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Legislative Assembly of British Columbia

BILL 20

**FIRST NATIONS MANDATED
POST-SECONDARY INSTITUTES ACT**

Honourable Lisa Beare
Minister of Post-Secondary Education and Future Skills

Explanatory Note

This Bill establishes a framework for the provision of operational funding and capacity funding to institutes that are mandated by first nations to provide post-secondary education.

BILL 20 – 2024

**FIRST NATIONS MANDATED
POST-SECONDARY INSTITUTES ACT**

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

PART 1 – INTERPRETATION

Definitions

- 1 In this Act:

“**Indigenous governing body**” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act*;

“**listed mandated institute**” means a mandated institute that is listed under section 6 (1) (b) [*funding decisions – list of mandated institutes that must be provided operational funding*];

“**mandated institute**” has the meaning given to it in section 2.

First nations mandated institutes

- 2 A mandated institute is an institute in British Columbia that is mandated, by one or more Indigenous governing bodies acting on behalf of one or more first nations in British Columbia, to provide post-secondary education.

PART 2 – FUNDING COMMITMENT

Division 1 – Funding Commitment

Funding commitment

- 3 The minister must fund mandated institutes in accordance with
 - (a) this Act, and
 - (b) an applicable funding agreement under this Act.

Division 2 – Ongoing Operational Funding

Ongoing operational funding

- 4 For the purposes of section 3, operational funding must be provided at least annually to listed mandated institutes.

Eligibility criteria

- 5 The Lieutenant Governor in Council may, by regulation, establish criteria that a mandated institute must meet to be eligible for operational funding under this Act.

Funding decisions

- 6
 - (1) On application by a mandated institute that is eligible for operational funding under this Act, the minister may
 - (a) enter into a funding agreement with the institute that provides for operational funding under this Act, and
 - (b) by order, add the institute to a list of institutes that must be provided operational funding under this Act.
 - (2) The minister may, by order, remove an institute from the list under subsection (1) (b) if
 - (a) the institute ceases to be a mandated institute, or
 - (b) the institute withdraws from the funding agreement or that agreement is otherwise terminated.

Division 3 – Interim Capacity Funding

Interim capacity funding

- 7 For the purposes of section 3, capacity funding must be provided to a mandated institute that has a funding agreement under this Division.

Periodic invitations

- 8 (1) At least annually, the minister must invite mandated institutes, other than listed mandated institutes, to submit proposals for capacity funding under this Act.
- (2) An invitation under this section must specify
- (a) the criteria a proposal must meet to be eligible for consideration, and
 - (b) the criteria on the basis of which proposals will be selected to receive capacity funding under this Act.

Funding decisions

- 9 In response to an invitation under section 8, the minister may enter into a funding agreement with a mandated institute that provides for capacity funding under this Act for an eligible proposal selected in accordance with that invitation.

PART 3 – ADMINISTRATION

Applications and proposals

- 10 An application for operational funding under this Act and a proposal for capacity funding under this Act must
- (a) be made in the manner and form required by the minister, and
 - (b) include the information required by the minister.

Funding agreements – reporting

- 11 A funding agreement under this Act must provide for reporting by the mandated institute that is party to the agreement.

Policies and procedures

- 12 The minister may, in consultation and cooperation with first nations, establish policies and procedures for the administration of this Act, including, without limitation, as follows:
- (a) respecting how funding under this Act is provided;
 - (b) respecting the form and terms and conditions of funding agreements, including, without limitation, terms and conditions respecting reporting required by section 11;

- (c) respecting operational funding under this Act, including, without limitation, recommendation of criteria under section 5, the evaluation of applications and the administration of the list under section 6 (1) (b);
- (d) respecting capacity funding under this Act, including, without limitation, the frequency of invitations under section 8 (1), criteria under section 8 (2) (a) or (b) and the evaluation and selection of proposals;
- (e) respecting requirements under section 10;
- (f) respecting the periodic review of
 - (i) criteria established under section 5, or
 - (ii) policies and procedures established under this section.

Section 5 of *Offence Act* does not apply

13 Section 5 of the *Offence Act* does not apply to this Act.

Commencement

14 This Act comes into force by regulation of the Lieutenant Governor in Council.