

# **Art Gallery of Nova Scotia Act**

CHAPTER 22 OF THE REVISED STATUTES, 1989

*as amended by*

2012, c. 54; 2016, c. 5; 2022, c. 42



© 2022 His Majesty the King in right of the Province of Nova Scotia  
Published by Authority of the Speaker of the House of Assembly  
Halifax

This page is intentionally blank.

CHAPTER 22 OF THE REVISED STATUTES, 1989  
amended 2012, c. 54; 2016, c. 5; 2022, c. 42

**An Act to Create and Constitute  
the Art Gallery of Nova Scotia**

**Table of Contents**

(The table of contents is not part of the statute)

|   | Section |
|---|---------|
| Short title.....  | 1       |
| Interpretation.....                                       | 2       |
| Supervision of Act.....                                   | 3       |
| Art Gallery of Nova Scotia.....                           | 4       |
| Board of Directors.....                                   | 5       |
| Recruitment committee.....                                | 5A      |
| Remuneration and allowance.....                           | 6       |
| Chief Executive Officer.....                              | 7       |
| Designated persons.....                                   | 8       |
| Employment of designated persons.....                     | 8A      |
| Public service award.....                                 | 8B      |
| Public Service Superannuation Act, designated person..... | 8C      |
| Public Service Superannuation Act, employees.....         | 8D      |
| Chair, Executive Committee and other officers.....        | 9       |
| Powers of Gallery.....                                    | 11      |
| Additional powers of Gallery.....                         | 11A     |
| Grant or gift to Museum or Gallery.....                   | 12      |
| Property subject to trust or condition.....               | 13      |
| Vesting of Museum property.....                           | 14      |
| Further tax exemption.....                                | 15      |
| Annual report.....  | 16      |

---

**Short title**

**1** This Act may be cited as the *Art Gallery of Nova Scotia Act*. R.S., c. 22, s. 1.

**Interpretation**

- 2** In this Act,
- (a) “Board” means the Board of Directors of the Gallery;
  - (aa) “director” means a member of the Board;
  - (b) “Gallery” means the Art Gallery of Nova Scotia;
  - (c) *repealed 2022, c. 42, s. 1.*
  - (d) “membership” means members of the Gallery in good standing;
  - (e) “Minister” means the Minister of Communities, Culture, Tourism and Heritage. R.S., c. 22, s. 2; 2012, c. 54, s. 1; 2022, c. 42, s. 1.

**Supervision of Act**

**3** The Minister shall have the general supervision and management of this Act. R.S., c. 22, s. 3.

**Art Gallery of Nova Scotia**

**4 (1)** The Art Gallery of Nova Scotia, a body corporate, is continued.

**(2)** The Gallery is an agency of the Province acting as a custodian for the people of the Province with respect to their collection of visual art and, as such, it shall

- (a) provide access to;
- (b) collect;
- (c) preserve;
- (d) exhibit; and
- (e) interpret,

works of visual art in a regional, national and international context relevant to the communities of and in the Province. 2022, c. 42, s. 2.

**Board of Directors**

**5 (1)** The management and control of the affairs of the Gallery are vested in a Board of Directors and the Board may, subject to this Act, exercise the powers of the Gallery.

**(1A)** Where there is a conflict between the Board and the membership attending an annual or a special meeting of the Gallery, relating to the exercise of the powers of the Gallery, the exercise of the powers by the Board prevails.

**(2)** The Board is composed of

- (a) not fewer than seven and not more than 13 persons appointed by the Governor in Council; and
- (b) honorary directors as provided in subsection 9(4), as non-voting members.

**(3)** A director shall be appointed by the Governor in Council for such term not exceeding three years as the Governor in Council determines.

**(4)** *repealed 2022, c. 42, s. 3.*

**(5)** A director whose term has expired is eligible for re-appointment for an additional term but shall not be eligible for further re-appointment upon the expiry of said additional term until at least one year has elapsed between terms.

**(6)** Notwithstanding subsection (3), the Governor in Council may extend the term of a director appointed pursuant to subsection (3) for one year if necessary for continuity.

(7) A majority of the voting members of the Board constitutes a quorum. R.S., c. 22, s. 5; 2012, c. 54, s. 3; 2016, c. 5, s. 1; 2022, c. 42, s. 3.

#### **Recruitment committee**

**5A (1)** The Board shall appoint a committee to assist in the recruitment, screening and recommendation of new members of the Board as requested by the Minister.

(2) When making recommendations under subsection (1), the committee shall endeavour to recommend candidates who reflect the diversity of Nova Scotian society. 2022, c. 42, s. 4.

#### **Remuneration and allowance**

**6 (1)** Subject to subsection (2), no director shall receive any payment or remuneration for services as a director, but shall be entitled to actual or reasonable travelling and living allowances while attending meetings or travelling in the interests of the Board.

(2) The Board may engage and pay for the professional services of a director to carry out specific tasks on behalf of the Gallery. R.S., c. 22, s. 6; 2022, c. 42, s. 5.

#### **Chief Executive Officer**

**7 (1)** Subject to subsection (2), the Board shall appoint a person who is not a member of the Board to be the Chief Executive Officer of the Gallery.

(2) The appointment of the Chief Executive Officer is subject to the approval of the Minister.

(3) The Board may revoke the appointment of the Chief Executive Officer, subject to the approval of the Minister.

(4) The Board may assign to the Chief Executive Officer such duties as the Board determines. 2022, c. 42, s. 6.

#### **Designated persons**

**8 (1)** In this Section and Sections 8A to 8D, “designated person” means an employee of the Province who was appointed in accordance with the *Civil Service Act* and is determined to become an employee of the Gallery.

(2) The Minister shall determine who becomes a designated person.

(3) Every designated person is an employee of the Gallery and ceases to be a person appointed in accordance with the *Civil Service Act*.

(4) The *Civil Service Act* and the regulations made pursuant to that Act and the *Civil Service Collective Bargaining Act* do not apply to a designated person.

(5) The continuity of employment of a designated person is not broken by the effect of this Section.

(6) For greater certainty, the operation of this Section is deemed not to

(a) constitute a termination, constructive dismissal or lay off of any employee;

(b) constitute a breach, termination, repudiation or frustration of any contract;

(c) constitute an event of default or *force majeure* under any contract;

(d) give rise to a breach, termination, repudiation or frustration of any licence, permit or other right, or to any right to terminate or repudiate a contract, licence, permit or other right, or to any estoppel. 2022, c. 42, s. 7.

#### **Employment of designated persons**

**8A (1)** Every designated person is employed by the Gallery on the same or equal terms and conditions of employment as those under which the employee was employed as an employee by the Crown in right of the Province until changed by collective agreement or contract of employment.

(2) Every person on becoming a designated person is deemed to have been employed with the Gallery for the same period of employment that the employee was credited with as an employee of the Province.

(3) The Gallery is bound by a collective agreement concluded pursuant to the *Civil Service Collective Bargaining Act* in relation to a designated person as if it were a party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the *Trade Union Act*.

(4) For greater certainty, the Gallery is a transferee for the purpose of Section 31 of the *Trade Union Act*.

(5) A designated person is entitled as an employee of the Gallery to all vacation leave accumulated, less any vacation arrears that accrued, while the designated person was an employee of the Province.

(6) Subject to any applicable collective agreement or contract of employment, each designated person who, before being designated, was covered by the Nova Scotia Public Service Long Term Disability Plan or was included in a bargaining unit whose collective agreement provided for long-term disability benefits under the Nova Scotia Public Service Long Term Disability Plan is deemed to continue to be a person to whom the Nova Scotia Public Service Long Term Disability Plan applies.

(7) The obligations and liabilities of the Crown in right of the Province with respect to designated persons are the obligations and liabilities of the Gallery, including all employee benefits and entitlements. 2022, c. 42, s. 7.

**Public service award**

**8B** Where, at retirement from the Gallery, a designated person would have been eligible for a public service award pursuant to the *General Civil Service Regulations* made pursuant to the *Civil Service Act* if the person had remained as an employee of the Province, the Crown in right of the Province shall pay to the person upon retirement an amount equivalent to the amount of the public service award that it would have paid to the person for the person's years of employment as an employee of the Province. 2022, c. 42, s. 7.

**Public Service Superannuation Act, designated person**

**8C** Each designated person who, before being designated, was an employee within the meaning of the *Public Service Superannuation Act* or was included in a bargaining unit whose collective agreement provided for participation in the Public Service Superannuation Plan is deemed to continue to be an employee for the purpose of the *Public Service Superannuation Act*, and service in the employment of the Gallery is deemed to be employment for the purpose of that Act. 2022, c. 42, s. 7.

**Public Service Superannuation Act, employees**

**8D** Except where otherwise provided by a collective agreement or contract of employment, any person who becomes an employee of the Gallery after the coming into force of this Section is deemed to be an employee for the purpose of the *Public Service Superannuation Act*, and

- (a) that person's employment with the Gallery is deemed to be employment for the purpose of that Act; and
- (b) the Gallery is deemed to be an employer for the purpose of that Act with respect to that person. 2022, c. 42, s. 7.

**Chair, Executive Committee and other officers**

**9 (1)** The Board shall elect annually from the directors a Chair and such other officers as the Board considers advisable.

**(2)** *repealed 2022, c. 42, s. 8.*

**(3)** The Board may appoint such standing and special committees as the Board considers advisable and the persons who are members of any committee need not be directors.

**(4)** Honorary governors appointed pursuant to this Act before January 1, 2022, continue as honorary directors for such period as is described in the order in council setting out their appointment. R.S., c. 22, s. 9; 2022, c. 42, s. 8.

**10** *repealed 2016, c. 5, s. 2.*

**Powers of Gallery**

**11** The Gallery, with the approval of the Governor in Council, may

- (a) operate such galleries, art museums, branches or other institutions for the preservation, exhibition and interpretation of works of art;

(b) make by-laws it considers necessary for the effective attainment of its objects and the exercise of its powers and for the internal control, management and administration of the Gallery;

(c) to (d) *repealed 2012, c. 54, s. 5.*

(e) *repealed 2016, c. 5, s. 3.*

(f) and (g) *repealed 2012, c. 54, s. 5.*

(h) *repealed 2016, c. 5, s. 3.*

(i) borrow money for the purposes of the Gallery and secure the repayment of the same by any form of debenture, bond, mortgage, hypothecation, promissory note or other security.

(j) *repealed 2012, c. 54, s. 5.*

R.S., c. 22, s. 11; 2012, c. 54, s. 5; 2016, c. 5, s. 3; 2022, c. 42, s. 9.

### **Additional powers of Gallery**

**11A** The Gallery may

(a) collect, classify, preserve and display objects relevant to its purposes;

(b) administer programs and projects for art galleries, museums or organizations for promoting the purpose of this Act;

(c) publish or cause to be published such information relating to the Gallery as it considers advisable;

(d) determine the classifications of membership in the Gallery, including qualifications for membership, procedures for becoming a member, fees to be paid by members and all other matters respecting membership;

(e) carry on the operation of a shop and buy and accept on consignment articles for sale;

(f) hold competitions to increase the knowledge and capabilities of persons interested in the visual arts;

(g) make, execute, issue and endorse bills of exchange, cheques, promissory notes, hypothecation forms and other such instrument as may be necessary or convenient;

(ga) enter into agreements with any persons, organizations, corporations or governments to advance the purpose of this Act;

(gb) acquire by purchase, donation, deed, devise, bequest, lease, gift, grant or otherwise, real and personal property of any and every description and sell, exchange, lease, mortgage, hypothecate or invest the same;

(gc) carry out activities that generate contributed or earned funds to be used for the purpose of the Gallery;

(h) subject to the approval of the Minister, do such matters and things as may be necessary or incidental for the attainment of its objects and the exercise of its powers. 2012, c. 54, s. 6; 2016, c. 5, s. 4; 2022, c. 42, s. 10.



**Grant or gift to Museum or Gallery**

**12 (1)** Subject to subsection (3), any grant, gift, devise, bequest or trust to or for the benefit of the Nova Scotia Museum of Fine Arts or the Board of Directors of the Nova Scotia Museum of Fine Arts or the Gallery or the Board shall, subject to its provisions, enure to the benefit of the Gallery and shall be held and applied for the purpose of this Act and no grant, gift, deed or devise shall lapse or fail by reason of any defect in the designation of the Museum or the Gallery.

**(2)** Any grant, gift, devise, bequest or trust coming within subsection (1) shall be and shall be deemed to be a grant, gift, devise, bequest or trust to the Crown in right of the Province and shall be exempt from tax under any Act of the Legislature.

**(3)** Subsection (1) does not apply to any grant, gift, devise, bequest or trust to or for the benefit of any registered charity, within the meaning of the *Income Tax Act* (Canada), that is created or established after the coming into force of this subsection.

**(4)** A registered charity, within the meaning of the *Income Tax Act* (Canada), that is established to raise funds for the benefit of the Gallery shall annually provide the Gallery with copies of its year-end financial statements. R.S., c. 22, s. 12; 2012, c. 54, s. 7; 2022, c. 42, s. 11.

**Property subject to trust or condition**

**13** The Gallery shall hold, upon any trusts, terms or conditions, any real or personal property which is subject to any trusts, terms or conditions imposed in the acquisition thereof. R.S., c. 22, s. 13.

**Vesting of Museum property**

**14** All property of every kind whether owned by or held in trust in any manner for or on behalf of the Nova Scotia Museum of Fine Arts, incorporated by Chapter 108 of the Acts of 1968, shall be vested in the Gallery. R.S., c. 22, s. 14.

**Further tax exemption**

**15** All real and personal property of the Gallery shall be exempt from taxation. R.S., c. 22, s. 15.

**Annual report**

**16** Annually as required by the Minister, the Gallery shall submit to the Minister for approval

- (a) an accountability report for the previous fiscal year;
- (b) a detailed business plan for the following year; and
- (c) such other reports as the Minister directs. 2022, c. 42, s. 12.

**17** *repealed 2016, c. 5, s. 5.*