

1991 BILL 15

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Third Session, 22nd Legislature, 40 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 15

ALBERTA FOUNDATION FOR THE ARTS ACT

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THE MINISTER OF CULTURE AND MULTICULTURALISM

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## ALBERTA FOUNDATION FOR THE ARTS ACT

(Assented to , 1991)

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

- Definitions
- 1** In this Act,
- (a) “arts” means
- (i) the literary, performing, visual and media arts,  
and
- (ii) anything prescribed by the regulations;

- (b) "Foundation" means the Alberta Foundation for the Arts established by this Act;
- (c) "Minister" means the Minister of Culture and Multiculturalism.

**Foundation**      **2** The Alberta Foundation for the Arts is established as a corporation.

- Purposes**      **3** The purposes of the Foundation are
- (a) to support and contribute to the development of and to promote the arts in Alberta;
  - (b) to provide persons and organizations with the opportunity to participate in the arts in Alberta;
  - (c) to foster and promote the enjoyment of works of art by Alberta artists;
  - (d) to collect, preserve and display works of art by Alberta artists;
  - (e) to encourage artists resident in Alberta in their work.

**Crown agent**      **4** The Foundation is an agent of the Crown in right of Alberta.

- Powers**      **5** The Foundation may, subject to the regulations,
- (a) acquire real or personal property, including works of art, by purchase, gift, lease, devise, bequest or any other means;
  - (b) act as trustee of any real or personal property acquired by the Foundation in trust;
  - (c) hold, preserve, maintain, renovate, restore and manage the real and personal property of the Foundation;
  - (d) dispose of any real or personal property of the Foundation by sale or lease or in any other manner, subject to the terms of any trust on which it is held;
  - (e) make grants to any person or organization;

- (f) publish, produce and distribute books, pamphlets, videos, films or other material about the Foundation;
- (g) hire employees, consultants and advisors and determine their duties, terms of employment and remuneration;
- (h) conduct fund-raising campaigns or raise funds by any other method;
- (i) make and maintain banking arrangements;
- (j) draw, make, accept, endorse, execute and issue bills of exchange and other negotiable or transferable instruments;
- (k) exercise any power or perform any duty given to it by the regulations.

Directions by  
Minister

**6** The Minister may give directions to the Foundation for the purposes of

- (a) providing priorities and guidelines for it to follow in the exercise of its powers and the performance of its duties, and
- (b) co-ordinating the work of the Foundation with the programs, policies and work of the Government and public and private organizations and institutions, in order to avoid duplication of effort and expense.

Composition  
of Foundation

**7(1)** The Foundation consists of members appointed by the Lieutenant Governor in Council.

**(2)** The Lieutenant Governor in Council shall designate from among the members a chairman and one or more vice-chairmen of the Foundation.

**(3)** The Minister may designate an employee of the Government under the Minister's administration as secretary of the Foundation.

Remuneration  
and expenses

**8** The Foundation shall pay its members

- (a) remuneration, and
- (b) travelling, living and other expenses incurred in the course of their duties as members

as determined by the Minister.

- By-laws**      **9(1)** The Foundation may make by-laws
- (a) governing the administration of the Foundation;
  - (b) governing the making of grants;
  - (c) relating to any matter necessary for carrying out the purposes of the Foundation.
- (2) A by-law does not become effective until it is approved by the Minister.
- Government employees**      **10** If the Minister considers it necessary, the Minister shall provide to the Foundation the services of employees of the Government under the Minister's administration to carry out the work of the Foundation.
- Funds**      **11(1)** Money received by the Foundation from any source constitutes the funds of the Foundation.
- (2) The income of the funds of the Foundation accrues to and forms part of those funds.
- (3) Expenditures and grants made by the Foundation must be paid from the funds of the Foundation.
- CCITF**      **12** The Foundation may be designated as a depositor to the Consolidated Cash Investment Trust Fund.
- Fiscal year**      **13** The fiscal year of the Foundation is the period commencing on April 1 and ending on the following March 31.
- Annual report**      **14(1)** The Foundation shall, as soon as possible after the end of the fiscal year, provide the Minister with a report that summarizes the operation of the Foundation during the last fiscal year and includes the Foundation's audited financial statements.
- (2) The Minister shall lay a copy of the report before the Legislative Assembly if it is sitting and, if it is not sitting, within 15 days after the commencement of the next sitting.

- Regulations **15** The Minister may make regulations
- (a) prescribing anything to be part of the arts for the purposes of this Act;
  - (b) restricting and regulating the powers and duties of the Foundation;
  - (c) establishing additional powers and duties of the Foundation.
- Transitional **16(1)** *The Alberta Art Foundation, The Alberta Foundation for the Performing Arts and The Alberta Foundation for the Literary Arts are discontinued as corporations.*
- (2) The assets and liabilities of the Foundations referred to in subsection (1) are the assets and liabilities of the Alberta Foundation for the Arts.*
- (3) Any person holding money, securities or investments of the Foundations referred to in subsection (1) when this Act comes into force shall transfer them to the Alberta Foundation for the Arts, and the Alberta Foundation for the Arts has the power to hold and deal with that money and those securities and investments.*
- (4) The liabilities of the Foundations referred to in subsection (1) must be paid from the funds of the Alberta Foundation for the Arts.*
- Repeal **17** *The Alberta Art Foundation Act and the Cultural Foundations Act are repealed.*
- Coming into force **18** *This Act comes into force on Proclamation.*