

1980 BILL 21

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 21

THE DEPARTMENT OF CULTURE ACT

HON. MARY LEMESSURIER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

THE DEPARTMENT OF CULTURE ACT

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THE DEPARTMENT OF CULTURE ACT

(Assented to , 1980)

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

1 In this Act,

(a) "Department" means the Department of Culture;

(b) "Minister" means the Minister of Culture.

2 There shall be a department of the public service of the Province called the Department of Culture over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as Minister of Culture.

3 In accordance with *The Public Service Act* there may be appointed a Deputy Minister of Culture and other employees as required to conduct the business of the Department.

4(1) The Minister may from time to time engage the services of experts or persons having special technical or other knowledge to advise 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 remuneration and expenses that the Minister prescribes.

5 The Minister may in writing delegate any power, duty or function conferred or imposed on him by this Act or any other Act under his administration to any employee of the Department or any member, officer or employee of an agent of the Crown in right of Alberta.

Explanatory Notes

1 Definitions.

2 Establishment of the Department.

3 Staff.

4 Services of experts.

5 Delegation of power.

6(1) The Minister may establish those boards, committees or councils as he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

(2) The Minister may, with respect to any board, committee or council established under this section,

(a) appoint or provide for the manner of the appointment of its members,

(b) prescribe the term of office of a member,

(c) designate a chairman, vice-chairman and secretary, and

(d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) A board, committee or council established pursuant to this section may, subject to the approval of the Minister, make rules of procedure governing the calling of its meetings and the conduct of business at its meetings.

(4) A board, committee or council established pursuant to this section may exercise those powers and shall perform those duties and functions that the Minister approves, confers or imposes on it.

7 The Minister may on behalf of the Government of Alberta enter into agreements with the Government of Canada, the government of a province of Canada, the government of a foreign jurisdiction, an agency of any of those governments, a municipal corporation in Alberta or any other person in respect of matters concerning the cultural development of Alberta or historical resources in Alberta.

8(1) The Minister may make grants if

(a) he is authorized to do so by regulations under this section, and

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(2) The Lieutenant Governor in Council may make regulations

(a) authorizing the Minister to make grants;

(b) prescribing the purposes for which grants may be made;

6 Advisory boards, committees and councils.

7 Agreements.

8 Grants.

- (c) governing applications for grants;
- (d) prescribing the persons or organizations or classes of persons or organizations eligible for grants;
- (e) specifying the conditions required to be met by any applicant for a grant to render that person eligible for the grant;
- (f) prescribing the conditions on which a grant is made and requiring the repayment of the grant to the Government if the conditions are not met;
- (g) providing for the payment of any grant in a lump sum or by instalments and prescribing the time or times at which the grant or the instalments may be paid;
- (h) limiting the amount of any grant or class of grant that may be made;
- (i) authorizing the Minister to delegate in writing to any employee of the Government any duty, power or function respecting the payment of any grant;
- (j) requiring any person receiving a grant to account for the way in which the grant is spent in whole or in part;
- (k) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.

(3) Any regulation made under subsection (2) may be specific or general in its application.

9(1) The Minister shall establish and administer a revolving fund for the Department of Culture.

(2) The Provincial Treasurer shall, on the requisition of the Minister, advance from and out of the General Revenue Fund to the revolving fund administered by the Minister those sums that are required from time to time by the Minister to pay for

(a) supplies, material and equipment required

(i) for the purposes of this Act, *The Cultural Foundations Act* and *The Alberta Historical Resources Act*, and

(ii) for providing services to the public,

and

(b) salaries and wages of employees required to administer the operations of the revolving fund.

9 Revolving fund.

(3) The net amount outstanding at any time in respect of advances under subsection (2) shall not exceed \$1 000 000.

(4) The Minister may sell, lease or otherwise dispose of supplies, material and equipment purchased out of the revolving fund on those terms and conditions that the Minister considers proper.

(5) The amount of the proceeds of a sale, lease or disposition made under subsection (4) shall be credited in reduction of the amount of the advances made by the Provincial Treasurer under subsection (2).

(6) On or before the 15th day of June in each year the Minister shall cause to be prepared an operating statement and balance sheet covering the revolving fund for the immediately preceding fiscal year.

(7) The operating statement and balance sheet shall be audited by the Auditor General in each fiscal year and included in the Public Accounts for that year.

(8) Any surplus arising from the revolving fund shall be paid into the General Revenue Fund and the amount of any deficit may be deducted from the surplus of any succeeding fiscal year or years before the surplus is transferred to the General Revenue Fund.

10(1) The Provincial Treasurer may

- (a) on the recommendation of the Minister, and
- (b) in accordance with the regulations,

guarantee on behalf of the Province the repayment of principal or interest or both of sums borrowed by a person for an activity or matter related to culture.

(2) The total amount of the liability of the Province as guarantor under this section shall not at any time exceed \$3 500 000.

(3) The Lieutenant Governor in Council may make regulations

- (a) prescribing the procedure for the submission of applications for guarantees of loans under this section;
- (b) prescribing the form and content of applications;
- (c) prescribing the requirements to be met before an applicant may qualify for a guarantee;
- (d) prescribing the terms and conditions of a guarantee;

10 Guarantee of loans.

(e) prescribing what constitutes an activity or matter related to culture for the purposes of this section and the regulations;

(f) prescribing the conditions on which loans may be guaranteed;

(g) prescribing the duties or obligations or both of a person on whose behalf a guarantee is made;

(h) prescribing the security to be given by a person in whose favour a guarantee is made;

(i) prescribing the type or classes of lending institutions that are eligible to have repayment of loans guaranteed;

(j) prescribing the form in which a guarantee may be given;

(k) specifying the persons or classes of persons eligible to apply for a guarantee under this section and the regulations;

(l) delegating to the Minister or an employee of the Government under his administration any power or function under the regulations.

11 The member of the Executive Council who, immediately prior to the commencement of this Act, holds office as, and is designated by the Lieutenant Governor as the Minister Responsible for Culture becomes the Minister of Culture without the necessity of a further designation by the Lieutenant Governor, the issue of a new commission or the swearing of another oath of office.

12 A reference to the Minister Responsible for Culture or the Deputy Minister Responsible for Culture in any statutory provision, order, regulation, rule, by-law, certificate of title, agreement or other instrument shall be deemed to be a reference to the Minister of Culture or the Deputy Minister of Culture as the case may be.

13 *The Alberta Art Foundation Act is amended*

(a) *by repealing section 1(a), and*

(b) *by repealing section 2(4) and substituting the following:*

(4) The Minister may designate an employee of the Government under his administration as the secretary of the Foundation.

11 Transitional.

12 Transitional.

13 Consequential amendments to chapter 14 of the Statutes of Alberta, 1972.

(5) The secretary of the Foundation may designate a person to act in his place at any meeting of the Foundation at which the secretary is unable to attend.

14 *The Cultural Development Act is amended*

(a) by repealing the title of the Act and substituting the following:

THE CULTURAL FOUNDATIONS ACT

(b) by repealing section 2 and substituting the following:

2 In this Act

(a) “foundation” means a foundation incorporated under this Act;

(b) “Minister” means the Minister of Culture.

(c) by repealing Part I;

(d) by repealing section 9 and the headings “PART 2” and “FOUNDATIONS” immediately preceding section 9.

15 *The Financial Administration Act, 1977 is amended in section 1(1)(u)(vii) by striking out “7(1) of The Cultural Development Act” and substituting “9(1) of The Department of Culture Act”.*

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

14 Consequential amendments to chapter 82 of the Revised Statutes of Alberta 1970.

15 Consequential amendment to chapter 68 of the Statutes of Alberta, 1977.