

1981 BILL 49

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Third Session, 19th Legislature, 30 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 49**

## **THE TECHNICAL INSTITUTES ACT**

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THE MINISTER OF ADVANCED EDUCATION AND  
MANPOWER

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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**THE TECHNICAL INSTITUTES ACT**  
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*Bill 49*

## **BILL 49**

1981

### **THE TECHNICAL INSTITUTES ACT**

*(Assented to , 1981)*

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

**1** In this Act,

- (a) “academic staff association” means an academic staff association established under section 30;
- (b) “academic staff member” means an employee of the board who, as a member of a category of employees or individually, has been designated as an academic staff member by the board;
- (c) “board” means the board of governors of a technical institute;
- (d) “financial institution” means
  - (i) a bank,
  - (ii) a treasury branch,
  - (iii) a trust company , or
  - (iv) a credit union;
- (e) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (f) “students association” means a students association of a technical institute;
- (g) “students council” means the executive body of a students association;

(h) “technical institute” means a technical institute established under this Act.

## **PART 1**

### **TECHNICAL INSTITUTES**

#### **Establishment**

Establishment of  
Technical Institutes

**2** The Lieutenant Governor in Council may by order establish technical institutes and shall designate the location and the name of each technical institute so established.

Interim governing  
authority

**3(1)** The Lieutenant Governor in Council may with respect to a technical institute

(a) establish an interim governing authority for the technical institute consisting of 1 or more members;

(b) appoint the member or members of the interim governing authority and, if he appoints more than 1 member, shall designate 1 of them as its chairman;

(c) specify the name of the interim governing authority;

(d) confer or impose on the interim governing authority any powers or duties he considers necessary in connection with the carrying out of its responsibilities.

**(2)** The member or members of the interim governing authority

(a) may be paid remuneration for the performance of their duties as member or members of the interim governing authority, and

(b) shall be paid travelling and living expenses while absent from their ordinary places of residence in the course of their duties as member or members of the interim governing authority,

at the rates prescribed by the Lieutenant Governor in Council.

**(3)** An interim governing authority is a corporation with the name given to it by the Lieutenant Governor in Council and consists of the persons appointed as its member or members.

**(4)** An interim governing authority shall exercise its powers and duties until it is dissolved by a further order of the Lieutenant Governor in Council.

**(5)** The Lieutenant Governor in Council may make any order he considers necessary in respect of the disposition of the rights, property, debts and obligations of the interim governing authority on its dissolution.

(6) Notwithstanding anything in this Act, an interim governing authority

(a) shall designate

(i) categories of employees as academic staff members, and

(ii) individual employees as academic staff members

of the technical institute;

(b) shall prescribe procedures respecting the election of

(i) the 1st executive of the academic staff association, and

(ii) the 1st students council

at the technical institute;

(c) may exercise or perform the powers and duties of

(i) the president, until the appointment of the 1st president,

(ii) the board, until the commencement of the board's 1st meeting, and

(iii) the academic council, until the commencement of the academic council's 1st meeting;

(d) may exercise the powers and duties referred to in clause (c) either in its own name or in the name of the president, the board or the academic council, as the case may be.

### **Board of Governors**

Board of  
Governors

**4(1)** The Lieutenant Governor shall by order establish a board of governors for each technical institute.

(2) Each board is a corporation with the name given to it by the Lieutenant Governor in Council and consists of the persons appointed as its members.

Composition of  
board of governors

**5(1)** A board shall consist of the following members:

(a) the following persons appointed by the Minister:

(i) 2 students nominated by the students council,

(ii) 2 academic staff members nominated by the academic staff association, 1 of whom shall be an instructor in a trade designated pursuant to *The Manpower Development Act*, and

- (iii) 1 member of the non-academic staff;
  - (b) 10 persons appointed by the Lieutenant Governor in Council, 1 of whom shall be designated as chairman.
- (2) Only persons who
  - (a) are Canadian citizens or have been lawfully admitted to Canada for permanent residence, and
  - (b) are residents of Albertaare eligible to be appointed as members of the board under subsection (1)(b).
- (3) A person appointed as a member of a board
  - (a) holds office for a term not exceeding 3 years as prescribed in the appointment, and
  - (b) continues to hold office after the expiry of his term of office until he is reappointed, his successor is appointed or a period of 3 months has expired, whichever first occurs.
- (4) A member of the board is eligible for reappointment for a 2nd term but not for a further term until the expiration of a period of 3 years after his 2nd term has expired.
- (5) Notwithstanding subsections (3) and (4), a student member of the board, while he is a student at the technical institute
  - (a) holds office for a term not exceeding 1 year as prescribed in the appointment, and
  - (b) is eligible for reappointment for a 2nd term.
- (6) The term of office of a member of the board terminates when
  - (a) in the case of a person nominated by the students council, that person ceases to be a student at the technical institute,
  - (b) in the case of a person nominated by the academic staff association, that person ceases to be an academic staff member, and
  - (c) in the case of a person appointed from the non-academic staff, that person ceases to be a member of the non-academic staff of the technical institute.
- (7) If a person resigns his membership on the board, his appointment as a member of the board terminates on the effective date specified in his resignation or, if no effective date is specified, on the date of receipt of his resignation by the board.



Payments to board  
members

## **6 The members of the board**

(a) may be paid remuneration for the performance of their duties as members of the board, and

(b) shall be paid travelling and living expenses while absent from their ordinary places of residence in the course of their duties as members of the board,

at the rates prescribed by the board.

Administrative  
powers and duties

## **7 A board**

(a) shall ensure that the business and affairs of the technical institute are conducted in accordance with this Act,

(b) shall determine the general policies with respect to the organization, administration and operation of the technical institute and the courses or programs of instruction or training provided by the board,

(c) may make by-laws respecting the calling of its meetings and regulating the conduct of business at those meetings and generally, regulating the conduct of its business and affairs, and

(d) may, after consultation with the academic staff association, designate categories of employees as academic staff members, designate individual employees as academic staff members and change the designation of the categories and individuals designated under section 3 or this section.

Powers respecting  
property

## **8 A board may**

(a) construct, repair, alter or otherwise improve any buildings or premises held by the board;

(b) accept any gift, grant, devise or bequest of any property made to it;

(c) act as trustee of any money or property given or bequeathed for the support of the technical institute;

(d) subject to the terms of any trust on which it may be held, invest in any manner it considers proper any money of the board that is not then required to be expended for any purpose for which it may be lawfully applied;

(e) draw, make, accept, endorse and issue promissory notes, bills of exchange and other negotiable or transferable instruments;

(f) subject to section 22, borrow money from any person or enter into overdraft arrangements with a financial institution and give security for the repayment of money so borrowed or obtained by overdraft, and

(g) do all other things it considers appropriate in respect of the administration of the technical institute and its property.

Acquisition of land

**9(1)** A board may acquire by gift, devise, purchase or expropriation any estate or interest in land for the purposes of the technical institute.

(2) An owner of any estate or interest in land expropriated by a board and an owner of any estate or interest in land injuriously affected by the exercise of the power of expropriation by a board is entitled to compensation from the board for any damages necessarily resulting from the exercise of the power of expropriation beyond any advantage he may derive from any works for which the estate or interest in land was expropriated or by which the estate or interest in land was injuriously affected.

Disposition of land

**10(1)** Except as otherwise provided in subsections (2) and (3)(b), a board may lease to any person, for a term not exceeding 5 years, any land held by the board.

(2) A board may lease to any person, for a period longer than 5 years, any land held by the board that is not being used for the purposes of the technical institute, subject to any trust on which the land is held.

(3) A board may, with the approval of the Lieutenant Governor in Council,

(a) sell, exchange or mortgage any interest in land held by it, or

(b) lease to any person for a period longer than 5 years any land held by the board that is being used for the purposes of the technical institute,

subject to any trust on which the land is held.

Instructional  
program powers

**11(1)** A board

(a) may provide

(i) courses or programs of instruction or training of a general, academic, vocational, technical, cultural or practical nature, subject to the approval of the Minister, and

(ii) short courses or short programs of instruction or training to meet the needs of special interest groups,

(b) shall provide courses or programs of instruction or training that the Minister has determined to be required with respect to a trade designated pursuant to the *The Manpower Development Act*,

(c) shall establish admission requirements for students of its technical institute,

(d) may make rules respecting the enrolment of students to take courses or programs of instruction or training provided by the board and governing the taking of courses of instruction or training provided by the board,

(e) subject to the approval of the Minister, may prescribe the tuition fees to be paid by students enrolled in full-time courses or programs of instruction or training provided by the board, and

(f) may prescribe fees to which clause (e) does not apply to be paid by students enrolled in courses or programs of instruction or training provided by the board.

(2) The enrolment of a student to take courses or programs of instruction or training provided by the board and the taking of courses or programs of instruction or training so provided is subject to the rules made by the board.

President

**12(1)** The board of each technical institute shall appoint a president to be the chief executive officer of that technical institute.

(2) The board shall prescribe the term of office of the president and the remuneration to be paid to him by the board.

(3) The president shall exercise the powers and perform the duties assigned to him by the board and is responsible for the general supervision over and direction of the operation of the technical institute including

(a) the policies and programs of the technical institute,

(b) the heads of all departments and divisions and the academic staff of the technical institute,

(c) the officers and employees employed in or in connection with non-academic work, and

(d) the business affairs of the technical institute.

(4) The president may call

(a) a meeting of the academic council,

(b) a meeting of any departmental council within the technical institute or of any committee, or council, and

(c) a joint meeting of all committees and councils or any 2 or more of them,

and may, instead of the chairman of the council or committee, act as chairman at a meeting called by him.

(5) The president shall receive notice of meetings of the board and,

subject to the by-laws, attend meetings of the board but is not entitled to vote on any matter dealt with by the board.

(6) The president may delegate in writing any of his powers and duties to any employee of the board and prescribe any terms and conditions governing the exercise of any delegated powers or duties he considers appropriate.

### **Academic Council**

Academic Council

**13(1)** For each technical institute there shall be an academic council consisting of

(a) the president who shall be the chairman unless a chairman is elected under subsection (5);

(b) not more than 3 chief academic officers, appointed as members of the council by the board;

(c) subject to subsection (2), not more than 10 academic staff members, elected by the academic staff association of the technical institute;

(d) not more than 10 students, elected by the students association;

(e) not more than 5 additional members, appointed by the board.

(2) The number of academic staff members elected to the academic council under subsection (1)(c) shall in no case be less than 1/3 of the total of the number of members of the academic council.

(3) The term of office of members of the academic council shall be prescribed by the board.

(4) Where any question arises as to the composition of the academic council or any matter concerning the election of academic staff members or students to an academic council, the question shall be decided by the board and the board's decision is final.

(5) The academic council may elect a chairman from among its members.

Powers and duties

**14(1)** An academic council

(a) shall make recommendations or reports to the board with respect to any matter that the board refers to the academic council, including academic policy related to the following matters:

(i) standards and policy respecting the selection and admission of students;

(ii) courses and programs of instruction or training provided or to be provided by the board;

(iii) academic awards;

(b) may make recommendations or reports to the board on any other matter the academic council considers advisable.

(2) A recommendation or report of an academic council under subsection (1) shall be in writing and shall be transmitted to the board through the president for consideration at its next meeting.

Committees

**15(1)** The board may establish as many committees or councils as it considers necessary to act in an advisory capacity or administrative capacity for the technical institute.

(2) The members of a committee or council established under subsection (1)

(a) may be paid honorariums in amounts fixed by the board, and

(b) may be paid travelling and living expenses necessarily incurred while absent from their ordinary places of business in the course of their duties as members of the committee or council at the rates prescribed by the board.

## Financial

Annual budget

**16** In each year, the board shall prepare a budget for the technical institute and submit copies of the budget to the Minister on or before the date specified by the Minister.

Banking

**17(1)** The board shall keep its funds in a financial institution.

(2) All payments made from funds of the board shall be by cheque or order signed by an employee of the board designated by the board and, if so required by by-law of the board, by the chairman of the board or any member designated by the board.

Auditor

**18** The Auditor General is the auditor of each board.

Fiscal year

**19** The fiscal year of a board shall be the period prescribed by the Minister.

Financial commitments

**20** A board shall not incur any liability or make any expenditure for the purposes of acquiring land, constructing, repairing, altering or otherwise improving, furnishing or equipping any building or leasing any building or any other purpose, unless

(a) the whole of the liability or expenditure can be provided out of the income of the year or out of other money available for the purpose, or

(b) the liability or expenditure has the prior approval of the Minister pursuant to section 21.

Minister's  
expenditure  
approval powers

**21(1)** The Minister may approve a budget submitted to him or may require revision of all or any part of the budget in any manner he considers appropriate.

(2) The Minister may review, approve, amend or refuse to approve requests of boards with respect to expenditures for

- (a) new buildings,
- (b) major alterations or additions to existing buildings,
- (c) the leasing of buildings,
- (d) major alterations to leased buildings,
- (e) the acquisition of any interest in land,
- (f) the furnishing and equipping of buildings whether owned or leased,
- (g) landscaping, paving and the provision of utilities services, and
- (h) other facilities of a capital nature.

Debenture  
borrowing

**22(1)** Subject to the prior approval of the Lieutenant Governor in Council, a board, for the purposes of the technical institute, may from time to time borrow sums of money that the board may require and may from time to time issue notes, bonds, debentures or other securities which

- (a) shall bear interest at the rate or rates determined by the board,
- (b) shall be in the denomination or denominations determined by the board,
- (c) shall be payable as to principal and interest
  - (i) in the currency or currencies of the country or countries,
  - (ii) at the place or places,
  - (iii) at the time or times, and
  - (iv) in the manner,determined by the board,
- (d) may be made redeemable in whole or in part in advance of maturity

- (i) at the time or times,
  - (ii) on the terms, and
  - (iii) at the price or prices, either with or without premium,
- determined by the board, and

(e) may be issued in the amounts that will realize the net sum required by the board for the purposes of the technical institute.

(2) Where the authorizing resolution of a board made under subsection (1) contains a recital or declaration that the amount of the notes, bonds, debenture or other securities authorized by the resolution is necessary to realize the net sum required for the purposes of the technical institute, the recital or declaration is conclusive proof of the facts stated in it.

(3) Subject to the approval of the Lieutenant Governor in Council a board may sell or otherwise dispose of any notes, bonds, debentures or other securities on any terms and conditions it deems advisable, either at the par value of them or at less or more than the par value of them, and may charge, pledge, hypothecate, deposit or deal with any of those securities as collateral security.

(4) Any notes, bonds, debentures or other securities and the coupons, if any, attached to them, shall be in the form and shall be executed in the manner and by the persons as the board may determine.

(5) In this section "purposes of the technical institute" includes:

- (a) acquiring any real property;
- (b) constructing, repairing, altering or otherwise improving, or furnishing or equipping any building;
- (c) the repayment or refunding from time to time of the whole or any part of any borrowings made by the board;
- (d) the payment of any other liability or indebtedness of the board;
- (e) the carrying out of any of the powers and duties of the board.

Provincial  
guarantee of  
borrowing

**23(1)** The principal and interest of any borrowings by or notes, bonds, debentures and other securities issued by a board may be guaranteed by the Crown.

(2) The guarantee, in the form and manner as the Lieutenant Governor in Council may approve, may be endorsed on any notes, bonds, debentures or other securities issued by a board and may be signed on behalf of the Crown by the Provincial Treasurer, the Deputy

Provincial Treasurer or by any other person the Lieutenant Governor in Council may designate.

(3) The signature of the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council, on the guarantee is conclusive proof that the relevant provisions of this Act have been complied with.

(4) Where in respect of any notes, bonds, debentures or other securities issued by a board it becomes necessary or desirable under the terms of any guarantee given on behalf of the Crown to make payment under the guarantee, payment may be made on the order of the Lieutenant Governor in Council

(a) out of the General Revenue Fund, without further appropriation, or

(b) from the proceeds of any loan made under *The Financial Administration Act, 1977* or the sale of securities owned by the Province.

Signatures on  
debentures

**24(1)** The seal of a board on any notes, bonds, debentures or other securities of the board and the signatures of

(a) any person authorized by the board to execute the notes, bonds, debentures or other securities or any coupon attached to them, or

(b) the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council to sign a guarantee that is endorsed on the notes, bonds, debentures or other securities

may be engraved, lithographed, printed or otherwise reproduced on the notes, bonds, debentures or other securities of the board or on the guarantee endorsed on them, as the case may be.

(2) The reproduced signature of any person referred to in subsection (1) is for all purposes deemed to be the signature of that person and is binding on the board and the Crown notwithstanding that the person whose signature is reproduced did not hold office at the date of the notes, bonds, debentures or other securities or at the date of delivery of them.

Minister's  
regulation powers

**25** The Minister may regulate or prohibit

(a) the extension, expansion or establishment of any service, facility or course or program of instruction or training at a technical institute to reduce or avoid an undesirable or unnecessary duplication of a similar service, facility or program of study already provided by a university, college, technical institute or provincially administered institution under *The Department of Advanced Education and Manpower Act*, and



(b) the establishment of a new department or school at a technical institute.

Delegation of  
Minister's powers

**26** The Minister may delegate in writing to any person any of the powers, duties and functions conferred or imposed on him pursuant to this Act.

Report to Minister

**27** The board shall annually on or before the date specified by the Minister prepare and transmit to the Minister a report containing

(a) a description of the services provided by the technical institute during the preceding fiscal year,

(b) an audited financial statement for the preceding fiscal year, and

(c) any other information the Minister requires.

## **PART 2**

### **STAFF**

#### **Non-Academic Staff**

Non-Academic  
staff

**28** A board may,

(a) appoint any officers and employees it considers necessary for the proper conduct of the affairs of the technical institute and promote or dismiss the officers and employees,

(b) determine the salaries or remuneration of the officers and employees,

(c) prescribe the duties of the officers and employees, and

(d) prescribe the term of employment and the terms and conditions of employment of the officers and employees.

#### **Academic Staff**

Academic staff

**29(1)** In this section and in sections 30 to 35, "agreement" means an agreement in writing between the board and an academic staff association under section 32.

(2) The board may employ any persons it considers necessary to serve as academic staff members at the technical institute.

(3) A board may, subject to an agreement,

- (a) determine the salaries or remuneration of academic staff members,
- (b) prescribe the duties of academic staff members, and
- (c) prescribe the term of employment and the terms and conditions of employment of academic staff members.

(4) A person shall not be appointed to, promoted to or dismissed from any full-time position on the academic staff at the technical institute, except in accordance with an agreement.

(5) Subject to an agreement, the President may, in his discretion, suspend from duty and from privileges any academic staff member at the technical institute and shall forthwith report his action and the reasons for it to the board.

Academic staff  
associations

**30(1)** For each technical institute there shall be an academic staff association.

(2) Each academic staff association is hereby established as a corporation and consists of the academic staff members of the technical institute.

(3) Each academic staff association shall have the exclusive authority, on behalf of the academic staff members, to negotiate and enter into an agreement.

Academic staff  
association  
executive

**31(1)** The business and affairs of the academic staff association shall be managed by an executive, the members of which shall be elected by and from the academic staff members as provided in the by-laws of the academic staff association.

(2) The academic staff association may, with the approval of the majority of the academic staff members present and voting at a meeting of the association, make by-laws:

- (a) respecting elections of members of the executive of the academic staff association;
- (b) prescribing the number of persons and the officers of which the executive is to consist;
- (c) governing the calling of meetings of the academic staff association, of the executive and respecting the conduct of business at those meetings;
- (d) authorizing the charging of membership fees and the amounts of those fees;
- (e) governing the acquisition, management and disposition of property of the academic staff association;
- (f) respecting any other matter pertaining to the administration

of the affairs of the academic staff association including, without limitation, the promotion of the general welfare of the members of the academic staff association consistent with the purposes of the technical institute.

(3) After the end of each year the executive of the academic staff association may prepare and submit to the board a report on the professional activities of the academic staff association during the year.

Agreements

**32(1)** The board and the academic staff association shall enter into negotiations for the purpose of concluding an agreement.

(2) An agreement shall with respect to the employment of the academic staff members contain provisions respecting at least the following matters:

(a) procedures for determining and methods of assigning teaching responsibilities and related duties;

(b) the establishment of salary rate and wage rate schedules for the purpose of setting the salaries or wages payable;

(c) procedures for fixing sick leave, vacation leave, leave of absence or other leave to be allowed;

(d) procedures for determining conditions governing probation, term of employment, performance review, promotions, reassignment of duties, suspension and dismissal;

(e) procedures respecting the settlement of

(i) differences between the parties, and

(ii) grievances,

arising from the interpretation, application or operation of the agreement;

(f) procedures for determining rights relating to copyrights and patent matters involving discoveries made in the course of employment;

(g) procedures respecting negotiations for future agreements.

(3) An agreement is binding on

(a) the board,

(b) the academic staff association, and

(c) the academic staff members.

Execution of  
agreements

**33(1)** When the terms and conditions to be included in an agreement

have been settled, the board and the academic staff association shall sign the agreement.

(2) No member of the academic staff is required to sign an agreement that has been entered into on his behalf by the academic staff association.

Non-application of  
The Labour  
Relations Act and  
The Employment  
Standards Act

**34** *The Labour Relations Act and The Employment Standards Act* do not apply to the board, the academic staff association or the academic staff members of the technical institute.

Continuation of  
dispute settlement  
provisions

**35** If a difference arises between a board and an academic staff association during the period between the date of termination of an agreement and the date of entry into a new agreement between them, the provisions that were contained in the agreement pursuant to section 32(2)(e) or the provisions of section 36, as the case may be, apply to the parties and the difference as if the agreement had remained in effect.

Model dispute  
settlement  
provisions

**36** If an agreement does not contain the provisions required under section 32(2)(e), the agreement shall be deemed to contain those of the following provisions in respect of which it is silent:

*(a) If a difference arises as to the interpretation, application, operation or contravention or alleged contravention of this agreement or as to whether that difference can be the subject of arbitration, the parties agree to meet and endeavour to resolve the difference.*

*(b) If the parties are unable to resolve a difference referred to in clause (a), either party may notify the other in writing of its desire to submit the difference to arbitration.*

*(c) The notice referred to in clause (b) shall*

*(i) contain a statement of the difference, and*

*(ii) specify a name or a list of names of the person or persons whom the party submitting the notice is willing to accept as the single arbitrator.*

*(d) On receipt of a notice referred to in clause (b), the party receiving the notice,*

*(i) if it accepts the person or one of the persons suggested to act as arbitrator, shall, within 7 days, notify the other party accordingly and the difference shall be submitted to the arbitrator, or*

*(ii) if it does not accept any of the persons suggested by the party sending the notice shall, within 7 days, notify the other party accordingly and send the name or a list of names of the person or persons it is willing to accept as the single arbitrator.*

*(e) If the parties are unable to agree on a person to act as the single arbitrator, either party may request the chairman of the Labour Relations Board under The Labour Relations Act in writing to appoint a single arbitrator.*

*(f) The arbitrator may, during the arbitration, proceed in the absence of any party or person who, after notice, fails to attend or fails to obtain an adjournment.*

*(g) The arbitrator shall inquire into the difference and issue an award in writing, and the award is final and binding on the parties and on every employee affected by it.*

*(h) The parties agree to share equally the expenses of the arbitrator.*

*(i) Except as permitted in clause (j), the arbitrator shall not alter, amend or change the terms or conditions of the agreement.*

*(j) If the arbitrator by his award determines that an employee has been discharged or otherwise disciplined by an employer for cause and the agreement does not contain a specific penalty for the infraction that is the subject matter of the arbitration, the arbitrator may substitute any penalty for the discharge or discipline that to him seems just and reasonable in all the circumstances.*

### **PART 3**

## **MISCELLANEOUS**

### **Pensions**

Pensions and  
annuities

**37** A board may provide for its officers, employees and academic staff members retirement plans and pension plans approved by the Provincial Treasurer and may make contributions to any plans so provided.

### **Students Association**

Students  
associations

**38(1)** For each technical institute there shall be a students association to provide for the administration of the affairs of the students at the technical institute, including the development and management of student institutions, the development and enforcement of a system of student law and the promotion of the general welfare of the students consistent with the purposes of the technical institute.

**(2)** Each students association is hereby established as a corporation

with the name that includes the name of the technical institute, and consists of the members of the student body of the technical institute.

(3) Subject to the approval of the board, a students association may acquire real property by purchase, lease or otherwise and may hold and dispose of it.

(4) The board or a person authorized by the board shall from time to time and at least once every year audit the accounts of the students association.

Students' council

**39(1)** The business and affairs of a students association shall be managed by a body to be known as the students council, the members of which shall be elected by and from the members of the students association as provided in the by-laws of the association.

(2) A students council may make by-laws governing

(a) the requirements for membership in the students association,

(b) the qualifications for election as a member of the students council and the time and manner of conducting the elections,

(c) the number of persons and the officers that the students council is to consist of,

(d) the calling of meetings of the students association or students council and the quorum and conduct of business at those meetings,

(e) the maintenance of the students association by the charge of membership fees,

(f) the acquisition, management and disposition of property by the students association, and

(g) any other matter pertaining to the management and affairs of the students association.

(3) A students council is responsible for maintaining appropriate communications between the students of a technical institute and the board, and any communication from the students council to the board shall be made through the president of the technical institute, who shall communicate it to the board at the next meeting.

(4) One or more students of a technical institute may petition the board in writing through the president of the technical institute, who shall forthwith transmit the petition to the board for consideration at its next regular meeting.

(5) Members of the students association representing at least 10% of the membership of the association may by a petition signed by them request the students council to conduct a vote on any resolution

pertaining to the affairs of the students association, and thereupon the students council shall proceed to conduct the vote.

(6) Where a vote is conducted under subsection (5) and the votes cast in favour of the resolution represent at least 2/3 of the total number of votes cast, the students council shall implement the resolution to the extent it is by law able to do so.

## PART 4

### TRANSITIONAL AND CONSEQUENTIAL

Provincially  
administered  
institution transfer

**40(1)** In this section “provincial institution” means a provincially administered institution as defined in *The Department of Advanced Education and Manpower Act*.

(2) The Lieutenant Governor in Council may by order establish a provincial institution as a technical institute and shall designate the name of each technical institute so established.

(3) The Lieutenant Governor in Council may provide for the transfer of land, buildings and personal property used in the operation of the provincial institution, as determined by the Lieutenant Governor in Council to the interim governing authority and the board, or either of them, subject to any terms and conditions prescribed in the order and may declare that any debt or liability incurred by the Crown in connection with the provincial institution shall become a debt or liability of the interim governing authority or the board as the case may be.

(4) The Lieutenant Governor in Council may specify the provisions of this Act that apply to the provincial institution that is established as a technical institute and any provisions of this Act not specified in the order do not apply to that institution.

(5) The Lieutenant Governor in Council may make any order he considers necessary to provide for any matter not expressly provided for in this section for the purpose of

(a) facilitating any transfer and, without limitation, any other transitional matter, or

(b) remedying any hardship or difficulty, arising from the establishment of a provincial institution as a technical institute.

Non-application of  
Regulations Act

**41** *The Regulations Act* does not apply to an order, rule, by-law or resolution made, approved or passed under this Act.

Amends 1972 c28

**42** *The Department of Advanced Education and Manpower Act* is amended

(a) in section 5(h)(i) by adding “technical institutes,” after “colleges,”;

(b) in section 7(1) by adding “or technical institute” after “college”;

(c) in section 7(2) by striking out “college in respect” and substituting “college or board of the technical institute in respect”;

(d) by adding the following after section 8:

**8.1(1)** On the appointment of an administrator for a technical institute, the term of office of the members of the board appointed pursuant to section 4 of *The Technical Institutes Act* terminates.

(2) During the period of his appointment, the administrator of a technical institute

(a) is the sole member of the board and, in the name of the board

(i) may exercise the powers and authority of the board, and

(ii) shall perform the duties and obligations of the board, and

(b) shall, notwithstanding section 12 of *The Technical Institutes Act*, where the office of president of the technical institute is or becomes vacant, exercise and perform the powers, duties and functions of the president.

(3) During the period of the administrator’s appointment and with respect to the technical institute for which he was appointed, a reference in *The Technical Institutes Act* or any other document to

(a) the chairman of the board shall be read as a reference to the administrator, and

(b) the president of the technical institute shall, where the office of the president is vacant, be read as a reference to the administrator.

(4) During the period of the administrator’s appointment, the operation of section 4 of *The Technical Institutes Act* is suspended with respect to the technical institute for which the administrator is appointed.

Amends 1977 c68

**43** *The Financial Administration Act, 1977 is amended*

(a) in section 2(5) by adding the following after clause (c):



(c.1) the board of a technical institute under *The Technical Institutes Act*;

(b) in section 2(5.1) by adding the following after clause (c):

(c.1) section 27(1) of *The Technical Institutes Act*;

Amends RSA 1970  
c268

**44** *The Ombudsman Act is amended in section 2(a) by striking out “and” at the end of subclause (vi), by adding “and” at the end of subclause (vii) and by adding the following after subclause (vii):*

(viii) the board of a technical institute under *The Technical Institutes Act*;

Amends 1977 c40

**45** *The Public Service Employee Relations Act is amended in the Schedule by adding the following after section 3:*

**3.2(1)** The board of governors of a technical institute under *The Technical Institutes Act* while it is acting as the employer of its academic staff members as defined in *The Technical Institutes Act*.

(2) The academic staff members as defined in *The Technical Institutes Act* of the board of governors of a technical institute.

Amends 1976 c84

**46** *The Students Finance Act, 1976 is amended*

(a) in section 8(1) by adding the following after clause (b):

(b.1) a technical institute under *The Technical Institutes Act*;

(b) in section 8(1)(d) and (e) by adding “(b.1)” after “(b),”.

Coming into force

**47** This Act comes into force on Proclamation.