

1977 BILL 1

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 1

THE ALBERTA HISTORICAL RESOURCES
AMENDMENT ACT, 1977

THE PREMIER

First Reading

Second Reading

Third Reading

Bill 1

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THE ALBERTA HISTORICAL RESOURCES AMENDMENT ACT, 1977

(Assented to , 1977)

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

- 1. The Alberta Historical Resources Act is hereby amended.*
- 2. Section 5, subsection (2) is amended*
 - (a) by striking out the word “and” at the end of clause (d), and*
 - (b) by adding the following clauses after clause (e):*
 - (f) governing the conditions upon which research permits may be issued under section 20, and*
 - (g) prescribing the standards of curatorship to be maintained in institutions to which the Minister has given custody of historical resources.*
- 3. Section 8 is amended by striking out clause (h) and substituting the following:*
 - (h) provide for the operation, maintenance and development of the Provincial Archives of Alberta for*
 - (i) the preservation and storage of public records (as defined in *The Department of Government Services Act*), and*
 - (ii) the acquisition and preservation of documents, parchments, manuscripts, records, books, maps,*

Explanatory Notes

1. This Bill will amend chapter 5 of the Statutes of Alberta, 1973.

2. Section 5, subsection (2) presently reads:

(2) The Minister may make regulations

(a) fixing the times, terms and conditions of public access to collections, property and locations under his control,

(b) respecting the use and protection of property under his control,

(c) fixing the sale price of items sold pursuant to this Act,

(d) fixing tariffs of charges for services rendered under this Act, and

(e) generally for the operation, conduct and management of properties under his control.

3. This amendment allows the Provincial Archives of Alberta to acquire and preserve documents of public interest. Section 8, clause (h) presently reads:

8. The Minister may

(h) arrange for the establishment of facilities for the Provincial Archives of Alberta for

(i) the acquisition and preservation of documents concerning Alberta;

(ii) the preservation and storage of public records;

(iii) the preservation and storage of other documents in accordance with regulations under The Department of Government Services Act.

plans, photographs, magnetic tapes or other materials regardless of physical form the preservation of which is in the public interest.

4. Section 20, subsection (3) is amended

(a) by striking out the word “and” at the end of clause (b) and by adding the word “and” at the end of clause (c), and

(b) by adding the following clause after clause (c):

(d) any condition prescribed pursuant to the regulations,

5. Section 25 is amended by striking out subsection (3) and substituting the following:

(3) The Lieutenant Governor in Council may designate one of the directors as chairman of the board.

6. The following sections are added after section 28:

28.1. The Minister may give directions to the Foundation for the purpose of

(a) establishing priorities and guidelines to be followed by the Foundation in carrying out the objects of the Foundation, and

4. Section 20, subsection (3) presently reads:

(3) A research permit shall be subject to the following conditions:

- (a) the holder shall, within such time as may be specified upon the permit, furnish to the Minister a progress report on the work done in such detail as the Minister may require,*
- (b) the holder of a permit shall, after completion of the excavation, restore the site to its normal condition insofar as it is reasonably possible to do unless the Minister otherwise authorizes, and*
- (c) the holder shall deliver possession of all heritage objects recovered while excavating pursuant to the research permit to any public institution which the Minister may designate,*

and to such other conditions as the Minister may consider necessary.

See also the proposed clause (f) being added to section 5, subsection (2) of the Act by section 2 of this Bill.

5. Section 25, subsections (1), (2) and (3) presently read:

25. (1) There is hereby established a body corporate with the name "The Alberta Historical Resources Foundation" consisting of a board of directors of nine persons and such other persons as become members of the Foundation.

(2) The board shall consist of

- (a) six directors appointed by the Lieutenant Governor in Council to serve for such term as may be designated in their respective appointments, and*
- (b) three directors elected by the members from the general membership to serve for a period of two years.*

(3) The first board shall be a provisional board composed of six directors appointed by the Lieutenant Governor in Council for a period of six months.

The present subsection (3) is repealed as being a spent provision.

6. Self-explanatory.

- (b) co-ordinating the activities of the Foundation with the programs, policies and activities of the Government and public and private institutions in the preservation and development of historical resources, in order to avoid duplication and expense.

28.2. The Lieutenant Governor in Council may make regulations

- (a) restricting and otherwise regulating the exercise of the Foundation's powers enumerated in section 28, and
- (b) governing any other matter related to the conduct of the business and affairs of the Foundation.

7. Section 36 is amended by renumbering the section as subsection (1) and by adding the following subsection:

(2) The Lieutenant Governor in Council may make regulations governing the manner of determining compensation paid by the Minister under subsection (1).

8. This Act comes into force on the day upon which it is assented to.

7. Section 36 presently reads:

36. The Minister may authorize the payment of compensation in accordance with the regulations to any person who has suffered loss as the result of the application of any provisions of this Act or the regulations.