

1989

c 44 McMichael Canadian Art Collection Act, 1989

Ontario

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CHAPTER 44

An Act to revise the McMichael Canadian Collection Act

Assented to July 13th, 1989

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Board” means the board of trustees of the Corporation;

“collection” means the art works and objects and the documentary materials related thereto held by the Corporation for exhibition or display;

“Corporation” means the corporation continued by section 2;

“Minister” means the Minister of Culture and Communications.

2.—(1) The corporation known as McMichael Canadian Collection is continued as a corporation without share capital.

McMichael
Canadian
Collection
continued

(2) The English version of the name of the Corporation is changed to McMichael Canadian Art Collection.

English name

(3) The French version of the name of the Corporation is Collection McMichael d’art canadien.

French name

(4) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Fiscal year

(5) The *Corporations Act* does not apply to the Corporation.

R.S.O. 1980,
c. 95 does
not apply

3.—(1) The Board shall consist of seventeen trustees as follows:

Composition
of Board

1. Eleven trustees appointed by the Lieutenant Governor in Council.
2. Four trustees appointed by the Board.
3. Robert McMichael, Founder Director Emeritus.
4. Signe McMichael.

Vacancy

(2) If Robert McMichael or Signe McMichael is unable or unwilling to be a trustee, the Board shall appoint another trustee to fill the position.

Term of office

(3) A trustee may be appointed for a term not exceeding three years and may be reappointed for one or more further terms.

Chairperson and vice-chairperson

(4) The Lieutenant Governor in Council shall designate one of the trustees as chairperson and one of the trustees as vice-chairperson of the Board.

Chairperson to preside

(5) The chairperson shall preside at all meetings of the Board and, in the absence of the chairperson or if the office of chairperson is vacant, the vice-chairperson shall have all the powers and shall perform the duties of the chairperson.

Quorum

(6) A majority of the trustees constitutes a quorum of the Board.

Powers of Board

4.—(1) The affairs of the Corporation shall be under the control of the Board and the Board has all the powers necessary to perform its duties and to achieve the objects of the Corporation.

By-laws

(2) The Board may make by-laws regulating its proceedings and may establish committees for the control and conduct of its internal affairs.

Committees

(3) A by-law establishing a committee of the Board may delegate to the committee such powers and duties of the Board as are determined in the by-law.

R.S.O. 1980, c. 446 does not apply

(4) The *Regulations Act* does not apply to by-laws made under this section.

Appointment of Director

5.—(1) The Board, subject to the approval of the Minister, shall appoint a Director who shall be responsible for the management and administration of the Corporation, subject to the supervision and direction of the Board.

(2) The Board, subject to the approval of the Minister, may remove the Director. Removal of
Director

(3) The Director shall appoint such employees as the Director considers necessary from time to time for the proper conduct of the business of the Corporation. Staff

(4) The Board shall fix and pay the salaries or other remuneration and benefits and provide for the retirement and superannuation of employees. Salaries

6. The Corporation is an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty and all property acquired by the Corporation is the property of Her Majesty. Corporation
Crown
agency

7.—(1) The objects of the Corporation are, Objects

- (a) to acquire art works, objects and documentary material for the collection;
- (b) to preserve and exhibit the collection;
- (c) to conduct research on and provide documentation for the collection;
- (d) to stimulate interest in the collection;
- (e) to conduct activities in order to enhance and complement the collection;
- (f) to hold, maintain and use the land described in the Schedule to the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, as a permanent site for a public gallery and related facilities for the collection.

(2) The Corporation may for the purpose of furthering its objects, Idem

- (a) acquire, hold, maintain, use or dispose of property;
- (b) with the approval of the Lieutenant Governor in Council, erect buildings and structures on lands that are not owned by the Corporation;
- (c) establish and collect fees as it considers necessary;

- (d) lend any part of the collection for public exhibition, subject to such conditions as the Corporation may impose;
- (e) conduct exhibitions, programs and special events;
- (f) enter into agreements;
- (g) allow for the interment, in that portion of the real property of the Corporation established as a cemetery under the *Cemeteries Act*, of the remains of any artist who was a member of the Group of Seven or of the remains of the spouse of any such artist;
- (h) allow for the interment, in that portion of the real property of the Corporation established as a cemetery under the *Cemeteries Act*, of the remains of Robert McMichael and Signe McMichael.

R.S.O. 1980,
c. 59

Borrowing
money

(3) Despite clause (2) (a), the Corporation shall not borrow money unless a guarantee is provided under section 12.

Disposal of
work and
land

(4) Despite clause (2) (a), no work of art or land donated by either Robert McMichael or Signe McMichael shall be disposed of by the Corporation.

Nature of
collection

8. The Board shall ensure that the focus of the collection is the works of art created by Indian, Inuit and Metis artists, the artists of the Group of Seven and their contemporaries and other artists who have made or make a contribution to the development of Canadian Art.

Fund

9.—(1) The Board may establish and maintain such funds as it considers necessary and appropriate for the management of the Corporation.

Investment

(2) The Board may invest the moneys of the Corporation in those classes of securities as trustees are permitted to invest in under the laws of Ontario.

Remuner-
ation, trustee

10. A trustee shall not receive remuneration for services rendered but shall be reimbursed for proper and reasonable travelling and other expenses incurred in the work of the Board.

Grants

11.—(1) The Minister may make grants to the Corporation upon such terms and conditions as the Minister considers advisable.

(2) The money required for the purposes of this section shall be paid out of the money appropriated therefor by the Legislature.

Moneys

12.—(1) The Lieutenant Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, agree to guarantee and may guarantee the payment of any loan to the Corporation or any part thereof together with interest thereon borrowed for the purpose of carrying out the objects of the Corporation.

Guarantee of loans

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves.

Form of guarantee

(3) The guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Idem

(4) The Lieutenant Governor in Council may pay out of the Consolidated Revenue Fund the money necessary to satisfy any liability of the Province of Ontario under the guarantee.

Payment of guarantee

13. Real property owned, leased to or occupied by the Corporation is not liable to taxation for municipal or school purposes if it is actually used and occupied for the purposes of the Corporation.

Tax exemption

14. The financial statements of the Corporation shall be audited annually by an auditor appointed by the Board and a report of the audit shall be made to the Board and to the Minister.

Audit

15.—(1) The Board shall make an annual report on the affairs of the Corporation to the Minister.

Annual report

(2) The Minister shall submit the report to the Lieutenant Governor in Council who shall then lay the report before the Assembly.

Idem

(3) The Board shall prepare reports in addition to the annual report as the Minister may require from time to time.

Additional reports

16. The *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, the *McMichael Canadian Collection Amendment Act*, 1982, being chapter 3 and section 32 of the *Equality Rights Statute Law Amendment Act*, 1986, being chapter 64, are repealed.

Repeals

Commence-
ment

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. The short title of this Act is the *McMichael Canadian Art Collection Act, 1989*.