

1973 Bill 45

Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 45

The Alberta Educational Communications Corporation Act

THE MINISTER OF EDUCATION

First Reading

Second Reading

Third Reading

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BILL 45

1973

THE ALBERTA EDUCATIONAL COMMUNICATIONS CORPORATION ACT

(Assented to _____, 1973)

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

1. In this Act,

- (a) “by-law” means a by-law of the Corporation;
- (b) “Corporation” means The Alberta Educational Communications Corporation;
- (c) “director” means a director of the Corporation;
- (d) “provincial authority” means the provincial authority designated pursuant to section 2.

2. (1) The Lieutenant Governor in Council may designate any person or persons or any other body or authority as the provincial authority for Alberta for the purposes of this Act and any direction of the Governor in Council made pursuant to section 27 of the *Broadcasting Act* (Canada) and may specify the name of the provincial authority so designated.

(2) The provincial authority may

- (a) establish one or more advisory committees for any purpose in connection with this Act and appoint its members,
- (b) prescribe the powers and duties of an advisory committee so established, and
- (c) prescribe the remuneration to be paid to members of an advisory committee, which may be paid from moneys appropriated by the Legislature for the purposes of this Act.

(3) In accordance with *The Public Service Act* there may be appointed a director and such other employees as may be required for the purposes of conducting the business and affairs of the provincial authority.

Explanatory Notes

General. This Bill will establish the Alberta Educational Communications Corporation which will provide a framework within which educational broadcasting and the production of educational programs and materials can take place. The establishment of the Corporation was anticipated by the report of the Commission on Educational Planning. Furthermore it will enable Alberta to have one or more licensed broadcasting undertakings devoted primarily to educational broadcasting.

The new Corporation will assume responsibility for the operation of radio station CKUA, presently owned and operated by the Alberta Government Telephones Commission. The Corporation will also be able to negotiate for the purchase of the assets of MEETA and CARET.

1. Definitions.

2. Designation of provincial authority and establishment of advisory committees.

3. (1) There is hereby established a corporation with the name "The Alberta Educational Communications Corporation" consisting of 15 directors appointed by the Lieutenant Governor in Council in accordance with this section and section 4.

(2) Not less than three and not more than four of the directors shall be employees of the Government of Alberta.

(3) No employee of the Corporation shall be appointed as a director.

(4) The Lieutenant Governor in Council shall, in making an appointment under this section, prescribe the term of office of the director so appointed which shall not exceed three years, but this subsection does not operate to preclude the re-appointment of any person as a director.

(5) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Corporation and another as vice-chairman and shall prescribe their terms of office as chairman and vice-chairman respectively.

(6) In the event of the absence or inability to act of the chairman or in the event that the office of chairman is vacant, the vice-chairman shall be the acting chairman of the Corporation and in that capacity has all the powers and duties of the chairman.

(7) The directors, other than employees of the Government, shall be paid from the funds of the Corporation

- (a) fees for the performance of their duties at the rates prescribed in the by-laws, and
- (b) allowances in accordance with the by-laws for living and travelling expenses incurred in the course of performing their duties.

4. (1) A person is not eligible to be appointed or to continue as a member of the Corporation if he is not a Canadian citizen ordinarily resident in Alberta or if, directly or indirectly, as owner, shareholder, director, officer, partner or otherwise, he

- (a) is engaged in a broadcasting undertaking, or
- (b) has any pecuniary interest or proprietary interest in
 - (i) a broadcasting undertaking, or
 - (ii) the production or distribution of program material suitable for use by a broadcasting undertaking, or
 - (iii) the manufacture or distribution of radio apparatus except where such distribution is incidental to the general merchandising of goods by wholesale or by retail.

3. Establishment of The Alberta Educational Communications Corporation.

4. Ineligibility of director due to outside interests.

(2) Where any interest prohibited under subsection (1) vests in a director by will or succession for his own benefit, he shall, within three months thereafter, absolutely dispose of such interest and he shall not, during that period, be deemed ineligible under subsection (1).

(3) In this section "broadcasting undertaking" has the meaning given to it by the *Broadcasting Act* (Canada).

5. (1) Meetings of the Corporation shall be held at the call of the chairman or in such other manner as may be prescribed by the by-laws but in no case shall more than four months elapse between meetings of the Corporation.

(2) Eight members constitute a quorum for meetings of the Corporation.

6. (1) The Corporation may

- (a) operate one or more broadcasting undertakings primarily devoted to the field of educational broadcasting;
- (b) subject to any directions made by the provincial authority, produce, acquire, sell, lease, distribute, exhibit or otherwise deal in programs and materials of an educational nature whether for use in broadcasting or otherwise;
- (c) enter into operating agreements with any persons (including any agency or agencies of the Government of Canada, the owners or operators of broadcasting stations or networks, or any privately owned or publicly owned carrier) for the broadcasting and distribution of educational programs;
- (d) enter into contracts with any persons (including universities, colleges or other advanced educational institutions) in connection with the production, acquisition, sale, lease, presentation, exhibition or distribution of, or other dealing in, the programs and materials of the Corporation;
- (e) acquire, prepare, publish, distribute and preserve, whether for a consideration or otherwise, any audio-visual materials, papers, periodicals and other literary matter of the Corporation;
- (f) make arrangements or enter into agreements with any person for the use of any rights, privileges or concessions of the Corporation.

(2) The Corporation may

- (a) purchase an estate in fee simple in any land, subject to the approval of the Lieutenant Governor in Council;

5. Meetings of the Corporation.

6. General powers of the Corporation.

- (b) subject to clause (a), purchase and hold any estate or interest in land and sell, lease or otherwise alienate any estate or interest in land no longer required for its purposes;
- (c) acquire any estate or interest in land by gift or devise and alienate it, subject to the terms of any trust upon which it may be held;
- (d) make such banking arrangements as are necessary for the carrying out of its duties and functions;
- (e) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable or transferrable instruments;
- (f) subject to the terms of any trust upon which it may be held, invest in such manner as the Corporation considers proper, any moneys that come into its hands and that are not then required to be expended;
- (g) act as trustee of any moneys or property given to the Corporation by will or otherwise;
- (h) determine the place where the head office of the Corporation shall be situated;
- (i) appoint the auditor of the Corporation;
- (j) perform such other functions and discharge such other duties as are assigned to it by the Lieutenant Governor in Council.

(3) The programs and materials transmitted through a broadcasting undertaking of the Corporation are subject to supervision or assessment or both by the provincial authority.

7. (1) The Corporation may make by-laws regulating its proceedings and generally for the conduct and management of the business and affairs of the Corporation.

(2) No by-law of the Corporation is valid unless it is approved by the provincial authority.

(3) *The Regulations Act* does not apply to by-laws of the Corporation.

8. (1) The Corporation may

- (a) employ such technical or professional persons and such other officers and employees as the Corporation considers necessary for the purpose of its business and affairs;

7. Corporation by-laws.

8. Staff and pension plans.

- (b) prescribe the duties and conditions of employment of persons employed by it;
 - (c) subject to subsection (3), prescribe the rates of salary or wages of persons employed by it;
 - (d) engage any person to provide to the Corporation any services of a professional nature or requiring special technical knowledge or training, upon such terms and for such remuneration as may be agreed upon.
- (2) The Lieutenant Governor in Council shall appoint a person as President of the Corporation, who shall be the chief executive officer of the Corporation, and shall prescribe the remuneration payable by the Corporation to the President.
- (3) The Corporation shall make by-laws
- (a) establishing job classifications for its employees and salary ranges in respect of each job classification so established;
 - (b) governing the application of salary rates or ranges so established;
 - (c) authorizing the payment of supplementary benefits to, or for the credit of, an employee in addition to his salary or wages.
- (4) The Corporation may make by-laws respecting the remuneration or rates of remuneration to be paid to members of the Corporation, the President and its employees for travelling and living expenses incurred in the course of performing their duties.
- (5) The Corporation may by by-law establish one or more pension plans for its employees and former employees and their dependants and for that purpose may
- (a) establish guarantee and pension funds;
 - (b) provide for annuities or other payments by way of pension, superannuation or death benefits;
 - (c) provide for the making of contributions by the Corporation to a fund referred to in clause (a).
- (6) The Corporation may, in lieu of establishing a pension plan under subsection (5), by by-law elect to have *The Local Authorities Pension Act* apply to the Corporation and upon the filing of a certified copy of the by-law with the chief executive officer of the Public Service Pension Administration *The Local Authorities Pension Act* applies to the Corporation and its employees as of the effective date of the by-law as though the Corporation were a local authority defined in that Act.

9. (1) The Corporation

- (a) may from time to time borrow such sums of money

9. Borrowing powers.

- as the Corporation may require;
- (b) enter into overdraft arrangements with a chartered bank or treasury branch for the purpose of meeting its obligations as they become due;
 - (c) give security for the repayment of any moneys borrowed by it and any interest thereon.
- (2) Without restricting the powers of the Corporation under subsection (1), the Corporation may borrow money by way of issuing notes, bonds, debentures or other securities.
- (3) The Lieutenant Governor in Council may authorize the Provincial Treasurer to guarantee on behalf of the Government of Alberta the repayment of all or part of any moneys borrowed by the Corporation under this section or any interest thereon.

10. (1) The Government of Alberta may make grants to the Corporation from moneys appropriated by the Legislature for that purpose either with or without conditions.

(2) With the approval of the Lieutenant Governor in Council, the Provincial Treasurer may, upon the promissory note or other security of the Corporation, advance to the Corporation out of the General Revenue Fund such sums as are required from time to time for the purposes of the capital costs of the Corporation.

(3) The sums advanced under subsection (2) shall be subject to repayment upon such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

11. (1) The Corporation may, by a by-law approved by the Lieutenant Governor in Council, determine the fiscal year of the Corporation.

(2) In the absence of a by-law under subsection (1), the fiscal year of the Corporation begins on the 1st day of April and ends on the 31st day of March in the following year.

(3) The Corporation shall, before the 90-day period preceding each fiscal year of the Corporation, submit its budget for that fiscal year to the provincial authority for its approval.

(4) The accounts and financial transactions of the Corporation shall be audited annually by the Corporation's auditor and a report of the audit shall be made to the Corporation and the provincial authority.

12. (1) The Corporation shall make an annual report to the Minister of Education and the Minister of Advanced Education relating to the business and affairs of the Cor-

10. Government grants and loans to the Corporation.

11. Fiscal year and audit.

12. Reports by the Corporation.

poration, and thereupon one of those Ministers shall lay a copy of the report before the Assembly if it is then in session, or if not, at the next ensuing session.

(2) The Corporation may make such further reports to the Minister of Education and the Minister of Advanced Education as either of those Ministers may from time to time request.

Transitional

13. (1) Upon the commencement of this section

- (a) the rights, property, liabilities and obligations of the Alberta Government Telephones Commission (in this section called "AGT") held or incurred in connection with or incidental to the operation of radio station CKUA become rights, property, liabilities and obligations of the Corporation;
- (b) the persons employed by AGT in connection with the operation of radio station CKUA immediately prior to the commencement of this section become employees of the Corporation at the same rates of salary and on the same terms of employment;
- (c) any reference in any certificate of title, contract, instrument or other document to AGT shall, to the extent that it relates to the rights, property, liabilities, obligations or employees mentioned in clauses (a) and (b) respectively, be deemed to be a reference to the Corporation;
- (d) any reference in any contract, instrument or other document to a specified officer of AGT shall, to the extent that it relates to the rights, property, liabilities, obligations or employees mentioned in clauses (a) and (b) respectively, shall be deemed to be a reference to the President of the Corporation unless the by-laws of the Corporation provide otherwise.

(2) Where any dispute arises under subsection (1) as to

- (a) whether any right, property, liability or obligation became the right, property, liability or obligation of the Corporation, or
- (b) whether any person became an employee of the Corporation, or
- (c) whether any reference is a reference to which subsection (1), clause (c) or (d) applies,

the matter in dispute shall be referred to the Lieutenant Governor in Council whose decision thereon is final and binding on all persons.

(3) Notwithstanding section 8, subsections (5) and (6) or any provisions of *The Alberta Government Telephones Act* or the pension scheme thereunder, any person who be-

13. Statutory transfer relating to CKUA which is owned and operated by Alberta Government Telephones.

comes an employee of the Corporation by virtue of subsection (1) may, before or within 30 days after the commencement of this section, elect to remain under the pension scheme of AGT, and in that event

(a) section 8, subsections (5) and (6) do not apply to that employee, and

(b) the Corporation shall make any employer contributions to AGT's pension scheme that AGT would otherwise have been required to make.

(4) An employee of the Corporation who makes an election under subsection (3) may at any time thereafter revoke that election and upon the effective date of the revocation, the employee becomes subject to the pension plan in effect under section 8, subsection (5) or (6), as the case may be.

14. (1) Where any agreement or arrangement was entered into by or on behalf of the Government of Alberta with any person before the commencement of this Act for a purpose relating to the administration or operation of the person or persons heretofore designated as the "Alberta Educational Communications Authority", the Corporation shall, upon the commencement of this Act, be deemed to replace the Government as a party to that agreement or arrangement.

(2) Where any dispute arises to whether any agreement or arrangement is one to which subsection (1) applies, the matter in dispute shall be referred to the Lieutenant Governor in Council whose decision thereon is final and binding on all persons.

15. The Lieutenant Governor in Council may make any order he considers necessary for the purpose of facilitating any transfer or other transitional matter involved in the operation of section 13 or 14 or for the purpose of remedying any hardship or difficulty arising from the operation of those sections.

16. This Act comes into force on a date or dates to be fixed by Proclamation.

14. The Corporation will replace the Government as a party to certain agreements entered into before the commencement of the Act.

15. Remedial orders to facilitate transition.