

1978 BILL 16

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 16

THE CULTURAL DEVELOPMENT
AMENDMENT ACT, 1978

MRS. CHICHAK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 16
Mrs. Chichak

BILL 16

1978

THE CULTURAL DEVELOPMENT AMENDMENT ACT, 1978

(Assented to , 1978)

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

- 1 The Cultural Development Act is amended by this Act.*
- 2 The following heading is added after section 2:*

PART 1

GENERAL

- 3 The following is added after section 3.1:*

3.11(1) The Minister may acquire for purposes of this Act any work of art by purchase, gift, bequest, loan or otherwise.

(2) The acceptance by the Minister of a work of art by gift, bequest, loan or otherwise than by purchase is subject to any conditions prescribed by the instrument under which the work of art is acquired.

(3) The Minister may sell, lease, exchange or otherwise dispose of any work of art acquired under this section, subject to any conditions upon which he acquired it.

- 4 Section 3.2 is amended by striking out "section 3, section 3.1 and section 7, subsection (4)" and substituting "section 3, 3.1, 3.11 or 7(4)".*

- 5 The following is added after section 4:*

Explanatory Notes

1 This Bill will amend chapter 82 of the Revised Statutes of Alberta 1970.

2 Sections 3 to 8 become Part 1 of the Act.

3 Acquisitions of works of art.

4 Section 3.2 presently reads:

3.2 The Minister may delegate any of his powers or responsibilities under section 3, section 3.1 and section 7, subsection (4) to any employee of the Government or to a board, committee or council established under section 6.

5 Service of experts.

4.1(1) The Minister may from time to time engage the services of persons having special knowledge to advise and assist him or to inquire into and report to him on matters under the Minister's administration.

(2) A person whose services are engaged under this section may be paid such remuneration and expenses as the Minister may prescribe.

6 *The following is added after section 8:*

PART 2

FOUNDATIONS

9 In this Part "foundation" means a foundation incorporated by this Part.

10(1) There is hereby created

(a) a corporation with the name "The Alberta Cultural Heritage Foundation" consisting of those members appointed under section 11, and

(b) a corporation with the name "The Alberta Foundation for the Performing Arts" consisting of those members appointed under section 11.

(2) The objects of The Alberta Cultural Heritage Foundation are

(a) to preserve the cultural wealth of our past including the language, art, music and rites of ethno-cultural groups in Alberta;

(b) to support and contribute to the development of an understanding of the ethno-cultural background of Alberta;

(c) to provide persons and organizations the opportunity to participate in the preservation and promotion of the culture of Alberta.

(3) The objects of The Alberta Foundation for the Performing Arts are

(a) to promote the performing arts in Alberta;

(b) to provide persons and organizations the opportunity to participate in the performing arts;

6 Establishment and operation of foundations.

(c) to support and contribute to the development of the performing arts.

(4) A foundation is an agent of the Crown in right of Alberta.

11(1) A foundation shall consist of such number of members as may be appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall designate one of the members of a foundation as chairman of the foundation.

(3) The Lieutenant Governor in Council may

(a) in making an appointment under this section, prescribe the term of office of the member so appointed, and

(b) in designating a member as chairman of a foundation, prescribe his term of office as chairman.

(4) A majority of the members of a foundation constitutes a quorum at a meeting of the foundation.

(5) The Minister may appoint a person to be the secretary of a foundation who may be an employee of the Government under the Minister's administration or any other person.

(6) The Minister may prescribe the rate of remuneration and the subsistence and travelling expenses to be paid to the members of a foundation and to the secretary of a foundation where the secretary is not an employee of the Government.

12 A foundation may, with the approval of the Minister, make by-laws

(a) governing the administration of the foundation and its funds;

(b) establishing such honorary offices as it considers desirable and governing the appointment of persons thereto;

(c) governing the management of the property of the foundation;

(d) relating to any other matter necessary for carrying out the objects of the foundation.

13 In addition to the powers it has under section 14 of *The Interpretation Act*, a foundation, in furtherance of its objects, may

- (a) acquire real or personal property, whether by purchase, gift, lease, devise, bequest or otherwise;
- (b) hold, preserve, maintain, renovate, restore and manage the real and personal property of the foundation;
- (c) enter into agreements with any person respecting any matter pertaining to the objects of the foundation;
- (d) engage the services of such persons as are considered necessary for the operations of the foundation;
- (e) make grants to any person or organization carrying on activities that are within the objects of the foundation;
- (f) dispose of any real or personal property by sale, lease or any other manner and to execute such deeds or other instruments as may be required to effect such disposition;
- (g) establish and maintain such banking arrangements as are necessary;
- (h) publish, produce and distribute books, pamphlets, films or any other productions which relate to the objects of the foundation;
- (i) from time to time borrow money from any person and give security for the repayment of moneys so borrowed;
- (j) conduct fund raising campaigns or otherwise raise funds in order to carry out the objects of the foundation.

14 The Minister may give directions to a foundation for the purpose

- (a) of providing priorities and guidelines for it to follow in the exercise of its powers, and
- (b) of co-ordinating the work of the foundation with the programs, policies and work of the Government and of public and private institutions, in order to avoid duplication of effort and expense.

15 The Minister may provide to a foundation the services of employees of the Government under his administration, to carry out secretarial, clerical and accounting duties and other work required by the foundation.

16 A foundation may disburse, expend, or otherwise deal with any portion of its funds for the purposes of any of the objects of the foundation and to defray any expenses in connection therewith.

17 The Auditor General is the auditor of a foundation.

18(1) The fiscal year of a foundation is the period from April 1 to the next succeeding March 31.

(2) A foundation shall, as soon as possible after the end of each fiscal year, present to the Minister a report of its operations for that fiscal year and the Minister shall lay a copy of the report before the Legislative Assembly, if it is then sitting, and if not, within 15 days after the commencement of the next ensuing sitting.

(3) The report of a foundation for a fiscal year shall consist of

(a) audited financial statements for the fiscal year including statements showing the financial position, prepared in accordance with accounting policies approved by the Provincial Treasurer, and

(b) such other information as the Minister may require.

19 Upon the recommendation of the Minister, the Lieutenant Governor in Council may from time to time and upon such conditions as the Lieutenant Governor in Council considers proper, authorize the Provincial Treasurer to guarantee on behalf of the Government the payment of all or any part of any

(a) sum borrowed by a foundation for the purpose of carrying out its objects, or

(b) interest owing on that sum,

or both.

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