

The Saskatchewan Government Insurance Act, 1980

being

[Chapter S-19.1](#) of the *Statutes of Saskatchewan, 1979-80* (effective April 29, 1980) as amended by the *Statutes of Saskatchewan*, 1983, c.29; 1983-84, c.14; 1988-89, c.42; 1992, c.P-6.001; 1993, c.C-50.101; 1994, c.46; 1998, c.20; 2004, c.10; 2015, c.I-9.11 and c.21; 2016, c.22; and 2018, c.42.

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-19.1

An Act respecting Saskatchewan Government Insurance

Short title

1 This Act may be cited as *The Saskatchewan Government Insurance Act, 1980*.

Interpretation

2 In this Act:

(a) **“adjuster”** means a person who, for compensation:

(i) directly or indirectly solicits the right to negotiate the settlement of a loss under an insurance policy on behalf of the insured or Saskatchewan Government Insurance; or

(ii) holds himself out as an adjuster, investigator, consultant or otherwise as an adviser with respect to, or as prepared or able to effect settlement of, losses under insurance policies;

but does not include a barrister or solicitor acting in the usual course of his profession or a trustee or agent of the property insured;

(b) **“agent”** means a person who, for compensation:

(i) solicits insurance on behalf of Saskatchewan Government Insurance;

(ii) transmits, for a person other than himself, an application for, or a policy of, insurance to or from Saskatchewan Government Insurance; or

(iii) offers to or assumes responsibility for acting in the negotiation of a policy of insurance described in subclause (ii) or in negotiating its continuance or renewal;

but does not include an officer or salaried employee of Saskatchewan Government Insurance;

(c) **“board”** means the Board of Directors of the corporation mentioned in subsection 3(3);

(d) **“business of insurance”** means the making of any contract and includes:

(i) any act or acts of inducement to enter into a contract;

(ii) any acts relating to the performance of a contract; or

(iii) the rendering of any service in connection with a contract;

(e) **“contract”** means a contract of insurance and includes a policy, certificate, interim receipt, renewal receipt, writing evidencing the contract, whether or not executed under seal, and a binding oral agreement;

- (f) “**corporation**” means Saskatchewan Government Insurance or SGI as constituted by section 3;
- (g) “**insurance**” means the undertaking by one person to indemnify another person against loss or liability for loss, in respect of a certain risk or peril to which the object of the insurance may be exposed, or to pay a sum of money or other thing of value upon the happening of a certain event;
- (h) **Repealed.** 1994, c.46, s.3.
- (i) “**insurer**” means the person who undertakes or agrees or offers to undertake a contract;
- (j) **Repealed.** 1983-84, c.14, s.3.
- (k) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (l) “**person**” includes a partnership;
- (m) “**policy**” means the instrument evidencing a contract;
- (n) “**Superintendent of Insurance**” means the Superintendent of Insurance appointed under the authority of *The Insurance Act*.

1979-80, c.S-19.1, s.2; 1983-84, c.14, s.3; 1994, c.46, s.3; 2015, c.I-9.11, s.11-11.

Organization

- 3(1) The Saskatchewan Government Insurance Office is hereby continued under the name of Saskatchewan Government Insurance.
- (2) The corporation shall consist of three or more persons appointed by the Lieutenant Governor in Council.
- (2.1) **Repealed.** 1998, c.20, s.7.
- (3) Unless the Lieutenant Governor in Council otherwise directs, those persons who, at the time of the coming into force of this Act, are members of The Saskatchewan Government Insurance Office, are deemed to be the persons appointed under subsection (2).
- (4) The corporation has perpetual succession and a common seal.
- (5) SGI 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.

1979-80, c.S-19.1, s.3; 1993, c.C-50.101, s.53; 1998, c.20, s.7.

Board of directors

- 4(1) The board of directors of the corporation shall consist of the persons who are appointed to constitute the corporation pursuant to section 3, and those persons hold office during pleasure.

- (2) The Lieutenant Governor in Council shall designate one member of the board as chairperson of the board and another member of the board as vice-chairperson of the board.
- (3) In the absence of the chairperson, or when the position of chairperson is vacant, the vice-chairperson has authority to act in his or her place and stead.
- (4) A majority of the persons who for the time being constitute the corporation constitutes a quorum for the transaction of business at meetings of the board.
- (5) The board shall manage the affairs and business of the corporation.
- (6) The Crown Investments Corporation of Saskatchewan shall fix the remuneration and rate of reimbursement for expenses of members of the board.

1979-80, c.S-19.1, s.4; 1993, c.C-50.101, s.53;
1998, c.20, s.7; 2015, c.21, s.48 and s.64.

Executive committee and advisory committees

- 5(1) The board may from time to time:
 - (a) appoint from its number an executive committee, one of the members of which must be the chairperson of the board;
 - (b) by resolution, delegate to the executive committee any powers that it considers necessary for the efficient conduct of the affairs and business of the corporation.
- (2) A member of the executive committee holds office until:
 - (a) his removal by resolution of the board of directors;
 - (b) he ceases to be a member of the board of directors.
- (3) The executive committee may exercise any powers of the board that are delegated to it by resolution of the board, subject to any restrictions contained in the resolution.
- (4) The executive committee shall:
 - (a) fix its quorum at not less than a majority of its members;
 - (b) keep minutes of its proceedings;
 - (c) submit to the board of directors, at each meeting of the board, the minutes of the executive committee's proceedings during the period since the most recent meeting of the board.
- (5) The board may, from time to time, appoint any advisory committees that it considers necessary for the efficient conduct of the affairs and business of the corporation.

1979-80, c.S-19.1, s.5; 2015, c.21, s.64.

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5.1(1) The corporation may:

- (a) employ any officers or 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 and supervision over its officers and employees.

1983-84, c.14, s.4.

Corporation agent of the Crown

6(1) The corporation is for all its purposes an agent of the Crown in right of Saskatchewan, and its powers pursuant to this Act may be exercised only as an agent of the Crown.

(2) All property of the corporation, both real and personal, 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 or description, deemed to be the property of the Crown.

2018, c 42, s.50.

Capacity to contract, to sue and be sued

7(1) The corporation has the capacity to contract and to sue or be sued in its corporate name.

(2) No action or other proceeding lies against any person other than the corporation for the purpose of enforcing any claim, or right arising in the course of the business carried on by the corporation under this Act.

(3) No action whatever, and no proceeding by way of injunction, *mandamus*, prohibition or other extraordinary remedy shall lie or be instituted against any person in respect of any *bona fide* act or omission in connection with the administration or carrying out of this Act or the regulations.

1979-80, c.S-19.1, s.7.

8 Repealed. 1983-84, c.14, s.5.

Powers and capacities

9(1) The corporation may:

- (a) engage in and carry on the business of insurance and reinsurance in all of its branches;
- (b) operate and administer any other plan or plans of insurance that may be authorized by any other Act;

(c) perform any functions in relation to any program of the government or agency of the government that may be authorized under any statute, regulation or order or that may be assumed by the corporation by agreement with the government or other agency, and the corporation may stipulate for and receive any compensation in respect of the functions performed by it that the statute, order, regulation or agreement allows;

(d) undertake research into and provide services in relation to loss prevention and control, rehabilitation and generally any means of reducing the risk of loss, damage or injury to persons or property and the consequences thereof;

(e) give any undertakings and enter into any agreements that may be authorized or required under the law of any province, state or country in relation to any instrument or class of instruments of insurance that have been or may be issued by the corporation;

(f) enter into agreements with any other person, organization or institution providing the same or similar services, whether within or outside Saskatchewan, for the purpose of providing jointly with that person, organization or institution any such services, or for any other purpose in which the corporation and the person, organization or institution have a common interest;

(g) acquire by purchase or otherwise, hold as owner, tenant or otherwise, and take options on, for its own use and benefit, any real property:

(i) necessary or required for the conduct of its business;

(ii) conveyed, mortgaged or hypothecated to it by way of security;

(iii) acquired and held by it as an investment; or

(iv) conveyed to it in satisfaction in whole or in part in respect of debts and judgments;

and may sell, lease, or otherwise dispose of the whole or any part of such real property;

(h) engage in or carry on any business or activity that is ancillary to the business of insurance;

(i) reinsure the contracts of insurance of any other insurer;

(j) purchase and take over all or any portion of the business and property of any other insurer, and the provisions of *The Insurance Act* prescribed in the regulations apply, with any necessary modification, in the same manner and to the same extent as if the corporation were licensed pursuant to *The Insurance Act*.

(2) Nothing in clause (1)(i) or (j) or in *The Insurance Act* prevents the corporation, having lawfully effected a contract of insurance in Saskatchewan, from reinsuring all or any portion of the risk with any insurer transacting business outside Saskatchewan and not licensed pursuant to *The Insurance Act*.

(3) The corporation may act as an insurance agent, within the meaning of *The Insurance Act*, for the purpose of negotiating any class of insurance with any person carrying on the business of insurance in Canada or elsewhere.

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(4) The corporation may carry out its functions and exercise its powers through any adjusters, agents, actuaries, brokers, consultants, officers, clerks and employees employed for the efficient carrying on of its business.

1979-80, c.S-19.1, s.9; 2015, c.I-9.11, s.11-11.

Powers of investment

10(1) Subject to subsection (2) and the regulations, the corporation may:

- (a) invest any portion of its funds:
 - (i) in investments authorized for Crown corporations pursuant to *The Crown Corporations Act, 1993*;
 - (ii) in investments authorized pursuant to Part IX of the *Insurance Companies Act (Canada)*; and
- (b) dispose of any investments on any terms and in any manner that it considers expedient.

(2) Notwithstanding subsection (1), the corporation may hold and deal with any investment it made on or before March 1, 1994.

1994, c.46, s.4.

Power to insure with corporation

11 Where, under an Act, any class of insurance may be effected with a company licensed to do business in Saskatchewan, and the corporation is carrying on business in such class of insurance, the insurance so authorized may be effected with the corporation.

1979-80, c.S-19.1, s.11.

Application of *The Insurance Act*

12(1) The provisions of *The Insurance Act* prescribed in the regulations apply in the manner prescribed in the regulations to:

- (a) the business of insurance conducted pursuant to this Act; and
- (b) the contracts of insurance entered into in the course of the business of insurance conducted pursuant to this Act.

(2) Any expressions contained in the provisions of *The Insurance Act* incorporated in this Act have the meaning given to them in *The Insurance Act* unless that meaning is inconsistent with this Act.

(3) Notwithstanding *The Insurance Act*, a policy of automobile insurance issued by the corporation must:

- (a) provide insurance with respect to each separate item covered by the policy in excess of insurance provided pursuant to *The Automobile Accident Insurance Act* with respect to that item; and

- (b) be in a form and contain any terms and conditions that are sufficient and appropriate to insure the risks covered by the policy, whether or not the form, terms and conditions modify, vary, omit or are consistent with *The Insurance Act*.
- (4) Notwithstanding any other Act or law, every policy of automobile insurance issued by the corporation is effective and binding according to its terms and conditions.
- (5) Every agent or adjuster shall have any licence in relation to his or her employment that may be required pursuant to *The Insurance Act* in relation to any insurance agent or adjuster within the meaning of that Act.

2015, c.I-9.11, s.11-11.

Advances by Minister of Finance

- 13(1) The application of this section is subject to those provisions of *The Crown Corporations Act, 1993*, that may in the circumstances apply to the payment or advancing of funds to the corporation by or on behalf of the Minister of Finance.
- (2) For the purposes of financing business carried on pursuant to this Act, the Minister of Finance may, with the approval of the Lieutenant Governor in Council, make advances out of the general revenue fund of any sums that are from time to time required for the purpose of the operation of the corporation and for the purpose of defraying any expenditure incurred in respect of such business.
- (3) In order to provide the funds required under subsection (2), the Lieutenant Governor in Council may authorize the Minister of Finance to raise, by way of loan upon the credit of the province, by the issue and sale of bonds, debentures or other securities of the province, any sum or sums of money that may be required, and to pay those moneys to the corporation for its use.
- (4) The sums of money mentioned in subsection (3) shall be raised as provided by *The Financial Administration Act, 1993* and may be borrowed for any term or terms not exceeding thirty years and at a rate of interest determined by the Lieutenant Governor in Council and shall be raised upon the credit of the general revenue fund and shall be chargeable to that fund.

1979-80, c.S-19.1, s.13; 1983, c.29, s.40; 1988-89, c.42, s.91; 1993, c.C-50.101, s.53; 2004, c.10, s.17 and 18.

Power to borrow

- 14(1) Subject to the approval of the Lieutenant Governor in Council, the corporation may raise by way of loans from time to time any sums of money that the corporation requires for its purposes, including, without limiting the generality of the foregoing:
- (a) the repayment, renewal or refunding from time to time of the whole or any part of any loan raised or securities issued by the corporation under this Act;

- (b) the repayment in whole or in part of advances made by the Minister of Finance to the corporation;
- (c) the payment of the whole or any part of any loan or any liability or of any bonds, debentures or other securities or indebtedness whose payment is guaranteed or assumed by the corporation;
- (d) the reimbursement of the corporation for any expenditure made in carrying out any of the powers of the corporation and the repayment in whole or in part of any temporary loans of the corporation for any such purposes;

and, for the purpose of such loans, the corporation may issue any bonds, debentures or other securities, bearing any rate or rates of interest and being payable as to principal and interest at any time or times, in any manner, in any place or places in Canada or elsewhere, and in the currency of any country or countries, that the corporation with the approval of the Lieutenant Governor in Council may determine.

(2) The bonds, debentures and other securities mentioned in subsection (1) may be issued in any amounts that will realize the net sums required for the purposes of the corporation and a recital or declaration, in the resolution or minute of the corporation authorizing the issue of securities, to the effect that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the corporation is conclusive evidence of that fact.

(3) Subject to the approval of the Lieutenant Governor in Council, the corporation may sell or otherwise dispose of any bonds, debentures or other securities mentioned in subsection (1) on any terms and conditions that may be considered advisable, or may charge, pledge, hypothecate, deposit or otherwise deal with them as collateral security.

(4) The Minister of Finance shall negotiate all loans to be made under this section and shall arrange all details and do, transact and execute any deeds, matters and things that may be required.

(5) Any securities dealt with as collateral security pursuant to subsection (3), when redelivered to the corporation or its nominees on and after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which the securities may have been given as collateral, or when the corporation again becomes entitled to the securities, may be treated by the corporation as unissued and may, subject to the approval of the Lieutenant Governor in Council, be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon any terms and conditions the corporation may consider advisable, or, at its option, may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences, and upon the issue or reissue a person entitled thereto has the same rights and remedies as if the securities had not been previously issued.

(6) The Minister of Finance shall, with the approval of the Lieutenant Governor in Council, determine the form and manner of execution of any bonds, debentures or other securities issued under this section.

(7) The corporation may, by resolution or minute, provide that the seal of the corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any bonds, debentures or other securities to which it is to be affixed, and may provide that any signature upon any bonds, debentures or other securities, and upon the coupons, if any, attached thereto, may be engraved, lithographed or printed or otherwise mechanically reproduced thereon.

(8) The seal of the corporation, when mechanically reproduced in the manner described in subsection (7), is of the same force and effect as if manually affixed, and the mechanically reproduced signatures are for all purposes valid and binding upon the corporation, notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of or before the issue of, the security.

(9) Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow, by way of temporary loans from any chartered bank or from any person or corporation, any sums, upon any terms, for any purposes and upon any conditions that the corporation may determine, by way of bank overdraft or line of credit, or by the pledging, as security for such temporary loans, of notes, bonds, debentures or other securities of the corporation pending the sale thereof or in lieu of selling the same, or in any other manner that the corporation may determine, and any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of money and the obtaining of advances by way of temporary loans may be executed in any manner that the corporation may determine.

1979-80, c.S-19.1, s.14.

Charge on revenue

15 All interest and instalments of principal and all sinking fund and other debt service charges in respect of the advances or loans mentioned in sections 13 and 14 are a first charge on the revenue of the corporation.

1979-80, c.S-19.1. s. 15.

Guarantee by province

16(1) The Lieutenant Governor in Council may, on any terms that may be stated in the Order in Council passed for the purpose, guarantee the payment of the principal and interest of any bonds, debentures or other securities issued by the corporation and of any loans, indebtedness or evidences of indebtedness, temporary or otherwise, raised by the corporation.

(2) Any guarantee made under subsection (1) shall be in the form and manner approved by the Lieutenant Governor in Council.

(3) A guarantee made under subsection (1) shall be signed by the Minister of Finance, or by any other officer or officers that may be designated by the Lieutenant Governor in Council, and on the signing of such a guarantee the province is liable for the payment of the principal and interest of the bonds, debentures, securities, loans and other indebtedness according to the tenor thereof, and any guarantee so signed is conclusive evidence of compliance with the terms of this section.

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(4) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the money required to implement any guarantee made under this section and to advance the amount necessary for that purpose out of the general revenue fund.

1979-80, c.S-19.1, s.16; 2004, c.10, s.17.

Power of corporation to organize insurance and pension plans, etc.

17 The corporation may organize and support and from time to time revise or reorganize for the benefit of its officers and employees and their dependants:

- (a) a group insurance plan or arrangement;
- (b) subject to *The Pension Benefits Act, 1992*, a pension fund or other pension or superannuation plan or arrangement.

1979-80, c.S-19.1, s.17; 1992, c.P-6.001, s.75.

Separate accounts of life insurance business

18 The corporation shall maintain separate and distinct accounts, funds and securities in respect of its life insurance business, and such funds and securities are available only for the protection of the holders of its policies of life insurance and are not liable for the payment of claims arising from any other class or classes of business that the corporation transacts.

1979-80, c.S-19.1, s.18.

Fiscal year

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

2016, c22, s.4.

Annual report

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

1993, c.C-50.101, s.53.

Audit

20 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 annually and at any other times that the Crown Investments Corporation of Saskatchewan may require.

1993, c.C-50.101, s.53.

Regulations

21 The Lieutenant Governor in Council may make regulations:

- (a) respecting any investment authorized pursuant to subclause 10(1)(a)(i);
- (b) respecting the application of Part IX of the *Insurance Companies Act* (Canada) to section 10 of this Act; and
- (b.1) for the purposes of clause 9(1)(j) and section 12, prescribing the provisions of *The Insurance Act* that are to apply to the corporation and the manner in which they are to apply;
- (c) for the purpose of carrying out the provisions of this Act according to their intent.

1994, c.46, s.5; 2015, c.I-9.11, s.11-11.

Rights and obligations continued

22 The change of name of the corporation from The Saskatchewan Government Insurance Office to Saskatchewan Government Insurance does not affect any rights or obligations of the corporation, or render defective any legal proceedings by or against the corporation, and any legal proceedings that might have been continued or commenced against it in its former name may be continued or commenced against it in its new name.

1979-80, c.S-19-1, s.22.

R.S.S. 1978, c.S-19 repealed

23 *The Saskatchewan Government Insurance Act* is repealed.

1979-80, c.S-19.1, s.23.

