

1994 BILL 42

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 42

BANFF CENTRE AMENDMENT ACT, 1994

MRS. BURGNER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 42
Mrs. Burgener

BILL 42

1994

BANFF CENTRE AMENDMENT ACT, 1994

(Assented to _____, 1994)

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

Amends RSA
1980 cB-1

1 The Banff Centre Act is amended by this Act.

2 Section 1 is amended

(a) by repealing clauses (a) and (a.1);

*(b) in clause (e) by adding "and Career Development" after
"Education".*

3 Section 4 is amended

(a) by adding the following after subsection (2):

(2.01) After December 31, 1994,

(a) when the term of office of a member of the board
expires, or

(b) if a vacancy occurs on the board,

the remaining members of the board shall appoint a person
to replace the member whose term of office has expired or
to serve the balance of the unexpired term of office.

Explanatory Notes

1 Amends chapter B-1 of the Revised Statutes of Alberta 1980.

2 Section 1 presently reads in part:

1 In this Act,

(a) "academic staff association" means the academic staff association established under section 22;

(a.1) "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;

(e) "Minister" means the Minister of Advanced Education;

3 Section 4 presently reads in part:

(2) The board shall consist of

(a) the President, and

(b) 15 members appointed by the Lieutenant Governor in Council one of whom shall be nominated by the federal Minister.

(2.1) The Lieutenant Governor in Council shall appoint one of the members of the board, other than the President, to be chairman of the board.

(3) No person is eligible for appointment to the board unless he is a Canadian citizen or has been lawfully admitted to Canada for permanent residence.

(2.02) Subsection (2.01) continues to apply after December 31, 1994 until the board is composed of the following members, and thereafter the board must continue to be composed of the following members:

- (a) the President,
- (b) 6 members appointed by the Lieutenant Governor in Council, and
- (c) 9 members appointed by the remaining members of the board, one of whom must have been nominated by the federal Minister.

(2.03) After the membership of the board has reached the composition described in subsection (2.02), when the term of office of a member expires, a new member shall be appointed

- (a) by the Lieutenant Governor in Council, if the member whose term has expired was appointed by the Lieutenant Governor in Council, or
- (b) by the remaining members of the board, if the member whose term has expired was appointed by board members.

(b) in subsection (2.1) by striking out “, other than the President,” and substituting “appointed by the Lieutenant Governor in Council”;

(c) in subsection (3) by adding “by the Lieutenant Governor in Council” after “board”;

(d) by adding the following after subsection (3):

(3.1) At least 5 of the 9 members appointed by the remaining members of the board must be Canadian citizens or lawfully admitted to Canada for permanent residence.

(e) in subsection (4) by striking out “a board” and substituting “the board”;

(f) in subsection (5) by striking out “appointed by the Lieutenant Governor in Council” and substituting “of the board, other than the President.”;

(g) by repealing subsection (5.1)(b) and substituting the following:

(4) 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.

(5) A member appointed by the Lieutenant Governor in Council is eligible for reappointment for a 2nd term of not more than 3 years but not for a further term until the expiration of a period of 3 years after his 2nd term has expired.

(5.1) Notwithstanding subsection (5),

(a) the chairman is always eligible to be reappointed as chairman, and

(b) a member of the board, other than the President, is always eligible to be appointed chairman.

(8) If a vacancy occurs on the board, the Lieutenant Governor in Council may appoint a person as a member of the board to serve the balance of the unexpired term of office of the former member.

- (b) a member of the board appointed by the Lieutenant Governor in Council is always eligible to be appointed chairman.

(h) by repealing subsection (8) and substituting the following:

(8) If after the membership of the board has reached the composition described in subsection (2.02) a vacancy occurs on the board, a person may be appointed as a member of the board to serve the balance of the unexpired term of office of the former member

- (a) by the Lieutenant Governor in Council, if the former member was appointed by the Lieutenant Governor in Council, or
- (b) by the remaining members of the board, if the former member was appointed by board members.

4 Section 6 is repealed.

5 Section 8 is amended by striking out “sections 10 and 17” and substituting “section 10”.

6 Section 8.1 is repealed.

7 Section 10 is amended

(a) by repealing subsections (1) and (3);

(b) in subsection (4) by striking out “with the approval of the Minister”.

4 Section 6 presently reads:

6 The Auditor General is the auditor of the board.

5 Section 8 presently reads:

8 Subject to sections 10 and 17, the board has the power to manage and control the Banff Centre and its property, revenue, business and affairs.

6 Section 8.1 presently reads:

8.1 The board may, after consultation with the academic staff association, do 1 or more of the following:

- (a) designate categories of employees as academic staff members of the Banff Centre;*
- (b) designate individual employees as academic staff members of the Banff Centre;*
- (c) change a designation made under clause (a) or (b) or under section 29.*

7 Section 10 presently reads:

10(1) The board shall on or before the date prescribed by the Minister present its annual proposals for capital expenditures and its annual operating budget for the approval of the Minister.

(2) The board shall not incur any liability or make any expenditure for the purchase of land or the erection of buildings or for any other purpose

8 *Section 16 is amended by striking out “authorized trustee investment” and substituting “manner it considers appropriate”.*

9 *Section 17 is repealed and the following is substituted:*

Information
required by
Minister

17 The board shall provide to the Minister any report or other information relating to the operation of the Banff Centre that the Minister requests.

Information
required by
other officials

17.01(1) The board shall provide to the Provincial Treasurer or to the Treasury Board any information that the Provincial Treasurer or the Treasury Board considers necessary in connection with the exercise or performance of a power or duty under the *Financial Administration Act* or any other Act.

(2) The board shall provide to the Provincial Treasurer, on request, a copy of the report and statements prepared in accordance with section 7.

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

(b) *unless the liability or expenditure is approved by the Minister.*

(3) *The Minister shall from time to time review, approve, amend or disapprove requests of the board 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.*

(4) *The board may with the approval of the Minister prescribe the rates of tuition fees to be paid by students enrolled at the Banff Centre.*

8 Section 16 presently reads:

16 The funds of the board not immediately required for its purposes and the proceeds of all property that comes into the hands of the board, subject to the terms of any trust or trusts affecting them, may be invested by the board in any authorized trustee investment.

9 Section 17 presently reads:

17(1) In this section,

(a) *“delete” means to remove a program of study for a definite or indefinite period or permanently;*

(b) *“program of study” means a group of credit courses that, on completion, leads to the granting of a diploma or certificate;*

(c) *“proposal” means a resolution;*

(d) *“reduce” means to decrease significantly the number of students in a program of study or the length of a program of study;*

(e) *“transfer” means to move a program of study from the Banff Centre to another educational institution.*

10 Section 18(2) is amended by striking out “and the academic staff association”.

11 Section 20(1)(a) is repealed and the following is substituted:

(a) may hire or appoint any officers, employees or other persons the board considers necessary, and

12 Sections 21 to 28 are repealed.

13 Section 30(1) is amended by striking out “academic staff association or the” wherever it occurs.

14 Section 31 is amended

(a) by striking out “or the academic staff association”;

(b) by striking out “or the academic staff association, as the case may be,”.

15 Section 32 is repealed and the following is substituted:

(2) *The Minister may*

- (a) *require the board to submit to him any reports and other information that he requires, and*
- (b) *ensure the orderly growth and development of the post-secondary system by*
 - (i) *regulating the establishment, extension or expansion of a service, facility or program of study by the board, and*
 - (ii) *regulating the establishment of a new school or faculty by the board.*

(3) *Without derogating from the general powers of the board under section 8 to manage and control the Banff Centre, a proposal of the board to reduce, delete or transfer a program of study must be submitted to the Minister in the form prescribed by the Minister, and the Minister may approve or refuse to approve the proposal.*

10 Section 18(2) presently reads:

(2) The board and the academic staff association may delegate to any person any power, duty or function conferred or imposed on it by this Act, except the power to make by-laws.

11 Section 20(1)(a) presently reads:

20(1) The board

- (a) *may appoint any officers and employees the board considers necessary, and*

12 Sections 21 to 28 relate to collective agreements between the board and the academic staff association.

13 Section 30(1) presently reads:

30(1) Neither the board nor an officer or employee of the board is liable for any act or omission of the academic staff association or the student body or of a member of the academic staff association or the student body.

14 Section 31 presently reads:

31 An act or omission of a majority of the members present at a meeting of the board or the academic staff association is deemed to be the act or omission of the board or the academic staff association, as the case may be, if the members present at the meeting constitute a quorum.

15 New provisions. Section 32 presently reads:

32 The Lieutenant Governor in Council may make regulations respecting tuition fees and prescribing which fees constitute tuition fees.

Dissolution of
the Banff
Centre

32(1) The Lieutenant Governor in Council may, by order, disestablish the Banff Centre and dissolve the board, effective on the date named in the order.

(2) An order under subsection (1) must set out how the assets and liabilities of the Banff Centre and the board are to be dealt with.

Dissolution of
academic staff
association

33(1) The academic staff association for the Banff Centre is dissolved and ceases to exist for all purposes.

(2) The Minister may appoint a person to settle the affairs of the academic staff association.

(3) The person appointed under subsection (2) may sell or dispose of the assets of the academic staff association and shall transfer to the board any assets remaining after payment of the liabilities of the academic staff association.

16(1) The Financial Administration Act is amended by repealing section 2(5)(c) and (6)(c).

(2) The Public Service Employee Relations Act is amended by repealing section 5 of the Schedule.

17 On the date that the amendment to the Schedule to the Public Service Employee Relations Act made by section 16(2) of this Act comes into force (referred to in this section as the "effective date"), the following applies:

- (a) the Labour Relations Board shall issue a certificate under the Labour Relations Code to the bargaining agent of the employees of the employer referred to in section 5 of that Schedule as a replacement for the certificate held by that bargaining agent under the Public Service Employee Relations Act;*
- (b) a collective agreement under the Public Service Employee Relations Act with respect to the employees referred to in clause (a) that was entered into before the effective date, and any grievances arising under that collective agreement, shall be governed by the Labour Relations Code;*
- (c) applications and complaints filed under the Public Service Employee Relations Act before the effective date shall continue to their conclusion and be treated for all purposes as if section 16(2) of this Act had not come into force;*

16 Consequential amendments.

17 Transitional.

- (d) subject to clause (e), any collective bargaining commenced pursuant to a notice to bargain given under section 38 of the Public Service Employee Relations Act before the effective date shall continue as if the notice to bargain and any authorization to bargain had been given under the equivalent provisions of the Labour Relations Code;*
- (e) if a collective bargaining dispute has been referred to a compulsory arbitration board established pursuant to section 50 of the Public Service Employee Relations Act before the effective date, that arbitration shall continue to its conclusion as if section 16(2) of this Act had not come into force, and the collective agreement resulting from that arbitration shall be treated as if it were a collective agreement entered into under the Labour Relations Code;*
- (f) if any dispute arises about
 - (i) the operation of this section,*
 - (ii) the parties to or the unit description of any replacement certificate issued under this section, or*
 - (iii) any other matter relating to the transition from the Public Service Employee Relations Act to the Labour Relations Code,**

either party may refer the dispute to the Labour Relations Board for resolution, and the Board's decision shall be final and binding.

