

# *The Educational Communications Corporation Act*

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Chapter E-5 of *The Revised Statutes of Saskatchewan, 1978*  
(effective February 26, 1979).

**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.

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## CHAPTER E-5

### An Act respecting The Saskatchewan Educational Communications Corporation

#### Short title

1 This Act may be cited as *The Educational Communications Corporation Act*.

R.S.S. 1978, c.E-5, s.1.

#### Interpretation

2 In this Act:

##### “board”

(a) “**board**” means the board of directors of the corporation;

##### “corporation”

(b) “**corporation**” means Saskatchewan Educational Communications Corporation;

##### “provincial authority”

(c) “**provincial authority**” means the provincial authority established pursuant to section 3.

1973-74, c.35, s.2; R.S.S. 1978, c.E-5, s.2.

#### Provincial authority continued

3(1) There shall continue to be a provincial authority, to be known by such name as the Lieutenant Governor in Council may designate, consisting of such members of the Executive Council as may from time to time be appointed by the Lieutenant Governor in Council.

(2) Subject to any direction of the Governor in Council made under section 27 of the *Broadcasting Act* (Canada), the provincial authority shall determine all matters of policy in respect of educational communications within which the corporation shall operate in the exercise of the powers conferred on it by this Act.

(3) The provincial authority may:

(a) establish one or more advisory committees for any purpose in connection with this Act and appoint the members of such committees;

(b) prescribe the powers and duties of an advisory committee so established;

(c) prescribe the remuneration to be paid to members of an advisory committee, which remuneration shall be paid from moneys appropriated by the Legislature for the purposes of this Act.

(4) The Public Service Commission may appoint an Executive Director and such other officers and employees as may be considered necessary by the provincial authority for the purpose of conducting its affairs and business.

1973-74, c.35, s.3; R.S.S. 1978, c.E-5, s.3.

#### Corporation continued

4(1) Saskatchewan Educational Communications Corporation, consisting of such persons as may be appointed from time to time by the Lieutenant Governor in Council, is continued.

(2) The corporation shall have perpetual succession and a common seal with capacity to contract and to sue and be sued in its corporate name in respect of any right or obligation acquired or incurred by it.

(3) The Clerk of the Executive Council shall publish in *The Saskatchewan Gazette* a notice of any appointment made under subsection (1) and such appointment shall have force and effect on and after a date to be specified in the order making the appointment.

1973-74, c.35, s.4; R.S.S. 1978, c.E-5, s.4.

#### **Head office**

**5** The head office of the corporation shall be at such place as may be designated by the Lieutenant Governor in Council and the corporation may establish branch offices at other places.

1973-74, c.35, s.5; R.S.S. 1978, c.E-5, s.5.

#### **Board of directors of corporation**

**6(1)** The affairs and business of the corporation shall be managed by a board of directors consisting of not less than nine nor more than fifteen persons appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may designate one of the members of the board of directors of the corporation as chairman of the board of directors.

(3) Not less than three nor more than four of the members of the board of directors shall be employees of the Government of Saskatchewan.

(4) The Lieutenant Governor in Council shall, in making an appointment to the board of directors, prescribe the term of office of the member so appointed, which shall not exceed three years, but this subsection does not operate so as to preclude the reappointment of any person to the board.

(5) The members of the board of directors of the corporation may elect one of their number to be vice-chairman to act in the absence or inability to act of the chairman.

(6) A vacancy in the board of directors of the corporation not impair the power of the remaining directors to act.

(7) The lieutenant Governor in Council may make provision as to the number of directors who shall form a quorum for the transaction of business at meetings of the directors.

(8) Meetings of the board of directors shall be held at the call of the chairman or at such other times as may be determined by resolution of the board, but not more than three months shall elapse between meetings of the board.

(9) The corporation shall, in the performance of the duties and exercise of the powers imposed or conferred under this Act, be responsible to such member of the Executive Council as may be designated by the Lieutenant Governor in Council

(10) The members of the board shall receive such remuneration for their services and allowances for travelling and other expenses as the provincial authority may determine.

1973-74, c.35, s.6; R.S.S. 1978, c.E-5, s.6.

**Disqualification of directors**

7(1) A person is not eligible to be appointed or to continue as a member of the board if he is not a Canadian citizen ordinarily resident in Saskatchewan or if, directly or indirectly, as owner, shareholder, director, officer, partner or otherwise, he:

- (a) is engaged in a broadcasting undertaking; or
  - (b) has any pecuniary or proprietary interest in:
    - (i) a broadcasting undertaking;
    - (ii) the production or distribution of program material suitable for use by a broadcasting undertaking; or
    - (iii) the manufacture or distribution of radio apparatus except where such distribution is incidental to the general merchandising of goods by wholesale or by retail.
- (2) Where any interest prohibited under subsection (1) vests in a director by will or succession for his own benefit, he shall, within three months thereafter, absolutely dispose of such interest, and he shall not, during that period, be deemed ineligible under subsection (1).
- (3) In this section “broadcasting undertaking” has the meaning given to it by the *Broadcasting Act* (Canada).

1973-74, c.35, s.7; R.S.S. 1978, c.E-5, s.7.

**Staff**

- 8(1) The corporation may appoint or engage such professional and technical personnel as may be required for the purposes of this Act and may determine their salaries or other remuneration.
- (2) The Lieutenant Governor in Council shall appoint a person as General Manager of the corporation who shall be the chief executive officer of the corporation, and shall prescribe the remuneration payable by the corporation to the General Manager.
- (3) The corporation may employ such other officers and employees as it considers necessary for the purposes of its operation and may determine their respective duties and powers, the conditions of their employment and their remuneration, which shall be paid by the corporation.
- (4) The person appointed under subsection (2) and the officers and employees employed under subsection (3) shall be under the control and supervision of the corporation.

1973-74, c.35, s.8; R.S.S. 1978, c.E-5, s.8.

**Pension benefits**

- 9(1) The corporation may provide such pension and other benefits as it considers advisable for the benefit of the person appointed under subsection (2) of section 8 and the persons employed under subsection (3) of section 8.
- (2) A person mentioned in subsection (1) may elect in writing to make contributions under *The Public Service Superannuation Act* in that case that Act shall apply to that person.
- (3) An election made under subsection (2) shall be irrevocable.

- (4) The corporation may make contributions to a fund established for the purposes referred to in subsection (1).

1973-74, c.35, s.9; R.S.S. 1978, c.E-5, s.9.

**Powers of corporation**

**10** The corporation may:

- (a) operate one or more broadcasting undertakings primarily devoted to the field of educational broadcasting;
- (b) within the policy guidelines established by the provincial authority, produce, acquire, sell, lease, distribute, exhibit or otherwise deal in programs and materials of an educational nature whether for use in broadcasting or otherwise;
- (c) enter into operating agreements with any person, agency of the Government of Canada, owners or operators of broadcasting stations or networks or any privately owned or publicly owned carrier for the broadcasting and distribution of educational programs;
- (d) enter into agreements with any person, university, college or other post-secondary educational institution in connection with the production, acquisition, sale, lease, presentation, exhibition or distribution of, or other dealing in, the programs and materials of the corporation;
- (e) acquire, prepare, publish, distribute and preserve, whether for a consideration or otherwise, any audio-visual materials, papers, periodicals and other literary matter of the corporation;
- (f) make arrangements or enter into agreements with any person for the use of any rights, privileges or concessions of the corporation;
- (g) exercise such other powers as may be prescribed by the Lieutenant Governor in Council having regard to the efficient operation of its business for the public good.

1973-74, c.35, s.10; R.S.S. 1978, c.E-5, s.10.

**Purchase of stock, etc., of incorporated companies**

**11(1)** The corporation may, with the approval of the Lieutenant Governor in Council, acquire by purchase, in the open market or otherwise, shares of the capital stock of any incorporated company carrying on any business, enterprise or undertaking that assists or enhances the corporation in its operations as authorized by this Act.

(2) The corporation on acquiring shares, bonds, debentures or other securities of such a company may appoint a person or persons to be the representative or representatives of the corporation at any meeting of the company or at any meeting of any class of members or creditors of the company.

(3) The person or persons so appointed shall be entitled to exercise on behalf of the corporation all the powers which the Crown could exercise if it were an individual shareholder or creditor.

1973-74, c.35, s.11; R.S.S. 1978, c.E-5, s.11.

**Acquisition and disposal of property**

12(1) The corporation may acquire by purchase, lease, or otherwise any real or personal property that it considers necessary for the efficient operation of its business, and may sell, lease or otherwise dispose of any of its property, real or personal, that the corporation considers to be no longer necessary for its purposes.

(2) A purchase by the corporation may be made on deferred payments, and the corporation may give security on the property purchased for the purchase money, or the unpaid balance thereof, with interest.

1973-74, c.35, s.12; R.S.S. 1978, c.E-5, s.12.

**Annual budget**

13 The corporation shall not less than ninety days prior to each fiscal year submit a budget for that fiscal year to the provincial authority for its approval.

1973-74, c.35, s.13; 1974-75, c.49, s.12; R.S.S. 1978, c.E-5, s.13.

**Payment to corporation by Minister of Finance**

14 The Minister of Finance shall pay to the corporation out of the consolidated fund such sums of money as may be appropriated by the Legislature for the purposes of the corporation.

1973-74, c.35, s.14; R.S.S. 1978, c.E-5, s.14.

**Advances by Minister of Finance**

15(1) The Minister of Finance may out of the consolidated fund advance moneys to the corporation for its general purposes in such amounts, at such times and upon such terms as may be determined by the Lieutenant Governor in Council.

(2) In order to provide the funds required under subsection (1), the Lieutenant Governor in Council may authorize the Minister of Finance to raise by way of loan upon the credit of the province such sum or sums of money as may be required, and for that purpose to issue bonds, debentures or such other securities of the province as the Lieutenant Governor in Council considers advisable, and to pay such moneys to the corporation for its use.

(3) The said sum or sums of money shall be raised in accordance with *The Saskatchewan Loans Act* and may be borrowed for any term or terms not exceeding thirty years and at such rate of interest as the Lieutenant Governor in Council may determine. The said sum or sums shall be raised upon the credit of the consolidated fund and shall be chargeable thereon.

1973-74, c.35, s.15; R.S.S. 1978, c.E-5, s.15.

**Power to borrow**

16(1) The corporation may, with the approval of the Lieutenant Governor in Council, borrow from time to time such sums of money as the corporation requires for its purposes, including, without limiting the generality of the foregoing:

- (a) the repayment, renewal or refunding from time to time of the whole or any part of any loan raised or securities issued by the corporation under this Act;
- (b) the repayment in whole or in part of advances made by the Minister of Finance to the corporation;

(c) the payment of the whole or any part of any loan or any liability or of any bonds, debentures or other securities or indebtedness the payment whereof is guaranteed or assumed by the corporation;

(d) carrying out any of the powers of the corporation; providing in whole or in part for expenditures of the corporation made or to be made in connection therewith; reimbursing the corporation for any such expenditures made; and repaying in whole or in part any temporary borrowings of the corporation for any such purposes;

and for the purpose of such borrowing may issue such bonds, debentures or other securities, bearing such rate or rates of interest and being payable as to principal and interest at such time or times, in such manner, in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the corporation with the approval of the Lieutenant Governor in Council may determine.

(2) The bonds, debentures and other securities referred to in subsection (1) may be issued in such amounts as will realize the net sums required for the purposes of the corporation and a recital or declaration in the resolution or minute of the corporation authorizing the issue of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the corporation shall be conclusive evidence of that fact.

(3) The corporation may with the approval of the Lieutenant Governor in Council sell or otherwise dispose of such bonds, debentures or other securities on such terms and conditions as may be deemed advisable, or may with the like approval charge, pledge, hypothecate, deposit or otherwise deal with them as collateral security, or may do any of these things.

(4) Any securities dealt with as collateral security pursuant to subsection (3), when redelivered to the corporation or its nominees on and after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which the securities may have been given as collateral, or when the corporation again becomes entitled to the securities, may be treated by the corporation as unissued and may, subject to the approval of the Lieutenant Governor in Council, be issued, reissued, charged, pledged, hypothecated, deposited from time to time upon such terms and conditions as the corporation may deem advisable, or at its option be cancelled and fresh securities to the like amount and in the like form may be issued in lieu thereof with the like consequences, and upon such issue or reissue a person entitled thereto shall have the same rights and remedies as if the same had not been previously issued.

(5) The Minister of Finance shall, with the approval of the Lieutenant Governor in Council, determine the form and manner of execution of any bonds, debentures or other securities issued under this section.

(6) The corporation may by resolution or minute provide that the seal of the corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any bonds, debentures or other securities to which it is to be affixed, and that any signature upon any bonds, debentures or other securities, and upon the coupons if any attached thereto, may be engraved, lithographed or printed or otherwise mechanically reproduced thereon.

(7) The seal of the corporation when so mechanically reproduced shall be of the same force and effect as if manually affixed, and such mechanically reproduced signatures shall for all purposes be valid and binding upon the corporation, notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of the security or before the issue thereof.

(8) Subject to the approval of the Lieutenant Governor in Council, the corporation may also from time to time borrow by way of temporary loans from any chartered bank or from any person or corporation such sums, upon such terms, for such purposes and upon such conditions as the corporation may determine, by way of bank overdraft or line of credit, or by the pledging as security for such temporary loans of notes, bonds, debentures or other securities of the same, or in such other manner as the corporation may determine; and any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of money and the obtaining of advances by way of temporary loans may be executed in such manner as the corporation may determine.

1973-74, c.35, s.16; R.S.S. 1978, c.E-5, s.16.

#### **Charge on revenue**

**17** All interest and instalments of principal and all sinking fund and other debt service charges in respect of the advances or loans mentioned in sections 15 and 16 shall be a first charge on the revenues of the corporation.

1973-74, c.35, s.17; R.S.S. 1978, c.E-5, s.17.

#### **Guarantee by province**

**18(1)** The Lieutenant Governor in Council may, on such terms as may be stated in the order in council passed for the purpose, guarantee the payment of any loans or indebtedness, temporary or otherwise, raised by the corporation.

(2) The form and manner of any such guarantee shall be such as the Lieutenant Governor in Council may approve.

(3) Such guarantee shall be signed by the Minister of Finance or such other officer or officers as may be designated by the Lieutenant Governor in Council, and on being so signed the Province of Saskatchewan shall become liable for the payment of the principal and interest of the bonds, debentures, securities, loans and other indebtedness according to the tenor thereof. Any guarantee so signed shall be conclusive evidence of compliance with the terms of this section.

(4) The Lieutenant Governor in Council may make such arrangements as may be necessary for supplying the money required to implement any such guarantee and to advance the amount necessary for that purpose out of the consolidated fund.

1973-74, c.35, s.18; R.S.S. 1978, c.E-5, s.18.

#### **Investment of surplus funds**

**19** The corporation may from time to time:

(a) invest any part of the capital or operating moneys of the corporation in any security or class of securities mentioned in section 36 of *The Department of Finance Act*;

(b) dispose of the investments in such manner, on such terms and to such amount as may be considered expedient.

1973-74, c.35, s.19; R.S.S. 1978, c.E-5, s.19.

**Fiscal year**

**20** The fiscal year of the corporation shall be the period commencing on the first day of April in one calendar year and ending on the last day of March in the next calendar year, both dates inclusive.

1973-74, c.35, s.20; R.S.S. 1978, c.E-5, s.20.

**Annual report**

**21(1)** There shall be submitted annually, in accordance with *The Tabling of Documents Act*, to the provincial authority and to the Lieutenant Governor in Council:

- (a) a report of the corporation upon its business for its immediately preceding fiscal year;
- (b) a financial statement showing the business of the corporation for that fiscal year, in such form as may be required by the Treasury Board.

**(2)** The report and statement required by subsection (1) shall be laid before the Legislative Assembly in accordance with *The Tabling of Documents Act*.

1973-74, c.35, s.21; R.S.S. 1978, c.E-5, s.21.

**Audit**

**22** The Provincial Auditor shall annually audit the books and accounts of the corporation.

1973-74, c.35, s.22; R.S.S. 1978, c.E-5, s.22.

**Regulations**

**23** For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations as are ancillary thereto and are not inconsistent therewith; and every regulation made under, and in accordance the authority granted by, this section has the force of law.

1973-74, c.35, s.23; R.S.S. 1978, c.E-5, s.23.

**Non-application of *Crown Corporations Act***

**24** Notwithstanding anything in *The Crown Corporations Act*, the corporation is not subject to that Act.

1973-74, c.35, s.24; R.S.S. 1978, c.E-5, s.24.