

**2004 Legislative Session: 5th Session, 37th Parliament
FIRST READING**

The following electronic version is for informational purposes only.
The printed version remains the official version.

**HONOURABLE SHIRLEY BOND
MINISTER OF ADVANCED EDUCATION**

BILL 26 -- 2004

COLLEGE AND INSTITUTE AMENDMENT ACT, 2004

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

1 Section 1 of the College and Institute Act, R.S.B.C. 1996, c. 52, is amended

(a) by adding the following definition:

"**BCIT**" means the British Columbia Institute of Technology continued under section 5.2; , ***and***

(b) by striking out the definition of "institution" and substituting the following:

"**institution**" means a college, university college or Provincial institute or BCIT; .

2 Section 5.1 is amended by adding the following paragraph:

(f) for BCIT, a baccalaureate degree, an applied masters degree or an honorary degree that it may grant and the name of that degree.

3 The following sections are added:

British Columbia Institute of Technology

5.2 The British Columbia Institute of Technology is continued as a corporation consisting of the members of its board.

Objects of the British Columbia Institute of Technology

8.1 The objects of BCIT are to act as a polytechnic institution for British Columbia by

- (a) providing courses of instruction in technological and vocational matters and subjects,
- (b) providing courses of instruction at the baccalaureate and applied masters degree levels, and

(c) performing other functions designated by the minister.

4 Section 19 is amended

(a) by repealing subsection (1) and substituting the following:

(1) Subject to this Act, a board may do the following:

- (a) make bylaws for the orderly conduct of its affairs;
- (b) manage, administer and control the property, revenue, expenditures, business and affairs of the institution;
- (c) establish committees it considers necessary and advisable;
- (d) determine courses or programs to be offered or cancelled at the institution;
- (e) manage and promote the educational or training programs offered at the institution, subject to sections 24 and 25;
- (f) determine all questions relating to the qualifications for admission, subject to section 24;
- (g) provide for the granting of diplomas, certificates and associate degrees and, subject to designation under section 5.1, baccalaureate degrees, applied baccalaureate degrees, applied masters degrees and honorary degrees to be awarded by the institution;
- (h) establish and administer trust funds for scholarships, fellowships, exhibitions, bursaries, prizes and student loans out of money donated or made available for that purpose;
- (i) perform other functions consistent with this Act that the board considers advisable for the proper administration and advancement of the institution. ,

(b) in subsection (2) by striking out "subsection (1) (e)" in both places and substituting "subsection (1) (d)",

(c) by repealing subsection (3),

(d) in subsection (3.1) by striking out "subsection (3), the board has the power to" and substituting "subsection (1) (b), the board may", and

(e) by repealing subsections (5), (5.1), (5.2), (5.3) and (6) and substituting the following:

(5) The board must act as follows:

- (a) at the request of the minister, prepare and submit budgets, financial statements, reports and other information that the minister considers necessary to carry out the minister's responsibilities in relation to institutions;
- (b) provide for the conservation of any heritage property that is owned by, assigned to or in the possession of the institution;

(c) make bylaws establishing the following:

(i) fees and charges to be paid to the institution by students;

(ii) duties of members of the board or committees of the board in conflict of interest situations;

(iii) powers, duties and benefits of the president as chief executive officer of the institution;

(iv) reimbursement by the institution to members of its board for travelling and out of pocket expenses necessarily incurred by them in the discharge of their duties.

(6) Information requested under subsection (5) (a) may include personal information about a student.

(7) Personal information obtained under subsection (5) (a) or under section 170.2 of the *School Act* may not be used to make a decision respecting an individual student.

(8) For the purposes of subsections (6) and (7), "**student**" has the same meaning as in section 41.1.

(9) Subject to a requirement in this Act that the board act by enacting a bylaw, the board may act by bylaw or resolution.

(10) The board must hold a minimum of 4 meetings each year and the intervals between meetings should be approximately equal.

5 Section 36 is amended

(a) by repealing subsection (1) and substituting the following:

(1) Each board may appoint a president as the chief executive officer to supervise and direct, subject to the bylaws, the instructional, administrative and other staff of the institution and exercise powers and perform duties assigned to the president by the board. , ***and***

(b) by repealing subsection (2) (a).

6 Section 39 is repealed.

7 Section 40 is amended by adding the following subsection:

(5) Subsections (2), (3) and (4) do not apply to BCIT.

8 Section 41.1 (4) (c) is amended by striking out "section 19 (5) (d)" and substituting "section 19 (5) (a)".

9 The following sections are added:

Restriction on the application of this Part to BCIT

42.1 This Part, except sections 42.2, 44 and 48, does not apply to BCIT.

The *Labour Relations Code* applies to BCIT

42.2 The *Labour Relations Code* applies to BCIT, and the definitions of "**employer**" and "**employee**" in that Code apply to BCIT and its employees, respectively.

10 Section 44 is amended by adding the following subsection:

(2.1) In subsection (2) (a), "**value of the benefits**" means the value of the benefits that the employee would receive for the period of the withdrawal of services or the lockout, if the employee had worked, less the costs

(a) necessarily incurred by the institution respecting that employee as a consequence of the withdrawal of services or lockout, and

(b) approved by the minister.

Consequential Amendments and Repeal

Advanced Education Statutes Amendment Act, 2003

11 Section 7 of the *Advanced Education Statutes Amendment Act, 2003, S.B.C. 2003, c. 48, is repealed.*

Capital Financing Authority Repeal and Debt Restructuring Act

12 Section 1 of the *Capital Financing Authority Repeal and Debt Restructuring Act, S.B.C. 1998, c. 6, is amended by repealing the definition of "educational institution" and substituting the following:*

"**educational institution**" means an institution as defined in the *College and Institute Act*; .

Criminal Records Review Act

13 Section 7 (1) of the *Criminal Records Review Act, R.S.B.C. 1996, c. 86, is amended in the definition of "post secondary institution" by repealing paragraphs (c) and (d) and substituting the following:*

(d) an institution as defined in the *College and Institute Act*.

Degree Authorization Act

14 Section 2 (1) (a) and (b) of the *Degree Authorization Act, S.B.C. 2002, c. 24, is repealed and the following substituted:*

(b) an institution as defined in the *College and Institute Act*, .

Financial Administration Act

15 Section 1 of the Financial Administration Act, R.S.B.C. 1996, c. 138, is amended in the definition of "government body" by adding "and" at the end of paragraph (c) and by repealing paragraph (c.1).

16 Section 56.1 (1) is amended in the definition of "institution" by repealing paragraph (c).

Financial Information Act

17 Schedule 1 of the Financial Information Act, R.S.B.C. 1996, c. 140, is amended by striking out "Institute of Technology Act".

Freedom of Information and Protection of Privacy Act

18 Schedule 1 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended in the definition of "educational body" by repealing paragraph (e).

Health Professions Act

19 Section 25.95 (c) of the Health Professions Act, R.S.B.C. 1996, c. 183, as enacted by section 1 of the Health Professions Amendment Act (No. 2), 2003, S.B.C. 2003, c. 73, is amended by striking out "a college or Provincial institute" and substituting "an institution".

Industry Training Authority Act

20 Section 1 of the Industry Training Authority Act, S.B.C. 2003, c. 34, is amended in the definition of "training institution" by striking out "the British Columbia Institute of Technology or".

Motor Vehicle Act

21 Section 21 (2) (b) (iii) of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is repealed.

Municipal Finance Authority Act

22 Section 1 of the Municipal Finance Authority Act, R.S.B.C. 1996, c. 34, as enacted by section 21 of the Advanced Education Statutes Amendment Act, 2003, S.B.C. 2003, c. 48, is amended in the definition of "public institution" by adding "and" at the end of paragraph (e.2), by striking out "and" at the end of paragraph (f) and by repealing paragraph (g).

23 Section 11 (1) (i) is repealed.

Open Learning Agency Act

24 Section 1 of the Open Learning Agency Act, R.S.B.C. 1996, c. 341, is amended by repealing the definition of "institution" and substituting the following:

"institution" means an institution as defined in the *College and Institute Act*; .

Pharmacists, Pharmacy Operations and Drug Scheduling Act

25 Section 75 (c) of the Pharmacists, Pharmacy Operations and Drug Scheduling Act, R.S.B.C. 1996, c. 363, is amended by striking out "a college or Provincial institute" and substituting "an institution".

Private Career Training Institutions Act

26 Section 1 of the Private Career Training Institutions Act, S.B.C. 2003, c. 79, is amended by repealing paragraph (c) (iv) of the definition of "career training" and substituting the following:

(iv) an institution established under the *University Act*, the *Royal Roads University Act* or the *College and Institute Act*, .

Private Post-Secondary Education Act

27 Section 1 (1) of the Private Post-Secondary Education Act, R.S.B.C. 1996, c. 375, is amended in paragraph (c) (iii) of the definition of "post-secondary education" by striking out "the British Columbia Institute of Technology,".

Public Education Flexibility and Choice Act

28 Section 1 of the Public Education Flexibility and Choice Act, S.B.C. 2002, c. 3, is amended

(a) in the definition of "faculty member" by striking out "or the Institute of Technology Act", and

(b) by repealing the definition of "institution" and substituting the following:

"institution" means an institution established or continued under the *College and Institute Act*; .

Public Sector Employers Act

29 Section 1 of the Public Sector Employers Act, R.S.B.C. 1996, c. 384, is amended in paragraph (e) of the definition of "public sector employer" by striking out everything after "College and Institute Act".

School Act

30 Section 170.2 of the School Act, R.S.B.C. 1996, c. 412, is amended

(a) in subsection (1) in the definition of "public post-secondary institution" by repealing paragraph (b), and

(b) by repealing subsection (4) (b).

University Act

31 Section 67 (4) of the University Act, R.S.B.C. 1996, c. 468, is repealed.

Repeal

32 The Institute of Technology Act, R.S.B.C. 1996, c. 225, is repealed.

Commencement

33 This Act comes into force by regulation of the Lieutenant Governor in Council.

Explanatory Notes

SECTION 1: [*College and Institute Act, section 1*] adds a new definition for "BCIT" and replaces the definition of "institution".

SECTION 2: [*College and Institute Act, section 5.1*] authorizes the minister to designate degrees that BCIT may grant.

SECTION 3: [*College and Institute Act, sections 5.2 and 8.1*] continues BCIT as a corporation consisting of the members of its board, and specifies the objects of BCIT.

SECTION 4: [*College and Institute Act, section 19*] authorizes the board of an institution to exercise the specified powers, specifies requirements for financial reporting to the minister, clarifies the matters on which the board must make bylaws, and specifies the board's obligations to hold meetings.

SECTION 5: [*College and Institute Act, section 36*] permits the board of an institution to appoint a president as chief executive officer to supervise and direct staff of the institution and exercise powers and perform duties assigned by the board.

SECTION 6: [*College and Institute Act, section 39*] eliminates the requirement for a board to appoint a bursar to advise the board on all financial matters of the institution.

SECTION 7: [*College and Institute Act, section 40*] specifies that provisions of the Act affecting terms of employment for employees covered by the *Public Service Act* and *Public Service Benefit Plan Act* do not apply to BCIT.

SECTION 8: [*College and Institute Act, section 41.1*] amends a section reference as a consequence of amendments to section 19.

SECTION 9: [*College and Institute Act, sections 42.1 and 42.2*] specifies that BCIT is exempt from certain provisions of the Act pertaining to personnel relations, and that the *Labour Relations Code* applies to BCIT.

SECTION 10: [*College and Institute Act, section 44*] specifies that the value of benefits which must be remitted to government in the event of a strike or lockout is that amount that the employees would have received, less the costs incurred by the institution in respect of the employees as a consequence of the strike or lockout.

Advanced Education Statutes Amendment Act, 2003

SECTION 11: [*Advanced Education Statutes Amendment Act, 2003, section 7*] continues section 32 of the *College and Institute Act*.

***Capital Financing Authority Repeal and Debt Restructuring Act
Criminal Records Review Act***

SECTIONS 12 AND 13: [*Capital Financing Authority Repeal and Debt Restructuring Act and Criminal Records Review Act*] are consequential to the amended definition of "institution" made by this Bill.

Degree Authorization Act

SECTION 14: [*Degree Authorization Act, section 2*] amends the Act to reflect that it does not apply in relation to institutions as defined in this Bill.

Financial Administration Act

SECTIONS 15 AND 16: [*Financial Administration Act, sections 1 and 56.1*] are consequential to the amended definition of "institution" made by this Bill.

***Financial Information Act
Freedom of Information and Protection of Privacy Act***

SECTIONS 17 AND 18: [*Financial Information Act and Freedom of Information and Protection of Privacy Act*] are consequential to the repeal of the *Institute of Technology Act* made by this Bill.

Various Consequential Amendments

SECTIONS 19 TO 25: [*Various consequential amendments*] are consequential to the amended definition of "institution" made by this Bill.

Private Career Training Institutions Act

SECTION 26: [*Private Career Training Institutions Act, section 1*] is consequential to the repeal of the *Institute of Technology Act* made by this Bill.

Private Post-Secondary Education Act

SECTION 27: [*Private Post-Secondary Education Act, section 1*] is consequential to the amended definition of "institution" made by this Bill.

Public Education Flexibility and Choice Act

SECTION 28: [*Public Education Flexibility and Choice Act, section 1*] is consequential to amendments made to the definition of "institution" and the repeal of the *Institute of Technology Act* made by this Bill.

Public Sector Employers Act

SECTION 29: [*Public Sector Employers Act, section 1*] is consequential to the amended definition of "institution" made by this Bill.

School Act and University Act

SECTIONS 30 AND 31: [*School Act and University Act*] are consequential to the amended definition of "institution" and the repeal of the *Institute of Technology Act* made by this Bill.

Institute of Technology Act

SECTION 32: [*Institute of Technology Act, repeal*] is self-explanatory.

[Return to: [Legislative Assembly Home Page](#)]

Copyright © 2004: Queen's Printer, Victoria, British Columbia, Canada