

1994

## CHAPTER 19

An Act to amend *The Provincial Court Act* and to enact certain other provisions

(Assented to May 2, 1994)

Whereas the Legislative Assembly recognized the desirability of providing a process to assist the Government of Saskatchewan and the judges of the Provincial Court of Saskatchewan in addressing the issue of salaries for judges of the Provincial Court of Saskatchewan and other matters;

And whereas for that purpose the Legislative Assembly enacted section 5.1 of *The Provincial Court Act* to provide for the establishment of a Provincial Court Commission to review and make recommendations respecting salaries for Provincial Court judges and other matters;

And whereas, regrettably, the Provincial Court Commission failed to take properly into account the financial circumstances of the Government of Saskatchewan and the people of Saskatchewan in making recommendations respecting salaries for Provincial Court judges;

And whereas the Provincial Court Commission was asked to reconsider its salary recommendations, but declined to do so;

And whereas this process has shown that these decisions need to be made by persons who are fully accountable to the people of Saskatchewan;

And whereas the Government of Saskatchewan is making significant gains in achieving financial stability and must, in the interests of the people of Saskatchewan, continue to be vigilant to ensure that expenditures are in the public interest;

And whereas all persons whose salaries are paid with public funds are sharing in and have understood the need for restraint in salary increases to ensure that the goal of achieving fiscal stability can be attained;

And whereas it would not be in the public interest for the Government of Saskatchewan to follow the recommendations of the Provincial Court Commission and to grant the Provincial Court judges the salary increase recommended by the Provincial Court Commission;

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

### SHORT TITLE

Short title

1 This Act may be cited as *The Provincial Court Amendment Act, 1994*.

R.S.S. 1978 (Supp.), c.P-30.1 amended

2 *The Provincial Court Act* is amended in the manner set forth in this Act.

### AMENDMENTS

Section 2 amended

3 **Clause 2(a.1) is repealed.**

Section 5.1 repealed

**4 Section 5.1 is repealed.**

GENERAL

Interpretation

**5** In this section and in sections 6 to 8:

- (a) **"agreement"** means any agreement, contract or understanding, including any amendment to any agreement, contract or understanding, entered into, arrived at or concluded before the date this Act is assented to between:
- (i) the Government of Saskatchewan, any present or former member of the Executive Council or any present or former officer or employee of the Government of Saskatchewan; and
- (ii) the judges of the Provincial Court of Saskatchewan, whether represented by the Saskatchewan Provincial Court Judges' Association or in any other manner;
- and includes any enticement, inducement, offer, promise or representation made by the Government of Saskatchewan, any present or former member of the Executive Council or any present or former officer or employee of the Government of Saskatchewan to the judges of the Provincial Court of Saskatchewan, whether represented by the Saskatchewan Provincial Court Judges' Association or in any other manner;
- (b) **"cause of action"** means any cause of action or right to relief, including, without restricting the generality of the foregoing, any right to obtain damages, compensation or other pecuniary relief, or non-pecuniary relief, or any other remedy or order of any kind or nature, whether arising out of or imposed by law, equity, statute or otherwise;
- (c) **"Provincial Court Commission"** means the Provincial Court Commission established pursuant to section 5.1 of *The Provincial Court Act*;
- (d) **"section 5.1 of *The Provincial Court Act*"** means section 5.1 of *The Provincial Court Act*, as enacted by *The Provincial Court Amendment Act, 1993*, as that section existed before the date this Act is assented to.

Commission disestablished

- 6(1)** The Provincial Court Commission is disestablished and the members of the Provincial Court Commission cease to hold office.
- (2) Any report or recommendation made by the Provincial Court Commission prior to the date that this Act is assented to is deemed to be void from the date the report or recommendation was made and neither the Lieutenant Governor in Council nor any member of the Executive Council is required to take any action or do anything as a result of any report or recommendation.

Agreements void

- 7** Notwithstanding any provision of any agreement or any Act or law, all agreements are deemed to be void from the date the agreements were made.

## Limitation on actions

- 8(1) No action or proceeding lies or shall be instituted or continued against or with respect to the Government of Saskatchewan, any present or former member of the Executive Council or any present or former officer or employee of the Government of Saskatchewan based on any cause of action arising out of, resulting from, relating to or incidental to:
- (a) the enactment or application of all or any provision of this Act or section 5.1 of *The Provincial Court Act*;
  - (b) anything done pursuant to or in connection with this Act or section 5.1 of *The Provincial Court Act*;
  - (c) any agreement; or
  - (d) any report or recommendation of the Provincial Court Commission.
- (2) Every cause of action against the Government of Saskatchewan or any other person mentioned in subsection (1) arising out of, resulting from, relating to or incidental to the enactment or application of all or any provision of this Act or section 5.1 of *The Provincial Court Act* or anything done pursuant to or in connection with this Act or section 5.1 of *The Provincial Court Act* or arising out of, resulting from, relating to or incidental to any agreement or any report or recommendation of the Provincial Court Commission is extinguished.
- (3) Without limiting the generality of subsections 8(1) and (2), none of the enactment or application of this Act or section 5.1 of *The Provincial Court Act* or anything done pursuant to or in connection with this Act or section 5.1 of *The Provincial Court Act* or anything arising out of, resulting from, relating to or incidental to the foregoing:
- (a) constitute the repudiation or frustration of, a breach of or a default under any agreement; or
  - (b) give rise to any right or remedy pursuant to any agreement, pursuant to any report or recommendation of the Provincial Court Commission or pursuant to any Act or law.

## COMING INTO FORCE

## Coming into force

- 9(1) Subject to subsection (2), this Act comes into force on assent, but is retroactive and is deemed to have been in force on and from June 22, 1993.
- (2) Section 7 of this Act comes into force.