



## Legislative Review Committee MINUTES

October 24, 2011  
4:30 p.m. to 6:30 p.m.  
Chambers

### Attendance

Members Present:	Honourable Blair Lekstrom Honourable Shirley Bond Honourable Ida Chong Honourable Mike de Jong Douglas Horne Norm Letnick Barry Penner John Rustad Ralph Sultan	(Chair, TRAN) (AG, PSSG) (CSCD) (HLTH) (MLA) (MLA) (MLA) (MLA) (MLA)
Members Absent:	Honourable Rich Coleman	(Vice Chair, MEM)
Guest Ministers:	Honourable Terry Lake Honourable Naomi Yamamoto	(ENV) (AVED)
Officials:	Corinne Swystun Brian Greer Lois Toms Stephanie Weinhold Dawn Leroy Athana Mentzelopoulos Elizabeth MacMillan Jennifer Furry Anne Preyde Sheila Doyle Tom Vincent Angie Sorrell Ken Morrison Tom Clark Mike Badry Sagarika Saha Cheryl Wenezenki-Yolland Tony Loughran Katherine Thiessen-Wale	Chief Legislative Counsel Legislative Counsel Legislative Counsel Legislative Counsel Legislative Counsel Premier's Office Cabinet Operations Cabinet Operations Cabinet Operations Cabinet Operations (PSEC) (PSEC) (ENV) (ENV) (ENV) (ENV) (ENV) (AVED) (AVED) (AVED)

Not Responsive

3. University Act

The Committee reviewed minor amendments to the *Royal Roads University Act* and the *University Act* relating to terms of office for board members.

**Committee Direction:** Approved to proceed.

4. University Act

The Committee reviewed amendments to the *College and Institute Act*, *Royal Roads University Act* and the *University Act* regarding the conduct and overall duty to the institution of elected board members.

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**Committee Direction:**

s.12

Not Responsive

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Honourable Blair Lekstrom  
Chair

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Date



## Legislative Review Committee MINUTES

October 26, 2011  
5:15 p.m. to 7:15 p.m.  
Chambers

### Attendance

Members Present:	Honourable Blair Lekstrom Honourable Rich Coleman Honourable Shirley Bond Honourable Ida Chong Honourable Mike de Jong Douglas Horne Norm Letnick John Rustad Ralph Sultan	(Chair, TRAN) (Vice Chair, MEM) (AG, PSSG) (CSCD) (HLTH) (MLA) (MLA) (MLA) (MLA)
Members Absent:	Barry Penner	(MLA)
Guest Ministers:	Honourable Naomi Yamamoto Honourable Don McRae	(AVED) (AGRI)
Officials:	Athana Mentzelopoulos Corinne Swystun Rod Fehr Susan Leslie Jeff Loenen Lois Toms Elizabeth MacMillan Sheila Doyle Jennifer Furry Anne Preyde Rozlynn Mitchell Penelope Chandler Neil Reimer Brad Gerhart Judy Klima Clayton Pecknold Kathy Kirby Kjerstine Holmes Tom Vincent Doug Konkin John Harkema Richard Grieve Norah White	Premier's Office Chief Legislative Counsel Legislative Counsel Legislative Counsel Legislative Counsel Legislative Counsel Cabinet Operations Cabinet Operations Cabinet Operations Cabinet Operations Cabinet Operations House Leader's Office (AG) (PSSG) (PSSG) (PSSG) (PSSG) (PSSG) (PSEC) (FLNR) (FLNR) (FLNR) (FLNR)

C O N F I D E N T I A L

Cheryl Wenezenki-Yolland  
Tony Loughran  
Katherine Thiessen-Wale

(AVED)  
(AVED)  
(AVED)

Not Responsive

Not Responsive

6. School Act

The Committee reviewed amendments to the *School Act* which would enable the phased application of Personal Education Numbers to student records at private post-secondary institutions.

s.12

**Committee Direction:**

Not Responsive

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Honourable Blair Lekstrom  
Chair

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Date



## LRC AGENDA

Monday, October 24, 2011

4:30 pm to 6:15 pm

Chambers

### Decision Items

Not Responsive

- |   |  |                     |        |
|---|--|---------------------|--------|
| 4 | <i>University Act</i> – terms of office  | Honourable Yamamoto | Tab 4* |
| 5 | <i>University Act</i> – members' conduct | Honourable Yamamoto | Tab 5* |

Not Responsive

\*      Material Enclosed  
TBD    To Be Distributed  
VER    Verbal



## LRC AGENDA

Wednesday, October 26, 2011

5:15 pm to 7:15 pm

Chambers

### Decision Items

Not Responsive

- |          |   |                     |        |
|----------|---|---------------------|--------|
| <b>2</b> | <i>School Act</i> – PENS for private post-secondary and Aboriginal institutions | Honourable Yamamoto | Tab 2* |
|----------|---|---------------------|--------|

Not Responsive

*	Material Enclosed
TBD	To Be Distributed
VER	Verbal

CONFIDENTIAL



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## Legislative Review Committee

### Briefing Note (2011 Legislative Program)

**Minister:** Honourable Naomi Yamamoto  
Minister of Advanced Education

**Ministry:** Advanced Education

**Date:** 21/11/2011

Ministry Document #: N/A

**Legislation:** Amendments to *School Act* re application of Personal Education Numbers (PENs) to post-secondary students

#### Summary and Purpose:

The Ministry of Advanced Education is seeking to introduce amendments to the *School Act* and to several private post secondary statutes<sup>1</sup> administered by the Ministry of Advanced Education, that would enable the phased application of Personal Education Numbers (PENs) to student records at private post-secondary institutions.

The Province invests \$1.9 Billion annually in post secondary education through funding to institutions and organizations. In order to ensure this investment supports the needs of students, employers and communities, the Ministry of Advanced Education collects student data to inform policy, planning and decision making. Included in this data collection is the ability to track students as they transition from the K-12 system into post-secondary, and how they move within the post-secondary system.

While there is strong data for students in the public post-secondary education system, the Province presently does not have available similar information for students in other areas of the post-secondary education system. It is estimated that there are nearly 500,000 students in the post-secondary system as a whole, represented as follows:

- 89 percent in the public system;
- 10 percent in the private system; and,
- 1 percent in Aboriginal-controlled institutions.

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<sup>1</sup> Post-secondary legislation requiring amendments include the *Degree Authorization Act*, the *Private Career Training Institutions Agency Act*, and the 15 acts that establish the private theological institutions.



The legislative amendments being proposed will enable the Ministry of Advanced Education to phase in the application of PENs to students attending at private institutions, thereby expanding the information the Ministry collects and analyzes to include the students at these institutions. This will result in a more complete picture of what is happening in our post-secondary system by capturing the approximately 50,000 students estimated to be outside of the public system, and will enable more fully informed policy and funding decisions that reflect the needs of all students, employers and communities in British Columbia.

Amendments were made to the *School Act* in 2007 to enable the application of PENs to students attending private post-secondary institutions, on terms similar to those already in effect for public institutions' students. However, the 2007 amendments were never brought into force<sup>s.12 s.13</sup>

Further amendments are required to specifically designate certain private institutions and programs to be captured by the application of PENs. This will enable PENs to be implemented through a phased in approach for private institutions and will remove the requirement for PENs for students in short-term programs.

**Issues to be Resolved by the Amendment/Bill:**

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**Previous review of policy:**

The Request for Legislation and underlying policy was reviewed by the Cabinet Committee on Jobs and Economic Growth on September 13, 2011. No concerns with the approach set out in the Request for Legislation were expressed by the Committee.

The underlying policy objective of PENning private post-secondary students has been previously supported by Cabinet, which approved the PEN-related content of *ESAA, 2007*, and by the Legislative Review Committee, which reviewed and approved the content of *ESAA, 2007* on March 6, 2007. The December 2010 Request for Legislation was considered by the Cabinet Committee on the Economy on January 27, 2011, and was approved to proceed.

**Significant Policy Changes:**

The amendments enable the Minister of Education to designate certain private institutions and specific programs for participation in the PENning of students, thereby permitting discretion for government to delay application of PEN obligations for some institutions for a phased in approach.

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s.12 s.13

s.12 s.13 while achieving the Ministry of Advanced Education's objective of accessing the most relevant and valuable data on private post-secondary students. The amendments are intended to enable success of implementation.

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**How the Initiative Relates to Other Jurisdictions:**

This initiative has no direct or indirect links to other jurisdictions. It is consistent with the approach in Alberta, which has recently undertaken to require private institutions to report students by Alberta Student Number (similar to PEN) as part of the Alberta government's initiative to track student mobility and student success within Alberta's post-secondary system.

**Consultations:**

A Privacy Impact Assessment was done in 2007 for the amendments regarding PENs for the private post-secondary sector and no issues were identified. A Privacy Impact Assessment was also prepared and approved (February 22, 2011), in consultation with the Ministry of Education and the Office of the Chief Information Officer, relating to the



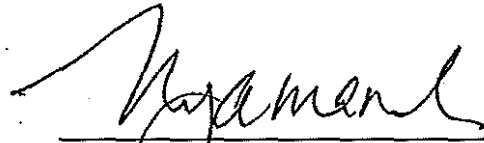
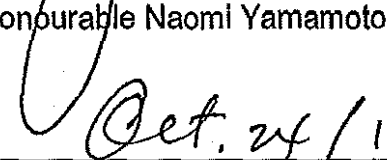
2010 Request for Legislation to amend the 2007 provisions to allow for a phased in approach. There were no privacy concerns identified.

The changes are supported by the Ministry of Education.

**Financial Implications:**

There are no fiscal implications of the proposed legislation to government, and no funding is required.

Contact: Tony Loughran  
Executive Director  
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Honourable Naomi Yamamoto  
  
October 24, 2011

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## **BACKGROUND**

### **RFL: ROYAL ROADS UNIVERSITY ACT and UNIVERSITY ACT**

#### **[IDENTIFIER: TERMS OF OFFICE]**

*All referenced Acts appear in alphabetical order*

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### **ROYAL ROADS UNIVERSITY ACT**

#### **Term of office on the board**

- 6 (1) An appointed member of the board, other than the president, holds office for a term of up to 3 years as specified in the appointment.
- (2) An elected member of the board, other than one elected by the students, holds office for a term of 3 years.
- (3) A member of the board elected under section 5 (d) holds office for one year.
- (4) Despite subsections (1) to (3), a member elected or appointed under section 5 (b), (c), (d), (e) or (f) continues in office until a successor is elected or appointed.
- (5) The president continues as a member of the board for so long as the president continues in office.

### **UNIVERSITY ACT**

#### **Term of office**

- 20 (1) Each member of the board elected under section 19 (1) (c) and (f) and (2) (c), (d), (h) and (i) holds office for 3 years and after that until a successor is elected.
- (1.1) Each member of the board appointed under section 19 (1) (d) and (2) (e) holds office for a term of up to 3 years and after that until a successor is appointed.
- (2) Each member of the board elected under section 19 (1) (e) or (2) (f) or (g) holds office for one year and after that until a successor is elected.
- (3) The chancellor and president are members of the board for so long as they hold their respective offices.





## Legislative Review Committee

### Briefing Note (2011 Legislative Program)

**Minister:** Honourable Naomi Yamamoto  
Minister of Advanced Education

**Ministry:** Advanced Education

**Date:** 06/10/2011

Ministry Document #: N/A

**Legislation:** Amendments to *Royal Roads University Act* and *University Act* re terms of office

#### Summary and Purpose:

Minor amendments to the *Royal Roads University Act* and the *University Act* have been requested by the Ministry of Advanced Education to repeal provisions that permit an appointed member of the board of governors to serve after conclusion of his or her appointment term until the appointment of a successor. Amendments have been drafted further to a Request for Legislation submitted by the Ministry in August, 2011.

#### Issues to be Resolved by the Amendment/Bill:

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#### Previous review of policy:

The Request for Legislation and underlying policy was reviewed by the Cabinet Committee on Jobs and Economic Growth on September 13, 2011. No concerns were expressed by the Committee.

#### Significant Policy Changes:

The amendments will simply repeal the phrase within existing provisions that provides members may serve until their successors are appointed, as the provisions are unnecessary, inconsistent with current policy, and cause confusion.



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**How the Initiative Relates to Other Jurisdictions:**

This initiative has no direct or indirect links to other jurisdictions.

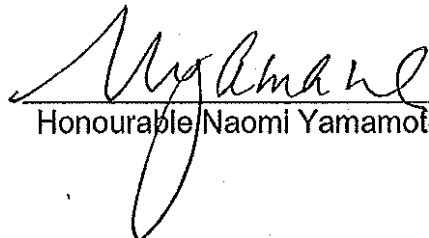
**Consultations:**

The Ministry has consulted with the Board Resourcing and Development Office on this proposal. As the intent of the proposed legislation is consistent with board appointments policy, no other internal, external or intergovernmental consultations are required.

**Financial Implications:**

There are no fiscal implications of the proposed legislation to government. No funding is required.

Contact: Katherine Thiessen-Wale  
Director, Legislation  
(250) 952-6782

  
Honourable Naomi Yamamoto

October 11, 2011

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