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PART II/PARTIE II

REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER F-8.001 REG 32

The Farm Financial Stability Act

Sections 24 and 33

Order in Council 236/2007, dated March 27, 2007

(Filed March 28, 2007)

Title

1 These regulations may be cited as *The Canada-Saskatchewan Specified Risk Material Management Program Regulations*.

Interpretation

2 In these regulations:

- (a) **“account”** means the Canada-Saskatchewan Specified Risk Material Management Program Account established pursuant to section 4;
- (b) **“Act”** means *The Farm Financial Stability Act*;
- (c) **“approved eligible project”** means an eligible project that has been approved by the minister pursuant to section 8;
- (d) **“assistance payment”** means an assistance payment that is payable pursuant to these regulations and that, in accordance with subsection 10(5), may consist of an interim assistance payment, a project completion payment and the release of any moneys held back;
- (e) **“CFIA approved facility”** means facility that has been approved by the Canadian Food Inspection Agency, and determined by the minister, as being appropriate for all or any of the following:
 - (i) the separation, segregation, temporary storage or rendering of specified risk material;
 - (ii) the destruction or containment of specified risk material;
 - (iii) the elimination of the infective agent in Bovine Spongiform Encephalopathy from specified risk material;
 - (iv) the use of specified risk material for any other purpose that is, in the opinion of the minister, of value to the public;
- (f) **“eligible applicant”** means a person, corporation, communal organization or Indian band that:
 - (i) owns or will own an approved facility, or the licensed packing plant, for which the application is made; and
 - (ii) applies for approval of an eligible project;
- (g) **“eligible project”** means a project described in section 6;

- (h) **“enhanced feed ban regulations”** means:
- (i) the *Feeds Regulations, 1983*, being S.O.R./83-593, as amended from time to time;
 - (ii) the *Fertilizers Regulations*, being C.R.C. c.666, as amended from time to time;
 - (iii) the *Health of Animals Regulations*, being C.R.C. c.296, as amended from time to time;
 - (iv) the *Meat Inspection Regulations, 1990*, being S.O.R./90-288, as amended from time to time;
- (i) **“interim assistance payment”** means an interim assistance payment made pursuant to section 9;
- (j) **“licensed packing plant”** means a premises or facility that:
- (i) is or is to be used for slaughtering or processing cattle; and
 - (ii) meets one of the following criteria:
 - (A) it is or is to be licensed pursuant to the “Sanitation Regulations”, being Saskatchewan Regulations 420/64;
 - (B) it has or is to have a certificate of inspection issued pursuant to the “Inspection of Meat in Domestic Abattoirs Regulations”, being Saskatchewan Regulations 911/68; or
 - (C) it is or is to be registered pursuant to the *Meat Inspection Act* (Canada);
- (k) **“program”** means the Canada-Saskatchewan Specified Risk Material Management Program established in section 3;
- (l) **“review committee”** means any review committee established by the minister pursuant to *The Government Organization Act* for the purposes of these regulations;
- (m) **“slaughter”** means the process of converting a live food animal into a meat product and includes but is not limited to stunning, bleeding, dressing, washing and cooling;
- (n) **“specified risk material”** means tissues in bovine animals that contain the infective agent in Bovine Spongiform Encephalopathy.

Program established

- 3(1) The Canada-Saskatchewan Specified Risk Material Management Program is established.
- (2) The purpose of the program is to provide assistance payments to eligible applicants who develop the necessary infrastructure to remove, segregate, store, transport, dispose of or destroy specified risk material.

Account established

- 4(1) The Canada-Saskatchewan Specified Risk Material Management Program Account is established in the fund pursuant to clause 24(2)(a) of the Act.
- (2) The Minister of Finance is authorized to deposit into the account:
- (a) all contributions from the Government of Canada that are directed to the account for the purposes of the program pursuant to an agreement made pursuant to subsection 22(2) of the Act; and
 - (b) from moneys appropriated by the Legislature, all contributions of the Government of Saskatchewan to the program pursuant to an agreement made pursuant to subsection 22(2) of the Act.
- (3) The account consists of:
- (a) all contributions mentioned in clause (2)(a);
 - (b) all moneys appropriated by the Legislature:
 - (i) for the purposes of the program; or
 - (ii) for any other farm income stabilization purpose, if the Minister of Finance designates that those moneys are to be paid into the account;
 - (c) all earnings on investments of the account; and
 - (d) all other moneys received in the account for the purposes of the program.
- (4) All assistance payments are to be paid from the account.
- (5) Any surplus remaining in the account when the program is completed is to be returned to the Government of Canada and the Government of Saskatchewan in proportion to each government's contribution to the account.
- (6) The fiscal year of the account is the period commencing on April 1 in one year and ending on March 31 of the following year.

Minister to administer account and program

- 5(1) The minister shall administer the account and the program.
- (2) For the purpose of administering the account and the program, the minister may:
- (a) exercise the powers given to the minister pursuant to the Act; and
 - (b) do any other thing that the minister considers necessary to administer the account or the program.
- (3) Without limiting the generality of subsection (2), for the purpose of administering the account or the program, the minister may:
- (a) enter into any agreement that the minister considers advisable with any person, agency, organization, association, institution or body;
 - (b) execute any bills of exchange, promissory notes and other negotiable or transferable instruments;

- (c) undertake research, conduct studies and provide information to agricultural producers, eligible applicants or persons who, in the minister's opinion, may become eligible applicants in relation to eligible projects or the program;
- (d) use any moneys received in the account:
 - (i) to pay for the administration of the account and the program; and
 - (ii) to make assistance payments;
- (e) invest any moneys in the account that are not presently required for the purposes of the program in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund; and
- (f) dispose of any investment made pursuant to clause (g), subject to the terms of the investment, in any manner, on any terms and in any amount that the minister considers advisable.

Eligible projects

6 For the purposes of these regulations, an eligible project is a project that:

- (a) is undertaken by an eligible applicant;
- (b) involves the construction or upgrading of a CFIA approved facility, or a licensed packing plant, to meet the requirements of the enhanced feed ban regulations; and
- (c) complies with the other requirements of these regulations.

Eligible expenditures

7(1) Subject to subsections (3) and (5), the minister may approve as eligible expenditures any of the expenditures mentioned in subsection (2), if those expenditures:

- (a) are incurred by an eligible applicant for an approved eligible project;
- (b) meet generally accepted accounting principles in Canada;
- (c) can be capitalized as a project start-up cost; and
- (d) were invoiced to an eligible applicant on or after December 11, 2004 and before March 31, 2009.

(2) For the purposes of subsection (1), the following are the expenditures that may be approved:

- (a) subject to subsection (3), the purchase cost of capital items dedicated to the removal, segregation, storage, transportation, disposal or destruction of specified risk material;
- (b) construction costs of building facilities dedicated to the removal, segregation, storage, transportation, disposal or destruction of specified risk material;

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- (c) costs related to site excavation and preparation dedicated to the removal, segregation, storage, transportation disposal or destruction of specified risk material;
 - (d) costs of services provided for the purposes of the approved eligible project, including salaries, per diem fees, environmental assessment, design, engineering, programming and research dedicated for the removal, segregation, storage, transportation, disposal or destruction of specified risk material;
 - (e) costs of installation services;
 - (f) freight charges;
 - (g) transportation costs;
 - (h) insurance cost;
 - (i) duties;
 - (j) any other costs approved by the minister.
- (3) The minister may approve as an eligible expenditure the purchase cost of motorized mobile equipment that is a capital item but only to a maximum of 25% of the purchase cost, and none of those purchase costs are eligible to be reimbursed as prorated assistance payments if the minister is required to make prorated assistance payments pursuant to section 11.
- (4) In addition to the costs and charges mentioned in subsections (1) to (3), the minister may approve as an eligible expenditure any costs that:
- (a) were incurred by an eligible applicant after April 30, 2007 and before October 1, 2007; and
 - (b) relate to the disposal of specified risk material.
- (5) The following are not eligible to be approved as eligible expenditures:
- (a) interest payments;
 - (b) financing costs;
 - (c) costs relating to relocation of staff;
 - (d) training costs;
 - (e) production staff salaries;
 - (f) brokers' commissions;
 - (g) goodwill;
 - (h) costs relating to the acquisition of real property;
 - (i) costs of capital items that the minister is satisfied are not specifically required for the execution of the approved eligible project;
 - (j) taxes;
 - (k) any other expenditure that the minister determines is ineligible.

Application and approval of eligible projects

- 8(1) An eligible applicant who wishes to receive an assistance payment shall:
- (a) apply for approval of the eligible project to the minister on a form available from the minister; and
 - (b) supply, along with the application, evidence satisfactory to the minister to establish that the CFIA approved facility, or licensed packing plant, that is the subject of the application is located in Saskatchewan.
- (2) An eligible applicant shall apply for approval of the eligible project on or before December 31, 2008.
- (3) The minister may require an eligible applicant to provide the minister with:
- (a) if the minister considers it appropriate, a feasibility study, a comprehensive business plan respecting the eligible project and the estimated costs of the eligible project; and
 - (b) any additional information that the minister may reasonably require to evaluate the application or ensure compliance with these regulations.
- (4) An eligible applicant shall supply any information that the minister may request within the time specified by the minister.
- (5) An eligible applicant shall allow the minister or anyone designated by the minister to inspect the CFIA approved facility, or licensed packing plant, that is the subject of the eligible applicant's application.
- (6) No eligible applicant shall supply any false or misleading information to the minister on any application form or in response to any request for information from the minister.
- (7) An eligible applicant shall provide the minister with any changes to the information on the applicant's application form.
- (8) As a condition of applying, the eligible applicant shall consent to any other person, agency, organization, association, institution or body releasing information to the minister respecting the applicant's CFIA approved facility or licensed packing plant.
- (9) As a condition of applying, the eligible applicant shall consent to the minister sharing any information provided by the eligible applicant and any information about the eligible applicant's application with any other government department, agency or third party including but not limited to the Canadian Food Inspection Agency.
- (10) As a condition of applying, the eligible applicant shall consent to the minister making public any information about the eligible applicant's assistance payment including but not limited to the name of the eligible applicant and the amount of the assistance payment.

(11) On receipt of an application by an eligible applicant pursuant to this section and if the minister is satisfied that the eligible applicant has complied with these regulations, the minister may approve the eligible project.

Claim for assistance payments

9(1) To make a claim for an assistance payment, an eligible applicant must submit to the minister on or before March 31, 2009:

- (a) a claim in a form provided by the minister for all eligible expenditures that have been paid for the approved eligible project, other than any eligible expenditures for which the applicant received an interim assistance payment; and
 - (b) all original receipts, invoices, bills or other documents, in a form satisfactory to the minister, with respect to the eligible expenditures that state:
 - (i) the date payment was made;
 - (ii) the amount of taxes paid;
 - (iii) a detailed description of the expenditure; and
 - (iv) information that identifies the applicant and the approved eligible project;
 - (c) proof satisfactory to the minister that the eligible applicant's CFIA approved facility or licensed packing plant, when the approved eligible project is complete, meets or will meet the requirements of the enhanced feed ban regulations; and
 - (d) a declaration satisfactory to the minister of any rebates, grants or other financial assistance, including in-kind contributions, received from the Government of Canada, the Government of Saskatchewan or any municipal government respecting those eligible expenditures or the approved eligible project.
- (2) An eligible applicant may request an interim assistance payment respecting eligible expenditures to date by submitting to the minister:
- (a) a claim in a form provided by the minister;
 - (b) the documents mentioned in clause (1)(b); and
 - (c) a source and use of funds statement.
- (3) If the minister is satisfied that the eligible applicant has complied with subsection (2), the minister may make an interim assistance payment to the eligible applicant in an amount not exceeding 25% of the estimated costs of the approved eligible project that were provided to the minister pursuant to subsection 8(3).
- (4) The minister shall return all original documents submitted pursuant to clauses (1)(b) and (2)(b) to the eligible applicant.
- (5) The minister may require an eligible applicant to supply the minister with any additional information that the minister may reasonably require to evaluate the claim or ensure compliance with these regulations, including original receipts for costs claimed.

- (6) No eligible applicant shall supply any false or misleading information to the minister on any claim form or in response to any request for information from the minister.
- (7) An eligible applicant shall provide the minister with any changes to the information on any claim form.
- (8) An eligible applicant shall allow the minister or any person designated by the minister to inspect:
- (a) the approved eligible project that is the subject of the application; and
 - (b) any records, whether or not at the same location as the approved eligible project mentioned in clause (a), that the minister considers necessary or relevant to evaluate the claim or ensure compliance with these regulations.

Rules respecting assistance payments

- 10(1)** In this section, “**other governmental assistance**” means any rebates, grants or other financial assistance, including in-kind contributions, received from the Government of Canada, the Government of Saskatchewan or any municipal government respecting eligible expenditures or the approved eligible project.
- (2) Subject to subsections (3) and (4) and section 11, if the minister is satisfied that an eligible applicant has complied with these regulations, the minister may make an assistance payment to the eligible applicant respecting the approved eligible project that is the subject of the application.
- (3) The amount of assistance payments for an approved eligible project is not to exceed 50% of the eligible expenditures for the approved project less any other governmental assistance, if the eligible expenditures were paid on or after December 11, 2004, to the maximum amount allowed for the eligible project pursuant to subsection (4).
- (4) For the purposes of this section, the maximum amount of assistance payments that may be paid for an approved eligible project is:
- (a) \$100,000 in the case of an approved eligible project respecting a licensed packing plant that is licensed pursuant to the “Sanitation Regulations”, being Saskatchewan Regulations 420/64;
 - (b) \$1,000,000 in the case of an approved eligible project respecting a licensed packing plant that has a certificate of inspection issued pursuant to the “Inspection of Meat in Domestic Abattoirs Regulations”, being Saskatchewan Regulations 911/68;
 - (c) \$1,000,000 in the case of an approved eligible project respecting a CFIA approved facility; or
 - (d) \$3,000,000 in the case of an approved eligible project respecting a licensed packing plant that is registered pursuant to the *Meat Inspection Act* (Canada).

- (5) The minister may make an assistance payment in as many as three payments, those being:
- (a) an interim assistance payment if the eligible applicant complies with subsection 9(2);
 - (b) a project completion payment if the eligible applicant complies with subsection 9(1); and
 - (c) release of the amount held back pursuant to subsection (6).
- (6) The minister shall hold back 10% of any assistance payment, including an interim assistance payment, until the eligible applicant submits proof satisfactory to the minister that the eligible applicant's approved eligible project meets the requirements of the enhanced feed ban regulations.
- (7) The minister may only grant one assistance payment for any approved eligible project.
- (8) If an eligible applicant fails to comply with these regulations, the minister may deny the application for an assistance payment.
- (9) If the minister denies an application for an assistance payment, the minister shall notify the applicant in writing.

Prorated assistance payments

11(1) If the total amount of all assistance payments that are otherwise payable for the program is less than the amount in the account, the minister may only make a final prorated assistance payment to each eligible applicant who received an assistance payment.

(2) Subject to subsections (3) and (4), the amount of the final prorated assistance payment that may be paid to an applicant is the amount A calculated in accordance with the following formula:

$$A = B/C \times D$$

where:

B is the total of the eligible applicant's eligible expenses, as approved by the minister, for the eligible project;

C is the total of all eligible expenses, as approved by the minister, for all eligible projects; and

D is the amount in the account.

(3) The minister shall not make a final prorated assistance payment to an eligible applicant if the applicant's final prorated assistance payment is less than \$100.

(4) No final prorated assistance payment:

(a) is to be greater than 40% of the eligible applicant's total eligible expenditures; or

(b) is to be made respecting expenditures mentioned in subsection 7(3).

Reconsideration

12(1) Within 90 days after an applicant receives the written notice from the minister as mentioned in subsection 10(9), the applicant may:

- (a) request, in writing, that the minister reconsider the decision; and
- (b) along with the written request mentioned in clause (a), provide the minister with any further information that the applicant considers relevant with respect to the application.

(2) If a review committee has been established, the minister may refer any request pursuant to subsection (1) to the review committee for a recommendation as to whether the minister's decision was made in accordance with these regulations.

(3) On receipt of a request pursuant to subsection (1) and after considering any recommendation of the review committee made pursuant to subsection (2), the minister shall:

- (a) reconsider the minister's decision;
- (b) confirm, reverse or vary that decision; and
- (c) notify the applicant in writing of the reconsideration.

(4) The minister's decision pursuant to subsection (3) is final.

(5) Nothing in these regulations entitles an applicant to a hearing before the minister or the review committee.

Assignments

13(1) An eligible applicant may request that the eligible applicant's assistance payment be assigned to a third party.

(2) A request mentioned in subsection (1) must be made on a form provided by the minister.

(3) No assignment of an assistance payment is valid unless the minister approves the request for the assignment on any terms and conditions the minister considers appropriate.

(4) An assignment pursuant to this section is subject to the other provisions of these regulations and any terms and conditions of the minister's approval.

(5) Any assignment is subject to the Government of Saskatchewan's right to set off any debts owing to the Government of Canada or the Government of Saskatchewan, whether the debt arose before or after the effective date of the assignment.

(6) If the minister approves a request for an assignment, the minister shall pay to the assignee the assistance payment for which the eligible applicant was approved, unless the minister is notified in writing by the assignee and assignor to discontinue the assignment.

Overpayments

14(1) The minister may declare any assistance payment made to an eligible applicant to be an overpayment if the minister is satisfied that:

- (a) the applicant has knowingly made a false or misleading statement with respect to a material fact on any form or in any information or document provided to the minister pursuant to these regulations;
 - (b) the applicant has knowingly omitted to make a statement or to provide any information or document if the omission results in a statement with respect to a material fact being misleading; or
 - (c) the applicant has failed to comply with these regulations.
- (2) If the minister declares an assistance payment to be an overpayment, the amount of the overpayment is deemed to be a debt due and owing to the Government of Saskatchewan and may be recovered from the eligible applicant in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

Coming into force

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

CHAPTER G-5.1 REG 128*The Government Organization Act*

Section 12

Order in Council 240/2007, dated March 27, 2007

(Filed March 28, 2007)

Title

1 These regulations may be cited as *The Forestry Secretariat Regulations*.

Secretariat established

2 The secretariat of the Government of Saskatchewan called the Forestry Secretariat is established.

Objects and purposes

3 The objects and purposes of the Forestry Secretariat are:

- (a) to provide the structure wherein and whereby the powers, responsibilities and functions of the Minister Responsible for the Forestry Secretariat may be exercised and carried out;
- (b) to work together with business, communities, governments and departments to support and encourage the growth and development of the Saskatchewan forest industry; and

(c) to co-ordinate, develop, promote and implement policies and programs of the Government of Saskatchewan:

- (i) to enhance the competitiveness of the Saskatchewan forest industry;
- (ii) to increase investment in the Saskatchewan forest industry; and
- (iii) to support and encourage value-added production in the Saskatchewan forest industry.

Coming into force

4 These regulations come into force on April 1, 2007.

SASKATCHEWAN REGULATIONS 20/2007

The Health Information Protection Act

Section 63

Order in Council 238/2007, dated March 27, 2007

(Filed March 28, 2007)

Title

1 These regulations may be cited as *The Health Information Protection Amendment Regulations, 2007*.

R.R.S. c. H-0.021 Reg 1 amended

2 *The Health Information Protection Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 **Clause 2(c) is repealed and the following substituted:**

“(c) ‘**Cancer agency**’ means the Saskatchewan Cancer Agency continued pursuant to *The Cancer Agency Act*”.

New section 5.1

4 **The following section is added after section 5:**

“Disclosure to police officers

5.1(1) For the purposes of clause 27(4)(p) of the Act, personal health information may be disclosed, without the consent of the subject individual, to a member of the Royal Canadian Mounted Police, or to a member of a police service within the meaning of *The Police Act, 1990*, in the following circumstances:

- (a) by the minister if:
 - (i) the personal health information is required to locate the subject individual for any of the following purposes:
 - (A) enforcing an outstanding warrant for arrest that has been issued by a court, person or body that has the lawful authority to issue that warrant;

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- (B) serving a subpoena with respect to the prosecution of an indictable offence;
 - (C) locating a person reported missing; and
 - (ii) the personal health information to be disclosed is limited to:
 - (A) registration information respecting the subject individual; or
 - (B) information respecting the location that the subject individual last received or was offered a health service;
 - (b) by a trustee if:
 - (i) the personal health information is requested for any of the following purposes:
 - (A) enforcing the *Criminal Code* or the *Controlled Drugs and Substances Act* (Canada);
 - (B) carrying out a lawful investigation pursuant to the *Criminal Code* or the *Controlled Drugs and Substances Act* (Canada); and
 - (ii) the personal health information to be disclosed is limited to:
 - (A) registration information respecting the subject individual; or
 - (B) the nature and severity of an injury that:
 - (I) was suffered by the subject individual or another individual; and
 - (II) is connected with the enforcement or lawful investigation mentioned in subclause (i);
 - (c) by a trustee if:
 - (i) an individual received or was offered health services directly as a result of an incident that has been made the subject of a lawful investigation pursuant to the *Criminal Code* or the *Controlled Drugs and Substances Act* (Canada);
 - (ii) the personal health information to be disclosed is limited to:
 - (A) the factual circumstances surrounding the incident mentioned in subclause (i); and
 - (B) the factual circumstances surrounding the provision of, or offer to provide, health services; and
 - (iii) in the opinion of the trustee, the factual circumstances mentioned in subclause (ii) do not include the health history of the subject individual prior to the incident mentioned in subclause (i).
- (2) For the purposes of clause 27(4)(p) of the Act, the minister or a trustee may disclose personal health information, without the consent of the subject individual, to the chief coroner or a coroner appointed pursuant to *The Coroners Act, 1999* with respect to the conduct of an investigation or inquest by the chief coroner or other coroner pursuant to that Act”.

New section 6**5 Section 6 is repealed and the following substituted:****“Disclosure to Cancer agency**

6 Pursuant to subsection 28(8) of the Act, registration information may be disclosed to the Cancer agency and by the Cancer agency for any of the purposes set out in subsections 28(1) to (3) of the Act as if the Cancer agency were a regional health authority or an affiliate”.

Coming into force

6(1) Subject to subsections (2) and (3), these regulations come into force on the day on which they are filed with the Registrar of Regulations.

(2) Subject to subsection (3), sections 3 and 5 of these regulations come into force on the day on which section 1 of *The Cancer Agency Act* comes into force.

(3) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Cancer Agency Act* comes into force, sections 3 and 5 of these regulations come into force on the day which these regulations are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 21/2007*The Government Organization Act*

Section 12

Order in Council 239/2007, dated March 27, 2007

(Filed March 28, 2007)

Title

1 These regulations may be cited as *The Department of Environment Amendment Regulations, 2007*.

R.R.S. c.G-5.1 Reg 126, section 3 amended

2 Subsection 3(2) of *The Department of Environment Regulations, 2006* is repealed.

Coming into force

3 These regulations come into force on April 1, 2007.