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FIRST PEOPLES' HERITAGE, LANGUAGE AND CULTURE ACT

[RSBC 1996] CHAPTER 147

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Preamble

WHEREAS the Province of British Columbia wishes to

- (a) protect, revitalize and enhance First Nations heritage, language, culture and arts,
- (b) increase understanding and sharing of knowledge, within both the First Nations and non-First Nations communities, and
- (c) heighten appreciation and acceptance of the wealth of cultural diversity among all British Columbians;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1 (1) In this Act:

"**board**" means the board of the corporation;

"committee" means the committee continued under section 2;

"corporation" means the First Peoples' Heritage, Language and Culture Council continued under section 3.

"First Nations language group" means a First Nations language group prescribed by the minister under subsection (2).

(2) After consulting with the board, the minister may make regulations setting out the First Nations language groups from which the members of the committee may be appointed.

First Peoples' Advisory Committee

2 (1) The First Peoples' Advisory Committee is continued to provide advice to the corporation on matters related to this Act.

(2) The minister may appoint one representative to the committee from each First Nations language group on the recommendation of the board.

(2.1) For the purposes of subsection (2), a First Nations language group may submit to the board the names of one or more members

(a) whom the First Nations language group considers suitable for appointment to the committee, and

(b) who are willing to accept an appointment to the committee.

(3) The committee is composed of the persons appointed by the minister under subsection (2).

(4) An appointment under subsection (3) is for a term of 2 years.

(5) A member of the committee may designate another member of the First Nations language group from which he or she was appointed to attend one or more committee meetings in his or her place.

(6) A person designated under subsection (5) who attends a meeting of the committee in accordance with the designation has the status of a member at that meeting.

(7) The committee must meet once a year.

(8) The committee may, by bylaw,

(a) determine its own procedure,

(b) provide for the regulation and conduct of its meetings, and

(c) elect a chair from among the members of the committee.

(9) Members of the committee serve without remuneration other than the reimbursement of expenses incurred in discharging their duties under this Act.

The First Peoples' Heritage, Language and Culture Council

3 (1) The First Peoples' Heritage, Language and Culture Council is continued as a corporation.

(2) The corporation consists of a board of the following members:

- (a) 2 voting members appointed by the minister;
 - (b) no more than 9 First Nations voting members appointed by the minister on the recommendation of the board;
 - (c) a non-voting member appointed by the minister on the recommendation of the board for the purpose of providing additional historical, cultural or community perspective.
 - (d) a non-voting member appointed by the minister for the purpose of providing the government's perspective to the board.
- (3) An appointment under subsection (2) is for a term of 2 years.
- (4) A person may be appointed as a member of the board for more than one term but must not be a member for more than 3 terms.
- (5) The minister may determine the remuneration of the members of the board and the terms and conditions of their appointments.
- (6) The persons appointed under this section constitute the board.
- (7) The board must designate a member of the board to be its chair.
- (8) A member of the Executive Council or of the public service who is appointed as a member of the board or elected as an officer of the corporation ceases to be a member of the board or officer of the corporation on ceasing to be a member of the Executive Council or of the public service.
- (9) A vacancy in the membership of the board does not impair the power of the remaining members to act.
- (10) The board may, by bylaw,
- (a) determine its own procedure,
 - (b) provide for the regulation and conduct of its meetings,
 - (c) elect officers of the corporation, and
 - (d) elect an acting chair to the board in the absence of the chair.
- (11) If the board is unable, or fails, to make recommendations for the purposes of subsection (2) (b), the minister may make appointments to the board in accordance with a process developed by the minister to identify suitable candidates for appointment to the board.

Agent of the government

- 4** The corporation is for all purposes an agent of the government.

Capital of corporation

- 5** (1) The capital of the corporation is one share with a par value of \$100.
- (2) The share in the corporation must be
- (a) issued to and registered in the name of the minister, and
 - (b) held on behalf of the government.

Purposes and powers

- 6** (1) The purposes of the corporation are as follows:
- (a) to provide support to any of the following that are associated with First Nations heritage, language, culture or arts:
 - (i) organizations;
 - (ii) programs;
 - (iii) cultural centres;
 - (b) to receive, manage and distribute funds and property of every nature and kind from any source for the establishment, operation and maintenance of the corporation and to further the purposes of the corporation;
 - (c) to support and advise ministries of government on initiatives, programs and services related to First Nations heritage, language, culture and arts;
 - (d) to advise the government on the preservation and fostering of First Nations languages, arts and other aspects of cultural development of First Nations peoples throughout British Columbia;
 - (e) to consider all matters brought to its attention by the government and, if requested by the government, to report its findings to the government.
- (2) The corporation has the powers and capacity of a natural person of full capacity.
- (3) The Minister of Finance is the fiscal agent of the corporation.

Investment

- 7** Money received by the corporation may be invested by the Minister of Finance in investments permitted under section 40 (4) of the *Financial Administration Act* for money in a trust fund.

Financial administration

- 8** (1) The board must
- (a) establish and maintain an accounting system satisfactory to the minister, and
 - (b) whenever required, render detailed accounts of revenues and expenditures of the corporation for the period or to the day the minister designates.
- (2) All books or records of account, documents and other financial records must at all times be open for inspection by the minister or a person designated.
- (3) The Minister of Finance may direct the Comptroller General to examine and report to the Treasury Board on any or all of the financial and accounting operations of the corporation.
- (4) Unless the Auditor General is appointed in accordance with the *Auditor General Act* as the auditor of the corporation, the corporation must appoint an auditor to audit, at least once each fiscal year, the financial statements for the preceding fiscal year.
- (5) The costs of the audit must be paid by the corporation.

(6) The board must prepare for the minister, after the end of the fiscal year of the corporation,

- (a) a report of the corporation on its operations for the preceding fiscal year, and
- (b) an audited financial statement showing the assets and liabilities of the corporation at the end of the preceding fiscal year and the operations of the corporation for that year in the form required by the minister.

(7) The audited financial statement referred to in subsection (6) must be prepared in accordance with generally accepted accounting principles.

(8) The *Financial Information Act* and the *Budget Transparency and Accountability Act* apply to the corporation.

(9) The fiscal year of the corporation is a period of 12 months beginning on April 1 in each year and ending on March 31 in the next succeeding year.

(10) The report and audited financial statement referred to in subsection (6) must be laid before the Legislative Assembly within 90 days following the end of the fiscal year for which the report and statement are made if the Legislative Assembly is then sitting.

(11) If the Legislative Assembly is not sitting, the report and audited financial statement must be laid before the Legislative Assembly within 15 days after the opening of the next following session.

Distribution of funds and property

9 (1) By resolution the board may determine the manner in which the funds and property available in each year are to be used and distributed to organizations, programs and cultural centres described in section 6 (1) (a) and must, in so determining, be governed by the provisions of any gift, devise, bequest or trust.

(2) If, in the opinion of the board, the directions, terms or trusts imposed by a donor, settlor, transferor or testator are no longer in the best interests of the corporation, the board may apply to a judge of the Supreme Court for an order authorizing such variation of the directions, terms or trusts as the court, having the intent of the donor, settlor, transferor or testator in mind, considers will better further both that intent and the best interests of the corporation.

(3) Sections 86 and 87 of the *Trustee Act* apply to an application referred to in subsection (2) of this section.

Staff and benefits

10 (1) The board may appoint officers and employees it considers necessary for the work of the corporation and may by resolution determine the terms and conditions of their employment.

(2) The *Public Service Act* and the *Public Service Labour Relations Act* do not apply to the corporation or to a member, officer or employee of the corporation.

(3) and (4) [Repealed 1999-44-51.]

(5) The *Public Service Benefit Plan Act* applies to the officers and employees of the

corporation.

Liability of members

- 11** No member of the corporation or the committee is personally liable for loss or damage suffered by a person as a result of anything done in good faith in the exercise of a power given by this Act.

Exemption from property taxes

- 12** Property vested in the corporation is exempt from taxation under the *Community Charter*, the *Local Government Act*, the *Vancouver Charter*, the *Taxation (Rural Area) Act* and the *School Act* if the property is being used for the purposes of this Act.

Application of other Acts

- 13** (1) Subject to subsection (2), the *Business Corporations Act* does not apply to the corporation.
- (2) By order the Lieutenant Governor in Council may declare that certain provisions of the *Business Corporations Act* apply to the corporation.