

# *The Saskatchewan Gaming Corporation Act*

*being*

[Chapter S-18.2](#) of the *Statutes of Saskatchewan, 1994* (consult Tables of Saskatchewan Statutes for effective dates) as amended by the *Statutes of Saskatchewan, 1997, c.50; 2001, c.39; 2003, c.37; 2007, c.38; 2009, c.T-23.01; 2012, c.31; 2014, c.A-3.1 and c.E-13.1; and 2016, c.22.*

**\*NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

## **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 S-18.2

### An Act to Establish the Saskatchewan Gaming Corporation and to enact certain Consequential Amendments arising from the enactment of this Act

#### PART I

#### Short Title and Interpretation

##### Short title

1 This Act may be cited as *The Saskatchewan Gaming Corporation Act*.

##### Interpretation

2 In this Act:

- (a) “**board**” means the board of directors of the corporation;
- (b) “**casino**” means a place that is owned, leased or occupied for the purpose of playing games of chance and includes all facilities that are ancillary to or operated in conjunction with that place;
- (c) “**corporation**” means the Saskatchewan Gaming Corporation established pursuant to section 3;
- (d) “**Crown**” means the Crown in right of Saskatchewan;
- (e) “**game of chance**” means a lottery scheme conducted and managed by the corporation on behalf of the Government of Saskatchewan pursuant to clause 207(1)(a) of the *Criminal Code*, but does not include a lottery scheme with respect to which an agreement is entered into pursuant to *The Interprovincial Lotteries Act, 1984*;
- (f) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

1994, c.S-18.2, s.2.

#### PART II

#### Corporation

#### ESTABLISHMENT, OBJECTS AND ADMINISTRATION

##### Corporation established

3(1) The Saskatchewan Gaming Corporation is established.

(2) The name “Sask Gaming” is the abbreviated form of the name of the corporation and the abbreviation, when used, has the same legal effect and meaning as the full name of the corporation.

1994, c.S-18.2, s.3; 2007 c.38, s.3.

**Perpetual succession and seal**

**3.1** The corporation is to have perpetual succession and a common seal.

2007 c.38, s.4.

**Agent of Crown**

**3.2(1)** The corporation is for all its purposes an agent of the Crown and its powers pursuant to this Act may be exercised only as an agent of the Crown.

(2) All property of the corporation, all moneys acquired, administered, possessed or received from any source by the corporation and all profits earned by the corporation are the property of the Crown and are, for all purposes, including taxation of whatever nature or description, deemed to be the property of the Crown.

2007 c.38, s.4.

**Responsible to minister**

**3.3** The corporation is responsible to the minister for the performance of its duties and the exercise of its powers pursuant to this Act.

2007 c.38, s.4.

**Head office**

**3.4** The head office of the corporation is to be at any location in Saskatchewan that may be designated by the Lieutenant Governor in Council.

2007 c.38, s.4.

**Capacity to contract**

**3.5(1)** The corporation has the capacity to contract and to sue and be sued in its corporate name with respect to any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation were acquired or incurred on its own behalf.

(2) The corporation, on behalf of the Crown, may contract in its corporate name without specific reference to the Crown.

2007 c.38, s.4.

**Liability in tort**

**3.6** The corporation may:

- (a) sue with respect to any tort; and
- (b) be sued with respect to liabilities in tort to the extent to which the Crown is subject pursuant to *The Proceedings against the Crown Act*.

2007 c.38, s.4.

**Objects of corporation**

4 The objects of the corporation are:

- (a) to establish and operate casinos in Saskatchewan;
- (b) to conduct and manage games of chance in casinos;
- (c) to establish and operate, or to provide for the establishment and operation of, any business or activity that it considers reasonably related to operating a casino.

1994, c.S-18.2, s.4.

**5 Repealed.** 2007, c.38, s.5.

**Members of the corporation**

6(1) The corporation consists of seven persons appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall appoint as members:

- (a) three persons nominated by the Chiefs' Legislative Assembly of the Federation of Saskatchewan Indian Nations; and
- (b) four other persons.

(3) Every person appointed pursuant to this section as a member of the corporation holds his or her office at pleasure for a term not greater than three years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed.

(4) Subject to subsection (2), where a member of the corporation is absent or unable to perform his or her duties, the Lieutenant Governor in Council may appoint another person to act as a temporary member of the corporation during the member's absence or disability.

(5) Subject to subsection (2), if the office of a person appointed pursuant to this section becomes vacant the Lieutenant Governor in Council may:

- (a) appoint another person for the remainder of the term of the person who vacated the office; or
- (b) appoint a new person for the term mentioned in subsection (3).

(6) A vacancy in the office of a person appointed pursuant to this section does not impair the power of the other persons constituting the corporation to act.

1994, c.S-18.2, s.6; 2007, c.38, s.6.

**Board of directors**

7(1) The board of directors consists of those persons who constitute the corporation.

(1.1) The board shall manage the affairs and business of the corporation.

(2) The Lieutenant Governor in Council shall designate one member as chairperson of the board and may designate one other member of the corporation as vice-chairperson.

(3) The chairperson:

- (a) shall preside over all meetings of the board; and

- (b) shall perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.
- (4) Where the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson shall perform all the duties and may exercise all the powers of the chairperson.
- (5) Where the chairperson and the vice-chairperson are absent or unable to act at a meeting, the board members who are present may choose another person to act as chairperson for the purposes of that meeting.
- (6) In the case of an equality of votes at a board meeting, the chairperson may cast a deciding vote.
- (7) The Lieutenant Governor in Council may fix the quorum of the board.
- (8) The Crown Investments Corporation of Saskatchewan shall fix the remuneration and rate of reimbursement for expenses of:
  - (a) the members of the board; and
  - (b) the members of any committee appointed by the board.
- (9) The board may, from time to time:
  - (a) appoint any advisory committee that it considers necessary for the efficient conduct of the affairs and business of the corporation; and
  - (b) prescribe the duties of any advisory committee appointed pursuant to clause (a).

1994, c.S-18.2, s.7; 2007, c.38, s.7.

#### **Officers and employees**

- 8(1) Notwithstanding *The Public Service Act, 1998*, the corporation may:
- (a) employ any officers and other employees that it considers necessary for the conduct of its operations; and
  - (b) determine their respective duties and powers, their conditions of employment and their remuneration.
- (2) The corporation has control over and shall supervise its officers and employees.
- (3) The corporation shall pay to its officers and employees the remuneration determined pursuant to this section.
- (4) The corporation may:
- (a) appoint or engage any professional, administrative, technical and clerical personnel that may be required for the purposes of this Act; and
  - (b) determine the salaries and other remuneration of the personnel appointed or engaged pursuant to clause (a).

2007, c.38, s.8.

#### **Superannuation and other plans**

- 8.1(1) The corporation may establish and support any of the following plans for the benefit of any officers and employees of the corporation and the dependants of those officers and employees:
- (a) a superannuation plan;

- (b) a group insurance plan;
  - (c) any other pension, superannuation or employee benefit program.
- (2) Notwithstanding any other Act or law, a person's service with the corporation shall be counted as service pursuant to a superannuation Act mentioned in clause (a) if that person:
- (a) was, immediately before that person's employment by the corporation, a contributor to:
    - (i) *The Public Service Superannuation Act*;
    - (ii) *The Superannuation (Supplementary Provisions) Act*;
    - (iii) *The Liquor Board Superannuation Act*; or
    - (iv) *The Power Corporation Superannuation Act*; and
  - (b) continues to be a contributor pursuant to a superannuation Act mentioned in clause (a) while employed by the corporation.

2007, c.38, s.8.

## POWERS

### Powers of corporation

#### 9 The corporation may:

- (a) develop, construct, renovate or equip any building, facility or improvement;
- (b) enter into and participate in arrangements or undertakings related to establishing, managing or operating casinos or other related businesses and activities;
- (c) enter into and participate in arrangements or undertakings related to the conduct of operations, or the provision of services, respecting games of chance conducted and managed by the corporation in casinos;
- (d) promote and market its casinos and related businesses and activities;
- (e) acquire and provide services;
- (f) charge fees for the facilities, goods and services it provides;
- (g) **Repealed.** 2007, c.38, s.9.
- (h) enter into any agreements that it considers necessary or expedient to meet its objects, exercise its powers or perform its responsibilities;
- (i) **Repealed.** 2007, c.38, s.9.
- (j) carry out or engage in any function or activity assigned to the corporation by the Lieutenant Governor in Council;
- (j.1) participate in joint or other ventures with any body corporate, organization, partnership, firm or entity;

(k) do all of the things that the corporation considers necessary, incidental or conducive to meeting its objects, exercising its powers or performing its responsibilities.

1994, c.S-18.2, s.9; 2007, c.38, s.9.

**Acquisition and disposal of property**

**9.1(1)** Subject to subsection (3), the corporation may:

- (a) acquire, by any means, any property that the corporation considers necessary for the efficient operation of its business; and
- (b) dispose of any of the corporation's property by any means and in any manner that the corporation considers appropriate.

(2) The corporation may:

- (a) purchase property by means of deferred payments; and
- (b) give security on the property purchased for the purchase price, or the unpaid balance of the purchase price, with interest.

(3) If the purchase price or sale price of real property included in one transaction entered into by the corporation exceeds the amount fixed by the Lieutenant Governor in Council, the corporation shall obtain the approval of the Lieutenant Governor in Council before acquiring or disposing of the real property.

2007, c.38, s.10.

**Approval required to establish casinos**

**10(1)** The corporation shall obtain the approval of the Lieutenant Governor in Council before establishing any casino.

(2) In an approval given pursuant to subsection (1), the Lieutenant Governor in Council:

- (a) shall designate the municipality or area in which a casino is to be established; and
- (b) may impose any terms or conditions that the Lieutenant Governor in Council considers appropriate.

1994, c.S-18.2, s.10.

**Corporation to comply with *The Alcohol and Gaming Regulation Act, 1997* and directives**

**11** The corporation shall comply with:

- (a) *The Alcohol and Gaming Regulation Act, 1997* and any regulations made pursuant to that Act; and
- (b) directives issued to it by the Lieutenant Governor in Council.

1994, c.S-18.2, s.11; 2003, c.37, s.3.



## GENERAL

**Fiscal year**

**12** The fiscal year of the corporation is the period fixed by the Lieutenant Governor in Council.

2016, c22, s.3.

**Audit**

**12.1** The Provincial Auditor or any other auditor or firm of auditors that the Crown Investments Corporation of Saskatchewan, with the approval of the Lieutenant Governor in Council, may appoint shall audit the accounts and financial statements of the corporation:

- (a) annually; and
- (b) at any other times that the Crown Investments Corporation of Saskatchewan may require.

2007, c.38, s.11.

**Annual report**

**12.2** The corporation shall prepare and submit its annual report and financial statements in accordance with *The Crown Corporations Act, 1993*.

2007, c.38, s.11.

**Amounts payable to general revenue fund**

**13** Subject to any directions of Treasury Board, the corporation shall pay to the Minister of Finance for deposit in the general revenue fund those moneys that are required for the purposes of Parts III.01, III.1 and IV.

2007, c.38, s.12.

**Regulations**

**14** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Act;
- (b) prescribing any matter or thing authorized by this Act to be prescribed in the regulations;
- (c) respecting any matter or thing that the Lieutenant Governor in Council considers necessary for the purposes of this Act.

1994, c.S-18.2, s.14.

**Slot Machine Act does not apply**

**15** Section 3 of *The Slot Machine Act* does not apply to slot machines owned by the corporation or to slot machines supplied by a gaming supplier, as defined in *The Alcohol and Gaming Regulation Act, 1997*, for use in a casino pursuant to an agreement with the corporation.

1994, c.S-18.2, s.15; 2003, c.37, s.4.

## PART III

**Repealed.** 2003, c.37, s.5.

## PART III.01

**First Nations Trust****Interpretation of Part**

**25.01** In this Part:

- (a) “**fiscal year**” means the period commencing on April 1 in one year and ending on March 31 in the following year;
- (b) “**former fund**” means the First Nations Fund established pursuant to section 17, as that section existed on the day before the coming into force of this section;
- (c) “**trust**” means the First Nations Trust established by the Federation of Saskatchewan Indian Nations to receive and distribute gaming funds in accordance with:
  - (i) the Gaming Framework Agreement entered into by the Federation of Saskatchewan Indian Nations and the Government of Saskatchewan in June 2002, as that agreement is amended or renewed from time to time; and
  - (ii) any subsequent agreement entered into by the parties mentioned in subclause (i) respecting the trust, as that agreement is amended or renewed from time to time.

2003, c.37, s.6.

**Payments to the trust**

**25.02(1)** At the beginning of each fiscal year, the minister shall estimate the net profits of the corporation for that fiscal year.

(2) Subject to section 25.03, for each fiscal year, the minister may pay to the trust, out of moneys appropriated by the Legislature for the trust, an amount not exceeding 25% of the corporation’s estimated net profits for that fiscal year as estimated pursuant to subsection (1).

(3) At the end of each fiscal year, the minister shall determine the net profits of the corporation for that fiscal year.

(4) Subject to the minister’s right to withhold moneys from the trust pursuant to subsections (6) and 25.03(4), if the amount paid to the trust pursuant to subsection (2) for a fiscal year is less than 25% of the net profits of the corporation for that fiscal

year as determined pursuant to subsection (3), the minister shall pay from the general revenue fund to the trust an amount equal to that difference.

(5) If the amount paid to the trust pursuant to subsection (2) for a fiscal year is greater than 25% of the net profits of the corporation for that fiscal year as determined pursuant to subsection (3), an amount equal to that difference:

- (a) is a debt due to the Government of Saskatchewan; and
- (b) is payable by the trust to the Government of Saskatchewan.

(6) The minister may collect any debt due pursuant to subsection (5) by withholding an amount equal to the debt from any future amounts to be paid from the general revenue fund to the trust or in any other manner allowed by law.

2003, c.37, s.6.

#### **Transitional – payments to former fund**

**25.03(1)** Any reference in this section to section 22 is a reference to that section as it existed on the day before the coming into force of this section.

(2) For the purposes of section 25.02 for the fiscal year in which this section comes into force, any amount paid to the former fund pursuant to subsection 22(2) for that fiscal year is deemed to be an amount paid to the trust pursuant to subsection 25.02(2) for that fiscal year.

(3) On the coming into force of this section, any amount that remains payable to the former fund pursuant to subsections 22(3), (4) and (5) for the fiscal year preceding the fiscal year in which this section comes into force is an asset of the trust and is to be paid to the trust instead of to the former fund.

(4) The minister may collect any debt due to the Government of Saskatchewan pursuant to subsection 22(6) by withholding an amount equal to the debt from any future amounts to be paid from the general revenue fund to the trust or in any other manner allowed by law.

2003, c.37, s.6.

### PART III.1 **Métis Development Fund**

#### **Interpretation of Part**

**25.1** In this Part:

- (a) “**auditor**” means the auditor appointed pursuant to the terms of the agreement mentioned in section 25.6;
- (b) “**fund**” means the fund designated as the Métis Development Fund pursuant to section 25.2;
- (c) “**management board**” means the management board appointed pursuant to section 25.3;
- (d) “**Métis Nation of Saskatchewan Secretariate Incorporated**” includes any successor of the Métis Nation of Saskatchewan Secretariate Incorporated.

2001, c.39, s.3.

**Designation of fund**

**25.2(1)** Subject to subsection (2), the minister may designate the Clarence Campeau Development Fund or any other fund operated by the Métis Nation of Saskatchewan Secretariate Incorporated as the Métis Development Fund into which moneys are to be paid pursuant to this Part.

- (2) The minister shall not make a designation pursuant to subsection (1) unless:
- (a) the fund is governed in accordance with the bylaws of the Métis Nation of Saskatchewan Secretariate Incorporated;
  - (b) a management board has been appointed pursuant to section 25.3 to manage and operate the fund; and
  - (c) the Métis Nation of Saskatchewan Secretariate Incorporated and the Government of Saskatchewan have entered into an agreement in accordance with section 25.6 respecting the management and operation of the fund.
- (3) The minister may change a designation made pursuant to this section where the Métis Nation of Saskatchewan Secretariate Incorporated and the Government of Saskatchewan have entered into an agreement respecting:
- (a) the change in designation; and
  - (b) the manner in which the assets and liabilities of the former fund are to be dealt with.

2001, c.39, s.3.

**Management board**

**25.3(1)** The management board for the fund is to be appointed pursuant to the terms of the agreement mentioned in section 25.6.

- (2) The management board is responsible for managing and operating the fund.

2001, c.39, s.3.

**Assets of fund**

**25.4(1)** The fund consists of:

- (a) all assets of the fund as at the day on which this Part comes into force;
  - (b) all moneys paid to the fund pursuant to section 25.5; and
  - (c) all earnings on investments of the fund.
- (2) The assets of the fund must be held and accounted for separate and apart from all other assets.
- (3) The assets of the fund are only to be used in the manner and for the purposes set out in the agreement mentioned in section 25.6.

2001, c.39, s.3.

**Payments to fund**

**25.5(1)** In this section, “**fiscal year**” means the fiscal year of the Government of Saskatchewan.

- (2) Subject to subsection (6) and section 25.7, for each of the 2000-01, 2001-02 and 2002-03 fiscal years, the Minister of Finance shall pay into the fund the amount of \$2 million out of the general revenue fund.
- (3) The Minister of Finance shall pay the amount mentioned in subsection (2):
- (a) in more or less equal quarterly instalments; and
  - (b) at the times agreed to by the Minister of Finance and the management board.
- (4) In any fiscal year mentioned in subsection (2), the minister shall pay into the fund any additional amount directed by the Lieutenant Governor in Council to be paid into the fund for that fiscal year and appropriated by the Legislature for that purpose.
- (5) Subject to section 25.7, commencing in the 2003-04 fiscal year, the minister shall pay into the fund, out of moneys appropriated by the Legislature for the purposes of the fund, any amount directed by the Lieutenant Governor in Council to be paid into the fund for that fiscal year.
- (6) Where the Associated Entities Fund established pursuant to Part IV has paid moneys to the Clarence Campeau Development Fund with respect to the 2000-01 fiscal year, those moneys are to be deducted from the amount to be paid to the fund pursuant to subsection (2) for that fiscal year.

2001, c.39, s.3.

**Agreement respecting management and operation of fund**

**25.6(1)** Before the minister makes any designation pursuant to section 25.2, the Métis Nation of Saskatchewan Secretariate Incorporated and the Government of Saskatchewan shall enter into a written agreement respecting the management and operation of the fund.

- (2) The agreement mentioned in subsection (1) must:
- (a) set out the manner of appointing the members of the management board;
  - (b) set out the rules and procedures:
    - (i) to safeguard and control the assets of the fund; and
    - (ii) to ensure that the moneys in the fund are used only to promote community-based economic and business development;
  - (c) set out the requirements and procedures for:
    - (i) applying to the fund for funding;
    - (ii) determining eligibility to receive funding from the fund;
    - (iii) approving or rejecting an application for funding; and
    - (iv) appealing a rejection of an application for funding;
  - (d) establish the procedures for:
    - (i) annually reviewing the activities of the fund;

- (ii) appointing an auditor who is a member in good standing of a recognized accounting profession that is regulated by an Act to audit the records, accounts and financial statements of the fund annually and prepare a report on the results of the audit; and
  - (iii) annually preparing and submitting to the member of the Executive Council responsible for the agreement, in a form acceptable to that member:
    - (A) a report, including the report of the auditor, on the activities of the fund for the preceding fiscal year of the fund; and
    - (B) a financial statement setting out the revenues and expenditures and assets and liabilities of the fund for the preceding fiscal year of the fund; and
  - (e) include any other provisions with respect to the management and operation of the fund that the member of the Executive Council responsible for the agreement may require and to which the parties agree.
- (3) Unless the agreement mentioned in subsection (1) provides otherwise:
- (a) disbursements may be made from the fund to pay the remuneration and expenses of the members of the management board;
  - (b) the necessary expenses of administering the fund are a charge on and payable out of the fund; and
  - (c) the moneys of the fund not presently required for the purposes of the fund may be invested only in investments that trustees are authorized to invest in pursuant to *The Trustee Act, 2009*.

2001, c.39, s.3; 2009, c.T-23.01, s.64; 2014,  
c.A-3.1, s.72.

#### **Revocation of designation**

- 25.7(1)** In the circumstances mentioned in subsection (2):
- (a) where the minister or the Minister of Finance is authorized to make a payment to the fund pursuant to section 25.5, the minister or the Minister of Finance, as the case may be, may stop that payment; or
  - (b) the minister may revoke any designation made pursuant to section 25.2.
- (2) The minister or the Minister of Finance, as the case may be, may do any of the things mentioned in subsection (1) where:
- (a) the agreement entered into pursuant to section 25.6 is terminated; or
  - (b) at any time on or after the day on which this Part comes into force, in the opinion of the minister or the Minister of Finance, as the case may be:
    - (i) the Métis Nation of Saskatchewan Secretariate Incorporated fails to comply with any term or condition of the agreement;
    - (ii) the assets of the fund are not held separate and apart from all other the assets;
    - (iii) the management board fails to keep proper books of accounts for the fund;

- (iv) the management board fails to fully account for the moneys in the fund or for the moneys expended from the fund;
- (v) the management board fails to provide the auditor or Provincial Auditor with access to the books of account for the fund and to any other records and documents that are, in the opinion of the auditor or Provincial Auditor, necessary to enable the auditor or Provincial Auditor to audit the fund;
- (vi) the management board fails to furnish to the auditor or Provincial Auditor any explanation or information that the auditor or Provincial Auditor requires to audit the fund;
- (vii) the management board otherwise fails to properly manage and operate the fund; or
- (viii) the Métis Nation of Saskatchewan Secretariate Incorporated fails to submit to the appropriate member of the Executive Council an annual report and financial statement of the fund for the preceding fiscal year of the fund:
  - (A) on a timely basis; and
  - (B) in a form acceptable to that member.

(3) Where the minister revokes a designation made pursuant to section 25.2, the Lieutenant Governor in Council may dispose of all remaining assets of the fund and deal with the remaining liabilities and obligations of the fund in any manner that the Lieutenant Governor in Council considers appropriate.

2001, c.39, s.3.

**Application of *The Provincial Auditor Act***

**25.8** The fund is deemed to be a Crown agency within the meaning of *The Provincial Auditor Act*, and that Act applies to the fund and to the management board.

2001, c.39, s.3.

**Annual report**

**25.9(1)** The member of the Executive Council who is to receive the annual report and financial statement of the fund pursuant to this Part shall, within 15 days after receiving those documents, lay those documents before the Legislative Assembly.

(2) If the Legislative Assembly is not sitting when a document is received by the member of the Executive Council pursuant to subsection (1), the member shall submit the document to the Clerk of the Legislative Assembly.

(3) Where the Clerk of the Legislative Assembly receives a document pursuant to subsection (2), the Clerk shall, as soon as possible:

- (a) subject to subsection (4), cause a copy of the document to be delivered to each member of the Legislative Assembly; and
- (b) make the document available for public inspection during normal business hours of the Clerk of the Legislative Assembly.

(4) The requirement in subsection (3) to deliver a copy of a document to the members of the Legislative Assembly does not apply in the period that:

- (a) commences on the day a Legislative Assembly is dissolved; and

(b) ends on the day fixed for making the return to the writ for the general election held pursuant to *The Election Act, 1996* that follows the dissolution mentioned in clause (a).

(5) If a document is submitted to the Clerk of the Legislative Assembly in accordance with subsection (2), the document is deemed to have been laid before the Legislative Assembly.

2001, c.39, s.3.

**Fiscal year**

**25.91** The fiscal year of the fund is the fiscal year as determined by the management board.

2001, c.39, s.3.

**PART IV  
Community Initiatives Fund**

**Interpretation of Part**

**26** In this Part:

- (a) **“board of trustees”** means the board of trustees appointed pursuant to section 28;
- (b) **“fund”** means the Community Initiatives Fund continued pursuant to section 27.

1994, c.S-18.2, s.26; 2001, c.39, s.5.

**Community Initiatives Fund continued**

**27(1)** The fund formerly known as the Associated Entities Fund is continued as the Community Initiatives Fund.

(2) The fund consists of:

- (a) moneys paid to the fund pursuant to section 32;
- (b) moneys paid to the fund pursuant to any agreement between:
  - (i) the Government of Saskatchewan or any of its agents; and
  - (ii) the Federation of Saskatchewan Indian Nations or the Saskatchewan Indian Gaming Authority Inc.;
- (c) amounts from appropriated moneys that may be authorized by the Lieutenant Governor in Council; and
- (d) earnings on investments of the fund.

2001, c.39, s.6.



**Board of trustees**

**28(1)** The Lieutenant Governor in Council shall appoint a board of trustees composed of not more than eight persons.

(2) The board of trustees is responsible for managing and operating the fund.

1994, c.S-18.2, s.28; 2001, c.39, s.7.

**Terms of appointment**

**28.1(1)** A person appointed to the board of trustees:

(a) holds office at pleasure for a period not exceeding four years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and

(b) is eligible for reappointment.

(2) No member of the board of trustees shall hold office for more than two consecutive terms.

(3) If a member of the board of trustees dies or resigns, the person ceases to be a member of the board of trustees on the date of death or on the date on which the resignation is received by the board of trustees, as the case may be.

(4) If there is a vacancy in the membership of the board of trustees, the Lieutenant Governor in Council may:

(a) appoint a person for the remainder of the term of the person who vacated the office; or

(b) appoint a person for the term mentioned in subsection (1).

(5) A vacancy in the membership of the board of trustees does not impair the power of the remaining members of the board of trustees to act.

2012, c.31, s.3.

**Quorum**

**28.2** The Lieutenant Governor in Council may fix a quorum for the transaction of business at meetings of the board of trustees.

2012, c.31, s.3.

**Officers**

**28.3(1)** The Lieutenant Governor in Council may designate one member of the board of trustees as the chairperson of the board of trustees and may designate another member of the board of trustees as vice-chairperson.

(2) In the absence or inability to act of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.

2012, c.31, s.3.

**Remuneration and reimbursement**

**28.4(1)** The Lieutenant Governor in Council shall fix the remuneration of members of the board of trustees.

(2) The members of the board of trustees are entitled to be reimbursed for travel and incidental expenses incurred in the performance of their responsibilities as members of the board of trustees at any rates that may be approved for members of the public service of Saskatchewan.

2012, c.31, s.3.

**Capacity to contract**

**28.5** The board of trustees has the capacity to contract and to sue and be sued in its own name with respect to any right or obligation acquired or incurred by it.

2012, c.31, s.3.

**Liability in tort**

**28.6** The board of trustees may:

- (a) sue with respect to any tort; and
- (b) be sued with respect to any liability in tort.

2012, c.31, s.3.

**Staff**

**28.7(1)** The board of trustees may:

- (a) employ any employees that it considers necessary for the conduct of its operations; and
  - (b) determine each employee's respective duties and powers, conditions of employment and remuneration.
- (2) The board of trustees has control over and shall supervise its employees.
- (3) The employees of the board of trustees are entitled to be reimbursed for travel and incidental expenses incurred in the performance of their responsibilities as employees at any rates that may be approved for members of the public service of Saskatchewan.

2012, c.31, s.3.

**Superannuation and other plans**

**28.8** The board of trustees may establish and support any or all of the following for the benefit of the employees and the dependants of the employees:

- (a) a superannuation plan;
- (b) a group insurance plan;
- (c) a pension plan, superannuation or employee benefit program.

2012, c.31, s.3.

**Professional advisors, etc.**

**28.9** The board of trustees, on any terms and conditions that it considers appropriate, may retain the services of any consultants or professional or technical advisors that it considers necessary for the management and operation of the fund.

2012, c.31, s.3.

**Fund responsible for its own expenses**

**29** The remuneration and expenses of the members and any employee of the board of trustees and the necessary expenses of administering the fund are a charge on and payable out of the fund.

1994, c.S-18.2, s.29; 2012, c.31, s.4.

**Payments from fund**

**30** Subject to the regulations and to any directions given by Treasury Board, the board of trustees may provide financial assistance from the fund by way of grant or other similar means on any terms or conditions that the board of trustees may require:

- (a) to charities and exhibition associations in Saskatchewan;
- (b) to any organization or association representing Metis people in Saskatchewan;
- (c) to any person, organization or association in Saskatchewan prescribed by the Lieutenant Governor in Council; or
- (d) for any purpose prescribed by the Lieutenant Governor in Council.

1994, c.S-18.2, s.30; 2012, c.31, s.5.

**Investments of fund**

**31** The board of trustees may invest any moneys of the fund not presently required for the purposes of the fund in any investments that trustees are authorized to invest in pursuant to *The Trustee Act, 2009* and may dispose of those investments and reinvest the proceeds of disposition in similar investments.

1994, c.S-18.2, s.31; 2009, c.T-23.01, s.64.

**Required payments to fund**

**32(1)** At the beginning of each fiscal year of the fund, the Minister of Finance shall estimate the net profits of the corporation for that fiscal year.

(2) For a fiscal year of the fund, the Minister of Finance may pay, out of moneys appropriated by the Legislature for the fund, an amount not exceeding 25% of the corporation's estimated net profits for that fiscal year as estimated pursuant to subsection (1) less the amount to be paid pursuant to section 25.5 for that fiscal year.

(3) At the end of each fiscal year of the fund, the Minister of Finance shall determine the net profits of the corporation for that fiscal year.

(4) Subject to the Minister of Finance's right to withhold moneys to the fund pursuant to subsection (7), if the amount paid to the fund pursuant to subsection (2) for a fiscal year is less than 25% of the net profits of the corporation for that fiscal year as determined pursuant to subsection (3) less the amount paid pursuant to section 25.5 for that fiscal year, the Minister of Finance shall pay to the fund an amount equal to that difference.

(5) An amount payable pursuant to subsection (4) shall be paid out of the general revenue fund.

(6) If the amount paid to the fund pursuant to subsection (2) for a fiscal year is greater than 25% of the net profits of the corporation for that fiscal year as determined pursuant to subsection (3) less the amount paid pursuant to section 25.5 for that fiscal year, an amount equal to that difference:

- (a) is a debt due to the Government of Saskatchewan; and
- (b) is payable by the fund to the Government of Saskatchewan.

(7) The Minister of Finance may collect any debt due pursuant to subsection (6) by withholding an amount equal to the debt from any future amounts to be paid from the general revenue fund to the fund or in any other manner allowed by law.

1994, c.S-18.2, s.32; 2001, c.39, s.8.

#### Audit

**33** The Provincial Auditor, or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint, shall audit the accounts and financial statements of the fund:

- (a) annually; and
- (b) at any other times that the Lieutenant Governor in Council may require.

1994, c.S-18.2, s.33.

#### Financial statement

**34(1)** In each fiscal year, the board of trustees shall, in accordance with section 13 of *The Executive Government Administration Act*, prepare and submit to the minister:

- (a) a report, including the report of the auditor, on the activities of the fund for the preceding fiscal year; and
- (b) a financial statement setting out the revenues and expenditures of the fund for the preceding fiscal year, in the form required by Treasury Board.

(2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report and financial statement that the minister receives pursuant to subsection (1).

2001, c.39, s.9; 2014, c.E-13.1, s.62.

#### Reporting to the minister

**34.1** If requested to do so, the board of trustees shall report to the minister respecting any matter that the minister has inquired about within the time set by the minister.

2012, c.31, s.6.

#### Fiscal year

**35** The fiscal year of the fund is the period commencing on April 1 of one year and ending on March 31 of the following year.

1994, c.S-18.2, s.35.

**Immunity**

**35.01** No action or proceeding lies or shall be commenced against the Crown in right of Saskatchewan, the minister, the board of trustees, or any member or employee of the board of trustees for 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 or supposed exercise of any power conferred by this Part or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Part or the regulations.

2012, c.31, s.7.

**Regulations**

**35.1** The Lieutenant Governor in Council may make regulations for the purposes of this Part:

- (a) governing the uses of the moneys in the fund and prescribing purposes for which the board of trustees may make disbursements from the fund;
- (b) governing the requirements and procedures for:
  - (i) applying to the fund for funding;
  - (ii) determining eligibility to receive funding from the fund;
  - (iii) approving or rejecting an application for funding;
  - (iv) appealing a rejection of an application for funding;
- (c) governing the keeping of records with respect to the fund;
- (d) respecting the management and administration of the fund, generally.

2001, c.39, s.10.

**PART V****Consequential Amendments and Coming into Force****CONSEQUENTIAL AMENDMENTS**

**36 Dispensed.** This/these section(s) makes consequential amendments to another/ other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

