

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

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68 ELIZABETH II, 2019

Bill Pr16

An Act respecting the Canadian Chinese School of Theology

Mrs. D. Wai

Private Bill

1st Reading October 30, 2019
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

An Act respecting the Canadian Chinese School of Theology

Preamble

The Association of Canadian Chinese Theological Education has applied for special legislation to incorporate a post-secondary institution under the name Canadian Chinese School of Theology and to permit the School to grant post-secondary degrees in the field of theology.

The applicant represents that the Association of Canadian Chinese Theological Education was incorporated in 2004 and since 2006 has been operating as a post-secondary institution in affiliation with Tyndale University College and Seminary, offering higher education for biblical studies, theology, Christian education and ministries, scholarship and research under the name Canadian Chinese School of Theology.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1 In this Act,

“Board” means the Board of Governors of the School;

“by-law” means a by-law of the School;

“faculty” means the employees of the School who teach and includes the head librarian;

“School” means the Canadian Chinese School of Theology;

“student” means a person who is registered as a student of the School.

School incorporated

2 (1) Canadian Chinese School of Theology is hereby incorporated as a corporation without share capital.

Members

(2) The corporation is composed of the members of the Board, the first of which are set out in Schedule 1 and, if the by-laws of the School provide, such additional persons who are admitted to membership in accordance with the by-laws.

Objects

3 The objects and purposes of the School are,

- (a) to advance post-secondary Christian theological education in the Chinese and English languages;
- (b) to maintain a post-secondary Christian theological school that,
 - (i) prepares students to serve with competence in full-time Christian professions in the Chinese and English languages, and
 - (ii) equips students not anticipating full-time Christian service for positions of lay leadership and activity in various Christian ministries in the Chinese and English languages.

Conflict

4 (1) Subject to subsection (2), in the event of a conflict between this Act and the *Corporations Act*, this Act prevails.

Same

(2) On or after the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force, in the event of a conflict between this Act and the *Not-for-Profit Corporations Act, 2010*, this Act prevails.

Board of Governors

5 (1) The affairs of the School shall be managed by the Board.

Composition of Board

(2) Subject to subsections (3) and (4), the composition of the Board and the election or appointment of its members shall be as set out in the by-laws.

Number of governors

(3) The Board shall consist of at least nine and not more than 17 persons.

Citizenship

(4) At least 51 per cent of the members of the Board must be Canadian citizens or permanent residents of Canada.

Term of office

(5) Members of the Board shall hold office for a term of three years or until their successors take office.

Restriction re consecutive terms

(6) No person shall serve on the Board for more than nine consecutive years, but on the expiration of one year after having served on the Board for nine consecutive years, a person is again eligible to be a member of the Board.

Vacancies

(7) If a vacancy on the Board occurs, the Board may appoint a person to fill the vacancy for the remainder of the unexpired term of the person whose membership is vacant and service on the Board for the remainder of an unexpired term shall not be included in the calculation of the nine consecutive years under subsection (6).

Quorum

(8) Two-fifths of the members of the Board constitutes a quorum of the Board.

Opening quorum sufficient

(9) If a quorum is present at the opening of a meeting of the members of the Board, the members present may proceed with the business of the meeting, even if a quorum is not present throughout the meeting.

Powers of the Board

6 (1) The Board has all powers necessary or convenient to manage the affairs of the School and to carry out the objects of the School.

Same

(2) Without limiting the generality of subsection (1), the Board may,

- (a) enact by-laws for the conduct of its affairs;
- (b) establish, by by-law, statements of Christian doctrine for the School which shall be adhered to by the members of the Board and faculty;
- (c) establish academic and administrative policies of the School;
- (d) establish an education policy and establish and terminate programs and courses of study;
- (e) appoint committees of the Board and delegate the power and authority to act for the Board with respect to any matter or class of matters to any committee, provided that the majority of the committee is composed of members of the Board;
- (f) grant the academic degrees, diplomas and certificates set out in Schedules 2 and 3 and any other academic degrees the School is authorized to grant under the *Post-secondary Education Choice and Excellence Act, 2000*;
- (g) federate or affiliate the School with any other institution of higher learning, denomination or Christian ministry organization;
- (h) establish and collect fees and charges for tuition and for services of any kind offered by the School and collect fees and charges on behalf of any entity, organization or element of the School;
- (i) borrow money for the purposes of the School and give security for it on such terms and in such amounts as it may deem advisable and in accordance with the by-laws;
- (j) invest all money that comes into the School that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by terms of the same, in such manner as it considers proper and, except where a trust instrument or otherwise directs, combine trust money belonging to various trusts in its care into a common trust fund;
- (k) acquire, accept, solicit or receive by any means any kind of real or personal property, enter into and carry out agreements and undertakings incidental thereto, hold any such property and sell, lease, mortgage, dispose of and convey any such property or any part of such property or interest in it, as the Board may consider advisable;

- (l) acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contribution or as an addition to the funds of the School;
- (m) appoint a member of the Board, or any other person, to execute documents and other instruments on behalf of the Board and, if necessary, to affix the corporate seal of the School thereto; and
- (n) establish the fiscal year of the School.

By-laws

7 The School shall publish its by-laws in the manner the Board considers proper.

Audit

8 (1) The Board shall appoint one or more auditors licensed under the *Public Accounting Act, 2004* to audit the accounts and the transactions of the School at least once a year.

Same

(2) A copy of the audited annual statement shall be made available for inspection by the public in the manner that the Board considers proper.

Meetings closed to public

9 (1) Subject to subsection (2), meetings of the Board shall be closed to the public.

Exception

(2) If a majority of the members of the Board present at the meeting agree, a meeting of the Board may be open to the public or a person who is not a member of the Board may be invited to a meeting of the Board.

Non-profit corporation

10 (1) The School shall be carried on without the purpose of gain for the members of the Board and any profits or other accretions to the School shall be used in promoting its objects.

Same

(2) Members of the Board shall not benefit in any personal capacity from their service on the Board.

Dissolution

11 (1) Subject to subsection (2), upon the dissolution or winding up of the School and after payment of all its debts and liabilities,

- (a) if the Association of Canadian Chinese Theological Education or any of its successors is a qualified donee at the time of the dissolution or winding up, the remaining assets of the School shall be distributed to the Association of Canadian Chinese Theological Education or the successor, as the case may be; and
- (b) if clause (a) does not apply, the remaining assets of the School shall be distributed to another qualified donee who has objects or purposes that are similar to the objects of the School, as determined by the Board or a trustee appointed by the Board prior to the dissolution or winding up of the School.

Qualified donee

(2) For the purposes of this section,

“qualified donee” has the same meaning as in the *Income Tax Act* (Canada).

Commencement

12 This Act comes into force on the day it receives Royal Assent.

Short title

13 The short title of this Act is the *Canadian Chinese School of Theology Act, 2019*.

SCHEDULE 1 MEMBERS OF THE FIRST BOARD

Chadwin Mak

Francis Tam

Harding Ng

Peter Au

Enoch Wong

Kok Swang Tan

Joseph Wong
Anthony Chow
Steven Folts

SCHEDULE 2
ACADEMIC DIPLOMAS

1. Diploma in Christian Studies.

SCHEDULE 3
ACADEMIC DEGREES

1. Doctor of Theology.
2. Doctor of Ministry.
3. Doctor of Educational Ministry.
4. Master of Divinity.
5. Master of Theological Studies.
6. Master of Educational Ministry.
7. Master of Religious Education.
8. Master of Theology.
9. Bachelor of Religious Education.