject to subsection 27(1), every film intended for exhibition or distribution in Saskatchewan that is classified as Adult must:

- (a) be approved as an Adult film pursuant to the *Motion Picture Act* (British Columbia); and
- (b) have attached to each copy of the film a decal provided on payment of the prescribed fee pursuant to the *Motion Picture Act* (British Columbia).

Appeal

19 The chairperson of the appeal committee shall specify which member or members of the appeal committee shall constitute a panel to hear an appeal.

Commencement of appeal

20(1) A person who wishes to appeal a decision of the board shall commence an appeal by delivering a written notice of the appeal to the chairperson of the appeal committee.

(2) Where the person who submitted a film for approval or classification is appealing a decision of the board with respect to disapproval of the film, a requirement to remove a portion of the film, or classification of the film, that person shall include with his or her notice of appeal a fee of \$500.

Procedure on appeal

21(1) Where a person appealing a decision pursuant to clause 11(3)(a) of the Act is the person who submitted the film for classification, that person shall:

- (a) at his or her own expense, provide premises in Saskatchewan acceptable to the appeal committee at which to hold the appeal; and
- (b) at his or her own expense, provide the equipment and resources necessary for the appeal committee to view the film.

(2) The appeal committee shall:

- (a) in the case of a person mentioned in subsection (1), set the time and date for hearing the appeal at the premises provided by the person appealing the board's decision; or
- (b) in the case of any other appellant, set the time, date and place for the hearing.

(3) The appeal committee may adjourn the hearing from time to time as it considers appropriate.

(4) Where a person other than the person who submitted the film for classification commences an appeal with respect to that film, the appeal committee shall notify the person who submitted the film for classification of the time, date and place set for hearing the appeal.

(5) The rules of evidence do not apply to an appeal before the appeal committee.

(6) Any person who commences an appeal may, at his or her own expense, be represented by an agent or counsel.

(7) Subject to subsection (8), the appeal committee shall hear the appeal in public.

(8) Where the appeal being heard is an appeal from a decision to disapprove a film, require the removal of a portion of a film or classify a film, the appeal committee shall view the film *in camera*.

Duties of appeal committee

22 The appeal committee shall:

- (a) hear all evidence introduced by the person bringing the appeal that the appeal committee considers relevant to the appeal; and
- (b) in hearing an appeal with respect to the disapproval of the film, requirement to remove a portion of the film or classification of the film, follow the criteria set out in sections 4 and 5 of the Act and sections 7 and 8 of these regulations.

Powers of appeal committee

23(1) The appeal committee may:

- (a) determine an appeal without hearing evidence other than evidence introduced by the person bringing the appeal; and
 - (b) when making its decision with respect to an appeal, accept or reject any evidence introduced.
- (2) Without limiting the generality of subsection (1), in an appeal with respect to the disapproval of the film, removal of a portion of the film, or classification of the film, when considering the criteria mentioned in sections 7 and 8, the appeal committee may:
- (a) reject the evidence submitted with respect to any of those criteria and consider, based on its own opinion, whether a specific criterion is applicable in the circumstances; or
 - (b) if no evidence has been submitted with respect to any of those criteria, consider, based on its own opinion, whether a specific criterion is applicable in the circumstances.

Decision

24 A decision of the appeal committee must:

- (a) be in writing;
- (b) state the reasons for the decision;
- (c) be sent to the appellant; and
- (d) be made available to any person on request.

Criteria for board exemption

25 In exercising its authority pursuant to clause 3(3)(b) of the Act to exempt persons, classes of persons or films or classes of films from all or any provisions of the Act or these regulations, the board shall consider:

- (a) whether the general public or only a specific group is invited to attend the exhibition or distribution;
- (b) whether people invited to attend are otherwise warned about the content of the film being exhibited or distributed; and
- (c) whether, given the group invited and the nature of the film being exhibited or distributed, approval by the board, classification information and restricted access are necessary.

R.R.S. c.F-13.2 Reg 1 repealed

26 *The Film and Video Classification Regulations* are repealed.

Transitional

27(1) Where an agreement pursuant to section 15.1 of the Act is in effect with British Columbia, a retail distributor who offers for sale, rent, lease or exchange films that meet the Adult film classification criteria shall ensure that any film classified as Adult that he or she:

(a) acquires after the coming into force of *The Film and Video Classification Amendment Act, 1996*, regardless of copyright date, bears evidence of:

(i) approval pursuant to *The Motion Picture Act* (British Columbia); or

(ii) approval pursuant to the Act prior to the coming into force of *The Film and Video Classification Amendment Act, 1996*; and

(b) offers for sale, rent, lease or exchange in Saskatchewan after October 1, 1999 bears evidence of approval pursuant to *The Motion Picture Act* (British Columbia).

(2) Every film that is offered for sale, rent, lease or exchange within Saskatchewan, other than a film classified as Adult or that is exempt pursuant to the Act or these regulations, shall, within five years of the effective date of these regulations, bear evidence of classification pursuant to the Act and these regulations.

(3) Every person who is required to be registered pursuant to section 8 of the Act shall register on or before January 1, 1998.

Coming into force

28(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Film and Video Classification Amendment Act, 1996* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Film and Video Classification Amendment Act, 1996* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

CHAPTER G-5.1 REG 80*The Government Organization Act*

Sections 19 and 24

and

The Human Resources, Labour and Employment Act

Section 4.01

Order in Council 616/97, dated September 9, 1997

(Filed September 10, 1997)

Title

1 These regulations may be cited as *The Training Allowance Regulations*.

Interpretation

2 In these regulations:

(a) “**asset**” means any real or personal property, regardless of its source, kind or nature, that is owned or in which an interest is held by a person;

(b) “**department**” means the department over which the minister presides;

(c) “**Indian band**” means a band as defined in the *Indian Act* (Canada) and includes the council of a band;

(d) **“minister”** means the minister to whom for the time being the administration of these regulations is assigned;

(e) **“program”** means a training, employment or education program that has been approved pursuant to section 3;

(f) **“regional entity”** means the Saskatchewan Institute of Applied Science and Technology, a regional college established pursuant to *The Regional Colleges Act*, the Dumont Technical Institute Inc. or any other legal entity that the minister enters into an agreement with to deliver training allowances;

(g) **“spouse”** means:

(i) the legal spouse of a person; or

(ii) where a person does not have a legal spouse or is living separate and apart from his or her legal spouse, another person who:

(A) has co-habited with the person for a period of not less than three consecutive months preceding the start date of the program for which the person is applying for a training allowance and shares financial resources with the person;

(B) represents himself or herself as the spouse of the person; or

(C) is co-habiting with the person and either:

(i) is the father or mother of a child of the person; or

(ii) represents himself or herself as the father or mother of a child of the person;

(h) **“training allowance”** means assistance paid to a person pursuant to these regulations for the purposes of pursuing a program.

Approved programs

3(1) The minister may approve programs for which the minister may pay training allowances to persons attending those programs.

(2) The minister may approve a program on the condition that the program is offered by a particular educational institution, regional entity, community-based organization, government agency, employer or any other person that the minister may determine.

(3) The minister may approve a program as a pilot project and may set requirements or restrictions on that program respecting any of the following:

(a) age of participants;

(b) residency of participants in an area of Saskatchewan;

(c) location of program in Saskatchewan.

Payment of training allowances

4(1) The minister may authorize the payment of a training allowance to a person who:

(a) applies for a training allowance pursuant to section 5; and

(b) meets the eligibility criteria for a training allowance set out in section 6.

(2) Subject to subsection (3), training allowances may be paid monthly for up to one year.

(3) The minister may renew or extend a training allowance where the person receiving the training allowance:

- (a) requests a renewal or extension of the training allowance, in a form acceptable to the minister; and
- (b) continues to meet the eligibility criteria set out in section 6.

Application

5 A person may apply for a training allowance by submitting to the minister, within a time set by the minister:

- (a) an application, in a form acceptable to the minister, that is completed in all respects, including the signing of any declarations the minister may require;
- (b) any releases for information that the minister may require; and
- (c) any other information that the minister may reasonably require.

Eligibility

6 A person applying for a training allowance must:

- (a) be named in a valid Saskatchewan Health Services card issued for the purposes of *The Saskatchewan Medical Care Insurance Act* or *The Saskatchewan Hospitalization Act*;
- (b) have a valid social insurance number;
- (c) be enrolled in a program;
- (d) not be receiving payments pursuant to *The Student Assistance and Student Aid Fund Act, 1985* or any regulations made pursuant to that Act;
- (e) not have assets with a fair market value of \$150,000 or more; and
- (f) be in need of financial assistance, as determined pursuant to these regulations.

Change in circumstances

7(1) No person who is receiving a training allowance shall fail to immediately notify the minister or the appropriate regional entity of any change in circumstances that might affect:

- (a) that person's continued eligibility for a training allowance; or
- (b) the amount of that person's training allowance.

(2) After receiving information that there has been a change in circumstances relating to a person who is receiving a training allowance, the minister may vary the amount of or cancel the person's training allowance.

(3) If a person fails to comply with subsection (1), the minister may:

- (a) vary the amount of or cancel that person's training allowance; and
- (b) declare any training allowance payment, or any portion of any training allowance payment, made after the date of the change in circumstances as an overpayment.

Assets

8 In determining a person's assets for the purposes of clause 6(e):

- (a) the assets of the person's spouse are to be counted, notwithstanding that an asset may be held solely in the name of the spouse;
- (b) the fair market value of the assets is to be determined without taking into account any encumbrance, debt or other liability pertaining to the assets; and
- (c) the person's assets do not include:
 - (i) one principal residence; and
 - (ii) one motor vehicle.

Calculation of training allowance

9(1) The amount of the monthly training allowance allowed to a person is to be calculated in accordance with the following formula:

$$N = TAA - TAR$$

where:

N is the amount of the training allowance;

TAA is the total assessed living allowance of the person, being the sum of the allowances allowed to the person pursuant to sections 14 to 16; and

TAR is the total assessed resources of the person, being:

- (a) that portion of the person's monthly income and, where applicable, that portion of the person's spouse's monthly income that is to be counted pursuant to section 17; and
- (b) where the person is in the single dependent person category mentioned in section 10, that portion of the person's parents' monthly income that is to be counted pursuant to section 18.

(2) If N, calculated pursuant to subsection (1), is:

- (a) a positive number, it represents the monthly amount of the person's training allowance; and
- (b) a negative number, the person is not considered to be in need of a training allowance.

(3) In order to determine a person's living allowance pursuant to section 14, the minister shall determine the person's category and living situation using the criteria set out in sections 10 to 13.

Single dependent person

10 A person is considered to be in the single dependent person category if the person does not meet any of the criteria set out in section 11, 12 or 13.

Single independent person

11 A person is considered to be in the single independent person category if the person:

- (a) has no spouse or is separated from his or her spouse;
- (b) does not meet the criteria set out in section 13; and

- (c) either:
 - (i) has not attended elementary or secondary school for at least four years;
 - (ii) has been working or actively seeking employment for two periods of 12 consecutive months and was not a full-time student during that time; or
 - (iii) has no parent, guardian, sponsor or other supporting relative as the result of death or disappearance.

Married person

12 A person is considered to be in the married person category if the person:

- (a) has a spouse; and
- (b) is not separated from his or her spouse.

Single parent

13 A person is considered to be in the single parent category if:

- (a) the person:
 - (i) has no spouse; or
 - (ii) is separated from his or her spouse; and
- (b) the person is the legal custodian of an unmarried child who is under 18 years of age.

Living allowance

14(1) For the purposes of this section, the following persons are to be counted when determining the number of people in a family unit:

- (a) the person receiving the training allowance;
- (b) the spouse of the person receiving the training allowance;
- (c) any unmarried child who is less than 18 years of age if that child resides for at least 7 days per month with the person receiving the training allowance.

(2) The following monthly amounts are allowed as a living allowance for the respective categories:

- (a) single dependent person or single independent person, residing with parents, \$300;
- (b) single dependent person or single independent person, not residing with parents, \$480;
- (c) single parent residing with his or her parents, \$330;
- (d) single parent not residing with his or her parents, \$720;
- (e) married person, \$885;
- (f) married person, where both spouses are in programs, \$915 per couple.

(3) A person in the single dependent person category is deemed to reside with his or her parents where that person attends a program in the same municipality in which his or her parents reside.

- (4) Persons residing and attending programs in any of the northern communities set out in Table 1 of the Appendix are allowed an additional living allowance of \$50 per month per person in the family unit.

Child allowance

15(1) A monthly child allowance of \$165 per child is allowed up to and including the month of the child's eighteenth birthday if the child resides for at least seven days of the month with the parent who is receiving a training allowance.

(2) If a child resides for less than seven days a month with the parent who is receiving a training allowance, a prorated monthly child allowance will be allowed, calculated by:

- (a) multiplying \$165 by the number of days in the month that the child resides with the parent; and
- (b) dividing the product derived in clause (a) by the number of days in the month.

Day-care allowance

16(1) A monthly day-care allowance is allowed in accordance with this section for each child receiving day-care, up to and including the month of the child's twelfth birthday.

(2) To be eligible for a monthly day-care allowance, the parent who is receiving a training allowance must declare the amount of day-care paid by him or her.

(3) Subject to subsection (4), the amount of the monthly day-care allowance allowed is the amount paid and declared by a parent pursuant to subsection (2).

(4) The maximum monthly day-care allowance allowed for the respective number of children is as follows:

- (a) one child, \$400;
- (b) two children, \$540;
- (c) three children, \$680;
- (d) four or more children, \$820.

Monthly income

17(1) For the purposes of clause 9(1)(a), the portion of a person's monthly income and, where applicable, the portion of the person's spouse's monthly income that is to be counted as part of the person's total assessed resources is the sum of:

- (a) for the income sources mentioned in subsection (2), the monthly income determined in accordance with the following formula:

$$\text{PTAR} = (I - D) \times 0.7$$

where:

PTAR is the portion of the person's total assessed resources as determined pursuant to this clause;

I is the person's gross monthly income from all sources listed in subsection (2); and

D is the percentage to be deducted from the person's gross monthly income pursuant to subsection (4);

- (b) for the income sources mentioned in subsection (3), the monthly income determined in accordance with the following formula:

$$\text{PTAR} = \text{I} - \text{D}$$

where:

PTAR is the portion of the person's total assessed resources as determined pursuant to this clause;

I is the person's gross monthly income from all sources listed in subsection (3); and

D is the percentage to be deducted from the person's gross monthly income pursuant to subsection (4); and

- (c) for the following income sources, 100% of the gross monthly income:

- (i) Family Income Plan;
- (ii) Workers' Compensation;
- (iii) Indian Affairs;
- (iv) Pathways;
- (v) any Indian band;
- (vi) any educational savings plan.

- (2) The income sources for the purposes of clause (1)(a) are:

(a) employment, including salaries, wages, fees, commissions, royalties, drawings, bonuses, tips and gratuities, realized taxable employment benefits, and holiday, vacation, retroactive, overtime, shift differential and severance pay;

(b) self-employment, in which case gross income is considered as gross income minus operating expenses;

(c) survivors, old age security, guaranteed income supplement, Canada Pension Plan and disabled persons' benefits;

(d) spousal alimony or maintenance payments;

(e) child support;

(f) rental income, in which case gross income is considered as gross income minus operating expenses;

(g) investment income that is taxable;

(h) scholarships and bursaries;

(i) any other income source, except income:

- (i) received from a source mentioned in clause (1)(c); or
- (ii) received from a source mentioned in subsection (3) or (5).

- (3) The income sources for the purposes of clause (1)(b) are:

(a) employment insurance benefits;

(b) orphan's benefits;

- (c) disabled child benefits;
 - (d) all other income received for educational or training purposes.
- (4) For the purposes of clauses (1)(a) and (b), the following percentage is to be deducted:
- (a) where gross monthly income from all sources is \$1 to 499, 6%;
 - (b) where gross monthly income from all sources is \$500 to 999, 12%;
 - (c) where gross monthly income from all sources is \$1,000 to 1,499, 16%;
 - (d) where gross monthly income from all sources is \$1,500 to 1,999, 19%;
 - (e) where gross monthly income from all sources is \$2,000 to 2,499, 21%;
 - (f) where gross monthly income from all sources is \$2,500 to 3,999, 25%;
 - (g) where gross monthly income from all sources is \$4,000 or more, 27%.
- (5) The following income sources are not to be counted in calculating a person's monthly income in accordance with this section:
- (a) income tax refunds;
 - (b) federal child tax credits;
 - (c) property tax credits;
 - (d) Goods and Services Tax credits;
 - (e) other refundable tax credits;
 - (f) Saskatchewan Assistance Plan benefits;
 - (g) income received for the care of a foster child where the child is not claimed as a dependant;
 - (h) the monetary value of any goods and services received as income in kind.
- (6) For the purposes of calculating a person's monthly income, where applicable, the person's spouse's monthly income is to be counted in determining the total assessed resources for that person, and subsections (1) to (5) apply, with any necessary modification.
- (7) When calculating a spouse's monthly income, in addition to the income sources mentioned in subsection (5), the spouse's income from the following sources is not to be counted where the income from these sources is to be used for the spouse's education:
- (a) scholarships;
 - (b) bursaries;
 - (c) funds in educational savings plans.

Parental income

18(1) In this section, “**monthly discretionary income**” means the monthly discretionary income of the parents of a person receiving a training allowance who is in the single dependent person category, calculated in accordance with subsection (3).

(2) For the purposes of this section:

(a) the following persons are to be counted when determining the number of people in a family unit:

- (i) both parents in a two-parent family;
- (ii) in a one-parent family, the parent financially responsible for the person receiving the training allowance, if the parent is not estranged from the person receiving the training allowance;
- (iii) the person receiving the training allowance;
- (iv) an unmarried child of a parent mentioned in subclause (i) or (ii) who is:

(A) 18 years of age or younger and wholly dependent on the parent for support and for whom the parent has custody and control; or

(B) in full-time attendance at a secondary school or a post-secondary institution and meets the criteria of a person in the single dependent person category pursuant to section 10;

(v) a person who is wholly dependent on a parent mentioned in subclause (i) or (ii) and is recognized as being wholly dependent within the meaning of the *Income Tax Act* (Canada);

(b) the monthly income level for a moderate standard of living for a family unit consisting of:

- (i) two people is \$2,133;
- (ii) three people is \$2,508;
- (iii) four people is \$2,867;
- (iv) five people is \$3,183;
- (v) six people is \$3,458;
- (vi) seven people is \$3,692;
- (vii) eight people is \$3,883;
- (viii) nine people is \$4,033;
- (ix) 10 people or more is \$4,142.

(3) The monthly discretionary income of the parents of a person receiving a training allowance who is in the single dependent person category is to be calculated in accordance with the following formula:

$$DI = (GI - D) - MSL$$

where:

DI is the parents' monthly discretionary income;

GI is the parents' gross monthly income from all sources listed in subsection (4);

D is the appropriate percentage to be deducted from the parents' gross monthly income based on the amounts set out in subsection 17(4); and

MSL is the moderate standard of living amount to be deducted for the size of the family unit based on the amounts set out in clause (2)(b).

- (4) The income sources for the purposes of subsection (3) are:
- (a) employment, including salaries, wages, fees, commissions, royalties, drawings, bonuses, tips and gratuities, realized taxable employment benefits, and holiday, vacation, retroactive, overtime, shift differential and severance pay;
 - (b) self-employment, in which case gross income is considered as gross income minus operating expenses;
 - (c) old age security, guaranteed income supplement, Canada Pension Plan and disabled persons' benefits;
 - (d) registered retirement savings plan, superannuation and any pension income not mentioned in clause (c);
 - (e) spousal alimony or maintenance payments;
 - (f) rental income, in which case gross income is considered as gross income minus operating expenses;
 - (g) investment income that is taxable;
 - (h) taxable capital gains;
 - (i) Workers' Compensation;
 - (j) Employment Insurance benefits;
 - (k) Saskatchewan Assistance Plan benefits;
 - (l) any other income source.
- (5) For the purposes of clause 9(1)(b), the portion of the parents' monthly income that is to be counted as part of the total assessed resources of a person who is in the single dependent person category is:

- (a) where the parents' monthly discretionary income is \$0 to 249, the amount calculated in accordance with the following formula:

$$\text{PTAR} = 0.45 \times \text{DI}$$

where:

PTAR is the portion of the parents' monthly income that is to be counted as part of a person's total assessed resources; and

DI is the parents' monthly discretionary income, calculated pursuant to subsection (3);

- (b) where the parents' monthly discretionary income is \$250 to 499, the amount calculated in accordance with the following formula:

$$\text{PTAR} = \$112 + [0.6 \times (\text{DI} - \$249)]$$

where:

PTAR is the portion of the parents' monthly income that is to be counted as part of a person's total assessed resources; and

DI is the parents' monthly discretionary income, calculated pursuant to subsection (3); and

- (c) where the parents' monthly discretionary income is \$500 or more, the amount calculated in accordance with the following formula:

$$\text{PTAR} = \$262 + [0.75 \times (\text{DI} - \$499)]$$

where:

PTAR is the portion of the parents' monthly income that is to be counted as part of a person's total assessed resources; and

DI is the parents' monthly discretionary income, calculated pursuant to subsection (3).

- (6) In a one-parent family, the income of the parent financially responsible for the person receiving the training allowance is to be used for the purposes of calculating the parents' monthly income, and subsections (1) to (5) apply, with any necessary modification.

Ministerial discretion

19 Where the minister is satisfied that a person has shown that he or she will suffer undue financial hardship as a result of any of the requirements set out in clause 6(e), section 8, 10, 12, 13, 17 or 18, the minister may exempt that person from that requirement.

Agreements with regional entity

20(1) In accordance with these regulations, the minister may enter into agreements with a regional entity to require that regional entity to do any or all of the following:

- (a) receive applications for training allowances;
 - (b) forward to the department the necessary information with respect to eligibility of persons for training allowances;
 - (c) verify the information that is provided;
 - (d) hold funds to be paid as training allowances in trust for the Crown;
 - (e) pay training allowances on behalf of the Crown from the funds mentioned in clause (d).
- (2) The minister may delegate to a regional entity any of the minister's non-discretionary administrative functions pursuant to these regulations.

Cancellation of training allowance

21 The minister may cancel a person's training allowance where, in the opinion of the minister, the person who is receiving the training allowance:

- (a) does not continue in a program; or
- (b) no longer meets the other criteria outlined in these regulations.

Reconsideration of applications, variations or cancellations

22(1) Where a dispute arises with respect to an application for or the variation or cancellation of a training allowance that cannot be resolved by mutual agreement of the parties, the person affected may request a reconsideration of the decision by the Director of the Student Financial Assistance Unit.

(2) The request mentioned in subsection (1) for a reconsideration of a decision is to be:

- (a) in writing; and
- (b) made within the time set by the minister.

(3) A person requesting a reconsideration of a decision pursuant to subsection (1):

- (a) is to be notified of the date and time when the application will be reconsidered; and
- (b) has the right to be heard.

(4) A hearing held pursuant to subsection (3) may be conducted via telephone conference call.

(5) If the person fails to appear or exercise a right to be heard after receiving notification pursuant to subsection (3), the Director of the Student Financial Assistance Unit may reconsider the decision and make any decision that he or she considers appropriate in the absence of the person requesting the reconsideration.

(6) The Director of the Student Financial Assistance Unit shall notify the person who applied for the reconsideration of his or her decision and provide that person with written reasons for the decision.

Overpayments

23(1) If a person contravenes any provision of these regulations, the minister may declare that any payments, or portions of payments, received by that person pursuant to these regulations are overpayments.

(2) Any overpayment made to a person, including a payment declared as an overpayment pursuant to subsection (1), is a debt due to the Crown in right of Saskatchewan and may be recovered in any manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

R.R.S. c.G-5.1 Reg 9 repealed

24 *The Northern Training Program Regulations, 1988* are repealed.

R.R.S. c.G-5.1 Reg 16 repealed

25 *The Non-Status Indian and Metis Program Regulations, 1988* are repealed.

Coming into force

26 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

Appendix

TABLE 1
[Subsection 14(4)]

Northern Communities

Air Ronge	Barthel	Beauval	Beaver Lake
Black Point	Black Lake	Brabant Lake	Buffalo Narrows
Camsell Portage	Canoe Narrows	Cluff Lake Mine	Cole Bay
Collins Bay	Cree Lake	Creighton	Cumberland House
Denare Beach	Deschambault Lake	Descharme Lake	Dillon
Dipper Lake	Doré Lake	Dorintosh	Elak Dase
Eldorado	Fond Du Lac	Garson Lake	Goodsoil
Grandmother Bay	Green Lake	Ile à la Crosse	Jan Lake
Jans Bay	Key Lake	Key Lake Mine	Kinoosao
La Loche	La Ronge	Landing	Loon Lake
Makwa	McLennan Lake	Meadow Lake	Michel
Missinipe	Molanosa	Montreal Lake	Neeb
Patuanak	Peerless	Pelican Narrows	Pemmican Portage
Pierceland	Pinehouse Lake	Point North Landing	Primeau Lake
Rabbit Lake Mine	Rapid View	Sandy Bay	Sled Lake
Southend	St. George's Hill	Stanley Mission	Stoney Lake
Stony Rapids	Sturgeon Landing	Sucker River	Timber Bay
Turnor Lake	Uranium City	Waterhen Lake	Waterloo Lake
Weyakwin	Whelan	Wollaston Lake	

CHAPTER R-8.1 REG 3

The Regional Colleges Act

Section 30

Order in Council 617/97, dated September 9, 1997

(Filed September 10, 1997)

Title

1 These regulations may be cited as *The Regional Colleges Programs and Services Regulations, 1997*.

Delivery of programs

2 A regional college may:

(a) provide employment services, programs and activities associated with career, educational and training services, programs and activities, pursuant to agreements with the Minister of Post-Secondary Education and Skills Training or New Careers Corporation; and

(b) on behalf of and pursuant to agreements with the Minister of Post-Secondary Education and Skills Training:

(i) administer training allowances that relate to educational services or programs provided through the regional college; and

- (ii) determine eligibility for and provide employment, career counselling and job replacement services.

Coming into force

- 3** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 87/97*The Wildlife Act, 1997*

Subsection 84(1)

Order in Council 618/97, dated September 9, 1997

(Filed September 10, 1997)

Title

- 1** These regulations may be cited as *The Wildlife Amendment Regulations, 1997* (No. 2).

R.R.S. c.W-13.1 Reg 1 amended

- 2** *The Wildlife Regulations, 1981* are amended in the manner set forth in these regulations.

Section 2 amended

- 3 Section 2 is amended:**

- (a) **in clause (a) by striking out “*The Wildlife Act*” and substituting “*The Wildlife Act, 1997*”;**

- (b) **by adding the following clause after clause (h):**

- “(h.01) ‘**captive-reared ring-necked pheasant**’ means ring-necked pheasant born and raised in captivity”;

- (c) **by adding the following clause after clause (h.1):**

- “(h.2) ‘**commercial wildlife farm**’ means a location where wildlife is held for commercial purposes”; and

- (d) **by repealing clause (nn) and substituting the following:**

- “(nn) ‘**wildlife lands**’ means lands acquired pursuant to subsection 20(6) of *The Natural Resources Act* for purposes related to wildlife”.

Section 15 amended

- 4 Section 15 is amended:**

- (a) **by striking out “section 36” and substituting “section 40”; and**

- (b) **by repealing clause (a) and substituting the following:**

- “(a) a person is deemed to be carrying a firearm in or on a vehicle or while on horseback if the firearm is in the vehicle or on the horse, as the case may be, or in physical contact with the person”.

Section 18 amended

- 5 Clause 18(c) is amended by striking out “bear” and substituting “big game”.**

Section 18.41 amended

- 6 Section 18.41 is amended by adding “18,” after “sections”.**

Section 21 amended

7 Subsection 21(2) is amended by striking out “*The Archery and Muzzle-loading Rifle Big Game Open Season Regulations, 1993*” and substituting “*The Archery and Muzzle-loading Firearm Big Game Open Seasons Regulations, 1995*”.

Section 28 amended

8 Section 28 is amended by striking out “section 38” and substituting “section 42”.

Section 31.1 amended

9 Section 31.1 is amended by striking out “section 18.1 of the Act, sections 17 and 18” and substituting “subsection 19(2) of the Act, subsection 19(1) and section 77”.

Section 34 amended

10 Subsection 34(1) is repealed.

Section 36 amended

11(1) Clause 36(1)(a) is amended by striking out “section 18 or 19” and substituting “section 28 or 77”.

(2) Subsection 36(2) is repealed and the following substituted:

“(2) Notwithstanding subsection (1):

(a) an owner or occupant of any land may, within the limits of that land, hunt upland game birds without a licence, a Big Game Damage Fund Licence and a Saskatchewan Wildlife Habitat Licence, during the game bird season; and

(b) a person may hunt captive-reared ring-necked pheasants on a commercial wildlife farm without a licence, a Big Game Damage Fund Licence and a Saskatchewan Wildlife Habitat Licence”.

Section 36.1 amended

12 Subsection 36.1(1) is amended by striking out “*The Outfitter and Guide Regulations, 1988*”:

(a) in clause (a);

(b) in clause (b); and

(c) in clause (d);

and in each case substituting “*The Outfitter and Guide Regulations, 1996*”.

Section 38.1 amended

13(1) Clause 38.1(3)(c) is amended by adding “subject to subsection (4),” before “the times”.

(2) The following subsection is added after subsection 38.1(3):

“(4) The minister shall issue licences mentioned in subsection (1) only for times between August 1 in one year and March 31 in the following year”.

Section 39 amended

14 Section 39 is amended:

(a) by renumbering it as subsection 39(1);

(b) in clause (1)(a) by adding “or she” after “he”; and

(c) by adding the following subsection after subsection (1):

“(2) Subsection (1) does not apply to the hunting, shooting or possessing of captive-reared ring-necked pheasants on commercial wildlife farms”.

Section 51 amended

15 Subsection 51(1) is amended by striking out “clause 30(1)(a)” and substituting “subsection 31(1)”.

Section 85.1 amended

16 Section 85.1 is amended by striking out “section 18 and subsection 57(1.1)” and substituting “subsection 75(2) and section 77”.

Section 85.2 amended

17 Section 85.2 is amended by striking out “subsection 52(1)” and substituting “subclause 68(1)(a)(i)”.

R.R.S. c.W-13.1 Reg 52 repealed

18 *The Big Game Depredation Open Seasons Regulations, 1991* are repealed.

Coming into force

19 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 88/97

The Wildlife Act, 1997

Subsection 84(1)

Order in Council 619/97, dated September 9, 1997

(Filed September 10, 1997)

Title

1 These regulations may be cited as *The Wildlife Management Zones and Special Areas Boundaries Amendment Regulations, 1997*.

R.R.S. c.W-13.1 Reg 45 amended

2 *The Wildlife Management Zones and Special Areas Boundaries Regulations, 1990* are amended in the manner set forth in these regulations.

Section 2 amended

3 Clause 2(1)(b) is amended by striking out “The Highways and Transportation Act” and substituting “The Highways and Transportation Act, 1997”.

Part IV of Appendix amended

4 Part IV of the Appendix is amended:

(a) by adding the following description after the description of the Cowan Lake Road Corridor Game Preserve:

“COWAN NORTH ROAD CORRIDOR GAME PRESERVE

Cowan North Road Corridor Game Preserve consists of all lands within 400 metres of the centre line of the road commonly known as the Cowan North Road from Highway 55 for a distance of 30 kilometres southeast”;

(b) by adding the following description after the description of the Dore Mountain Road Corridor Game Preserve:

“EAST/WEST ROAD CORRIDOR GAME PRESERVE

East/West Road Corridor Game Preserve consists of all lands within 400 metres of the centre line of the road commonly known as the East/West Forestry Haul Road lying between Highway 904 and Highway 919”;

(c) by adding the following description after the description of the Highway No. 913 Road Corridor Game Preserve:

“HIGHWAY NO. 919 ROAD CORRIDOR GAME PRESERVE

Highway No. 919 Road Corridor Game Preserve consists of all lands within 400 metres of the centre line of Highway No. 919 from Highway 950 at the south boundary of Meadow Lake Provincial Park for a distance of 35 kilometres north to the point of intersection with the south boundary of the Cold Lake Air Weapons Range”;

(d) by adding the following description before the description of the Mystic Lake Road Corridor Game Preserve:

“MUSKEG LAKE ROAD CORRIDOR GAME PRESERVE

Muskeg Lake Road Corridor Game Preserve consists of all lands within 400 metres of the centre line of the road commonly known as the Muskeg Lake Road from Highway 224 for a distance of 30 kilometres north to the terminus of the Muskeg Lake Road at approximately 54° 44' 18" north latitude and 108° 22' 45" west longitude”; **and**

(e) by adding the following description after the description of the Snowfield Lake Road Corridor Game Preserve:

“STEWART LAKE ROAD CORRIDOR GAME PRESERVE

Stewart Lake Road Corridor Game Preserve consists of all lands within 400 metres of the centre line of the road commonly known as the Stewart Lake Road lying between Highway 903 and Highway 155”.

Part V of Appendix amended

5 Part V of the Appendix is amended in the description of the Sibley Wildlife Refuge:

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

“the south-east quarter of Section 16”;

(b) by striking out “and” after clause (c);

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

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

“(e) that portion of the north-east quarter of Section 9, consisting of 34.80 acres, lying north of a certain surveyed lake, on the Township Plan dated December 6, 1904”.

Coming into force

6 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

