



BILL NO. 124

Government Bill

*3rd Session, 61st General Assembly
Nova Scotia
60 Elizabeth II, 2011*

An Act to Establish Arts Nova Scotia – Arts Nouvelle-Écosse

CHAPTER 31
ACTS OF 2011

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 15, 2011**

The Honourable David A. Wilson
Minister of Communities, Culture and Heritage

*Halifax, Nova Scotia
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**An Act to Establish
Arts Nova Scotia –
Arts Nouvelle-Écosse**

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Arts Nova Scotia Act*.
- 2 In this Act,
 - (a) “arts” includes theatre, music, dance, literature, visual arts, crafts, film, electronic media and other similar creative and interpretive activities, and combinations of them;
 - (b) “Board” means the board known as Arts Nova Scotia – Arts Nouvelle-Écosse established by this Act;
 - (c) “by-law” means a resolution of the Board passed by a majority of at least two-thirds of the members of the Board;
 - (d) “Chair” means the Chair of the Board;
 - (e) “member” means a member of the Board;
 - (f) “Minister” means the Minister of Communities, Culture and Heritage.
- 3 The Minister has the general supervision and management of this Act.
- 4 There is hereby established a board to be known as Arts Nova Scotia – Arts Nouvelle-Écosse.
- 5
 - (1) The Board is a department for the purpose of the definition of “department” in the *Conflict of Interest Act* and, for greater certainty, Section 22 of that Act applies to the members of the Board.
 - (2) The Board is a public body as defined in the *Freedom of Information and Protection of Privacy Act* and, for greater certainty, that Act applies to the Board.
- 6 The objects of the Board are to
 - (a) strive to make the arts integral to the lives of all Nova Scotians;
 - (b) advance the arts by investing in creativity, fostering innovation and promoting the value of the arts;
 - (c) foster artistic excellence throughout the Province;
 - (d) encourage creative expression by funding activity in the arts;
 - (e) invest in the creativity of all artistic disciplines;
 - (f) design and administer programs to support professional artists and arts organizations;

(g) utilize peer assessment processes to determine artistic merit and the allocation of funding;

(h) communicate to the community at large the cultural, social and economic importance of the arts;

(i) conduct research on matters relating to the arts; and

(j) advise the Minister on the development of programs in support of the arts.

7 (1) The Minister shall appoint up to eleven persons as the first members of the Board.

(2) The Board shall establish a nominating committee consisting of the Chair and at least three members.

8 (1) Subject to subsection 7(1), the Board consists of at least nine and not more than eleven members, and is composed of

(a) at least one and not more than three persons appointed by the Governor in Council in consultation with the Minister; and

(b) at least six and not more than eight persons appointed by the Minister from lists of nominees provided from time to time by the nominating committee.

(2) The Minister may seek the advice of the nominating committee when advising the Governor in Council pursuant to clause (1)(a).

(3) The membership of the Board must

(a) reflect the diversity found within the Province's arts community; and

(b) where possible, include representation from differing art disciplines, generations and the Province's cultural mosaic including, but not limited to, representation from the African Nova Scotian, Mi'kmaq and Acadian communities and balanced representation between women and men.

9 (1) Members shall be appointed for a term of two years and may be re-appointed, except that no person may be appointed as a member for more than three consecutive terms.

(2) Where a person is appointed as a member for three consecutive terms, the person is not eligible for re-appointment for a period of two years after the expiry of the person's last term of appointment.

10 (1) The Board shall, by a two-thirds majority vote of the members, annually elect at its first meeting from among its members a Chair and Vice-chair.

(2) The Board may, by a two-thirds majority vote of the members, appoint such other officers as the Board considers necessary or advisable for the effective attainment of the objects of the Board and the exercise of its powers.

11 The Board may, by a resolution passed by at least two-thirds of its members, fill a vacancy on the Board by appointing to the Board one of the persons whose name is included in a list of persons nominated by the nominating committee for the unexpired period of the term of office of the person who ceased to be a member of the Board.

12 A majority of the members constitutes a quorum.

13 A vacancy on the Board does not impair the right of the remaining members to act.

14 The Board shall meet at least four times a year on such dates and at such times and places as are determined by a two-thirds majority of members.

15 Where a member fails to attend three consecutive regular meetings of the Board without an excuse acceptable to the Chair, the Chair may recommend that the member's appointment be revoked.

16 A member or a person serving on a committee of the Board is entitled to be reimbursed for reasonable expenses necessarily incurred in the performance of the member's or the person's duties.

17 (1) The Minister shall, upon the recommendation of the Board and in accordance with the *Civil Service Act*, appoint a person to be Director of the Board.

(2) The Director shall perform such functions and duties as are assigned to the Director by the Board.

18 Such persons as are required for the administration of this Act and the regulations shall be appointed in accordance with the *Civil Service Act*.

19 The Board may, with the approval of the Minister, make by-laws for the conduct of its business and for the control and direction of the work of the Board and, without restricting the generality of the foregoing, the Board may make by-laws

(a) regulating its proceedings and providing for the conduct and management of its activities;

(b) establishing such committees as it considers necessary to assist it in carrying out its objects;

(c) respecting the approval or rejection of applications submitted to the Board in respect of programs governed or administered by the Board;

(d) respecting the award of grants and the rendering of financial or other assistance to persons in the Province for study or research in the arts;

(e) respecting awards to persons in the Province in recognition of outstanding achievements in the arts.

20 The Board shall

- (a) establish guidelines for the appointment, terms of reference and procedures of peer assessment juries;
- (b) establish policies and programs through which its objects may be attained; and
- (c) perform the functions and duties conferred or imposed on the Board by this Act or the regulations.

21 The fiscal year of the Board is the same as the fiscal year of the Province.

22 The Chair shall submit to the Minister, no later than the 31st day of July in each year, a report concerning the work of the Board during the previous year, and such report must be tabled by the Minister at the next sitting of the House of Assembly.

23 (1) The Governor in Council may make regulations

- (a) respecting the functions and duties of the Board;
- (b) defining any word or expression used in this Act but not defined in this Act;
- (c) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Regulations made pursuant to subsection (1) may be of general or specific application.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.
