

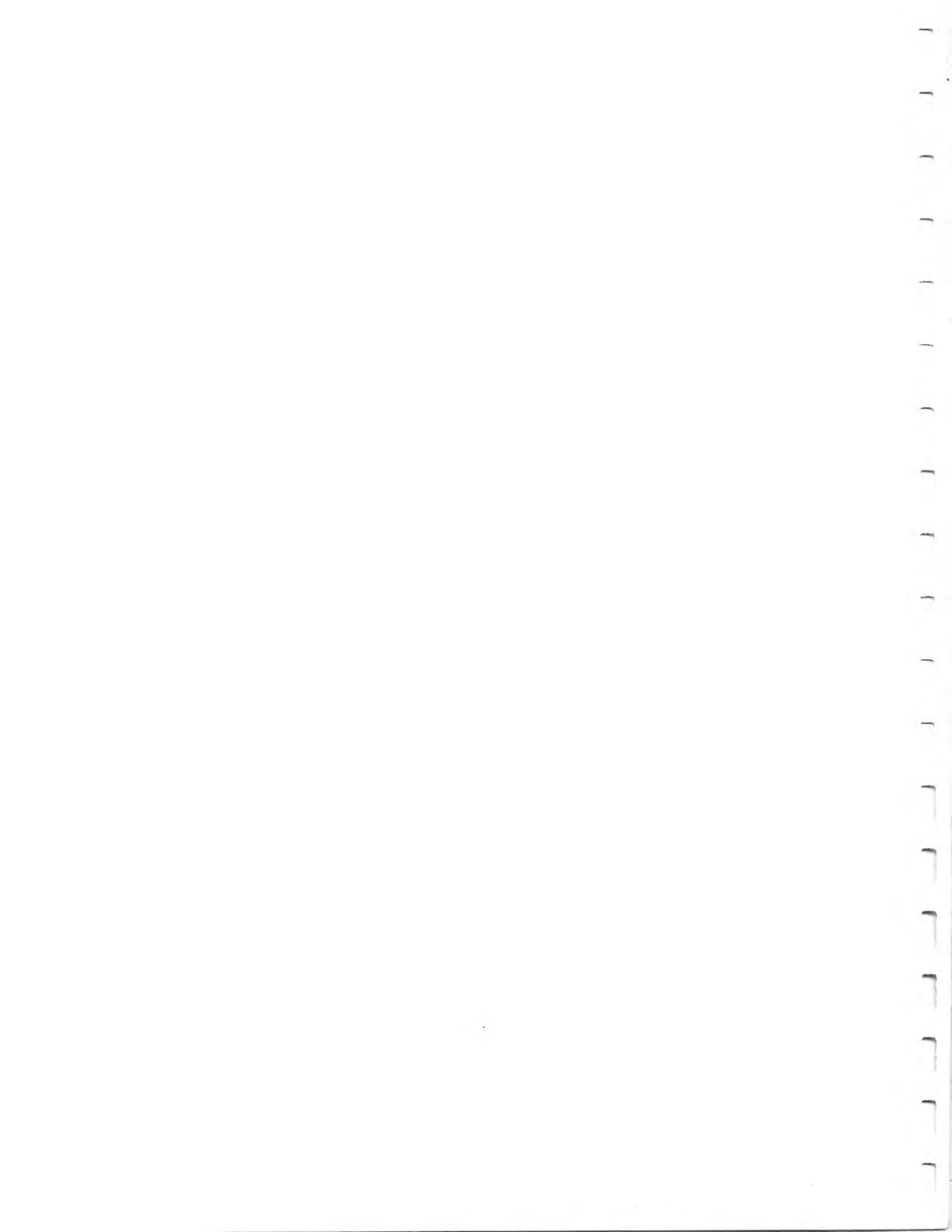
SINGLE ARTS AGENCY WORKING GROUP

FINAL REPORT

**Submitted to the Honourable Carol Teichrob, Minister, Saskatchewan Municipal
Government, August 6, 1996**

SINGLE ARTS AGENCY WORKING GROUP

Valerie Creighton, Saskatchewan Arts Board
Mary Mahon Jones, Saskatchewan Council of Cultural Organizations
J. Burton SmokeyDay, Federation of Saskatchewan Indian Nations
Maria Campbell, Metis Nation of Saskatchewan
Paul Rezanoff, Arts Transition Team
Andras Tahn (Chair), Saskatchewan Municipal Government



August 6, 1996

Honourable Carol Teichrob
Minister of Municipal Government
Room 307
Legislative Building
Regina, Saskatchewan
S4S 0B3

Dear Mrs. Teichrob:

I am pleased to present the final report of the Single Arts Agency Working Group for government consideration.

The Single Arts Agency Working Group began its work on April 5, 1996 with a commitment to produce either new legislation or amendments to the Saskatchewan Arts Board Act which would create a new and revitalized arts agency. This agency would benefit the arts and the people of Saskatchewan.

Throughout the past sixteen months, the pressure on the Working Group has been intense and the workload immense but highly rewarding. The working Group is grateful to government for the opportunity to serve the arts and the province.

Your commitment to complete the process commenced by the ministerially appointed Saskatchewan Arts Strategy Task Force in 1989, and affirmed in the cultural discussion paper, to establish a single arts agency to unite the arts encourages the artists and arts sector of this province.

The Working Group, as a consequence of your public support for this process, requested that I formally ask you to encourage the government to proceed with amendments to the Saskatchewan Arts Board act at the earliest possible opportunity. The completion of the restructuring would allow the arts community to refocus all their creative energies on what they do best: create art.

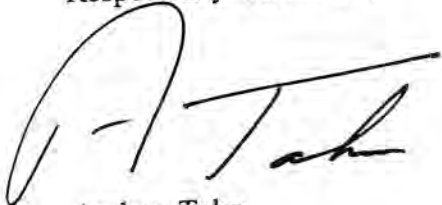
... 2

Honourable Carol Teichrob
Page 2
August 6, 1996

As so many have stated so often, the time for talk and consultations is passed. This is, in your Working Group's opinion, an opportunity to transform the reform process into an empowering reality.

We trust in your leadership for the best possible course of action.

Respectfully submitted,



Andras Tahn,
Chair
Single Arts Agency Working Group

on behalf of:

Valerie Creighton, Saskatchewan Arts Board
Mary Mahon Jones, Saskatchewan Council of Cultural
Organizations
Maria Campbell, Metis Nation of Saskatchewan
J. Burton SmokeyDay, Federation of Saskatchewan Indian
Nations
Paul Rezansoff, Arts Transition Team

Enclosed: Final Report, including The Proposed Amendments to the
Saskatchewan Arts Board Act

CONTENTS

LETTER OF TRANSMITTAL

INTRODUCTION:

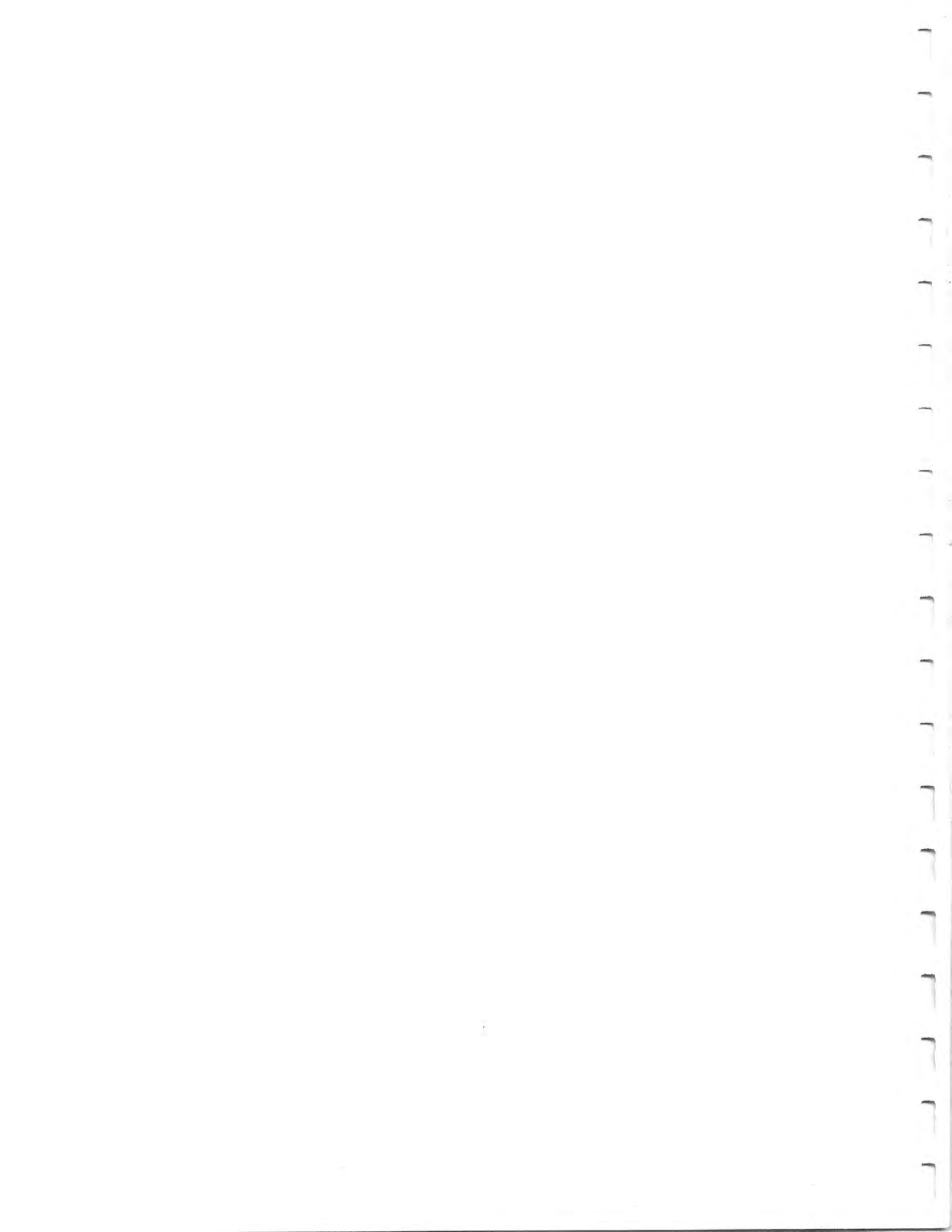
I.	FOREWORD	1
II.	WORKING GROUP MEMBERS	5
III.	HISTORY OF REFORM IN THE ARTS	6
IV.	CONTEXT AND EXPLANATION OF THE PROPOSED AMENDMENTS	10

PROPOSAL:

I.	PROPOSED AMENDMENTS TO THE SASKATCHEWAN ARTS BOARD ACT
----	--

APPENDICES:

I.	BACKGROUND: INDIAN TREATIES IN SASKATCHEWAN
II.	CONSULTATION PROCESS/RECOMMENDATIONS FROM ARTS AND CULTURAL COMMUNITY MEETINGS WITH THE SINGLE ARTS AGENCY WORKING GROUP
III.	LIST OF PARTICIPANTS
IV.	LIST OF SUBMISSIONS
V.	SASKATCHEWAN ARTS ALLIANCE CONSENSUS REPORT
VI.	CURRENT SASKATCHEWAN ARTS BOARD ACT
VII.	REFERENCES/BIBLIOGRAPHY



INTRODUCTION

I. FOREWORD

Although several efforts to revitalize and reorganize the arts support system were begun prior to 1989, the establishment of the Saskatchewan Arts Strategy Task Force initiated the process being concluded today. The Task Force's 1990 final report recommended, among other actions, the establishment of one agency for the arts.

In January 1995, the Honourable Carol Carson, Minister of Saskatchewan Municipal Government, released RESPONDING TO THE COMMUNITY: Proposals for Cultural Development which announced government's intention for the "rejuvenation and reform" of support to the four cultural sectors, arts, cultural industries, multiculturalism and heritage through seven major strategies. The first of these seven initiatives confirmed the Arts Strategy Task Force's recommendation to establish a new all-inclusive arts agency.

To reform and rejuvenate the arts and provide advice to government on the proposed arts agency, the Associate Deputy Minister, Mr. Ken Alecxe suggested the establishment of a community directed Single Arts Agency Working Group.

Representatives from the Saskatchewan Arts Board, the Saskatchewan Council of Cultural Organizations, the Arts Transition Team, the Federation of Saskatchewan Indian Nations, and the Metis Nation of Saskatchewan, chaired by Saskatchewan Municipal Government, were delegated with the responsibility of developing the arts initiative.

The mandate of the Working Group was to develop a legislative framework for government consideration in order to: *establish a single arts agency mandated to serve the professional and volunteer/amateur arts communities, and to increase public access to the arts throughout Saskatchewan, through either amendments to the Arts Board Act or new legislation. Such revisions or legislation would clearly set out the mandate of the new agency, its governing principles and structures, and its accountability to the people of Saskatchewan.*

Six Shared Values

The government's proposals for change were based upon six shared values: culture's contribution to Saskatchewan society; Saskatchewan's diversity; empowered communities; enhanced quality of life; excellence and professionalism as vital to Saskatchewan's cultural presence in the world; and the benefits of volunteerism.

The Working Group Process

The Single Arts Agency Working Group met on over a dozen occasions, from April 5, 1995 to April 23, 1996 and finally on July 23 and 24, 1996 to examine how best to serve the people of Saskatchewan and the arts community through a single provincial delivery structure for the arts.

The group completed an analysis of the legislation and policies of other Canadian provinces, and relevant international legislation from the United States, the United Kingdom, Australia, New Zealand and Hong Kong. Of particular relevance was Bill 36, *An Act to Establish the Nova Scotia Arts Council (1995)* and *The Arts Council of New Zealand Toi Aotearoa Act (1994)*.

The group also considered the recommendations of the Arts Strategy Task Force Implementation Management Committee and a series of consensus points developed by the arts community in November 1994. The group also met with a number of committees and individuals with expertise in areas relevant to the work.

The group examined the *Arts Board Act* to determine its ability to assimilate proposed amendments.

An initial draft legislation amendments framework was provided to the five organizations represented on the working group, for their response. The document was also discussed with officials in the department.

The draft legislation amendments framework was distributed to stakeholders in the arts and other cultural communities for review and comment.

The Working Group was impressed by the level of commitment of the arts sector in attending, at what may be considered to be the worst time in the year possible, the meetings set for late June and early July, in order to respond to the proposed amendments. The encouragement and expression of support for the attached proposed amendments is noteworthy. In particular, the attendance and support of such Saskatchewan arts pioneers as Dr. William Riddell (who was appointed as Chair of the Saskatchewan Arts Board in 1950), Ms. Lorna Whelan, Mr. Joe Fafard and Ms. Dorothea Fisher provided a positive link to the cultural traditions of this provinces as well as affirming spirit to the deliberations underway.

At the Regina meeting, Dr. Riddell affirmed the need to reevaluate and complete the restructuring process quickly and cautioned the Working Group not to create an agency which is so bureaucratically organized as to end up dictating to the arts community which it is there to serve.

In particular, the Working Group noted the collegial spirit and the meaningful submissions provided by the arts community to the Working Group proposals in the stakeholder meetings. It is clear to this Working Group that the artists and the arts sector are committed to creating, with government, a more effective and more efficient system for investment in the arts. These artists and creators are equally committed to contribute to the artistic eloquence of this prairie community.

The report of the Working Group is an expression of the respect for the work of previous secretariats, committees and legislators dating as far back as 1975 and perhaps as far back as 1948 when the original Saskatchewan Arts Board Act was drafted. This report is also a further commitment of the arts community, in all its diversity and disciplines, to continue to work together for the future of Saskatchewan.

The Working Group noted the many years of dedication by many volunteers and professionals, administrators and bureaucrats, who worked to find solutions to often complex issues involved in restructuring of the arts sector. The Working Group's mandate was smaller and easier by comparison because this work involved synthesizing the work of the past in order to complete the intent of other legislators and policy makers.

The Working Group wishes to express its collective gratitude to Research Officer Christine Dodd (Arts, Cultural Industries and Multiculturalism Branch) who gave tirelessly of herself to the volumes of research required and happily fulfilled the instructions of the Working Group to "make it so" in the minutes of the Group's meetings and in countless revisions to the text of the proposed amendments.

Appreciation for advice and review comments are also extended to government's Ray Petrich (Department of Justice), Jan Whitridge (Arts, Cultural Industries and Multiculturalism Branch) for recording the meetings, Rod Tyler (Tyler & Company, investments and planned giving), Wes Fineday (repatriation) and many others, both in and out of government, who have provided freely of their time and advice.

The Vision of the Working Group

The Working Group envisions a new and revitalized Arts Board equipped with state of the art legislative faculties necessary to run a first-rate operation to serve the arts community for the benefit of all the citizens of the province.

To make the agency as efficient and as effective as possible in its organization, policy development and administration, the Working Group enabled the proposed agency through the best legislative attributes it could develop.

The Working Group's vision includes an arts community united by principles of excellence and innovation in the arts, excellence both of the work of art and the activity (whether developmental, educational or outreach) and by the desire to include all Saskatchewan

people through participation in and access to the arts.

The Working Group views the transition period to the new Saskatchewan Arts Board as a time of unification and strengthening of the arts community. The mandate given to the agency with the governance role of the Board embedded in these amendments will have to be interpreted and developed by the new Board of Directors. A great responsibility rests on the first Board of Directors of the agency to realize the intent of the legislation.

In order to provide for the free development of the agency, the Working Group recommends that in the first one or two years of transition all organizations in the Arts Board and lotteries communities continue as before. The Working Group recommends that 1996 funding figures be benchmarked for up to two years from the proclamation of the amendments to the Act to provide a relatively stable environment in which to develop the policies, organizational, administrative and advisory structures and processes necessary for the successful fulfilment of the legislative mandate given to the new agency.

This stable environment would also allow for provincial cultural organizations, the clients of the Arts Board and artists to achieve full involvement in the new process to ensure that their legitimate interests are met.

It is understood throughout these amendments, that inherent in the legislation proposed is government's direct responsibility and commitment to the funding of the agency. This financial responsibility is exercised by government through the general revenue fund and sourced from wherever government feels appropriate. Although there are varying views on the funding of the agency by government through the tax-based general revenue fund, these proposed amendments suggest that the social contract should be fulfilled directly between government and the agency.

The view that the agency's appropriations should come from the general revenue fund as determined directly by government has also been expressed by the arts community and also communicated to government through various reports including the Saskatchewan Arts Strategy Task Force and the subsequent Arts Strategy Task Force Implementation Management Committee.

Fiscal forecasts notwithstanding, the Single Arts Agency Working Group is confident that the creative and pioneering energies of Saskatchewan people and the arts and cultural community will work together to proclaim these amendments for the future wellbeing of every citizen of Saskatchewan.

II. SINGLE ARTS AGENCY WORKING GROUP (SAAWG) MEMBERS

The Working Group representing their respective organizations and communities:

- Maria Campbell
Author and Playwright
Metis Nation of Saskatchewan

- Valerie Creighton
Executive Director
Saskatchewan Arts Board

- Mary Mahon Jones
General Manager
Saskatchewan Council of Cultural Organization

- Paul Rezansoff
Educator
Arts Transition Team

- J. Burton SmokeyDay
Film-maker
Federation of Saskatchewan Indian Nations

- Andras Tahn (Chair)
Senior Arts Policy Consultant
Saskatchewan Municipal Government

- Christine Dodd (Staff to the Committee)
Arts Research Officer
Saskatchewan Municipal Government

III. HISTORY OF REFORM IN THE ARTS

This report was developed at the height of the Centennial Olympic Games held in Atlanta, Georgia. Canadians excelled as never before at these games and it is only fitting that we acknowledge this environment as we prepare to present this report to government.

The original olympic games in Greece, saw marathon runners carrying lighted torches as they ran. The contestant who arrived first at the finish line after completing the gruelling test of human endurance won the right to wear the coveted wreath. But the wreath went not to the runner who arrived first but to the runner who arrived first with the torch still burning.

Arguably, Saskatchewan's future depends to some extent not on the goods and services we produce but on the civilization we nourish through our literature, music and paintings.

Saskatchewan author Ven Begamudre said it best when he stated that "a country that doesn't exist in the imagination of its people won't exist long on a map". What is true of countries is equally true of provinces. Saskatchewan culture finds expression not only through the daily activities of its citizens but through the most skilled expression of its artists; the painters, writers, performers, composers, sculptors, storytellers, filmmakers, publishers and craftpersons.

Both the need for indigenous art on the emerging information highway and the federal government's recent announcement that culture will form the third pillar in Canada's foreign policy lends further credence to the need to strengthen the arts in Saskatchewan and further credence to the need to get on with this restructuring. The Report of the Special Joint Committee of the Senate and the House of Commons Reviewing Canadian Foreign Policy, 1994, stated that "the projection of Canadian culture and learning abroad should be regarded as a fundamental dimension of Canadian foreign policy. The reason why we believe the Government of Canada should include arts and culture as a key element in its foreign policy, is because we are convinced that, by doing this, it will act in the best interests of Canada. That way, not only would it have a policy that would encourage peaceful coexistence between the people of various countries and a better understanding of different cultures but it would also contribute to the development and stabilization of a very dynamic sector which is recognized as such at the international level".

The opportunity to complete the process of arts restructuring begun over fifteen years ago now presents itself to the government.

In particular, since 1989 the cultural community and the Government of Saskatchewan have collaborated on a series of nine studies and two task forces which collectively represent an investment of almost \$1 million.

A brief chronology of events may suffice to illustrate the length and breadth of arts events, and the studies, consultations and government strategies which have prepared the ground for the work of the Single Arts Agency Working Group:

- 1949 the *Saskatchewan Arts Board Act* was proclaimed establishing North America's first arms-length funding agency for the arts.
- 1972, the Department of Culture and Youth Act is passed and the Department of Culture and Youth is formed. The Minister of Culture and Youth is given responsibility for the Saskatchewan Arts Board.
- 1974 the lottery system comes into being with funding to Sport, Recreation and Culture through Sask Trust made up of three components: the Sport Advisory Committee, the Cultural Advisory Committee and the Recreation Advisory Committee. CAC is responsible for distributing lottery dollars designated for arts and cultural activity .
- On April 10, 1975 the Minister of Culture and Youth announced SaskARTchewan, a conference for the arts community. The conference mandate was to assess the arts and make recommendations for the future of the arts.
- 1979, the government established the Cultural Policy Secretariat, chaired by Dr. Gordon Vichert, to study cultural activity in the province and to make recommendations for government action.
- Officially incorporated in 1980, the Saskatchewan Council of Cultural Organizations was formed by provincial cultural organizations as an umbrella to assist its members in their endeavours to develop and promote the cultural life of Saskatchewan. Cultural Advisory Committee members, formerly reporting directly to the Trust, are currently elected through a process facilitated by the Saskatchewan Council of Cultural Organizations and are accountable directly to the SCCO members.
- 1980, the Vichert Report is released.
- 1981 the government initiates The Culture Talks to elicit public reaction to the Vichert Report. 11 Saskatchewan centres were visited and 285 briefs were presented and over 1,200 people attended to offer comments.
- On March 27, 1982, the Minister of Culture and Youth announced the government's intention to develop a comprehensive cultural policy.
- Early in 1983, the government's cultural policy received Cabinet approval.
- In 1985 minor revisions to the government's cultural policy were developed.
- In 1989, the Department of Parks, Recreation and Culture began the development of specific strategies in the arts. A steering committee representing the department, the Saskatchewan Arts Board, the Saskatchewan Council of Cultural Organizations and the Saskatchewan Arts Alliance was formed with a goal to establishing a strategy for the future of the arts. The main recommendations of the steering committee was for the establishment of an independent task force.
- The Saskatchewan Arts Strategy Task Force was set into motion by the government in November 3, 1989.
- 175 people throughout Saskatchewan attended the discipline specific meetings; thirteen public hearings were held throughout Saskatchewan generating 220 briefs.

- December 1990, the Saskatchewan Arts Strategy's final report Focus on the Future, was submitted for government consideration.
- A key recommendation of the task force was the uniting of the arts into one single arts agency.
- Early in 1991, responsibility for funding the legislated bodies and contracted services for all cultural activity including the arts was transferred from the provincial government to Saskatchewan Lotteries Trust.
- In June 1991, the Arts Strategy Task Force Implementation Management Committee was established with a mandate to outline implementations strategies for the recommendations contained in the final report of the Arts Strategy Task Force. Membership on the ASTFIMC included the department, Saskatchewan Arts Board, Saskatchewan Council of Cultural Organizations and the Saskatchewan Arts Alliance.
- October 1992, by a resolution of SCCO, the Ad Hoc Cultural Restructuring Committee was formed represented by three members from each of the three sectors of arts, multiculturalism and heritage and a Chair and Vice-Chair to be chosen by SCCO. The mandate of the Ad Hoc Committee was to develop a proposal for a final structure for funding and administration in the cultural community.
- The Ad Hoc Committee's final report October 1993 called for sectoral autonomy and self determination in the arts, heritage and multicultural communities. The three sectors would establish policy regarding sectoral activity, manage that activity, fund sectoral activity and speak on behalf of that sector. Each sector would establish its own criteria for membership and funding, and each would determine its own internal structure.
- As a result of the Ad Hoc Committee's final report, sectoral transition teams were formed. Mr. Paul Rezansoff was elected as the Chair of the Arts Transition Team.
- In January 1993, the Arts Strategy Task Force Implementation Management Committee, in its final report to government, affirmed, among other things, the need to establish as quickly as possible a unity in the arts through a new legislated single arts agency at arms-length from government.
- In January 1995, Saskatchewan Municipal Government released Responding to the Community: Proposals for Cultural Development and with it launched the Single Arts Agency Working Group mandated to provide advice to government on bringing into being the long-awaited single arts agency.
- April 5, 1996 the Single Arts Agency Working Group met for the first time and began to examine arts legislation and policy from various countries and provinces.
- July 1996, the Single Arts Agency Working Group completed its arts and cultural community consultations and received general support for its proposed amendments to the Saskatchewan Arts Board Act.

- August 1996, in fulfilment of its government mandate and consistent with previous task forces and "reform" committees in the arts including the Saskatchewan Arts Strategy Task Force, the Arts Strategy Implementation Management Committee, the Ad Hoc Cultural Restructuring Committee and RESPONDING TO THE COMMUNITY: Proposals for Cultural Development, the Single Arts Agency Working Group submits its final report to the Honourable Carol Teichrob, Minister, Saskatchewan Municipal Government for government consideration and implementation.

IV. CONTEXT AND EXPLANATION OF THE PROPOSED AMENDMENTS

This contextual explanation is intended as a guide to accompany the Legislation Framework For Amendments submitted to the Honourable Carol Teichrob, Minister, Saskatchewan Municipal Government, for government consideration by the Single Arts Agency Working Group.

SECTION 1: PROPOSED PURPOSE

The framework sets out the mandate, objects, governing principles and structures upon which the agency will operate and the accountability mechanisms to the people of Saskatchewan.

The legislation amendments framework is a framework, in plain language, upon which the legal drafting of legislation can be written. The purpose of the framework is to provide proposals for the content for legislation, not the legislation itself. Legislation drafting would be undertaken by the Department of Justice in consultation with Saskatchewan Municipal Government based upon Cabinet approval of proposed amendments.

The framework does not prescribe the program and operational policies of the agency, but would enable the agency to set these once it is established.

The legislation amendments framework was revised following stakeholder meetings and input, and is presented to the Minister for consideration. It is anticipated that government will seek public opinion before pursuing any changes to the legislation.

Amendments vs New Legislation

The Working Group recommends amendments to the *Arts Board Act* as opposed to developing new legislation. The Working Group considered the philosophy of its proposed recommendations as compared to the philosophy under which the 1948 legislation established the Saskatchewan Arts Board and came to the conclusion that the philosophy of that innovative act has not changed. While the structures for delivery of arts programs have changed during the intervening years, the Saskatchewan Arts Board fostered the development and establishment of many provincial cultural organizations through program and project support including the Saskatchewan Writers Guild, the Organization of Saskatchewan Arts Councils, the Saskatchewan Craft Council, the Saskatchewan Drama Association, and the Saskatchewan Choral Federation; organizations which now deliver arts programs and services through the lottery system.

The group concluded that the 1948 legislation required renewal and update but, overall, was viable legislation. Renewal of language, and technical and legal changes were necessary in order to recognize the current and future Saskatchewan and world environment in many areas, but the spirit or motivating principle for establishing the legislation remains as intact and vital as ever.

The proposed amendments contained in this report will enable the revitalization and updating of a valued agency. The new community empowered nominating procedures will see the development of a new Board of Directors, empowered by the community and chosen according to expertise. This Board will have to develop programs, operational and funding policies and criteria, advisory processes, collaborative initiatives etcetera to fulfil the intent of these legislation amendments. The new Board of Directors may graft to the Arts Board tree the best shoots and boughs found anywhere or they may develop completely new branches but what is absolutely clear to the Working Group is that Saskatchewan will witness the development of an entirely new arts energy comprised of the totality of the arts.

The almost 50 year history of the 1948 legislation was deemed, by the Working Group, to be of significant historical, political and social benefit to the Saskatchewan public, artists and arts organizations and hence to the proposed new single arts agency. The legislation, pioneered by Saskatchewan and used as a model by other provinces and countries, was determined to be valuable for retention and to be of particular advantage for securing financial donations from the private sector, establishing a provincial endowment for the arts and utilizing the recent designation as a Category A Public Authority for the purposes of donations of art to the Federal Cultural Property Review Board. In short, much which has been gained through the 1948 legislation, including the confidence of patrons, donors and artists, may be put into jeopardy with the introduction of new legislation.

The Working Group, therefore, recommends that the agency continue to be called the Saskatchewan Arts Board. The Working Group is aware of the sensitivity in some sections of the community to this recommendation. The Working Group, after much deliberation and research, believes that the content of the proposed legislation framework is inclusive of the entire arts community and that the advantages to the community and the proposed single arts agency of the 1948 legislation history, domestically and internationally, will prove to outweigh the immediate concerns.

SECTION 2: PROPOSED INTERPRETATION

The Working Group recommends that, in the interests of fiscal responsibility and efficiency of operation, the maximum number on the Board of Directors be limited to 12 persons instead of the current maximum of 15. In the interest of broader representation and taking into consideration the size and diversity of the community, the Working Group also recommends that the minimum number be increased from 7 to 9.

As the role of the Board was envisaged as a governing board, the Working Group therefore recommends the establishment of advisory processes to ensure arts community involvement in program and operational policy development, cf. Section 5.

The assurance that the proposed agency would continue to operate in an arms-length relationship to government has been a common concern throughout the arts community. The arms-length principle revolves around the degree of separation of Art and State or the degree of separation and independence of the new agency from a line department of government. After reviewing discussions with the Department of Justice, it is the Working Group's view that little is to be gained by inserting the words "arms-length" into the legislation. No legal mind, the Working Group is informed, would know what "arms-length" meant if it appeared as a legislated description of an agency. Functionally, the degree of independence and separation from government is determined by Cabinet and the Minister responsible for the Agency.

There are various kinds and degrees of arms-length in a democracy. The penultimate form of arms-length, for example, is the judicial system. Government appoints, pays the salaries of, provides resources, facilities and staff for the judges who preside over our courts but after they are appointed judges enjoy complete autonomy from government or political control.

Less independent than the judge-jury system but at arms-length from government is the current Saskatchewan Arts Board. Government appoints the Board and Executive Director and provides the funding which the Board uses to invest in and support artists and the arts sector. While accountable to the Legislature through the Minister, the Board is left free to hire staff, appoint juries and advisory committees, and to make funding, operating and programming policy decisions.

Still less arms-length but independent of government is the Heritage Foundation which is staffed by government department officials but makes funding decisions independent of government.

The Working Group's view was that while the arms-length principle permeates the entire tradition of arts support and investment in Saskatchewan as well as the whole of these proposed legislation changes, it is particularly maintained and enhanced in the proposed amendments in the following clauses:

Section 2; Governance and Authority of the Agency: It is proposed that the amended arts agency is a "body corporate". The agency operates as a legal entity having a corporate life (mandate, objects, governance and authority) of its own.

Section 4; Proposed Objects: The new Board will have the responsibility to establish independent adjudication and assessment procedures.

Section 5; Proposed Collaborations: The new Saskatchewan Arts Board is provided with the authority to establish advisory processes and to undertake collaborations with government departments, agencies, groups, and organizations and further enabled in this section to develop operational and program policies.

Section 7; Board Appointment Procedure: A further degree of community empowerment and independence from government is maintained in the delegation of authority to the agency through the nominating procedures and appointments to fill vacancies on the Board of Directors.

Section 9; Proposed Executive Director and Staff: The responsibility for appointment of the Executive Director now falls into the mandate of the Board of Directors.

This arms-length corporate entity is established to advance and invest in the arts on behalf of the people of Saskatchewan. This is advantageous to government as well. Policy and procedure guide funding decisions protecting government from the necessity of having to make politically complicated funding decisions.

SECTION 3: PROPOSED MANDATE

The mandate statement is the reason why the agency exists and reflects the dual role of the agency to fund as well as to foster and develop all the arts for the benefit of the people of Saskatchewan. Statements are included in the mandate as universal principles for all arts activity.

SECTION 4: PROPOSED OBJECTS

The objects are specific ways in which the agency is directed to fulfil the mandate. One object allows for independent assessment processes such as peer juries, assessment panels and qualified independent assessors based on the criteria as indicated.

Another object enables the agency to act as an advocate on behalf of the arts, to educate and raise awareness and appreciation about the value of the arts, as indicated in the definition in the interpretation section. The specific advocacy role the agency would play in relation to other groups and organizations in the community will be determined in consultation with the community and subject to the policies of the agency as an Agent of the Crown.

SECTION 5: PROPOSED COLLABORATIONS

This section provides additional direction to the agency to undertake activity in specific areas that will assist the fulfilment of the mandate in addition to the objects. Many of these areas do not fall within the exclusive jurisdiction of the agency, but all have a significant impact on the arts. This section directs the agency to be pro-active in these activities and enables it through its own legislation to take an active role in these activities.

Areas of program and operational policy development pertaining to and/or impacting on the arts could include but are not limited to, for example, tourism, facilities, cultural industries and new technology.

Various points suggest the procedures by which the agency will establish advisory processes by discipline area (theatre, dance, music, visual art, etc.) or by function (arts education, artist run centres, arts service organizations etc.). These advisory processes and procedures will be determined by the program and operational policies of the agency. This recommendation is intended to ensure that the agency receives advice on program and operational policy and funding from the arts community. These collaborations and advisory processes will be critical to the success of the agency as the board of the agency is not intended to be representative of all aspects of the large and diverse arts community.

Repatriation of the art and artifacts of aboriginal people speaks to the issue of art objects which reside in other provinces or countries and to which aboriginal people and the people of Saskatchewan have a right and the agencies role and responsibility in assisting the aboriginal community in this pursuit.

The inclusion of the directive to follow traditional protocols as it pertains to aboriginal art is intended to respect historical and working relationships between aboriginal creators and their art.

Traditional aboriginal protocol means traditional names, stories, songs etc. which have traditional copyright laws that govern their use and how they are obtained within families, communities and tribal groups. According to traditional copyright procedures for example, permission for the use of aboriginal art must be granted by the family, tribe or community which owns the song, story, name or other work of art. The Working Group accepts that the federal statute on copyright prevails in all transactions suggested by this proposed legislation.

Another object provides for the recognition of the Treaty Nations boundaries. Treaty Nation boundaries include areas of Alberta, Manitoba, and the Territories. The sensitivity to Treaty Nations boundaries is not intended to compel or constrain treaty members to fit into treaty boundaries for the purposes of arts funding or arts jurisdiction. This object is intended to enable the agency to explore relationships and support of arts activity within the Treaty Nations with a view to joint partnerships and the possibility of leveraging additional resources from those other provincial jurisdictions that fall within the Treaty Boundaries. A map and history of the Treaty Boundaries is attached as Schedule 2.

SECTION 6: PROPOSED BOARD OF DIRECTORS

As indicated in Section 2, the board shall act as a governing board. The board's role is to set the vision and priorities for the agency to ensure the continuation of a healthy and vibrant arts community for the province. The board will set program and operational policy on behalf of arts activity according to the provisions of this act. The board will not be representative of a particular discipline or arts interest. It is therefore critical that the relationship of the advisory processes to the program and operational policy setting of the agency be integrated.

The function of the board is governance and program and operational policy setting. The function of the board is not intended to be operations or grants administration. Adjudication of funds is contemplated through enhanced impartial assessment procedures.

Accountability to the people of Saskatchewan is assured through:

- (a) tabling of the agencies annual report to the legislature
- (b) review by the Provincial Auditor
- (c) appointment of the Board of Directors by government
- (d) responsibilities of the agency to the Minister

SECTION 7: BOARD APPOINTMENT PROCEDURE

An elected board has been an issue for the community. The working group is of the view that the solution to an effective and productive board lies not in how it is put in place but by what criteria board members are chosen. Neither election or appointment of board members guarantees productivity, knowledge or efficiency.

The Canadian Comprehensive Auditing Foundation (CCAF) has set out principles and attributes of effective governing bodies and these have informed the development of the criteria presented in the amendments.

The Government of Saskatchewan has agreed to the recommendations of the Provincial Auditor regarding effective governance based upon, in part, the CCAF's six principles of effective governance. In the Auditor's 1995 Fall Report, the Government of Saskatchewan accepted the Auditor's opinion "that the Government must work hard to ensure that appropriate mechanisms exist in order to provide Boards of Directors with the requisite tools to effectively undertake their responsibilities. One particular aspect of this concerns the collective qualifications and expertise of individual Boards of Directors. The Government remains committed to ensuring that Boards of Directors have appropriate business and professional expertise and are reflective of the Saskatchewan populace, taking into account a number of factors including gender and geography."

To maintain full public accountability for the expenditure of public funds and the commitment of the legislature, government will retain the right and responsibility of appointing the members of public agencies, boards and commissions. Access to the proposed agency, its services and programs, is not intended to be restricted or constrained by any criteria or regulations by which individuals, groups or organizations may receive funding and support. The nature and merit of the work or program determines the applicants' ability to receive funds. The proposed new arts agency is owned by the people of Saskatchewan by virtue of the legislation and access to it must be open and available to all.

The combination of the nominating committee structure and the board appointment criteria will, taking into account both the Provincial auditor's and Government's comments on effective governance, ensure that individuals with the required knowledge and skill who represent the people of Saskatchewan will serve as members of the agency board. It is the view of the working group that the recommended process allows for a fair balance of community, agency and government input to provide for maximum benefits to the people of Saskatchewan.

It may be asserted that the proposed board appointments procedures may limit the Minister's discretionary ability to appoint whomever the Minister and the Crown desire. But as we all know, this unlimited discretion is loaded with pitfalls not the least of which is community backlash and criticism of government appointing government friends. The proposed board appointment process assures government of the appointment of the most highly qualified citizens to fulfil the governance mandate of a public agency. And because the community is involved in the process, government is also assured, as best as this can be assured, that government will be supported in its appointments by the community.

During the deliberations of the Working Group, the Province of Nova Scotia provided guidance by establishing a legal precedence for the proposed nominating process through the proclamation of the act to found the Arts Council of Nova Scotia.

In our own province, various Board appointment processes are used and most recently The Tourism Authority Act provides for appointments to the Authority and the Board of the Authority directly selected by designated organizations. This is not viewed as limiting the Minister's prerogative but is considered, instead, to be enhancing community involvement.

SECTION 12: PROPOSAL REGARDING FUNDS OF THE AGENCY AND FINANCIAL ADMINISTRATION

The Working Group has included its most practical and objective options of financing the agency. The proposed options would provide both government and the agency with the capability for long ranging planning and a multi-year investment strategy because clearly agreed-upon criteria are established.

More research is required to determine the precise implications of these options. The working group believes it is critical to tie the funding of the arts to an indicator that relates to the return the arts provide to the province. This return to the province is not merely an economic one but as Frank Proto, Wascana Energy's CEO recently suggested in a speech to the Saskatchewan Arts Forum, it's also a sociological and cultural one. Proto stated that the return in the "quality of life" the arts create is a valuable consideration not only for government but for business. Indicators to measure the sociological, aesthetic and cultural contribution of various institutions such as the CBC are already currently being developed and further research in this area is required in order to ensure that Saskatchewan remain highly innovative in its investment in the arts and the future of Saskatchewan.

The report of the Saskatchewan Information and Telecommunications Strategy Advisory Committee, while affirming the importance of the arts to the new technology future of Saskatchewan, stated in 1994 that the new "wealth is based on ideas, for we have entered an age of human capital where intellectual power is the prime asset not machinery". This statement underscores the need for stimulating the development of intellectual property in Saskatchewan.

The Working Group did not see financial appropriations to the new agency as merely a composite of the existing funding available to the arts generally through general revenues or lotteries. The expanded mandate and the additional responsibilities required of this agency necessarily require adequate resources.

What we may learn in the exploration of these options is just exactly what level of public resources are required to appropriately invest in the stimulation of the economy of ideas and images. Will Saskatchewan be relegated to be only a consumer of global or American arts and culture or will it become a producer of art and entertainment with its own face in the world chorus?

The Working Group was of the view that the time has come to recognize that artists and the arts are not beggars asking for handouts from the people of Saskatchewan but legitimate workers seeking a fair return for their skills, expertise, creativity and intellectual power which they contribute to Saskatchewan society.

Option one is based on both the social, cultural and economic impact of the arts to the province. Indicators would be developed in co-operation with the Department of Finance to determine what this impact would be.

Options two and three tie the appropriation to the revenue or expenditure of the province. While it is the case that these options may provide more resources to the arts than currently experienced within the two systems, the mandate and objects of the agency are significantly broader and more comprehensive than what is currently being undertaken by the existing system of funding through lotteries and general revenue.

The Endowment Fund is a separate fund which would allow for the receipt of funds from private donors and which would disburse assistance based upon income earned by investments from the endowment with the principle endowment staying intact in perpetuity. Such a fund is currently being established by the Saskatchewan Arts Board.



PROPOSED AMENDMENTS
TO THE SASKATCHEWAN ARTS BOARD ACT
TO ENABLE
A SINGLE ARTS AGENCY
RESPONSIBLE FOR THE ARTS
IN SASKATCHEWAN

SINGLE ARTS AGENCY WORKING GROUP

PROPOSAL

August 1996

AMENDMENTS
TO THE SASKATCHEWAN ARTS BOARD ACT

SECTION 1: PROPOSED PURPOSE

- To amend the Saskatchewan Arts Board Act in order to establish one provincial arts agency with a mandate to serve the Saskatchewan arts community, and to increase public access to the arts.

SECTION 2: PROPOSED INTERPRETATION

Definition of terms

- "agency" means the Saskatchewan arts agency, Saskatchewan Arts Board, single arts agency interchangeably throughout the proposed amendments.
- "mandate" means a judicial or legal command, a commission to act for another.
- "object" means the end to which effort is directed, that which one endeavours to attain, carry out.
- "fiscal year" means the period commencing on April 1 in one year and ending on March 31 in the next year;
- "fund" means the arts agency fund mentioned in Section 12;
- "minister" means the member of the Executive Council to whom the agency is responsible for the administration of this act.
- "aboriginal" means Indian, Inuit and Metis, as listed in Section 35(2) of the Constitution Act, 1982
- "art of people of Aboriginal ancestry" means art, artifacts and art forms of Indian, Inuit and Metis people
- "traditional Aboriginal protocol and copyright" means traditional names, stories, songs, etc which have traditional copyright laws that govern their use and how they are obtained within families, communities and tribal groups. According to traditional copyright procedures for example, permission for the use of aboriginal art must be granted by the family, tribe or community which owns the song, story, name, or other work of art.
- "artifact" means a product of art and workmanship.

**Single Arts Agency Working Group
Proposed Amendments
Page 2**

- "advocate" means one who speaks on behalf of another, to defend or recommend publicly.
- "governance" means the functions of supervision, management and stewardship of the agency through the development and monitoring of policy and planning.
- "for cause" means for reasons which law and public policy recognize as sufficient warrant for removal and such cause is "legal cause" and not merely a cause which the appointing power in the exercise of discretion may deem sufficient.
- "art" means that art exists when an individual or individuals, through the use of imagination, intellect and instinct, create an original work which contributes to our private and public deliberations on aesthetics and existence; such work invites serious critical response within the context of the history and the potential or the particular art form.
- "artist" is taken to mean any person who creates or gives creative expression to, or recreates works of art; who considers their artistic creation to be an essential part of their life; who contributes in this way to the development of art and culture; and who is or asks to be recognized as an artist, whether or not their is bound by any relations or employment or association. The word "artist" also signifies any person who devotes a qualitatively important part of their life to expressing and communicating an aesthetic vision of the world.
- "artistic community" is an all inclusive description designating individuals and groups involved in the arts: the professional, amateur and avocational; artists, arts educators, critics, journalists, the audience, administrators, volunteers, presenters, dealers, facility managers, artists' managers and agents, sponsors, producers, archivists, suppliers, patrons and others working in the arts industries.

Governance and Authority of the Agency

- The agency is an agent of Her Majesty in Right of Saskatchewan.
- There shall be an agency to be called the Saskatchewan Arts Board, a body corporate in the province of Saskatchewan, consisting of a minimum of nine (9) and maximum of twelve (12) persons who shall be appointed by the Lieutenant Governor in Council as members of the board of the agency.
- The board shall act as a governing board.
- The minister may refer to the agency for consideration any question relating to the carrying out of the purposes of this Act, and the agency shall consider such question and report therein to the minister.
- The agency may advise the minister on matters concerning this Act and on matters pertaining to the arts.
- This Act shall be administered by the board and in the performance of the duties and exercise of the powers imposed or conferred upon the board by or pursuant to this Act the board shall be responsible to the minister.
- The agency may enter into agreements with any board, council, foundation or other agency established for the purpose of carrying out objects similar to those of the agency.

SECTION 3: PROPOSED MANDATE

The agency will foster the creation, development and appreciation of the arts for the benefit of the people of Saskatchewan and will recognize and uphold the following principles:

- Access to the arts;
- Participation in the arts;
- Excellence in the arts;
- Innovation in the arts;

In accomplishing this mandate, the agency shall acknowledge the cultural diversity of the people of Saskatchewan.

SECTION 4: PROPOSED OBJECTS

The objects of the agency are to:

- support, encourage and provide resources for creation, presentation, appreciation, collection, preservation, repatriation, research, study, marketing, production, distribution, training, and education in the arts,
- support, encourage and provide resources for the art practice, art forms and art institutions of the Aboriginal peoples of Saskatchewan,
- make available to the people of Saskatchewan opportunities to access the arts in all regions of the province,
- make available to the people of Saskatchewan opportunities to engage in any art form,
- foster excellence in the arts,
- use independent adjudication procedures that ensure impartial assessment by qualified persons with relevant cultural and disciplinary backgrounds, based on the merit of activity and/or the quality of the work,
- recognize the many cultures of Saskatchewan and that for adjudication purposes, all arts activities no matter what their cultural origin, be evaluated on the basis of the mandate of this act (Section 3).
- act as an advocate for and promote the arts,
- work with other governments (aboriginal, municipal, provincial, federal and international) for the support of arts activity and all art forms,

SECTION 5: PROPOSED COLLABORATIONS

The agency shall:

- establish advisory processes to enable arts community involvement in program and operational policy development

The agency may:

- establish processes in consultation with governments, groups, organizations or individuals to research, examine, develop, implement and resource program and operational policy pertaining to and /or impacting on the arts.
- work with provincial educational systems to ensure:
 - that elementary, secondary and post secondary students have access and exposure to arts education in the Saskatchewan education system
 - that adequate teacher training in the arts be provided
 - the development, commissioning, and acquisition of Saskatchewan and Aboriginal based resources in the Saskatchewan educational system.
- encourage the establishment of financial incentives and programs for advancing the market capability of the arts including but not limited to: tax incentives, limited partnership risk capital fund, community venture capital funds, labour sponsored venture capital funds, capital cost allowance, and employment rebate programs.
- work with agencies, governments and groups in the development of policy relating to the arts and to promote the inclusion of Aboriginal representation on boards appointed, in particular, through municipal authority.
- work with agencies and other governments to support the collection, preservation, and repatriation of the art and artifacts of Aboriginal peoples.
- recognize the boundaries of treaty nations for the support of arts activity and all art forms.
- promote the inclusion of arts training in federal and provincial labour initiatives.

Single Arts Agency Working Group
Proposed Amendments
Page 6

- encourage the establishment of incentives in the construction of private and public facilities for the commission of Saskatchewan artwork, equal to 1% of the total capital construction costs. (Precedents: Sturdy Stone Centre, Innovation Place).
- follow traditional Aboriginal protocol including traditional copyright laws, as pertains to the creation, presentation, and preservation of art of Aboriginal peoples.
- develop and utilize a Code of Ethics and Conflict of Interest policy governing agency procedures.

SECTION 6: PROPOSED BOARD OF DIRECTORS

- Each member of the agency board will hold office for a term of two years or until a successor is appointed, but may be removed for cause by the Lieutenant Governor in Council.
- Any member of the agency board may be reappointed by the Lieutenant Governor in Council for a maximum of two additional two year terms.
- Notwithstanding Section 1 and Section 2, the Lieutenant Governor in Council shall appoint no more than one half of the board at any one time.
- Upon a vacancy occurring on the board the Lieutenant Governor in Council may appoint a person to fill the vacancy for the balance of the unexpired term.
- The board of the agency shall consist of no fewer than nine (9) persons, and not more than twelve (12) persons recommended by the nominating committee.
- The Lieutenant Governor in Council shall designate one of the members to be chair of the board and another to be vice-chair. Consideration will be given to an Aboriginal person.
- The vice-chair may exercise all the powers and shall perform, in the absence of the chair, all duties of the chair.
- The members of the board shall receive such remuneration for their services and allowances for travelling and other expenses as the Lieutenant Governor in Council may determine.
- The board shall meet at such times and places as the chair may appoint, but not less than twice in each year.
- Where a member fails to attend three consecutive regular meetings of the Council without an excuse acceptable to the board, that member's appointment shall be revoked by the board.

SECTION 7: BOARD APPOINTMENT PROCEDURE

- The agency will activate the board appointment procedure through the establishment of a nominating committee, as needed, which will consist of:
 - one member of the board of directors of the agency appointed by the agency.
 - one person who is not a member of the board of directors of the agency appointed by the minister and not an employee of the department responsible for culture
 - two persons from the arts community appointed by the arts community
- The minister may, at any time, request further lists of nominees from the nominating committee.
- The Lieutenant Governor in Council, on the recommendation of the minister, shall appoint from the list of nominees provided by the nominating committee.
- The board may, by a resolution passed by at least two thirds of its members, fill a vacancy on the board by appointing to the board one of the persons whose name is included in a list of persons nominated by the nominating committee for the unexpired period of the term of office of the person who ceased to be a member of the board.

SECTION 8: PROPOSED BOARD APPOINTMENT CRITERIA

- In considering appointments to the board of directors of the agency, the nominating committee, the current board of directors of the agency and the minister will utilize Board Appointments Criteria, Schedule I of this Act.

SECTION 9: PROPOSED EXECUTIVE DIRECTOR AND STAFF

- The board of the agency shall appoint a person, other than a person who is a member of the board, to be executive director of the agency.
- The executive director of the agency shall be accountable to the board of directors of the agency and shall:
 - implement the policies and plans of the board;
 - manage the operations of the agency;
 - manage the staff of the board, including their selection, hiring and dismissal;
 - ensure the Saskatchewan Government policies of employment equity are followed.
- The board will determine the salaries and other remuneration of the staff of the agency.

SECTION 10: PROPOSED SIGNING AUTHORITY

- All contracts, agreements, orders, rules and other documents shall be signed by the chairman or by the executive director.

SECTION 11: PROPOSAL REGARDING PROPERTY

- The agency may accept and receive gifts, devises and bequests for the purposes of the Act, and, subject to the terms of any trust imposed by the testator or donor thereof, may sell, lease, convey or otherwise dispose of and convert into money real and personal property given, devised or bequeathed for those purposes.
- The agency may acquire personal property necessary for its purposes and may sell or otherwise dispose of any personal property acquired by it.
- Subject to the approval of the Lieutenant Governor in Council, the agency may acquire real property necessary for its purposes and sell, lease or otherwise dispose of any real property acquired by it.

SECTION 12: PROPOSAL REGARDING FUNDS OF THE AGENCY AND FINANCIAL ADMINISTRATION

- The agency shall be provided with financial resources required to effectively and efficiently realize its mandate, conduct its operations and achieve its goals and objectives.

Annual appropriations to the agency will be determined by a rational formula based upon one of the following options:

Options:

- 1) The annual appropriation to the agency will be based upon the socio-economic and cultural impact of the arts as a factor of the gross domestic product of the Province of Saskatchewan.

OR

- 2) Annual appropriations to the agency shall be comprised of a determined percentage of the Gross Revenues of the Province of Saskatchewan.

OR

- 3) Annual appropriations to the agency shall be comprised of a determined percentage of the Gross Expenditures (excluding service of the provincial debt) of the Province of Saskatchewan.
- Financial resources shall be provided the agency annually through ongoing three year contractual agreements based upon multi-year planning projections provided by the agency.
 - The agency shall determine and present its budgetary requests to Treasury Board in partnership with the Minister.
 - The Saskatchewan Arts Board Fund:
 - There shall be a fund to be known as The Saskatchewan Arts Board Fund to which shall be credited all moneys appropriated by the Legislature for the purposes of this Act and all other moneys received by the agency by way of grant, bequest, donation, investment, or otherwise for the purposes of this Act.
 - All moneys in the fund shall be deposited in a chartered financial institution designated by the Treasury Board.
 - The agency may, subject to the provisions of this Act, make disbursements from the fund for:
 - equity investments, grants, loans to individuals, groups, organizations, for the purposes of the Act.
 - the payment of the salaries of all persons appointed by the agency pursuant to this Act;
 - the payment of all sums of money required by the agency for the carrying out of its duties and the exercise of its powers under this Act, including all expenses necessarily incurred in connection therewith; and
 - such other payments as may be authorized by this Act.

- The agency may accept such funding directly through the Government of Saskatchewan, or from Saskatchewan Lotteries Trust Fund for Sport, Culture and Recreation, or any board, council, foundation or other agency.
- The agency may establish a permanent endowment fund as a separate fund from the Saskatchewan Arts Board Fund.
- The agency may administer endowments on behalf of other individuals, groups or organizations.

SECTION 13: PROPOSAL REGARDING AUDITS AND REPORTING

- The records and accounts of the agency shall be subject to the audit of the Provincial Auditor.
- The agency shall, in each fiscal year, in accordance with *The Tabling of Documents Act*, submit to the Lieutenant Governor in Council;
 - a report of the agency on its activities for the immediately preceding fiscal year; and
 - a financial statement certified by the provincial auditor showing the business of the agency for the fiscal year mentioned in clause (a), in such form as may be required by Treasury Board
- The report and statement required by section 13 shall be laid before the Legislative Assembly in accordance with *The Tabling of Documents Act*.

SCHEDULE I

PROPOSED BOARD APPOINTMENT CRITERIA

Whereas, the agency is an agent of the Crown whose legislated mandate is for the benefit of the people of Saskatchewan;

Whereas, the governance role of the agency requires that expertise and knowledge of the arts be brought to bear on the decision-making process;

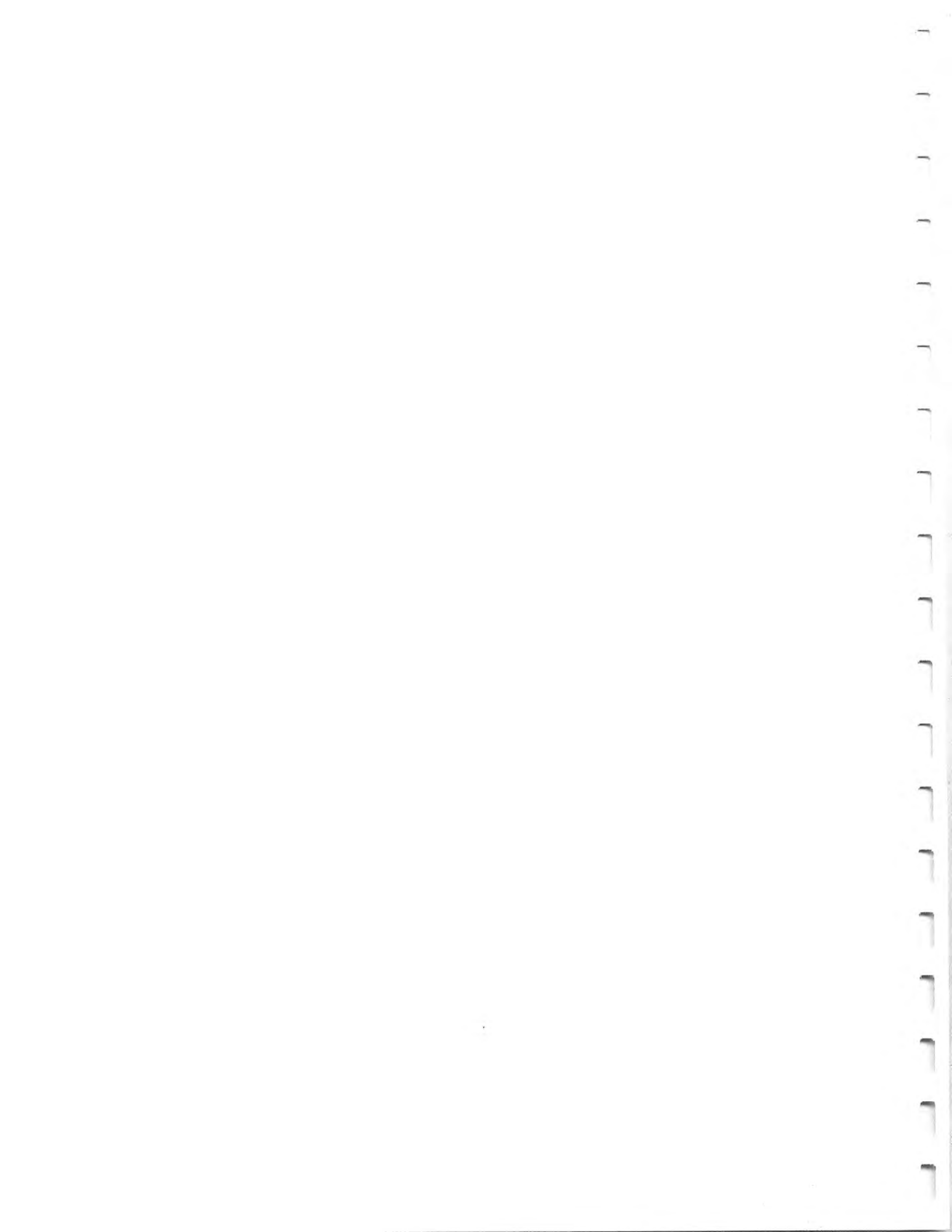
Whereas, the selection of a candidate including but not limited to the skill, knowledge and experience that individual, as a member of the board, would provide to the program and operational policy governance and financial role of the agency;

Consideration will be given to the level and quality of direct involvement in the arts, experience in arts and breadth of knowledge and expertise in arts and related fields;

Therefore, the nominating committee shall use the following criteria in nominating candidates for appointments to the board of directors of the agency:

- Candidates must be residents of Saskatchewan.
- Candidates must demonstrate that they value the arts, in particular the indigenous arts, and the contribution the arts make to the province of Saskatchewan.
- Candidates must demonstrate that they value the role of the artist and the contribution artists make to the province.
- Candidates must demonstrate that they value development and education in the arts.
- Candidates must be able to demonstrate previous commitment to the arts.
- Candidates must be willing to abide by the agency code of ethics and conflict of interest policies.
- Candidates must be willing to serve a minimum of two years.
- Practising artists representation will be assured.
- Aboriginal representation will be assured.
- A broad representation of knowledge, skills and practical experience will be sought in the composition of the board.
- The composition of the board will reflect the cultural diversity of the province, gender balance and geographic representation.

APPENDICES



APPENDIX I

BACKGROUND: INDIAN TREATIES IN SASKATCHEWAN

At Confederation, in 1867, 123 treaties and land surrenders already had been negotiated with the North American Indians. By the time of the James Bay Agreement in 1975, the number approached 500. When the Canadian government acquired Rupert's Land, in the Canadian North West, it promised to negotiate with the Indians for the extinguishment of their title and the setting aside of reserves for their exclusive use. These negotiations were carried out through numbered treaties beginning with Treaty One in 1871 and ending with Treaty Eleven in 1921, although adhesions continued to be signed until 1930. Within a space of 50 years more than half of Canada's Indians were covered by these treaties.

Portions of the province of Saskatchewan are included in six (6) of these numbered treaties. These are Treaty Two, Treaty Four, Treaty Five, Treaty Six, Treaty Eight and Treaty Ten.

Treaty Two, called the Manitoba Post Treaty, was signed on August 21, 1871, with the Saulteaux (Ojibwa), Cree and other Indians. It covers central Manitoba and extends into the southeast corner of Saskatchewan.

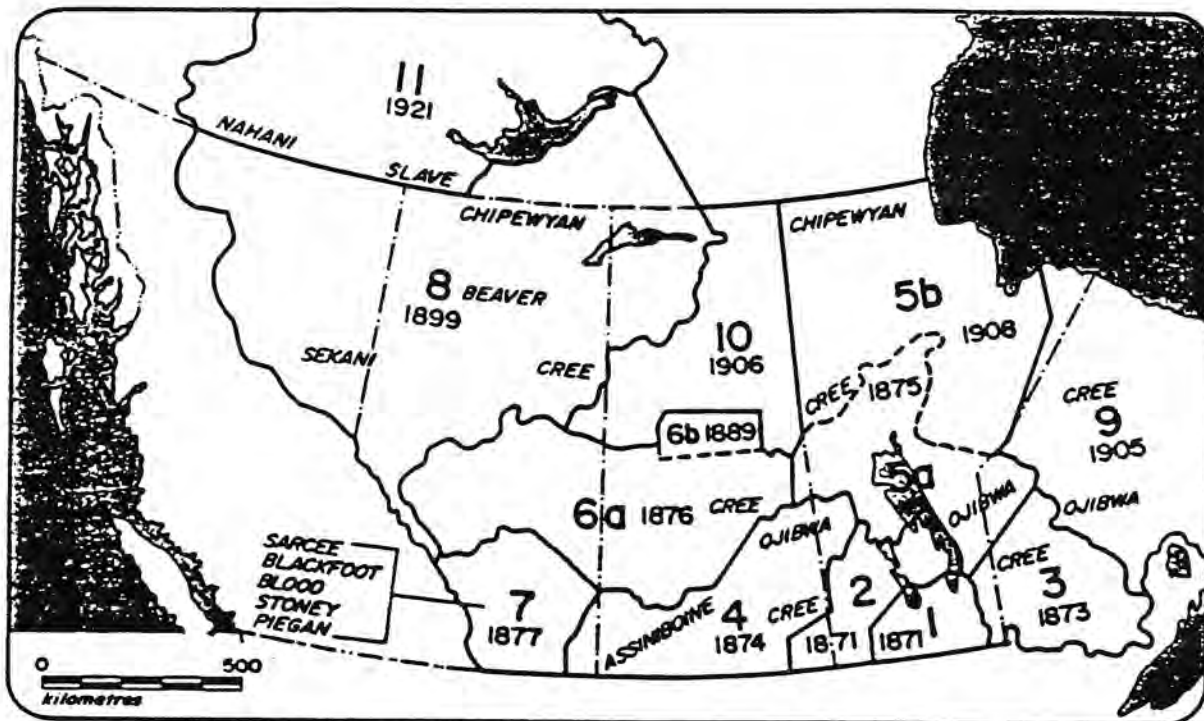
Treaty Four, the Qu'Appelle Treaty, was signed on September 15, 1874, with the Cree, Saulteaux (Ojibwa), Assiniboine and other Indians. It covers southern Saskatchewan and extends into the southeastern corner of Alberta and west central Manitoba.

Treaty Five, the Lake Winnipeg Treaty, was signed in September, 1875, with the Saulteaux (Ojibwa), Cree and other Indians. It covers central Manitoba, extends into west central Ontario and extends into a small portion of east central Saskatchewan.

Treaty Six, the Forts Carlton and Pitt Treaty, was signed in August and September, 1876, with the Cree and other Indians. It covers central Saskatchewan and Alberta.

Treaty Eight was signed in 1899, with the Cree, Beaver, Chipewyan and other Indians. It covers all of northern Alberta, north east British Columbia, a portion of the North West Territories, and north west Saskatchewan.

Treaty Ten was signed in 1906, with the Cree and Chipewyan Indians. It covers north central and north western Saskatchewan and extends into a small portion of east central Alberta.



Sources

- Brizinski, Peggy. 1989. Knots in a String: An Introduction to Native Studies in Canada. Saskatoon: University of Saskatchewan, The Division of Extension and Community Relations.
- Dickason, Olive Patricia. 1992. Canada's First Nations: A History of Founding Peoples from Earliest Times. Toronto: McClelland & Stewart Inc.
- Friesen, Gerald. 1987. The Canadian Prairies: A History. Toronto: University of Toronto Press.
- Miller, J.R. 1989. Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada. Toronto: University of Toronto Press.
- Morris, Alexander. 1991. The Treaties of Canada with the Indians of Manitoba and the North-West Territories Including the Negotiations on Which They Were Based. Saskatoon: Fifth House. Originally published: Toronto: Belford, Clarke & Co, 1880.

APPENDIX II

CONSULTATION PROCESS/RECOMMENDATIONS FROM ARTS AND CULTURAL COMMUNITY MEETINGS WITH THE SINGLE ARTS AGENCY WORKING GROUP

Distribution to the arts and cultural community:

The Single Arts Agency Working Group distributed the **Proposed Concepts for Legislation Amendments to The Saskatchewan Arts Board Act, Intended to Facilitate the Single Arts Agency (Proposed Concepts)**, in a draft prepared for meetings with the arts community and provincial cultural organizations by the Single Arts Agency Working Group.

This document was distributed in a comprehensive mailout to memberships of the Saskatchewan Arts Alliance (SAA), the Canadian Artists Representation/Le Front des Artistes Canadiens (CARFAC), (which numbered over 300 individuals), and the Saskatchewan Writer's Guild. As well the document was mailed to 32 provincial cultural organizations and members of the Saskatchewan Council of Cultural Organizations (SCCO), the SCCO Board of Directors, and Cultural Advisory Committee of Sask Trust, the 29 operational and major project clients of the Saskatchewan Arts Board and its Board of Directors, the First Nations and Metis communities, to band offices throughout the province, and approximately 400 individual artists, cultural workers and volunteers in the arts community. It is estimated that over 1,500 copies of the **Proposed Concepts** were distributed to the arts and cultural community.

Single Arts Agency Meetings with Arts and Cultural Community:

Prior to the Single Arts Agency meetings with the arts and cultural community, the Saskatchewan Arts Alliance initiated two meetings for the arts community to discuss the **Proposed Concepts** in Saskatoon on June 19, 1996 and in Regina, on June 20, 1996. Representatives of the Single Arts Agency Working Group were in attendance at these meetings to respond to questions from the community. The Single Arts Agency Working Group representatives also attended an evening meeting in Davidson on June 19, 1996 upon the invitation of the Ad Hoc Cultural Working Group to address concerns and issues regarding the document.

A series of consultations were held between the Single Arts Agency Working Group and arts and cultural community members in five communities (Prince Albert, La Ronge, Beauval, Regina, Saskatoon), throughout Saskatchewan from June 24, 1996 through July 4, 1996. At all meetings, the Single Arts Agency Working Group went through the **Proposed Concepts** document with the community, focusing on areas which were different from the current Saskatchewan Arts Board Act and dealing with specific questions and concerns regarding the document.

Discussion at these meetings involved debate and clarification on proposed changes in the legislation framework, as well as issues and concerns raised by meeting participants. Suggestions from the community for specific revisions to the document were noted and are included with the following comments, issues and recommendations from the participants:

Suggestions from the formal meetings:

Prince Albert - Little Gallery, June 24, 1996

- What is the definition for "arms-length" with respect to the relationship between government and the Board?
- Will there be more public consultations? How much longer will the process take?
- The proposed legislation framework is very legible; can its clarity be kept if it is to be enacted?
- Can the spirit of what is documented in the proposed legislation framework be retained in the Act? Concern that drafters will change the content without understanding what is important to the community.
- How will declining funding to the Arts Board be addressed because without sufficient monies the mandate cannot be implemented?
- The Aboriginal incentives are good, as are the collaborative initiatives however, excellence cannot be discounted. Arts provokes people to change and to look for new solutions. Often art is not popular. People must advocate a broader view of art; while it may not necessarily be "popular" it has value that must be acknowledged.

***Closing Remarks - Peggy Kerr (Prince Albert Council For The Arts),
Prince Albert***

I think this is such a clear draft. Anyone can understand it, even I can and if I can, anyone can. But, I am concerned that after all the years and work that you have put in and having consulted with so many people around the province that when it goes to legislation that they won't change it in such a way that its not in the least like this draft that you've put together. And that does concern me because so many things that go before the politicians, they don't understand it, they cut up things that they don't think important and many people have put many hours and many thoughts and travelled many miles to put this together. And I really hope that when it goes there that they will thoroughly read it and keep most of it, at least.

La Ronge - Kikanahk Friendship Centre, June 25, 1996

- There are many ways to define an artist; how is artist defined in the proposed legislation?
- Arts ought to be linked to the wellness theme; it has to do with creativity, spirituality and is a survival tool which makes us "human". It can also be argued that arts provides an alternative to persons who might otherwise be dealt with by the judicial system.
- There is a definite lack of facilities for people to do art; is this and the related issue of operating costs being addressed?

Closing Remarks - Dave Sealy (Wild Rice Writers Group), Air Ronge

I'd just like to commend you all once again for your commitment, positive attitude, friendliness, etc.. I was very impressed with how this forum was conducted; and I [will] be passing on what transpired and some possible courses of action to as many people here as possible. Keep up the good work.

Beauval, Amyot Inn, June 26, 1996

- Pleased about the inclusion of traditional copyright however, will it be enforced? Will the penalties deter violators?
- Concerning Proposed Objects: change the wording to strengthen the statement which reads "foster" excellence in the arts, perhaps "ensure" or a similar word.
- Although the draft document permits cooperation, specific referencing ought to be made to "cooperation" throughout the text.

Regina, Globe Theatre, July 3, 1996

- Dr. Riddell spoke to the need for amendments to the legislation enacted in 1948. He cautioned that a Single Arts Agency could be bureaucratized, which, in his view would be detrimental and must be avoided.
- Board members ought to be elected.

- "Who" is the stakeholder? In the past this was the arts community however the parameters have broadened to include the entire province. It could be clarified in the proposed framework legislation that the Board is also responsible to the arts community for whom it acts.
- What is arms-length? What is the relationship between the publicly funded agency and the clients?
- What would be the function of the Board with respect to development and encouragement of new and innovative ideas?
- Caution because adjudication costs money and financial resources have to be available for the purpose, on an ongoing basis.
- Pay close attention to wording because to withstand time. If this is a futuristic document there should not be reference to current things, events, structures, processes, such as departments for example, which are vulnerable to change.
- Section 4 - Proposed Objects: add in the words "as well" to the reference to Aboriginal peoples, should be: to support, encourage and provide resources to all Saskatchewan people, as well as Aboriginal people.
- Patrick Close, Executive Director of CARFAC wished it be noted that advocacy is a very significant thing to be included in the document. "I think the committee had to work hard at this, this is an extremely important thing to have in the document, and I welcome its inclusion."
- Concern that there is a segregation attitude in referencing the special needs of Aboriginal people. Ideally this referencing will soon be rendered unnecessary.
- Section 5 - Proposed Collaborations: the wording could be limiting; perhaps "...inclusion of Aboriginal representation on boards appointed in particular through municipal authority."
- Should the agency be required to "establish advisory processes....in program and operational policy development and delivery" be added?
- Section 5 - Proposed Collaborations: include the word arts; "seek arts community involvement"
- The document speaks to involvement and advice from the arts community but it must be meaningful involvement. There are assumptions made in the document with respect to accountability, equity and the advisory process but, the purposes aren't clear.

- Shouldn't it be stated in the document that the agency be accountable to professional and amateur arts bodies? How to ensure equitable accountability with the various disciplines, cultural communities etc.?
- Change wording in Section 5 - Proposed Collaborations: to "establish community directed advisory processes and structures"; this way the precise form of the process can change and be negotiated over time.
- Is there a provision in the proposed legislation that specifically enables inclusion or enhancement of other legislation or policy documents from FSIN or Metis Nation of Saskatchewan? Perhaps a separate point on p. 13?
- Art and artist are not defined however this is intentional, meant to be all-inclusive.
- It's fine to set out criteria but it's how the criteria is applied that matters for a good board. The integrity of the Board depends upon the quality of the nominating committee.
- Shouldn't the nominating committee be assured of Aboriginal representation? Or, include a statement in Section 7 - Proposed Nominating Committee: that in establishing the nominating committee consideration will be given to Aboriginal persons.
- Concern that valuing the arts or commitment to the arts may not be sufficient criteria for all Board members. Under criteria, "practical" experience should be required rather than simply experience. The nominating committee might be the appropriate place to ensure artists or art practitioners are represented.
- Concern that a Board is able to reappoint itself: Suggest 1 sitting member from the Board, 2 from the Minister, 2 from the arts community and 1 Aboriginal person compose the nominating committee.
- Other suggestions for nominating committee: 1 sitting board member, 1 person appointed by government, 2 artists with consideration given to Aboriginal persons; or 3 persons from the Arts community wherein at least 1 person is an artist and at least 1 person is Aboriginal, 1 sitting board member and 1 person appointed by government.
- Section 6 - Proposed Board of Directors: 4th point, change "may" fill a vacancy to "shall".

Closing Remarks - Dr. Riddell, Former Chair of Saskatchewan Arts Board, 1950

*I'm delighted that this operation is being considered. There's a little error in the order of chairmanship. I was the 2nd chair. I came on the board in 1950. Then I think they forgot about me for 14 years and I was there until 1964.
(laughter)*

What I would like to comment on at this stage, Mr. Chairman, during those 14 years, those were developmental years of the Arts Board, we had to reach out into the community and find out what was being sought for by the people in the community and we tried to meet that and I think with considerable success we did. By the middle of the 1960's changes were taking place in the province and I have a feeling that ever since that time, that at some stage, there should be a critical evaluation of what is needed in the arts field in this province to meet the needs that are there of: a) to find out what the needs are and to meet those needs.

We have a proposal before us now in that a single agency can handle all these deeds. I would suggest Mr. Chairman, that in establishing and developing an organization of this sort, they must keep in mind that they have to reach out into the community, to all of the other parts, organizations in the community, to find out what is needed, then attempt to meet those needs. There is a danger in setting up a single arts agency that it can be a bit of a bureaucratic organization which then dictates.

Chair thanked Dr Riddell.

Thank you. Nice for me to be involved.

- Has any effort been made to look at the impact of arts on people in Saskatchewan in economic or social terms? Are there stats which can be shown to Treasury Board? Nonetheless, any socio-impact studies would be an expenditure to a consulting firm rather than artists.
- Section 12 - Proposal Regarding Funds of the Agency and Financial Administration: funding to arts; 1% of provincial government expenditures exclusive of debt is a ratio that has already been endorsed by the Arts community.
- Option #1 shouldn't be pursued because socio-economic impact is not why arts are done. It would be problematic if Treasury controlled what the indicators are.

- Option #2 re: formula based on gross revenues of Saskatchewan, & Option #3 re: formula based on gross expenditures of the province, are unlikely because they speak to radical change.
- It is likely that option #4 - annual appropriations currently determined by government, will be found to be most acceptable.
- Establishment of an endowment fund is desired because it would be owned by the community and would permit some stability and longterm funding.
- If option #1 re: formula based on socio-economic impact of the arts in Saskatchewan is retained then add the word "cultural" to...based upon the socio-economic and cultural impact of the arts...

Concluding Remarks - Patrick Close, (Canadian Artists Representation/Le Front Des Artistes Canadiens), Regina

Our hope may lay in this one. We have a number of initiatives we can take, recommendation #100 in the task force report was that we have a comprehensive cultural policy. If we get the cultural policy in place we may get a ministry. All of these things build our profile. I understand what you're trying to do. It was a good attempt, I don't think that good will is there in the community. I think that there's too many things there that have come forward. I'm still personally wrestling with socio-economic impact and whether or not we can quantify that and how its going to work but, I think it's a good idea but am not sure it is appropriate in legislation. We may be able to guarantee that if we can get the endowment big enough because we own that money. The Agency will own that money and the people and the community will own the money and then they can set out stable long term funding, all that kind of stuff so, we may be looking in the wrong place sometimes or get distracted sometimes.

The endowment could be capitalized by anybody. Whoever wants to put money into it. The lottery, in Britain the SUNDAY TIMES of June the 9, 1996 had an article called "How the Arts Can Avoid Disaster" and it talked about taking the lottery funds which had been diverted into capital projects for the arts in Britain and taking them and establishing endowments to do this specific thing. The problem with the whole argument was that they wanted to get rid of the arts council eventually and they also wanted to, they seemed to have a view that they would never do anything new that there would only be these five or six organizations or agencies and nothing else new. There was no opportunity for growth in the model that was proposed in that article. But, the endowment may offer real hope for us and other structures.

Thank you, you did a good job on a very hard thing and I don't agree with everything and I'm sure that all of us don't agree with some aspects or at least one aspect here and there but, its been a very, very difficult and long process and I think you've been both responsible and responsive to us and I thank you that and for this paper and this opportunity and I hope I speak on behalf of the other people here and those who are not because we appreciate being able to make our opinions clearer. Thank you.

Saskatoon, Twenty-Fifth Street Theatre, July 4, 1996

- What is the rationale for the wording in the proposed purpose? Shouldn't the diversity within the arts community be acknowledged? Perhaps "acknowledged" isn't strong enough; could diversity on the Board be assured?
- If the principles set out in Section 3 - Proposed Mandate are not in any order of priority this ought to be stated.
- Should preservation be included as a major principle?
- Independent adjudication is a long term principle which might be better addressed within Section 3 - Proposed Mandate than in Section 4 - Proposed Objects. Independent adjudication is fundamental; it is the process or means by which all other actions are accomplished. For this reason a separate section is warranted.
- If the term "arms length" is used it ought to be defined however the objective can be achieved without phrasing it as such. Check federal legislation that deals with independent adjudication.
- Will there be an appeal process with respect to independent adjudication?
- Under Section 5 - Proposed Collaborations, why is only Sask Education addressed? Why is SaskCulture omitted? The wording should not preclude education systems that are outside the provincial education system. Greater commitment is needed and rather than stating that students have access to arts education it ought to be strengthened to state that students will be exposed to arts education.
- Under criterion candidates should not only have demonstrated a commitment to the arts but there should also be a requirement for representation from practising artists. As well there should be representation on the Board of an independent practitioner.
- The word "representation" is troublesome. Perhaps replacing it with "participation" would alleviate concerns.

- The criterion is too vague; rather than the generic approach leadership and quality should be emphasized within the requirements.
- Why has the lottery issue been avoided in the proposed funding section? Caution that arts is not played against lottery money recipients in other areas and the small pie is divided even further - all areas need increased funding.
- Shouldn't information be gathered as part of a statistical measurement of arts value, preferably in partnership with Finance which could be used to substantiate a funding proposal?
- A separate Board could be created for the endowment fund.

Closing Remarks:

Dorothea Fisher (Twenty-Fifth Street Theatre), Saskatoon

Section 12: A couple of points. The agency shall be provided with appropriate financial resources. What does appropriate mean? I would prefer to strike that word out.

*In my own words, I am expressing what I heard from Alexa McDonough, Leader of the national New Democratic Party at a North Battleford Constituency event, where she said, "a country that does not value its culture should not be in government." I was very impressed with her remarks. I'd like to apply that in the province as well and you know we're really going to have to push. And the only other thing that I would like to say is that, the NDP who is now in power has meetings in November where we set policies and there are very, very few artists that ever show up. If I don't get up and say something or Joanne Crawford last time got up and said something, there are no other artists. And I'm saying, where the hell are all the artists? Why aren't they there and represented and push for it? Because **that's** where policies change.*

But, what you can also do is make sure that in your constituency that you go and see somebody about it. But there is never anything from the artists and I'm saying everybody complains but why aren't they there to do something about it when the possibility is there to do it? So you know, we have to change the minds of the politicians. Get them away from, one time when I was on the Arts Board, for a mile and a half of highway we could have supported the province and all the artists in grand style. And I'm saying that's probably still true but, nobodies ever, you know how little we actually need or take but, we need to change the politician's minds.

Jeremy Morgan (Wanuskewin Heritage Park), Saskatoon

I think the point is, we need to find a way and I don't know if the Arts Board can do this or the Alliance can do this, to flag those stages and to let people know because sometimes Bills go in real fast and they go right through and you wake up and its all gone, right? I think we need a mechanism for encouraging or have yourself or Mr. Holgerson let us know.

Jennifer Van Meenen (Persephone Theatre) Saskatoon

I'd just like to recognize the tremendous amount of work that you've done here and its a thankless job, so, I'd like to thank you. Its a lot of thought and foresight so thank you.

APPENDIX III

LIST OF PARTICIPANTS

Prince Albert, June 24, 1996

Jan Cowie (Prince Albert Arts Board), Prince Albert
Stan Danbrook, Prince Albert
Lorri Dionne (City of Prince Albert), Prince Albert
George Glenn, Prince Albert
Olesia Kowalsky, Prince Albert
Peggy Kerr, Prince Albert
Myles J. MacDonald, Spruce Home
Lizabeth Oleksinski, Prince Albert
Della Pereverzoff, Prince Albert
Kim Tadei, Prince Albert
Grant Thurgood, Prince Albert
Ulrike Veith (Little Gallery Inc.), Prince Albert

La Ronge, June 25, 1996

Caron Giesbrecht, La Ronge
Hilary Johnstone, La Ronge
Keith Schafer (Bear Paw Arts), La Ronge
Dave Sealy (Wild Rice Writers Group), Air Ronge
Bernie Sehn (Roadside Gallery), La Ronge
Bonnie Hamilton Trottier, La Ronge

Beauval, June 26, 1996

Linda Campbell (Circle Vision Artists Corporation), Beauval
Dora Durocher, Beauval
Dorothy MacAuley (Sports, Recreation, and Lotteries), La Ronge

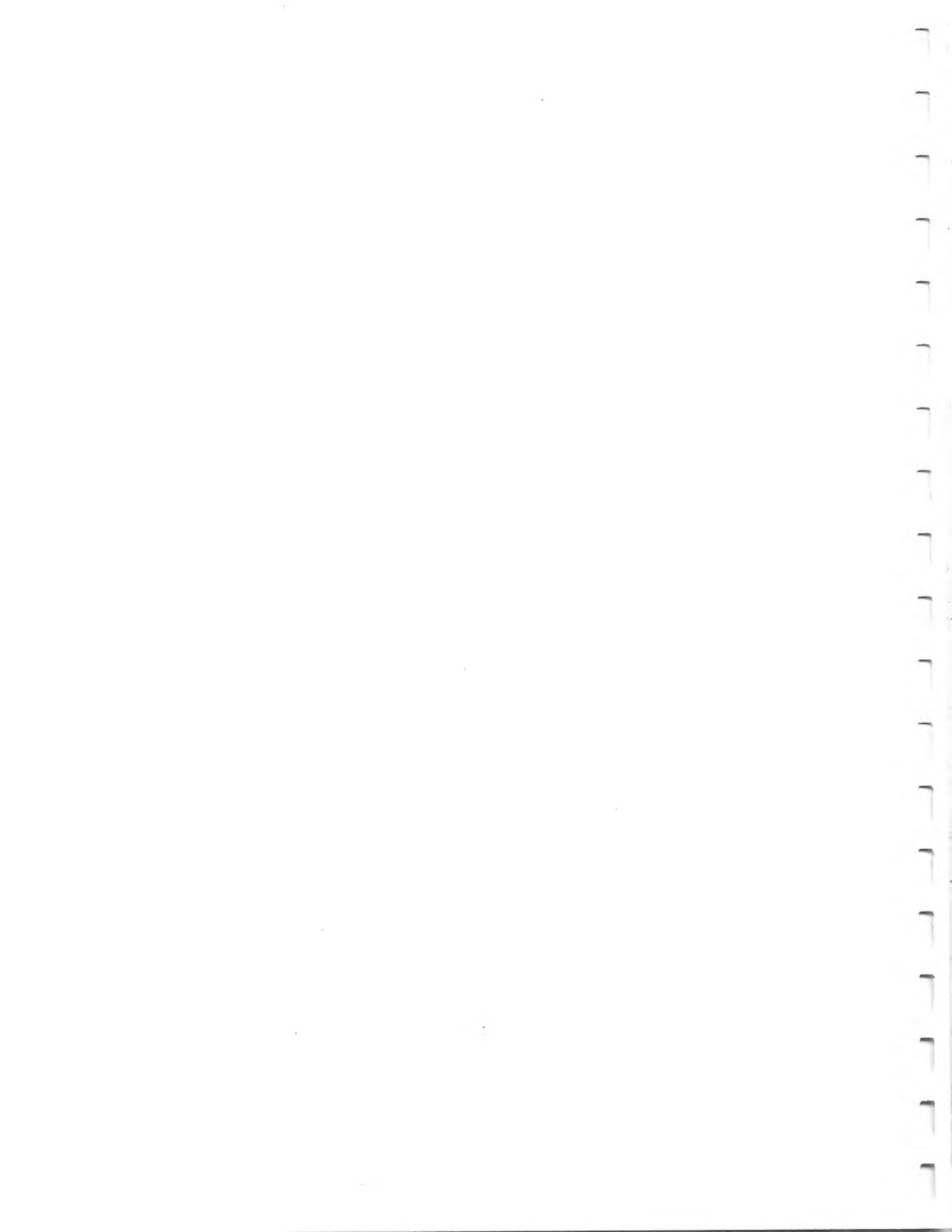
Regina, July 3, 1996

Finn Andersen (Saskatchewan History & Folklore Society), Regina
Kathy Butler, Regina
Barb Cameron (Regina Arts Commission, Dance Saskatchewan Inc.), Regina
Diana Chabros, Regina

Patrick Close (Canadian Artists Representation/Front des Artistes Canadiens), Regina
Lola Mae Crawley, Regina
Lisa Donahue (Saskatchewan Motion Picture Association), Regina
Joe Fafard, Pense and Regina, Saskatchewan
Margaret Felden (Regina Arts Commission)
Susan Ferley (Globe Theatre), Regina
Brian Gladwell (Saskatchewan Arts Alliance), Regina
Ron Goetz (Saskatchewan Motion Picture Association), Regina
Bob Guest (Regina Symphony Orchestra), Regina
Karen Haggman, Regina
Antoinette Herivel, Regina
Gayl Hipperson (Museums Association of Saskatchewan), Regina
Gary Hyland (Saskatchewan School of the Arts), Moose Jaw
Rupert James (Saskatchewan Arts Board), Regina
Ann Kipling Brown (University of Regina), Regina
Don List (Regina Arts Commission), Regina
Sherry Little (Saskatchewan Filmpool Co-operative), Regina
Tim Long (MacKenzie Art Gallery), Regina
Yars Lozowchuk (Saskatchewan Choral Federation), Regina
Colleen Mahoney (Saskatchewan Motion Picture Association), Regina
Dave Margoshes, (writer), Regina
A. Maskegan-Iskwew (Sakewewak First Nations Arts Collective), Regina
Carolyn McBean, Regina
Brenda Niskala (Saskatchewan Publishers Group), Regina
Anne Parker (Globe Theatre), Regina
Debra Piapot, Regina
Lara Quintin (Saskatchewan Filmpool Co-Operative), Regina
Wm. A. Riddell, Regina
Gary Robins (Regina Arts Commission), Regina
Tracy Pfiefer (Dance Saskatchewan Inc., independent artist), Regina
Curt Schroeder (Nature Saskatchewan), Regina
Ted Stewart (Saskatchewan Drama Association), Regina
Marge Thomas, Regina
Andrea Wagner (Provincial Library), Regina
Jack Walton (Saskatchewan Arts Alliance), Regina
Mel Weisbart (Regina Symphony Orchestra), Regina
Holly Wildeman (Saskatchewan Band Association Inc.), Regina

Saskatoon, July 4, 1996

David Atkins, Saskatoon
Brenda Baker (Saskatchewan Writers Guild), Saskatoon
Joan Borsa, Saskatoon
Cass Cozens (Northern Saskatchewan International Children's Festival Inc.), Saskatoon
Sally & Ian Cochrane, Saskatoon
Dennis Evans, Saskatoon
Tibor Feheregyhazi (Persephone Theatre), Saskatoon
Terry Fenton (Mendel Art Gallery), Saskatoon
Dorothea Fisher (Twenty-Fifth Street Theatre), Saskatoon
Joan Flood (Northern Saskatchewan International Children's Festival Inc.), Saskatoon
Margaret Fry (Saskatchewan Cultural Exchange Society, Common Weal Community Play Inc.), Regina
Monte Greenshields (The Photographers Gallery), Saskatoon
Regina Haensel, (City of Saskatoon, Leisure Services), Saskatoon
Helen Marzolf (Dunlop Art Gallery), Regina
Carmen Milenkovic, Saskatoon
Richard Moldenhauer, Saskatoon
Don Morgan, Saskatoon
Jeremy Morgan (Wanuskewin Heritage Park), Saskatoon
Ann Newdigate (University of Saskatchewan), Saskatoon
Mark Nicholson (Mark Nicholson & Associates), Saskatoon
Brenda Pelkey, Saskatoon
Karen Planden (25th Street Theatre), Saskatoon
Ian Preston, Saskatoon
Jill Reid (Dance Saskatchewan Inc.), Saskatoon
Jill Robinson (Grain Magazine), Saskatoon
Terry Schwalm (Saskatchewan Craft Council, Saskatchewan Arts Alliance), Saskatoon
Shirley Spidla (Video Verite), Saskatoon
Alex Thomson, Saskatoon
Sigrid-Ann Thors (Saskatoon Symphony), Saskatoon
Jennifer Van Meenen (Persephone Theatre), Saskatoon
Jack Walton (Saskatchewan Arts Alliance), Saskatoon
Lorna Whelan, Saskatoon
Rosalie Woloski, Saskatoon
Martha E. Zacharius (University of Saskatchewan, Saskatchewan Writers Guild), Saskatoon



APPENDIX IV

LIST OF SUBMISSIONS

Canadian Artists Representation/Le Front des Artistes Canadiens (CARFAC),
Patrick Close, Executive Director, Regina

Mendel Art Gallery, Donald R. Morgan, Chair - Board of Trustees, Saskatoon

Museums Association of Saskatchewan, Gayl Hipperson, Executive Director,
Regina

Northern Saskatchewan International Children's Festival, Joan Flood/Cass
Cozens, Co-Directors, Saskatoon

Saskatchewan Arts Alliance, Terry Schwalm, President, Saskatoon

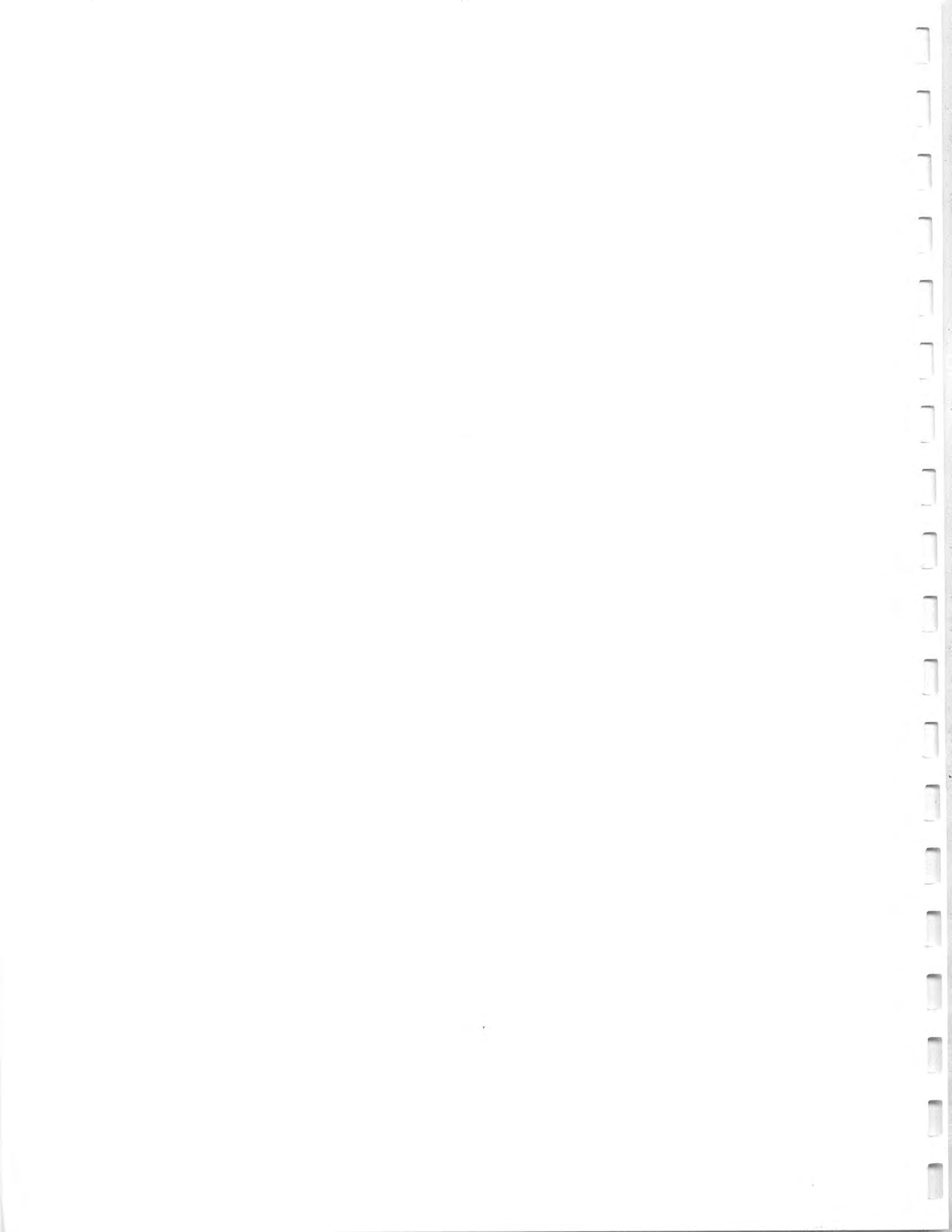
Saskatchewan Drama Association, Ted Stewart, President, Regina

Suzanne Evans, Saskatchewan artist, Montreal

Scott Knudson, Air Ronge, Saskatchewan

Ann G. McLeod, Interim Director, Norman MacKenzie Art Gallery

Dennis Evans, visual artist, Saskatoon



APPENDIX V

SASKATCHEWAN ARTS ALLIANCE CONSENSUS REPORT



Saskatchewan Arts Alliance

813 Broadway Ave.
Saskatoon
Saskatchewan
Canada
S7N 1S6

TEL: (306) 652-6122
FAX: (306) 652-6123

THE BOARD

Executive Committee

President
Ms. Terry Schwalm
Executive Director
Saskatchewan Craft Council

Past President
Andrew Oles
former Director
MacKenzie Gallery

Vice President
Brian Gladwell
Artist
Member of Neutral Ground
and Saskatchewan Craft
Council

Secretary
Michael Toppings
Artist/Administrator
New Dance Hurricane
Member of Dance
Saskatchewan

Treasurer
Jim Russell
Lawyer
Gowley & Co.
Member of CARFAC
Saskatchewan

Directors-at-Large

Brenda Baker
Writer
Member of Saskatchewan
Writers Guild

Margaret Fry
Arts Administrator
President
Commonweal Theatre

Pierre L'Heritier
Administrative Coordinator
Association des artistes de
la Saskatchewan

Jack Walton
Filmmaker
Nufus Productions
Member of SAAFA

Administrator
Harry Hillman Chartrand
Cultural Economist

fax

July 18th, 1996
ref. 702-42/ 1001

Mr Andras Tahn
Chair & Members of the
Single Arts Agency Working Group (SAAWG)
Arts, Cultural Industries & Multiculturalism Branch
Culture & Recreation Division
Saskatchewan Municipal Government,
4th Floor London Life Building
1895 Victoria Avenue
Regina, Saskatchewan, S4P 3B7

4 PAGES

Re: Official SAA Response to Proposed Amendments to the SAB Act

Dear Andy and Members of the Working Group,

First of all, thank you all for your efforts in proposing amendments to the Saskatchewan Arts Board Act to create a single arts agency to serve all arts organizations and creators in our province. It has taken a tremendous amount of work, which is very evident, and I'm sure that I speak on behalf of many, many individuals and organizations when I express our gratitude for your efforts.

As you are aware, the Alliance held two meetings prior to SAAWG's "stakeholder" meetings. The purpose was to determine where there was, or was not, agreement to proposed amendments within the arts community. As these individuals and organizations will be most directly affected, the SAA recognized the value and importance of determining where there was agreement so that the Alliance could respond on behalf of an arts community with a unified voice.

The consensus response (attached) was distributed to all arts PCOs and major operational and project clients of the Arts Board prior to the stakeholder meetings. And at those meetings you heard many of the points reiterated by those present. The consensus statement represents the Alliance's formal response, on behalf of the arts community, to your proposals. We recognize that individuals and organizations within the community may expand on these views, but, in essence, we believe it reflects the majority opinion of the arts community.

There is, however, an issue which is very important to artists and arts organizations and which needs to be repeated. It involves the Nominating Committee and criteria for selection to the Board. The community has expressed a strong desire for *agreement* with regard to selection of individuals to the Nominating Committee and for the process of selecting Board members.

Specifically, the Alliance heard at our Regina and Saskatoon meetings and again at the Saskatoon stakeholder meeting that it is essential that the Board have a very clear understanding of what it means to be a practicing artist. And the community believes that this understanding can only be assured if practicing artists are assured a seat on both the Nominating Committee and the Board itself. While criteria proposed in the SAAWG report are broad enough to include representation from many artists, there is no assurance of such representation.

Thus while the Alliance believes aboriginal representation is very important, if both it and representation of practicing artists is to be assured, we recommend that *three rather than two members from the community* be jointly appointed to the Nominating Committee by the Minister and Chair of the Board. This is not intended in any way to diminish the Minister's or Board's responsibility for appointments but rather to assure the community 'buys in' from the start.

We look forward to moving towards a single arts agency and hope that you will give serious consideration to this proposed revision.

Sincerely,

Ms Terry Schwalm
President

**SASKATCHEWAN ARTS ALLIANCE RESPONSE
REGARDING PROPOSED AMENDMENTS TO
THE SASKATCHEWAN ARTS BOARD ACT
Friday, June 21st, 1996**

The Saskatchewan Arts Alliance invited all arts organizations to two meetings on June 19th and 20th in Saskatoon and Regina. The purpose of the meetings was to discuss proposed amendments to the Saskatchewan Arts Board Act which are intended to create a single arts agency. The proposals were prepared by the Single Arts Agency Working Group. Representatives of the Working Group attended both meetings and participated in question and answer sessions (3 to 4:30 p.m.). The Alliance felt, and still feels, it is extremely important that the arts community present a unified response to their very important proposals.

In total, 51 individuals representing 33 arts organizations as well as several independent practicing artists attended. The Alliance thanks all members of the arts community - artists and arts organizations including their administrative, technical and support staff - who took the time to attend and made the effort to participate on very short notice. The Alliance similarly wishes to thank representatives of the Single Arts Agency Working Group for attending on very short notice and for their frank and forthright response to questions from the participants.

The response of the arts community to the proposed amendments to the *Saskatchewan Arts Board Act* is reported in two parts. The first (Consensus) represents, in the view of the SAA, the recommendations of the Saskatchewan arts community about many proposed amendments. In no way, however, does this preclude individual artists or arts organizations from contributing their own unique view and opinion about proposed changes.

The second part (Concerns) presents issues raised late in meetings lasting a scheduled five hours (1-6 p.m.). Due to personal and professional commitments on a week day many participants had to leave before conclusion of both meetings. Accordingly, the SAA cannot, in justice, report a consensus on several proposed amendments. Rather, the Alliance reports what were clear and present concerns of remaining participants.

The Alliance encourages all artists and arts organizations to express these points of consensus and concern at the six scheduled government-sponsored meetings, which will embrace the arts, heritage and multicultural communities, to be held across the province beginning on Monday, June 24th.

CONSENSUS

1. Consistent Language

In the document, the words 'community' and 'stakeholders' are used, often in a confusing way. In discussion, representatives of the Working Group made it clear that they meant the 'arts community'. For purposes of clarity, the arts community recommends that:

- *the words 'community' and 'stakeholders' be deleted from the proposed amendments and replaced with 'arts community'*

2. Section 5: Proposed Collaborations

It was unanimously agreed by participants and representatives of the Working Group that advisory processes and structures were critical to the success of the single arts agency. Representatives of the Working Group explained that the looseness of language in the proposals regarding this issue was intended so as not to preclude discussion between the arts community and the Board of the new agency regarding appropriate advisory processes and structures.

Nonetheless, the arts community recommends that the wording of Point 1 be deleted and replaced with:

The agency shall:

- *Establish arts community-directed advisory processes and structures to provide advice in program and operational policy development and delivery.*

3. Section 7: Proposed Nominating Committee

In its November 1994 consensus, the arts community recommended an elected Board for the new single arts agency. In discussion with representatives of the Working Group, it was agreed, however, that there are pro's and con's to both the appointment and election process. The critical element to ensure a strong and effective Board for the new agency, however, is the criteria by which members of the Board will be selected, and the nominations process.

With respect to the nominations committee, the arts community recommends that:

(a) while the purpose of having serving members of the Board on the nominations committee may be to identify the need for additional expertise at the Board table,

- *one serving Board member, rather than two, should be sufficient for this purpose;*

(b) while the arts community recognizes the Minister must have a role in the nomination process, the wording of Point 2 should be deleted and replaced with:

- *two persons who are not members of the board of directors of the agency and not employees of the Minister appointed by the Minister.*

(c) to ensure fair representation of the arts community on the nominations committee, the wording of point 3 should be deleted and replaced with:

- *three persons who are not members of the board of directors of the agency and not employees of the Minister appointed by the Chair of the agency and the Minister.*

and;

(d) to ensure the arts community's commitment to the nominations process, the wording of point 4 should be deleted and replaced with:

- *a process for bringing forward nominations including three persons on the nominations committee appointed jointly by the Minister and Chair will be developed by the agency in consultation and with the agreement of the arts community.*

4. Section 12: Proposal Regarding Funds of the Agency and Financial Administration

With respect to the funding of the proposed agency, the arts community recommends that:

(a) Point 1 be deleted and replaced with:

- The agency shall be provided with financial resources required to and effectively and efficiently realize its mandate, conduct its operations, and achieve its goals and objectives.

(b) The arts community believes tying funding to socio-economic indicators is inappropriate for two reasons. First, the arts community questions whether it is technically possible to develop an accurate indicator of the socio-economic impact of the arts. Second, the arts community is concerned that even if an accurate indicator could be developed its use and application would tend to undervalue the contribution of the creative process. Therefore, the arts community recommends that:

- *Option 1 should be deleted;*

and,

(c) for purposes of clarity, the arts community recommends that:

- *Points 1 & 2 on page 23 concerning endowments should be moved to the bottom of the page.*

5. Schedule 1: Proposed Board Appointment Criteria

With respect to Board appointment criteria, the arts community recommends that:

(a) the wording of Point 2 be deleted and replaced with:

- *Candidates must value artists and the arts and the contribution artists and the arts make to the Province of Saskatchewan.*

and,

(b) to ensure concerns of individual practicing artists are heard on the Board, the arts community recommends an additional criterion:

- *Practicing artists' representation will be assured.*

CONCERNS

A. Definition of 'Practicing Artist'

Given that the arts community is recommending ensuring representation of practicing artists on the Board of the new agency, a definition of 'practicing artist' may be required.

B. Rotation of Nominations Committee Membership

The arts community is concerned that the nominations committee should be an *ad hoc* rather than a standing committee in order to ensure rotation of its membership.

C. Arm's Length

The arts community is concerned that reference be made in the amendments to the traditional and customary practice of an 'arm's length' relationship between the agency and government in order to inhibit political interference in the granting and other processes of the new agency.

D. Advocacy

The arts community is concerned that while advocacy in the form of public education is an appropriate role for the new agency, political advocacy and especially lobbying for increased funding should be undertaken by a body or organization other than the proposed single arts agency.



APPENDIX VI

CURRENT SASKATCHEWAN ARTS BOARD ACT

CHAPTER A-28

Act respecting The Saskatchewan Arts Board

- 1 This Act may be cited as *The Arts Board Act*. Short title
- 2 In this Act: Interpretation
- (a) "board" means The Saskatchewan Arts Board mentioned in section 3; "board"
- (a.1) "fiscal year" means the period commencing on April 1 in one year and ending on March 31 in the next year; "fiscal year"
- (b) "fund" means The Saskatchewan Arts Board Fund mentioned in section 15; "fund"
- (c) "minister" means the member of the Executive Council to whom for the time being the board is responsible for the administration of this Act. R.S.S. 1965, c.196, s.2; 1972, c.7, s.2; 1979, c.2, s.3; 1983-84, c.28, s.3. "minister"
- 3(1) There shall be a board to be called The Saskatchewan Arts Board consisting of not less than seven nor more than fifteen persons who shall be appointed by the Lieutenant Governor in Council. Constitution
- (2) The board shall be a body corporate.
- (3) The headquarters of the board shall be at the city of Regina. R.S.S. 1965, c.196, s.3.
- 4(1) Each member of the board holds office for a term of one year and until his successor is appointed, but may be removed for cause by the Lieutenant Governor in Council. Term of office
- (2) Any member of the board shall be eligible for reappointment.
- (3) Upon a vacancy occurring in the board the Lieutenant Governor in Council may appoint a person to fill the vacancy for the balance of the unexpired term. R.S.S. 1965, c.196, s.4; 1979-80, c.11, s.2.
- 5(1) The Lieutenant Governor in Council shall designate one of the members to be chairman of the board and another to be vice-chairman. Chairman and vice-chairman
- (2) Repealed. 1979, c.2, s.4.
- (3) The vice-chairman may exercise all the powers and shall perform all the duties of the chairman in his absence. R.S.S. 1965, c.196, s.5; 1979, c.2, s.4.

- Remuneration of members** 6 The members of the board shall receive such remuneration for their services and allowances for travelling and other expenses as the Lieutenant Governor in Council may determine. 1976-77, c.3, s.2.
- Meetings** 7 The board shall meet at such times and places as the chairman may appoint, but not less than twice in each year. R.S.S. 1965, c.196, s.7.
- Administration of Act** 8 This Act shall be administered by the board and in the performance of the duties and exercise of the powers imposed or conferred upon the board by or pursuant to this Act the board shall be responsible to the minister. R.S.S. 1965, c.196, s.8.
- Secretary** 9(1) The Lieutenant Governor in Council shall appoint a person, other than a person who is a member of the board, to be executive director of the board.
- (2) The Executive Director is secretary to the board and shall:
- (a) manage the day-to-day affairs of the board;
 - (b) conduct any contract negotiations with other organizations;
 - (c) manage the staff of the board, including the selection, hiring and dismissal of the persons mentioned in section 10;
 - (d) perform any other duties that may be assigned to him by the board. 1976-77, c.3, s.3; 1983-84, c.28, s.4.
- Signing of documents** 9.1 All contracts, agreements, orders, rules and other documents shall be signed by the chairman or by the executive director. 1979, c.2, s.5.
- Staff** 10 The staff of the board consists of any professional, technical and other officers that may be required for the purposes of this Act and the board may determine the salaries and other remuneration of those persons. 1983-84, c.28, s.5.
- Duties and powers of the board** 11(1) The objects of the board are to:

- (a) make available to the people of Saskatchewan opportunities to engage in theatre arts, visual arts, music, literary arts, video-art, handcrafts or any other art form;
 - (b) support and encourage study of the arts and the production and presentation of the arts to the people of Saskatchewan;
 - (c) aid in the development of professional artists and performing companies;
 - (d) conduct research into the arts; and
 - (e) promote the development and maintenance of high standards of persons engaged in the arts in Saskatchewan.
- (2) In the performance of the duties set out in subsection (1), the board may:
- (a) provide for the training of any persons in the principles of any art form;
 - (b) subject to the regulations, award scholarships or make loans or grants to any individual ordinarily resident in Saskatchewan for the purpose of assisting him in conducting research, working at his art or studying any art form;
 - (c) subject to the regulations, to aid in the provision of opportunities to study, participate in or present the arts, make grants or loans, on any terms or conditions that it may prescribe, to any agency, organization, association, institution or other body in Saskatchewan;
 - (d) provide awards for outstanding artistic achievement;
 - (e) collect and display works of art; and
 - (f) co-operate with any organization that has objects similar to the objects of the board; 1983-84, c.28, s.5.

12 The board shall administer Part II of *The Community Cablecasters Act* and in so doing shall endeavour to enhance the quality of material produced in Saskatchewan that is intended for cablecast programming. 1976-77, c.4, s.1.

Power of board respecting *The Community Cablecasters Act*

13(1) The board may acquire personal property necessary for its purposes and may sell or otherwise dispose of any personal property acquired by it.

Power to acquire property

(2) Subject to the approval of the Lieutenant Governor in Council, the board may acquire real property necessary for its purposes and sell, lease or otherwise dispose of any real property acquired by it. R.S.S. 1965, c.196, s.12.

14 The minister may refer to the board for consideration any question relating to the carrying out of the purposes of this Act, and the board shall consider such question and report thereon to the minister. R.S.S. 1965, c.196, s.13.

Reference to minister to board

15(1) There shall be a fund to be known as The Saskatchewan Arts Board Fund to which shall be credited all moneys appropriated by the Legislature for the purposes of this Act and all other moneys received by the board by way of grant, bequest, donation or otherwise for the purposes of this Act.

Fund

(2) All moneys in the fund shall be deposited in a chartered bank designated by the Treasury Board. R.S.S. 1965, c.196, s.14.

16 The board may, subject to the provisions of this Act and any orders that may be made and any directives that may be issued by Treasury Board, make disbursements from the fund for:

Disbursements from fund

(a) the payment of the salaries of all persons appointed by the board pursuant to this Act;

(b) the payment of all sums of money required by the board for the carrying out of its duties and the exercise of its powers under this Act, including all expenses necessarily incurred in connection therewith; and

(c) such other payments as may be authorized by this Act or the regulations. R.S.S. 1965, c.196, s.15; 1983-84, c.28, s.3.

17 The board may accept and receive gifts, devises and bequests for the purposes of the board, and, subject to the terms of any trust imposed by the testator or donor thereof, may sell, lease, convey or otherwise dispose of and convert into money real and personal property given, devised or bequeathed for those purposes. R.S.S. 1965, c.196, s.16.

Power to accept gifts, etc.

18 The board may enter into agreements with any board, council, foundation or other agency established for the purpose of carrying out objects similar to those of the board, and may, with the

Financial assistance

approval of the Lieutenant Governor in Council, accept such financial assistance as may be made available to it, directly or through the Government of Saskatchewan, by such board, council, foundation or other agency. R.S.S. 1965, c.196, s.17.

Audit 19 The records and accounts of the board shall be subject to the audit of the Provincial Auditor. R.S.S. 1965, c.196, s.18.

Reports 20(1) The board shall, in each fiscal year, in accordance with *The Tabling of Documents Act*, submit to the Lieutenant Governor in Council:

(a) a report of the board upon its activities for the immediately preceding fiscal year; and

(b) a financial statement certified by the Provincial Auditor showing the business of the board for the fiscal year mentioned in clause (a), in such form as may be required by Treasury Board.

(2) The report and statement required by subsection (1) shall be laid before the Legislative Assembly in accordance with *The Tabling of Documents Act*.

Regulations 21 The Lieutenant Governor in Council may make regulations for the purpose of carrying out the provisions of this Act according to their true intent. R.S.S. 1965, c.196, s.20.

APPENDIX VII

REFERENCE/BIBLIOGRAPHY

ACTS

An Act to Establish the Saskatchewan Arts Board, Chapter 63, 1949

Saskatchewan Arts Board Act. Chapter A-28, 1984.

Arts Council of New Zealand Toi Aotearoa. 1994.

National Foundation on the Arts and the Humanities Act, including *1965 Museum Services Act; Arts and Artifacts Indemnity Act (As Amended Through December 31, 1991)*. House Committee on Education and Labor. Washington: August 1992.

Canada Council Act. Ottawa, 1985.

Alberta Foundation For the Arts Act. Chapter A-21.5, 1991.

The Arts Council (Northern Ireland) Order 1995.

Canada Act 1982 including the *Constitution Act, 1982*. c.11 (U.K.).

Hong Kong Arts Development Council. Ordinance No. 26 of 1995.

An Act to Establish the Nova Scotia Arts Council. Department of Education and Culture, Halifax, 1995.

The Arts Council Act. Chapter 31. Government of Ontario.

The Arts Council Act. Government of Manitoba, Chapter A140, 1982, 1987.

An Act Respecting The Newfoundland and Labrador Arts Council. Government of Newfoundland and Labrador, Chapter A - 17, 1980.

An Act respecting the development of Quebec firms in the book industry. Government of Quebec, January 1986.

Prince Edward Island Council of the Arts. Government of Prince Edward Island, October 1988.

Arts Council Act, Bill 12 - 1995. May 1995.

An Act To Establish the Tourism Authority. Regina, September 1994.

POLICIES, REPORTS, RELATED ARTICLES

Responding to the Community: Proposals for Cultural Development. Saskatchewan Municipal Government, January 1995.

Creative Nation Commonwealth Cultural Policy. Australia Department of Communications and the Arts, Canberra, October 1994.

To the Millennium A Strategy for the Arts in Northern Ireland. Arts Council of Northern Ireland, Belfast, 1995.

94/95 Annual Report. Cyngor Celfyddydau Cymru - The Arts Council of Wales, Cardiff, 1995.

About the Arts Council of Wales. Cyngor Celfyddydau Cymru - The Arts Council of Wales, Cardiff, 1995. (pamphlet)

A World Apart: The Multicultural World of Visible Minorities and the Art World of Canada. Li, Peter. University of Saskatchewan, (no date)

Hong Kong Arts Development Council Working Group - Progress Report October 1993 - March 1994. Hong Kong, March 29, 1994.

49th Annual Report and Accounts 1993/94. The Arts Council of Great Britain, 1994.

The Content Challenge, Toward a Canadian Strategy for Intervention in the Arts, Culture, Communications and Technology. February, 1995.

Funding the Arts and Culture Through Dedicated State Lotteries--Part I: The Twin Issues of Additionality and Substitution. Schuster, Mark David. Cultural Policy, Volume 1 Number 1. Harwood Academic Publishers, 1994.

Funding the Arts and Culture through Dedicated State Lotteries--Part II: Opening the Way for Alternative Decision Making and Funding Structures. Schuster, Mark David. Cultural Policy, Volume 1 Number 2. Harwood Academic Publishers, 1995.

The Public Patron: drafting a mandate for a federal arts agency Conference Proceedings. Massachusetts Institute of Technology. MIT Office of the Arts, Cambridge, 1994.

How the Scottish Arts Council Works. Scottish Arts Council, Edinburgh, 1995. (pamphlet)

National Lottery. Scottish Arts Council, 1995. (pamphlet)

Annual Report 1993/94. Scottish Arts Council, Edinburgh, 1994.

Corporate Plan 1995/96-1998/99. Scottish Arts Council, Edinburgh, May 1995.

Report of the Minister's Advisory Committee on Status of the Artist. Status of the Artist Advisory Committee, Saskatchewan, September 30, 1993.

Cultural Renaissance: Building A Community. Ad Hoc Cultural Restructuring Committee Final Report, Saskatchewan, October 1993.

Saskatchewan Arts Strategy Focus on the Future. Report of the Arts Strategy Task Force, December, 1990.

Final Report of the Arts Strategy Task Force Implementation Committee. Saskatchewan, January 31, 1993.

Yukon Arts Policy and Action Plan (Draft). Yukon Tourism, Arts Branch, May, 1995.

North West Territories Policy and Directive re: North West Territories Arts Council. May 1989.

Report: The Cultural Policy Secretariat. Saskatchewan Cultural Policy Secretariat, September 1980.

Arts Strategy Research. Drover, Mary. Saskatchewan Parks, Recreation and Culture, Regina, October 1989.

Manitoba Arts Policy Review Committee Report. Manitoba Culture, Heritage, and Recreation Department, May 1990.

Canada's Foreign Policy: Principles and Priorities for the Future. Special Joint Committee of the Senate and the House of Commons Reviewing Canadian Foreign Policy, November 1994.

Government of Saskatchewan Aboriginal Policy Framework: Toward a Shared Destiny. Saskatchewan Indian and Metis Affairs Secretariat, September 1994.

