

The Institute Act

Repealed

by Chapter S-25.2 of the *Statutes of Saskatchewan, 1996*
(effective August 1, 1996)

Formerly

Chapter I-9.1 of the *Statutes of Saskatchewan, 1986-87-88*
(effective January 1, 1988) as amended by the *Statutes of
Saskatchewan, 1989-90, c.15.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	SHORT TITLE AND INTERPRETATION		FINANCIAL MATTERS
1	Short title	20	Budget
2	Interpretation	21	Annual and other reports
	INSTITUTE	22	Audit
3	Institute established	23	Banking
4	Mandate	24	Inspection
5	Review	25	Fiscal year
6	Campus locations	26	Borrowing
7	Powers of minister	27	Guarantee
8	Review of programs, etc.	28	Investments
	BOARD	29	Grants
9	Appointment of members, etc.		ADMINISTRATOR
10	Procedure	30	Appointment, duties, etc.
11	Duties of board		GENERAL
12	Powers re committees	31	Delegation of minister's powers
13	Chief executive officer	32	Limitation of liability
14	Employees	33	Regulations
15	Superannuation and benefits		TRANSITIONAL
16	Bonding	34	Transfer of Advanced Technology Training Center
17	Powers re property	35	Other transfers
18	Exemption from taxation	36	Interim governing council
19	Powers re internal matters		REPEAL AND COMING INTO FORCE
		37	S.S. 1983, c.D-7.1, certain sections repealed

CHAPTER I-9.1

An Act respecting the Saskatchewan Institute of Applied Science and Technology

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Institute Act*.

Interpretation

2 In this Act:

- (a) “**academic staff member**” means an academic staff member designated pursuant to subsection 14(5) or 36(8);
- (b) “**administrator**” means an administrator appointed pursuant to section 30;
- (c) “**bargaining collectively**” means bargaining collectively within the meaning of *The Trade Union Act*;
- (d) “**board**” means the board of directors of the institute appointed pursuant to section 9;
- (e) “**chief executive officer**” means the chief executive officer of the institute appointed pursuant to section 13;
- (f) “**collective bargaining agreement**” means a collective bargaining agreement within the meaning of *The Trade Union Act*;
- (g) “**institute**” means the Saskatchewan Institute of Applied Science and Technology established pursuant to section 3;
- (h) “**minister**” means the member of the executive council to whom for the time being the administration of this Act is assigned.

1986-87-88, c.I-9.1, s.2.

INSTITUTE

Institute established

3 The Saskatchewan Institute of Applied Science and Technology is hereby established as a corporation.

1986-87-88, c.I-9.1, s.3.

c. I-9.1

INSTITUTE

Mandate

4 The institute may provide:

- (a) courses and programs of study, instruction or training in academic, scientific, trade, technical, technological and vocational fields of education;
- (b) at campuses designated by the minister, university programs by agreement and on the basis agreed to with any university within or outside Saskatchewan;
- (c) courses or programs of instruction or training that have been determined to be required with respect to a trade pursuant to *The Apprenticeship and Trade Certification Act*;
- (d) courses, programs and seminars of a continuing education nature;
- (e) off-campus credit programs where those programs are provided through a regional college as defined in *The Regional Colleges Act*;
- (f) career counselling and basic education upgrading;
- (g) services to governments, corporations, persons or other bodies relating to courses or programs it provides or expertise or facilities it possesses, on any terms that it considers appropriate;
- (h) any other post-secondary education and training-related functions or activities that may be prescribed by the Lieutenant Governor in Council.

1986-87-88, c.I-9.1, s.4.

Review

- 5(1) The Lieutenant Governor in Council shall, at least once in every five years, appoint a committee to review and report on the mandate of the institute as set out in section 4 and any other matters concerning this Act that the Lieutenant Governor in Council may specify.
- (2) The Lieutenant Governor in Council shall:
 - (a) appoint the members of the committee referred to in subsection (1); and
 - (b) designate one of those members to be chairman of the committee.
- (3) The members of the committee are entitled to any remuneration and reimbursement for expenses incurred in the performance of their duties that the Lieutenant Governor in Council may determine.
- (4) The minister shall provide any technical, clerical and other assistance that he considers necessary to assist the committee in carrying out its review.
- (5) The committee and its members shall have access to all information, books, records and other documents in the possession or under the control of the institute related to the activities and functioning of the institute, and each member of the board and each officer or employee of the institute shall provide to the committee or any member of the committee, on request, such information, books, records or documents.

(6) The committee shall provide its report to the minister within six months after the day on which it is appointed.

1986-87-88, c.I-9.1, s.5.

Campus locations

6 The Lieutenant Governor in Council shall, on the recommendation of the minister, designate where campuses of the institute will be located from time to time.

1986-87-88, c.I-9.1, s.6.

Powers of minister

7(1) The minister may:

- (a) establish policies in consultation with the institute and give directions for post-secondary education and training to be provided or undertaken by the institute;
- (b) co-ordinate programs and activities in the continuing education area between the institute and the Government of Saskatchewan and other agencies or bodies;
- (c) give directions to the institute on programs, courses, functions or activities to be provided or undertaken or discontinued by the institute, including any core program specialities to be provided at any campus of the institute, and where they are to be provided or undertaken;
- (d) establish policies or procedures for the approval of programs, courses, seminars or other instruction to be provided by the institute;
- (e) give directions to the institute on educational, operational, administrative, management or other standards or procedures to be established or maintained by the institute or any changes to any of them;
- (f) give directions to the institute on the establishment of any accounting or information systems for the institute or changes or additions to existing accounting or information systems;
- (g) give directions to the institute on fees to be charged by the institute;
- (h) direct the institute to acquire any property or services or any category of property or services that it may require from or through the Saskatchewan Property Management Corporation;
- (i) require the institute to provide to him any information, financial or expenditure plans, reports, proposals or documents that he may request.

(2) The institute shall comply with any directions or requirements given or made by the minister pursuant to subsection (1) within any period that the minister may require.

1986-87-88, c.I-9.1, s.7.

Review of programs, etc.

8(1) The minister may, at any times that he considers appropriate, conduct or cause to be conducted a review and evaluation of programs and courses or any program or course provided by the institute.

(2) For the purpose of conducting a review and evaluation pursuant to subsection (1), the minister or the person appointed by the minister to conduct the review and evaluation shall have access to all information, records and other documents in the possession or under the control of the institute that he considers relevant to the review and evaluation to be conducted, and each member of the board and each officer or employee of the institute shall provide to the minister or the person appointed, on request, any information, records or documents requested by the minister or the person appointed which he considers relevant to the review and evaluation to be conducted.

1986-87-88, c.I-9.1, s.8.

BOARD**Appointment of members, etc.**

9(1) The Lieutenant Governor in Council shall appoint a board of directors for the institute consisting of not less than 10 and not more than 20 members.

(2) Subject to subsections (3) and (4), a person appointed as a member of the board holds office at pleasure for a period not exceeding three years and until his successor is appointed, and is eligible for re-appointment.

(3) No member of the board, other than the chief executive officer of the institute, shall hold office for more than two consecutive periods.

(4) A person ceases to be a member of the board when he dies or submits his resignation to the board.

(5) Where a member of the board has failed to attend three consecutive regular meetings of the board, the board shall promptly make a recommendation, with reasons, to the minister as to whether or not that person should continue to be a member of the board.

(6) A vacancy in the membership of the board does not impair the power of the remaining members of the board to act.

(7) The Lieutenant Governor in Council may designate one of the members of the board as chairman and another member of the board as vice-chairman.

(8) Subject to subsection (9), the institute shall pay to the members of the board any remuneration and reimbursement for expenses incurred in the performance of their duties as members that may be prescribed by the Lieutenant Governor in Council.

(9) The institute shall pay to a member of the public service of Saskatchewan who in the course of his employment serves as a member of the board any reimbursement for expenses that may be prescribed for members of the public service pursuant to *The Public Service Act*.

1986-87-88, c.I-9.1, s.9.

Procedure

10(1) A majority of the members of the board constitutes a quorum of the board for the transaction of business.

(2) A member of the board may participate in a meeting of the board or of any committee of the board by means of telephone or other communications facilities that permit all persons participating in the meeting to hear each other, and a member participating in a meeting by those means is deemed for the purposes of this section to be present at that meeting.

1986-87-88, c.I-9.1, s.10.

Duties of board

11 The board shall:

- (a) subject to section 30, have the conduct of and manage the business and affairs of the institute;
- (b) ensure that the business and affairs of the institute are conducted in accordance with this Act;
- (c) hold regular monthly meetings and any other meetings that the board considers appropriate;
- (d) make bylaws respecting the calling of its meetings and the conduct of business at those meetings and generally respecting the regulation of the conduct of its business and affairs;
- (e) make bylaws establishing conflict of interest rules governing members of the board or any committee of the board;
- (f) promptly on the conclusion of each meeting of the board or any committee of the board provide to the minister a copy, certified by the secretary of the board, of the minutes of the meeting and any resolutions and bylaws passed at the meeting; and
- (g) prepare and maintain a written record of all proceedings and decisions of the board and any committee of the board.

1986-87-88, c.I-9.1, s.11.

Powers re committees

12(1) The board may from time to time:

- (a) appoint from among its number an executive committee; and

- (b) by resolution, delegate to the executive committee any powers that it considers necessary for the efficient conduct of the affairs and business of the institute.
- (2) A member of the executive committee holds office until he:
 - (a) is removed by resolution of the board; or
 - (b) ceases to be a member of the board.
- (3) The executive committee may exercise any powers of the board that are delegated to it by resolution of the board, subject to any restrictions contained in the resolution.
- (4) The executive committee shall:
 - (a) fix its quorum at not less than a majority of its members;
 - (b) keep minutes of its proceedings and decisions; and
 - (c) submit to the board at each meeting of the board, minutes of the executive committee's proceedings and decisions during the period since the most recent meeting of the board.
- (5) The board may from time to time:
 - (a) appoint a provincial program advisory committee for any technical or vocational program provided by the institute;
 - (b) appoint technical advisory committees to advise the board on needs, trends and issues relating to any field where the institute may provide courses, programs or services;
 - (c) appoint any other advisory committees or boards that it considers necessary for the efficient conduct of the affairs and business of the institute;
 - (d) prescribe the duties of any committee or board appointed pursuant to clause (a), (b) or (c); and
 - (e) fix the remuneration and reimbursement for expenses of members of any committee appointed pursuant to clause (a), (b) or (c).

1986-87-88, c.I-9.1, s.12.

Chief executive officer

- 13(1)** The board shall appoint a chief executive officer of the institute.
- (2) Subject to subsection (3), the board shall determine the term of office of the chief executive officer and the remuneration to be paid to him by the institute.
- (3) The term of office for which the chief executive officer is appointed shall not exceed five years but the term may be renewed by the board.
- (4) The chief executive officer shall exercise the powers and perform the duties assigned to him by the board and is responsible, subject to the direction of the board, for the general supervision and direction of the operation of the institute.

(5) The chief executive officer shall annually, and at any other times requested by the board, report to the board on:

- (a) the operation of the institute;
- (b) the progress of the institute towards the achievement of its goals, including recommendations for the benefit and advancement of the institute; and
- (c) any other matters that the board may require.

1986-87-88, c.I-9.1, s.13.

Employees

14(1) The institute may:

- (a) employ any officers or other employees that it considers necessary for the conduct of its operations; and
 - (b) determine their respective duties and powers, their conditions of employment and their remuneration to be paid by the institute.
- (2) The institute has control over and shall supervise its officers and employees.
- (3) Notwithstanding *The Trade Union Act*, for the purpose of bargaining collectively with the institute:
- (a) the academic staff members constitute an appropriate unit; and
 - (b) all employees of the institute other than the academic staff members constitute an appropriate unit.
- (4) Notwithstanding subsection (3) and *The Trade Union Act*, in addition to any officers or employees of the institute determined by the Labour Relations Board not to be employees within the meaning of *The Trade Union Act*, the persons comprising the management group of the institute and the confidential secretary to any of them, are deemed not to be employees within the meaning of *The Trade Union Act*.
- (5) The board may do one or more of the following:
- (a) designate categories of employees of the institute as academic staff members of the institute;
 - (b) designate individual employees of the institute as academic staff members of the institute;
 - (c) change a designation made under clause (a) or (b) or under subsection 36(8).
- (6) For the purposes of subsection (3):
- (a) **“appropriate unit”** means an appropriate unit within the meaning of *The Trade Union Act*;
 - (b) **“employee”** means an employee within the meaning of *The Trade Union Act*.

(7) For the purposes of subsection (4), “**management group**” means the persons occupying the positions of Chief Executive Officer or President, Vice-president, Executive Director, Principal, Assistant Principal, Dean, Registrar, Comptroller, Auditor, Director of Human Resources, Director of Computer Systems, Treasurer and Senior Policy Advisor.

1986-87-88, c.I-9.1, s.14.

Superannuation and benefits

15(1) *The Public Service Superannuation Act* and *The Superannuation (Supplementary Provisions) Act* apply *mutatis mutandis* to the officers and employees of the institute.

(2) Subject to the approval of the minister, the institute may establish or provide for any or all of:

- (a) a group insurance plan;
- (b) any other employee benefit program;

for the benefit of the officers and employees of the institute and the dependants of those officers and employees.

(3) Notwithstanding subsection (1) or any other Act or law or any contract, where an employee:

- (a) was a contributor pursuant to:
 - (i) *The Teachers’ Superannuation Act*;
 - (ii) *The Municipal Employees’ Superannuation Act*;
 - (iii) a pension or superannuation plan established by the Crown Investments Corporation of Saskatchewan; or
 - (iv) The London Life Pension Plan DA 20046;

immediately before the employee’s employment by the institute; and

- (b) continues to be a contributor pursuant to a superannuation Act or plan mentioned in clause (a) while employed by the institute;

then, for the purposes of the superannuation Act or plan pursuant to which the employee contributes:

- (c) the employee’s service with the institute shall be counted as service pursuant to that superannuation Act or plan; and
- (d) the employee, his widow or her widower, as the case may be, children or other dependants or the employee’s legal representative may be granted the respective allowances or gratuities provided for in that superannuation Act or plan.

(4) Notwithstanding any other Act or law, where an employee was a teacher to whom or in respect of whom *The Teachers' Life Insurance (Government Contributory) Act* applied immediately before his employment by the institute, then, for the purposes of that Act, the employee is deemed to be a teacher to whom, and the institute is deemed to be a board to which, that Act applies for as long as the employee, without interruption, continues to be employed by the institute and continues to pay all amounts required to be paid pursuant to that Act by the employee as a teacher.

(5) The institute shall reimburse the Minister of Finance for any part of the premiums paid by the Minister of Finance pursuant to *The Teachers' Life Insurance (Government Contributory) Act* that the Minister of Finance determines to be attributable to the provision of insurance for employees to whom subsection (4) applies.

(6) For the purposes of subsections (3) to (5), “**employee**” means a person who has been transferred to and has become an employee of the institute pursuant to clause 34(2)(b) or 35(1)(b) of this Act or clause 33(2)(b) of *The Regional Colleges Act*.

1986-87-88, c.I-9.1, s.15.

Bonding

16 The board may require any officers and employees of the institute who, in the course of their employment, receive or disburse cash, and any other officers or employees of the institute that the board considers advisable, to be bonded in any sums that the board may require for duly accounting for money or goods that come into their hands or under their control.

1986-87-88, c.I-9.1, s.16.

Powers re property

17(1) Subject to subsection (2), the institute may:

- (a) acquire by purchase, lease or otherwise any real or personal property that it considers necessary for the efficient operation of the institute;
- (b) sell, lease or otherwise dispose of any of its property that it considers to be no longer necessary for its purposes.

(2) The institute shall obtain the prior approval of the minister before acquiring or disposing of any real property.

(3) The institute may manage, insure, maintain, repair, alter or improve any of its property and may construct or erect thereon any buildings, structures or other improvements.

1986-87-88, c.I-9.1, s.17.

Exemption from taxation

18 Neither the institute nor the real or personal property of the institute is liable to taxation for municipal or school purposes.

1986-87-88, c.I-9.1, s.18.

Powers re internal matters**19** The institute may:

- (a) provide programs, courses and seminars in the daytime or evening and on a full-time or part-time basis;
- (b) determine admission and enrolment requirements and standards for students;
- (c) fix and determine fees:
 - (i) for any programs, courses, seminars or other instruction;
 - (ii) for the use of or access to any facility or property of the institute;
 - (iii) relating to examinations, diplomas and certificates; and
 - (iv) for any other matter that the institute considers advisable;
- (d) provide for the discipline of students enrolled in the institute including admission, dismissal, suspension and expulsion of students and the imposition of fines and the levying of assessments for damage done by them to property;
- (e) provide for the conduct of examinations;
- (f) provide for the granting of certificates and diplomas relating to programs, courses and seminars undertaken by the institute;
- (g) provide or facilitate the provision of scholarships or bursaries to students of the institute;
- (h) accept any gift, grant, devise or bequest of any property or money made to it;
- (i) act as a trustee of any money or property given in any manner for the support of the institute or its students;
- (j) procure the registration of and promote any corporation for charitable purposes benefiting, directly or indirectly, the institute or its students;
- (k) enter into any agreements for the purpose of performing its duties or exercising its powers;
- (l) enter into agreements or arrangements with the Government of Canada, any other government or any body, agency or person for the purpose of taking advantage of any programs or funding considered of benefit to the institute;
- (m) do any other things that the board may consider necessary or advisable to administer, manage and operate the institute and its property or to carry out its functions and duties pursuant to this Act.

FINANCIAL MATTERS

Budget

20(1) In each fiscal year, the board shall prepare a budget for the institute in a form specified by the minister and shall submit copies of the budget to the minister on or before the date specified by the minister.

(2) The minister shall review the budget submitted to him pursuant to subsection (1) and may approve the budget or may, after consultation with the board, require the board to revise all or any part of the budget in any manner that he considers appropriate.

(3) On approval of the budget by the minister, the board shall adopt the budget for the institute as approved by the minister.

(4) The institute shall not incur any liability or make or commit itself to any expenditure unless:

(a) payment of the whole of the liability or expenditure can be provided out of the income of the institute for the fiscal year in which it is incurred, made or committed or out of other money available for the purpose; or

(b) the liability or expenditure has been approved by the minister as part of the budget for the fiscal year or the minister has otherwise given his approval for it.

(5) If the institute contravenes subsection (4), the Lieutenant Governor in Council may, on the recommendation of the minister, terminate the appointments of persons who were members of the board at the time of the contravention.

1986-87-88, c.I-9.1, s.20.

Annual and other reports

21(1) The board shall annually, on or before the date specified by the minister, prepare and submit to the minister:

(a) an audited financial statement for the institute for the preceding fiscal year; and

(b) any other information that the minister may require.

(2) The minister shall, in accordance with *The Tabling of Documents Act*, lay before the Legislative Assembly each statement received by him pursuant to clause (1)(a).

1986-87-88, c.I-9.1, s.21.

Audit

22(1) The board shall, subject to the approval of the minister, appoint an auditor or firm of auditors to audit the records, accounts and financial transactions of the institute.

c. I-9.1

INSTITUTE

(2) The auditor appointed pursuant to subsection (1) shall, annually and at any other time that the Lieutenant Governor in Council may require, audit the records, accounts and financial transactions of the institute.

1986-87-88, c.I-9.1, s.22.

Banking

23(1) The institute shall keep its funds in any chartered bank, trust company or credit union registered in Canada.

(2) All payments from the funds of the institute shall be made by cheque or order signed by any member of the board or official or employee of the institute designated by the board or in any other manner that the board may determine.

1986-87-88, c.I-9.1, s.23.

Inspection

24(1) The minister may appoint a person to examine and inspect the financial condition, administrative condition or any other matter relating to the management, administration or operation of the institute.

(2) The person appointed pursuant to subsection (1) shall have access to all information, books, records and other documents in the possession or under the control of the institute relating to the activities and functioning of the institute and each member of the board and each officer or employee of the institute shall provide to that person, on request, any such information, books, records or documents.

(3) The person appointed pursuant to subsection (1) shall provide his report to the minister on the examination and inspection conducted by him within any period that the minister may specify.

1986-87-88, c.I-9.1, s.24.

Fiscal year

25 The fiscal year of the institute is the period commencing on July 1 in one year and ending on June 30 in the next year or any other period that the Lieutenant Governor in Council may prescribe.

1986-87-88, c.I-9.1, s.25.

Borrowing

26(1) Subject to the approval of the minister, the board of the institute may, by resolution, authorize the borrowing of money from time to time by the institute for its purposes by way of temporary loans, overdraft or line of credit or by the issue of notes, bonds, debentures or other securities of the institute.

(2) The terms and conditions of any temporary loans, overdraft or line of credit shall be as determined by resolution of the board and approved by the minister.

- (3) Any notes, bonds, debentures or other securities issued pursuant to this section shall be in any form, bear any rate or rates of interest and be payable as to principal, interest and premium, if any, in the currency of any country or countries, at any times and places and in any amounts and manner and on any other terms and conditions that the board, with the approval of the minister, may, by resolution, determine.
- (4) Subject to the approval of the minister, the board may sell or otherwise dispose of any notes, bonds, debentures or other securities issued pursuant to this section on any terms and conditions that it considers advisable or may charge, pledge, hypothecate, deposit or otherwise deal with them as collateral security.
- (5) The board shall, by resolution, determine the manner of execution of any notes, bonds, debentures or other securities issued pursuant to this section and of any contracts or agreements to be entered into by the board for the purpose of a borrowing pursuant to subsection (1).
- (6) The board may, by resolution, provide that any seal or signature on any notes, bonds, debentures or other securities or on the coupons, if any, attached to them, may be engraved, lithographed, printed or otherwise mechanically reproduced on them and any seal or signatures so authorized to be reproduced on any notes, bonds, debentures or other securities shall have the same force and effect and be as valid and binding on the institute as if manually affixed or signed, notwithstanding that any person whose signature is so reproduced has ceased to hold office before the date of issue of the security.
- (7) The notes, bonds, debentures and other securities issued pursuant to this section may be issued in any amounts that will realize the net sums required for the purposes of the institute, and a recital or declaration in the resolution of the board authorizing the issue of the securities to the effect that the amount of those securities authorized is necessary to realize the net sum required for the purposes of the institute is conclusive evidence of that fact.

1986-87-88, c.I-9.1, s.26.

Guarantee

- 27(1)** The Lieutenant Governor in Council may, on any terms that may be stated in the order passed for the purpose, guarantee the payment of:
- (a) the principal, interest and premium, if any, of any notes, bonds, debentures or other securities issued by the institute;
 - (b) money borrowed by the institute by way of temporary loan, overdraft or line of credit, including interest and other charges relating thereto;
 - (c) any indebtedness or liability for the payment of money incurred by the institute or to which it may be or become subject.
- (2) Any guarantee made pursuant to subsection (1) is required to be in any form and manner that the Lieutenant Governor in Council may approve.

c. I-9.1

INSTITUTE

(3) The Minister of Finance, or any other officer that may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on being so signed, the Government of Saskatchewan is liable, according to the tenor of the guarantee, for the payment of:

- (a) the principal, interest and premium, if any, of the notes, bonds, debentures or other securities;
- (b) the money borrowed by way of temporary loan, overdraft or line of credit, including interest and other charges relating thereto;
- (c) the indebtedness or liability for the payment of money.

(4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with the terms of this section.

(5) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the money required to implement any guarantee made pursuant to this section and to advance the amount necessary for that purpose out of the consolidated fund.

1986-87-88, c.I-9.1, s.27.

Investments

28 Subject to the approval of the Minister of Finance, the board may from time to time, subject to the terms of any trust under which money to be invested is held by the institute:

- (a) invest any part of the monies of the institute in any security or class of securities authorized for investment of monies in the consolidated fund pursuant to *The Financial Administration Act*;
- (b) dispose of the investments in any manner, on any terms and in any amount that the board considers expedient.

1986-87-88, c.I-9.1, s.28; 1989-90, c.15, s.5.

Grants

29 The minister may out of monies appropriated by the Legislature for the purpose make grants to the institute.

1986-87-88, c.I-9.1, s.29.

ADMINISTRATOR

Appointment, duties, etc.

30(1) Where:

- (a) the institute has contravened subsection 20(4);
- (b) in the opinion of the minister, financial or significant operational problems exist with respect to the institute;

INSTITUTE

c. I-9.1

- (c) in the opinion of the minister, it is otherwise in the public interest to do so; the Lieutenant Governor in Council may, on the recommendation of the minister, appoint a person as administrator of the institute.
- (2) On the appointment of an administrator pursuant to subsection (1), the appointments of all members of the board terminate.
- (3) An administrator appointed pursuant to subsection (1) shall:
- (a) conduct and manage the affairs and business of the institute;
 - (b) be the sole member of the board; and
 - (c) in the name of the board, perform all of the duties and exercise all of the powers otherwise vested in the board.
- (4) The administrator shall act in accordance with any instructions or directions given by the minister or his designate.
- (5) In carrying out his responsibilities, the chief executive officer is subject to any instructions or directions given to him by the administrator.
- (6) The administrator shall receive from the institute any remuneration for his services and reimbursement for his expenses that the Lieutenant Governor in Council may determine.
- (7) The Lieutenant Governor in Council may at any time terminate the appointment of the person appointed as administrator of the institute and may appoint another person as administrator in his place.
- (8) If the office of the chief executive officer is or becomes vacant, the requirement of section 13 to appoint a chief executive officer of the institute is suspended during the appointment of an administrator for the institute, and while the office of the chief executive officer is vacant the administrator shall perform the duties and may exercise the powers otherwise vested in the chief executive officer.

1986-87-88, c.I-9.1, s.30.

GENERAL

Delegation of minister's powers

31 The minister may delegate to any person any of the powers, duties or functions conferred or imposed on him pursuant to this Act.

1986-87-88, c.I-9.1, s.31.

Limitation of liability

32(1) No action, prosecution or other proceeding shall lie or be instituted against the institute, the board or any member thereof or the administrator, or any officer, employee or servant of the institute, in respect of any act or omission of any student or of any students, whether organized as a student body or not, arising out of any association or activity organized, managed, controlled or done, in whole or in part, by a student or students of the institute.

c. I-9.1

INSTITUTE

(2) No action shall be brought against the administrator or the board, or any member thereof, on account of anything done or omitted to be done in good faith in the performance of a duty imposed or the exercise of a power given pursuant to this Act.

1986-87-88, c.I-9.1, s.32.

Regulations

33 The Lieutenant Governor in Council may make regulations respecting any matter or thing that he considers necessary or advisable to carry out effectively the intent and purposes of this Act.

1986-87-88, c.I-9.1, s.33.

TRANSITIONAL

Transfer of Advanced Technology Training Center

34(1) In this section, “**Advanced Technology Training Center**” means the Advanced Technology Training Center constituted pursuant to Part I of *The Crown Corporations Act, 1978*.

(2) Notwithstanding any other Act or law or any provision of any contract:

(a) all of the assets, liabilities and contracts of the Advanced Technology Training Center are hereby transferred to and become assets, liabilities and contracts of the institute;

(b) all employees of the Advanced Technology Training Center are hereby transferred to and become employees of the institute and that transfer is deemed not to constitute an abolition of any position or job for the purpose of any collective bargaining agreement; and

(c) the Advanced Technology Training Center is hereby disestablished.

(3) The institute and the board have and may exercise the powers set out in section 14 with respect to employees transferred to the institute pursuant to clause (2)(b).

(4) Notwithstanding section 37 of *The Trade Union Act*, the institute is not bound by:

(a) any order of the Labour Relations Board with respect to employees transferred pursuant to subsection (2) that exists on or before the day on which that transfer takes place; or

(b) any proceedings had or taken before the Labour Relations Board with respect to employees transferred pursuant to subsection (2) on or before the day on which that transfer takes place;

including any order of the Labour Relations Board determining a trade union as representing, for the purposes of bargaining collectively, any of those employees.

1986-87-88, c.I-9.1, s.34.

Other transfers

- 35(1)** Notwithstanding any other Act or law or any provision of any contract:
- (a) the Lieutenant Governor in Council may, by order, transfer to and vest in the institute any assets, liabilities and contracts of Her Majesty the Queen in right of Saskatchewan, subject to any terms and conditions that he may prescribe;
 - (b) the Public Service Commission constituted pursuant to *The Public Service Act* may transfer any employees in the public service within the meaning of *The Public Service Act* to and cause them to become employees of the institute and any such transfer is deemed not to constitute an abolition of any position or job for the purpose of any collective bargaining agreement.
- (2) The institute and the board have and may exercise the powers set out in section 14 with respect to employees transferred to the institute pursuant to clause (1)(b).
- (3) Notwithstanding section 37 of *The Trade Union Act*, the institute is not bound by:
- (a) any order of the Labour Relations Board with respect to employees transferred pursuant to subsection (1) that exists on or before the day on which that transfer takes place; or
 - (b) any proceedings had or taken before the Labour Relations Board with respect to employees transferred pursuant to subsection (1) on or before the day on which that transfer takes place;
- including any order of the Labour Relations Board determining a trade union as representing, for the purposes of bargaining collectively, any of those employees.

1986-87-88, c.I-9.1, s.35.

Interim governing council

- 36(1)** In this section, “**interim governing council**” means the interim governing council appointed pursuant to subsection (2).
- (2) The minister may appoint an interim governing council for the institute consisting of one or more persons.
- (3) Subject to subsection (4), the institute shall pay to the members of the interim governing council any remuneration and reimbursement for expenses that the Lieutenant Governor in Council may prescribe.
- (4) The institute shall pay to a member of the public service of Saskatchewan who in the course of his employment serves as a member of the interim governing council any reimbursement for expenses that may be prescribed for members of the public service pursuant to *The Public Service Act*.

c. I-9.1

INSTITUTE

- (5) The interim governing council shall, until the commencement of the first meeting of the board, manage the business and affairs of the institute and for that purpose has and may exercise and carry out all of the powers and duties of the board pursuant to this Act and any other powers that the Lieutenant Governor in Council may prescribe.
- (6) The interim governing council continues to exist until the earlier of:
- (a) seven months after the day on which this section comes into force;
 - (b) the commencement of the first meeting of the board.
- (7) The Lieutenant Governor in Council is not required to appoint the members of the board pursuant to section 9 during the period when the interim governing council exists.
- (8) Notwithstanding anything in this Act, the interim governing council may do one or both of the following:
- (a) designate categories of employees of the institute as academic staff members of the institute;
 - (b) designate individual employees of the institute as academic staff members of the institute;
- and may change any designation made pursuant to clause (a) or (b).

1986-87-88, c.I-9.1, s.36.

REPEAL AND COMING INTO FORCE

S.S. 1983, c.D-7.1, certain sections repealed

37 Clauses 2(c) and 11(1)(d), subsection 11(3) and sections 12 and 15 to 17 of *The Department of Advanced Education and Manpower Act* are repealed.

1986-87-88, c.I-9.1, s.37.

