

1983 BILL 47

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 47

DEPARTMENT OF ADVANCED EDUCATION ACT

THE MINISTER OF ADVANCED EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 47

1983

DEPARTMENT OF ADVANCED EDUCATION ACT

(Assented to _____, 1983)

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

- Definitions **1** In this Act,
- (a) "Department" means the Department of Advanced Education;
- (b) "Minister" means the Minister of Advanced Education;
- (c) "provincially administered institution" means an advanced education institution owned by the Government and operated as part of the Department.
- Department **2** There shall be a department of the Government called the Department of Advanced Education over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as the Minister of Advanced Education.
- Staff **3(1)** In accordance with the *Public Service Act*, there may be appointed a Deputy Minister of Advanced Education and any other employees required to conduct the business of the Department.

(2) The Minister may appoint persons to advise him or to inquire into and report on matters under the Minister's administration and a person so appointed shall be paid the remuneration and expenses that the Minister prescribes.

Delegation

4(1) The Minister may in writing delegate any power or duty conferred or imposed on him by this Act or any other Act or regulation under his administration to an employee in the Department or an agent of, or a member, officer or employee of an agent of, the Government.

(2) Subsection (1) does not apply to any power or duty of the Minister to make regulations.

boards,
committees
and councils

5(1) The Minister may establish any boards, committees or councils he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

(2) The Minister may, with respect to any board, committee or council established under this section,

(a) appoint or provide for the manner of appointment of its members,

(b) prescribe the term of office of any member,

(c) designate or provide for the designation of a chairman, vice-chairman and secretary,

(d) authorize, fix and provide for the payment of remuneration and expenses to its members, and

(e) make rules governing the calling of its meetings, the conduct of business at its meetings, reporting and any other matters as required.

(3) A board, committee or council established pursuant to this section may make rules governing any matter referred to in subsection (2)(e) to the extent that the Minister has not made rules under that clause governing the matter.

(4) A board, committee or council established pursuant to this section or any of its members acting on its behalf may exercise the powers and shall perform the duties and functions that the Minister confers or imposes on it or him.

Grants

6(1) The Minister may make grants if

(a) he is authorized to do so by regulations made under subsection (2), and

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(2) The Lieutenant Governor in Council may make regulations

(a) authorizing the Minister to make grants;

- (b) respecting the purposes for which grants may be made;
- (c) governing applications for grants;
- (d) respecting the persons or organizations or classes of persons or organizations eligible for grants;
- (e) respecting the conditions required to be met by any applicant for a grant to render that person eligible for the grant;
- (f) empowering the Minister in particular circumstances to waive eligibility criteria prescribed under clause (d) or (e);
- (g) respecting the conditions on which a grant is made and requiring the repayment of the grant to the Government if the conditions are not met;
- (h) providing for the payment of a grant in a lump sum or by instalments and prescribing the time or times at which the grant or the instalments may be paid;
- (i) authorizing the Minister to make deductions from a grant;
- (j) limiting the amount of a grant or class of grant;
- (k) authorizing the Minister to delegate in writing to any employee of the Government any power conferred or duty imposed on him by this section or the regulations;
- (l) requiring a person or organization receiving a grant to account for the way in which the grant is spent in whole or in part;
- (m) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.

(3) Regulations made under subsection (2) may be specific or general in their application.

(4) Notwithstanding subsection (2)(g), the Minister may impose further conditions not prescribed in the regulations on the making of a particular grant.

Agreements

7(1) The Minister may enter into agreements on or in connection with any policies, programs, services or other matters under his administration.

(2) Without limiting subsection (1), agreements may be made under that subsection with the Government of Canada or of a province or any agency of the Government of Canada or of a province.

Establishment and operation of programs

8 The Minister may establish or operate any advanced education programs and services he considers necessary or desirable.

Regulations

9 The Minister may make regulations

- (a) for the establishment, operation, administration and management of provincially administered institutions;

- (b) prescribing fees and other charges to be charged for any matter or service provided by the Department or a provincially administered institution;
- (c) providing for the waiver of fees or other charges prescribed under this Act;
- (d) concerning programs offered or to be offered by a provincially administered institution;
- (e) providing for the co-ordination of programs and services between 2 or more institutions offering advanced education programs or services;
- (f) respecting the establishment of advisory or administrative committees at provincially administered institutions.

SA 1980 cB-1 **10** *The Banff Centre Act is amended by adding the following after section 17:*

Investigation of
the Banff Centre

17.1(1) The Minister may in writing appoint a person to examine and inspect

- (a) the financial condition,
- (b) the administrative condition, or
- (c) any other matter connected with the management, administration or operation,

of the Banff Centre.

(2) The person appointed by the Minister under subsection (1) may examine, inspect and take copies of

- (a) all books of record and account,
- (b) all bank books,
- (c) electronically stored information, and
- (d) any other papers, documents or things,

in the possession of the Banff Centre.

(3) The person having custody of the books, papers, documents and things mentioned in subsection (2) shall make them available to the person appointed under subsection (1) at the time the appointee requests them from him.

(4) The person appointed under subsection (1) may, during his examination and inspection, make any inquiries he thinks fit and may require and take evidence on oath.

(5) The person appointed under subsection (1) shall report to the Minister on his examination and inspection and on receipt of the report the Minister may make any order that to him seems proper.

RSA 1980 cC-18 **11** *The Colleges Act is amended by adding the following after section 38:*

Investigation of public college

38.1(1) The Minister may in writing appoint a person to examine and inspect

- (a) the financial condition,
- (b) the administrative condition, or
- (c) any other matter connected with the management, administration or operation,

of a public college.

(2) The person appointed by the Minister under subsection (1) may examine, inspect and take copies of

- (a) all books of record and account,
- (b) all bank books,
- (c) electronically stored information, and
- (d) any other papers, documents or things,

in the possession of the public college.

(3) The person having custody of the books, papers, documents and things mentioned in subsection (2) shall make them available to the person appointed under subsection (1) at the time the appointee requests them from him.

(4) The person appointed under subsection (1) may, during his examination and inspection, make any inquiries he thinks fit and may require and take evidence on oath.

(5) The person appointed under subsection (1) shall report to the Minister on his examination and inspection and on receipt of the report the Minister may make any order that to him seems proper.

Administrator for public college

38.2(1) When in his opinion it is in the public interest to do so, the Lieutenant Governor in Council may appoint an administrator for a public college.

(2) The administrator shall be paid the remuneration and expenses that the Minister prescribes and the payment shall be made out of the funds of the college board.

(3) The administrator holds office for 1 year from the effective date of his appointment unless the appointment is previously terminated by the Lieutenant Governor in Council.

Effect of appointment of administrator

38.3(1) On the appointment of an administrator for a public college, the terms of office of the members of the college board terminate.

- (2) During the period of the administrator's appointment and with respect to the public college for which he was appointed,
- (a) he is the sole member of the college board and, in the name of the college board, may exercise the powers and shall perform the duties of the college board,
 - (b) if the office of president of the public college is or becomes vacant, he may exercise the powers and shall perform the duties that the president otherwise would have had,
 - (c) a reference in this Act, the regulations or any other document to
 - (i) the college board or the board of governors of the public college,
 - (ii) the chairman of the college board, or
 - (iii) the president, where the office of the president is vacant,
 shall be read as a reference to the administrator, and
 - (d) the operation of sections 4, 4.1, 19(2) and, if the office of the president is or becomes vacant, section 19(1), is suspended.

SA 1981 cT-3.1 **12** *The Technical Institutes Act is amended by adding the following after section 27:*

Investigation of
technical institute

27.1(1) The Minister may in writing appoint a person to examine and inspect

- (a) the financial condition,
- (b) the administrative condition, or
- (c) any other matter connected with the management, administration or operation,

of a technical institute.

(2) The person appointed by the Minister under subsection (1) may examine, inspect and take copies of

- (a) all books of record and account,
- (b) all bank books,
- (c) electronically stored information, and
- (d) any other papers, documents or things,

in the possession of the technical institute.

(3) The person having custody of the books, papers, documents and things mentioned in subsection (2) shall make them available

to the person appointed under subsection (1) at the time the appointee requests them from him.

(4) The person appointed under subsection (1) may, during his examination and inspection, make any inquiries he thinks fit and may require and take evidence on oath.

(5) The person appointed under subsection (1) shall report to the Minister on his examination and inspection and on receipt of the report the Minister may make any order that to him seems proper.

Administrator for
technical institute

27.2(1) When in his opinion it is in the public interest to do so, the Lieutenant Governor in Council may appoint an administrator for a technical institute.

(2) The administrator shall be paid the remuneration and expenses that the Minister prescribes and the payment shall be made out of the funds of the board.

(3) The administrator holds office for one year from the effective date of his appointment unless the appointment is previously terminated by the Lieutenant Governor in Council.

Effect of
appointment of
administrator

27.3(1) On the appointment of an administrator for a technical institute, the terms of office of the members of the board terminate.

(2) During the period of the administrator's appointment and with respect to the technical institute for which he was appointed,

(a) he is the sole member of the board and, in the name of the board, may exercise the powers and shall perform the duties of the board,

(b) in carrying out his responsibilities under section 12(3), the president is subject to any directions given to him by the administrator,

(c) if the office of the president is or becomes vacant, he may exercise the powers and shall perform the duties that the president otherwise would have had,

(d) a reference in this Act or any other document to

(i) the board or the board of governors of the technical institute,

(ii) the chairman of the board, or

(iii) the president, where the office of the president is vacant,

shall be read as a reference to the administrator, and

(e) the operation of sections 5, 6, 12(2) and, if the office of the president is or becomes vacant, section 12(1), is suspended.

RSA 1980 cU-5 **13** *The Universities Act is amended by adding the following after section 67:*

Investigation of university **68(1)** The Minister may in writing appoint a person to examine and inspect

- (a) the financial condition,
- (b) the administrative condition, or
- (c) any other matter connected with the management, administration or operation,

of a university.

(2) The person appointed by the Minister under subsection (1) may examine, inspect and take copies of

- (a) all books of record and account,
- (b) all bank books,
- (c) electronically stored information, and
- (d) any other papers, documents or things,

in the possession of the university.

(3) The person having custody of the books, papers, documents and things mentioned in subsection (2) shall make them available to the person appointed under subsection (1) at the time the appointee requests them from him.

(4) The person appointed under subsection (1) may, during his examination and inspection, make any inquiries he thinks fit and may require and take evidence on oath.

(5) The person appointed under subsection (1) shall report to the Minister on his examination and inspection and on receipt of the report the Minister may make any order that to him seems proper.

Consequential **14(1)** *In the following enactments “and Manpower” is struck out wherever it occurs:*

Act	Section number
Banff Centre Act	1(e)
Colleges Act	1(g)
Health Occupations Act	3(7) and 4(3)(c)
Mental Health Act	5(6.1)
Nursing Assistants Registration Act	2(4), 3(1)(b) and 5(1)
Private Vocational Schools Act	1(g)
Students Finance Act	1(b)
Students Loan Guarantee Act	1(c)
Teachers' Retirement Fund Act	24(8)
Ultimate Heir Act	7(2)
Universities Act	1(e)

(2) In the following enactments "Department of Advanced Education and Manpower Act" is struck out wherever it occurs and "Department of Advanced Education Act" is substituted:

Act	Section number
Election Act	1(e)(ii)
Private Vocational Schools Act	2(d)
Students Finance Act	9(1)(a)
Technical Institutes Act	25 and 40(1)

Repeal **15** The *Department of Advanced Education and Manpower Act* is repealed.

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.