

1987 BILL 33

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Second Session, 21st Legislature, 36 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 33**

**ALBERTA CULTURAL HERITAGE AMENDMENT ACT, 1987**

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THE MINISTER OF CULTURE

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 33

1987

### ALBERTA CULTURAL HERITAGE AMENDMENT ACT

*(Assented to*

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

- 1 *The Alberta Cultural Heritage Act is amended by this Act.*
- 2 *The preamble is amended by adding the following:*

WHEREAS the richness of life in Alberta is enhanced by the knowledge and traditions of ethno-cultural groups; and

*after*

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

- 3 *Section 1 is amended*

*(a) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):*

(a) "Commission" means the Alberta Multicultural Commission established under this Act;

*(b) by repealing clause (b) and substituting the following:*

(b) "Fund" means the Alberta Multicultural Fund established under this Act;

*(c) in clause (c) by adding "and Multiculturalism" after "culture".*

- 4 *Section 2 is amended*

*(a) by striking out "the Foundation and the Cultural Division of the Department of Culture" and substituting "the Act";*

*(b) by adding the following after clause (e):*

(f) to encourage sharing of the knowledge and traditions of ethno-cultural groups;

## Explanatory Notes

**1** This Bill will amend chapter A-17.5 of the Statutes of Alberta, 1984.

**2** The preamble presently reads:

*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:*

**3** Section 1 presently reads:

*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.*

**4** Section 2 presently reads:

*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;*

(g) to encourage the preservation, enhancement and development of artistic, historical and language resources by cultural groups in Alberta.

5 *Section 6 is repealed.*

6 *Sections 8 to 16 are repealed and the following is substituted*

**8(1)** There is hereby established the Alberta Multicultural Commission consisting of

(a) the following persons appointed by the Lieutenant Governor in Council:

- (i) a Member of the Legislative Assembly who is the chairman,
- (ii) an employee of the Government under the direction of the Minister, who shall be the secretary
- (iii) not more than 3 other persons,

and

(b) the chairman of the Council.

(2) The Lieutenant Governor in Council may prescribe the term of office for the members appointed under subsection (1)

(3) The Lieutenant Governor in Council may designate one member of the Commission as the vice-chairman who in the absence of the chairman has the powers and duties of the chairman

(4) The secretary is a non-voting member of the Commission

(5) A majority of the members of the Commission constitute a quorum at a meeting of the Commission.

(6) The Commission is an agent of the Crown.

**9(1)** The Commission has the duties and powers given to it by the Minister.

(2) The Commission may solicit, raise and receive money

(3) The Commission may, with the approval of the Minister, make by-laws

- (a) respecting the calling and conduct of its meetings and its business and affairs of the Commission;
- (b) providing for committees of the members of the Commission and providing for the duties and powers of those committees.

(4) The Commission shall report to the Minister at the times and in the manner the Minister considers appropriate.

*(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.*

**5 Section 6 presently reads:**

*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.*

**6 Sections 8 to 16 presently read:**

*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.*

*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.*

*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.*

*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;*

**10** Members of the Commission, except for employees of the Government, may, at the rates prescribed by the Lieutenant Governor in Council, be paid remuneration and reasonable travel and living expenses while away from their ordinary residence in the course of their duties as members of the Commission.

**11** The Minister may provide the Council and the Commission with the services of employees of the Government under the administration of the Minister to carry out the work required by the Council or the Commission as the case may be.

**12** The Minister may charge fees for any program or service provided pursuant to this Act.

**13(1)** There is hereby established a fund called the Multi-Purpose Fund into which shall be deposited

(a) money from time to time voted by the Legislature for the purpose of the Fund,

(b) money received by the Commission pursuant to section 9(2) and from any other source,

(c) money received by the Government pursuant to agreements with the Government of Canada or with a provincial or territorial agency of the Government of Canada or of a province or territory pertaining to matters related to the objectives of this Act,

(d) money from fees charged for programs or services provided pursuant to this Act.

(2) The Provincial Treasurer

(a) shall hold and administer the Fund, and

(b) may, on behalf of the Fund, be a depositor in a consolidated Cash Investment Trust Fund under the *Financial Administration Act*.

(3) The income of the Fund accrues to and forms part of the Fund.

(4) The Minister may pay money from the Fund with respect to

(a) programs and services related to the objectives of this Act, and

(b) grants pursuant to section 15.

**14(1)** The Minister shall, annually after the end of each fiscal year, prepare a report that summarizes the operation of the Commission during the fiscal year just ended and includes audited financial statements containing the information required under section 10 of the *Financial Administration Act*.

(2) The Minister shall lay a copy of the report prepared pursuant to subsection (1) 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.

**15(1)** The Minister may make grants if

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

*(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;*

*(h) publish, produce and distribute books, pamphlets, films or any other productions that relate to the purpose or objectives of the Foundation;*

*(i) from time to time borrow money from any person and give security for the repayment of money so borrowed;*

*(j) conduct fund-raising campaigns or otherwise raise funds in order to carry out the purpose or objectives of the Foundation.*

*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.*

*13(1) The fiscal year of the Foundation is the period from April 1 to the next following March 31.*

*(2) After the end of each fiscal year, the Foundation shall prepare and submit to the Minister a report consisting of*

*(a) a general summary of its transactions and affairs during that year, its revenues and the application of its expenditures during that year,*

*(b) audited financial statements as required under section 77 of the Financial Administration Act, and*

*(c) any other information that the Minister may require.*

*(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.*

*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*

*(a) money borrowed by the Foundation to further its purpose or objectives, or*

*(b) interest owing on that money,*

*or both.*

*15 The Minister may give directions to the Foundation for the purpose of*

*(a) providing priorities and guidelines for it to follow in the exercise of its powers under section 11, and*

*(b) co-ordinating the work of the Foundation with the programs, policies and work of the Government and of public and private institutions.*

- (b) there is money available in the Fund.
- (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;
  - (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.

**16(1)** The Alberta Cultural Heritage Foundation is discontinued as a corporation.

- (2) Subject to subsection (3),
  - (a) the assets and liabilities of the Alberta Cultural Heritage Foundation become the assets and liabilities of the Government, and
  - (b) the Minister shall pay from the Fund all liabilities of the Alberta Cultural Heritage Foundation.

(3) Any money or securities, as defined in the *Financial Administration Act*, held by the Alberta Cultural Heritage Foundation shall be transferred to and form part of the Fund.

*7 This Act except for sections 2, 3(c) and 4 comes into force on Proclamation.*



*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.*

**7** Coming into force.