The Historic Properties Foundations Act

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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.
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short title</td>
<td>1</td>
</tr>
<tr>
<td>Interpretation</td>
<td>2</td>
</tr>
<tr>
<td>Foundations established</td>
<td>3</td>
</tr>
<tr>
<td>Corporation</td>
<td>4</td>
</tr>
<tr>
<td>Crown agent</td>
<td>5</td>
</tr>
<tr>
<td>Purposes</td>
<td>6</td>
</tr>
<tr>
<td>Powers</td>
<td>7</td>
</tr>
<tr>
<td>Capacity to contract</td>
<td>8</td>
</tr>
<tr>
<td>Liability in tort</td>
<td>9</td>
</tr>
<tr>
<td>Board of trustees</td>
<td>10</td>
</tr>
<tr>
<td>Bylaws</td>
<td>11</td>
</tr>
<tr>
<td>Administration</td>
<td>12</td>
</tr>
<tr>
<td>Investments</td>
<td>13</td>
</tr>
<tr>
<td>Directions of donors</td>
<td>14</td>
</tr>
<tr>
<td>Immunity from liability</td>
<td>15</td>
</tr>
<tr>
<td>Fiscal year</td>
<td>16</td>
</tr>
<tr>
<td>Audit</td>
<td>17</td>
</tr>
<tr>
<td>Annual report</td>
<td>18</td>
</tr>
<tr>
<td>Coming into force</td>
<td>19</td>
</tr>
</tbody>
</table>
CHAPTER H-3.3
An Act to establish Crown Foundations for Historic Properties

Short title

1 This Act may be cited as The Historic Properties Foundations Act.

Interpretation

2 In this Act:
(a) “board” means the board of trustees of a foundation;
(b) “Crown” means the Crown in right of Saskatchewan;
(c) “foundation” means a foundation established pursuant to section 3;
(d) “historic property” means the historic property for which a foundation was established;
(e) “minister” means the member of the Executive Council to whom for the time being the administration of this Act is assigned.


Foundations established

3 The Lieutenant Governor in Council may make regulations:
(a) establishing a foundation;
(b) designating the historic property for which the foundation was established;
(c) restricting and regulating the powers of a foundation;
(d) designating a head office for a foundation;
(e) respecting the administration or activities of a foundation;
(f) respecting the winding up of a foundation.

2001, c.H-3.3, s.3.

Corporation

4 A foundation is a corporation.


Crown agent

5(1) A foundation is for all its purposes an agent of the Crown, and a foundation’s powers pursuant to this Act may be exercised only as an agent of the Crown.

(2) All property of a foundation, all money acquired, administered, possessed or received from any source and all profits earned by a foundation 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.

2001, c.H-3.3, s.5.
c. H-3.3  HISTORIC PROPERTIES FOUNDATIONS

Purposes

6  The purposes of a foundation are:
(a)  to preserve and enhance the historic property;
(b)  to promote public awareness of:
   (i)  the character, setting and decor of the historic property;
   (ii) the historic and cultural values of the historic property;
   (iii) the significant events in the governance of Saskatchewan; and
   (iv)  the history of Saskatchewan generally; and
(c)  to seek and obtain gifts, grants, bequests, donations and other funds and
property and to receive rental revenue from the use of the historic property
and revenue from the operation of commercial enterprises, to enable the
foundation to carry out the purposes mentioned in clauses (a) and (b).


Powers

7  Subject to this Act and the regulations, a foundation has the capacity, rights,
powers and privileges of a natural person.


Capacity to contract

8(1)  A foundation 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)  A foundation, on behalf of the Crown, may contract in its corporate name
without specific reference to the Crown.


Liability in tort

9  A foundation 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.


Board of trustees

10(1)  A foundation consists of a board of not more than 20 trustees appointed by
the Lieutenant Governor in Council.
(2) A trustee:
   (a) holds office for a period not exceeding three years and until a successor is appointed; and
   (b) is eligible for reappointment.

(3) Where the office of a trustee becomes vacant:
   (a) the Lieutenant Governor in Council may:
       (i) appoint a person for the remainder of the term of the person who vacated the office; or
       (ii) appoint a person for the term mentioned in subsection (2); and
   (b) the vacancy does not impair the power of the other persons constituting the board to act.

(4) The Lieutenant Governor in Council shall designate a trustee as the chairperson of the board and may designate another trustee as vice-chairperson of the board to act in the absence or inability to act of the chairperson.

(5) The Lieutenant Governor in Council may fix a quorum for the transaction of business at meetings of the board.

(6) The Lieutenant Governor in Council may determine the allowances for travelling and other expenses to be paid to trustees.

(7) A foundation may pay any allowances for trustees and any other costs of administering the foundation from its own money.


Bylaws

11(1) A board may make bylaws:
       (a) governing its procedures and the conduct of its meetings;
       (b) respecting the criteria on which grants and transfers of real and personal property may be provided to a foundation; and
       (c) governing the administration of a foundation’s assets.

(2) The bylaws are subject to the regulations.

(3) A bylaw is not effective until it is approved by the minister.

  2001, c.H-3.3, s.11.

Administration

12 A board may make resolutions governing the administration of a foundation.

c. H-3.3 HISTORIC PROPERTIES FOUNDATIONS

Investments
13(1) A foundation may:
   (a) invest any part of its money in any security or class of securities
       authorized for investment of money 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 foundation considers expedient.

(2) A foundation may engage the services of or retain any technical, professional
    or other adviser, specialist or consultant or do any other things that it considers
    necessary for the purposes of managing, investing or disposing of the assets of a
    foundation.

(3) The costs incurred pursuant to this section are a charge on and payable out of
    the money held by a foundation.


Directions of donors
14 A foundation shall consider the directions of the persons who have made gifts,
    grants, bequests or donations to a foundation but the foundation is not bound by
    those directions.


Immunity from liability
15 No action lies or shall be instituted against the minister, a foundation, a board
    or a board trustee, where the minister, foundation, board or board trustee is acting
    pursuant to the authority of this Act or the regulations or bylaws made pursuant to
    this Act, for any loss or damage suffered 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 or supposed exercise of any
    power conferred by this Act or the regulations or bylaws or in the carrying out or
    supposed carrying out of any duty imposed by this Act or the regulations or bylaws.

2001, c.H-3.3, s.15.

Fiscal year
16 The fiscal year of a foundation is the period commencing on April 1 in one year
    and ending on March 31 in the following year.

2001, c.H-3.3, s.16.

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

Annual report

18(1) In each fiscal year a foundation shall, in accordance with section 13 of The Executive Government Administration Act, submit to the minister:

(a) a report of the activities of the foundation for the preceding fiscal year; and

(b) a financial statement showing the business of the foundation for the preceding fiscal year in any form that may be required by Treasury Board.

(2) The minister shall, in accordance with section 13 of The Executive Government Administration Act, lay before the Legislative Assembly each report and statement received by him or her pursuant to this section.


Coming into force

19 This Act comes into force on proclamation.
