

1980

# c 331 Ontario Educational Communications Authority Act

Ontario

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CHAPTER 331

Ontario Educational  
Communications Authority Act

1. In this Act,

Interpre-  
tation

- (a) "Authority" means The Ontario Educational Communications Authority;
- (b) "Board" means the board of directors of the Authority;
- (c) "Minister" means the Minister of Culture and Recreation. R.S.O. 1970, c. 311, s. 1; 1972, c. 1, s. 16 (1); O. Reg. 53/76.

2.—(1) The Ontario Educational Communications Authority is continued as a corporation without share capital, consisting of thirteen members, one of whom shall be the Chairman and no members shall be civil servants. R.S.O. 1970, c. 311, s. 2 (1); 1974, c. 12, s. 1.

Authority  
continued

(2) The members of the Authority, including the Chairman, shall be appointed by the Lieutenant Governor in Council to hold office for not more than three years but may be reappointed by the Lieutenant Governor in Council, and at least three members shall retire each year.

Appointment  
of members

(3) The members for the time being of the Authority form and are its board of directors.

Board of  
directors

(4) The Chairman of the Authority shall be the Chairman of the Board, and the Lieutenant Governor in Council may from time to time designate one of the other members as Vice-Chairman of the Board and prescribe his duties.

Chairman  
and Vice-  
Chairman of  
the Board

(5) A director, other than the Chairman, may be paid such fees for attendance at meetings of the Authority as may be fixed by the Lieutenant Governor in Council, and all directors are entitled to be paid their actual travelling and living expenses necessarily incurred on the business of the Authority.

Fees and  
expenses

(6) Seven directors constitute a quorum for meetings of the Board.

Quorum

## Meetings

(7) Meetings of the Board or of the members of the Authority shall be held at the call of the Chairman, or in the absence or incapacity of the Chairman or if the office of Chairman is vacant, in such other manner as may be prescribed by the by-laws of the Authority, but in no case shall more than four months elapse between meetings of the Board.

## Head Office

(8) The head office of the Authority shall be at The Municipality of Metropolitan Toronto, or such other place in Ontario as the Lieutenant Governor in Council may designate.

## Fiscal year

(9) The fiscal year of the Authority begins on the 1st day of April and ends on the 31st day of March in the following year. R.S.O. 1970, c. 311, s. 2 (2-9).

## Objects of Authority

**3.** The objects of the Authority are,

- (a) to initiate, acquire, produce, distribute, exhibit or otherwise deal in programs and materials in the educational broadcasting and communications fields;
- (b) to engage in research in those fields of activity consistent with the objects of the Authority under clause (a); and
- (c) to discharge such other duties relating to educational broadcasting and communications as the Board considers to be incidental or conducive to the attainment of the objects mentioned in clauses (a) and (b). R.S.O. 1970, c. 311, s. 3.

## Acquisition of land

**4.** Subject to the approval of the Lieutenant Governor in Council, the Authority may,

- (a) acquire by purchase, lease or otherwise; and
- (b) sell or otherwise dispose of,

any land or any interest in land. R.S.O. 1970, c. 311, s. 4.

## By-laws, making

**5.**—(1) Subject to subsections (2) and (3), the Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Authority.

## Filing

(2) All by-laws of the Authority shall be filed with the Minister provided, however, that no by-law shall take effect until the expiration of two weeks from the date of filing.

(3) The Lieutenant Governor in Council may amend or <sup>Amendment</sup> revoke any by-law provided that any such amendment or revocation shall not prejudice the rights of any person dealing with the Authority. R.S.O. 1970, c. 311, s. 5.

6.—(1) The Chairman is the chief executive officer of the <sup>Chief executive officer</sup> Authority and shall be paid such salary as the Lieutenant Governor in Council determines.

(2) The Board may employ such persons and retain such <sup>Staff</sup> technical and professional consultants as it considers necessary for the conduct of the affairs of the Authority at such remuneration and upon such terms as the Board approves.

(3) The officers and employees of the Authority are not <sup>Application of</sup> Crown employees, and the provisions of the *Labour Relations Act* apply <sup>R.S.O. 1980, c. 228</sup> to them and to the Authority. R.S.O. 1970, c. 311, s. 6.

7.—(1) The Authority has the following powers <sup>Powers of Authority</sup> incidental and ancillary to its objects,

- (a) to enter into operating agreements with the appropriate agency or agencies of the Government of Canada and with broadcasting stations or networks for the broadcasting of educational programs;
- (b) to enter into contracts with any person in connection with the production, presentation or distribution of the programs and materials of the Authority;
- (c) to acquire, publish, distribute and preserve, whether for a consideration or otherwise, such audio-visual materials, papers, periodicals and other literary matter as relate to any of the objects of the Authority;
- (d) to make arrangements or enter into agreements with any person for the use of any rights, privileges or concessions that the Authority may consider necessary for the purposes of carrying out its objects.

(2) Except as provided in subsection (3), subsection 23 (1) of <sup>Application of</sup> the *Corporations Act* applies to the Authority. <sup>R.S.O. 1980, c. 95</sup>

(3) Clauses 23 (1) (a), (b), (d), (e), (g), (h), (j), (k), (m), (p), (q), <sup>Idem</sup> (r), (t), (u) and (v) and sections 274 and 275 of the *Corporations Act* do not apply without the approval of the Lieutenant Governor in Council. R.S.O. 1970, c. 311, s. 7.

Employee  
benefits

8. The Authority may provide compensation for services performed by way of remuneration and employee benefits which the Authority may from time to time consider appropriate, to or for the benefit of any of the persons mentioned in section 6, or any class or classes of them, as well as any other persons who may be entitled thereunder, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Authority, or both or otherwise. R.S.O. 1970, c. 311, s. 8.

Advisory  
committees

9. The Authority shall appoint such regional councils and such advisory committees as it considers necessary to advise it in developing the policy and operations of the Authority, and may pay the members thereof such fees for attending meetings as may be fixed by the Management Board of Cabinet and such members are entitled to be paid their reasonable travelling and living expenses necessarily incurred on the business of a committee. R.S.O. 1970, c. 311, s. 9; 1971 (2nd Sess.), c. 12, s. 8.

Bank  
accounts

R.S.O. 1980,  
c. 249

10.—(1) The Authority shall maintain in its own name one or more accounts in The Province of Ontario Savings Office or in one or more chartered banks or in one or more trust companies registered under the *Loan and Trust Corporations Act*.

Deposits  
in trust  
company

(2) The total deposits of the Authority in any trust company shall not exceed at any one time 3 per cent of the paid-in capital plus surplus and reserves of the trust company.

Moneys of  
Authority  
to be de-  
posited in  
bank  
accounts

(3) Subject to subsection 15 (3), all moneys received by the Authority through the conduct of its operations or otherwise shall be deposited to the credit of accounts established under subsection (1), and shall be administered by the Authority exclusively in carrying out its objects. R.S.O. 1970, c. 311, s. 10.

Audit

11. The accounts and financial transactions of the Authority shall be audited annually by the Provincial Auditor or such other auditor or auditors as the Lieutenant Governor in Council may appoint, and a report of the audit shall be made to the Authority and to the Minister. R.S.O. 1970, c. 311, s. 11.

Annual  
report

12.—(1) The Board shall make an annual report to the Minister upon the affairs of the Authority, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Authority shall make such further reports to the Minister as the Minister may from time to time require. <sup>Further reports</sup>  
 R.S.O. 1970, c. 311, s. 12.

**13.**—(1) With the approval of the Lieutenant Governor in Council, the Authority may borrow money for purchasing or otherwise acquiring real or personal property, for making improvements, or for any of the objects of the Authority, and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed, and such securities may be payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such interest, as the Authority may consider proper. <sup>Issue of securities</sup>  
 R.S.O. 1970, c. 311, s. 13 (1).

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Authority for any of the purposes mentioned in subsection (1). <sup>Guaranteeing securities</sup>  
 R.S.O. 1970, c. 311, s. 13 (2); 1972, c. 1, s. 16 (2).

(3) The form of guaranty and the manner of its execution shall be determined by the Lieutenant Governor in Council. <sup>Form of guaranty</sup>  
 R.S.O. 1970, c. 311, s. 13 (3).

**14.**—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario, <sup>Purchase of securities by Province</sup>

(a) to purchase any securities of the Authority; and

(b) to make advances to the Authority in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may consider expedient. R.S.O. 1970, c. 311, s. 14 (1); 1972, c. 1, s. 16 (3).

(2) The moneys required for the purposes of this section shall be paid out of the Consolidated Revenue Fund. <sup>Idem</sup>  
 R.S.O. 1970, c. 311, s. 14 (2).

**15.**—(1) The cost of the establishment, maintenance and conduct of the Authority shall be payable out of moneys appropriated therefor by the Legislature. <sup>Cost</sup>

(2) All moneys received by the Authority shall be applied in the discharge of its duties and obligations. <sup>Application of revenue</sup>

(3) Any surplus moneys shall, on the order of the Lieutenant Governor in Council, be paid into and form part of the Consolidated Revenue Fund. <sup>Surplus money</sup>  
 R.S.O. 1970, c. 311, s. 15.

