

2010 Bill 23

Third Session, 27th Legislature, 59 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 23

POST-SECONDARY LEARNING AMENDMENT ACT, 2010

MR. WEADICK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 23
Mr. Weadick

BILL 23

2010

POST-SECONDARY LEARNING AMENDMENT ACT, 2010

(Assented to , 2010)

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

Amends SA 2003 cP-19.5

1 The *Post-secondary Learning Act* is amended by this Act.

2 The following is added after section 1:

Provincial laws prevail

1.1 If there is an inconsistency between this Act or any other enactment and a resolution, regulation, bylaw, rule, policy or other instrument made under this Act, the instrument is of no effect to the extent of the inconsistency.

3 Section 18 is amended

(a) in subsection (2)

(i) in clause (a)(iv) by striking out “the bylaws” and substituting “a bylaw”;

(ii) by adding the following after clause (a)(iv):

(v) establishing fees respecting the parking of vehicles and providing for the collection of those fees;

Explanatory Notes

1 Amends chapter P-19.5 of the Statutes of Alberta, 2003.

2 Provincial laws prevail.

3 Section 18(2)(a) and (3) presently read:

(2) A board may make the following bylaws to control vehicles and pedestrians on university land:

(a) parking bylaws

(i) governing the places where, the times when and the conditions on which persons are authorized to park or are prohibited from parking vehicles;

(ii) authorizing any person to allocate reserved parking locations to persons, subject to the conditions prescribed by the bylaws;

- (vi) prescribing penalties, including fines, to be imposed for contraventions of bylaws made under this clause and providing for the imposition and collection of those penalties;
- (vii) providing for the hearing and determination of disputes arising in relation to
 - (A) contraventions of bylaws, or
 - (B) the imposition and collection of penaltiesunder this clause.

(b) in subsection (3) by striking out “see” and substituting “ensure”.

4 The following is added after section 61:

Parking bylaws

61.1 The board of governors of a public post-secondary institution assigned under section 102.2(2) to the Baccalaureate and Applied Studies Institutions sector may make the following parking bylaws to control vehicles on institution land:

- (a) governing the places where, the times when and the conditions on which persons are authorized to park or are prohibited from parking vehicles;
- (b) authorizing any person to allocate reserved parking locations to persons, subject to the conditions prescribed by the bylaws;
- (c) providing for the placement of parking control signs, markings and meters prohibiting or governing the parking of vehicles;
- (d) providing for the impounding and removal of vehicles parked or left in contravention of a bylaw;
- (e) establishing fees respecting the parking of vehicles and providing for the collection of those fees;

(iii) providing for the placement of parking control signs, markings and meters prohibiting or governing the parking of vehicles;

(iv) providing for the impounding and removal of vehicles parked or left in contravention of the bylaws;

(3) A bylaw under subsection (2) may delegate to any person the authority to determine where parking control signs, markings and meters or traffic control devices are to be placed and the duty to see that they are so placed and that a record of the locations is kept.

4 Parking bylaws.

- (f) prescribing penalties, including fines, to be imposed for contraventions of bylaws made under this section and providing for the imposition and collection of those penalties;
- (g) providing for the hearing and determination of disputes arising in relation to
 - (i) contraventions of bylaws, or
 - (ii) the imposition and collection of penaltiesunder this section.

5 The following is added after section 129:

**Division 1.1
Validity and Enforcement
of Bylaws**

Transitional

129.1(1) In this section,

- (a) “amendment Act” means the *Post-secondary Learning Amendment Act, 2010*;
 - (b) “BASI” means a public post-secondary institution assigned under section 102.2(2) to the Baccalaureate and Applied Studies Institutions sector;
 - (c) “board of governors” includes,
 - (i) for the purposes of subsection (2),
 - (A) an initial governing authority established under section 4 of this Act,
 - (B) a board as defined in the *Universities Act, RSA 2000 cU-3*, and
 - (C) an interim governing body established under section 4 of the *Universities Act, RSA 2000 cU-3*,
- and

5 Validity and enforcement of bylaws.

(ii) for the purposes of subsection (3),

- (A) an initial governing authority established under section 41 of this Act,
- (B) a college board as defined in the *Colleges Act*, RSA 2000 cC-19, and
- (C) an interim governing authority established under section 3 of the *Colleges Act*, RSA 2000 cC-19;
- (d) “instrument” includes a resolution, a regulation, a bylaw, a rule and a policy.

(2) If, before the coming into force of section 3 of the amendment Act, the board of governors of a university made or purported to make an instrument under

- (a) section 15 of the *Universities Act*, SA 1966 c105, as that section read at any time before its repeal,
- (b) section 15 of the *Universities Act*, RSA 1970 c378, as that section read at any time before its repeal,
- (c) section 17 of the *Universities Act*, RSA 1980 cU-5, as that section read at any time before its repeal,
- (d) section 17 of the *Universities Act*, RSA 2000 cU-3, as that section read at any time before its repeal, or
- (e) section 18(2)(a) of this Act, as that clause read at any time before the coming into force of section 3 of the amendment Act,

respecting a matter that section 18(2)(a) of this Act authorizes the board of governors to make a bylaw respecting, the instrument is conclusively deemed to be a valid bylaw for all purposes.

(3) If, before the coming into force of section 3 of the amendment Act, the board of governors of a BASI, or of any public post-secondary institution that later became a BASI, made or purported to make an instrument under

- (a) section 36 of the *Colleges Act*, SA 1969 c14, as that section read at any time before its repeal,
- (b) section 36 of the *Colleges Act*, RSA 1970 c56, as that section read at any time before its repeal,
- (c) section 10 of the *Colleges Act*, RSA 1980 cC-18, as that section read at any time before its repeal,
- (d) section 16(1) of the *Colleges Act*, RSA 2000 cC-19, as that subsection read at any time before its repeal, or
- (e) this Act, as it read at any time before the coming into force of section 4 of the amendment Act,

respecting a matter that section 61.1 of this Act authorizes the board of governors to make a bylaw respecting, the instrument is conclusively deemed to be a valid bylaw for all purposes.

(4) No action taken under an instrument that is deemed by subsection (2) or (3) to be a valid bylaw, including, without limitation,

- (a) the collection of a fee,
- (b) the imposition and collection of a penalty, including a fine, for failure to pay a fee levied under the instrument, or
- (c) the removal or impoundment of a vehicle parked or left in contravention of the instrument,

is invalid solely because the instrument under which the action was taken was invalid before the coming into force of this section, and no refund, restitution or other compensation shall be paid in respect of any fees or penalties, including fines, collected under the instrument.

(5) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter by reason that it makes no specific reference to that matter.

(6) This section applies despite any former Act and despite any decision of a court to the contrary.

6 This Act comes into force on Proclamation.

6 Coming into force.

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Explanatory Notes

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
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