

CHAPTER 57

An Act to Incorporate the
British Columbia Association of Colleges

[Assented to 30th June, 1976.]

- Preamble.** WHEREAS the British Columbia Association of Colleges has hitherto operated as an unincorporated association;
And whereas it is desirable that the said association should be incorporated;
Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:
- Short title.** 1. This Act may be cited as the *British Columbia Association of Colleges Incorporation Act*.
- Constitution of body politic and corporate.** 2. The present members of the British Columbia Association of Colleges and such persons, organizations and college councils as may from time to time become members pursuant to the by-laws of the association shall be and are hereby constituted a body politic and corporate without share capital under the name of the British Columbia Association of Colleges, capable forthwith of exercising all the functions of a corporation, having perpetual succession and a common seal.
- Interpretation.** 3. In this Act, unless the context otherwise requires,
"association" means the British Columbia Association of Colleges established under this Act;
"college council" means a college council duly constituted under the provisions of the *Public Schools Act* or successor legislation.
- Objects.** 4. The objects of the association are
(a) to represent the public interest in college education,
(b) to advance the cause of post-secondary education in the Province and promote public interest in educational affairs,
(c) to recommend changes in the *Public Schools Act* and any other Acts which may affect the college system,
(d) to co-operate and provide liaison with municipal, provincial and federal governments and with organizations in Canada or elsewhere having aims and objects the same or similar to those of the association,
(e) to promote efficiency in carrying out the duties and exercise of power by college councils,

- (f) to promote, conduct, and direct research and the gathering of information and to make available the findings,
- (g) to take any action when deemed expedient on behalf of any member college council with any other organization or agency in relation to the activity of colleges,
- (h) to take any action, not inconsistent with this Act or any other Act, or any regulations or rules made under the authority of any Act, that the association deems necessary or advisable to give effect to any policy adopted by it with respect to any question directly or indirectly affecting the purpose and objects of the association,
- (i) to secure united action among members in dealing with all matters of common interest,
- (j) to discuss and to deal with all problems of post-secondary education,
- (k) to regulate in the Province relations between members and their employees, through collective bargaining,
- (l) to negotiate on behalf of any member college council in its contractual negotiations with employees or other persons and conclude contracts when so authorized to do, and
- (m) without restricting the generality of the foregoing, to carry on all of the activities hitherto conducted by the British Columbia Association of Colleges as it existed prior to the coming into force of this Act.

**Powers and
capacities of
association.**

5. (1) The association has the power and capacity to do anything necessary or required to carry out the objects of the association and to administer the property, revenue, expenditures, business and affairs of the association.

(2) Unless expressly required to be exercised by by-law, all powers and capacities of the association may be exercised by by-law or resolution.

Property.

6. The association may hold, possess, develop, or acquire by purchase, lease, exchange, donation, devise, bequest, endowment or otherwise any real and personal property, and may sell, exchange, mortgage, lease, pledge, hypothecate, let, improve, develop and alienate the same in any manner, and may erect and maintain any buildings necessary or convenient for its purposes and objects.

**Assets and
liabilities
to vest.**

7. All the property, real and personal, and whether in possession or in action, including the benefits under any contract, lease, or agreement whatsoever, of the British Columbia Association of Colleges as it existed immediately prior to the coming into force of this Act is transferred to and

vested in the association, and all the debts, liabilities, obligations and covenants of the British Columbia Association of Colleges as it existed immediately prior to the coming into force of this Act shall be assumed, paid, discharged and performed by the association.

*Companies
Clauses Act
not to apply.*

8. The provisions of the *Companies Clauses Act* do not apply to this Act.

*Companies
Act.*

9. (1) The following sections of the *Companies Act* apply *mutatis mutandis* to the association, except insofar as any of them are varied by or inconsistent with or repugnant to the provisions of this Act, in which case the provisions of this Act prevail to the extent of such variation, inconsistency, or repugnancy: Sections 34 to 37, 122, 139, 142 to 147, 153 and 223.

(2) Except as provided in subsection (1), the *Companies Act* does not apply to the association, and the association is expressly exempted from the provisions thereof.

*Societies
Act.*

10. The following sections of the *Societies Act* apply *mutatis mutandis* to the association, except insofar as any of them are varied by or inconsistent with or repugnant to the provisions of this Act, in which case the provisions of this Act prevail to the extent of such variation, inconsistency or repugnancy: Sections 5, 6, 9 (1), 33, 35, 36, 40, 41 and 54.

*Power to
borrow, raise,
or secure pay-
ment of money.*

11. The association may borrow or raise or secure the payment of money in such manner as it thinks fit, subject to the provisions of its by-laws, and may draw, make, accept, endorse, execute, and issue promissory notes, bills of exchange, and other negotiable instruments.

*May become
member of
co-operate
with other
society or
association.*

12. The association may, if authorized to do so by simple resolution of the membership, become a member of or co-operate with any other society or association, whether incorporated or not, whose objects are in whole or in part similar to its own objects.

*Power to
establish and
amend by-laws.*

13. The association may establish and amend in general meetings by-laws governing its operations and procedure, and, without restricting the generality of the foregoing, may include all or any of the matters dealt with by by-laws under the *Societies Act*.

*Constitution,
officers and
executive to
continue.*

14. All matters provided for in the constitution and by-laws of the British Columbia Association of Colleges as it existed immediately prior to the coming into force of this Act, except insofar as any of them are varied by or inconsistent with or repugnant to the provisions of this Act, apply *mutatis mutandis* to the association until altered by by-laws of the association, and the officers and members of the executive of the British Columbia

Association of Colleges as it existed immediately prior to the coming into force of this Act shall continue in office as officers and members of the executive of the association until replaced by officers and members of the executive elected pursuant to by-laws of the association.

Address.

15. (1) The association shall have an address in the Province to which all communications and notices may be sent and at which all process may be served and shall file with the Registrar of Companies or other duly authorized person performing his duties notice thereof and notice of change therein within fourteen days after the change is made.

**Service on
association.**

(2) A document may be served on the association

- (a) by leaving it at or mailing it by registered post addressed to, the office as registered under subsection (1), or
- (b) by personally serving any director, officer, receiver-manager or liquidator of the association.