



**Department of Canadian Heritage Act ( 1995, c. 11 )**

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Act current to June 2nd, 2007

Attention: See coming into force provision and notes, where applicable.

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## Department of Canadian Heritage Act

### 1995, c. 11

C-17.3

[Assented to June 15th, 1995]

An Act to establish the **Department of Canadian Heritage** and to amend and repeal certain other Acts

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

### SHORT TITLE

#### Short title

1. This Act may be cited as the *Department of Canadian Heritage Act*.

### ESTABLISHMENT OF THE DEPARTMENT

#### Department established

2. (1) There is hereby established a department of the Government of Canada called the Department of Canadian Heritage over which the Minister of Canadian Heritage, appointed by commission under the Great Seal, shall preside.

#### Minister

- (2) The Minister holds office during pleasure and has the management and direction of the Department.

#### Deputy head

3. The Governor in Council may appoint an officer called the Deputy Minister of Canadian Heritage to hold office during pleasure and to be the deputy head of the Department.

### POWERS, DUTIES AND FUNCTIONS OF THE MINISTER

#### Minister's powers, duties and functions

4. (1) The powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not by law assigned to any other department, board or agency of the Government of Canada, relating to Canadian identity and values, cultural development and heritage.

#### Idem

- (2) The Minister's jurisdiction referred to in subsection (1) encompasses, but is not limited to, jurisdiction over
  - (a) the promotion of a greater understanding of human rights, fundamental freedoms and related values;

- (b) multiculturalism;
- (c) the arts, including cultural aspects of the status of the artist;
- (d) cultural heritage and industries, including performing arts, visual and audio-visual arts, publishing, sound recording, film, video and literature;
- (e) national battlefields;
- (f) the encouragement, promotion and development of sport;
- (g) the advancement of the equality of status and use of English and French and the enhancement and development of the English and French linguistic minority communities in Canada;
- (h) state ceremonial and Canadian symbols;
- (i) broadcasting, except in respect of spectrum management and the technical aspects of broadcasting;
- (j) the formulation of cultural policy, including the formulation of cultural policy as it relates to foreign investment and copyright;
- (k) the conservation, exportation and importation of cultural property; and
- (l) national museums, archives and libraries.

1995, c. 11, s. 4; 2002, c. 18, s. 32(F); 2003, c. 2, s. 37; 2005, c. 2, s. 1.

#### General duties

**5.** In exercising the powers and performing the duties and functions assigned to the Minister by section 4, the Minister shall initiate, recommend, coordinate, implement and promote national policies, projects and programs with respect to Canadian identity and values, cultural development and heritage.

1995, c. 11, s. 5; 2005, c. 2, s. 2.

## AGREEMENTS

#### Other powers

**6.** In exercising the powers and performing the duties and functions under this Act, the Minister may enter into agreements with the government of any province or any agency thereof.

## GENERAL

#### Financial assistance and dealing with property

**7.** To facilitate the implementation of any program of the Minister under this Act, the Minister may

- (a) provide financial assistance in the form of grants, contributions and endowments to any person;
- (b) subject to the *Federal Real Property and Federal Immovables Act* and any direction made by the Treasury Board,
  - (i) acquire or seek to acquire any property by way of gift, bequest or other form of donation, and
  - (ii) subject to the *Surplus Crown Assets Act* and to the terms and conditions on which the property was acquired, hold, administer, invest, expend, sell, exchange or otherwise dispose of that property; and

(c) make gifts and issue prizes, awards, souvenirs and mementos on behalf of the **Department of Canadian Heritage** or of any other **department**.

1995, c. 11, s. 7; 2001, c. 4, s. 155.

#### Fees for services or use of facilities

**8.** (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix the fees to be paid for a service or the use of a facility provided by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

#### Amount not to exceed cost

(2) Fees for a service or the use of a facility that are fixed under subsection (1) may not exceed the cost to Her Majesty in right of Canada of providing the service or the use of the facility.

#### Fees for products, rights and privileges

**9.** The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix fees in respect of products, rights and privileges provided by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

#### Fees in respect of regulatory processes, etc.

**10.** (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix fees in respect of regulatory processes or approvals provided by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

#### Amount

(2) Fees that are fixed under subsection (1) shall in the aggregate not exceed an amount sufficient to compensate Her Majesty in right of Canada for any reasonable outlays incurred by Her Majesty for the purpose of providing the regulatory processes or approvals.

#### Consultation

**11.** (1) Before fixing a fee under section 8, 9 or 10, the Minister shall consult with such persons or organizations as the Minister considers to be interested in the matter.

#### Publication

(2) The fees that are fixed under section 8, 9 or 10 shall be published once every calendar year in the *Canada Gazette* and by such appropriate electronic or other means that the Treasury Board may authorize by regulation and any change in those fees shall be published within thirty days after its effective date in the *Canada Gazette* and by such appropriate electronic or other means that the Treasury Board may authorize by regulation.

#### Reference to Scrutiny Committee

(3) Any fee fixed under section 8, 9 or 10 shall stand referred to the Committee referred to in section 19 of the *Statutory Instruments Act* to be reviewed and scrutinized as if it were a statutory instrument.

#### Power to make regulations

**12.** The Treasury Board may make regulations for the purposes of sections 8, 9, 10 and 11.

## TRANSITIONAL

#### Positions

**13.** (1) Nothing in this **Act** shall be construed as affecting the status of an employee who, immediately before the coming into force of this subsection, occupied

(a) a position in that portion of the public service in the **Department** of the Environment referred to in clause (a)(i)(A) of Order in Council P.C. 1993-1489 of June 25, 1993,

(b) a position in that portion of the public service in the **Department** of National Health and Welfare referred to in clause (a)(i)(B) of Order in Council P.C. 1993-1489 of June 25, 1993,

(c) a position in the **Department** of the Secretary of State of Canada other than

(i) in the portions referred to in clause (a)(i)(B) of Order in Council P.C. 1993-1484 of June 25, 1993, and

(ii) in the portions referred to in clause (a)(i)(A) of Order in Council P.C. 1993-1488 of June 25, 1993, known as the Student Assistance Branch and the Office of the Assistant Under Secretary of State (Social Development and Regional Operations), including the Education Support Branch, except for

(A) the Native Citizens Directorate,

(B) the **Canadian** Studies and Special Projects Directorate, and

(C) the Youth Participation Directorate,

(d) a position in the **Department** of Communications other than in the portions referred to in clause (a)(i)(B) of Order in Council P.C. 1993-1487 of June 25, 1993, Order in Council P.C. 1993-1670 of August 18, 1993 and clause (a)(i)(A) of Order in Council P.C. 1993-1484 of June 25, 1993, or

(e) a position in the **Department** of Multiculturalism and Citizenship,

except that the employee shall, on the coming into force of this subsection, occupy their position in the **Department of Canadian Heritage** under the authority of the Deputy Minister of **Canadian Heritage**.

#### Definition of "employee"

(2) In this section, "employee" has the same meaning as in subsection 2(1) of the *Public Service Employment Act*.

#### Transfer of appropriations

**14.** Any amount appropriated, for the fiscal year in which this section comes into force, by an appropriation **Act** based on the Estimates for that year for defraying the charges and expenses of the public service of Canada within the **Department** of Communications or the **Department** of Multiculturalism and Citizenship and that, on the day on which this section comes into force, is unexpended, is deemed, on that day, to be an amount appropriated for defraying the charges and expenses of the **Department** of **Canadian Heritage**.

#### Transfer of powers, duties and functions

**15.** (1) Wherever under any **Act** of Parliament, any instrument made under an **Act** of Parliament or any order, contract, lease, licence or other document, any power, duty or function is vested in or exercisable by any of the persons referred to in subsection (2) in relation to any matter to which the powers, duties and functions of the Minister of **Canadian Heritage** extend by virtue of this **Act**, that power, duty or function is vested in or exercisable by the Minister of **Canadian Heritage**, the Deputy Minister of **Canadian Heritage** or the appropriate officer of the **Department** of **Canadian Heritage**, as the case may be, unless the Governor in Council by order designates another Minister, Deputy Minister or officer of the public service of Canada to exercise that power, duty or function.

#### Persons

(2) For the purposes of subsection (1), the persons are

(a) the Minister of the Environment, the Minister of National Health and Welfare, the Minister of State (Multiculturalism and Citizenship), the Minister of Multiculturalism and Citizenship, the Secretary of State of Canada and the Minister of Communications;

(b) the Deputy Minister of the Environment, the Deputy Minister of National Health and Welfare, the Deputy

Minister of Multiculturalism and Citizenship, the Under-Secretary of State and the Deputy Minister of Communications; and

(c) any officer of the **Department** of the Environment, the **Department** of National Health and Welfare, the **Department** of Multiculturalism and Citizenship, the **Department** of the Secretary of State of Canada and the **Department** of Communications.

## RELATED AMENDMENTS

**16. to 42.** [Amendments]

## REFERENCES

**43. to 45.** [Amendments]

### Other references

**46.** Every reference made to the Minister of Communications, the Minister of Multiculturalism and Citizenship and the Secretary of State of Canada in relation to any matter to which the powers, duties and functions of the Minister of Canadian Heritage extend by virtue of this Act, in any other Act of Parliament or in any order, regulation or other instrument made under any Act of Parliament shall, unless the context otherwise requires, be read as a reference to the Minister of Canadian Heritage.

[References to Department of Communications, Department of Multiculturalism and Citizenship or Department of the Secretary of State of Canada](#)

**47.** [Every reference made to the Department](#) of Communications, the **Department** of Multiculturalism and Citizenship or the **Department** of the Secretary of State of Canada, in relation to any matter to which the powers, duties and functions of the Minister of **Canadian Heritage** extend by virtue of this **Act**, in any other **Act** of Parliament or in any order, regulation or other instrument made under any **Act** of Parliament shall, unless the context otherwise requires, be read as a reference to the **Department** of **Canadian Heritage**.

## REPEALS

**48. and 49.** [Repeals]

## COMING INTO FORCE

### Coming into force

**\*50.** This Act or any provision of this Act or any provision of any Act amended by this Act comes into force on a day or days to be fixed by order of the Governor in Council.

\* [Note: Act in force July 12, 1996, see SI/96-68.]

