

**2010**

## **CHAPTER 21**

An Act to amend certain Statutes and Regulations respecting certain  
Committees, Boards and Foundations

(Assented to May 20, 2010)

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 Miscellaneous Statutes (Streamlining Government) Amendment Act, 2010*.

**S.S. 1990-91, c.A-14.2, section 12 repealed**

**2 Section 12 of *The Agricultural Safety Net Act* is repealed.**

**S.S. 1998, c.C-45.2 amended**

**3(1)** *The Credit Union Act, 1998* is amended in the manner set forth in this section.

**(2)** Subsection 5(4) is amended by striking out “Co-operative Securities Board” and substituting “Saskatchewan Financial Services Commission”.

**(3)** Clause 359(b) is repealed and the following substituted:

“(b) ‘**securities board**’ means the Saskatchewan Financial Services Commission”.

**(4)** Clause 361(1)(a) is amended by striking out “secretary of the”.

**(5)** Clause 362(1)(a) is amended by striking out “secretary of the”.

**(6)** Subsection 364(1) is amended by striking out “secretary of the”.

**R.S.S. 1978, c.G-5 repealed**

**4 *The Geographic Names Board Act* is repealed.**

**S.S. 1979-80, c.H-2.2 amended**

**5(1)** *The Heritage Property Act* is amended in the manner set forth in this section.

**(2)** The Long Title is amended by adding “, to provide for the continuance of the Saskatchewan Heritage Foundation and to provide for the naming of Geographic Features” after “Heritage Property in Saskatchewan”.

- (3) **Section 2 is amended:**
- (a) **by repealing clause (a);**
  - (b) **by adding the following clause after clause (d):**  
“(d.1) **‘board’** means the board of directors of the Foundation”;
  - (c) **by adding the following clause after clause (h):**  
“(h.1) **‘Foundation’** means the Saskatchewan Heritage Foundation continued pursuant to section 5”; **and**
  - (d) **by repealing clause (o) and substituting the following:**  
“(o) **‘review board’** means the Foundation”.
- (4) **Clause 3(1)(i) is repealed and the following substituted:**  
“(i) refer any matter relating to heritage property to the Foundation for its consideration”.
- (5) **Sections 5 to 7 are repealed and the following substituted:**

“PART II.2  
**Saskatchewan Heritage Foundation**”

“**Foundation continued**

5(1) The Saskatchewan Heritage Foundation constituted pursuant to *The Saskatchewan Heritage Foundation Act*, as that Act existed before the coming into force of this section, is continued.

(2) The Foundation is a corporation.

“**Purposes of Foundation**

5.1 The purposes of the Foundation are to:

- (a) receive, acquire by purchase or donation, hold, preserve, maintain, restore and manage heritage property for the use, enjoyment and benefit of the people of Saskatchewan;
- (b) support and contribute to the acquisition, holding, conservation, preservation, maintenance, reconstruction, restoration and management of heritage property by any person for the use, enjoyment and benefit of the people of Saskatchewan;
- (c) gain further knowledge of and increase public awareness, understanding and appreciation of Saskatchewan’s heritage through any suitable means;
- (d) advise and make recommendations to the minister on any matter relating to the conservation, protection, preservation and designation of heritage property in Saskatchewan;
- (e) advise and make recommendations to the minister on any matter respecting names of geographic features in Saskatchewan;

(f) review public objections to proposed heritage designations, proposed repeals of existing designations, or to the proposed alteration or demolition of designated property, by convening public hearings and reporting on its findings and recommendations; and

(g) undertake any other activities and programs that are prescribed in the regulations.

**“Powers of Foundation**

**5.2(1)** In this section, **‘heritage initiative’** means an initiative to do all or any of the following:

- (a) to gain further knowledge of Saskatchewan’s heritage;
- (b) to increase public awareness, understanding and appreciation of Saskatchewan’s heritage;
- (c) to conserve, protect and preserve Saskatchewan’s heritage.

(2) The Foundation may:

- (a) purchase, lease or otherwise acquire any heritage property or any other real or personal property that it considers necessary to carry out its purposes;
- (b) develop, maintain, manage or operate any heritage property and other real property acquired pursuant to clause (a);
- (c) exhibit or display, within or outside Saskatchewan, any heritage property acquired pursuant to clause (a) on any terms and conditions it considers appropriate;
- (d) sell, lease, exchange or otherwise dispose of any heritage property or other real or personal property acquired pursuant to clause (a);
- (e) solicit and receive donations, bequests or other gifts of or relating to heritage property or heritage initiatives;
- (f) undertake, support or sponsor educational or research programs relating to heritage property or heritage initiatives;
- (g) provide professional and technical services, on any terms and conditions it considers appropriate, to any person, agency, organization, association, institution or body within or outside Saskatchewan with respect to heritage property or heritage initiatives;
- (h) subject to subsection (3), provide financial assistance, by way of grants, loans or other means, on any terms and conditions it considers appropriate, to any person, agency, organization, association, institution or body within or outside Saskatchewan with respect to heritage property or heritage initiatives;
- (i) subject to subsection (4), enter into agreements with any person, agency, organization, association, institution or body within or outside Saskatchewan that it considers necessary to carry out the purposes of the Foundation;

(j) charge fees for any goods, services, facilities or materials provided to persons by the Foundation;

(k) do all those things that the Foundation considers necessary, incidental or conducive to the carrying out of its purposes; and

(l) exercise any other powers that may be conferred on the Foundation by the Lieutenant Governor in Council.

(3) The Foundation shall not provide financial assistance pursuant to clause (2)(h) in any amount exceeding \$50,000 in any fiscal year without the approval of the Lieutenant Governor in Council.

(4) The Foundation shall not enter into any agreement pursuant to clause (2)(i) whereby the Foundation is liable to make expenditures in excess of \$50,000 in any fiscal year without the approval of the Lieutenant Governor in Council.

**“Membership of Foundation**

**5.3** The membership of the Foundation consists of not less than seven and not more than 15 persons appointed by the Lieutenant Governor in Council.

**“Board of Foundation**

**5.31(1)** The board of directors of the Foundation consists of those persons who are appointed to constitute the Foundation pursuant to section 5.3.

(2) Subject to subsections (3) to (5), a person appointed pursuant to section 5.3:

(a) holds office at pleasure for a period not exceeding two years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and

(b) is eligible for reappointment.

(3) No member of the board shall hold office for more than three consecutive terms.

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

(5) If the office of a person appointed pursuant to section 5.3 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 (2).

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

(7) The Lieutenant Governor in Council shall fix the remuneration and rate of reimbursement for expenses of members of the board.

**“Chairperson and vice-chairperson**

5.4(1) The Lieutenant Governor in Council shall designate one member of the board as chairperson of the board and may designate another member of the board 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.

**“Agent of the Crown**

5.5(1) The Foundation is for all its purposes an agent of the Crown, and the Foundation’s powers pursuant to this Act may be exercised only as an agent of the Crown.

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

**“Responsible to the minister**

5.6 The Foundation is responsible to the minister for the performance of its responsibilities and the exercise of its powers pursuant to this Act.

**“Head office**

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

**“Capacity to contract**

5.8(1) The 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 had been acquired or incurred on its own behalf.

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

**“Liability in tort**

5.9 The 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 procedures**

6.1(1) Subject to the other provisions of this Act, the board may make rules respecting its own procedures.

(2) Subject to subsections (3) and (4), a quorum of the board consists of a majority of board members.

(3) For the purposes of undertaking its responsibilities as the geographic names committee, a quorum of the board or, if the board establishes a geographic names committee pursuant to clause 6.1(1)(a), of the geographic names committee is three board members.

(4) For the purposes of undertaking its responsibilities as the review board, a quorum of the board or, if the board establishes a heritage property review and appeals committee pursuant to clause 6.1(1)(b), of the heritage property review and appeals committee is three board members.

(5) Meetings of the board are to be held:

(a) on the initiative of the chairperson and after reasonable notice has been given to members of the board; or

(b) at any time a majority of the board considers it appropriate or necessary.

**“Committees of the board**

6.1(1) The board may establish any committees of its members that it considers necessary, including:

(a) a geographic names committee; and

(b) a heritage property review and appeals committee that may:

(i) hold any hearings and perform any duties that are assigned to the Foundation in its capacity as the review board by this Act or the regulations; and

(ii) make any reports that are required by the Foundation in its capacity as the review board.

(2) The board may establish one or more advisory committees and appoint any person to be a member of any advisory committee.

**“Delegation – geographic names committee**

6.2 If the board establishes a geographic names committee pursuant to clause 6.1(1)(a):

(a) the board may delegate to the geographic names committee:

(i) the exercise of any powers given by this Act to the Foundation in its capacity as the geographic names committee; and

(ii) the fulfilment of any duties imposed by this Act on the Foundation in its capacity as the geographic names committee; and

(b) if the board has delegated the exercise of any powers, or the fulfilment of any duties, mentioned in clause (a) to the geographic names committee:

(i) the exercise of those powers and the fulfilment of those duties by the geographic names committee is deemed to be the exercise of those powers or the fulfilment of those duties by the Foundation; and

(ii) a decision of the geographic names committee in the exercise of those powers and the fulfilment of those duties is deemed to be a decision of the Foundation.

**“Delegation – heritage property review and appeals committee**

**6.3** If the board establishes a heritage property review and appeals committee pursuant to clause 6.1(1)(b):

(a) the board may delegate to the heritage property review and appeals committee:

(i) the exercise of any powers given by this Act to the Foundation in its capacity as the review board; and

(ii) the fulfilment of any duties imposed by this Act on the Foundation in its capacity as the review board; and

(b) if the board has delegated the exercise of any powers, or the fulfilment of any duties, mentioned in clause (a) to the heritage property review and appeals committee:

(i) the exercise of those powers and the fulfilment of those duties by the heritage property review and appeals committee is deemed to be the exercise of those powers or the fulfilment of those duties by the Foundation; and

(ii) a decision of the heritage property review and appeals committee in the exercise of those powers and the fulfilment of those duties is deemed to be a decision of the Foundation.

**“Staff**

**6.4** The minister may provide the Foundation with:

(a) any supplies; and

(b) the services of any employees under the minister’s administration.

**“Professional advisors, etc.**

**6.5** The Foundation, on any terms and conditions that it considers appropriate, may retain the services of any consultants or professional or technical advisors that it considers necessary for the purposes of this Act.

**“Bylaws**

**6.6** With the approval of the minister, the board may make bylaws consistent with this Act, the regulations and its purposes.

**“Revenues of Foundation**

**7** Notwithstanding any other Act or law, the Foundation may receive and hold any:

- (a) moneys appropriated to it by the Legislature;
- (b) moneys distributed to the Foundation from the net profits of a lottery scheme within the meaning of *The Interprovincial Lotteries Act, 1984* for the purposes of the Foundation;
- (c) moneys received by it pursuant to clause 5.2(2)(e);
- (d) amounts realized by it as a result of investments of moneys of the Foundation; and
- (e) proceeds realized by it from the disposal of assets of the Foundation.

**“Investment**

**7.1** The Foundation may:

- (a) invest any part of the moneys of the Foundation 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 the investments in any manner, on any terms and in any amount that the Foundation considers expedient and invest the proceeds of that disposition in investments of the kind described in clause (a).

**“Treasury Board directives**

**7.2** Treasury Board may make orders and issue directives that it considers expedient with respect to the financial conduct of the Foundation.

**“Audit**

**7.3** The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the Foundation's records, accounts and financial statements:

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

**“Annual report**

**7.4(1)** In each fiscal year, the Foundation shall, in accordance with *The Tabling of Documents Act, 1991*, prepare and submit to the minister:

- (a) a report of the Foundation on its business for its preceding fiscal year; and
- (b) a financial statement showing the business of the Foundation for its preceding fiscal year, in any form that may be required by Treasury Board.

(2) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each report and statement received by the minister pursuant to subsection (1).



**“Fiscal year**

**7.5** The fiscal year of the Foundation is the period commencing on April 1 in one year and ending on March 31 in the next year”.

**(6) Subsection 39(1) is amended by striking out** “After consultation with the advisory board, the” **and substituting** “The”.

**(7) Subsection 45(1) is amended by striking out** “After consultation with the advisory board, the” **and substituting** “The”.

**(8) The following Part is added after Part V:**

**“PART V.1  
Geographic Names**

**“Geographic names continued**

**71.01** The authorized name of any geographic feature in Saskatchewan is the name that:

- (a) was approved pursuant to *The Geographic Names Board Act*, as that Act existed before the coming into force of this section; or
- (b) is approved or changed by the minister pursuant to section 71.03.

**“Duties – geographic names**

**71.02** The Foundation shall:

- (a) review nominations submitted to the minister for a name of, or for a change of name of, any geographic feature in Saskatchewan;
- (b) recommend to the minister for approval the name of a geographic feature in Saskatchewan; and
- (c) advise and make recommendations to the minister on any other matters relating to the name of a geographic feature in Saskatchewan.

**“Use of approved geographic name**

**71.03(1)** The minister may approve a name for, or a change of name for, a geographic feature in Saskatchewan recommended by the Foundation.

**(2)** A name approved pursuant to subsection (1) must:

- (a) along with the location of the geographic feature, be published in *The Saskatchewan Gazette* by the minister; and
- (b) be used by all government ministries and agencies in the preparation of maps and other publications.

**“Powers – geographic names**

**71.04** The minister may:

- (a) gather, collate and record information respecting names of geographic features within Saskatchewan;

- (b) consult with and advise the following with respect to the suitability of proposed names of geographic features within Saskatchewan:
- (i) government ministries and agencies;
  - (ii) municipalities;
  - (iii) any other bodies or persons concerned with the selection of names;
- (c) collaborate with the Geographical Names Board of Canada respecting:
- (i) the selection of new names;
  - (ii) the elimination of alternative or duplicated names;
  - (iii) the correct or preferred spelling of established names; and
  - (iv) any other matters respecting the names; and
- (d) supply information regarding the names of geographic features to:
- (i) government ministries and agencies;
  - (ii) cartographers;
  - (iii) publishers; and
  - (iv) any other persons engaged in the preparation of maps or other publications intended for official public use.

**“Limitation of effect**

**71.05** No statute, regulation, order, contract, summons, information, writ or other document affecting legal rights is invalid merely by reason of the use of a name of a geographic feature that has not been approved by the minister pursuant to section 71.03”.

**(9) Section 79 is amended:**

**(a) by repealing clause (a) and substituting the following:**

“(a) respecting the review board”; **and**

**(b) by adding the following clause after clause (d.1):**

“(d.2) for the purposes of section 5.1, prescribing activities and programs that the Foundation may undertake”.

**S.S. 1999, c.N-4.001 amended**

**6(1)** *The New Generation Co-operatives Act* is amended in the manner set forth in this section.

**(2) Subclause 2(1)(r)(ii) is amended by striking out “Co-operative Securities Board” and substituting “Saskatchewan Financial Services Commission”.**

**(3) Section 46 is repealed and the following substituted:****“Ruling of board**

**46(1)** In this section, ‘**board**’ means the Saskatchewan Financial Services Commission.

(2) On the written application to it by any member or holder of preferred shares, beneficial owner of a preferred share or other person that the board considers interested in the matter, the board may make a ruling on whether:

- (a) any person or group of associated persons holds preferred shares in contravention of subsection 40(1); or
- (b) subsection 42(1) applies to any person or group of associated persons.

(3) The directors are bound by a ruling made pursuant to subsection (2) unless:

- (a) the applicant did not disclose to the board a fact that is, in the opinion of the board, material to the ruling; or
- (b) there is a subsequent change of circumstances that is, in the opinion of the board, material”.

**(4) Clause 316(1)(a) is repealed and the following substituted:**

“(a) ‘**board**’ means the Saskatchewan Financial Services Commission”.

**(5) Subsection 316(2) is repealed.****(6) Clause 318(1)(a) is amended by striking out “secretary of the”.****(7) Clause 319(1)(a) is amended by striking out “secretary of the”.****(8) Subsection 321(1) is amended in the portion preceding clause (a) by striking out “secretary of the”.****(9) Clause 324(1)(a) is amended by striking out “, the secretary of the board”.****(10) Clause 350(f) is amended by striking out “Co-operative Securities Board” and substituting “Saskatchewan Financial Services Commission”.****S.S. 2002, c.S-17.2 amended**

**7(1)** *The Saskatchewan Financial Services Commission Act* is amended in the manner set forth in this section.

**(2) Subclause 2(e)(i) is repealed.****(3) The following clause is added after clause 9(1)(d.1):**

“(d.2) performing responsibilities assigned to it pursuant to *The Co-operatives Act, 1996*, *The Credit Union Act, 1998* and *The New Generation Co-operatives Act*”.

**(4) Subsection 10(1) is amended:****(a) by striking out “and” after clause (b.1); and****(b) by adding the following after clause (b.1):**

“(b.2) exercise the powers given to the commission by *The Co-operatives Act, 1996*, *The Credit Union Act, 1998* and *The New Generation Co-operatives Act*; and”.

**S.S. 1990-91, c.S-22.1 repealed****8** *The Saskatchewan Heritage Foundation Act* is repealed.**R.R.S. c.E-0.1 Reg 1, Appendix amended****9** **Item 5 of Table 16 of the Appendix to *The Education Regulations, 1986* is repealed.****Transitional and Coming into Force****Transitional provision****10(1)** In this section:

(a) “**former provisions**” means *The Heritage Property Act* as that Act read on the day before the coming into force of section 5 of this Act;

(b) “**matter**” means any matter, question or issue referred to the review board pursuant to the former provisions and concerning which the review board has not, on the day section 5 of this Act comes into force, provided a recommendation to the minister;

(c) “**minister**” means the member of the Executive Council to whom for the time being the administration of *The Heritage Property Act* is assigned;

(d) “**review board**” means the review board as that review board was constituted pursuant to the former provisions.

(2) Notwithstanding section 5 of this Act, for the purposes of considering and making recommendations on all matters and until the review board has given a recommendation to the minister respecting all of those matters, the review board remains in place and may exercise all the powers given to it, and shall fulfil all the responsibilities imposed on it, pursuant to the former provisions as if section 5 of this Act had not come into force and the former provisions had remained in force.

**Coming into force****11** This Act comes into force on assent.