[Français](http://www.ontario.ca/fr/lois/loi/08o10)

Ontario French-language Educational Communications Authority Act, 2008

[S.o. 2008, chapter 10](https://www.ontario.ca/laws/statute/s08010)

**Consolidation Period:** From March 1, 2022 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last Amendment: [2020, c. 36, Sched. 7, s. 331](http://www.ontario.ca/laws/statute/S20036" \l "sched7s331).

Legislative History: [2017, c. 20, Sched. 7, s. 83](http://www.ontario.ca/laws/statute/S17020" \l "sched7s83); [2017, c. 20, Sched. 8, s. 111](http://www.ontario.ca/laws/statute/S17020" \l "sched8s111s1); [2017, c. 34, Sched. 46, s. 36](http://www.ontario.ca/laws/statute/S17034" \l "sched46s36); [2020, c. 18, Sched. 15](http://www.ontario.ca/laws/statute/S20018" \l "sched15s1); [2020, c. 36, Sched. 7, s. 331](http://www.ontario.ca/laws/statute/S20036" \l "sched7s331).

Definitions

**1** In this Act,

“Authority” means the Ontario French-language Educational Communications Authority; (“Office”)

“Board” means the board of directors of the Authority; (“conseil”)

“distance education programs” means programs to provide courses of study through correspondence or other means that do not require the physical attendance by the student at a school and that are prescribed under paragraph 2 of subsection 8 (1) of the Education Act or are approved by the Minister of Education; (“programme d’enseignement à distance”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “distance education programs” in section 1 of the Act is repealed and the following substituted: (See: 2020, c. 18, Sched. 15, s. 1)

“distance education programs” means programs to provide courses of study online, through correspondence, or by other means that do not require the physical attendance by the student at a school and that are prescribed under paragraph 2 of subsection 8 (1) of the Education Act or are approved by the Minister of Education; (“programme d’enseignement à distance”)

“Minister” means the Minister of Education or such other Minister who is assigned the administration of this Act under the Executive Council Act. (“ministre”) 2008, c. 10, s. 1.

**Section Amendments with date in force (d/m/y)**

[2020, c. 18, Sched. 15, s. 1](http://www.ontario.ca/laws/statute/S20018" \l "sched15s1) - not in force

Authority continued

**2** (1)  The Ontario French-language Educational Communications Authority is continued as a corporation without share capital under the name Ontario French-language Educational Communications Authority in English and Office des télécommunications éducatives de langue française de l’Ontario in French. 2008, c. 10, s. 2 (1).

Extinguishment of letters patent

(2)  The letters patent issued to constitute the corporation referred to in subsection (1) are extinguished. 2008, c. 10, s. 2 (2).

Members

(3)  The Authority shall consist of nine members appointed by the Lieutenant Governor in Council, one of whom shall be the Chair, and no members shall be public servants employed under Part III of the Public Service of Ontario Act, 2006. 2008, c. 10, s. 2 (3).

Term of office

(4)  A member may be appointed to hold office for a term of up to five years and may be reappointed for further terms of up to five years each. 2008, c. 10, s. 2 (4).

Board of directors

(5)  The members of the Authority form and are its board of directors. 2008, c. 10, s. 2 (5).

Chair and Vice-Chair of the Board

(6)  The Chair of the Authority shall be the Chair of the Board, and the Lieutenant Governor in Council may from time to time designate one of the other members as Vice-Chair of the Board and specify his or her duties. 2008, c. 10, s. 2 (6).

Remuneration and expenses

(7)  A director, including the Chair, may be paid such remuneration for attendance at meetings of the Authority as may be fixed by the Lieutenant Governor in Council, and all directors are entitled to be paid their reasonable travelling and living expenses necessarily incurred on the business of the Authority. 2008, c. 10, s. 2 (7).

Quorum

(8)  A majority of the directors constitute a quorum for meetings of the Board. 2008, c. 10, s. 2 (8).

Meetings

(9)  Meetings of the Board shall be held at the call of the Chair or, in the absence or incapacity of the Chair or if the office of Chair is vacant, in such other manner as may be specified by the by-laws of the Authority, but in no case shall more than four months elapse between meetings of the Board. 2008, c. 10, s. 2 (9).

Head office

(10)  The head office of the Authority shall be in the City of Toronto or such other place in Ontario as the Lieutenant Governor in Council may designate. 2008, c. 10, s. 2 (10).

Fiscal year

(11)  The fiscal year of the Authority begins on April 1 and ends on March 31 in the following year. 2008, c. 10, s. 2 (11).

Working language

**3** The working language of the Authority is French. 2008, c. 10, s. 3.

Objects of Authority

**4** The objects of the Authority are, with regard to the interests and needs of the francophone community, to,

(a) initiate, acquire, produce, distribute, exhibit or otherwise deal in programs and materials in the educational broadcasting and communications fields;

(b) engage in research in those fields of activity consistent with the objects of the Authority under clause (a);

(c) discharge such other duties relating to educational broadcasting and communications as the Board considers to be incidental or conducive to the attainment of the objects mentioned in clauses (a) and (b); and

(d) establish and administer distance education programs. 2008, c. 10, s. 4.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 4 of the Act is amended by striking out “and” at the end of clause (c) and by adding the following clauses: (See: 2020, c. 18, Sched. 15, s. 2)

(e) support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities; and

(f) discharge any prescribed duties.

**Section Amendments with date in force (d/m/y)**

[2020, c. 18, Sched. 15, s. 2](http://www.ontario.ca/laws/statute/S20018" \l "sched15s2) - not in force

By-laws, making

**5** (1)  Subject to subsections (2) and (3), the Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Authority. 2008, c. 10, s. 5 (1).

Filing

(2)  All by-laws of the Authority shall be filed with the Minister provided, however, that no by-law shall take effect until the expiration of two weeks from the date of filing. 2008, c. 10, s. 5 (2).

Amendment

(3)  The Lieutenant Governor in Council may amend or revoke any by-law provided that any such amendment or revocation shall not prejudice the rights of any person dealing with the Authority. 2008, c. 10, s. 5 (3).

Powers of Authority

**6** (1)  The Authority has the capacity, rights, powers and privileges of a natural person for the purpose of carrying out its objects, except as limited by this Act. 2008, c. 10, s. 6 (1).

Same

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

(a) enter into operating agreements with the appropriate agency or agencies of the Government of Canada and with broadcasting stations or networks for the broadcasting of educational programs;

(b) enter into contracts with any person in connection with the production, presentation or distribution of the programs and materials of the Authority;

(c) acquire, publish, distribute and preserve, whether for a consideration or otherwise, audio-visual, electronic or written materials that relate to any of the objects of the Authority; and

(d) make arrangements or enter into agreements with any person for the use of any rights, privileges or concessions that the Authority may consider necessary for the purposes of carrying out its objects. 2008, c. 10, s. 6 (2).

Subsidiaries

(3)  The Authority shall not establish a subsidiary except with the approval of the Lieutenant Governor in Council. 2008, c. 10, s. 6 (3).

Application of Not-for-Profit Corporations Act, 2010

(4)  The provisions of the Not-for-Profit Corporations Act, 2010 that are prescribed by the regulations do not apply to the Authority unless the approval of the Lieutenant Governor in Council is obtained. 2017, c. 20, Sched. 8, s. 111 (1).

(4.1)  repealed: 2017, c. 20, Sched. 8, s. 111 (2).

Acquisition of land

(5)  Subject to the approval of the Lieutenant Governor in Council, the Authority may,

(a) purchase, lease or otherwise acquire land or any interest in land; and

(b) sell or otherwise dispose of land or any interest in land. 2008, c. 10, s. 6 (5).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 7, s. 83](http://www.ontario.ca/laws/statute/S17020" \l "sched7s83) - 13/01/2018; [2017, c. 20, Sched. 8, s. 111 (1, 2)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s111s1) - 19/10/2021

Employees

Chief executive officer

**7** (1)  The Lieutenant Governor in Council shall appoint a person other than a member of the Authority as the chief executive officer of the Authority. 2008, c. 10, s. 7 (1).

Term of office

(2)  The chief executive officer may be appointed to hold office for a term of up to five years and may be reappointed for further terms of up to five years each. 2008, c. 10, s. 7 (2).

Remuneration

(3)  The chief executive officer shall be paid such remuneration as the Lieutenant Governor in Council determines. 2008, c. 10, s. 7 (3).

Employees

(4)  The Board may employ such persons and retain such technical and professional consultants as it considers necessary for the conduct of the affairs of the Authority at such remuneration and upon such terms as the Board approves. 2008, c. 10, s. 7 (4).

Benefits

(5)  The Authority may provide benefits to or for the benefit of the chief executive officer or any of the persons mentioned in subsection (4), or any class or classes of them. 2008, c. 10, s. 7 (5).

Payment of benefits

(6)  Any benefits paid under subsection (5) shall be paid out of a fund or funds comprising contributions made by the persons mentioned in subsection (5), by the Authority or by both. 2008, c. 10, s. 7 (6).

Same

(7)  The employees of the Authority are not and shall not be deemed to be employees of the Crown. 2008, c. 10, s. 7 (7).

*Labour Relations Act, 1995*

(8)  The Labour Relations Act, 1995 applies to the Authority and to its employees. 2008, c. 10, s. 7 (8).

Advisory committees

**8** (1)  The Authority shall appoint such regional councils and such advisory committees as it considers necessary to advise it in developing the policy and operations of the Authority. 2008, c. 10, s. 8 (1).

Remuneration and expenses of members

(2)  The Authority may pay the members of regional councils and advisory committees such remuneration for attending meetings as may be fixed by the Management Board of Cabinet and such members are entitled to be paid their reasonable travelling and living expenses necessarily incurred on the business of a council or committee. 2008, c. 10, s. 8 (2).

Memorandum of understanding

**9** (1)  The Authority and the Minister shall enter into a memorandum of understanding containing only such terms as may be directed by the Minister. 2008, c. 10, s. 9 (1).

Compliance with memorandum

(2)  The Authority shall comply with the memorandum of understanding. 2008, c. 10, s. 9 (2).

Review of memorandum

(3)  The memorandum of understanding shall be reviewed upon the appointment of a new Minister or new Chair of the Authority. 2008, c. 10, s. 9 (3).

Status as Crown agent

**10** The Authority and its subsidiaries, if any, are Crown agents for all purposes. 2008, c. 10, s. 10.

Business plan

**11** (1)  The Authority shall submit its annual business plan for the next fiscal year to the Minister for approval by such date as may be directed by the Minister. 2008, c. 10, s. 11 (1).

Same

(2)  The business plan shall include the following information:

1. The mandate, financial plans and performance targets of the Authority for the fiscal year and a proposed business plan for the following two fiscal years.

2. The strategic direction of the Authority.

3. The resources needed to meet the Authority’s goals and objectives.

4. The Authority’s proposed capital expenditures.

5. The Authority’s proposed operating expenditures, projected revenues by source and funding requirements.

6. Any other information prescribed by the regulations. 2008, c. 10, s. 11 (2).

Audit

**12** (1)  The Board shall appoint an auditor licensed under the Public Accounting Act, 2004 to audit the accounts and financial transactions of the Authority annually and a report of the audit shall be made to the Authority and to the Minister. 2008, c. 10, s. 12 (1).

Other audits

(2)  In addition to the requirement for an annual audit, the Auditor General may, at any time, audit any aspect of the operations of the Authority. 2008, c. 12, s. 12 (2).

Annual report

**13** (1)  The Authority shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Authority’s fiscal year and make it available to the public. 2017, c. 34, Sched. 46, s. 36.

Same

(2)  The Authority shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

(a) the form and content of the annual report; and

(b) when and how to make it available to the public. 2017, c. 34, Sched. 46, s. 36.

Same

(3)  The Authority shall include such additional content in the annual report as the Minister may require. 2017, c. 34, Sched. 46, s. 36.

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 36](http://www.ontario.ca/laws/statute/S17034" \l "sched46s36) - 01/01/2018

Tabling of annual report

**13.1**The Minister shall table the Authority’s annual report in the Assembly no later than 30 days after determining that the annual report meets the requirements of section 13 and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when and how to make that determination. 2017, c. 34, Sched. 46, s. 36.

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 36](http://www.ontario.ca/laws/statute/S17034" \l "sched46s36) - 01/01/2018

Other reports

**13.2**The Minister may require the Authority to provide other reports. 2017, c. 34, Sched. 46, s. 36.

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 36](http://www.ontario.ca/laws/statute/S17034" \l "sched46s36) - 01/01/2018

Assets and revenue not part of the Consolidated Revenue Fund

**14** Despite Part I of the Financial Administration Act, the assets and revenues of the Authority or any subsidiary do not form part of the Consolidated Revenue Fund. 2008, c. 10, s. 14.

Bank accounts

**15** (1)  Subject to section 18, the Authority may maintain in its own name one or more accounts in one or more of the following:

1. A bank or authorized foreign bank within the meaning of section 2 of the Bank Act (Canada).

2. A corporation registered under the Loan and Trust Corporations Act.

3. A credit union within the meaning of the Credit Unions and Caisses Populaires Act, 2020.

4. A retail association as defined under the Cooperative Credit Associations Act (Canada). 2008, c. 10, s. 15 (1); 2020, c. 36, Sched. 7, s. 331.

Limits on certain deposits

(2)  The total deposits of the Authority in a corporation registered under the Loan and Trust Corporations Act shall not exceed at any one time 3 per cent of the paid-in capital plus surplus and reserves of the corporation. 2008, c. 10, s. 15 (2).

Money of Authority to be deposited in bank accounts

(3)  All money received by the Authority through the conduct of its operations or otherwise shall be deposited to the credit of accounts established under subsection (1), and shall be administered by the Authority exclusively in carrying out its objects. 2008, c. 10, s. 15 (3).

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 7, s. 331](http://www.ontario.ca/laws/statute/S20036" \l "sched7s331) - 01/03/2022

Borrowing

**16** (1)  With the approval of the Lieutenant Governor in Council, the Authority may borrow money for,

(a) purchasing or otherwise acquiring real or personal property;

(b) making improvements; and

(c) furthering any of the objects of the Authority. 2008, c. 10, s. 16 (1).

Repayment of money

(2)  The Authority may execute loan agreements and issue bonds, debentures, notes or other securities to provide for the repayment of any money borrowed for the purposes described in subsection (1). 2008, c. 10, s. 16 (2).

Terms of repayment

(3)  Subject to section 18, loans or securities described in subsection (2) may be payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Authority may consider proper. 2008, c. 10, s. 16 (3).

Purchase of securities by Province

**17** (1)  The Lieutenant Governor in Council may authorize the Minister of Finance,

(a) to purchase any securities of the Authority or any of its subsidiaries; and

(b) to make advances to the Authority or any of its subsidiaries in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may consider proper. 2008, c. 10, s. 17 (1).

Idem

(2)  The money required for the purposes of this section shall be paid out of the Consolidated Revenue Fund. 2008, c. 10, s. 17 (2).

Co-ordination of financial activities of the Authority

**18** All borrowing, financing, investment of funds and financial risk management activities of the Authority and its subsidiaries shall be co-ordinated and arranged by the Ontario Financing Authority, unless the Minister of Finance approves in writing otherwise. 2008, c. 10, s. 18.

Cost

**19** The cost of the establishment, maintenance and conduct of the Authority shall be payable out of money appropriated for the purpose by the Legislature. 2008, c. 10, s. 19.

No proceeding against Crown

**20** (1)  No proceeding shall be commenced against the Crown as a result of any act or omission of the Authority or any of its subsidiaries or any act or omission of a director, officer or employee of the Authority or any of its subsidiaries. 2008, c. 10, s. 20 (1).

Exception

(2)  Subsection (1) does not apply to a proceeding to enforce against the Crown its obligations under a written contract to which it is a party. 2008, c. 10, s. 20 (2).

Unpaid judgments against the Authority

(3)  The Minister of Finance shall pay from the Consolidated Revenue Fund the amount of any judgment against the Authority or any of its subsidiaries that remains unpaid after the Authority or subsidiary has made all reasonable efforts, including liquidating its assets, to pay the amount of the judgment. 2008, c. 10, s. 20 (3).

Distance education programs

**21** (1)  The Authority may establish distance education programs. 2008, c. 10, s. 21 (1).

Powers re: programs

(2)  In establishing a program under subsection (1), the Authority may,

(a) establish registration procedures and qualifications for registration;

(b) establish standards, administer and establish tests, testing procedures and evaluation procedures, grant credits and award diplomas and certificates for courses that are equivalent to those offered by elementary or secondary schools under the jurisdiction of a board within the meaning of the Education Act; and

(c) subject to subsection (3), charge fees for courses, program materials and other incidental items or services, which fees may vary for different courses, for different materials or services and for any class of students, and waive or reduce those fees under such conditions as may be determined under the program. 2008, c. 10, s. 21 (2).

Minister must approve fees

(3)  The Authority shall not charge a fee under clause (2) (c) in respect of a student resident in Ontario unless the Minister has approved the amount of the fee. 2008, c. 10, s. 21 (3).

Agreements, policies and guidelines

(4)  The Authority may, with respect to distance education programs,

(a) enter into agreements, including funding agreements, with any person or entity, including any provincial ministry or agency; and

(b) establish policies and guidelines. 2008, c. 10, s. 21 (4).

Copy to be provided

(5)  The Authority shall provide the Minister of Education with copies of all policies and guidelines issued in respect of the distance education programs. 2008, c. 10, s. 21 (5).

Compliance with Minister’s policies and guidelines

(6)  The Minister of Education may establish policies and guidelines related to distance education programs and the Authority shall establish and operate the programs and develop its policies and guidelines in accordance with the Minister’s policies and guidelines. 2008, c. 10, s. 21 (6).

Compliance with provisions of certain Acts, regulations

(7)  The distance education programs shall be operated in compliance with those provisions of the Education Act, the Education Quality and Accountability Office Act, 1996 and other Acts and the regulations made under those Acts as may be prescribed by regulation. 2008, c. 10, s. 21 (7).

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2020, c. 18, Sched. 15, s. 3)

Support of distance education programs

**21.1**The Authority has the prescribed duties and responsibilities tosupport the establishment, administration and coordination of distance education programs by or with prescribed persons or entities. 2020, c. 18, Sched. 15, s. 3.

**Section Amendments with date in force (d/m/y)**

[2020, c. 18, Sched. 15, s. 3](http://www.ontario.ca/laws/statute/S20018" \l "sched15s3) - not in force

Regulations

**22** The Minister of Education may make regulations,

Note: On a day to be named by proclamation of the Lieutenant Governor, section 22 of the Act is amended by adding the following clauses: (See: 2020, c. 18, Sched. 15, s. 4 (1))

(0.a) prescribing persons or entities for the purposes of clause 4 (e);

(0.a.1) prescribing duties for the purposes of clause 4 (f);

(a) prescribing information for the purposes of paragraph 6 of subsection 11 (2);

(b) prescribing the duties and responsibilities of the Authority in relation to the operation of distance education programs;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 22 (b) of the Act is repealed and the following substituted: (See: 2020, c. 18, Sched. 15, s. 4 (2))

(b) prescribing and governing the duties and responsibilities of the Authority in relation to the operation of distance education programs;

(b.1) prescribing and governing the duties and responsibilities of the Authority in relation to supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities;

(c) respecting distance education programs;

(d) prescribing provisions of the Education Act, the Education Quality and Accountability Office Act, 1996 and other Acts and the regulations made under those Acts which shall apply to the courses, students, Authority, instructors, teachers and administrators in the programs with such changes as may be set out in the regulations;

(e) prescribing provisions of the Not-for-Profit Corporations Act, 2010 for the purposes of subsection 6 (4). 2008, c. 10, s. 22; 2017, c. 20, Sched. 8, s. 111 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 22 of the Act is amended by adding the following clause: (See: 2020, c. 18, Sched. 15, s. 4 (3))

(f) defining any word or expression used in this Act that is not already defined and further defining any word or expression used in this Act that is already defined in this Act.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 22 of the Act is amended by adding the following subsection: (See: 2020, c. 18, Sched. 15, s. 4 (4))

Conflict

(2)  In the event of a conflict between a regulation made under this section and this Act, or any other Act or regulation, the regulation made under this section prevails. 2020, c. 18, Sched. 15, s. 4 (4).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 111 (3)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s111s3) - 19/10/2021

[2020, c. 18, Sched. 15, s. 4 (1-4)](http://www.ontario.ca/laws/statute/S20018" \l "sched15s4s1) - not in force

23, 24Omitted (amends or repeals other Acts). 2008, c. 10, ss. 23, 24.

25Omitted (provides for coming into force of provisions of this Act). 2008, c. 10, s. 25.

26Omitted (enacts short title of this Act). 2008, c. 10, s. 26.

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[Back to top](#Top)