

1995 BILL 50

Third Session, 23rd Legislature, 44 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 50

HEALTH FOUNDATIONS ACT

THE MINISTER OF HEALTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 50

1995

HEALTH FOUNDATIONS ACT

(Assented to , 1995)

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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) "foundation" means a foundation established under this Act;
- (b) "Minister" means the Minister determined under section 16 of the the *Government Organization Act* as the Minister responsible for this Act;
- (c) "regional health authority" means a regional health authority under the *Regional Health Authorities Act*.

Establishment
of foundations

2(1) Subject to subsection (2), the Lieutenant Governor in Council may by regulation establish

- (a) one or more foundations for regional health authorities,
- (b) one foundation for the Provincial Mental Health Board, and
- (c) one foundation for the Alberta Cancer Board.

(2) Not more than one foundation may be established for a particular regional health authority but a foundation may be established for more than one regional health authority.

(3) A foundation is a corporation.

(4) To carry out its purposes under this Act a foundation has the capacity and, subject to this Act and the regulations, the rights, powers and privileges of a natural person.

(5) A foundation shall not enter into any transaction, directly or indirectly, for the borrowing of money.

Purposes of
foundation

3 The purposes of a foundation are

(a) to receive gifts of money and real and personal property, and

(b) to make gifts of money and real and personal property

(i) in the case of a foundation established for one or more regional health authorities, to the regional health authority or authorities for the benefit of

(A) the health region or regions generally, or

(B) a health facility that is owned or operated by or a health program that is provided by the regional health authority or authorities,

and

(ii) in the case of a foundation established for the Provincial Mental Health Board or the Alberta Cancer Board, to the Provincial Mental Health Board or the Alberta Cancer Board for the benefit of

(A) the work of the Provincial Mental Health Board or the Alberta Cancer Board generally, or

(B) a health facility that is owned or operated by or a health program that is provided by the Provincial Mental Health Board or the Alberta Cancer Board.

Directions by
Minister

4 The Minister may give directions to a foundation for the purpose of

- (a) providing priorities and guidelines for the foundation to follow in the exercise of its powers, and
- (b) co-ordinating the work of the foundation with the programs, policies and work of the Government and public and private bodies in order to achieve the effective and efficient use of health care resources and to avoid duplication of effort and expense.

Agent of
Crown

5 A foundation is for all purposes an agent of the Crown in right of Alberta.

Board of
trustees

6(1) A foundation consists of a board of trustees appointed by the Lieutenant Governor in Council.

(2) Fewer than half of the members of a board of trustees must be appointed from a list of nominees submitted in accordance with the regulations by the regional health authority or authorities, the Provincial Mental Health Board or the Alberta Cancer Board, as the case may be.

(3) The Lieutenant Governor in Council may appoint a member referred to in subsection (2) despite the fact that a regional health authority, the Provincial Mental Health Board or the Alberta Cancer Board has not made a nomination in accordance with the regulations.

(4) No person is eligible to be or remain a member of a board of trustees unless that person is ordinarily resident in Alberta.

(5) A trustee must be appointed for a term that does not exceed 3 years, and is eligible for reappointment.

(6) A trustee continues to hold office after the expiry of that trustee's term of office until the trustee is reappointed, a successor is appointed or a period of 3 months has expired, whichever occurs first.

(7) If a vacancy occurs on a board of trustees, the Lieutenant Governor in Council may appoint a person, in the same manner as

the member who vacated the position was appointed, to fill the vacant position for the balance of the term.

(8) The Lieutenant Governor in Council shall appoint one of the members of a board of trustees as chair.

Remuneration
and expenses

7(1) A board of trustees may, by resolution, authorize the foundation to pay to its trustees remuneration and travelling, living and other expenses incurred in the course of their duties as trustees.

(2) Any remuneration or expenses authorized to be paid under subsection (1) must be paid at a rate established by the regulations.

By-laws

8(1) Subject to this Act and the regulations, a foundation shall make by-laws respecting the conduct of the business and affairs of the foundation.

(2) A by-law does not become effective until it is approved by the Minister.

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

Fees

9(1) A foundation shall charge persons who receive a gift of money or real or personal property from the foundation an administration fee in an amount established by the foundation.

(2) The fees established by a foundation under subsection (1) are not effective unless they are first approved by the Minister.

Funds of
foundation

10(1) Money received by a foundation from any source constitutes the funds of the foundation.

(2) The income of the funds of a foundation accrues to and forms part of the funds of the foundation.

(3) Expenditures and gifts of money made by a foundation must be paid from the funds of the foundation.

Directions of
donor

11 A foundation is not bound by the directions or wishes of a donor of money or other property to the foundation, but the foundation may consider such directions and wishes when the foundation is carrying out its purposes under this Act.

Liability	12 A trustee is not personally liable for anything done or omitted to be done by the trustee in good faith in the exercise or purported exercise of a power under this Act, the regulations or the by-laws.
Fiscal year	13 The fiscal year of a foundation is April 1 to the following March 31.
Annual report	<p>14(1) A foundation shall, not later than July 31 each year, prepare and submit to the Minister an annual report for the preceding fiscal year that includes the foundation's audited financial statements and any other information required by the Minister.</p> <p>(2) A foundation shall submit its audited financial statements for a fiscal year to the Minister not later than the following May 31.</p> <p>(3) When the Minister receives the report referred to in subsection (1), the Minister shall lay a copy of the report before the Legislative Assembly if it is sitting and, if it is not sitting, within 15 days after the commencement of the next sitting.</p>
Ministerial regulations	<p>15 The Minister may make regulations</p> <p>(a) prohibiting a foundation from accepting a gift that</p> <p style="padding-left: 40px;">(i) is in an amount, or</p> <p style="padding-left: 40px;">(ii) is valued at an amount</p> <p style="padding-left: 40px;">that is less than an amount determined in accordance with the regulations;</p> <p>(b) respecting amounts for the purposes of clause (a);</p> <p>(c) respecting the making of nominations for the purposes of section 6(2).</p>
Lieutenant Governor in Council regulations	<p>16 The Lieutenant Governor in Council may make regulations</p> <p>(a) establishing foundations referred to in section 2(1);</p> <p>(b) restricting and regulating a foundation's exercise of its powers under this Act;</p> <p>(c) respecting the winding-up of a foundation;</p>

(d) establishing the rates of remuneration and expenses for the purposes of section 7.

Coming into
force

17 *This Act comes into force on Proclamation.*