

1991 BILL 297

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 297

ALBERTA INSTITUTE OF ABORIGINAL
LANGUAGES ACT

MR. HAWKESWORTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 297
Mr. Hawkesworth

BILL 297

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ALBERTA INSTITUTE OF ABORIGINAL LANGUAGES ACT

(Assented to , 1991)

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

Definitions

1 In this Act,

- (a) "Board" means the Board of Directors of the Alberta Institute of Aboriginal Languages;
- (b) "Executive Director" means the Executive Director of the Institute;
- (c) "Institute" means the Alberta Institute of Aboriginal Languages;
- (d) "Minister" means the member of the Executive council charged by the Lieutenant Governor in Council with the administration of this Act.

Institute

2 There is hereby established the Alberta Institute of Aboriginal Languages.

3(1)The objectives of this Act are

- (a) to facilitate and promote the acquisition, retention and use of aboriginal languages that contribute to the Province's aboriginal heritage, through public education and otherwise; and
- (b) to ensure the perpetuation, revitalization, growth and protection of aboriginal languages;

(2) In order to implement the objectives of this Act, the Institute may

- (a) provide the public with information about aboriginal language resources;
- (b) develop programs to improve the quality of aboriginal language instruction;
- (c) assist in the production and dissemination of Alberta-oriented materials related to the study of aboriginal languages;
- (d) assist in the development of standards for the learning of aboriginal languages;
- (e) conduct research into all aspects of aboriginal languages;
- (f) establish scholarly and professional links between the Institute and universities, colleges and other organizations and persons interested in the Institute's work;
- (g) respond to the assessments of aboriginal communities as to measures which will ensure the survival and functional use of their languages;
- (h) provide the funding required to enable communities to develop and control the processes, resources and activities needed to promote their languages; and
- (i) undertake any other activities in furtherance of the policies and objectives of this Act.

Powers of Institute

4(1) The Institute has the capacity of a natural person and, in particular, the Institute has the power to

- (a) initiate, finance and administer the programs and activities related to the objectives of this Act;
- (b) support and implement the programs and activities of other governments, public and private organizations and agencies and individuals;
- (c) acquire any money, securities or other property by gift, bequest or otherwise and hold, expend, invest, administer or dispose of that property, subject to any terms on which it is given, bequeathed or otherwise made available to the Institute;
- (d) expend any money appropriated by the Legislative Assembly or any other government for the activities of the

Institute, subject to any terms on which it is appropriated;

(e) publish or otherwise disseminate information related to the objectives of this Act;

(f) sponsor and support conferences, seminars and other meetings; and

(g) establish and award scholarships and fellowships

(2) The Institute shall be directed and controlled by a Board of Directors.

(3) The Institute is not an agent of the Crown.

5(1) The Board shall consist of not more than 12 directors appointed by the Lieutenant Governor in Council, on the recommendation of the Minister, after the Minister has consulted with such aboriginal governments, institutions, organizations and individuals as the Minister considers appropriate.

(2) Persons appointed to the Board, the majority of which shall be aboriginal, must have knowledge or experience that will assist the Institute in fulfilling the objectives of this Act.

6(1) The Board shall meet not less than 4 times a year.

(2) The quorum of a meeting of the Board is the majority of the directors then holding office.

7 The Board may make by-laws respecting

(a) the business, operation and affairs of the Board;

(b) the calling of meetings of the Board;

(c) the directors, officers, employees and agents of the Institute;

(d) the business, operation and affairs of the Institute;

(e) the signing of agreements on behalf of the Institute;

(f) the establishment of the Executive Committee referred to in section 11 and other committees to advise or assist the board;

(g) the business, operation and meeting procedure of the Executive Committee and other committees.

Remuneration and expenses

8 The members of the Board and the Executive Director may be paid remuneration by and receive payment for travelling and other expenses incurred in connection with the work of the Board from the Institute as prescribed by the Lieutenant Governor in Council.

9(1) The term of office of a director is 3 years.

(2) A director may be reappointed for one additional term of office of 3 years.

(3) Notwithstanding anything in this section the term of office of a director may continue until a replacement is appointed.

10 The Board may delegate in writing any power or duty conferred on it to the Executive Committee or to a director, employee or agent of the Institute except the power to make by-laws.

11(1) The Board shall select 6 of its members to form an Executive Committee.

(2) The Executive Committee may exercise and shall perform those powers and duties that the Board, by by-law, assigns to it.

(3) The Executive Committee shall submit to each meeting of the Board minutes of any proceedings of the Executive Committee that have taken place subsequent to the last meeting of the Board.

(4) The principal officer of the Board, if not a member of the Executive Committee, is entitled to notice of and to be present at meetings of the Executive Committee.

Executive director

12(1) The Executive Director shall be appointed by the Board for a term not exceeding 5 years.

(2) The Executive Director is the chief executive officer of the Institute and has supervision over and direction of the work and staff of the Institute and may engage such officers, employees and agents as are necessary for the proper conduct of the work of the Institute.

(3) The Board may authorize an officer of the Institute to act as Executive Director in the event that the Executive Director is absent or incapacitated or the office of the Executive Director is vacant.

(4) The Executive Director whose term of office has expired is eligible for reappointment in that capacity.

(5) The Executive Director is an ex officio of the Board without a vote.

Duties of directors 13(1) When exercising powers and performing duties under this Act, every director and officer shall

(a) act honestly and in good faith with a view to the best interests of the Institute;

(b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances; and

(c) comply with this Act and the by-laws of the Institute.

(2) A director or officer is not liable for a breach of duty under subsection (1) if the director or officer relies in good faith on

(a) financial statements of the Institute represented to the director or officer by an officer of the Institute or in a written report of the auditor of the Institute fairly to reflect the financial condition of the Institute; or

(b) a report of a lawyer, accountant, engineer, appraiser or other person whose position or profession lends credibility to a statement made by that person.

Disclosures by directors re contracts

14(1) A director or officer who

(a) is a party to a material contract or proposed material contract with the Institute, or

(b) is a director or officer of, or has a material interest in, any person who is a party to a material contract with the Institute,

shall disclose in writing to the Institute the nature and extent of the interest of the director or officer.

(2) The Board shall make by-laws respecting

(a) the time when and the form and manner in which the disclosure required by subsection (1) shall be made; and

(b) the limitation on the participation of a director or officer who has made a disclosure as required by subsection (1) in any proceedings respecting the contract that is the subject of the disclosure.

Fiscal year

15 The fiscal year of the Institute is the period commencing on

April 1 in one year and ending March 31 next following, unless otherwise prescribed by the Lieutenant Governor in Council.

Auditor 16 The Auditor General is the auditor of the Institute.

Annual report 17(1) The Institute shall, after the end of each fiscal year, submit to the Minister an annual report consisting of a general summary of its activities in the year and a financial report.

(2) The Minister shall lay a copy of the annual report before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

Evaluation of Institute 18(1) As soon as possible after the 4th anniversary of the coming into force of this Act, the Minister, after consultation with the Board, shall evaluate and prepare a report on the Institute's activities and organization, including a statement of any changes that the Minister would recommend.

(2) The Minister shall cause a copy of the report referred to in subsection (1) to be laid before the Legislative Assembly within the first 15 days on which the Assembly is next sitting after the report has been prepared.

Coming into force 19 This Act shall come into force on a day to be fixed by order of the Lieutenant Governor in Council.