

1981 BILL 24

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 24

THE MOTION PICTURE DEVELOPMENT ACT

THE MINISTER OF ECONOMIC DEVELOPMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

THE MOTION PICTURE DEVELOPMENT ACT
TABLE OF CONTENTS

Definitions	Section No. 1
Alberta Motion Picture Development Corporation	2
Object	3
By-laws	4
Meetings and committees	5
Staff	6
Motion Picture Development Fund	7
Expenditures	8
Statements and information	9
Loans and guarantees	10
Powers	11
Motion Picture Advisory Committee	12
Auditor and fiscal year	13
Annual report	14
Transitional	15
Coming into force	16

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THE MOTION PICTURE DEVELOPMENT ACT

(Assented to , 1981)

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

Definitions

1 In this Act,

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Alberta Motion Picture Development Corporation;
- (c) "Fund" means the Motion Picture Development Fund;
- (d) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (e) "motion picture" includes a television or other audio visual production whether on cinematographic film, videotape, video-disc or other medium.

Alberta Motion
Picture
Development
Corporation

2(1) There is hereby established a corporation with the name "Alberta Motion Picture Development Corporation" which shall consist of the members of the Board.

(2) The affairs of the Corporation shall be conducted by a Board of Directors consisting of not less than 3 nor more than 7 members appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council shall designate a member of the Board as chairman.

(4) The Corporation shall pay to the members of the Board who are

not officers or employees of the Crown nor officers or employees of any agency of the Crown remuneration for their services at the rates prescribed by the Lieutenant Governor in Council.

(5) The Corporation shall pay to the members of the Board their travelling and living expenses while absent from their ordinary places of residence in the course of their duties as members of the Board at the rates authorized by the Lieutenant Governor in Council.

Object **3** The object of the Corporation is to promote the development of the motion picture industry in Alberta.

By-laws **4(1)** The Board may make by-laws, subject to the approval of the Lieutenant Governor in Council, respecting the business and affairs of the Corporation.

(2) *The Regulations Act* does not apply to by-laws made under this section.

(3) A copy of all by-laws made under this section shall be filed with the Registrar of Companies and the by-laws are not effective until a copy has been so filed.

(4) A person may inspect or obtain copies of the by-laws filed under subsection (3) in the same manner as if the by-laws were documents permitted or required to be filed under *The Companies Act*.

Meetings and committees **5(1)** When the chairman is absent from a meeting of the Board, the members present may elect one of their number to preside at the meeting.

(2) The Board may, in writing, authorize a committee or one or more of its members to do anything required or permitted to be done by the Board under this or any other Act.

(3) An authorization under subsection (2) may be

- (a) general or applicable to a particular case, and
- (b) conditional or unconditional.

Staff **6** The Corporation may enter into agreements to engage the services of any persons it considers necessary and may prescribe their duties and salaries or remuneration.

Motion Picture Development Fund **7(1)** There is hereby established a Fund to be known as the Motion Picture Development Fund.

(2) The Fund shall be held by the Provincial Treasurer, who shall maintain a separate accounting record of the Fund.

(3) The Provincial Treasurer may, on behalf of the Fund, be a depositor in the Consolidated Cash Investment Trust Fund.

(4) The Provincial Treasurer shall on the direction of the Lieutenant Governor in Council advance to the Fund from the General Revenue Fund those sums that may be required for the purposes of this Act.

(5) The amount of advances under subsection (4) outstanding at any time shall not exceed \$3 000 000.

(6) The following shall be paid into the Fund:

- (a) sums advanced under subsection (4);
- (b) interest earned on the Fund;
- (c) all money received by the Corporation other than
 - (i) amounts received by way of a gift or bequest subject to a trust that is held and used by the Corporation in accordance with that trust,
 - (ii) amounts paid to the Corporation under section 8(2), or
 - (iii) amounts advanced to the Corporation from the Fund and used for the purposes of a loan or guarantee under section 10.

(7) The following shall be advanced to the Corporation out of the Fund:

- (a) amounts required for loans to be made by the Corporation under this Act;
- (b) amounts that the Corporation is required to pay by reason of its liability as a guarantor under a guarantee given under this Act.

(8) The Lieutenant Governor in Council may order the Provincial Treasurer to transfer from the Fund to the General Revenue Fund any money advanced under subsection (4) that is not then required to be used for the purposes of this Act.

Expenditures

8(1) On the request of the Minister the Corporation shall submit to the Minister a budget for the next following fiscal year showing an estimate of its operating expenses other than those that are required to be paid out of the Fund.

(2) The operating expenses of the Corporation shall be paid to the Corporation from money voted for the purpose.

Statements and
information

9 The Corporation shall provide the Minister with financial statements or other information when required to do so by the Minister.

Loans and
guarantees

10(1) The Corporation may make loans or guarantees if it is authorized to do so by the regulations.

(2) The Corporation shall not make

(a) a guarantee that will, at the time the guarantee is made, cause the cumulative total of money that the Corporation is liable or contingently liable to pay under guarantees to exceed the assets of the Fund other than outstanding advances to the Corporation, or

(b) a loan that is greater than the assets then in the Fund, other than outstanding advances to the Corporation, less the cumulative total referred to in clause (a).

(3) The Lieutenant Governor may make regulations

(a) authorizing the Corporation to make loans or guarantees of up to 60% of the total funds required for the pre-production stage of a motion picture;

(b) defining, for the purposes of this section, the pre-production stage of a motion picture;

(c) governing eligibility for the loans or guarantees;

(d) prescribing the procedure for the submission of applications for the loans or guarantees;

(e) prescribing the form and content of applications for the loans or guarantees;

(f) prescribing administration or other fees payable to the Corporation in respect of the loans or guarantees;

(g) prescribing the terms and conditions upon which the loans or guarantees are to be given;

(h) governing the security to be given to the Corporation or to a lender by applicants in consideration of the loans or guarantees;

(i) authorizing the Corporation to enter into an agreement with respect to any matter relating to the loans or guarantees;

(j) prescribing the maximum amount of any loan or guarantee that may be made under subsection (1).

Powers

11(1) Subject to the provisions of this Act, the Corporation may do all or any of the following:

- (a) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange or other negotiable or transferable instruments for the purposes of this Act;
- (b) take, hold, realize on or otherwise dispose of any securities held with respect to loans or guarantees, whether the securities are real or personal property;
- (c) establish offices and agencies in Alberta as it considers expedient;
- (d) act as a trustee of money or other property acquired by the Corporation in trust for any purpose;
- (e) invest and deal with any of its money that is not immediately required for expenditure;
- (f) do any acts incidental or conducive to carrying out its powers and duties under this or any other Act.

(2) The acceptance by the Corporation of any gift, bequest or devise of real or personal property is subject to any conditions prescribed by the person making the gift or by the will or other instrument under which it is acquired.

(3) Notwithstanding section 16 of *The Interpretation Act, 1980*, the Corporation shall not acquire or dispose of real property unless the acquisition or disposal is first approved by the Lieutenant Governor in Council.

Motion Picture
Advisory
Committee

12(1) The Corporation, subject to the approval of the Minister, may establish a Motion Picture Advisory Committee to review and advise the Corporation on applications for loans or guarantees under this Act.

(2) The Corporation may, with respect to the Motion Picture Advisory Committee,

- (a) appoint or provide for the appointment of not more than 5 members, and prescribe their terms of office,
- (b) designate a chairman and other officers of the committee,
- (c) authorize, fix and provide for the payment of remuneration and expenses to its members, and
- (d) make rules of procedure governing the calling of meetings of the Committee and the conduct of its business and affairs.

Auditor and fiscal year	<p>13(1) The Auditor General is the auditor of the Corporation.</p> <p>(2) The fiscal year of the Corporation is the period commencing on April 1 in one year and ending on March 31 next following.</p>
Annual report	<p>14(1) The Corporation shall, as soon as practicable after the end of each fiscal year, prepare and submit to the Minister a report summarizing its transactions and affairs during the fiscal year just ended and containing its audited financial statement as required by section 77(2)(a) of <i>The Financial Administration Act, 1977</i>.</p> <p>(2) When the report prepared under subsection (1) is received, the Minister shall lay a copy of it before the Legislative Assembly if it is then sitting and, if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.</p>
Transitional	<p>15 On the expiry of this Act,</p> <p>(a) the assets and liabilities of the Corporation become the assets and liabilities of the Government,</p> <p>(b) the Fund becomes part of the General Revenue Fund, and</p> <p>(c) the Provincial Treasurer shall pay from the General Revenue Fund all liabilities of the Corporation.</p>
Coming into force	<p>16 This Act comes into force on Proclamation and expires on March 31, 1989.</p>