

Chapter 27

AN ACT TO AMEND THE PUBLIC COLLEGES ACT

(Assented to October 31, 2011)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **The *Public Colleges Act* is amended by this Act.**
2. **The title of the Act is repealed and the following substituted:**

Nunavut Arctic College Act

3. **(1) In section 1, the definition “Board” is repealed and the following substituted:**

"Board" means the Board of Governors of the College established by subsection 8(1); (*Conseil*)

- (2) The following definition is added to section 1 in alphabetical order:**

“College” means Nunavut Arctic College as continued by section 2; (*Collège*)

4. **(1) The heading "PUBLIC COLLEGES" and subheading “Establishment” preceding section 2 are repealed and the following substituted:**

Nunavut Arctic College

- (2) Section 2 is repealed and the following substituted:**

Nunavut Arctic College continued

2. Nunavut Arctic College, established under section 2 of the *Public Colleges Act*, R.S.N.W.T. 1988, c. A-7, is continued as a corporation.

5. **Section 3 is repealed and the following substituted:**

Purpose of the College

3. The purpose of Nunavut Arctic College is to deliver adult and post-secondary education, including the delivery of university level programs and the granting of university degrees and applied bachelor degrees.

6. **The following is added after section 7:**

Granting Prescribed Degrees

Power to grant degrees as prescribed

7.1. The College may grant the university degrees and applied bachelor degrees prescribed by regulation, subject to any conditions that are prescribed.

7. (1) Subsection 9(2) is repealed and the following substituted:

Appointment

(2) The Board shall be composed of the following members appointed by the Minister:

- (a) two members from each region who are ordinarily resident in that region;
- (b) one member recommended by the president from the staff of the College;
- (c) one member recommended by the student council or, where there is more than one student council, the student councils, who is a student of the College;
- (d) such additional members as the Minister considers necessary.

(2) Subsections 9(3.1) and (4) are repealed and the following substituted:

Removal of member of Board

(3.1) Despite subsection (3), the Minister may remove a member from the Board before the expiry of his or her term where, in the opinion of the Minister, the removal of the member would be in the best interests of the Board.

President

(4) The president is, by virtue of his or her office, a non-voting member of the Board.

(3) Subsection 9(6) is repealed and the following substituted:

Revocation

(6) The appointment of a member of the Board shall be deemed to be revoked when the member

- (a) in the case of a member who is appointed under paragraph (2)(a), ceases to be ordinarily resident in the region for which the member was appointed;
- (b) in the case of a member appointed under paragraph (2)(b), ceases to be a member of the staff of the College; or
- (c) in the case of a member appointed under paragraph (2)(c), ceases to be a student of the College.

8. Section 12 is repealed and the following substituted:

Election of chairperson and vice-chairperson

12. The Board shall elect a chairperson and a vice-chairperson from among the members of the Board.

9. Subsection 13(1) is repealed and the following substituted:

Executive committee

13. (1) The Board shall have an executive committee composed of the chairperson, vice-chairperson and two other members of the Board elected by the Board.

10. Section 18 is repealed and the following substituted:

Annual report

18. (1) The Board shall prepare an annual report and submit it to the Minister in accordance with Part IX of the *Financial Administration Act*.

Report to state sources of revenue

(2) The annual report shall state the sources from which gifts, grants, devises or bequests were received, including any anonymous sources.

Fiscal year

(3) The fiscal year of the College is the period beginning July 1 in one year and ending June 30 in the following year.

Audit

(4) The accounts of the College must be audited annually in accordance with Part IX of the *Financial Administration Act*.

Tabling of annual report

(5) The Minister shall lay a copy of the annual report before the Legislative Assembly in accordance with Part IX of the *Financial Administration Act*.

11. Subsection 19(1) is repealed and the following substituted:

President

19. (1) The Minister shall, in consultation with the Board, appoint the president of the College.

12. Section 24 is repealed and the following substituted:

Transitional - continuity of employment

24. For greater certainty, a person who was an employee of the College immediately before the coming into force of this section continues as an employee of the College under this Act and his or her continuous employment shall be determined from the date he or she began continuous employment with the College or a predecessor of the College under this or a predecessor of this Act and whether under the jurisdiction of Nunavut or the Northwest Territories.

13. Section 34 is amended by adding the following before (a) and re-alphabetizing paragraph (a) as (a.1):

- (a) prescribing the university degrees and applied bachelor degrees that the College may grant and any conditions under which it may do so;

14. Each provision listed in Column 1 of the Schedule is amended by striking out the words set out in the same row of Column 2 and substituting the words set out in the same row of Column 3.

CONSEQUENTIAL AMENDMENTS

Access to Information and Privacy Regulations

15. (1) The *Access to Information and Privacy Regulations*, registered under the *Statutory Instruments Act* (Northwest Territories) as regulation numbered R-206-96, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada), are amended by this section.

(2) Item 6 of Schedule A is repealed and the following substituted:

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| 6. | Nunavut Arctic College as continued
by the <i>Nunavut Arctic College Act</i> , | Minister responsible for Nunavut
Arctic College |
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Education Act

16. (1) The *Education Act*, S.Nu. 2008, c.15 is amended by this section.

(2) The definition “teacher trainee” in subsection 3(1) is amended by striking out “a college established under the *Public Colleges Act*” and substituting “Nunavut Arctic College”.

(3) Paragraph 22(2)(a) is amended by striking out “a public college established under the *Public Colleges Act*” and substituting “Nunavut Arctic College”.

(4) Subsection 101(1) is amended by striking out “colleges established under the *Public Colleges Act*” and substituting “Nunavut Arctic College”.

Evidence Act

17. (1) The *Evidence Act* is amended by this section.

(2) The definition “health care professional” in section 13 is amended by striking out paragraph (j) and substituting the following:

- (j) has successfully completed a Community Health Representative course offered by Nunavut Arctic College,

Fees and Allowances Regulations

18. (1) The *Fees and Allowance Regulations*, registered under the *Statutory Instruments Act* (Northwest Territories) as regulation numbered R-031-96, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada) and made under the *Judicature Act*, are amended by this section.

(2) Subsection 1(4) is amended by striking out “a college established under the *Public Colleges Act*” and substituting “Nunavut Arctic College”.

Financial Administration Act

19. (1) The *Financial Administration Act* is amended by this section.

(2) Item 1 of Schedule B is repealed and the following substituted:

- 1.** Nunavut Arctic College as continued by the *Nunavut Arctic College Act*.

Language Statutes Amendment Act

20. (1) The *Language Statutes Amendment Act*, S.Nu. 2009, c.11 is amended by this section.

(2) Section 9 is amended by striking out subparagraph 25(3)(b)(iii) and substituting the following:

- (iii) any category of teacher or student under the *Education Act*, *Nunavut Arctic College Act* or other legislation applicable to teachers or students in Nunavut;

Nunavut Arctic College Regulations

21. (1) The *Nunavut Arctic College Regulations*, registered under the *Statutory Instruments Act* (Northwest Territories) as regulation numbered R-119-94, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada), are amended by this section.

(2) The definition “Board of Governors” in section 1 is repealed.

(3) The phrase “Board of Governors” is struck out wherever it appears and “Board” is substituted.

Public Service Act

22. (1) The *Public Service Act* is amended by this section.

(2) Item (a) of Schedule A is repealed and the following substituted:

- (a) Nunavut Arctic College, except with respect to individuals employed under subsection 23(1) of the *Nunavut Arctic College Act*;

(3) Item (a) of Schedule B is repealed and the following substituted:

- (a) Nunavut Arctic College, where such individuals are employed under subsection 23(1) of the *Nunavut Arctic College Act*;

SCHEDULE

Provisions Amended	Word or Words Struck Out	Word or Words Substituted
<ul style="list-style-type: none"> • section 1, the definitions “administrator”, “president” and “student”; • the portion of section 6 preceding paragraph (a) 	"a college"	"Nunavut Arctic College"
<ul style="list-style-type: none"> • subsections 4(1) and (2); • subsections 5(1) and (2); • paragraphs 6(a), (b) and (c); • paragraphs 7(1)(b) and (c); • paragraphs 7(2)(a) and (b); • paragraph 16 (l.5); • subsection 22(1); • subsection 23(1); • subsection 28(1); • subsection 29(1); • subsection 31(1) 	"a college"	"the College"
<ul style="list-style-type: none"> • subsection 8(1) 	“each college”	“the College”
<ul style="list-style-type: none"> • paragraphs 15(a), (c), (e) and (f), wherever it appears; • paragraphs 16(b), (c), (h), (i) and (m); • subparagraph 16(k)(iv); • paragraphs 20(1)(a), (c), (d), (e) and (f); • subsection 23(1), wherever it appears; • subsection 25(1); • subsection 28(1); • subsection 29(2) 	“the college”	“the College”
<ul style="list-style-type: none"> • paragraph 7(1)(a) and subsection 7(3); • subsection 8(1); • section 10; • section 11; • paragraph 34(a) 	“a Board”	“the Board”

<ul style="list-style-type: none"> • subsection 8(2); • subsection 14(1); • subsection 17(2) 	“A Board”	“The Board”
<ul style="list-style-type: none"> • the portion of section 15 preceding paragraph (a); • the portion of section 16 preceding paragraph (a); • subsection 17(1); • subsections 25(1) and (2) 	“The Board of a college”	“The Board”
<ul style="list-style-type: none"> • subsection 19(2) 	“A president”	“The president”
<ul style="list-style-type: none"> • subsection 20(1) 	“The president of a college”	“The president”