

1990 BILL 234

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 234

ARTS BOARD AND ARTS COUNCIL ACT

MS. BARRETT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 234
Ms. Barrett

BILL 234

1990

ARTS BOARD AND ARTS COUNCIL ACT

(Assented to , 1990)

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

Preamble

WHEREAS the Arts in Alberta constitute a large and multi-disciplined industry; and

WHEREAS it is desirable that public support to Alberta artists and their infrastructural and service organizations be adjudicated in the main by representatives elected by the artists and organizations; and

WHEREAS it is desirable to establish an arms-length relationship between the Government of Alberta and the arts community it seeks to support financially by establishing an independent Arts Board and its governing body, an independent Arts Council;

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) "Board" means the Alberta Arts Board created by section 6;

(b) "Committee" means the Executive Committee;

(c) "Council" means the Alberta Arts Council created by section 2;

(d) "Minister" means the Minister of Culture and Multiculturalism.

Council
constituted

- 2(1) There is hereby established the Alberta Arts Council.
- (2) The Council has the powers and limitations of a society under the *Societies Act*.
- (3) Any individual who is a resident of Alberta and who has an interest in the arts may apply for membership in the Council and, subject to the by-laws, shall be admitted for membership.
- (4) The object of the Council is
 - (a) to support the development of the arts in Alberta, and
 - (b) to elect members to the Alberta Arts Board pursuant to section 6.

Fees

- 3(1) The annual fee for membership in the Council shall not exceed
 - (a) \$10 for the 1990/91 fiscal year, and
 - (b) a sum determined by the directors of the Council based on \$10 for the 1989/90 fiscal year adjusted for inflation or deflation by the same amount as the Consumer Price Index for Alberta as published by Statistics Canada.
- (2) The Council may receive and expend such funds as are paid to it by the Minister out of money appropriated to the purpose by the Legislature.

Executive
Committee;
by-laws

- 4(1) The Council shall at its first meeting elect an Executive Committee of no less than 7 and no more than 11 directors, and shall elect one of the members to chair the Committee.
- (2) The Committee of directors shall meet at the call of the chair.
- (3) The council shall meet in Alberta at least once in every quarter, including an annual general meeting, at a place and date determined by the Committee.
- (4) The Council may pass by-laws for
 - (a) the procedure of the Council and its committees, including proxy voting;
 - (b) the hiring of staff;
 - (c) the payment of fees to and remuneration of expenses of

its members and staff;

(d) the establishment of committees of the Council;

(e) reasonable grounds on which a person may be refused membership in the Council;

(f) a procedure for the hearing of appeals of decisions of an arts discipline jury to a committee of the Council or to the full Council.

Recommendations

5 The Council may from time to time recommend to the Board or the Minister initiatives which it believes would help promote and enhance the arts as a viable and productive sector of Alberta's society and economy or which would in some other way be beneficial to the development of the Arts in Alberta.

Alberta Arts Board

6(1) There is hereby established the Alberta Arts Board.

(2) The object of the Board is to allocate grant budgets to qualifying applicants as provided by sections 7 and 8.

(3) The Board shall be composed of 15 members of whom at least 8 and no more than 11 shall be elected at the annual meeting of the Alberta Arts Council from among persons the Council considers to have personal experience and knowledge of a branch of the arts, including the performing, literary, visual film, or video arts in Alberta, and the balance shall be appointed by the Lieutenant Governor in Council.

(4) The Board shall at its first meeting elect one of its members to chair the Board.

(5) The Board may make by-laws governing

(a) its own procedure and the procedure of arts discipline peer committees and arts discipline juries;

(b) the hiring of staff;

(c) the remuneration and reimbursement of expenses of its officers and staff.

Peer Committees,
Arts Discipline
Juries

7(1) The Executive Committee shall establish arts discipline peer committees for each of the performing, literary, film, visual and video arts, and any other arts discipline it deems appropriate.

(2) At the annual general meeting of the Council in each year, the Executive Committee shall provide for registration by members on

the peer committees.

(3) Every member may register on one peer committee only.

(4) A member may only register on a peer committee representing a branch of the arts if the member is actively engaged in the branch as determined by rules established by the Executive Committee.

(5) Every peer committee shall meet at the annual general meeting of the Council and determine by vote of those present whether to establish an arts discipline jury and if it is so determined, then the peer committee shall elect from its members an arts discipline jury of 5 members.

(6) If a vacancy occurs in a jury, the peer committee shall convene within 30 days to elect a person to fill the vacancy.

(7) A person who is a member of an arts discipline jury is not eligible to be a member of the Board.

(8) The object of an arts discipline jury is to make determinations on grant applications for work in its field out of a grant budget allocated to it.

(9) The Board shall in each year allocate to each arts discipline jury a portion of the money available for grants, to be the grant budget for the discipline for the year.

(10) Where a peer committee decides not to elect a jury or fails to elect a jury, the functions of the arts discipline jury for that discipline shall be carried out by the Board.

(11) The Board shall make by-laws to prevent conflict arising when a member of the Board or a jury makes an application for a grant.

(12) The Board shall determine any question as to which arts discipline jury shall deal with an application.

(13) A member of an arts discipline jury is entitled to remuneration and reimbursement of expenses as authorized by the by-laws of the Board.

Grant applications

8(1) The Board shall receive and consider all applications for grants in support of artistic productions or endeavours under any program it administers that provides grants to individuals or organizations to support their endeavours in the Arts, including the performing, literary, visual, film and video arts, as well as those

received by the Department of Culture and Multiculturalism that are within the funding and jurisdictional authority of the Board.

(2) The Board shall allocate each application to the proper arts discipline jury, if a jury has been elected for that discipline.

(3) The jury, or if none has been elected, the Board, shall determine which applicants are to receive grants out of the disciplines budget in accordance with criteria established from time to time by the Council.

(4) The Board shall, where feasible, ensure that at least 5% and no more than 10% of the grant funds allocated to the Board shall be applied to accommodate and promote each of

(a) amateur arts;

(b) service organizations whose endeavours are related to the arts;

(c) artistic endeavours which are exploratory in nature.

(5) In assessing an application, the jury shall take into consideration

(a) the applicant's ability to carry out the project;

(b) the project's reflection of unique and indigenous experiences of Albertans or of Alberta;

(c) the degree of the project's exploratory nature;

(d) the contribution to the educational process and general awareness of the arts in Alberta that will be provided by the project;

(e) the potential audience for the project;

(f) where the project has commercial application, the commercial potential of the project; and

(g) any other criterion that the Board considers relevant.

(6) The Board shall arrange for the payment of every grant that it approves or is approved by an arts discipline jury in accordance with this Act, providing that there are at the time funds available out of which the grant may be made.

(7) The Board shall maintain a record of all financial transactions

of the Board and the juries and transmit it to the Auditor General annually, in the same manner as a department of the Government of Alberta.

(8) The Board and a jury shall advise each applicant in writing of the reasons for any decision made by it relating to the applicant.

(9) An applicant may appeal a decision of a jury to the Council or a committee of the Council as provided by by-laws passed pursuant to section 4.

(10) The Board may make directions to the Minister with respect to applications received by him for loan guarantees under the *Cultural Foundations Act*.

Promotion of Arts

9 The Board may from time to time recommend to the Minister initiatives which it believes would help promote and enhance the arts as a viable and productive sector of Alberta's society and economy or which would in some other way be beneficial to the development of the arts in Alberta.

c.C-40 RSA 1980

10(1) *The Cultural Foundations Act is amended by this section;*

(2) *Section 11 is amended by adding at the end of it "providing the Minister has received a direction in respect thereof, pursuant to section 8 of the Alberta Arts Board Act".*