



BILL NO. 1

Government Bill

*4th Session, 61st General Assembly
Nova Scotia
61 Elizabeth II, 2012*

An Act to Respect the Status of the Artist

CHAPTER 15
ACTS OF 2012

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 17, 2012**

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

*Halifax, Nova Scotia
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An Act to Respect the Status of the Artist

Be it enacted by the Governor and Assembly as follows:

- 1** This Act may be cited as the *Status of the Artist Act*.
- 2** The purpose of this Act is to
 - (a) acknowledge the artist's role in building the Province's identity and culture and the enhancement that art brings to the Province's social and economic well-being;
 - (b) identify the terms by which Nova Scotians define who, in the Province, is a professional artist; and
 - (c) acknowledge the unique working conditions of the Province's professional artists and the right of
 - (i) artists to freedom of expression and association,
 - (ii) associations representing artists to be recognized in law and to promote the professional and socio-economic interests of their members, and
 - (iii) artists to have access to advisory forums in which they may express their views on their status and any other questions concerning them.
- 3** In this Act,
 - (a) "artist" means an individual who creates art through an act of creative expression;
 - (b) "artists association" means an organization or a branch or local of any organization that
 - (i) has among its objectives the management or promotion of the professional, social and economic interests of artists who are members of the organization, or
 - (ii) is certified by the Canadian Artists and Producers Professional Relations Tribunal established by the *Status of the Artist Act (Canada)*;
 - (c) "Department" means the Department of Communities, Culture and Heritage;
 - (d) "Minister" means the Minister of Communities, Culture and Heritage;
 - (e) "Government" means the Government of the Province;
 - (f) "professional artist" means an artist who meets the criteria set out in this Act.
- 4** The Minister has the general supervision and management of this Act.
- 5** The following principles are affirmed and recognized:
 - (a) artists in the Province contribute to the cultural, educational, social and economic fabric of the Province;

- (b) the Government performs an indispensable role in fostering and nurturing a healthy and vibrant artistic sector;
- (c) the Government will encourage recognition of the contribution of artists.

6 A professional artist is an artist who has received compensation from the artist's artistic activity including, but not limited to, proceeds, fees, commissions, salaries, royalties, residuals, grants and awards that may reasonably be considered to be income and who meets at least four 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 juried exhibition or performance, or
 - (ii) by publicly circulated critical appraisal;
- (b) the artist's artistic activity has been presented to the public by means of exhibitions, publications, performances, readings, screenings or other means;
- (c) the artist promotes or markets the artist's artistic work by
 - (i) activities appropriate to the nature of the artist's work including, but not limited to, attending auditions, seeking sponsorships, agents, engagements or exhibitions and engaging in similar activities, or
 - (ii) being represented by a dealer, publisher, agent or similar representative appropriate to the nature of the artist's artistic work;
- (d) the artist has received training or acquired knowledge related to the artist's artistic activity
 - (i) in an educational institution or through apprenticeship with a practitioner or teacher recognized within the artist's profession, or
 - (ii) within the established practice of the artist's cultural traditions;
- (e) the artist holds copyright in his or her artistic work and has received royalty or residual payments based on that copyright;
- (f) the artist has a business licence issued by the municipality in which the artist is carrying on business related to the artist's artistic activity;
- (g) the artist has membership in an artists association.

7 The Government undertakes, so far as it considers reasonable and appropriate, to

- (a) honour scale agreements of artists associations representing the interests of professional artists engaged by the Government;
- (b) honour protocols respecting working conditions that have been established by artists associations representing the interests of professional artists engaged by the Government;
- (c) facilitate cohesion between Government departments that have interactions with the Province's arts and culture sector;

- (d) work with artists and artists associations to guide and inform the Government on matters relating to arts and culture;
- (e) within the parameters of the Province of Nova Scotia Sustainable Procurement Policy, the *Public Procurement Act* and applicable trade agreements, give fair consideration to cultural product produced in the Province when purchasing goods and services;
- (f) support access to artistic training and education and cultural awareness for young Nova Scotians, artists and interested members of the public;
- (g) oversee and conduct ongoing research that benefits the arts and culture sector;
- (h) provide investment for artists, arts organizations and artists associations;
- (i) invest in the market development of artistic goods and services and support the promotion and dissemination of cultural product produced in the Province, at home and abroad;
- (j) encourage public recognition of art, artists' work and cultural development and foster growth and appreciation for arts and culture in Nova Scotian society;
- (k) support the development of infrastructure necessary for a healthy artistic ecology, including resources that are human, physical or knowledge based; and
- (l) recognize that artists associations can inform on appropriate levels of compensation to be paid to professional artists for works created or services rendered by professional artists.

8 The Government shall recognize the importance of continued improvement to the lives and working conditions of professional artists by, so far as it considers reasonable and appropriate,

- (a) encouraging appropriate labour standards for professional artists in their usual places of employment, including
 - (i) health and safety standards, and
 - (ii) the use of binding contracts;
- (b) providing programs and investment to support the arts and culture sector in the Province; and
- (c) giving consideration to the working practices and unique cycles of production of artists when professional artists interact with Government departments.

9 (1) The Creative Nova Scotia Leadership Council – Conseil de leadership pour la création en Nouvelle-Écosse and Arts Nova Scotia – Arts Nouvelle-Écosse shall make a joint report annually to the Minister on matters relating to this Act.

(2) The Chair of the Creative Nova Scotia Leadership Council – Conseil de leadership pour la création en Nouvelle-Écosse and the Chair of Arts Nova Scotia – Arts Nouvelle-Écosse shall submit the joint report to the Minister no later than July 31st in each year.

10 (1) The Governor in Council may make regulations

- (a) defining any word or expression used but not defined in this Act;

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