

The Agricultural Safety Net Act

being

Chapter A-14.2 of the *Statutes of Saskatchewan, 1990-91* (effective April 30, 1991) as amended by the *Statutes of Saskatchewan, 1992, c.51; 2003, c.14; 2004, c.10; 2010, c.21; and 2014, c.E-13.1.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER A-14.2

An Act respecting Programs to Stabilize the Income of Agricultural Producers

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Agricultural Safety Net Act*.

Interpretation

2 In this Act:

- (a) **“agreement”** means an agreement entered into pursuant to section 3;
- (b) **“agricultural product”** means:
 - (i) a plant or animal; or
 - (ii) a product, including any food or drink, that is wholly or partly derived from a plant or animal;
- (b.1) **“cause of action”** means any claim, cause of action, suit, debt, account, demand, claim for damage, loss, cost, expense or interest, of any nature, whether arising in or imposed by law, equity, statute or otherwise and includes any judgment or order of a court;
- (b.2) **“contract of crop insurance”** means a contract of crop insurance within the meaning of *The Crop Insurance Act* and the regulations made pursuant to that Act;
- (c) **“corporation”** means the Saskatchewan Crop Insurance Corporation continued pursuant to *The Crop Insurance Act*;
- (c.1) **“crop year”** means the period commencing on August 1 in one year and ending on July 31 in the following year;
- (c.2) **“Crown”** means the Crown in right of Saskatchewan;
- (c.3) **“Crown agent”** means any present or former member of the Executive Council, any present or former legislative secretary as defined in *The Government Organization Act*, the corporation or any present or former director, officer, agent or employee of the Crown or the corporation;
- (d) **“fiscal year”** means the period commencing on April 1 in one year and ending on March 31 in the following year;
- (d.1) **“GRIP agreement”** means the National Agreement Establishing a Tripartite Gross Revenue Insurance Plan for Crops entered into on or about September 18, 1991 by the Government of Canada with the Government of Saskatchewan and certain other provinces of Canada, as amended from time to time;

- (e) **“gross revenue insurance program”** means the plan with respect to revenue protection and crop insurance established pursuant to the GRIP agreement and administered by the corporation;
- (f) **“minister”** means the member of the Executive Council to whom, for the time being, the administration of this Act is assigned;
- (g) **“net income stabilization account program”** means a net income stabilization account program established pursuant to the NISA agreement;
- (g.1) **“NISA agreement”** means the Federal-Provincial Agreement Establishing The Net Income Stabilization Account Program entered into on or about September 18, 1991 by the Government of Canada with the Government of Saskatchewan and certain other provinces of Canada, as amended from time to time and includes subsequent agreements, as amended from time to time, entered into between the Government of Canada and the Government of Saskatchewan with respect to the net income stabilization account program that the Lieutenant Governor in Council has authorized the minister to enter;
- (h) **“producer”** means a person who:
- (i) produces an agricultural product in Saskatchewan; and
 - (ii) meets the eligibility criteria prescribed in an agreement or the regulations;
- (i) **Repealed.** 1992, c.51, s.3.
- (i.1) **“revenue insurance”** means the protection offered to producers pursuant to the revenue insurance program through a revenue insurance contract;
- (i.2) **“revenue insurance application”** means an application for revenue insurance substantially in the form provided by the corporation;
- (i.3) **“revenue insurance contract”** means a revenue insurance contract that is deemed to have been entered into pursuant to section 5.1 or 5.2, as the case may be;
- (j) **“revenue insurance fund”** means the revenue insurance fund established pursuant to section 5;
- (k) **“revenue insurance program”** means the program:
- (i) established pursuant to the GRIP agreement and this Act; and
 - (ii) administered by the corporation pursuant to this Act;
- (l) **“1991-92 crop year”** means the period commencing on August 1, 1991 and ending on July 31, 1992;
- (m) **“1992-93 crop year”** means the period commencing on August 1, 1992 and ending on July 31, 1993.

PROGRAMS

Agreement

3(1) Subject to sections 4 and 6, the Lieutenant Governor in Council may authorize the minister to enter into agreements with the Government of Canada respecting the establishment or operation of:

- (a) a gross revenue insurance program;
- (b) a net income stabilization account program; or
- (c) any combination of a gross revenue insurance program and net income stabilization account program.

(2) Repealed. 2003, c.14, s.4.

1990-91, c.A-14.2, s.3; 1992, c.51, s.4; 2003, c.14, s.4.

Gross revenue insurance program

4(1) Each agreement respecting a gross revenue insurance program must:

- (a) **Repealed.** 1992, c.51, s.5.
- (b) **Repealed.** 1992, c.51, s.5.
- (c) provide that the gross revenue insurance program may be amended from time to time and prescribe the manner in which the amendments are to be made;
- (d) provide that the gross revenue insurance program be funded through premiums paid by the Government of Canada, the Government of Saskatchewan and producers participating in that program;
- (e) require that the premiums mentioned in clause (d) be sufficient to allow the gross revenue insurance program to be self-sustaining;
- (f) with respect to revenue insurance, provide that:
 - (i) the Government of Saskatchewan pay not more than:
 - (A) 25% of premium payments;
 - (B) 35% of loans and advances under the revenue insurance program; and
 - (C) 50% of the administration costs of the revenue insurance program;
 - (ii) the participating producers pay:
 - (A) not more than 33 1/3% of premium payments;
 - (B) 0% of loans and advances under the revenue insurance program; and
 - (C) 0% of the administration costs of the revenue insurance program;

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- (iii) the Government of Canada pay:
 - (A) 41 2/3% of premium payments;
 - (B) 65% of loans and advances under the revenue insurance program; and
 - (C) 50% of the administration costs of the revenue insurance program;
- (g) **Repealed.** 1992, c.51, s.5.
- (h) contain any elements that may be prescribed in the regulations.
- (2) **Repealed.** 1992, c.51, s.5.
- (3) **Repealed.** 1992, c.51, s.5.

1990-91, c.A-14.2, s.4; 1992, c.51, s.5.

Provincial components

- 4.1(1) The crop insurance component of the gross revenue insurance program is crop insurance provided and administered pursuant to *The Crop Insurance Act*.
- (2) The revenue protection component of the gross revenue insurance program is the revenue insurance program.

1992, c.51, s.6.

Establishment and administration of programs

- 4.2(1) The revenue insurance program is established.
- (2) The corporation shall, on behalf of the Crown, administer the gross revenue insurance program and the revenue insurance program in accordance with:
 - (a) the GRIP agreement;
 - (b) this Act and the regulations;
 - (c) *The Crop Insurance Act* and the regulations made pursuant to that Act; and
 - (d) any direction from the minister.
- (3) For the purpose of administering the gross revenue insurance program and the revenue insurance program, the corporation may:
 - (a) provide revenue insurance to producers in accordance with the regulations;
 - (b) enter into the following with any producer:
 - (i) a revenue insurance contract;
 - (ii) a contract of crop insurance; or
 - (iii) the combination of a revenue insurance contract and a contract of crop insurance;
 - (c) fix the rate of and collect any premiums and penalties that may be levied;

- (d) allow any discounts of premiums and assess any surcharges and interest charges with respect to premiums that may be considered necessary by the corporation;
- (e) attach terms and conditions to the payment of premiums and determine the manner of their collection and payment;
- (f) calculate and make any payments that may be required;
- (g) refuse to accept a producer's revenue insurance application on any ground that the corporation considers appropriate;
- (h) subject to *The Financial Administration Act, 1993* and with the approval of the Lieutenant Governor in Council, borrow or raise any moneys that the corporation requires;
- (i) publish any information that, in the corporation's opinion, may be of benefit to producers;
- (j) make any determinations, including the determination of any rules, procedures, formulae or calculations, that:
 - (i) are not set out in the revenue insurance contract, this Act or the regulations; and
 - (ii) in the opinion of the corporation, are necessary for the administration of the gross revenue insurance program or the revenue insurance program;
- (k) do any other act or thing that is incidental or conducive to:
 - (i) the exercise of its powers and functions; or
 - (ii) the administration of the gross revenue insurance program or the revenue insurance program.

1992, c.51, s.6; 2004, c.10, s.18.

Revenue insurance fund

- 5(1) The revenue insurance fund is established.
- (2) The corporation shall administer the revenue insurance fund.
- (3) The fiscal year of the revenue insurance fund is the period commencing on April 1 in one year and ending on March 31 of the following year.
- (4) There is to be deposited to the revenue insurance fund:
 - (a) all moneys received for the revenue insurance program from producers participating in a gross revenue insurance program;

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- (b) all moneys received for the revenue insurance program from the Government of Canada pursuant to an agreement establishing a gross revenue insurance program; and
 - (c) all moneys appropriated by the Assembly for the purpose of establishing or operating the revenue insurance fund.
- (5) Notwithstanding *The Financial Administration Act, 1993*, all moneys mentioned in clauses (4)(a) and (b) are to be deposited in the revenue insurance fund and not the general revenue fund.
- (6) The corporation may:
- (a) invest any of the moneys in the revenue insurance fund that are not presently required for the purposes of the fund in any security or class of securities authorized for the investment of moneys pursuant to *The Financial Administration Act, 1993*; and
 - (b) dispose of any investment made pursuant to clause (a), subject to the terms of the investment, in any manner and on any terms that the corporation considers appropriate.

1990-91, c.A-14.2, s.5; 2004, c.10, s.17 and 18.

Revenue insurance contracts beginning with 1991-92 crop year

5.1(1) Every producer who submits a completed revenue insurance application to the corporation for revenue insurance coverage beginning with the 1991-92 crop year and whose application is accepted by the corporation is deemed, on and from April 1, 1991, to have entered into a revenue insurance contract that, subject to section 5.4, is in the form and contains only the terms and conditions prescribed in the regulations.

(2) Notwithstanding subsection (1) and subsections 5.3(4) to (6), every revenue insurance contract mentioned in subsection (1) that is not terminated on or before March 31, 1992, is, on and from April 1, 1992, for revenue insurance coverage beginning with the 1992-93 crop year, deemed to be amended to be in the form and contain only the terms and conditions prescribed in the regulations.

1992, c.51, s.7.

Revenue insurance contracts beginning with other crop years

5.2(1) Every producer who submits a completed revenue insurance application to the corporation for revenue insurance coverage beginning with the 1992-93 crop year and whose application is accepted in writing by the corporation is deemed, on and from April 1, 1992, to have entered into a revenue insurance contract that is in the form and contains only the terms and conditions prescribed in the regulations.

(2) Every producer who submits a completed revenue insurance application to the corporation for revenue insurance coverage beginning with any crop year subsequent to the 1992-93 crop year and whose application is accepted in writing by the corporation is deemed, on and from April 1 immediately preceding the first crop year for which the revenue insurance coverage will apply, to have entered into a revenue insurance contract that is in the form and contains only the terms and conditions prescribed in the regulations.

1992, c.51, s.7.

Participation in gross revenue insurance program

5.3(1) A producer may participate in the gross revenue insurance program only if the producer is a party to:

- (a) a revenue insurance contract;
- (b) a contract of crop insurance; or
- (c) the combination of a revenue insurance contract and a contract of crop insurance.

(2) A revenue insurance contract, a contract of crop insurance or the combination of a revenue insurance contract and a contract of crop insurance, as the case may be, is deemed to be the entire and only contract or contracts with respect to the rights and obligations of any producer pursuant to the gross revenue insurance program or the revenue insurance program.

(3) Subject to the other provisions of this Act and the regulations, all rights and obligations of a producer with respect to the gross revenue insurance program or the revenue insurance program shall be determined only by:

- (a) the revenue insurance contract;
- (b) the contract of crop insurance; or
- (c) the combination of a revenue insurance contract and a contract of crop insurance;

as the case may be.

(4) No revenue insurance contract may be amended other than by a regulation amending the form and the terms and conditions of the revenue insurance contract as prescribed in the regulations.

(5) No amendment to a revenue insurance contract is effective unless the amendment is made in accordance with subsection (4).

(6) Every amendment to the form and the terms and conditions of the revenue insurance contract that is made in accordance with subsection (4):

- (a) is deemed to be an amendment to every revenue insurance contract;
- (b) is effective on and from the day on which the regulation amending the form and the terms and conditions of the revenue insurance contract comes into force or is deemed to have been in force; and
- (c) notwithstanding anything in the revenue insurance contract, is binding on all parties to every revenue insurance contract without further formality.

(7) Except as otherwise expressly provided in this Act, *The Crop Insurance Act* and the regulations made pursuant to that Act apply to every contract of crop insurance whether or not the contract of crop insurance is part of the combination of a revenue insurance contract and a contract of crop insurance.

Notice provision of revenue insurance contract void

5.4 Notwithstanding any other provision of this Act or the regulations, section 49 of every revenue insurance contract deemed to have been entered into pursuant to subsection 5.1(1), being the provision stating that any changes in the contract shall be mailed to the insured not later than March 15 of the year for which the changes are to be in effect and that those changes are deemed to be part of the contract on and after April 1 of that year, is void and of no effect and is deemed to have always been void and of no effect.

1992, c.51, s.7.

Non-application of other legislation

5.5 *The Saskatchewan Insurance Act* does not apply to:

- (a) a revenue insurance contract; or
- (b) the combination of a revenue insurance contract and a contract of crop insurance.

1992, c.51, s.7.

Net income stabilization account program

6 Each agreement respecting a net income stabilization account program must:

- (a) provide terms and conditions of producer eligibility;
- (b) provide procedures for:
 - (i) contributions and withdrawals to be made by producers; and
 - (ii) contributions to be made by the Government of Canada and the Government of Saskatchewan;
- (c) provide for the calculation of benefits;
- (d) provide for the administration of the program; and
- (e) contain any elements that may be prescribed in the regulations.

2003, c.14, s.5.

ADMINISTRATION

Tabling

7(1) In each fiscal year, the corporation, in accordance with section 13 of *The Executive Government Administration Act*, shall prepare and submit to the minister:

- (a) a report on the activities of:
 - (i) the corporation in its role as administrator of gross revenue insurance programs; and
 - (ii) the revenue insurance fund;
 for the preceding fiscal year; and

- (b) a financial statement for:
 - (i) the corporation in its role as administrator of gross revenue insurance programs; and
 - (ii) the revenue insurance fund;
 for the preceding fiscal year.
- (2) The financial statement mentioned in clause (1)(b) is to be in the form required by Treasury Board.
- (3) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Assembly each report and financial statement received by the minister pursuant to subsection (1).

1990-91, c.A-14.2, s.7; 2014, c.E-13.1, s.62.

Audit

- 8(1) The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit:
 - (a) annually; or
 - (b) at any other time that the Lieutenant Governor in Council may request;
 the accounts and statements of the corporation in its role as administrator of gross revenue insurance programs and of the revenue insurance fund.
- (2) Where an agreement respecting a gross revenue insurance program prescribes rules respecting the auditing of accounts and financial statements, the audit conducted pursuant to this section must be conducted in the manner prescribed in the agreement.

1990-91, c.A-14.2, s.8.

Verification of information

- 9 Where information is provided to the minister or the corporation pursuant to this Act, the regulations or an agreement, the minister may require the person providing the information to verify the information:
 - (a) by declaration; or
 - (b) by any other means that the minister considers appropriate.

1990-91, c.A-14.2, s.9.

OTHER

No action against minister, etc.

10 No action lies or shall be instituted against the minister, the corporation, any officer or employee of the corporation or agent of the minister, where the minister, corporation, officer, employee or agent is acting pursuant to the authority of this Act or the regulations, for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the regulations or any duty imposed by this Act or the regulations.

1990-91, c.A-14.2, s.10.

Certain actions and rights extinguished

10.1(1) No action or proceeding lies or shall be instituted or continued against the Crown or a Crown agent based on any cause of action arising from, resulting from or incidental to:

- (a) any amendment to the GRIP agreement, any amendment or change made to or with respect to the gross revenue insurance program or the revenue insurance program, or any amendment to any revenue insurance contract or the combination of a revenue insurance contract and a contract of crop insurance;
 - (b) any term, condition, warranty, contract, promise, inducement, enticement, representation or other understanding that is collateral to or modifies, varies, qualifies or amends in any way a revenue insurance contract or the combination of a revenue insurance contract and a contract of crop insurance;
 - (c) any failure or alleged failure to comply with the notice provision mentioned in section 5.4; or
 - (d) the enactment or application of any provision of this Act or the regulations or *The Farm Income Insurance Legislation Amendment Act, 1992*.
- (2) Every cause of action against the Crown or a Crown agent arising from, resulting from, or incidental to anything mentioned in clauses (1)(a) to (d) is extinguished.
- (3) In any action or proceeding against the Crown or a Crown agent, a court shall not consider any principle of law or in equity that would require adequate, reasonable or any notice with respect to any amendments or changes to a revenue insurance contract to be provided by the corporation to any party to the contract.

1992, c.51, s.8.

Conflicts

10.2 The provisions of this Act shall prevail where there is any conflict between any provision of this Act or the regulations and:

- (a) any other Act, regulation or law;
- (b) any revenue insurance contract;
- (c) any contract of crop insurance; or
- (d) the combination of a revenue insurance contract and a contract of crop insurance.

1992, c.51, s.8.

Regulations

11(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing and requiring the use of forms for the purposes of this Act;
- (c) **Repealed.** 2003, c.14, s.6.
- (d) prescribing elements to be contained in any agreement or category of agreement;
- (e) respecting books and records and the contents of books and records to be kept by producers;
 - (e.1) prescribing the form and the terms and conditions of every revenue insurance contract or any category of revenue insurance contracts;
 - (e.2) amending the form and the terms and conditions of every revenue insurance contract or any category of revenue insurance contracts;
 - (e.3) prescribing any eligible crop or category of eligible crops listed in the GRIP agreement as agricultural products or categories of agricultural products that are covered by the gross revenue insurance program in Saskatchewan;
 - (e.4) respecting the gross revenue insurance program and the revenue insurance program;
 - (e.5) without limiting the generality of clause (e.4):
 - (i) respecting revenue insurance coverage pursuant to the revenue insurance program and any limitations on that coverage;
 - (ii) prescribing any formula or formulae that shall be used by the corporation to calculate:
 - (A) the indemnity payments payable to producers pursuant to the revenue insurance program; or
 - (B) the premiums that are payable by producers pursuant to the revenue insurance program; and

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- (iii) specifying whether or not there shall be offsets between the benefits generated pursuant to the components mentioned in section 4.1;
 - (iv) respecting the manner in which the corporation shall administer the gross revenue insurance program or the revenue insurance program;
 - (v) for the purposes of any regulation made pursuant to this section, delegating to the corporation the function of making any determinations, including the determination of any rules, procedures, formulae or calculations, with respect to the administration of the gross revenue insurance program or the revenue insurance program;
- (e.6) adopting, as amended from time to time or otherwise, all or any portion of any contract, to which the Government of Saskatchewan and the Government of Canada are parties, that:
- (i) has been entered into and is in effect at the time this clause comes into force; or
 - (ii) is entered into after this clause comes into force;
- (e.7) respecting any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (e.8) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent and purposes of this Act;
- (f) prescribing any other matter or thing that the Lieutenant Governor in Council considers necessary or desirable to carry out the purposes of this Act.
- (2) Any regulation made pursuant to subsection (1) that is necessary as a result of or is consequential to an amendment to the GRIP agreement may be made retroactive to a day not earlier than the day on which the amendment to the GRIP agreement is stated, by the terms of the amendment to the GRIP agreement, to be effective.
- (3) Notwithstanding subsection (2), any regulation that is made on or before December 31, 1992 pursuant to subsection (1) may be made retroactive to a day not earlier than January 1, 1991.

1990-91, c.A-14.2, s.11; 1992, c.51, s.9; 2003, c.14, s.6.

12 Repealed. 2010, c.21, s.2.

CONSEQUENTIAL AMENDMENTS

S.S. 1983-84, c.C-47.2 amended

13 The following subsection is added after subsection 13(5) of *The Crop Insurance Act*:

“(6) Notwithstanding any other provision of this Act, on and after April 30, 1991, where an insurable person joins a gross revenue insurance program established pursuant to *The Agricultural Safety Net Act*:

- (a) the period of existence of a contract of crop insurance;
- (b) the form and the terms and conditions of the contract of crop insurance;
- (c) the method of applying for a contract of crop insurance; and
- (d) the method of terminating a contract of crop insurance;

are subject to the rules established pursuant to *The Agricultural Safety Net Act*, the regulations made pursuant to that Act and the agreement respecting the gross revenue insurance program in which the insurable person applies to participate”.

1990-91, c.A-14.2, s.13.

COMING INTO FORCE

Transitional

14 Where a producer has made an application to participate in a gross revenue insurance program before April 30, 1991:

- (a) the application is to be dealt with as if it had been made after April 30, 1991 and is not, by reason of the date of the application, invalid; and
- (b) any act by the producer, the minister or the corporation with respect to the application is not, by reason of the date of the application, invalid.

1990-91, c.A-14.2, s.14.

