

No. 83

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 83

A Bill respecting Northland School Division No. 61

HON. MR. MCKINNON

Explanatory Note

General. Northland School Division No. 61 was established as of December 31, 1960. This Bill will replace its official trustee with a board of trustees appointed by the Lieutenant Governor in Council. The Bill will also vary or make inapplicable certain provisions of The School Act as they affect the Division, particularly in cases where those provisions can only apply to elected trustees and not appointed trustees. The Bill adds to the Division all land north of township 55 that is not presently organized in districts or divisions.

2. Definitions.

3. The Division will consist of the school districts comprising it and also all other land north of township 55 not presently organized into school districts, etc.

4. Appointment of board of trustees by Lieutenant Governor in Council.

BILL

No. 83 of 1965

An Act respecting Northland School Division No. 61

(Assented to _____, 1965)

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

1. This Act may be cited as "*The Northland School Division Act*".

2. (1) In this Act,

(a) "board" means the board of trustees of the Division, and

(b) "Division" means Northland School Division No. 61.

(2) Expressions defined in *The School Act* have the same meaning in this Act.

3. (1) Notwithstanding anything in *The School Act*, the Division shall consist of

(a) the school districts comprising the Division by virtue of the order of the Minister constituting the Division, and

(b) all that part of the Province lying north of the north boundary of township 55 excepting thereout any lands contained in

(i) any other school division or any county,

(ii) any non-divisional school district or school district in the Division, and

(iii) any Indian reserve.

(2) Nothing in this Act precludes the Minister from time to time

(a) amending the order dated December 9, 1960 constituting the Division or making a new order constituting the Division in substitution therefor, or

(b) constituting, dissolving or altering any school district or any other school division.

4. (1) The Lieutenant Governor in Council shall appoint a board of trustees for the Division consisting of five members.

5. Provision for fees and expenses of board members.

6. Part IX of The School Act contains provisions regarding requisitions on municipalities for revenue. The effect is that a municipality can only be liable for a "supplementary requisition" (a requisition for revenue in addition to that provided from the School Foundation Program Fund) in regard to the part of the Division included in school districts.

7. Audit by Provincial Auditor.

8. Section 177 (c) of The School Act makes it the duty of a board to "provide adequate instructional facilities" for pupils of age 6 to 15 and Part X deals with "Conveyance and Maintenance of Pupils". In effect, the board's duties under these provisions will not be absolute regarding the lands not within school districts, but rather will be for its own judgment.

9. Section 398 of The School Act deals with compulsory school attendance.

(2) The Lieutenant Governor in Council shall designate one of the members as chairman of the board.

(3) The board of trustees is a corporation under the name of The Board of the Northland School Division No. 61 and shall have a common seal.

(4) Of the members of the Board first appointed

(a) two shall be appointed for a term of three years,

(b) two shall be appointed for a term of two years, and

(c) one shall be appointed for a term of one year,

and subsequent appointments shall be for a term of three years except that an appointment made to fill a vacancy shall be for the unexpired period of the term of the person replaced.

(5) Notwithstanding subsection (4), the Lieutenant Governor in Council may terminate the appointment of a member.

(6) Subject to this Act, the board has all the powers and duties of a board of trustees of a school division elected under *The School Act*.

5. (1) The Lieutenant Governor in Council shall provide for the remuneration of members of the board who are not employees of the Government.

(2) For the purposes of subsection (1), the Lieutenant Governor in Council may prescribe a schedule of fees and expenses to be paid for attendance at meetings of the board and, when approved by the board, meetings of any standing or special committee.

6. Notwithstanding anything in Part IX of *The School Act*, the board shall not requisition a municipality for revenue for its operations on the assessment of those lands in the Division that are not within school districts.

7. The books and accounts of the Division shall, on or before the thirty-first day of January in each year, be audited by the Provincial Auditor or his nominee and shall cover the preceding year.

8. Clause (c) of section 177 and Part X of *The School Act* apply to the Division and the board only with respect to pupils whose parents or guardians reside within school districts but the board, to the extent that it considers it feasible to do so, shall make arrangements for the education of children whose parents or guardians reside within the Division but not within school districts.

9. Section 398 of *The School Act* applies to the Division only with respect to children whose parents or guardians reside within school districts in the Division.

10. The sections referred to in this clause deal with the following matters:

sections 72 and 73: annual meetings in subdivisions
section 75: appointment of official trustee
section 76: constitution of divisional boards
section 86 (2) to (5): procedure re resignation of a board member
sections 88 and 90 to 93: disqualification and ouster of trustees
sections 94 and 100 to 103: terms of office
Part IV: election of trustees
section 162 (2): election of board chairman by trustees
section 174: remuneration of trustees
section 186 (1) (h) and (2): calling of meetings of electors
section 187: duty of trustee to visit his subdivision and report
sections 203 and 204: audits—(see Clause 7 of this Bill)

11. Commencement of Act.

10. The following provisions of *The School Act* do not apply to the Division or the board:

sections 72 and 73;

sections 75 and 76, subsections (2) to (5) of section 86 and sections 88, 90 to 94 and 100 to 103;

all of Part IV;

subsection (2) of section 162;

section 174, clause (h) of subsection (1) and subsection (2) of section 186 and sections 187, 203 and 204.

11. This Act comes into force on a date to be fixed by Proclamation.

No. 83

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act respecting Northland School
Division No. 61

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MCKINNON
