

# BILL

No. 130

## An Act respecting the Lotteries and Gaming Saskatchewan Corporation

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(Assented to )

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

PART 1  
**Preliminary Matters**

**Short title**

**1-1** This Act may be cited as *The Lotteries and Gaming Saskatchewan Corporation Act*.

**Definitions and interpretation**

**1-2(1)** In this Act:

“**board**” means the board of directors of the corporation;

“**corporation**” means the Lotteries and Gaming Saskatchewan Corporation established pursuant to section 2-1;

“**Crown**” means the Crown in right of Saskatchewan;

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“**fiscal year**”, except as otherwise provided, means the fiscal year of the Government of Saskatchewan, being the period commencing on April 1 in one year and ending on March 31 in the following year, or any other period that may be fixed by the Lieutenant Governor in Council;

“**Gaming Framework Agreement**” means the agreement entered into by the Federation of Saskatchewan Indian Nations, now the Federation of Sovereign Indigenous Nations, and Government of Saskatchewan in June 2002, and all subsequent amendments to or renewals of that agreement;

“**interprovincial lottery agreement**” means an agreement entered into between Saskatchewan and the government of another province or territory for the purposes of conducting and managing a lottery scheme;

“**interprovincial lottery scheme**” means an interprovincial lottery scheme existing on the day on which this Act comes into force or a lottery scheme with respect to which an interprovincial lottery agreement is negotiated pursuant to this Act;

“**lottery scheme**” means a lottery scheme within the meaning of section 207 of the *Criminal Code*;

“**minister**” means, except where otherwise provided, the member of Executive Council to whom for the time being the administration of this Act is assigned;

“**prescribed**” means prescribed in the regulations;

“**SaskGaming**” means the Saskatchewan Gaming Corporation established pursuant to *The Saskatchewan Gaming Corporation Act* and continued in accordance with section 4-1;

“**wholly-owned subsidiary**” means a corporation all the shares of which are owned by the corporation, directly or indirectly.

(2) In this Act, a reference to the *Excise Tax Act* (Canada) is to be read as a reference to that Act and the regulations made pursuant to that Act.

PART 2

**Establishment, Purpose and Administration of the Corporation**

**Corporation established**

2-1(1) The Lotteries and Gaming Saskatchewan Corporation is established as a Crown corporation.

(2) The name “Lotteries and Gaming Saskatchewan” 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.

**Agent of the Crown**

2-2(1) The corporation and every wholly-owned subsidiary are for all their purposes agents of the Crown and their powers pursuant to this Act may be exercised only as agents of the Crown.

(2) All property of the corporation and every wholly-owned subsidiary, all moneys acquired, administered, possessed or received from any source and all profits earned by the corporation and every wholly-owned subsidiary 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.

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**Responsible to minister**

**2-3** The corporation is responsible to the minister for the performance of its duties and the exercise of its powers pursuant to this Act.

**Head office**

**2-4** The head office of the corporation is to be at any location in Saskatchewan that may be designated by the Lieutenant Governor in Council.

**Capacity to contract**

**2-5(1)** The corporation has 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 was acquired or incurred on its own behalf.

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

(3) The corporation is to have perpetual succession and a common seal.

**Liability in tort**

**2-6** The corporation may:

- (a) sue with respect to any tort; and
- (b) be sued with respect to liability in tort to the extent to which the Crown is subject to *The Proceedings Against the Crown Act, 2019*.

**Purposes of the corporation**

**2-7** The purposes of the corporation are:

- (a) to oversee, measure, monitor and report on the gaming industry as a whole in Saskatchewan and to provide recommendations and advice respecting the gaming industry to the Government of Saskatchewan;
- (b) to conduct and manage lottery schemes;
- (c) to establish and operate, or to provide for the establishment and operation of, any business or activity that it considers reasonably required to meet the objects mentioned in clause (b);
- (d) to carry out functions relating to the conduct and management of lottery schemes; and
- (e) to develop, promote or support activities or programs that are designed to encourage responsible participation in gaming.

**Members of the corporation**

**2-8(1)** The corporation consists of up to 9 persons appointed by the Lieutenant Governor in Council.

(2) Every person appointed pursuant to this section as a member of the corporation holds office at pleasure for a term not greater than 3 years and, notwithstanding the expiry of the term, continues to hold office until a successor is appointed.

(3) If a member of the corporation is absent or unable to perform the member's duties, the Lieutenant Governor in Council may appoint another person to act as a temporary member of the corporation during the member's absence or disability.

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(4) If the office of a person appointed pursuant to this section becomes vacant, the Lieutenant Governor in Council may:

- (a) appoint another person for the remainder of the term of the person who vacated the office; or
- (b) appoint a new person for the term mentioned in subsection (2).

(5) A vacancy in the office of a person appointed pursuant to this section does not impair the power of the other persons constituting the corporation to act.

**Board of directors**

**2-9(1)** The board of directors consists of those persons who constitute the corporation.

- (2) The board shall manage the affairs and business of the corporation.
- (3) The Lieutenant Governor in Council shall designate one member of the corporation as chairperson of the board and may designate one other member of the corporation as vice-chairperson.
- (4) The chairperson:
  - (a) shall preside over all meetings of the board; and
  - (b) shall 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.
- (5) If the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson shall perform all the duties and may exercise all the powers of the chairperson.
- (6) If the chairperson and vice-chairperson are absent or unable to act at a meeting, the board members who are present may choose another person to act as chairperson for the purposes of that meeting.
- (7) In the case of an equality of votes at a board meeting, the chairperson may cast a deciding vote.
- (8) The Lieutenant Governor in Council may fix the quorum of the board.
- (9) The Crown Investments Corporation of Saskatchewan shall fix the remuneration and rate of reimbursement for expenses of:
  - (a) the members of the board; and
  - (b) the members of any committee appointed by the board.
- (10) The board may, from time to time:
  - (a) appoint any advisory committee that it considers necessary for the efficient conduct of the affairs and business of the corporation; and
  - (b) set out the duties of any advisory committee appointed pursuant to clause (a).

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**Officers and employees**

**2-10(1)** Notwithstanding *The Public Service Act, 1998*, the corporation may:

- (a) employ any officers and other employees 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 over and shall supervise its officers and employees.
- (3) The corporation shall pay to its officers and employees the remuneration determined pursuant to this section.
- (4) The corporation may:
- (a) appoint or engage any professional, administrative, technical and clerical personnel that may be required for the purposes of this Act; and
  - (b) determine the salaries and other remuneration of the personnel appointed or engaged pursuant to clause (a).

**Superannuation and other plans**

**2-11(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 corporation.

- (2) The corporation may establish or provide for any group insurance programs, employee benefit programs or other similar programs for the benefit of the employees of the corporation and the dependants of those employees.

**Powers of the corporation**

**2-12(1)** The corporation may:

- (a) subject to subsection (2):
  - (i) develop, undertake, organize, conduct, manage and operate lottery schemes on behalf of Saskatchewan, either alone or in conjunction with the government of another province or territory;
  - (ii) enter into and participate in arrangements, agreements or undertakings related to establishing, conducting, managing or operating any lottery scheme generally, and including, without limitation, with the Government of Canada, the government of another province or territory or agencies of those governments;
  - (iii) authorize or licence a non-profit organization to conduct and manage or operate an interprovincial lottery scheme on behalf of the Government of Saskatchewan and set fees or commissions with respect to those authorizations or licences;
  - (iv) designate a Saskatchewan non-profit organization to act, in accordance with the regulations, as the marketing organization for a lottery scheme and set fees or commissions with respect to that designation; and
  - (v) authorize organizations to conduct and manage or operate a lottery scheme on behalf of the Government of Saskatchewan and set fees or commissions with respect to those authorizations;

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- (b) subject to Part 4, create, manage, dissolve or wind up subsidiaries as the corporation sees fit;
- (c) in furtherance of its purposes and on any terms and conditions that the corporation or the Lieutenant Governor in Council considers appropriate:
  - (i) make loans or advances to any person, including a wholly-owned subsidiary; and
  - (ii) stipulate for and collect interest on all loans or advances made pursuant to subclause (i);
- (d) develop, construct, renovate or equip any building, facility or improvement;
- (e) enter into and participate in arrangements or undertakings related to establishing, managing or operating lottery schemes or other related businesses and activities;
- (f) subject to applicable law, determine:
  - (i) the lottery schemes, operations and devices to be used respecting a lottery scheme conducted and managed by the corporation;
  - (ii) the consideration to be paid by persons participating in the lottery scheme mentioned in subclause (i); and
  - (iii) the kinds and amounts of prizes available to participants in the lottery scheme mentioned in subclause (i);
- (g) acquire and provide services;
- (h) promote and market lottery schemes in Saskatchewan;
- (i) charge fees for the facilities, goods and services it provides;
- (j) develop, promote or support activities or programs that are designed to encourage responsible participation in gaming and make grants to any person, agency, organization, association, institution or body for those purposes;
- (k) enter into any agreements necessary or expedient to meet its purposes, to exercise or delegate its powers or to perform its responsibilities;
- (l) participate in joint or other ventures with any body corporate, organization, partnership, firm or entity;
- (m) carry out or engage in any function or activity assigned to the corporation by the Lieutenant Governor in Council;
- (n) subject to subsection (2), make grants to any person, agency, organization, association, institution or body on any terms and conditions the corporation considers appropriate, including a charitable or religious organization that:
  - (i) has been issued a licence pursuant to paragraph 207(1)(b) of the *Criminal Code* by the Liquor and Gaming Authority or a First Nation gaming licensing authority as defined in *The Alcohol and Gaming Regulation Act, 1997*; and
  - (ii) has, in the opinion of the Liquor and Gaming Authority, satisfactorily complied with the terms and conditions of the licence mentioned in subclause (i);

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- (o) do all the things that the corporation considers necessary, incidental or conducive to meeting its purposes, exercising its powers or performing its responsibilities, including applying for prescribed registrant status pursuant to the *Excise Tax Act* (Canada) for the purpose of meeting its net tax obligations from gaming supplies as required by that Act.
- (2) The exercise of the powers set out in the following clauses is subject to the approval of the Lieutenant Governor in Council:
  - (a) clause (1)(a);
  - (b) clause (1)(n), if the amount proposed to be granted is greater than \$50,000 in any fiscal year of the corporation.
- (3) Subject to subsection (4), with the approval of the Lieutenant Governor in Council, the corporation may appoint directors of a wholly-owned subsidiary.
- (4) Subject to *The Saskatchewan Gaming Corporation (Appointment of Members) Regulations*, the board of SaskGaming must include 7 members, 3 of whom are nominated by the Federation of Sovereign Indigenous Nations.

**Acquisition and disposal of property**

- 2-13(1)** Subject to subsection (3), the corporation may:
- (a) acquire, by any means, any property that the corporation considers necessary or desirable for the efficient operation of its business;
  - (b) hold all gaming related assets in a separate wholly-owned subsidiary; and
  - (c) dispose of any of the corporation's property by any means and in any manner that the corporation considers appropriate.
- (2) The corporation may:
- (a) purchase property by means of deferred payments; and
  - (b) give security on the property purchased for the purchase price, or the unpaid balance of the purchase price, with interest.
- (3) If the purchase price or sale price of real property included in one transaction entered into by the corporation exceeds the amount fixed by the Lieutenant Governor in Council, the corporation shall obtain approval of the Lieutenant Governor in Council before acquiring or disposing of the real property.

**Corporation to comply with *The Alcohol and Gaming Regulation Act, 1997* and directives**

- 2-14** The corporation and its subsidiaries shall comply with:
- (a) *The Alcohol and Gaming Regulation Act, 1997*, any regulations pursuant to that Act and any directives, standards or orders issued pursuant to that Act or the regulations made pursuant to that Act; and
  - (b) any directives issued to it by the Lieutenant Governor in Council.



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**Slot Machine Act does not apply**

**2-15** Section 3 of *The Slot Machine Act* does not apply to the following:

- (a) slot machines owned by the corporation;
- (b) slot machines supplied by a gaming supplier for use in a casino pursuant to an agreement with the corporation.

**PART 3  
Financial Matters**

**Appropriation**

**3-1** The Minister of Finance shall pay to the corporation out of the general revenue fund any moneys appropriated by the Legislature for the purposes of the corporation in the amounts and at the times requested by the corporation and agreed to by the Minister of Finance.

**Borrowing powers of Minister of Finance**

**3-2(1)** The Minister of Finance may advance moneys to the corporation out of the general revenue fund for the purposes of the corporation in the amounts, at the times, and on the terms and conditions that the Lieutenant Governor in Council may determine.

(2) In order to provide the moneys mentioned in subsection (1), the Lieutenant Governor in Council may authorize the Minister of Finance to borrow on the credit of the Government of Saskatchewan in accordance with *The Financial Administration Act, 1993*.

**Borrowing power of corporation**

**3-3(1)** Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow, within the borrowing limits prescribed pursuant to *The Crown Corporations Act, 1993*, from time to time any sums of money that the corporation requires for its objects and purposes, or to exercise its powers, including:

- (a) the repayment, renewal or refunding, from time to time, of the whole or any part of any moneys borrowed or securities issued by the corporation pursuant to this Act;
- (b) the repayment in whole or in part of advances made by the Minister of Finance to the corporation;
- (c) the payment in whole or in part of any loan or liability or of any bonds, debentures or other securities or indebtedness the payment of which is guaranteed or assumed by the corporation;
- (d) the payment in whole or in part of any other liability or indebtedness of the corporation;
- (e) the funding of any expenditure made by the corporation in carrying out any of its purposes; and
- (f) the repayment in whole or in part of any temporary borrowing of the corporation, if the borrowing is related to carrying out any of its powers.

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- (2) For the purpose of exercising the borrowing powers mentioned in subsection (1), the corporation may issue any bonds, debentures or other securities, bearing any rate of interest and being payable as to principal and interest at any time or times, in any manner, in any place in Canada or elsewhere and in the currency of any country that the corporation, with the approval of the Lieutenant Governor in Council, may determine.
- (3) The corporation may issue the bonds, debentures and other securities mentioned in subsection (2) in any amounts that will realize the net sums required to meet its objects and purposes or to exercise its powers.
- (4) A recital or declaration in the resolution or minutes of the corporation authorizing the issue of the securities, to the effect that the amount of those securities authorized is necessary to realize the net sums required to meet the objects and purposes or to exercise the powers of the corporation, is conclusive evidence of that fact.
- (5) Subject to the approval of the Lieutenant Governor in Council, the corporation may, on any terms and conditions that it considers advisable:
- (a) sell or otherwise dispose of any bonds, debentures or other securities mentioned in subsection (2); and
  - (b) charge, pledge, hypothecate, deposit or otherwise deal with those securities as collateral security.
- (6) The Minister of Finance shall:
- (a) negotiate all borrowings to be made pursuant to this section; and
  - (b) arrange all details and transact and execute all matters and things that may be required during the conduct of negotiations.
- (7) The corporation may:
- (a) treat any securities dealt with as collateral security pursuant to subsection (5) as unissued when:
    - (i) the securities are redelivered to the corporation or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which they may have been given as collateral; or
    - (ii) the corporation again becomes entitled to the securities; and
  - (b) subject to the approval of the Lieutenant Governor in Council and the borrowing limits prescribed by section 43 of *The Crown Corporations Act, 1993*:
    - (i) issue, reissue, charge, pledge, hypothecate, deposit, deal with as collateral security, sell or otherwise dispose of those securities on any terms and conditions that the corporation considers advisable; or
    - (ii) cancel and issue fresh securities to the same amount and in the same form in lieu of the unissued securities with the same consequences.
- (8) On the issue or reissue of securities pursuant to subsection (7), a person entitled to the securities has the same rights and remedies as if the securities had not been previously issued.

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- (9) The corporation may, by resolution or minute, determine the form and manner in which bonds, debentures or other securities issued pursuant to this section are to be executed.
- (10) The corporation may, by resolution or minute, provide that:
- (a) 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
  - (b) any signature on any bonds, debentures or other securities and on the coupons, if any, attached to those securities, may be engraved, lithographed, printed or otherwise mechanically reproduced on those securities.
- (11) When the seal of the corporation or any signature is mechanically reproduced pursuant to subsection (10):
- (a) the seal of the corporation is of the same force and effect as if manually affixed; and
  - (b) notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of issue of the security, the signature is for all purposes valid and binding on the corporation.

**Temporary borrowing**

**3-4(1)** Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow, within the borrowing limits prescribed by section 43 of *The Crown Corporations Act, 1993*, by way of temporary loans from any chartered bank, credit union or person, any moneys, on any terms and conditions and for any purpose that the corporation may determine:

- (a) by way of bank overdraft or line of credit;
  - (b) by the pledging, as security for those temporary loans, of notes, bonds, debentures or other securities of the corporation pending their sale or in lieu of the selling of them; or
  - (c) in any other manner that the corporation may determine.
- (2) The corporation may execute any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of moneys and the obtaining of advances by way of temporary loans pursuant to subsection (1) in any manner that the corporation may determine.

**Charge on revenue**

**3-5** All interest and instalments of principal and all sinking fund and other debt service charges with respect to the securities mentioned in sections 3-2 to 3-4 are a first charge on the corporation's revenues.

**Guarantee by Saskatchewan**

**3-6(1)** The Lieutenant Governor in Council, on any terms and conditions that the Lieutenant Governor in Council considers advisable, may guarantee the payment of:

- (a) the principal, interest and premium, if any, of any bonds, debentures or other securities issued by the corporation;
- (b) any loans, temporary or otherwise, raised by the corporation; and
- (c) any indebtedness or liability for the payment of moneys incurred by the corporation or to which the corporation may be or become subject.

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- (2) Any guarantee made pursuant to subsection (1) is required to be in a form and manner that the Lieutenant Governor in Council may approve.
- (3) The Minister of Finance, or any other officer of the Ministry of Finance who may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on the guarantee being so signed, the Government of Saskatchewan is liable, according to the tenor of the guarantee, for the payment of:
- (a) the principal, interest and premium, if any, of any bonds, debentures or other securities;
  - (b) the loans, temporary or otherwise; and
  - (c) the indebtedness or liability for the payment of moneys.
- (4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with the terms and conditions of this section.
- (5) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the money required to implement any guarantee made pursuant to this section and to advance the amount necessary for that purpose out of the general revenue fund.

**Investments**

**3-7(1)** The corporation may, from time to time:

- (a) invest any part of the capital or operating moneys of the corporation 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 corporation considers expedient.
- (2) The Lieutenant Governor in Council may appoint the Minister of Finance or any other person to be the agent of the corporation for the purpose of making investments pursuant to this section or disposing of those investments, and the Minister of Finance or other duly appointed person may arrange all details and do, transact and execute any deeds, matters and things that may be requisite for the purpose of making or disposing of those investments.

**Fiscal year**

**3-8** The fiscal year of the corporation is the fiscal year of the Government of Saskatchewan, being the period commencing on April 1 in one year and ending on March 31 in the following year, or any other period that may be fixed by the Lieutenant Governor in Council.

**Audit**

**3-9** 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 and any of its subsidiaries:

- (a) annually; and
- (b) at any other times that the Crown Investments Corporation of Saskatchewan may require.

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**Annual report**

**3-10** The corporation shall prepare and submit its annual report and financial statements in accordance with *The Crown Corporations Act, 1993*.

**Amounts payable to the general revenue fund**

**3-11** The corporation shall pay to the Minister of Finance for deposit in the general revenue fund those moneys that are required for the purposes of Parts 5 to 8 and for the purposes of the Gaming Framework Agreement.

PART 4

**Saskatchewan Gaming Corporation**

**Saskatchewan Gaming Corporation continued**

**4-1(1)** Saskatchewan Gaming Corporation established pursuant to *The Saskatchewan Gaming Corporation Act* is continued pursuant to *The Business Corporations Act, 2021* as Saskatchewan Gaming Corporation, a wholly-owned subsidiary of Lotteries and Gaming Saskatchewan Corporation, effective on the day on which this Act comes into force.

(2) Subject to the provisions of this Act, *The Business Corporations Act, 2021* applies to SaskGaming as if it had been incorporated pursuant to that Act.

(3) Subject to clause 4-7(a), effective on the day on which this Act comes into force, *The Crown Corporations Act, 1993* ceases to apply to SaskGaming.

(4) Saskatchewan Gaming Corporation shall operate casinos on behalf of the corporation, including Casino Regina and Casino Moose Jaw, in its capacity as a distributor of the corporation as defined in the *Excise Tax Act* (Canada).

**Articles of continuance**

**4-2(1)** As soon as is practicable after the coming into force of this Act, SaskGaming shall file with the Registrar of Corporations the following documents executed by any of its officers or directors:

(a) a copy of the articles;

(b) a notice of registered office and a notice of directors in the form prescribed pursuant to *The Business Corporations Act, 2021*.

(2) Any provision of the articles that contravenes this Act is inoperative.

(3) On the filing of the articles, the notice of registered office and the notice of directors pursuant to subsection (1), the Registrar of Corporations shall issue to SaskGaming a certificate of continuance dated as at the day on which this Act comes into force.

(4) The certificate of continuance issued pursuant to subsection (3) is deemed to be the certificate of incorporation of SaskGaming.

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**Effect of continuance**

**4-3** On and after the day on which SaskGaming is continued pursuant to *The Business Corporations Act, 2021* and notwithstanding any provision in *The Crown Corporations Act, 1993*:

- (a) SaskGaming is deemed to have always owned, does own and will continue to own all property, whether real or personal, acquired, administered, possessed or received by SaskGaming before the continuance and not disposed of before the continuance, and all of the property so owned is deemed, for all purposes, both at law and in equity, to have always been the property of SaskGaming;
- (b) subject to section 10-3, SaskGaming is deemed for all purposes to have always been bound by and entitled to the benefits of all contracts entered into by it before the continuance and is, and continues to be, bound by and entitled to the benefits of those contracts;
- (c) SaskGaming is deemed for all purposes to have always incurred on its own behalf all obligations, expenditures, costs and liabilities of whatever nature incurred by it before the continuance, and is, and continues to be, responsible and liable for all those obligations, expenditures, costs and liabilities in its own right;
- (d) an existing cause of action, claim or liability to prosecution with respect to SaskGaming is not affected by the continuance;
- (e) a civil, criminal or administrative action or proceeding pending by or against SaskGaming may continue to be prosecuted by or against SaskGaming; and
- (f) a conviction against, or ruling, order or judgment in favour of or against, SaskGaming may be enforced by or against SaskGaming.

**Abbreviated name**

**4-4** Saskatchewan Gaming Corporation may use the name “SaskGaming” in place of its corporate name and, when used, SaskGaming has the same legal effect as its corporate name.

**Head office operations to remain in Saskatchewan**

**4-5** SaskGaming shall not transfer all or any part of its head office operations, or all or any part of the functions constituting its head office operations, to a jurisdiction outside of Saskatchewan.

**Requirements on initial share issue**

**4-6(1)** As soon as is practicable after the coming into force of this Act, SaskGaming shall make an initial issue of a voting share or shares, without consideration, to the Lotteries and Gaming Saskatchewan Corporation.

(2) The Lotteries and Gaming Saskatchewan Corporation:

- (a) is authorized to acquire, hold and vote voting shares; and
- (b) may enter into any agreement or arrangement, incur or assume any obligation, directly or indirectly, or do any other act or thing that it considers necessary or incidental for the purposes of doing any of the things mentioned in clause (a).

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**Oversight of SaskGaming**

4-7 SaskGaming must provide to the corporation information required by the corporation in carrying out its oversight role as required by:

- (a) *The Crown Corporations Act, 1993* and its regulations; and
- (b) any applicable policies and directives of the Crown Investments Corporation of Saskatchewan.

PART 5  
**First Nations Trust**

**Definitions for Part**

5-1(1) In this Part, “**trust**” means the First Nations Trust established by the Federation of Saskatchewan Indian Nations, now the Federation of Sovereign Indigenous Nations, to receive and distribute gaming funds in accordance with:

- (a) the Gaming Framework Agreement; and
  - (b) any subsequent agreement entered into by the parties to the Gaming Framework Agreement respecting the trust, as that agreement is amended or renewed from time to time.
- (2) In this Part and in Parts 6 and 7:

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Part, Part 6 or Part 7 is assigned;

“**online gaming net profits**” means the net profits derived by the corporation from online gaming arrangements or undertakings entered into with Saskatchewan Indian Gaming Authority Inc.;

“**Saskatchewan Gaming Corporation casino gaming net profits**” means the net profits from casinos conducted and managed by the corporation through SaskGaming, but does not include:

- (a) proceeds from casinos operated by the Saskatchewan Indian Gaming Authority Inc.; or
- (b) online gaming net profits.

**Online gaming net profits**

5-2(1) At the beginning of each fiscal year, the minister shall estimate the online gaming net profits for that fiscal year.

(2) The minister may pay to the trust in more or less equal quarterly instalments, out of moneys appropriated by the Legislature for the trust, an amount not exceeding 50% of the online gaming net profits for that fiscal year as estimated pursuant to subsection (1).

(3) At the end of each fiscal year, the minister shall determine the online gaming net profits for that fiscal year.

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(4) Subject to the minister's right to withhold moneys from the trust pursuant to subsection (6), if the amount paid to the trust pursuant to subsection (2) for a fiscal year is less than 50% of online gaming net profits for that fiscal year as determined pursuant to subsection (3), the minister shall pay from the general revenue fund to the trust an amount equal to that difference.

(5) If the amount paid to the trust pursuant to subsection (2) for a fiscal year is greater than 50% of online gaming net profits for that fiscal year as determined pursuant to subsection (3), an amount equal to that difference:

- (a) is a debt due to the Government of Saskatchewan; and
- (b) is payable by the trust to the Government of Saskatchewan.

(6) The minister may collect any debt due pursuant to subsection (5) by withholding an amount equal to the debt from any future amounts to be paid from the general revenue fund to the trust or in any other manner allowed by law.

(7) The amounts paid to the trust pursuant to this section are deemed for the purposes of the *Excise Tax Act* (Canada) not to have been paid in return for any property or services provided by the trust to the corporation.

**Saskatchewan Gaming Corporation casino gaming net profits**

**5-3(1)** At the beginning of each fiscal year, the minister shall estimate Saskatchewan Gaming Corporation casino gaming net profits for that fiscal year.

(2) The minister may pay to the trust, out of moneys appropriated by the Legislature for the trust, an amount not exceeding 25% of the estimated Saskatchewan Gaming Corporation casino gaming net profits for that fiscal year as estimated pursuant to subsection (1).

(3) At the end of each fiscal year, the minister shall determine the Saskatchewan Gaming Corporation casino gaming net profits for that fiscal year.

(4) Subject to the minister's right to withhold moneys from the trust pursuant to subsection (6), if the amount paid to the trust pursuant to subsection (2) for a fiscal year is less than 25% of the Saskatchewan Gaming Corporation casino gaming net profits for that fiscal year as determined pursuant to subsection (3), the minister shall pay from the general revenue fund to the trust an amount equal to that difference.

(5) If the amount paid to the trust pursuant to subsection (2) for a fiscal year is greater than 25% of the Saskatchewan Gaming Corporation casino gaming net profits for that fiscal year as determined pursuant to subsection (3), an amount equal to that difference:

- (a) is a debt due to the Government of Saskatchewan; and
- (b) is payable by the trust to the Government of Saskatchewan.

(6) The minister may collect any debt due pursuant to subsection (5) by withholding an amount equal to the debt from any future amounts to be paid from the general revenue fund to the trust or in any other manner allowed by law.

(7) The amounts paid to the trust pursuant to this section are deemed for the purposes of the *Excise Tax Act* (Canada) not to have been paid in return for any property or services provided by the trust to the corporation.



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PART 6  
Métis Development Fund

**Definitions for Part**

**6-1** In this Part:

“**auditor**” means the auditor appointed pursuant to the terms of the agreement mentioned in section 6-6;

“**fund**” means the fund designated as the Métis Development Fund pursuant to section 6-2;

“**management board**” means the management board appointed pursuant to section 6-3;

“**Métis Nation – Saskatchewan Secretariat, Inc.**” includes any successor of the Métis Nations – Saskatchewan Secretariat, Inc.

**Designation of fund**

**6-2(1)** Subject to subsection (2), the minister may designate the Clarence Campeau Development Fund or any other fund as the fund into which moneys are to be paid pursuant to this Part.

- (2) The minister shall not make a designation pursuant to subsection (1) unless:
- (a) the fund is governed in accordance with the bylaws of the Métis Nation – Saskatchewan Secretariat, Inc.;
  - (b) a management board has been appointed pursuant to section 6-3 to manage and operate the fund; and
  - (c) the Métis Nation – Saskatchewan Secretariat, Inc. and the Government of Saskatchewan have entered into an agreement in accordance with section 6-6 respecting the management and operation of the fund.
- (3) The minister may change a designation made pursuant to this section if the Métis Nation – Saskatchewan Secretariat, Inc. and the Government of Saskatchewan have entered into an agreement respecting:
- (a) the change in designation; and
  - (b) the manner in which the assets and liabilities of the formerly designated fund are to be dealt with.
- (4) If no designation is made pursuant to this section, then any payments that would have been made to the fund pursuant to section 6-5 in a particular fiscal year during which a designation is not made are to be made to the general revenue fund.

**Management board**

**6-3(1)** The management board for the fund is to be appointed pursuant to the terms of the agreement mentioned in section 6-6.

- (2) The management board is responsible for managing and operating the fund.

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**Assets of the fund**

**6-4(1)** The fund consists of:

- (a) all assets of the fund as at the day on which this Part comes into force;
  - (b) all moneys paid to the fund pursuant to section 6-5; and
  - (c) all earnings on investments of the fund.
- (2) The assets of the fund must be held and accounted for separate and apart from all other assets.
- (3) The assets of the fund are only to be used in the manner and for the purposes set out in the agreement mentioned in section 6-6.

**Payments to the fund**

**6-5(1)** The minister shall, subject to subsection (2), make payments to the fund in accordance with the regulations.

- (2) In any fiscal year, the minister may make an additional payment to the fund out of moneys appropriated by the Legislature for the purposes of the fund.
- (3) The amounts paid to the fund pursuant to this Part are deemed for the purposes of the *Excise Tax Act* (Canada) not to have been paid in return for any property or services provided by the fund to the corporation.

**Agreement respecting management and operation of fund**

**6-6(1)** Before the minister makes any designation pursuant to section 6-2, the Métis Nation – Saskatchewan Secretariat, Inc. and the Government of Saskatchewan shall enter into a written agreement respecting the management and operation of the fund.

- (2) The agreement mentioned in subsection (1) must:
- (a) set out the manner of appointing the members of the management board;
  - (b) set out the rules and procedures:
    - (i) to safeguard and control the assets of the fund; and
    - (ii) to ensure that the moneys in the fund are used only to promote community-based economic and business development;
  - (c) set out the requirements and procedures for:
    - (i) applying to the fund for funding;
    - (ii) determining eligibility to receive funding from the fund;
    - (iii) approving or rejecting an application for funding; and
    - (iv) appealing a rejection of an application for funding;
  - (d) establish the procedures for:
    - (i) annually reviewing the activities of the fund;
    - (ii) appointing an auditor who is a member in good standing of a recognized accounting profession that is regulated by an Act to audit the records, accounts and financial statements of the fund annually and prepare a report on the results of the audit; and

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- (iii) annually preparing and submitting to the minister responsible for the agreement, in a form acceptable to that minister:
  - (A) a report, including the report of the auditor, on the activities of the fund for the preceding fiscal year of the fund; and
  - (B) a financial statement setting out the revenues and expenditures and assets and liabilities of the fund for the preceding fiscal year of the fund; and
- (e) include any other provisions with respect to the management and operation of the fund that the minister responsible for the agreement may require and to which the parties agree.
- (3) Unless the agreement mentioned in subsection (1) provides otherwise:
  - (a) disbursements may be made from the fund to pay the remuneration and expenses of the members of the management board;
  - (b) the necessary expenses of administering the fund are a charge on and payable out of the fund; and
  - (c) the moneys of the fund not presently required for the purposes of the fund may be invested only in investments that trustees are authorized to invest in pursuant to *The Trustee Act, 2009*.

**Revocation of designation**

- 6-7(1)** In the circumstances mentioned in subsection (2):
  - (a) if the minister is authorized to make a payment to the fund pursuant to section 6-5, the minister may stop that payment; or
  - (b) the minister may revoke the designation made pursuant to section 6-2.
- (2) The minister may do any of the things mentioned in subsection (1) if:
  - (a) the agreement entered into pursuant to section 6-6 is terminated; or
  - (b) at any time on or after the day on which this Part comes into force, in the opinion of the minister, as the case may be:
    - (i) the Métis Nation – Saskatchewan Secretariat, Inc. fails to comply with any term or condition of the agreement;
    - (ii) the assets of the fund are not held separate and apart from all other assets;
    - (iii) the management board fails to keep proper books or accounts for the fund;
    - (iv) the management board fails to fully account for the moneys in the fund or for the moneys expended from the fund;
    - (v) the management board fails to provide the auditor or Provincial Auditor with access to the books of account for the fund and to any other records and documents that are, in the opinion of the auditor or Provincial Auditor, necessary to enable the auditor or Provincial Auditor to audit the fund;

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(vi) the management board fails to provide to the auditor or Provincial Auditor any explanation or information that the auditor or Provincial Auditor requires to audit the fund;

(vii) the management board otherwise fails to properly manage and operate the fund; or

(viii) the Métis Nation – Saskatchewan Secretariat, Inc. fails to submit to the minister an annual report and financial statement of the fund for the preceding fiscal year of the fund:

(A) on a timely basis; and

(B) in a form acceptable to the minister.

(3) If the minister revokes a designation made pursuant to section 6-2, the Lieutenant Governor in Council may dispose of all remaining assets of the fund and deal with the remaining liabilities and obligations of the fund in any manner the Lieutenant Governor in Council considers appropriate.

**Application of *The Provincial Auditor Act***

**6-8** The fund is deemed to be a Crown agency within the meaning of *The Provincial Auditor Act*, and that Act applies to the fund and to the management board.

**Annual report**

**6-9** The minister who is to receive the annual report and financial statement of the fund pursuant to this Part shall, within 15 days after receiving those documents, lay those documents before the Legislative Assembly in accordance with *The Executive Government Administration Act*.

**Fiscal year**

**6-10** The fiscal year of the fund is the fiscal year as determined by the management board.

PART 7

**Community Initiatives Fund**

**Definitions for Part**

**7-1** In this Part:

“**board of trustees**” means the board of trustees appointed pursuant to section 7-3;

“**fund**” means the Community Initiatives Fund continued pursuant to section 7-2.

**Community Initiatives Fund continued**

**7-2(1)** The Community Initiatives Fund is continued.

(2) The fund consists of:

(a) moneys paid to the fund pursuant to section 7-16;

(b) moneys paid to the fund pursuant to any agreement between:

(i) the Government of Saskatchewan or any of its agents; and

(ii) the Federation of Sovereign Indigenous Nations or the Saskatchewan Indian Gaming Authority Inc.;

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(c) amounts from appropriated moneys that may be authorized by the Lieutenant Governor in Council; and

(d) earnings on investments of the fund.

**Board of trustees**

**7-3(1)** The Lieutenant Governor in Council shall appoint a board of trustees that consists of not more than 8 persons.

(2) The board of trustees is responsible for managing and operating the fund.

**Terms of appointment**

**7-4(1)** A person appointed to the board of trustees:

(a) holds office at pleasure for a period not exceeding 4 years and, notwithstanding the expiry of the person's term, continues to hold office until a successor is appointed; and

(b) is eligible for reappointment.

(2) No member of the board of trustees shall hold office for more than 2 consecutive terms.

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

(4) If there is a vacancy in the membership of the board of trustees, 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 (1).

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

**Quorum**

**7-5** The Lieutenant Governor in Council may fix the quorum for the transaction of business at meetings of the board of trustees.

**Officers**

**7-6(1)** The Lieutenant Governor in Council may designate one member of the board of trustees as the chairperson of the board of trustees and may designate another member of the board of trustees as vice-chairperson.

(2) In the absence or inability to act of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.

**Remuneration and reimbursement**

**7-7(1)** The Lieutenant Governor in Council shall fix the remuneration of members of the board of trustees.

(2) The members of the board of trustees are entitled to be reimbursed for travel and incidental expenses incurred in the performance of their responsibilities as members of the board of trustees at any rates that may be approved for members of the public service of Saskatchewan.

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**Capacity to contract**

**7-8** The board of trustees has the capacity to contract and to sue and be sued in its own name with respect to any right or obligation acquired or incurred by it.

**Liability in tort**

**7-9** The board of trustees may:

- (a) sue with respect to any tort; and
- (b) be sued with respect to any liability in tort.

**Staff**

**7-10(1)** The board of trustees may:

- (a) employ any employees that it considers necessary for the conduct of its operations; and
  - (b) determine each employee's respective duties and powers, conditions of employment and remuneration.
- (2) The board of trustees has control over and shall supervise its employees.
- (3) The employees of the board of trustees are entitled to be reimbursed for travel and incidental expenses incurred in the performance of their responsibilities as employees at any rates that may be approved for members of the public service of Saskatchewan.

**Professional advisors, etc.**

**7-11** The board of trustees, 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 management and operation of the fund.

**Superannuation and other plans**

**7-12** The board of trustees may establish and support any or all of the following for the benefit of the employees and the dependants of the employees:

- (a) a group insurance plan;
- (b) a pension plan, superannuation or employee benefit program.

**Fund responsible for its own expenses**

**7-13** The remuneration and expenses of the members and any employee of the board of trustees and the necessary expenses of administering the fund are a charge on and payable out of the fund.

**Payments from fund**

**7-14** Subject to the regulations and to any directions given by Treasury Board, the board of trustees may provide financial assistance from the fund by way of grant or other similar means on any terms or conditions that the board of trustees may require:

- (a) to charities and exhibition associations in Saskatchewan;
- (b) to any organization or association representing Métis people in Saskatchewan;
- (c) to any person, organization or association in Saskatchewan designated by the Lieutenant Governor in Council; or
- (d) for any purpose designated by the Lieutenant Governor in Council.

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**Investments of fund**

**7-15** The board of trustees may invest any moneys of the fund not presently required for the purposes of the fund in any investments that trustees are authorized to invest in pursuant to *The Trustee Act, 2009* and may dispose of those investments and reinvest the proceeds of disposition in similar investments.

**Required payments to the fund**

**7-16(1)** The minister shall, subject to subsection (2), make payments to the fund in accordance with the regulations.

(2) In any fiscal year, the minister may make an additional payment to the fund out of moneys appropriated by the Legislature for the purposes of the fund.

(3) All amounts paid to the fund pursuant to this Part are deemed for the purposes of the *Excise Tax Act* (Canada) not to have been paid in return for any property or service provided by the fund to the corporation.

**Audit**

**7-17** 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 the fund:

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

**Financial statement**

**7-18(1)** In each fiscal year, the board of trustees shall, in accordance with *The Executive Government Administration Act*, prepare and submit to the minister:

- (a) a report, including the report of the auditor, on the activities of the fund for the preceding fiscal year; and
- (b) a financial statement setting out the revenues and expenditures of the fund for the preceding fiscal year, in the form required by Treasury Board.

(2) In accordance with *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report and financial statement that the minister receives pursuant to subsection (1).

**Reporting to the minister**

**7-19** If requested to do so, the board of trustees shall report to the minister respecting any matter that the minister has inquired about within the time set by the minister.

**Immunity**

**7-20** No action or proceeding lies or shall be commenced against the Crown, the minister, the board of trustees or any member or employee of the board of trustees for 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 Part or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Part or the regulations.

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PART 8  
**Lotteries Trust Account**

**Definitions for Part**

**8-1** In this Part:

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Part is assigned;

“**trust account**” means the trust account continued pursuant to *The Interprovincial Lotteries Regulations, 1994*.

**Lotteries trust account**

**8-2** The minister shall oversee the administration of the trust account in accordance with the regulations.

PART 9  
**Regulations**

**Regulations**

**9-1** 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) governing the conduct and management of lottery schemes;
- (c) governing payments to the Métis Development Fund;
- (d) with respect to the Community Initiatives Fund:
  - (i) governing payments to the fund;
  - (ii) governing the uses of the moneys in the fund and prescribing purposes for which the board of trustees may make disbursements from the fund;
  - (iii) governing the keeping of records with respect to the fund;
  - (iv) respecting the management and administration of the fund, generally;
  - (v) governing the requirements and procedures for:
    - (A) applying to the fund for funding;
    - (B) determining eligibility to receive funding from the fund;
    - (C) approving or rejecting an application to the fund for funding; and
    - (D) appealing a rejection of an application to the fund for funding;
- (e) with respect to lottery schemes and the marketing of lottery schemes:
  - (i) prescribing the Government of Saskatchewan’s commission respecting those schemes;
  - (ii) fixing agents’ or sellers’ fees or commissions or authorizing a licence holder to determine sales commissions respecting the lottery scheme the licence holder is conducting and managing or is operating;



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- (iii) prescribing the maximum commissions allowable respecting those schemes;
- (iv) determining the manner in which net profits from lottery schemes are to be allocated; and
- (v) governing the keeping of accounts and records with respect to lottery schemes;
- (f) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART 10

**Repeal, Transitional and Coming into Force**

**SS 1983-84, c I-12.01 repealed**

**10-1** *The Interprovincial Lotteries Act, 1984* is repealed.

**SS 1994, c S-18.2 repealed**

**10-2** *The Saskatchewan Gaming Corporation Act* is repealed.

**Transitional – certain agreements, liabilities and contracts**

**10-3** Notwithstanding any other Act or law or any provision of a contract, the Lieutenant Governor in Council may, by order, transfer to and vest in the corporation or a wholly-owned subsidiary any assets, liabilities and contracts of or made by the Crown, subject to any terms and conditions that may be specified in the order.

**Transitional – matters re the *Excise Tax Act* (Canada)**

**10-4** On the coming into force of this Act, Saskatchewan Gaming Corporation and the Liquor and Gaming Authority are empowered to make application to the Department of Finance Canada to no longer be considered prescribed registrants within the meaning of the *Excise Tax Act* (Canada).

**Transitional – things done, etc. before corporation comes into existence**

**10-5(1)** Any thing done and any function or activity carried out, engaged in or undertaken in the name of, or on behalf of the corporation that are necessary, incidental or conducive to the corporation's purposes before the coming into force of this Act are conclusively deemed to be valid for all purposes.

(2) Without limiting the generality of subsection (1), the corporation is deemed, from and after April 1, 2023 until so designated by *The Crown Corporations Regulations, 1993*, to be a designated subsidiary Crown corporation for the purposes of *The Crown Corporations Act, 1993*.

**Coming into force**

**10-6(1)** Subject to subsection (2), this Act comes into force on assent, but is retroactive and is deemed to have been in force on and from April 1, 2023.

(2) Clauses 2-12(1)(a), (e), (f), (h), (j) and (n), subsection 2-12(4), section 3-11, Parts 4, 5, 6, 7 and 8, clauses 9-1(b), (c), (d) and (e) and sections 10-1 and 10-2 come into force on June 1, 2023.





THIRD SESSION

# Twenty-ninth Legislature

SASKATCHEWAN

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## **BILL**

No. 130

An Act respecting the Lotteries and Gaming  
Saskatchewan Corporation

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Received and read the

First time

Second time

Third time

And passed

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Honourable Don Morgan

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