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SNL2017 CHAPTER S-24.1

STATUS OF THE ARTIST ACT

Amended:

2019 c8 s31

CHAPTER S-24.1

AN ACT RESPECTING THE STATUS OF ARTISTS IN THE PROVINCE

(Assented to December 7, 2017)

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Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title

1. This Act may be cited as the *Status of the Artist Act* .

[2017 cS-24.1 s1](#)

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Definitions

2. In this Act

- (a) "artist" means an individual who creates, performs, gives creative expression to or works in any artistic field, including
 - (i) literary arts,
 - (ii) visual arts and crafts,
 - (iii) electronic, recording and digital arts, including film and video,
 - (iv) performing arts, including theatre, opera, music, dance, mime, circus and variety entertainment,
 - (v) multi-media arts, and
 - (vi) any other artistic field prescribed in the regulations;
- (b) "artists' association" means an organization or a branch or local of any organization that has among its objectives the management or promotion of the professional, social and economic interests of artists who are members of the organization;
- (c) "compensation" includes sales, fees, royalties, commissions, salaries, residuals, grants and awards;
- (d) "government" means the government of the province;
- (e) "minister" means the minister appointed under the *Executive Council Act* to administer this Act;
- (f) "professional artist" means a professional artist referred to in section 5;
- (g) "promotion or marketing of works" includes attending auditions, seeking sponsorship, agents or engagements and similar activities appropriate to the nature of an artist's work; and
- (h) "public or peer recognition" includes
 - (i) honours,
 - (ii) awards,
 - (iii) professional prizes,
 - (iv) scholarships,

- (v) honourable mentions,
- (vi) appointments to adjudication committees or peer juries, and
- (vii) invitations to participate in group exhibitions or performances.

[2017 cS-24.1 s2](#)

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Crown bound

3. The Crown is bound by this Act.

[2017 cS-24.1 s3](#)

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Principles affirmed

4. The following principles are affirmed and recognized:

- (a) artists in the province make important and dynamic contributions to the economic and social well-being of the province;
- (b) artistic creativity enhances the health, education, quality of life and communal identity of the province;
- (c) artistic diversity contributes to the strength of the province's culture ; and
- (d) fair compensation of professional artists is important for the creation and use of their artistic works.

[2017 cS-24.1 s4](#)

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Professional artist

5. A person shall be considered to be a professional artist for the purpose of this Act if that person satisfies 4 of the following criteria, including at least one of the criteria referred to in paragraphs (a) to (c):

- (a) the person receives or has received compensation which can be included in professional or business income;
- (b) the person has a record of income or loss relevant to the history of his or her work and appropriate to the span of his or her artistic career;
- (c) the person has received public or peer recognition by publicly disseminated critical reviews or appraisals or by similar means;
- (d) the person has presented his or her work to the public by means of exhibitions, publications, screenings, performances, readings or by other means appropriate to the

- nature of his or her work;
- (e) the person is represented by a dealer, publisher, agent or similar professional representative appropriate to the nature of his or her work;
 - (f) the person devotes a reasonable proportion of his or her professional time to promoting or marketing of his or her work;
 - (g) the person
 - (i) has received professional training in an educational institution from a practitioner recognized in his or her profession, or
 - (ii) is self-taught within the established practices of the person's cultural traditions;
 - (h) the person has membership in a professional association, appropriate to his or her artistic activity,
 - (i) whose membership is or categories of membership are limited under standards of the association, or
 - (ii) which is a trade union or equivalent appropriate to his or her artistic activity; and
 - (i) the person holds copyright in his or her own work and has received royalty or residual payment based on that copyright.

[2017 cS-24.1 s5](#)

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Government undertaking

6. Where the government believes it is reasonable and appropriate, the government undertakes 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) seek the input of artists and artists' associations on government matters relating to arts and culture;
 - (d) give fair consideration to cultural products produced in the province when purchasing goods and services within the parameters of the *Public Procurement Act* and applicable trade agreements;
 - (e) support access to training and education relating to arts and promote awareness of artistic activity in the province;
 - (f) conduct research benefitting arts and culture in the province;

- (g) provide investment for artists and artists' associations in the province;
- (h) support the promotion and sale of cultural products produced in the province;
- (i) encourage public recognition of and appreciation for arts and culture in the province;
and
- (j) use a written contract, where a government department enters into a contract with a professional artist to produce or present an artistic work or production, that includes
 - (i) a description of the work or production,
 - (ii) the terms and conditions of payment,
 - (iii) the delivery date of the work or production,
 - (iv) the notice and any compensation required where either the government department or the professional artist terminates the contract before its completion,
 - (v) dispute resolution mechanisms,
 - (vi) any limitations on the use of the work or production,
 - (vii) any transfer of right or grant of licence consented to by the professional artist, and
 - (viii) any waiver in whole or in part of moral rights within the meaning of section 14.1 of the *Copyright Act* (Canada).

[2017 cS-24.1 s6; 2019 c8 s31](#)

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Government recognition

7. Where the government believes it is reasonable and appropriate, the government shall recognize the importance of continued improvement to the lives and working conditions of professional artists by

- (a) encouraging appropriate labour standards for professional artists, including
 - (i) health and safety standards, and
 - (ii) the use of written contracts; and
- (b) giving consideration to the working practices and unique cycles of production of artists when professional artists interact with government departments.

[2017 cS-24.1 s7](#)

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Regulations

8. The Lieutenant-Governor in Council may make regulations

- (a) prescribing additional artistic fields for the purpose of paragraph 2(a);
- (b) defining a word or expression used in this Act but not defined in this Act; and
- (c) generally, to give effect to the purpose of this Act.

[2017 cS-24.1 s8](#)

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