

Proposed Constitutional Change

In recognition of the many roles non-profit corporations play in the province, the Government of Saskatchewan introduced The Non-profit Corporations Act, 2022 (the “New Act”) to replace The Non-profit Corporations Act, 1995. The New Act came into force on March 12, 2023.

There were a number of changes to the Act and one in particular that would affect SaskCulture’s Constitution. SaskCulture’s Constitutions says:

26. All directors shall:
- i) be residents of Saskatchewan;
 - ii) be at least 18 years of age;
 - iii) be of sound mind;
 - iv) not be bankrupt.

The New Act says:

Qualifications of directors 9-5(1) The following persons are disqualified from being a director of a corporation:

- (a) anyone who is less than 18 years of age;
- (b) anyone who has been found by a court in Canada or elsewhere to lack capacity;
- (c) a person who is not an individual;
- (d) a person who has the status of bankrupt;
- (e) a person who is convicted of an offence in connection with the promotion, formation or management of a body corporate or unincorporated business, or of an offence involving fraud, unless:
 - (i) the court orders otherwise; 52 c25 NON-PROFIT CORPORATIONS. 2022
 - (ii) 5 years have elapsed since the last to occur of:
 - (A) the expiration of the period set for suspension of the passing of sentence without a sentence having been passed;
 - (B) the imposition of a fine;
 - (C) the conclusion of the term of any imprisonment; and
 - (D) the conclusion of the term of any probation imposed; or
 - (iii) a pardon was granted or issued, or record suspension was ordered, in accordance with the Criminal Records Act (Canada) and the pardon or record suspension, as the case may be, has not been revoked or ceased to have effect.

At the AGM the membership will be presented with the following Constitutional change to be in compliance with new legislation:

26. All directors shall be residents of Saskatchewan and meet the minimum qualifications of *The Non-profit Corporations Act, 2022*, or any successor legislation.