

1984 BILL 82

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 82

ALBERTA CULTURAL HERITAGE ACT

THE MINISTER OF CULTURE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 82

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1984

ALBERTA CULTURAL HERITAGE ACT

(Assented to , 1984)

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WHEREAS the cultural heritage of Alberta is enhanced by the freedom ethno-cultural groups have to express their ethno-cultures and to interact with people of different ethno-cultures; and

WHEREAS it is fit and proper for the Legislature of Alberta to affirm a commitment to a policy that encourages the expression of and recognition of the cultural heritage of Alberta and the contributions made by ethno-cultural groups to that cultural heritage; and

WHEREAS this commitment is intended to encourage in all Albertans an awareness of and appreciation of the cultural heritage of Alberta and a pride in their unity and diversity;

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

Definitions

1 In this Act,

(a) "Council" means the Alberta Cultural Heritage Council established under this Act;

(b) "Foundation" means the Alberta Cultural Heritage Foundation continued under this Act;

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

Objectives **2** The objectives of the Foundation and the Cultural Heritage Division of the Department of Culture are as follows:

(a) to encourage respect for the cultural heritage of Alberta;

(b) to promote tolerance and understanding of others through appreciation of the ethno-cultures that make up the cultural heritage of Alberta;

(c) to recognize that the presence of ethno-cultural groups in Alberta provides Albertans with an opportunity to develop relationships with other countries;

(d) to foster an environment in which volunteer groups and individuals can contribute to the cultural heritage of Alberta;

(e) to enhance the cultural heritage of Alberta so that present and future Albertans can benefit from its richness and diversity.

Alberta Heritage Day **3** In recognition of the cultural heritage of Alberta, the first Monday in August in each year shall be observed as a day of public celebration and known as "Alberta Heritage Day".

Council **4(1)** There is hereby established the Alberta Cultural Heritage Council consisting of the members appointed under section 5.

(2) The purpose of the Council is to provide advice to the Minister as to how the objectives in section 2 can be achieved.

Membership of Council **5(1)** The Council shall consist of the members that are appointed by the Minister.

(2) The Minister may, in making an appointment under this section, prescribe the term of office of the member so appointed.

(3) A majority of members of the Council constitutes a quorum at a meeting of the Council.

Council expenses **6** The Foundation shall pay to the Council an amount approved by the Minister in respect of the expenses incurred by the Council and its members in carrying out its purpose.

By-laws **7(1)** The Council, with the consent of the Minister, may make by-laws respecting the conduct of the business and affairs of the Council.

(2) The *Regulations Act* does not apply to the by-laws made by the Council.

Foundation **8(1)** The Alberta Cultural Heritage Foundation is continued as a corporation under this Act.

(2) The purpose of the Foundation is to provide persons, groups and organizations with the opportunity to participate in the preservation, development and promotion of the cultural heritage of Alberta.

(3) The Foundation is an agent of the Crown in right of Alberta.

- Membership of Foundation**
- 9(1)** The Foundation shall consist of the members that are appointed by the Lieutenant Governor in Council.
- (2) The Lieutenant Governor in Council shall designate 1 of the members of the 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 the Foundation, prescribe his term of office as chairman.
- (4) A majority of the members of the Foundation constitutes a quorum at a meeting of the Foundation.
- (5) The Minister may appoint a person, who may be an employee of the Government whose position is under the administration of the Minister, to be the secretary of the Foundation.
- (6) The Minister may prescribe the rate of remuneration and the subsistence and travelling expenses to be paid to the members of the Foundation and, if the secretary of the Foundation is not an employee of the Government, to the secretary.
- By-laws**
- 10** The Foundation may, with the approval of the Minister, make by-laws
- (a) governing the administration of the Foundation and its funds;
 - (b) establishing honorary offices that it considers desirable and governing the appointment of persons to those offices;
 - (c) governing the management of the property of the Foundation;
 - (d) relating to any other matter necessary for carrying out the purpose and objectives of the Foundation.
- Powers of Foundation**
- 11** In addition to the powers it has under any other Act, the Foundation, to further its purpose or objectives, 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 purpose or objectives of the Foundation;
 - (d) engage the services of any persons considered necessary for the operations of the Foundation;
 - (e) make grants to any person or organization carrying on activities that are within the purpose or objectives of the Foundation;
 - (f) dispose of any real or personal property by sale or lease or in any other manner;
 - (g) establish and maintain necessary banking arrangements;

	<p>(h) publish, produce and distribute books, pamphlets, films or any other productions that relate to the purpose or objectives of the Foundation;</p> <p>(i) from time to time borrow money from any person and give security for the repayment of money so borrowed;</p> <p>(j) conduct fund-raising campaigns or otherwise raise funds in order to carry out the purpose or objectives of the Foundation.</p>
Expenditure of funds	12 The Foundation may disburse, expend or otherwise deal with any portion of its funds for the purpose or objectives of the Foundation and to defray any expenses in connection therewith.
Fiscal year and annual report	<p>13(1) The fiscal year of the Foundation is the period from April 1 to the next following March 31.</p> <p>(2) After the end of each fiscal year, the Foundation shall prepare and submit to the Minister a report consisting of</p> <p>(a) a general summary of its transactions and affairs during that year, its revenues and the application of its expenditures during that year,</p> <p>(b) audited financial statements as required under section 77 of the <i>Financial Administration Act</i>, and</p> <p>(c) any other information that the Minister may require.</p> <p>(3) On receiving a report under subsection (2), the Minister shall lay a copy of it before the Legislative Assembly if it is then in session, and if not, within 15 days after the commencement of the next ensuing session.</p>
Borrowing by Foundation	<p>14 On the recommendation of the Minister, the Lieutenant Governor in Council may, from time to time and on any conditions 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</p> <p>(a) money borrowed by the Foundation to further its purpose or objectives, or</p> <p>(b) interest owing on that money,</p> <p>or both.</p>
Ministerial directions	<p>15 The Minister may give directions to the Foundation for the purpose of</p> <p>(a) providing priorities and guidelines for it to follow in the exercise of its powers under section 11, and</p> <p>(b) co-ordinating the work of the Foundation with the programs, policies and work of the Government and of public and private institutions.</p>
Employees	16 The Minister may provide the Council or the Foundation with the services of employees of the Government whose positions are under the administration of the Minister, to carry out secretarial,

clerical and accounting duties and other work required by the Council or the Foundation.

Consequential **17** *The Cultural Foundations Act is amended by repealing section 2(1)(a) and (2).*

Repeal **18** *The Alberta Heritage Day Act is repealed.*

*In accordance with section 4(1) of the Interpretation Act,
this Bill comes into force on the date it receives Royal
Assent.*