

1997

## CHAPTER A-28.001

An Act respecting the Saskatchewan Arts Board

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32	R.S.S. 1978, c.A-28 repealed
33	Transitional
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(Assented to May 21, 1997)

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

#### PART I Short Title and Interpretation

**Short title**

1 This Act may be cited as *The Arts Board Act, 1997*.

**Interpretation**

2 In this Act:

(a) “**Arts Board**” means the Saskatchewan Arts Board continued pursuant to section 3;

- (b) **“avocational artist”** means an artist engaged in the arts as an avocational calling or minor occupation, and includes a person engaged in participatory, volunteer and community-based arts activities;
- (c) **“board of directors”** means the board of directors of the Arts Board appointed pursuant to section 14;
- (d) **“fund”** means the Saskatchewan Arts Board Fund continued pursuant to section 23;
- (e) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (f) **“professional artist”** means an artist engaged in the arts as a profession, and includes a person engaged in the arts for the purposes of employment or trade.

## PART II Arts Board

### Arts Board continued

**3** The Saskatchewan Arts Board established pursuant to *The Arts Board Act* is continued as a corporation.

### Mandate and purposes

**4** The mandate and purposes of the Arts Board are the following:

- (a) to support and facilitate public access to and participation in the arts;
- (b) to support the Saskatchewan arts community, including professional artists and avocational artists;
- (c) to foster excellence in the arts;
- (d) to encourage quality in creative expression and management of arts activity;
- (e) to support and encourage innovation and development in the arts through education, training, creation, production, presentation, touring and distribution, marketing, collection, appreciation, preservation, research and study;
- (f) to support and encourage the arts of both Aboriginal peoples and the ethnic communities of Saskatchewan;
- (g) to promote public appreciation and understanding of the arts;
- (h) to establish advisory processes by which the arts community can be involved in operational and program policy development for the Arts Board;
- (i) to establish adjudication processes that ensure assessment by qualified persons from the professional and avocational arts communities.

### Principles

**5** In carrying out its mandate and fulfilling its purposes, the Arts Board shall adhere to the following principles:

- (a) access to the arts;

- (b) participation in the arts;
- (c) excellence in the arts;
- (d) innovation in the arts;
- (e) respect for Aboriginal traditions and protocols governing the use of traditional names, stories, songs and other art forms;
- (f) respect for the cultural diversity of Saskatchewan people.

**General powers**

**6** The Arts Board, in carrying out its mandate and fulfilling its purposes, may:

- (a) consult and co-operate with persons, agencies, groups and organizations to support arts activity;
- (b) co-operate with universities, school boards, schools and other educational institutions in Saskatchewan to promote the following:
  - (i) student access and exposure to the arts in Saskatchewan;
  - (ii) teacher training in the arts;
  - (iii) the development, commissioning and acquisition of Saskatchewan-based resources related to the arts, including materials representing cultural diversity and Aboriginal arts;
- (c) enter into any agreement with any person, agency, organization, association, institution or body that the Arts Board considers necessary to carry out its mandate and fulfil its purposes;
- (d) where requested, serve as trustee of any trust fund and manage and administer the trust fund in accordance with its terms; and
- (e) do any other thing necessarily incidental to carrying out its mandate and fulfilling its purposes.

**Powers re property**

**7(1)** In carrying out its mandate and fulfilling its purposes, the Arts Board may:

- (a) acquire, by purchase, lease or otherwise, real or personal property that the Arts Board considers necessary for the operation of the Arts Board; and
  - (b) sell, lease, convey or otherwise dispose of and convert into money any of its real or personal property that the Arts Board considers no longer necessary for its purposes.
- (2) The Arts Board shall obtain the approval of the Lieutenant Governor in Council before acquiring or disposing of any real property pursuant to subsection (1).
- (3) The Arts Board may manage, insure, maintain, repair, alter or improve any of its property and may construct or erect any buildings, structures or other improvements.

**Power to accept gifts**

**8** Notwithstanding section 7, the Arts Board may, without obtaining the approval of the Lieutenant Governor in Council, receive gifts of real and personal property, including moneys, for the purposes of the Arts Board, and, subject to the terms of any trust imposed by the testator or donor, sell, lease, convey or otherwise dispose of and convert into money any real or personal property given, devised or bequeathed for those purposes.

**Financial assistance**

**9** To carry out its mandate and fulfil its purposes, the Arts Board may accept any financial assistance made available to it:

- (a) from any person, agency, organization, association, institution or body; and
- (b) from the Government of Saskatchewan, with the approval of the Lieutenant Governor in Council.

**Crown agent**

**10(1)** The Arts Board is for all its purposes an agent of the Crown, and the powers of the Arts Board pursuant to this Act may be exercised only as an agent of the Crown.

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

**Capacity to contract**

**11(1)** The Arts Board 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 behalf of the Arts Board.

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

**Liability in tort**

**12** The Arts Board 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*.

**Head office**

**13** The head office of the Arts Board is to be situated at any centre in Saskatchewan that the minister may approve.

### PART III Administration

**Board of directors**

**14(1)** Subject to subsection (2), the Lieutenant Governor in Council shall appoint a board of directors for the Arts Board consisting of not less than nine persons and not more than 12 persons.

(2) Not less than one-third of the members of the board of directors shall be appointed from a list of nominees provided by the professional and avocational arts communities.

(3) The list of nominees mentioned in subsection (2) is to be compiled from nominations to the minister provided by the professional and avocational arts communities in accordance with the procedures prescribed in the regulations.

- (4) Subject to subsections (5) and (6), a person appointed pursuant to subsection (1):
- (a) holds office for a term not exceeding two years and until a successor is appointed; and
  - (b) is eligible for re-appointment.
- (5) No member of the board of directors shall hold office for more than three consecutive terms.
- (6) If a member of the board of directors dies or resigns, the person ceases to be a member of the board of directors on the date of death or on the date the resignation is received by the board of directors, as the case may be.
- (7) The Lieutenant Governor in Council may remove a member of the board of directors for cause, including the failure to attend regular meetings of the board of directors.
- (8) In accordance with subsection (9), where the office of a person appointed pursuant to subsection (1) 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 (4).
- (9) The Lieutenant Governor in Council shall endeavour to fill a vacancy in the membership of the board of directors within four months of the vacancy occurring.
- (10) A vacancy in the membership of the board of directors does not impair the power of the remaining members of the board of directors to act.

#### **Officers**

- 15(1)** The Lieutenant Governor in Council shall designate one of the members of the board of directors to be chairperson of the board of directors and another to be vice-chairperson.
- (2) Where the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson may exercise all the powers and shall perform all the duties of the chairperson.
- (3) The board of directors may appoint other officers of the board of directors from its members.

#### **Meetings**

- 16(1)** A majority of the members of the board of directors constitutes a quorum of the board of directors for the transaction of business.
- (2) The board of directors shall meet at those times and places that the chairperson may appoint, but not less than twice in each fiscal year.

#### **Bylaws**

- 17** The board of directors may make bylaws governing its procedures and the conduct of its meetings.

#### **Administration of Act**

- 18(1)** The board of directors shall administer this Act.
- (2) The board of directors is responsible to the minister for the performance of its duties and the exercise of its powers pursuant to this Act.

(3) The minister may refer to the board of directors for consideration any question relating to the carrying out of the purposes of this Act, and the board of directors shall consider the question and report to the minister.

(4) The board of directors may advise the minister on matters concerning this Act and on matters pertaining to the arts generally.

**Remuneration and reimbursement**

**19** The members of the board of directors are entitled to:

(a) remuneration for their services at the rates approved by the Lieutenant Governor in Council; and

(b) reimbursement for their expenses incurred in the performance of their responsibilities at the rates paid to members of the public service of Saskatchewan.

**Executive director**

**20(1)** The board of directors shall appoint a person who is not a member of the board of directors as executive director of the Arts Board.

(2) Subject to subsection (4), the board of directors shall determine the term of office of the executive director and the remuneration of the executive director.

(3) The Arts Board is responsible for paying the remuneration of the executive director.

(4) The term of office for which the executive director is appointed shall not exceed five years, but the term may be renewed by the board of directors.

(5) The executive director shall exercise the powers and perform the duties assigned to the executive director by the board of directors and is responsible, subject to the direction of the board of directors, for the general supervision and direction of the operation of the Arts Board.

(6) The board of directors may dismiss the executive director for cause.

(7) The executive director shall annually, and at any other times requested by the board of directors, report to the board of directors on:

(a) the operation of the Arts Board;

(b) the progress of the Arts Board towards the achievement of its purposes; and

(c) any other matters that the board of directors may reasonably require.

(8) Notwithstanding any other provision of this Act, the minister shall appoint a representative of the Government of Saskatchewan to attend any meeting of the board of directors called, or to sit on any committee of the board of directors established, for the purposes of selecting, appointing, dismissing, classifying, determining the remuneration of, and conducting the annual performance appraisal of the executive director.

(9) The representative mentioned in subsection (8) shall:

(a) be given reasonable notice of any meeting called for the purposes mentioned in subsection (8);

(b) be entitled to attend any meeting called for the purposes mentioned in subsection (8); and

- (c) be entitled to vote on any motion or resolution concerning the issues mentioned in subsection (8).

#### **Employees**

**21(1)** The Arts Board may:

- (a) employ any employees that it considers necessary for the conduct of its operations; and
  - (b) determine the duties and powers, conditions of employment, and remuneration of each employee.
- (2) The Arts Board is responsible for paying the remuneration of its employees.
- (3) The Arts Board has control over and shall supervise its employees.

#### **Superannuation and benefits**

**22(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 employees of the Arts Board.

(2) Subject to the approval of the minister, the Arts Board may establish or provide for the following for the benefit of the employees of the Arts Board and the dependants of those employees:

- (a) a group insurance plan;
- (b) any other employee benefit program.

## **PART IV Financial Matters**

#### **Fund continued**

**23(1)** The Saskatchewan Arts Board Fund is continued.

- (2) The fund consists of:
- (a) all moneys appropriated by the Legislature for the purposes of this Act;
  - (b) all earnings on investments of the fund; and
  - (c) subject to section 26, all other moneys received by the Arts Board by way of grant, bequest, donation or otherwise for the purposes of this Act.

#### **Investments**

**24(1)** Subject to subsection (2) and the terms of any trust pursuant to which money to be invested is held by the Arts Board, the Arts Board may:

- (a) invest any part of its moneys in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
  - (b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that the Arts Board considers expedient.
- (2) To further its mandate and fulfil its purposes, the Arts Board may invest in any class of equity investment prescribed by the regulations, to a maximum amount prescribed by the regulations, which may be expressed as a percentage of the annual funding of the Arts Board.

**Disbursements from fund**

**25** Subject to the provisions of this Act and the regulations and any orders that may be made and any directives that may be issued by Treasury Board, the Arts Board may make disbursements from the fund for:

- (a) awards, scholarships, grants, loans and equity investments made by the Arts Board to further its mandate and fulfil its purposes;
- (b) the remuneration of all persons appointed or employed by the Arts Board pursuant to this Act;
- (c) the payment of all remuneration and expenses incurred by the members of the board of directors pursuant to section 19;
- (d) the payment of all sums of money required by the Arts Board for the carrying out of its duties and the exercise of its powers pursuant to this Act, including all expenses necessarily incurred; and
- (e) any other payment that may be authorized by this Act or the regulations.

**Endowment fund**

**26(1)** For the purposes of this Act, the Arts Board may establish and administer one endowment fund.

(2) The endowment fund consists of moneys designated by the board of directors, but is not to include moneys appropriated by the Legislature.

(3) Where moneys are designated pursuant to subsection (2), those moneys, notwithstanding *The Financial Administration Act, 1993*, shall be deposited in the endowment fund and not in the general revenue fund.

(4) The Arts Board may use moneys from the endowment fund to further its mandate and fulfil its purposes.

(5) Subject to the terms of any trust pursuant to which money from the endowment fund is to be invested, the Arts Board may:

- (a) invest any part of the moneys from the endowment fund in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that the Arts Board considers advisable.

**Fiscal year**

**27** The fiscal year of the Arts Board, the fund, and the endowment fund is the period commencing on April 1 in one year and ending on March 31 in the following year.

**Audit**

**28** The Provincial Auditor or any other auditor or firm of auditors appointed by the Lieutenant Governor in Council shall audit the records, accounts and financial statements of the Arts Board, the fund, and the endowment fund:

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

**Annual report**

**29(1)** The Arts Board, in each fiscal year, in accordance with *The Tabling of Documents Act, 1991*, shall submit to the minister:

- (a) a report on the business of the Arts Board, the fund, and the endowment fund for the preceding fiscal year and a general plan for the following fiscal year; and
- (b) a financial statement showing the business of the Arts Board, the fund, and the endowment fund for the preceding fiscal year in any form that may be required by Treasury Board.

(2) The minister, in accordance with *The Tabling of Documents Act, 1991*, shall lay before the Legislative Assembly each report and statement received by the minister pursuant to this section.

**PART V**  
**General**

**Immunity from liability**

**30** No action lies or shall be instituted against the Crown in right of Saskatchewan, the minister, the Arts Board, the board of directors, any member of the board of directors, or any employee of the Arts Board, where the minister, Arts Board, board of directors, member of the board of directors, or employee of the Arts Board is acting pursuant to the authority of this Act or the regulations 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 in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

**Regulations**

**31** 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 the procedures of nominating persons from the professional and avocational arts communities for the purposes of subsections 14(2) and (3);
- (c) prescribing the classes of equity investments for the purposes of subsection 24(2);
- (d) prescribing the maximum amount that the Arts Board may invest pursuant to subsection 24(2);
- (e) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
- (f) respecting any matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.

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

**R.S.S. 1978, c.A-28 repealed**

**32** *The Arts Board Act* is repealed.

**Transitional**

**33(1)** The persons acting as directors of the Arts Board pursuant to section 3 of *The Arts Board Act* on the day before the coming into force of this Act constitute the board of directors until new appointments are made pursuant to section 14 of this Act.

(2) The person acting as executive director of the Arts Board pursuant to section 9 of *The Arts Board Act* on the day before the coming into force of this Act is continued as executive director until a new executive director is appointed pursuant to section 20 of this Act.

**Coming into force**

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