

THIRD SESSION
**Twenty-fifth
Legislature**
SASKATCHEWAN

TROISIÈME SESSION
**Vingt-cinquième
législature**
SASKATCHEWAN

B I L L

No. 40 of 2006-07
An Act to amend *The Status
of the Artist Act*

Honourable Glenn HageI

PROJET DE LOI

n° 40 de 2006-07
Loi modifiant la *Loi sur le
statut de l'artiste*

L'honorable Glenn HageI

BILL

No. 40 of 2006-07

An Act to amend *The Status of the Artist Act*

(Assented to _____)

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

Short title

1 This Act may be cited as *The Status of the Artist Amendment Act, 2006*.

S.S. 2002, c.S-58.1 amended

2 *The Status of the Artist Act* is amended in the manner set forth in this Act.

Section 2 amended

3 Section 2 is amended:

(a) by repealing the definition of "artist" and substituting the following:

" 'artist' means any individual who, as an independent contractor:

(a) creates, performs, gives creative expression to or works in any artistic field, including all or any of the following:

(i) literary arts;

(ii) visual arts and crafts;

(iii) electronic, recording and media arts, including film and video;

(iv) performing arts, including theatre, opera, music, dance, mime, circus and variety entertainment;

(v) any other artistic field prescribed in the regulations;

(b) receives, or has received, compensation from his or her artistic activity including sales, fees, commissions, salaries, royalties, residuals, grants and awards, any of which may reasonably be included as income of a self-employed professional or a business;

(c) has a record of income or loss from the history of his or her artistic activity; and

STATUS OF THE ARTIST

4

- (d) meets at least three of the following criteria:
- (i) the individual has received public or peer recognition:
 - (A) in the form of honours, awards, professional prizes, scholarships, honourable mentions, appointments to an adjudication committee or invitations to participate in a group exhibition or performance; or
 - (B) by publicly disseminated critical appraisal;
 - (ii) the individual's artistic activity has been presented to the public by means of exhibitions, publications, performances, readings, screenings or any other means;
 - (iii) the individual promotes or markets his or her work:
 - (A) by means including attending auditions, seeking sponsorship, agents, engagements or exhibitions and similar activities appropriate to the nature of his or her work; or
 - (B) by being represented by a dealer, publisher, agent or similar representative appropriate to the nature of his or her artistic activity;
 - (iv) the individual has received training or acquired traditional knowledge:
 - (A) in an educational institution or from a practitioner or teacher recognized within his or her profession; or
 - (B) within the established practice of his or her cultural traditions;
 - (v) the individual has membership in an artists' association representing his or her artistic activity whose membership, or categories of membership, is or are limited under standards established by the association, or which is a trade union or its equivalent appropriate to his or her artistic activity, or which is an Aboriginal Society;
 - (vi) the individual holds copyright in his or her own work and has received royalty or residual payments based on that copyright; (« *artiste* »); and

(b) by adding the following definition in alphabetical order:

“ ‘engager’ means a person who is a presenter, an exhibitor, a promoter or a producer and who enters into a contract with an artist as his or her main or secondary activity for any of the following purposes on a non-profit or for-profit basis:

- (a) to engage one or more artists in order to produce an artistic work or production;
- (b) to engage one or more artists in order to present an artistic work or production to the public;
- (c) to engage in an enterprise that circulates or disseminates artistic works to the public, including selling, lending, leasing, exchanging, depositing, exhibiting, publishing, publicly presenting or using in any other similar fashion; (« *embaucheur* »)”.

STATUS OF THE ARTIST

6

New section 2.1

4 The following section is added after section 2:

“Crown bound

2.1 The Crown is bound by this Act”.

New section 7.1

5 The following section is added after section 7:

“Individual contracts

7.1(1) Subject to the regulations, no engager shall procure goods or services from an artist without having entered into a written contract with that artist.

(2) Every written contract entered into for the purposes of this section must contain the elements prescribed in the regulations”.

New section 8

6 Section 8 is repealed and the following substituted:

“Regulations

8 The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(b) prescribing additional artistic fields for the purposes of the definition of ‘artist’ in section 2;

(c) prescribing elements to be included in written contracts required by section 7.1 and, for that purpose, establishing classes of engagers, artists and transactions and prescribing different elements for different classes of engagers, artists and transactions;

(d) exempting engagers, artists or transactions or different classes of engagers, artists or transactions from the requirement to have a written contract pursuant to section 7.1;

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

Coming into force

7 This Act comes into force on proclamation.