

2021 Bill 75

Second Session, 30th Legislature, 70 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 75

ARTS PROFESSIONS RECOGNITION ACT

THE MINISTER OF CULTURE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 75

2021

ARTS PROFESSIONS RECOGNITION ACT

(Assented to _____, 2021)

Preamble

WHEREAS the Government of Alberta recognizes that the artists of Alberta are valuable and professional members of society;

WHEREAS the artists of Alberta and their professional organizations make vital contributions to the social, economic and cultural fabric of our Province;

WHEREAS the Government of Alberta is committed to promoting artistic work, including innovation and creativity, as a public good and service to the community;

WHEREAS the Government of Alberta acknowledges the importance to Alberta artists of the right to freedom of expression; and

WHEREAS the Government of Alberta recognizes that all artists should be fairly compensated for their work;

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) “artist” means any individual who creates, performs, gives creative expression to or works in any artistic field, including the following:

(i) literary arts;

- (ii) visual arts and crafts;
 - (iii) electronic, recording and media arts, including film and video;
 - (iv) performing arts, including theatre, opera, music, dance, mime, circus and variety entertainment;
 - (v) an artistic field prescribed in the regulations;
- (b) “artists’ association” means an organization or a branch of any organization, including a federation of artists’ associations, that has among its objectives the management or promotion of the professional, social and economic interests of artists who are members of the organization;
- (c) “professional artist” means an artist who
- (i) is an independent contractor,
 - (ii) receives, or has received, compensation as a result of the artist’s work, including sales, fees, commissions, salaries, royalty payments, residual payments, grants or awards, any of which may reasonably be included as income of a self-employed person or a business, and
 - (iii) meets at least 3 of the following criteria:
 - (A) the artist has received public or peer recognition
 - (I) in the form of honours, awards, professional prizes, scholarships, honourable mentions, appointments to an adjudication committee or invitations to participate in a group exhibition or performance, or
 - (II) by publicly disseminated critical appraisal;
 - (B) the artist promotes or markets the artist’s work
 - (I) by attending auditions or seeking sponsorship, agents, engagements or exhibitions, or by engaging in similar activities appropriate to the nature of the artist’s work, or

- (II) by being represented by a dealer, publisher, agent or similar representative appropriate to the nature of the artist's work;
- (C) the artist's work has been presented to the public by means of exhibitions, publications, performances, readings, screenings or other means;
- (D) the artist has received training or acquired traditional knowledge
 - (I) in an educational institution or from a practitioner or teacher recognized within the artist's artistic field, or
 - (II) within the established practice of the artist's cultural traditions;
- (E) the artist has membership in an artists' association or in an organization representing the artist's artistic field whose membership or categories of membership is or are limited under standards established by the organization;
- (F) the artist holds copyright in the artist's work and has received royalty or residual payments based on that copyright;
- (d) "public entity" means the Government of Alberta or a public agency to which the *Alberta Public Agencies Governance Act* applies.

Undertakings by public entities

2 A public entity shall undertake, as far as it considers reasonable and appropriate, to

- (a) respect, honour and in good faith abide by scale agreements of artists' associations representing the interests of professional artists engaged by the public entity,
- (b) respect the working conditions of professional artists, and
- (c) respect, honour and in good faith abide by protocols in respect of working conditions that have been established

by artists' associations representing the interests of professional artists engaged by the public entity.

Written contracts

3 Subject to the regulations, a public entity shall not contract with or retain the services of a professional artist for any of the following purposes, whether on a not-for-profit or for-profit basis, without having entered into a written contract with that professional artist:

- (a) to produce an artistic work or product;
- (b) to present an artistic work or production to the public;
- (c) to engage in an enterprise that circulates or disseminates artistic works to the public, including lending, leasing, exchanging, depositing, exhibiting, publishing, publicly presenting or using artistic works in any other similar manner.

Regulations

4 The Lieutenant Governor in Council may make regulations

- (a) prescribing artistic fields for the purposes of section 1(a)(v);
- (b) respecting exemptions from the requirement to enter into a written contract under section 3;
- (c) defining, for the purposes of the Act, terms used but not defined in this Act;
- (d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary for carrying out the purposes of this Act.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To