The Creative Saskatchewan Act

being

Chapter C-43.12 of the *Statutes of Saskatchewan, 2013* (effective July 2, 2013), as amended by the *Statutes of Saskatchewan*, 2014, c.E-13.1; and 2019, c.18.

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.

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CHAPTER C-43.12

An Act respecting Creative Saskatchewan

PART I
Preliminary Matters

Short title

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

Interpretation

2 In this Act:

(a) **"agency"** means Creative Saskatchewan established pursuant to section 3;

(b) **"board"** means the board of the agency;

(c) **"creative industry"** means the industry the main businesses of which are either or both of the following:

(i) the development, production, distribution, marketing, sale or exhibition of commercial cultural content, including music and sound recording, film and television, interactive digital media, visual arts and craft, writing and book publishing, and live performing arts;

(ii) the creation of intellectual property or the manufacture or export of artistic or cultural products for commercial purposes, including new or hybrid cultural works or products;

(d) **"fiscal year"** means the fiscal year of the agency;

(e) **"member"** means a member of the board appointed pursuant to section 12;

(f) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

2013, c.C-43.12, s.2.

PART II
The Agency

Agency established

3 Creative Saskatchewan is established as a corporation.

2013, c.C-43.12, s.3.

Purposes

4 The purposes of the agency are the following:

(a) to facilitate the expansion of a business environment advantageous to the growth of the creative industry and to the growth of new employment, investment and production opportunities in Saskatchewan within the creative industry;

(b) to encourage and support innovation, invention and excellence in the creative industry by stimulating creative production, format innovation and new models of collaboration among sectors of the creative industry;

(c) to assist in the promotion and marketing of Saskatchewan's creative industry and its respective products;

(d) to administer financial assistance, other programs and initiatives that may be assigned to it by an Act or by the Lieutenant Governor in Council;

(e) to facilitate the gathering and analysis of information, research and technological development in the creative industry;

(f) to increase recognition of the creative industry as a vital element of Saskatchewan's economy and cultural identity;

(g) to enable cooperation among persons and entities within the creative industry and between the public and private sectors to encourage development in the creative industry;

(h) to undertake any other activities or functions assigned by the Lieutenant Governor in Council.

2013, c.C-43.12, s.4.

Powers of agency

5(1) In fulfilling its purposes, the agency may:

(a) subject to subsection (2), acquire by purchase, lease or otherwise, any property that the agency considers necessary for its efficient operation;

(b) subject to subsection (2), sell, lease or otherwise dispose of any of the agency's property in any manner that the agency considers appropriate;

(c) accept any funds granted to the agency by the minister or appropriated by the Legislature for the purposes of the agency;

(d) accept contributions or receive moneys from any source for carrying out its purposes;

(e) subject to the regulations, provide grants, loans, guarantees, equity investments or other financial assistance, including forgiving any loans provided by the agency, for any purpose in connection with this Act or respecting any matter for which the agency 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 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 agency 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 agency by the Lieutenant Governor in Council; and

(k) do all those things that the agency 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 agency exceeds $250,000, the agency shall obtain the approval of the Lieutenant Governor in Council before acquiring or disposing of the real property.

2013, c.C-43.12, s.5.

Crown agent

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

(2) All property of the agency, all moneys acquired, administered, possessed or received from any source and all profits earned by the agency 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.

2013, c.C-43.12, s.6.

Head office

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

2013, c.C-43.12, s.7.

Responsible to minister

8(1) The agency 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 agency, the board or both in exercising their powers and fulfilling their duties and purposes pursuant to this Act and the regulations.

2013, c.C-43.12, s.8.

Capacity to contract

9(1) The agency 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 agency.

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

2013, c.C-43.12, s.9.

Common seal

10 The agency is to have a common seal.

2013, c.C-43.12, s.10.

Liability in tort

11 The agency 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, 2019*.

2013, c.C-43.12, s.11; 2019, c18, s.4.

PART III
Board, Officers and Employees

Board established

12(1) A board of directors, consisting of those persons who are appointed pursuant to subsection (2), shall manage the affairs and business of the agency.

(2) Subject to subsection (3), the board is to consist of not more than 11 members appointed by the Lieutenant Governor in Council.

(3) Not less than five of the members are to be appointed from a list of nominees provided by the creative industry.

(4) Nominations made for the purposes of subsection (3) must be made in the manner prescribed in the regulations.

(5) Subject to subsections (6) and (7), a member appointed pursuant to subsection (2):

(a) holds office for a term not exceeding two years and until a successor is appointed; and

(b) is eligible for reappointment.

(6) No member shall hold office for more than three consecutive terms.

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

(8) Subject to subsection (9), if the office of a member 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 (5).

(9) If the office of a member appointed pursuant to subsections (3) and (4) becomes vacant, an appointment to replace that member is to be made in accordance with those subsections.

(10) A vacancy in the membership of the board of directors does not impair the power of the remaining members to act.

2013, c.C-43.12, s.12.

Officers

13(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.

2013, c.C-43.12, s.13.

Meetings

14 The board is to meet at least four times each year.

2013, c.C-43.12, s.14.

Board powers

15(1) Subject to this Act and the regulations, the board may make bylaws governing:

(a) the business and affairs of the agency; 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 agency 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 agency.

(3) The board may:

(a) appoint any committees that it considers necessary for the efficient conduct of the business and affairs of the agency; and

(b) determine the duties of any committee it appoints.

2013, c.C-43.12, s.15.

Remuneration and reimbursement

16 The members of the board 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.

2013, c.C-43.12, s.16.

Chief Executive Office and other employees

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

(2) Notwithstanding *The Public Service Act, 1998*, the agency 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 the respective duties and powers, the conditions of employment and the remuneration of the officers and employees employed pursuant to clause (a).

(3) The agency has control over and shall supervise its officers and employees.

(4) The agency shall pay to the chief executive officer the remuneration determined pursuant to subsection (1) and to its other officers and employees the remuneration determined pursuant to clause (2)(b).

(5) The agency 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).

2013, c.C-43.12, 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 agency.

(2) The agency may establish or provide for the following for the benefit of the officers and employees of the agency and the dependants of those employees:

(a) a group insurance program;

(b) any other employee benefit program.

2013, c.C-43.12, s.18.

PART IV
Financial Matters

Borrowing powers

19(1) Subject to the approval of the Lieutenant Governor in Council, the agency may borrow any amount of money that it considers will be required to fund the operations of the agency or to fulfil the purposes of the agency.

(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 agency;

(b) any loans, temporary or otherwise, raised by the agency;

(c) any indebtedness or liability for the payment of moneys incurred by the agency 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.

2013, c.C-43.12, s.19.

Investments

20 The agency may:

(a) invest any part of the capital or operating moneys of the agency 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 agency considers appropriate.

2013, c.C-43.12, s.20.

Fiscal year of agency

21 The fiscal year of the agency is the period commencing on April 1 in one year and ending on March 31 of the following year.

2013, c.C-43.12, 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 agency:

(a) annually; and

(b) at any other time that the Lieutenant Governor in Council may require.

2013, c.C-43.12, s.22.

Annual report

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

(a) a report on the business of the agency for the preceding fiscal year and a general plan for the following fiscal year; and

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

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

2013, c.C-43.12, s.23; 2014, c.E-13.1, s.62.

PART V
General

Immunity

24 No action lies or shall be commenced against the Crown in right of Saskatchewan, the minister, the agency, the board, any member or any employee of the agency, if he, she or it 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.

2013, c.C-43.12, s.24.

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) for the purposes of clause 5(1)(e), prescribing terms and conditions governing grants, loans, guarantees, equity investments or other financial assistance made by the agency;

(c) prescribing the procedures and manner of nominating persons from the creative industry for the purposes of subsections 12(3) and (4);

(d) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;

(e) respecting any matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.

2013, c.C-43.12, s.25.

PART VI
Coming into Force

Coming into force

26 This Act comes into force on proclamation.

2013, c.C-43.12, s.26.

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