

# *The Tourism Saskatchewan Act*

*being*

Chapter T-15.02 of *The Statutes of Saskatchewan, 2012* (effective July 1, 2012), as amended by the *Statutes of Saskatchewan, 2014, c.E-13.1*.

## **NOTE:**

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

## Table of Contents

|                                      |   |   |  |
|--------------------------------------|---|---|--|
| <b>PART I</b>                        |   | <b>PART IV</b>                                    |  |
| <b>Preliminary Matters</b>           |   | <b>Financial Matters</b>                          |  |
| 1                                    | Short title                                 | 19  | Borrowing powers                                 |
| 2                                    | Interpretation                              | 20  | Investments                                      |
| <b>PART II</b>                       |   | 21  | Fiscal year                                      |
| <b>Corporation</b>                   |   | 22  | Audit  |
| 3                                    | Corporation                                 | 23  | Annual report                                    |
| 4                                    | Membership of corporation                   | 24  | Limitation of actions                            |
| 5                                    | Purposes of corporation                     | <b>PART V</b>                                     |  |
| 6                                    | Powers of corporation                       | <b>Regulations</b>                                |  |
| 7                                    | Agent of Crown                              | 25  | Regulations                                      |
| 8                                    | Head office                                 | <b>PART VI</b>                                    |  |
| 9                                    | Responsible to minister                     | <b>Repeal, Transitional and Coming into Force</b> |  |
| 10                                   | Capacity to contract                        | 26  | S.S. 1994, c.T-15.01 repealed                    |
| 11                                   | Common seal                                 | 27  | Transitional - transfers to and from corporation |
| 12                                   | Liability in tort                           | 28  | Transitional – references                        |
| <b>PART III</b>                      |   | 29  | Transitional – other matters                     |
| <b>Board, Officers and Employees</b> |   | 30  | Coming into force                                |
| 13                                   | Board established                           |   |  |
| 14                                   | Officers                                    |   |  |
| 15                                   | Remuneration and reimbursement              |   |  |
| 16                                   | Board powers                                |   |  |
| 17                                   | Chief Executive Officer and other employees |   |  |
| 18                                   | Superannuation and benefits                 |   |  |

## CHAPTER T-15.02

### An Act respecting Tourism Saskatchewan

#### PART I Preliminary Matters

##### Short title

1 This Act may be cited as *The Tourism Saskatchewan Act*.

##### Interpretation

2 In this Act:

- (a) “**authority**” means the Tourism Authority established pursuant to *The Tourism Authority Act*, as that Act existed on the day before the coming into force of this Act;
- (b) “**board**” means the board of the corporation;
- (c) “**corporation**” means Tourism Saskatchewan continued pursuant to section 3;
- (d) “**fiscal year**” means the fiscal year of the corporation established pursuant to section 21;
- (e) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

2012, c.T-15.02, s.2.

#### PART II Corporation

##### Corporation

3(1) The authority is continued as Tourism Saskatchewan.

(2) The corporation is a Treasury Board Crown corporation within the meaning of *The Crown Corporations Act, 1993*.

2012, c.T-15.02, s.3.

##### Membership of corporation

4 The corporation consists of the persons appointed as directors pursuant to section 13.

2012, c.T-15.02, s.4.

**Purposes of corporation**

**5** The purposes of the corporation are the following:

- (a) to market Saskatchewan as a tourism destination in domestic, national and international markets;
- (b) to assist Saskatchewan's tourism industry operators to market their products;
- (c) to develop and promote the quality of tourism products and services in Saskatchewan;
- (d) to provide visitor information services;
- (e) to undertake any other activities or functions assigned by the Lieutenant Governor in Council.

2012, c.T-15.02, s.5.

**Powers of corporation**

**6(1)** In fulfilling its purposes, the corporation may:

- (a) subject to subsection (2), acquire by purchase, lease or otherwise, any property that the corporation considers necessary for its efficient operation;
- (b) subject to subsection (2), sell, lease or otherwise dispose of any of the corporation's property in any manner that the corporation considers appropriate;
- (c) accept any funds granted to the corporation by the minister or appropriated by the Legislature for the purposes of the corporation;
- (d) accept contributions or receive moneys from any source for carrying out its purposes;
- (e) subject to subsection (3), provide grants, loans, guarantees or other financial assistance, including forgiving any loans provided by the corporation, for any purpose in connection with this Act or respecting any matter for which the corporation is responsible;
- (f) enter into contracts or agreements that it considers expedient or desirable in the exercise of its powers or the fulfilment of its purposes pursuant to this Act;
- (g) subject to the approval of the Lieutenant Governor in Council, establish and operate any facility, enterprise, program or undertaking that it considers will be conducive to the exercise of its powers or the fulfilment of its purposes pursuant to this Act;
- (h) charge any fee required for the operation by the corporation of any facility, enterprise, program or undertaking permitted pursuant to this Act;

- (i) establish one or more advisory committees for any purpose in connection with this Act, prescribe the powers and duties of those committees and appoint any persons to those committees;
  - (j) carry out or engage in any other function or activity assigned to the corporation by the Lieutenant Governor in Council; and
  - (k) do all those things that the corporation considers necessary, incidental or conducive to the carrying out of its purposes.
- (2) If the purchase price or sale price of real property included in one transaction entered into by the corporation exceeds \$250,000, the corporation shall obtain the approval of the Lieutenant Governor in Council before acquiring or disposing of the real property.
- (3) The corporation shall obtain the approval of the Lieutenant Governor in Council before providing any financial assistance to a person pursuant to clause (1)(e) if the total amount of financial assistance provided to that person in any fiscal year would be greater than \$50,000.

2012, c.T-15.02, s.6.

**Agent of Crown**

7(1) The corporation is for all its purposes an agent of the Crown, and the corporation's 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 and all profits earned by the corporation are the property of the Crown and are, for all purposes, including taxation of whatever nature and description, deemed to be the property of the Crown.

2012, c.T-15.02, s.7.

**Head office**

8 The head office of the corporation is to be at any location in Saskatchewan that the Lieutenant Governor in Council may designate.

2012, c.T-15.02, s.8.

**Responsible to minister**

9(1) The corporation is responsible to the minister for the fulfilment of its purposes and the exercise of its powers pursuant to this Act.

(2) The minister may give directions that must be followed by the corporation, the board or both in exercising their powers and fulfilling their duties and purposes pursuant to this Act and the regulations.

2012, c.T-15.02, s.9.

**Capacity to contract**

**10(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 had been acquired or incurred on its own behalf.

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

2012, c.T-15.02, s.10.

**Common seal**

**11** The corporation is to have a common seal.

2012, c.T-15.02, s.11.

**Liability in tort**

**12** 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*.

2012, c.T-15.02, s.12.

### PART III Board, Officers and Employees

**Board established**

**13(1)** A board of directors, consisting of those persons who are appointed pursuant to subsection (2), shall manage the affairs and business of the corporation.

(2) The board is to consist of not more than 11 directors appointed by the Lieutenant Governor in Council.

(3) Subject to subsections (4) and (5), a director appointed pursuant to subsection (2):

- (a) holds office at pleasure for a period not exceeding three 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.

(4) No member of the board shall hold office for more than three consecutive terms.

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

(6) If the office of a director appointed pursuant to subsection (2) becomes vacant, 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 (3).

2012, c.T-15.02, s.13.

#### **Officers**

**14(1)** The Lieutenant Governor in Council shall designate one of the directors as chairperson of the board and one of the directors as vice-chairperson of the board.

(2) The chairperson shall:

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

(3) In the absence of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.

2012, c.T-15.02, s.14.

#### **Remuneration and reimbursement**

**15** The Lieutenant Governor in Council shall fix the remuneration and rate of reimbursement for expenses of members of the board.

2012, c.T-15.02, s.15.

#### **Board powers**

**16(1)** Subject to this Act and the regulations, the board may make bylaws governing:

- (a) the business and affairs of the corporation; and
- (b) the calling of its meetings and the conduct of its business and of the business of committees of the board.

(2) The board may delegate, on terms and conditions the board considers advisable, to any director, to a committee of the board, to any officer or employee of the corporation or to any other person any of the board's powers, duties and functions except the following:

- (a) the power to make bylaws;
- (b) the power to approve the audited financial statements of the corporation.

- (3) The board may:
- (a) appoint any committees that it considers necessary for the efficient conduct of the affairs and business of the corporation;
  - (b) determine the duties of any committee it appoints; and
  - (c) fix the allowances for expenses of members of any committee it appoints.

2012, c.T-15.02, s.16.

**Chief Executive Officer and other employees**

17(1) Notwithstanding *The Public Service Act, 1998*, the Lieutenant Governor in Council shall appoint a chief executive officer for the corporation and determine the chief executive officer's conditions of employment and remuneration.

- (2) Notwithstanding *The Public Service Act, 1998*, the corporation may:
- (a) employ any other officers and other employees that it considers necessary to fulfil its purposes or to exercise its powers; and
  - (b) determine their respective duties and powers, their conditions of employment and their remuneration.
- (3) The corporation has control over and shall supervise its officers and employees.
- (4) The corporation shall pay to the chief executive officer the remuneration determined pursuant to subsection (1) and its other officers and employees the remuneration determined pursuant to clause (2)(b).
- (5) The corporation may:
- (a) appoint or engage any professional, administrative, technical and clerical personnel that it may require to meet its purposes or exercise its powers; and
  - (b) determine the salaries and other remuneration of the personnel appointed or engaged pursuant to clause (a).

2012, c.T-15.02, s.17.

**Superannuation and benefits**

18(1) *The Public Service Superannuation Act, The Superannuation (Supplementary Provisions) Act* and *The Public Employees Pension Plan Act* apply, with any necessary modification, to the officers and employees of the corporation.

- (2) The corporation may establish or provide for the following for the benefit of the officers and employees of the corporation and the dependants of those employees:
- (a) a group insurance program;
  - (b) any other employee benefit program.

2012, c.T-15.02, s.18.

PART IV  
Financial Matters

**Borrowing powers**

**19(1)** Subject to the approval of Treasury Board, the corporation may borrow any amount of money that it considers will be required to fund the operations of the corporation or to fulfil the purposes of the corporation.

(2) The Lieutenant Governor in Council, on any terms and conditions the Lieutenant Governor in Council considers advisable, may guarantee the payment of:

- (a) the principal, interest and premium, if any, of any securities issued by the corporation;
- (b) any loans, temporary or otherwise, raised by the corporation;
- (c) any indebtedness or liability for the payment of moneys incurred by the corporation or to which it may be or become subject.

(3) Any guarantee made pursuant to subsection (2) is to be in a form and manner that the Lieutenant Governor in Council may approve.

2012, c.T-15.02, s.19.

**Investments**

**20** The corporation may:

(a) invest any part of the capital or operating moneys of the corporation in any security or class of securities that is authorized for the investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and

(b) dispose of the investments in any manner, on any terms and in any amount that the corporation considers appropriate.

2012, c.T-15.02, s.20.

**Fiscal year**

**21** The fiscal year of the corporation is the period established by the Lieutenant Governor in Council.

2012, c.T-15.02, s.21.

**Audit**

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

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

2012, c.T-15.02, s.22.

**Annual report**

**23(1)** In each fiscal year, the corporation shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the minister:

- (a) a report of the corporation on its business for the preceding fiscal year; and
  - (b) a financial statement showing the business of the corporation for the preceding fiscal year, in any form that may be 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 received by the minister pursuant to subsection (1).

2012, c.T-15.02, s.23; 2014, c.E-13.1, s.62.

**Limitation of actions**

**24** No action or proceeding lies or shall be commenced against the Government of Saskatchewan, any member of the Executive Council, the corporation or any officer, employee or agent of the Government of Saskatchewan or the corporation because of the enactment of this Act.

2012, c.T-15.02, s.24.

## PART V Regulations

**Regulations**

**25** 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 any matter or thing that is authorized or required by this Act to be prescribed in the regulations;
- (c) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2012, c.T-15.02, s.25.

PART VI  
**Repeal, Transitional and Coming into Force**

S.S. 1994, c.T-15.01 repealed

**26** *The Tourism Authority Act* is repealed.

2012, c.T-15.02, s.26.

**Transitional - transfers to and from corporation**

**27(1)** In this section:

- (a) **“Crown corporation”** means a Crown corporation as defined in *The Crown Corporations Act, 1993*;
  - (b) **“Registrar”** means the Registrar of Titles, appointed pursuant to section 6 of *The Land Titles Act, 2000*.
- (2) Notwithstanding any other Act or law or any provision of any contract:
- (a) the Lieutenant Governor in Council may, by order, subject to any terms and conditions that may be set out in the order, transfer or assign to, and vest in, the corporation:
    - (i) any personal property, assets, liabilities, debts, interests, rights, obligations, and contracts of the Crown, a Crown corporation or agent of the Crown; and
    - (ii) any lands, interests in lands, mortgages, charges, encumbrances or other real property interests of the Crown, a Crown corporation or agent of the Crown;
  - (b) the chairperson of the Public Service Commission may, with the approval of the corporation, transfer any employees or class of employees in the public service, as defined in *The Public Service Act, 1998*, to and cause them to become employees of the corporation; and
  - (c) the president, chief executive officer or other head of a Crown corporation or other agent of the Crown may, by agreement with the corporation, transfer any employees or class of employees of the Crown corporation or agent of the Crown to and cause them to become employees of the corporation.
- (3) Notwithstanding any other Act or law or any provision of any contract:
- (a) the Lieutenant Governor in Council may, by order, subject to any terms and conditions that may be set out in the order, transfer or assign to, and vest in, the Crown, a Crown corporation or other agent of the Crown:
    - (i) any personal property, assets, liabilities, debts, interests, rights, obligations, and contracts of the corporation; and
    - (ii) any lands, interests in lands, mortgages, charges, encumbrances or other real property interests of the corporation;

(b) the Lieutenant Governor in Council may, on the recommendation of the minister and the Minister Responsible for the Public Service Commission or the minister responsible for a Crown corporation or other agent of the Crown, by order, transfer any employees or class of employees of the corporation to the Crown, a Crown corporation or other agent of the Crown, and cause them to become employees of the public service within the meaning of *The Public Service Act, 1998*, the Crown corporation or agent of the Crown, as the case may be.

- (4) An order made pursuant to:
- (a) subclause (2)(a)(i) or (3)(a)(i) constitutes for all purposes a legal and valid transfer or assignment of the personal property, assets, liabilities, debts, interests, rights, obligations and contracts in accordance with the terms of the order; and
  - (b) subclause (2)(a)(ii) or (3)(a)(ii) constitutes for all purposes a legal and valid transfer or assignment of the lands, interests in lands, mortgages, charges, encumbrances or other real property interests in accordance with the terms of the order.
- (5) An order made pursuant to subclause (2)(a)(ii) or (3)(a)(ii) must:
- (a) direct the Registrar to execute any necessary registration to give effect to the order; and
  - (b) be provided to the Registrar as soon as possible after the order is issued.
- (6) Any person who may have a right or claim in relation to anything that has been transferred or assigned pursuant to clause (2)(a) or (3)(a) may continue to assert that right or claim against the party to whom that thing was transferred or assigned.
- (7) No prohibition of any transfer or assignment, nor the absence of any consent or approval required for any transfer or assignment, voids or affects the validity of a transfer or assignment made pursuant to this section.
- (8) Any transfer or assignment made pursuant to this section is deemed not to be a breach or default under any lease, contract or other document.
- (9) Notwithstanding any Act, law or provision of a contract, a transfer of an employee pursuant to clause (2)(b), (2)(c) or (3)(b):
- (a) does not constitute the abolition or termination of any position or job;
  - (b) does not require any advance notice, including any notice that may be required pursuant to any Act, law or provision of a contract; and
  - (c) does not constitute constructive dismissal of any person or a breach of contract.

**Transitional – references**

**28** A reference in any Act, regulation, order, bylaw, contract or other document to the authority is deemed to be a reference to the corporation.

2012, c.T-15.02, s.28.

**Transitional – other matters**

**29(1)** In this section, “**former Act**” means *The Tourism Authority Act* as that Act existed on the day before the coming into force of this Act.

(2) On the coming into force of this Act:

(a) those persons who were members of the authority or members of the board of the authority on the day before the coming into force of this Act cease to be members or members of the board;

(b) the assets and liabilities of the authority become the assets and liabilities of the corporation; and

(c) notwithstanding the repeal of the former Act, the provisions of the former Act respecting the audit of the authority’s records, accounts and financial statements and the preparation and submission to the minister of a report on the business for the authority remain in force for the purpose of permitting the corporation to arrange for any audit and reports that remain to be completed pursuant to the former Act and, for that purpose, the corporation may exercise the powers and shall fulfil the duties imposed on the authority pursuant to the former Act.

2012, c.T-15.02, s.29.

**Coming into force**

**30** This Act comes into force on proclamation.

2012, c.T-15.02, s.30.

