



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

FATHERS OF CONFEDERATION BUILDINGS ACT

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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FATHERS OF CONFEDERATION BUILDINGS ACT

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FATHERS OF CONFEDERATION BUILDINGS ACT

CHAPTER F-6

PREAMBLE

WHEREAS The Fathers of Confederation Memorial Citizens Foundation has constructed in Charlottetown, on behalf of all the people of Canada, a national memorial to the Fathers of Confederation called The Fathers of Confederation Buildings;

AND WHEREAS the Foundation presented the Buildings to Her Majesty the Queen in right of the Province of Prince Edward Island on the first day of September, 1964, that date being the one hundredth anniversary of the opening of the first Confederation Conference of Canada;

AND WHEREAS it is desirable to provide for the administration, management and maintenance of the buildings in the interest of the national purpose for which it was erected and of its proper functioning as a major centre.

1. Definitions

In this Act

- (a) “**board**” means the board composed of the members of the Trust;
- (b) “**buildings**” means the Fathers of Confederation Buildings constructed by the Foundation;
- (c) “**chairperson**” means the chairperson of the board of the Trust;
- (d) repealed by 2003,c.36,s.1;
- (e) “**province**” means the Province of Prince Edward Island;
- (f) “**Lieutenant Governor in Council**” means the Lieutenant Governor in Council of Prince Edward Island; and
- (g) “**Trust**” means the Fathers of Confederation Buildings Trust established by this Act.
R.S.P.E.I. 1974, Cap. F-5,s.2; 2003,c.36,s.1.

2. Body Corporate, composition

A corporation is hereby established to be known as the Fathers of Confederation Buildings Trust, consisting of a chairperson and twenty-three other members of the board to be appointed in the manner set out in section 3. *R.S.P.E.I. 1974, Cap. F-5,s.3; 2003,c.36,s.2,3; 2010,c.12,s.1.*

3. Constitution of board

- (1) The chairperson and seven other members of the board shall be appointed by the Lieutenant Governor in Council from persons ordinarily resident in the province.

Other members

- (2) The Lieutenant Governor in Council shall, after consideration of the recommendations submitted by the members of the board, appoint 16 members of the board from persons who are not ordinarily resident in the province and who represent the other regions of Canada.

Views of Prime Minister and premiers

- (2.1) Before submitting recommendations in respect of the appointment of members of the board under subsection (2), the members of the board may solicit the views of the Prime Minister of Canada and the provincial and territorial premiers respecting those appointments.

Term of office

- (3) Each member of the board shall be appointed for a term of up to three years and may be *re*-appointed.

Exception

- (3.1) Notwithstanding subsection (3), the members of the board on the date this subsection comes into force may serve the remainder of their term.

Later *re*-appointment

- (3.2) Repealed by 2005,c.35,s.1.

Qualification of members

- (4) No person who
- (a) is or becomes a member of Parliament, a senator, or a member of the legislature of any province or territory of Canada;
 - (b) is or becomes an employee of the Trust;
 - (c) has resigned his or her appointment by notice in writing delivered to the chairperson.
 - (d) has become incapable of acting as a member of the board

is eligible to be appointed or to remain a member of the board, as the case may be.

Eligibility for reappointment

- (5) Repealed by 1992,c.25,s.1.

Filling vacancies

- (6) Repealed by 2003,c.36,s.4.

Vacancy not to impair rights

- (7) A vacancy in the office of the chairperson, or any of the other members of the board, does not impair the right of the remainder to act, but where any such vacancy occurs it shall be filled as soon as practicable in the manner provided in this section. *R.S.P.E.I. 1974, Cap. F-5,s.4; 1992,c.25,s.1; 2000,c.9,s.1; 2003,c.36,s.2,4; 2005,c.35,s.1.*

3.1. *Ex-officio* member

Repealed by 2003,c.36,s.5.

4. Executive committee

There shall be an executive committee of the board consisting of

- (a) the chairperson;

- (b) five members of the board appointed under subsection 3(1); and
- (c) four members of the board appointed under subsection 3(2). *2003,c.36,s.6.*

5. Chief executive officer

The board shall appoint a person to act as the chief executive officer of the Trust. *1994,c.17,s.1; 2003,c.36,s.7.*

6. Remuneration of employees

- (1) The chief executive officer shall be paid such salary or other amount by way of remuneration as is fixed by the board.

Expenses of board

- (2) The chairperson and the other members of the board may be paid reasonable travelling and living expenses incurred by them while absent from their ordinary place of residence in the course of their duties, but otherwise shall not be entitled to receive any remuneration or payment from the Trust. *R.S.P.E.I. 1974, Cap. F-5,s.7; 1994,c.17,s.2; 2003,c.36,s.2,8.*

7. Object of Trust and powers

The objects of the Trust are to use, administer, manage and maintain the buildings in furtherance of the purpose for which it was erected, as a national memorial to the Fathers of Confederation, and, in particular, but without limiting the generality of the foregoing, the Trust may

- (a) acquire, hold, loan, exchange and dispose of pictures, books, museum pieces and *objets d'art*;
- (b) hold, arrange for and sponsor exhibitions, lectures, performances;
- (c) publish, sell and distribute and promote and assist in the publication, sale and distribution of books, papers, catalogues, reports, pamphlets and circulars;
- (d) subject to sections 10 and 11, acquire, hold, manage and dispose of any real and personal property;
- (e) enter into agreements with any person which it may consider necessary or advisable in furtherance of its objects and execute such agreements, deeds and other instruments therefor; and
- (f) promote, assist in and do all other matters, things and duties that will commemorate the meetings of the Fathers of Confederation and otherwise as the board may consider necessary or expedient in the operation and maintenance of the buildings as a national centre. *R.S.P.E.I. 1974, Cap. F-5,s.8.*

8. Power of board to make bylaws

- (1) The board may make bylaws regulating its procedure and proceedings and generally for the conduct and management of the activities of the Trust, including the appointment of advisory committees.

Board meetings

- (2) The board shall meet
 - (a) at least once a year in the City of Charlottetown on such date and at such time as the board may fix; and

(b) at such other dates and times, and in such places, as the board may fix.

Meetings of executive committee

- (3) The executive committee of the board shall meet in the City of Charlottetown or in such other places as it considers necessary, on such dates and at such times as it considers necessary. *R.S.P.E.I. 1974, Cap. F-5, s.9; 2003, c.36, s.9.*

8.1 Budget

- (1) The Trust shall conduct its affairs in such manner as to ensure that it does not budget for an operating deficit in any financial year.

Recovery of deficit

- (2) Where in any fiscal year, the Confederation Centre of the Arts incurs an operating deficit, the amount of that deficit shall be the first expenditure of the succeeding fiscal year's budget. *1994, c.17, s.3.*

9. Fiscal year of Trust

- (1) The financial year of the Trust shall be the year that begins on April 1 of one year and ends on March 31 of the year next following.

Authorized investments

- (2) The Trust may invest in any of the following;
- (a) securities issued by Canada or any province thereof;
 - (b) securities guaranteed by Canada or any province thereof;
 - (b.1) securities in which a trustee may invest trust property under section 2 of the *Trustee Act* R.S.P.E.I. 1988, Cap T-8; and
 - (c) securities that may be approved by the Lieutenant Governor in Council.

Authorized holding of securities

- (3) Notwithstanding that it may not be specified or approved under subsection (2), the Trust may hold any security donated to it or may purchase any security in order to carry out the terms of any trust and the Trust is not obligated to sell or to convert such securities.

Borrowing powers for current expenses

- (4) The Trust may, in any financial year for the purpose of meeting and paying current expenditures until revenues for that year are available, borrow such sums as are required to meet its obligations when they fall due and may issue securities in such form as may be required to evidence its indebtedness.

General borrowing power

- (5) With the approval of the Lieutenant Governor in Council, the Trust may borrow for any purpose other than that described in subsection (4) and, where such borrowing is authorized, may issue securities to evidence the borrowing as may be approved by the Lieutenant Governor in Council. *R.S.P.E.I. 1974, Cap. F-5, s.10; 2003, c.36, s.10.*

10. Trust may receive and expend moneys

The Trust may receive money, securities or other property by gift, bequest or otherwise and may, in its sole discretion, expend, administer or dispose of any such money, securities or other property, real or personal, subject to the terms, if any, upon which such money,

securities or other property was given, bequeathed or otherwise made available to the Trust. *R.S.P.E.I. 1974, Cap. F-5, s.11.*

11. Real property vested in Trust

- (1) The site on which the buildings have been constructed, as described in the Schedule hereto, and the buildings, and all other real property acquired or received by the Trust is hereby vested in the Trust.

Trust not to sell etc. real property

- (2) Except as provided in subsection (3) the Trust is not empowered to sell, mortgage, lease or encumber in any way the property vested in it pursuant to subsection (1) and any agreement of purchase and sale, mortgage, lease or encumbrance of the property is void.

Exception

- (3) Any real property belonging to the Trust may, with the approval of the Lieutenant Governor in Council, be sold, mortgaged, leased or otherwise encumbered by the Trust.

Real property deemed to belong to province

- (4) All real property owned by or vested in the Trust shall be deemed, for the purpose of any provincial, municipal or local taxes or for the purpose of any expropriation or other proceedings relating to such real property, to be property belonging to the province. *R.S.P.E.I. 1974, Cap. F-5, s.12.*

12. Audit

The accounts and financial transactions of the Trust shall be audited annually by a duly appointed auditor for the Trust and a report of the audit shall be made to the Lieutenant Governor in Council and to the Legislative Assembly if the Legislative Assembly is then in session or within fifteen days from the commencement of the next session of the Legislative Assembly. *1994, c.17, s.4.*

12.1 Audit committee

There shall be an audit committee of the Trust the composition, duties and responsibilities of which are set out in the bylaws of the Trust. *1994, c.17, s.4.*

13. Annual report by chairperson of board

- (1) The chairperson of the board shall, as soon as possible, but within three months after the termination of each financial year of the Trust, submit to the Lieutenant Governor in Council (and to the Legislative Assembly if the Legislative Assembly is in session, or within fifteen days from the commencement of the next session of the Legislative Assembly) an annual report of the affairs of the Trust, and shall append thereto statements of account which shall include
 - (a) a balance sheet, a statement of revenue and expenditure and a statement of surplus; and
 - (b) such other information as the Lieutenant Governor in Council may require.

Copies for governments

- (2) Copies of the annual report made under subsection (1) shall be transmitted to the appropriate Minister of the governments of Canada and each of the provinces of Canada other than Prince Edward Island. *R.S.P.E.I. 1974, Cap. F-5, s.14; 2003, c.36, s.2.*

14. Question of powers and duties of officers

If any question arises as to the powers and duties of the board or its officers and employees it shall be determined and settled by the board and the board's decision is final. *R.S.P.E.I. 1974, Cap. F-5, s.15.*

15. Limitation of action against Trust, board etc.

Repealed *2000, c.9, s.2.*

SCHEDULE

ALL THAT TRACT, piece or parcel of land situated lying and being in the City of Charlottetown in Queens County in the Province of Prince Edward Island, bounded and described as follows, that is to say: on the North by Grafton Street, on the East by Church Street, on the South by Richmond Street, and on the West by Queen Street;

EXCEPTING THEREOUT AND THEREFROM the Law Courts Building (now known as the Hon. George Coles Building) and the land on which the Law Courts Building is situated, and land adjoining same to a distance of thirty feet from each of the walls of the building;

ALSO EXCEPTING THEREOUT AND THEREFROM Province House and the surrounding property as described in a deed from the Fathers of Confederation Buildings Trust to Her Majesty the Queen in Right of Prince Edward Island dated January 22, 1974 and registered on January 30, 1974 in the Queens County Registry Office as document number 411, in liber 190, folio 44.