

BILL

No. 3 of 2001

An Act to establish Crown Foundations for Historic Properties

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(Assented to , 2001)

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

Short title

1 This Act may be cited as *The* .

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.

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.

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.

Administration

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

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.

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.

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 *The Tabling of Documents Act, 1991*, 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 *The Tabling of Documents Act, 1991*, 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.