

**BILL C-42: AN ACT TO AMEND THE MUSEUMS ACT  
AND TO MAKE CONSEQUENTIAL AMENDMENTS  
TO OTHER ACTS**

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## LEGISLATIVE HISTORY OF BILL C-42

### HOUSE OF COMMONS

Bill Stage	Date
First Reading:	11 February 2008
Second Reading:	13 February 2008
Committee Report:	13 February 2008 Committee of the Whole
Report Stage:	13 February 2008
Third Reading:	13 February 2008

### SENATE

Bill Stage	Date
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Second Reading:	26 February 2008
Committee Report:	4 March 2008
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Third Reading:	5 March 2008

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TO OTHER ACTS\*

BACKGROUND

On 11 February 2008, Bill C-42, An Act to amend the Museums Act and to make consequential amendments to other Acts, was introduced in the House of Commons by the Minister of Canadian Heritage, Status of Women and Official Languages, the Honourable Josée Verner. This bill creates a new Crown corporation called the Canadian Museum for Human Rights and sets out the corporation's purpose, capacity and powers by amending the *Museums Act*.<sup>(1)</sup> Other Acts are also amended to provide for federal funding and to exclude museum material from the jurisdiction of the *Access to Information Act*<sup>(2)</sup> and the *Privacy Act*.<sup>(3)</sup> The bill also adds the Canadian Museum for Human Rights to the list of federal entities that pay property taxes to municipalities in relation to federally owned real property. Other acts related to the payment of federal employees and their pensions are also amended.

The *Museums Act* was enacted in 1990 with the purpose of creating four national museums to preserve the heritage of Canada. These four museums – the National Gallery of Canada, the Canadian Museum of Civilization, the Canadian Museum of Nature, and the National Museum of Science and Technology – operate as independent Crown corporations, each having a board of trustees and a board-appointed director who is approved by the Governor

in Council. The mandate for each national museum is also detailed in the *Museums Act* and includes various activities pertaining to the collection of artefacts and museum material; education of the public; research and training; and revenue generation.

Before passage of the *Museums Act*, Canada's four national museums were controlled by a single entity, National Museums of Canada.<sup>(4)</sup> In view of the politicization of the grants process governed by the National Museums of Canada, which hampered decentralization and democratization as recommended in the National Museum Policy,<sup>(5)</sup> this entity was dissolved in 1990 and replaced by four independently controlled Crown corporations.<sup>(6)</sup> This reversion to decentralized control is reminiscent of the original administration of museums in Canada.

For example, the *National Gallery of Canada Act* of 1913 governed the National Gallery before National Museums of Canada was established.

## DESCRIPTION AND ANALYSIS

### A. Creation and Purpose of the Canadian Museum for Human Rights (CMHR)

Clause 1 amends the *Museums Act* by expanding the definition of “museum material” to include documentary material of any medium or form.

Clause 2 amends the *Museums Act* by inserting new section 15.1, establishing the Canadian Museum for Human Rights (CMHR). The CMHR is defined to include any affiliated museums.

Clause 2 amends the *Museums Act* by inserting new section 15.2, setting out the purpose of the museum. The new section states that the purpose of the museum is to “explore the subject of human rights with a special but not exclusive reference to Canada, in order to enhance the public's understanding of human rights, to promote respect for others and to encourage reflection and dialogue.”

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(4) National Museums of Canada was established by the *National Museums Act*, R.S.C. 1970, c. N-12. For a review of its functions and role see, Office of the Auditor General of Canada, *1981 Report*, Chapter 11, [http://www.oag-bvg.gc.ca/internet/English/aud\\_ch\\_oag\\_1981\\_11\\_e\\_3292.html](http://www.oag-bvg.gc.ca/internet/English/aud_ch_oag_1981_11_e_3292.html).

(5) The National Museum Policy, announced by the Secretary of State, Gérard Pelletier, on 28 March 1972, proposed the “increased movement of objects, collections and exhibits throughout Canada for the benefit of more people.” See National Museums of Canada, *The National Museum Policy: A Programme for Canadian Museums*, Ottawa, 1973, p. 1.

(6) See Léo A. Dorais, “Twenty Years of National Museum Policy in Canada: From Democratization and Decentralization to Special Operation Agencies,” *Muse*, 1992, Vol. 10, Summer–Fall, pp. 48–53.

## B. Capacity and Powers of the CMHR

Clause 2 amends the *Museums Act* by inserting new section 15.3, which sets out the legal capacity of the CMHR and its powers. These powers are associated with three broad areas: activities directly related to the collection, display and transfer of museum material,<sup>(7)</sup> activities related to research, education and training,<sup>(8)</sup> and ancillary activities related to the operation of a museum and revenue generation.<sup>(9)</sup>

## C. First Director of the CMHR and Directors of Other National Museums

Clause 3 amends the *Museums Act* by creating a new subsection 23(1.1) to grant the minister the power to recommend the first director of the CMHR to the Governor in Council. The Governor in Council is obligated to appoint the recommended director.

Clause 3 amends the *Museums Act* by adding to subsection 23(2) the requirement that all reappointed directors be approved by the Governor in Council.

## D. Remuneration of the First Director of the CMHR

Clause 3 amends the *Museums Act* by creating a new subsection 23(5.1) to grant the Governor in Council the power to determine, on the recommendation of the minister, the amount of remuneration of the first director.

## E. Pre-establishment Contracts of the CMHR

Clause 4 amends the *Museums Act* by creating a new section 24.1 to ensure that contracts entered into by the minister on behalf of the CMHR before its completion are still in force after the creation of the CMHR.

## F. Consequential Amendments to Other Acts

Clauses 5 to 13 amend provisions in other Acts to ensure that the CMHR is treated in the same manner as other national museums that are Crown corporations. For

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(7) New section 15.3(1)(a) to (e) and (l).

(8) New section 15.3(1)(f) to (k).

(9) New section 15.3(1)(m) to (p).

example, clauses 5 and 6 amend the *Access to Information Act*,<sup>(10)</sup> and clauses 10 and 11 amend the *Privacy Act*<sup>(11)</sup> to exempt museum material in the CMHR from the jurisdiction of these acts. Clause 7 amends the *Financial Administration Act*<sup>(12)</sup> to include the CMHR in the list of Crown corporations that receive federal funding. Clauses 8 and 9 amend the *Payments in Lieu of Taxes Act*<sup>(13)</sup> to allow the minister to pay the property taxes on land owned by the CMHR. Clause 12 amends the *Public Sector Compensation Act*<sup>(14)</sup> to classify staff of the CMHR as public service employees. Clause 13 amends the *Public Service Superannuation Act*<sup>(15)</sup> to include staff of the CMHR in the Public Service pension plan.

#### G. Coming Into Force

to be located outside of the National Capital Region, the CMHR is to be built in Winnipeg. It will house the largest museum gallery in Canada devoted to the subject of the Holocaust.

One of the goals of Canada's museum policy is to facilitate the access of all Canadians to their cultural heritage.