

**2023 GOVERNANCE AGREEMENT**

THIS AGREEMENT executed on this 4<sup>th</sup> of June, 2022

**REPLACES**

the GOVERNANCE AGREEMENT MADE ON the 19<sup>th</sup> DAY OF JUNE, 2017

**BETWEEN**

**MINISTER RESPONSIBLE FOR THE *PUBLIC LOTTERIES ACT***

**("MINISTER")**

**AND**

**YUKON LOTTERY COMMISSION**

**AS REPRESENTED BY THE CHAIR & CHIEF EXECUTIVE OFFICER**

**("CHAIR/CEO") OF**

**THE YUKON LOTTERY COMMISSION ("COMMISSION")**

**BEING THE PARTIES (COLLECTIVELY REFERRED TO AS the "PARTIES") TO  
THIS 2022 GOVERNANCE AGREEMENT ("AGREEMENT")**

**WHEREAS:**

- A. the *Public Lotteries Act* creates the Commission, and assigns it responsibility for the conduct and management of interjurisdictional lotteries;**
- B. the *Public Lotteries Act* assigns the Commission responsibility for the disbursement of interjurisdictional lottery revenue, subject to regulations;**
- C. a regulation of the *Government Organization Act* assigns the Minister of the Yukon Liquor Corporation with responsibility for the *Public Lotteries Act*;**
- D. the *Public Lotteries Act* requires the Minister to appoint a chair of the Commission who is also the chief executive officer;**

- E. the *Public Lotteries Act* requires the Minister to make provision for a secretary and other Government of Yukon employees to provide administrative support services to the Commission;
- F. the *Public Service Act* assigns the Secretary as the deputy head of the Yukon Lottery Commission;
- G. the Parties have concluded an agreement with the Western Canada Lottery Corporation delegating certain responsibilities for the conduct and management of lottery schemes in Yukon to the Western Canada Lottery Corporation;
- H. the Parties wish to respond to a 2008 Government of Yukon internal audit recommending the clarification of roles and responsibilities of key actors involved in interjurisdictional lotteries and disbursement of interjurisdictional lottery revenue; and
- I. the Parties wish to improve and strengthen their relationship to ensure the effective conduct and management of interjurisdictional lotteries and disbursement of interjurisdictional lottery revenue.

**NOW THEREFORE** the Parties agree to the following:

## **1. ROLES & RESPONSIBILITIES**

- 1.1. The following section identifies the role of the key actors involved in interjurisdictional lotteries and the disbursement of interjurisdictional lottery revenue in Yukon.
- 1.2. Annex A that is attached to, and forms part of, this Agreement, lists responsibilities specific to each key actor identified below as agreed to by the Parties.

### **Minister**

- 1.3. The Minister, on behalf of the Government of Yukon, is responsible to the Yukon Legislative Assembly for the *Public Lotteries Act* and the Commission, and provides the Commission with a secretary and Government of Yukon employees to provide administrative support

services in accordance with the *Public Lotteries Act* to assist the Commission with advancing its mandate.

### **Commission**

1.4. The Commission conducts and manages interjurisdictional lotteries in Yukon and allocates profits from interjurisdictional lotteries in arts, sport and recreation in accordance with applicable government legislation, regulations and policy. The Commission also develops multi-year strategic plans and annual plans establishing the Commission's long-term and short-term priorities, objectives and activities respectively.

### **Chair/CEO**

1.5. The Chair/CEO plays a leadership role in the affairs of the Commission by managing and overseeing the Commission's activities, and acts as the Commission's primary point of contact with the Minister/Secretary.

### **Secretary**

1.6. The President of the Yukon Liquor Corporation is, pursuant to an Order-in-Council authorized by the *Public Service Act*, the secretary ("Secretary") and is responsible for fulfilling the Minister's obligation to provide administrative support services to the Commission. To assist the Secretary in fulfilling their duties, the Secretary may enter into a service agreement ("Service Agreement") with the Commission.

1.7. The Secretary is a deputy head under the *Public Service Act* with the authority to conduct general supervision of the Yukon Lottery Commission.

1.8. The Secretary provides support to the Minister in their role as deputy head of the Yukon Lottery Commission. This includes, but is not limited to, the Secretary facilitating the flow of reports and information between the Yukon Lottery Commission and the Minister's Office or taking meetings with the Yukon Lottery Commission on behalf of the Minister.

1.9. The Secretary is responsible for the Staff assigned, subject to the *Public Service Act*, to provide administrative support services to the Commission.

- 1.10. The Secretary may delegate some of their responsibilities to the General Manager.

#### **General Manager**

- 1.11. The general manager ("General Manager") is a Government of Yukon employee who manages Staff who provide core administrative support services. The General Manager also serves as a liaison with other parts of the Government of Yukon as part of the General Manager's responsibility for implementing the Commission's direction.

## **2. ADMINISTRATIVE SUPPORT SERVICES**

- 2.1. The administrative support services ("Administrative Support Services") delivered by the Staff are divided into two categories: core services and ancillary services.
- 2.2. The core services ("Core Services") are services of a general administrative nature that are necessary to support the Commission's day-to-day operations.
- 2.3. The ancillary services ("Ancillary Services") are services that the Commission may require from time-to-time. Ancillary Services are made available to the Commission on an "as needed" basis. For example, in relation to human resources, finance, policy and communications. Ancillary Services are described in greater detail in Annex B that is attached to this Agreement. Annex B also establishes performance standards for the Staff who provide the Administrative Support Services.
- 2.4. The assignment of Staff to perform the Administrative Support Services is made subject to the *Public Service Act*.

## **3. GOVERNANCE & ACCOUNTABILITY FRAMEWORK**

### **Relationship**

- 3.1. The Minister and/or Secretary, Chair/CEO, and Vice-Chair (or an alternate Commission Member) will meet periodically to discuss matters related to the conduct and management of interjurisdictional lotteries, disbursement of interjurisdictional lottery revenue, lottery schemes, and any other matter they wish to discuss.
- 3.2. The Chair/CEO may invite the Minister and/or Secretary to meetings and events of the Commission.
- 3.3. The Minister may delegate to the Secretary participation in any meeting or event of the Yukon Lottery Commission.
- 3.4. The Minister may request updates from the Chair/CEO and Commission on any matter related to the Commission's activities. The Secretary may also request updates on the Minister's behalf.
- 3.5. The Chair/CEO will ensure the Secretary has reasonable advance notice of the intentions of the Commission on major issues within the Commission's authorities.
- 3.6. The Minister or Secretary will ensure the Chair/CEO has reasonable advance notice of the intentions of the Government of Yukon on major issues and initiatives within the Government's authorities respecting lottery schemes.
- 3.7. Where necessary, the Chair/CEO and Vice-Chair (or an alternate Commission Member) will make themselves available as witnesses representing the Commission before committees of the Yukon Legislative Assembly.

### **Strategic Plans**

- 3.8. The Commission will ensure that a five-year strategic plan ("Strategic Plan") that establishes the Commission's long-range priorities and objectives is completed within six - months of signing this Agreement and will, thereafter, prior to the beginning of the fiscal year of Strategic Plan's fifth anniversary ensure that a new five-year Strategic Plan is completed.

3.8.1. In the event that the Commission has, at the time of signing this Agreement, a completed five-year Strategic Plan in effect, the obligation to complete a new Strategic Plan does not come into effect until the beginning of fiscal year in which the existing five-year Strategic Plan ends.

3.9. Upon a Strategic Plan being completed, the Commission will meet with the Minister or Secretary to discuss:

3.9.1. the Commission's long-range priorities and objectives; and

3.9.2. performance measures used to determine whether the Commission's long-range priorities and objectives remain viable.

#### **Annual Plans**

3.10. Prior to the beginning of each fiscal year, the Commission will ensure that a plan ("Annual Plan") is completed. The Annual Plan will set out the chief short-term objectives of the Commission, and actions to achieve the objectives.

3.11. Upon completion of the Annual Plan, the Commission will meet with the Minister or Secretary to discuss:

3.11.1. the Commission's objectives for the upcoming fiscal year;

3.11.2. the Government's priorities for interjurisdictional lotteries, lottery schemes, and investments in arts, sport and recreation; and

3.11.3. performance measures used to determine whether the Commission's objectives are being achieved.

#### **Budget**

3.12. Following the completion of the Annual Plan, the Commission will ensure that a budget is prepared setting out a forecast of revenues and expenditures for the upcoming year required to implement the Annual Plan.

**Audit**

- 3.13. The Commission will take the steps necessary to ensure its financial statements are audited annually by an independent auditor, qualified to perform public audits in Yukon.

**Annual Report**

- 3.14. Following completion of the audit, the Commission will ensure that an annual report ("Annual Report") is prepared, containing, but not limited to, the following:
- 3.14.1. a summary of the year's accomplishments;
  - 3.14.2. upcoming annual objectives;
  - 3.14.3. how the objectives contribute to the completion of the Commission's strategic plan;
  - 3.14.4. activities to be pursued to achieve the objectives;
  - 3.14.5. performance measures to ascertain whether objectives have been achieved; and
  - 3.14.6. audited financial statements of the Commission.
- 3.15. Once it is finalized, the Chair/CEO will provide the Annual Report to the Secretary, who will submit it to the Minister's office.
- 3.16. Upon receipt of the Annual Report, the Minister may table the Annual Report in the Yukon Legislative Assembly.
- 3.17. The Chair/CEO and Vice-Chair will make themselves available to the Minister for the tabling of the Annual Report in the Yukon Legislative Assembly.

**4. PUBLIC COMMUNICATIONS**

- 4.1. The Parties commit to working collaboratively on public communications in relation to matters going beyond the routine business of

interjurisdictional lotteries and disbursement of interjurisdictional lottery revenue (e.g. celebrating interjurisdictional lottery milestones).

- 4.2. The Chair/CEO will inform the Secretary of any public announcements or press releases prior to their release that could affect the business of the Government of Yukon.
- 4.3. The Minister or Secretary will inform the Chair/CEO of any public announcements or press releases prior to their release that could affect the business of the Commission.
- 4.4. The Parties may establish working-level communication procedures to supplement the practices identified in this section.

## **5. MISCELLANEOUS**

- 5.1. To promote the effective management of the Commission, the Minister agrees to limit the number of members appointed to the Commission to eight members.
- 5.2. The Commission will advise the Minister of the skills and qualifications needed by the Commission prior to a decision of the Minister to appoint or reappoint Commission Members to ensure the Commission consists of a membership that is qualified and appropriately diverse.
- 5.3. The Secretary will ensure the interests of the Commission are represented during the development of Government of Yukon initiatives that may affect the operations of the Commission (e.g. new contract rules initiated by the Department of Highways and Public Works).

## **6. NOT LEGALLY BINDING**

- 6.1. The Parties acknowledge that this Agreement is intended to be a non-binding memorandum of understanding and does not create any legal rights or obligations.

## **7. REVIEW AND AMENDMENT**

- 7.1. The Parties will meet and review this Agreement at least once every three years to ensure it still meets the needs of the Parties.
- 7.2. At the review meeting, the Parties may agree to amend this Agreement.

**8. TERMINATION**

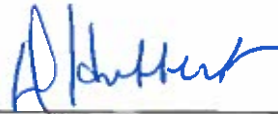
- 8.1. Either Party may terminate this Agreement by giving not less than 30 days written notice to the other Party.

Signed at Whitehorse, Yukon, this 4<sup>th</sup> day of June, 2023.

**GOVERNMENT OF YUKON**



Hon. Sandy Silver  
Minister Responsible for the  
*Yukon Lottery Commission*



Witness

**YUKON LOTTERY COMMISSION**



Sara Skelton  
Chair & Chief Executive Officer  
Yukon Lottery Commission



Witness