



BILL NO. 156

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
65 Elizabeth II, 2016*

An Act to Amend Chapter 24 of the Acts of 1998, the Public Archives Act

CHAPTER 15
ACTS OF 2016

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 20, 2016**

The Honourable Tony Ince
Minister of Communities, Culture and Heritage

*Halifax, Nova Scotia
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**An Act to Amend Chapter 24
of the Acts of 1998,
the Public Archives Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 24 of the Acts of 1998, the *Public Archives Act*, as amended by Chapter 26 of the Acts of 2011, is further amended by

(a) striking out clause (a) and substituting the following clauses:

(a) “archival records” means materials, created or received by a person, family or organization, public or private, in the conduct of the person, family or organization’s affairs, that are preserved because of the enduring value of the information they contain or as evidence of the functions or responsibilities of their creator;

(aa) “Board” means the Advisory Board of the Public Archives;

and

(b) striking out clause (f) and substituting the following clause:

(f) “records” means information in any form, created, received and maintained as evidence by a person or organization for business purposes or legal obligations.

2 Section 5 of Chapter 24 is repealed and the following Sections substituted:

5 The mandate of the Public Archives is to

(a) ensure that the archival records of the Province in the control and custody of the Public Archives are managed, kept and preserved so as to maintain their usefulness, accessibility, authenticity and reliability for the benefit of present and future generations;

(b) support the accountability and transparency of the Government of the Province by promoting good recordkeeping; and

(c) ensure enduring public access to the archival records of the Province and encourage their use as a vital resource for studying and interpreting the Province’s history, culture and development.

5A The objects and functions of the Public Archives are to

(a) acquire, preserve and facilitate access to the archival records of public bodies and the courts of the Province, and to archival records from the private sector that are of provincial scope or significance;

(b) develop and implement policies, standards, procedures and services for the effective management of the archival records in the control and custody of the Public Archives;

(c) provide advice, direction and guidance on the care, handling and disposition of the archival records of public bodies and the courts of the Province throughout the life cycle of the archival records;

(d) be responsible for the permanent care of, and control of access to, the archival records in the control and custody of the Public Archives;

(e) support, encourage and assist archival activities and the archival community; and

(f) promote the usability, visibility and relevance of archives in the Province.

3 Sections 9 and 10 of Chapter 24 are repealed and the following Sections substituted:

9 There shall be an Advisory Board of the Public Archives whose responsibilities are to

(a) provide advice to the Provincial Archivist respecting the Public Archives, its programs and services;

(b) in consultation with the Provincial Archivist, support and contribute to the development and improvement of the Public Archives, its programs and services;

(c) act as a conduit for the provision of information and assistance regarding archival matters from stakeholders and related communities of interest to the Provincial Archivist;

(d) make recommendations to the Minister and public bodies as appropriate regarding archival heritage; and

(e) co-operate with other bodies engaged in archival activities.

10 (1) The composition of the Board and the term for which a member of the Board holds office are as prescribed by the regulations.

(2) The Minister shall appoint the members of the Board in accordance with the regulations.

(3) Subject to the regulations, a member of the Board may be re-appointed.

4 Subsection 12(1) of Chapter 24, as enacted by Chapter 26 of the Acts of 2011, is amended by striking out “Governor in Council” in the first line and substituting “Minister”.

5 (1) Subsection 15(1) of Chapter 24 is amended by

(a) striking out “incidental or conducive to the attainment of the objectives” in the second and third lines and substituting “necessary to attain the mandate, objects”;

(b) striking out “provide” in the first line of clause (c) and substituting “facilitate”;

(c) striking out clauses (e) to (g) and substituting the following clauses:

(e) promote the usability, visibility and relevance of archives by means such as traditional and online exhibitions, electronic access to records and the copying of records;

(f) store archival records, reproduce records and provide other archival services to ensure the effective implementation of this Act and related legislation;

(g) collaborate and co-operate with other departments and agencies of the Government of the Province on processes for capturing, managing and accessing archival records in electronic form;

(d) striking out “and records management in support of” in the second line of clause (h) and substituting “to support”;

(e) striking out “in aid of the archival and records management communities” in the second and third lines of clause (i) and substituting “to the archival community”;

(f) striking out “and records management” in the third line of clause (j);

(g) striking out “joint” in the fourth line of clause (j) and substituting “partnered”; and

(h) striking out “functions as the Governor in Council” in the first and second lines of clause (k) and substituting “activities as the Minister”.

(2) Section 15 is further amended by adding the following subsection immediately after subsection (1):

(1A) The Provincial Archivist may enter into an agreement with any person to facilitate the carrying out of any activity authorized by subsection (1).

6 Section 16 of Chapter 24 is amended by striking out “No” in the first line and substituting “Subject to subsection 15(2), no”.

7 Section 18 of Chapter 24 is repealed and the following Section substituted:

18 Control and custody of the archival records of public bodies and the courts of the Province that, in the opinion of the Provincial Archivist, are of archival importance must be transferred to the Public Archives in accordance with records schedules and other means authorized by or under any enactment of the Province.

8 Section 21 of Chapter 24 is repealed and the following Section substituted:

21 A copy of a record in the custody of the Public Archives, purporting to be certified by the Provincial Archivist to be a true copy, is *prima facie* evidence of the document without proof of the signature or the appointment of the Provincial Archivist.

9 Section 22 of Chapter 24 is amended by

- (a) adding “(1)” immediately after the Section number;**
- (b) striking out “or gift” in the fourth line and substituting “of gift, devise”;**
- (c) striking out “fund” in the fourth line;**
- (d) adding “, but excluding money that is part of the annual budget approved by the Legislature for the Department of Communities, Culture and Heritage” immediately after “otherwise” in the last line; and**

(e) adding the following subsections:

(2) Any gift, devise, bequest or trust to or for the benefit of the Public Archives is deemed to be a gift to Her Majesty in right of the Province and, subject to its provisions, enures to the benefit of the Public Archives and must be held and applied for the purpose of this Act.

(3) The Provincial Archivist may establish policies and procedures for overseeing the financial management and use of all amounts received by Her Majesty in right of the Province for the Public Archives by way of gift, devise, bequest, trust, revenue generation, external funding source or otherwise.

10 Subsection 23(1) of Chapter 24, as enacted by Chapter 15 of the Acts of 2006, is amended by relettering clause (a) as (ac) and adding immediately before that clause the following clauses:

- (a) respecting the composition of the Board and the process of appointment;
- (aa) respecting the term for which a member of the Board holds office;
- (ab) respecting circumstances under which a member of the Board is or is not eligible to be re-appointed;

11 Section 26 of Chapter 24 is amended by striking out “order” in the second line and substituting “orders”.

12 (1) Upon the coming into force of this Act, the persons referred to in clauses 10(1)(g) and (h) of the *Public Archives Act*, as those clauses read immediately before the coming into force of this Act, continue in office as members of the Advisory Board of the Public Archives of Nova Scotia.

(2) A person continued in office as a member of the Advisory Board of the Public Archives of Nova Scotia holds office until the expiry of the term for which the person was appointed and may, subject to the regulations made under the *Public Archives Act*, be re-appointed.

(3) For greater certainty, upon the coming into force of this Act, the persons referred to in clauses 10(1)(a) to (f) of the *Public Archives Act*, as those clauses read immediately before the coming into force of this Act, cease to be members of the Advisory Board of the Public Archives of Nova Scotia.

13 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
