

1971 Bill 96

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ~~ALBERTA~~

BILL 96

An Act to Amend The Teaching Profession Act

THE MINISTER OF EDUCATION

First Reading

Second Reading

Third Reading

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1971

AN ACT TO AMEND THE TEACHING PROFESSION ACT

(Assented to _____, 1971)

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

1. *The Teaching Profession Act is hereby amended.*
2. *Section 2 is amended by striking out clause (d) and by substituting the following:*
 - (d) "executive council" means the Provincial Executive Council of the association;
3. *Section 17, subsection (2) is amended by striking out the word "section" and by substituting the word "Act".*
4. *Section 18 is amended*
 - (a) *as to subsection (1) by striking out clause (d) and by substituting the following:*
 - (d) notify the accused person and the executive council of its decision and the penalty, if any, it recommends as being suitable.
 - (b) *by adding the following subsections after subsection (2):*
 - (3) An accused person who has been found guilty by the discipline committee may, within seven days of notification referred to in subsection (1), clause (d), by written notice to the executive secretary, request a hearing before the executive council to make representations on the question of the penalty to be imposed.
 - (4) Upon receipt of a request pursuant to subsection (3), the executive secretary shall
 - (a) make arrangements for the hearing requested, and
 - (b) give the accused person not less than 14 days, notice in writing of the date, place and time of the hearing.

Explanatory Notes

1. This Act will amend chapter 362 of the Revised Statutes of Alberta 1970.

2. Section 2, clause (d) presently reads:

(d) "executive council" means the executive council of the association;

3. Section 17, subsection (2) presently reads:

(2) A person is deemed to have been given notice under this section if it is delivered to him personally or if it is posted in a prepaid registered envelope addressed to his place of residence as shown in the records of the association.

4. Section 18 presently reads:

18. (1) In every hearing the discipline committee shall
(a) allow the accused person to be represented by counsel,
(b) hear all evidence in support and in defence of the complaint,
(c) decide the guilt or innocence of the person, and
(d) report its decision to the executive council and recommend a penalty it thinks suitable, if any.

(2) All evidence given by witnesses at a hearing shall be given under oath which shall be administered by the person presiding at the hearing.

5. Section 19 is struck out and the following is substituted:

19. (1) The executive council shall consider the decision of the discipline committee and the recommendation and representation (if any) made by or on behalf of the accused person on the question of the penalty and may thereupon

- (a) expel the accused person from the association, or
- (b) suspend the accused person from the association for any period of time it considers proper, or
- (c) recommend to the Minister that he suspend or cancel the teaching certificate of the accused person, or
- (d) require the accused person to pay a fine, or
- (e) require the accused person to pay a sum of money calculated by the council as the costs of the hearing, or
- (f) discipline the accused person in any other way it considers proper.

(2) The fine required to be paid and the costs under subsection (1) are recoverable as a debt owing to the association.

(3) The executive council shall notify the accused person of the penalty it imposes.

6. This Act comes into force on the day upon which it is assented to.

5. Section 19 presently reads:

19. (1) When the executive council receives a decision from the discipline committee that a person has been found guilty of unprofessional or unethical conduct the executive council may

- (a) expel the person from the association,
- (b) suspend the person from the association for any period of time it considers proper,
- (c) discipline the person in any other way it considers proper, and
- (d) recommend that the Minister suspend or cancel the person's teaching certificate.

(2) The executive council shall notify the accused person of the committee's decision and any penalty imposed by the council in the same way that notices of hearings are given to members.

(3) An accused person is deemed to have been given notice of a decision of the discipline committee and of a penalty imposed by the executive council if the notice is delivered to him or posted in the same way as notices of hearings.

(4) In addition to any other penalty it might impose, the executive council may require an accused member to pay a sum of money calculated by the council as the costs of the hearing and the costs may be recovered as a debt owing to the association.