

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 2

An Act to amend the Education Act

First reading
Second reading
Third reading

M. JACQUES-YVAN MORIN
Ministre de l'éducation



L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

By this bill, amendments are proposed to the Education Act in order to give effect to sections 16 and 17 of the Agreement concerning James Bay and Northern Québec.

It provides for the establishment, organization and operation of a Cree School municipality, a Cree School Board, a Kativik school municipality and a Kativik School Board, which will take into account the special needs of the Native people and their particular geographical location.

By the addition of Part XII to the Education Act, the Lieutenant-Governor in Council will be enabled to erect a school municipality called the "Cree school municipality", comprising the Category I lands of the Cree communities of Fort George, Nouveau-Comptoir (Wemindji), Eastmain, Fort Rupert, Waswanipi, Mistassini, Poste-de-la-Baleine and Némiscau.

There will be a school board for this school municipality, to be called the "Cree School Board".

This school board will be subject to the Education Act, and to the other laws of Québec of general application, except where they are inconsistent with Part XII.

The sections contained in Part XII set out the specific characteristics of the Cree School board, the chief of which are:

- its composition, namely, one commissioner per Cree community;*
- an electoral process respectful of Cree customs;*
- its right to hire Native persons as teachers and to establish teacher-qualifying courses for them;*
- its right to choose courses, manuals and teaching materials appropriate for the Native people, to draw up courses to that effect, or to make agreements in these matters, so as to preserve and transmit their language and culture;*

— its financing in accordance with the Agreement concerning James Bay and Northern Québec; that is, by Québec and Canada in the proportions indicated in the Agreement.

By the addition of Part XIII to the Education Act, the Lieutenant-Governor in Council will be enabled to erect a school municipality called the "Kativik school municipality", comprising all the territory of Québec north of the 55th parallel.

There will be a school board for this school municipality, to be called the "Kativik School Board".

This school board, just as the Cree School Board, will be subject to the Education Act and to the other laws of Québec of general application, except where they are inconsistent with Part XIII.

The sections contained in Part XIII set out the specific characteristics of the Kativik School Board, the chief of which are:

— its Council will consist of one commissioner per municipality and a delegate from the Regional Government;

— the number of votes on the Council will depend on the size of the population represented;

— elections will coincide with municipal elections, and be held under municipal authority;

— the education committees will be consultative bodies, to which the school board may delegate responsibilities;

— it will have the right to establish programmes and to provide for the teaching of subjects and the use of teaching materials based on Inuit culture and on Inuttituut;

— it will have the right to engage Inuit teachers to teach the Inuit culture and Inuttituut;

— it may exercise certain powers by ordinance, subject to review by the Minister, who may disallow them except where they regard Inuit culture or Inuttituut;

— its financing will be in accordance with the Agreement concerning James Bay and Northern Québec; that is, by Québec and Canada in the proportions indicated in the Agreement.

This bill recognizes the appointments of commissioners already made by the Inuit community councils and authorizes the recognition, as well, of the elections held in the Cree communities before the coming into force of the act.

Bill 2

An Act to amend the Education Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. The Education Act (Revised Statutes, 1964, chapter 235) is amended by inserting, after section 643, the following: R.S., c. 235,
ss. 644-763,
added.

"PART XII

"THE CREE SCHOOL BOARD

"644. In this part,

(a) "Native person" means a person eligible to the benefits of the Agreement in accordance with sections 9, 10 and 11 of the Regulation respecting eligibility for the benefits of the Agreement concerning James Bay and Northern Québec made under subsection 6 of section 2 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46); Inter-pretation:
"Native person";

(b) "Agreement" means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46), as such agreement stands amended on the date of the coming into force of this section; "Agree-ment";

(c) "Cree Native party" means the Grand Council of the Crees (of Québec) or its successors, until the coming into force of the act establishing the Cree Regional Authority provided for in Section 11A of the Agreement, and, afterwards, the Cree Regional Authority established under the said act; "Cree Native party";

(d) "Category I, II and III lands" means Category I, II and III lands contemplated in the second paragraph. "Category I, II and III lands".

This Part does not apply with respect to a Native person who is absent from the lands contemplated in paragraphs *a* and *b* of Exception.

section 648 for ten consecutive years and who is domiciled outside the said lands. This Part again applies with respect to that Native person when he re-establishes his domicile in the said lands.

Delimita-
tion of
lands.

For the purposes of this Part, the Lieutenant-Governor in Council may delimit Category I, II and III lands provided for in the Agreement.

Cree school
municipi-
pality.

“645. The Lieutenant-Governor in Council may erect a school municipality under the name of the “Cree school municipality”, comprising the Category I lands of the Cree communities of Fort George, Nouveau-Comptoir (Wemindji), Eastmain, Fort Rupert, Waswanipi, Mistassini, Poste-de-la-Baleine and Némiscau.

Coming
into force.

The order in council prescribing such erection shall come into force on the day it is passed or on any later date fixed therein, and shall be published in the *Gazette officielle du Québec*.

School
municipi-
palities
replaced.

The school municipality so erected replaces the previously existing school municipalities in the territory described in such order in council.

Cree
School
Board
established.

“646. From the erection of the school municipality referred to in section 645, a school corporation is established for such municipality under the name of the “Cree School Board”. Subject to section 657, such corporation replaces the previously existing corporations in such territory and succeeds to their rights and obligations.

Laws
applicable.

“647. The school board is subject to this act and to the other laws of Québec of general application save where these laws are inconsistent with this part, in which event the provisions of this part prevail.

Juris-
diction.

“648. To the exclusion of all other school boards, the school board shall have jurisdiction and responsibility for elementary and secondary education and adult education:

(a) within the territorial limits of the school municipality, in respect to Native persons and in respect to all persons who are ordinarily resident therein or within Category III lands surrounded by Category I lands except for the Inuit population of Poste-de-la-Baleine;

Exception.

(b) in Category II lands, in respect to Native persons.

Idem.

“649. The school board shall not have jurisdiction over non-Native settlements in Category II lands.

“650. In addition to the powers and duties of a school board, ^{Powers.} the school board shall have, subject to the laws governing such powers and duties, the power:

(a) to make agreements for school purposes with any group or community;

(b) to make agreements with other school boards in the Province in virtue of which such school boards second some of their teaching personnel to the Cree School Board and guarantee the re-employment of such personnel at the expiration of their contract with the Cree School Board;

(c) to prescribe the use of standardized tests.

“651. The school board shall also have the following special ^{Idem.} powers, subject only to the annual approval of its budget by the Minister:

(a) to make, in accordance with the laws and regulations governing such agreements, agreements with the Government of Canada for education and training programmes not provided under an act of the Legislature;

(b) to determine in conjunction with the Ministère de l'éducation the school year and the school calendar, subject only to the total number of school days per year required by law and the regulations;

(c) to make agreements for post-secondary education for the persons under its jurisdiction;

(d) to acquire, build and maintain residential facilities for its teachers;

(e) to determine, in conjunction with the Ministère de l'éducation, the number of Native persons and non-Native persons required as teachers in each of its schools;

(f) to arrange, with the Ministère de l'éducation, for the hiring of Native persons as teachers, notwithstanding that such persons might not qualify as teachers in accordance with the standard qualifications prevailing in the other areas of Québec;

(g) to select courses, textbooks and teaching materials appropriate for the Native people and to arrange for their experimental use, evaluation and eventual approval;

(h) to develop courses, textbooks and teaching materials designed to preserve and transmit the language and culture of the Native people;

(i) to make agreements with universities, colleges, institutions or individuals for the development of the courses, textbooks and teaching materials for the programmes and services that it offers;

(j) to give instruction and guidance to its teachers in the methods of teaching and in the use of the textbooks and teaching materials used for such courses;

(k) to establish courses and training programmes to qualify Native persons as teachers;

(l) to establish courses and training programmes for non-Native persons who shall teach in its schools;

(m) to make agreements with universities, colleges, institutions or individuals to provide training for the members of its teaching staff and for its future teachers.

Moral and
religious
instruction.

“652. Every child shall be entitled to receive moral and religious instruction in accordance with a programme approved by a clergyman or priest serving the community and by the Protestant or by the Catholic Committee of the Conseil supérieur de l’éducation. Any child, upon request of his parents for reasons of conscience, shall be exempted from such moral and religious instruction.

Languages
of
instruction.

“653. The languages of instruction are provided for in section 88 of the Charter of the French language (1977, chapter 5).

By-laws of
school
board.

“654. The by-laws of the school board which require the approval of the Minister by virtue of this act shall come into force forty days after a copy of such by-laws has been transmitted to the Minister, unless within that period the Minister refuses his approval in writing.

Compo-
sition.

“655. The school board shall be composed of nine school commissioners; each of the eight Cree communities listed in section 645 shall elect one commissioner to represent it, and one commissioner shall be designated by the Cree Native party from among its members.

Election.

“656. The school board shall determine the date when elections of such school commissioners shall take place.

Qualifica-
tions.

The qualifications to vote for or be a school commissioner shall be membership in a Cree community, possession of the age of majority and to be unaffected by any legal incapacity; however, non-Natives who are entitled to the services from the school board and who meet the qualifications specified in this act for electors shall be entitled to vote for school commissioners.

Term of
office.

“657. The school commissioners’ term of office shall be three years; three of the first commissioners elected shall serve for one year and three for two years; the first commissioners having

such abbreviated terms of office shall be designated by the drawing of lots at the first meeting of the school board;

If during his term of office the school commissioner designated by the Cree Native party loses his office as a member of the Cree Native party, the Cree Native party shall appoint another commissioner for the remainder of the term of such disqualified commissioner. Replacement.

"658. The Lieutenant-Governor in Council shall, by regulation, determine the election procedure for commissioners after consultation with the Cree Native party and taking the customs and procedures of the Native people into account. Election procedure.

"659. The school commissioners shall be entitled to receive the representation allowances provided pursuant to section 205, and shall be reimbursed by the school board for all expenses actually incurred for travel, lodging and meals when attending official meetings of the school board, in accordance with the by-laws adopted by it for such purpose. Representation allowances, etc.

"660. School buildings, facilities, residences and equipment of the Crown or the School Board of New Québec shall be transferred or leased, at nominal cost, to the school board for their use by it. The means and procedures of such transfer or lease shall be arranged by agreement between the school board, the government and the School Board of New Québec and shall include the right to modify the said buildings, facilities, residences and equipment, as may be necessary to fulfil the educational purposes of the school board. Transfer of school buildings, etc.

"661. The school board shall not be the proprietor of any lands. It shall have the use, within Category I lands, of building sites for school buildings and residences which are required for its educational purposes by means of agreements to be entered into between the board and the local governments provided for in the Agreement. Such agreements shall be for a nominal monetary consideration, by long term lease or other similar contract, to enable the school board to receive the transfers or leases to it of the school buildings, facilities, residences or equipment specified in section 660 and to enable it to construct any building it may require for its purposes. Any allocation so made shall not be construed to exclude such allocated land from Category I. Agreements respecting use of lands.

"662. The school board shall establish one elementary school committee for each community in which there is at least one such school and one high school committee for each community in which there is at least one high school. Elementary and high school committees.

Functions
of school
committees.

“663. The functions of school committees shall be to give opinions on matters referred to them by the school board and to exercise the other functions delegated to them by the school board. The board must consult them with respect to the following:

- (a) selection of teachers and principals;
- (b) school calendar and year;
- (c) changes in curriculum.

Compo-
sition.

“664. Each school committee shall be composed of from five to eleven members, including one member or delegate of the band council of the community in which the school is located. The number of parents on the school committee shall be fixed annually by a general assembly of the parents of the students attending the schools concerned, providing one parent representative from each school concerned is elected to the committee, and providing, if there are six or more students attending the school who normally reside in a community other than that in which the school is situated, at least one parent representative of such students is elected to the committee.

Establish-
ment, etc.

“665. The terms and conditions of the establishment, operating and financing of the school committees shall be determined by the school board.

Communi-
ty
education
adminis-
trator.

“666. The school board may hire a community education administrator for a community pursuant to a recommendation from the elementary school or high school committee in such community.

Expenses
for travel,
etc.

“667. The school board shall reimburse members of the school committees for their expenses for travel, lodging and meals incurred when attending official meetings of their school committee held outside the community in which they reside in accordance with the by-laws adopted by it for such purpose.

Pro-
grammes in
force, etc.

“668. Programmes in force, services provided to Native persons, obligations undertaken in favour of Native persons, and the funding of the said programmes, services and obligations, shall be continued in accordance with articles 16.0.22, 16.0.23, 16.0.24 and 16.0.25 of the Agreement.

School
taxes.

“669. The school board shall not be obliged to levy school taxes.

Budget.

“670. The budget of the school board shall take into account the unique characteristics of its geographical location and of its student population. It shall provide for items such as the following:

(a) the cost of the construction, maintenance and replacement of school buildings, residences, facilities and equipment;

(b) increases in the student population and the need for adequate teaching facilities;

(c) the cost of transportation of students and teaching staff, including transportation of students to and from schools in other parts of Québec;

(d) the development of a special curriculum provided for in section 651;

(e) the maintenance of hostels and residences for its students attending schools outside their community;

(f) the establishment and maintenance of kindergarten programmes and facilities;

(g) physical education and sports programmes;

(h) adult education programmes;

(i) the payment of northern allowances where applicable;

(j) the provision of working conditions and benefits to attract competent teaching personnel and to encourage such personnel to remain in their positions for extended periods of time, taking into consideration the conditions and benefits offered in surrounding areas.

“671. The annual budgets providing for capital and operating costs shall be financed in the manner provided in article 16.0.28 of the Agreement. Financing of budgets.

“672. Notwithstanding section 300, the publication of public notices for school purposes may be made in accordance with by-laws that the school board shall adopt for such purposes and submit to the Minister for approval. Public notices.

“673. The school board shall, in consultation with the Minister, negotiate the conditions of employment of its employees, except basic salary, basic marginal benefits and basic work loads which are negotiated at the provincial level. Conditions of employment.

“674. The Lieutenant-Governor in Council may, by regulation, amend the provisions respecting compulsory school attendance with regard to Native persons under the jurisdiction of the school board. Exemption.

“675. The provisions of this act respecting elections, school taxes and valuation of property, and school and parents' committees shall not apply to the school board. Provisions not to apply.

“PART XIII

“THE KATIVIK SCHOOL BOARD

Inter-
pretation:
“Regional
Govern-
ment”;

“Agree-
ment”;

“muni-
cipality”;

“school
muni-
cipality”;

“territory”.

Provisions
not to
apply.

Kativik
school
muni-
cipality.

Coming
into force.

School mu-
nicipalities
replaced.

Separate
school mu-
nicipality.

Kativik
School
Board.

“676. In this part,

(a) “Regional Government” means the Regional Government provided for in Section 13 of the Agreement;

(b) “Agreement” means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec, as such Agreement stands amended on the date of the coming into force of this section;

(c) “municipality” means a municipality provided for in Section 12 of the Agreement;

(d) “school municipality” means a school municipality provided for in section 677;

(e) “territory” means the whole territory of the province of Québec north of the 55th parallel.

This Part does not apply to a person eligible to the benefits of the Agreement in accordance with articles 12, 13 and 14 of the Regulation respecting eligibility for the benefits of the Agreement concerning James Bay and Northern Québec made under subsection 6 of section 2 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46) who is absent from the territory for ten consecutive years and who is domiciled outside the territory; this Part again applies with regard to such person when he re-establishes his domicile in the territory.

“677. The Lieutenant-Governor in Council may erect a school municipality under the name of the “Kativik school municipality” comprising the whole territory.

The order in council prescribing such erection shall come into force on the day it is passed or on any later date fixed therein, and shall be published in the *Gazette officielle du Québec*.

The school municipality so erected replaces the previously existing school municipalities in the territory described in such order in council.

Nevertheless, any future municipality not contemplated by the provisions of the Agreement may be constituted as a separate school municipality after prior consultation between the Ministère de l’éducation and the Kativik School Board.

“678. From the erection of the school municipality referred to in section 677, a school corporation is established for such municipality under the name of the “Kativik School Board”.

Subject to section 754, such corporation replaces the previously existing corporations in such territory and succeeds to their rights and obligations. School corporations replaced.

"679. The Cree population of the community of Poste-de-la-Baleine shall be under the jurisdiction of the Cree School Board and the Inuit population of the community of Fort George shall have the option to be under the jurisdiction of the Kativik School Board or the Cree School Board. Such option must be made in accordance with the regulations made for that purpose by the Lieutenant-Governor in Council. Option.

If it opts for the Kativik School Board, the Inuit population of the community of Fort George is entitled, while that option lasts, to elect a commissioner to represent it on the said school board. Right of the Inuit population of Fort George.

"680. The school board is subject to this act and to the other laws of Québec of general application save where these laws are inconsistent with this part, in which event the provisions of this part prevail. Laws applicable.

"681. The school board shall have jurisdiction and responsibility for elementary and secondary education and adult education. Jurisdiction.

"682. The school board shall be represented and its affairs administered by its Council. Administration.

"683. Ordinances, resolutions and other enactments of the school board must be passed by the Council in session. Ordinances, etc.

"684. Each municipality shall be represented by one commissioner to the school board. In addition, the Council of the Regional Government shall delegate by resolution one regional councillor to represent it to the school board. Representation of municipality.

"685. The Council of the school board shall determine annually, by ordinance, the time, place, frequency and procedure of its meetings. Meetings.

"686. Each member of the Council shall have one vote, and one additional vote if he represents more than 500 inhabitants, or two additional votes if he represents more than 5,000 inhabitants according to the last official census. Vote of members of Council.

The regional councillor delegated by the Council of the Regional Government pursuant to section 684 has only one vote. Regional councillor.

Powers
exercised
by Minister.

“687. If there are no longer any commissioners or if there is no longer a sufficient number of them to constitute a quorum, the powers of the school board shall be exercised by the Minister, who may, after consultation with the Regional Government, delegate them to an administrator appointed by him, until the school board is reorganized.

Executive
committee.

“688. The school board shall have an executive committee consisting of five members appointed as follows, including a president and a vice-president designated as such by the council:

(a) four members shall be appointed annually by resolution of the Council from among the commissioners; and

(b) the fifth member shall be *ex officio* the regional councillor delegated by the Council of the Regional Government under section 684.

President,
etc.

The president and vice-president of the executive committee shall *ex officio* discharge the duties of president and vice-president of the Council.

Govern-
ment and
internal
manage-
ment.

“689. The executive committee, with the approval of the Council, may make a resolution respecting its government and its internal management.

Quorum of
executive
committee.

Three members shall constitute a quorum of the executive committee. Each member of the executive committee shall have one vote.

Functions.

The executive committee shall direct the affairs and activities of the school board and shall see that its ordinances, decisions, resolutions and contracts are faithfully and impartially observed and carried out.

President.

“690. During the first five years following the first election of the commissioners, and afterwards if deemed necessary after prior consultation between the Minister and the school board, the president of the executive committee must devote all his time to the service of the school board, and shall not have any other remunerative employment or occupation or hold any other public office, except as member of the education committee of the municipality which he represents or as regional councillor. The president of the executive committee shall be entitled to the remuneration fixed by the Lieutenant-Governor in Council.

Qualifica-
tions.

“691. Every natural person of full age and Canadian citizenship who is not legally disqualified may be nominated, elected or appointed a commissioner of the school board representing the municipality wherein he resides if he has been domiciled or ordinarily resident in the school municipality for at least thirty-six months.

In the case of a newly erected municipality, the Minister may, for the first thirty-six months following the date of erection, change the said requirements with respect to domicile and residence.

"692. The following persons shall not be nominated for, Exceptions. elected or appointed commissioner:

(a) persons mentioned in paragraphs 3, 4 and 5 of section 123 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193);

(b) any person convicted of an act punishable under a law of the Parliament of Canada or of the Assemblée nationale du Québec by imprisonment for one year or more; such disqualification shall continue for three years after the term of imprisonment fixed by the sentence and, if only a fine was imposed or if the sentence is suspended, for three years from the date of such condemnation;

(c) any person convicted of an indictable offence punishable by imprisonment for five years or more after having previously been convicted of two indictable offences so punishable; such disqualification shall continue for ten years after the term of imprisonment fixed by the sentence and, if only a fine is imposed or if the sentence is suspended, for ten years from the date of the conviction;

(d) any person responsible for moneys belonging to the school board;

(e) any person who is surety for any employee of the Council; and

(f) any person who receives any pecuniary allowance or other consideration from the school board for his services otherwise than under a legislative provision, save where a description of the pecuniary allowance or other consideration has been publicly posted up in the office of the school board and of the municipality at the time of his nomination, election or appointment and remains so posted, with all additions or deletions, if any, at all times during his tenure of office.

"693. No person shall be nominated for or elected or appointed school commissioner who has directly or indirectly and Disqualification. personally or through his associates a contract with the school board, unless a description of every such contract has been publicly posted up in the office of the school board and of the municipality at the time of his nomination, election or appointment and remains posted, with all additions or deletions, if any, at all times during his tenure of office.

An employment contract made with a teacher does not Teacher. disqualify his consort for nomination for or election or appointment as school commissioner.

Shareholder of company.

Nevertheless, a shareholder in a lawfully incorporated company which has a contract or agreement with the school board or which receives a subsidy or grant from it is not disqualified to act as a commissioner; however, he is deemed interested when any matter involving such company is under discussion in council or in committee, except where such company is the legal entity contemplated in article 27.0.1 of the Agreement, is one of its subsidiaries, or is one of the local Inuit community corporations contemplated in article 7.1.2 of Section 7 of the Agreement, in which cases he is deemed interested only if he is an officer or director of such company.

No plurality of offices.

“694. No person may act as commissioner or hold any other office on the school board unless he is eligible and possesses at all times the qualifications required by this part.

Right to vote.

“695. Every person, corporation, commercial partnership or association entered on the electoral list in force and used at the poll and, in the case of a natural person, not affected during the preparation of the electoral list and at the time of voting by any disqualification contemplated by this part, shall be entitled to vote at an election.

Entry on electoral list.

“696. Every natural person of full age and Canadian citizenship shall be entitled to be entered on the electoral list if he has been domiciled or ordinarily resident in the municipality for at least twelve months before the date of the election.

Corporations, etc.

Corporations, commercial partnerships and associations shall also be entered on the electoral list if they have had their head office or principal place of business in the municipality for at least twelve months before the date of the election. They shall vote through a representative authorized for that purpose by a resolution of the board of directors, a copy whereof shall be filed at the office of the municipality within thirty days from the date of publication of the election notice.

Election in newly erected municipality.

“697. In the case of a newly erected municipality, the Minister may, for the first twelve months following the date of erection, change for purposes of school elections the delays mentioned in section 696.

Election.

“698. The general election for commissioners shall be held every two years on the first Wednesday of September.

Newly erected municipality.

In the case of a newly erected municipality, the first school election shall be held on the tenth Wednesday following the erection of such municipality.

“699. The secretary-treasurer of the municipality shall be the presiding-officer for any election held under this part. The presiding-officer may appoint a deputy presiding-officer and as many election clerks as he deems fit to assist the presiding-officer in discharging his duties. Presiding-officer.

“700. The presiding-officer shall prepare the list of electors in the municipality between the first of July and the first of August following and shall, on the first of August, deposit the electoral list in the office of the municipality for public reference. List of electors.

During the period extending from the first to the fifteenth of August, the electoral list shall be revised by a board of revision composed of the presiding-officer and two persons entitled to be entered on the electoral list and appointed by him. Revision.

“701. Any person, corporation, commercial partnership or association who believes that his or its name or that of any other person has been omitted from the list or wrongfully entered thereon may file in the office of the municipality, between the first and the fifteenth of August, application in writing to have the name entered or struck off, as the case may be. Entry on list.

“702. The board of revision shall consider the written application, hear the parties concerned and, if it deems it necessary, take their evidence on oath. Hearing and evidence.

The board of revision, by its final decision on each application, may confirm or revise the list. Every insertion in, erasure from or correction of the list shall be authenticated by the initials of the presiding-officer. Final decision.

The electoral list shall come into force as soon as it has been prepared and revised in accordance with this part and shall be kept among the archives of the municipality. Coming into force.

“703. No informality in the preparation, completion, revision or putting into force of the list shall invalidate the list unless an actual injustice results therefrom. Informality.

“704. On the first of July of the year in which the election is held, the presiding-officer shall, by public notice, publish: Public notice.

(a) the place, day and hour fixed for the nomination of candidates;

(b) the day of the opening of the polls for taking the votes of the electors in case a poll is held; and

(c) the appointment of the deputy presiding-officer and of the election clerks.

Election
period.

The election period shall begin on the day of publication of the notice of the election and end, for each candidate for any office, on the day on which the presiding-officer declares a candidate for such office elected.

Nomina-
tion of
candidates.

"705. The nomination of candidates for election shall be held on the last Wednesday of August between the hours of one and five o'clock in the afternoon.

Who may
nominate
candidate.

"706. Three electors qualified to vote whose names are entered on the electoral list in force in the municipality may nominate a candidate for the office of commissioner.

Nomina-
tion paper.

"707. With each nomination paper there shall be filed a declaration by the candidate that he is a Canadian citizen and duly qualified, accompanied with the consent in writing of the person therein nominated.

Candidate
elected by
procla-
mation.

"708. If at the expiration of the delay fixed for the nomination of candidates for the office of commissioner only one candidate has been nominated, such candidate shall *ipso facto* be elected and the presiding-officer shall forthwith proclaim such candidate elected.

Poll.

When several persons are nominated for the office of commissioner, the presiding-officer shall announce that a poll shall be held.

With-
drawal.

"709. Any candidate nominated may withdraw at any time before the closing of the poll by filing with the presiding-officer a declaration to that effect; and any votes cast for the candidate who has so withdrawn shall be null and void; and if after the withdrawal there remains but one candidate for the office of commissioner, the presiding-officer shall return as duly elected the candidate so remaining.

Commis-
sioner
appointed
by Minister.

"710. If at the expiration of the delay prescribed for the nomination of candidates no person has been nominated or if all the persons nominated have withdrawn before the closing of the poll, the presiding-officer shall immediately send notice thereof to the Regional Government, which shall forthwith transmit its recommendation to the Minister for the appointment of a commissioner.

Election
proceed-
ings recom-
menced.

If the nomination of candidates could not be held because the electoral list was not put in force in time, the presiding-officer shall immediately recommence the election proceedings to fill the office and give for such purposes the notice prescribed by section 704. In such case, the presiding-officer must see that the election

proceedings already commenced are continued if they were validly made.

"711. When a poll is necessary, the presiding-officer shall give a public notice thereof, establish a polling station and cause the necessary number of ballot boxes to be made. The ballot paper shall be a paper on which the names of the candidates, together with their syllabic transcription, are alphabetically arranged. Ballot paper, etc.

"712. The polls shall be opened at the hour of nine o'clock in the forenoon and kept open until six o'clock in the afternoon the same day. The school board may, by resolution, fix a later hour than six o'clock in the afternoon, but not later than eight o'clock on the same day for the closing of the poll. Polls.

"713. In addition to the presiding-officer, the only persons who shall be permitted, during the time that the polling station is open, to remain in the room where the votes are given, shall be: the election officers, the candidates and not more than two duly appointed agents or representatives of the candidates. Election officers.

"714. An elector shall vote by secret ballot only once for the election of the commissioner. Secret ballot.

"715. The presiding-officer, upon the application of any voter who is unable to read or is incapacitated by any physical cause from voting in the manner prescribed, shall assist such elector by marking his ballot paper in the manner directed by such elector in the presence of the candidates or their agents or representatives. Assistance to voter.

"716. The presiding-officer shall enter in the poll book, opposite the name of each elector voting, the word "voted" as soon as his ballot paper has been deposited in the ballot box. "voted".

"717. Every employer on polling day must allow each elector in his employ at least four hours to vote besides the time usually allowed for the midday meal and shall make no deduction from the salary of such elector. Time allowed to vote.

"718. At six o'clock in the afternoon, or at the hour determined by the school board under section 712, the poll and the voting shall be closed and the presiding-officer shall open the ballot boxes and proceed to count and draw up the list of the number of votes given for each candidate. Closing of poll and voting.

"719. As soon as the final result of the poll is known, the presiding-officer shall at once proclaim elected for the office of commissioner. Commissioner elected.

missioner the candidate who is found to have obtained the greatest number of votes and give public notice thereof.

Tie-vote. In the case of a tie-vote, the presiding-officer shall hold a public drawing of lots and proclaim elected the person favoured thereby.

Copy. Copy of the public notice shall be inserted in the books of the school board and of the municipality.

Secrecy of voting at polling station. **“720.** Every candidate, election officer, agent or representative of a candidate, in attendance at a polling station, shall maintain and aid in maintaining the secrecy of the voting at such polling station, and shall not, before the poll is closed, communicate to any person any information as to whether or not any elector has voted or applied to vote at that polling station.

Interference with an elector. **“721.** No candidate, election officer, agent, representative or other person shall interfere with or attempt to interfere with an elector when marking his ballot paper, or otherwise attempt to obtain at the polling station information as to the candidate for whom any elector at such polling station is about to vote or has voted.

Confidentiality of information. **“722.** No candidate, election officer, agent, representative or other person shall communicate at any time to any person any information obtained at a polling station as to the candidate for whom any elector is about to vote or has voted.

Secret ballot. **“723.** Every candidate, election officer, agent or representative of a candidate in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not at such counting attempt to obtain any information or communicate any information obtained as to the candidate for whom an elector has voted.

Election not invalid. **“724.** No election shall be declared invalid by reason of any want of qualification in the persons signing a nomination paper received by the presiding-officer under the provisions of this part.

Idem. **“725.** No election shall be declared invalid by reason of non-compliance with the provisions of this part as to the taking of the poll or counting of the votes if it appears to the Court having cognizance of the question that the election was conducted in accordance with the principles laid down in this part, and that such non-compliance or mistake did not affect the result of the election.

Idem. No election shall be declared invalid by reason of non-compliance with the provisions of this part regarding delays, unless it

appears to the Court that such non-compliance may have affected the result of the election.

"726. Any election of a commissioner by the electors may be contested by any elector on the ground of violence, corruption, fraud or incapacity or on the ground of non-compliance with the necessary formalities by filing a notice of contestation with the Regional Government within thirty days from the date of the election. Election contested.

"727. On receiving such a notice, the Regional Government shall act as conciliator, meet with the parties and endeavour to reach an agreement. The Regional Government shall report to the parties within a period of thirty days from the day the notice was received. Conciliator.

The parties to the dispute must attend every meeting to which they are convoked by the Regional Government. If they refuse or neglect to do so, the intervention of the Regional Government shall be deemed to have been unsuccessful. Intervention deemed unsuccessful.

"728. If the intervention of the Regional Government has been unsuccessful, the Provincial Court having jurisdiction over the territory shall be seized with the litigation and decide on it to the exclusion of any other tribunal. Jurisdiction of Provincial Court.

"729. Such contestation is brought before the Court by an ordinary action which must be served upon the interested parties within sixty days from the date of the election. Action instituted.

"730. The commissioner may resign his office by transmitting his resignation signed by himself to the director-general; the term of office of the commissioner shall expire upon the delivery of the writing to the director-general who shall transmit it to the Council at the next sitting. Resignation of commissioner.

The death of the commissioner shall terminate his term of office. Death.

The term of office of the commissioner shall also terminate if he has failed to attend at least three consecutive regular sittings of the Council. Non-attendance.

Whenever the Provincial Court annuls the election of a commissioner, or a commissioner loses the eligibility or qualification required by law during his tenure of office, such office shall *ipso facto* become vacant. Office vacant ipso facto.

Term of
office of
commis-
sioner
expired.

"731. Subject to the provisions of section 732, when the term of office of a commissioner expires more than six months before the general election fixed by section 698, the council may, within fifteen days following the vacancy, elect a person who has the qualifications required by section 691 to fill the office of such member for the remainder of the term.

Election.

Such election shall be by secret ballot and the director-general of the school board shall proclaim elected the person who obtains the majority of the votes of the members of the Council present. In case of a tie-vote, the president must give a casting vote.

New
election.

"732. Proceedings for a new election to fill vacancies in the Council shall be taken within eight days if:

(a) the election of the commissioner has not taken place within the time prescribed by this part; or

(b) by reason of vacancies, there remains less than a quorum of the members of the Council in office; or

(c) the council has not availed itself of the provisions of section 731.

Procedure.

Such election must be conducted in the same manner, in all respects, as a general election. The secretary-treasurer of the municipality shall not recommence these election proceedings more than once.

Notice to
Regional
Govern-
ment.

"733. Whenever the election contemplated by section 732 is not held within the time prescribed by this part, notice thereof shall be sent forthwith to the Regional Government, which shall forthwith transmit its recommendations to the Minister for the nomination of a commissioner.

Remainder
of term.

"734. Every member of a Council elected or appointed to replace another holds office only for the remainder of the time for which his predecessor had been elected or appointed.

"Education
committee"

"735. A parents' committee shall be established in each municipality, under the name, "education committee".

Compo-
sition.

The education committee shall be composed of five to eleven parents residing in the municipality, as determined by the school board, elected each year on the date and in accordance with the terms and conditions determined by ordinance of the school board.

Amend-
ment.

The school board may, with the approval of the Minister, amend the composition of education committees and the criteria for participating in the said committees.

Furthermore, if, after consulting the Council of the school board, the elected members of the education committee so decide, the commissioner of the municipality, the director of education in the municipality, the teachers' representative, the mayor of the municipality and a delegate of the local municipal council entrusted with cultural affairs, or their duly authorized representatives, may be members of the education committee, without the right to vote or to be appointed chairman thereof.

Members
without
right to
vote.

The education committees shall be consultative bodies with advisory powers to the school board except for responsibilities that may be delegated to them by ordinance of the school board. Sections 66 to 70 shall not apply.

Functions
of
committees.

"736. Members of education committees attending meetings outside their municipality shall be reimbursed their travel expenses and receive a daily allowance for all other expenses such as room and board.

Travel
expenses,
etc.

"737. Every child shall be entitled to receive moral and religious instruction in accordance with a programme approved by a clergyman or priest serving the municipality and by the Protestant or by the Catholic Committee of the Conseil supérieur de l'éducation. Any child shall be exempted from such moral or religious instruction at the request of his parents for reasons of conscience.

Moral and
religious
instruction.

"738. The languages of instruction are provided for in section 88 of the Charter of the French language (1977, chapter 5).

Languages
of
instruction.

"739. The school board may, for educational purposes, enter into agreements with Canada or with any school board, educational institution or individual, subject to the laws governing such agreements.

Agree-
ments.

"740. The delegation of powers under sections 202b and 202d shall be made by ordinance of the school board.

Delega-
tion of
powers.

"741. The school board may establish a curriculum development centre whose functions shall be to select courses, textbooks and teaching materials appropriate for the Inuit population and arrange for their experimental use, evaluation and eventual approval.

Curriculum
develop-
ment
centre.

"742. The school board may by ordinance provide for the establishment of programmes, the teaching of subjects and the use of teaching materials based on Inuit culture and Inuittituut.

Inuit
culture.

Approval. **“743.** All ordinances shall be forthwith transmitted to the Minister on being passed. The Minister shall review such ordinances within forty days and, except where the matters dealt with therein are based on Inuit culture and Inuttituut, may refuse his approval in writing. Unless the Minister has refused to approve them, all ordinances shall automatically come into force forty days after the date of their being passed or at any earlier date indicated by the Minister.

Teachers engaged. **“744.** It shall be the duty of the school board to engage teachers duly qualified to teach in the schools under its control. Paragraph 1 of section 203 does not apply.

Vote prohibited. No commissioner shall vote on any question regarding a member of his family.

School calendars. **“745.** The school board may establish by ordinance one or more school calendars, the existing rules serving as guidelines.

Conditions of employment. **“746.** The school board shall, in consultation with the Minister, negotiate the conditions of employment of its employees, except basic salary, basic marginal benefits and basic work loads, which are negotiated at the provincial level.

Special training courses. **“747.** The school board may establish by ordinance special training courses for its teachers.

Director-general. **“748.** Subject to sections 689 and 690, the Council of the school board shall appoint a director-general, and, under his direction, may appoint an assistant director-general and a secretary-general.

Senior staff. It shall also appoint under the director-general the senior staff and management staff and all other staff required for administration.

Assistant director-general. If the director-general is absent or unable to act, the assistant director-general shall exercise his functions and powers.

Designation. The director-general and the assistant director-general may be designated from among the persons holding senior positions, excluding that of secretary-general, and may perform all or some of the duties of senior officers.

Functions of senior staff. Subject to the by-laws made under paragraph 1 of section 16, the Council of the school board shall establish by by-law the functions of the senior staff and management staff.

Indemnities. **“749.** The commissioners shall be indemnified for expenses, in accordance with article 17.0.71 of the Agreement.

"750. The school board may provide for the transportation of children attending a school under its jurisdiction subject to budget approval for this service. Transportation of children.

"751. Notwithstanding the first paragraph of section 219, the commissioners, after having decided by resolution at a regularly held meeting not to reengage for the following year a person holding a pedagogical or educational position, shall, at least sixty days before the date of expiration of the engagement of such person or, in the case of an engagement terminating at the end of a school year, sixty days preceding the end of such school year, notify such person in writing of their intention to terminate the said engagement, but need not in such notice assign any cause therefor. Notice of dismissal.

"752. The Council may establish by ordinance qualifications and employment criteria for Inuit teachers involved in the teaching of Inuit culture and Inuttituut. Such teachers shall not be subject to the provisions of the regulations in effect concerning teacher's qualifications. Qualifications and employment criteria.

"753. The school board may incur expenditures for the construction, improvement or enlargement of buildings for educational purposes, including residences for teachers, provided that such expenditures are included in the approved capital assets budget. Expenditures.

Section 225 shall not apply.

"754. All buildings used for educational purposes, including residences for teachers, belonging to the school board of New Québec and all materials and other assets located in such buildings as part of the regular equipment shall be taken over by the school board in accordance with terms and conditions to be fixed by an agreement and at nominal cost. Provision not to apply. Buildings, etc., taken over by school board.

"755. The school board shall not be obliged to prepare evaluation rolls or to levy school property taxes to cover operating expenses or for the construction of schools. Evaluation roll and school taxes.

"756. The manner of conducting the annual school census shall be determined by ordinance of the school board. School census.

"757. Any child who maintains or helps to maintain his family may be declared exempt from compulsory school attendance by the school board. School attendance.

"758. The school board may determine by ordinance the manner of posting up public notices required by this act. Posting of public notice.

R.S., c. 237,
not to apply.

"759. The School Boards Grants Act (Revised Statutes, 1964, chapter 237) shall not apply.

Financial
aid to
students.

"760. Subject to budgetary approval, provisions shall be made for maintaining the necessary levels of financial aid to students attending school outside the territory when following courses not offered by the school board.

Funding
educational
services,
etc.

"761. Funding for the educational services and programmes available to the population of the territory on 11 November 1975 shall be maintained in accordance with article 17.0.84 of the Agreement.

Annual
budget.

"762. The annual budget providing for capital and operating costs shall be funded in the manner provided in article 17.0.85 of the Agreement.

Regulation
declared in-
applicable.

"763. The school board may make recommendations to the Lieutenant-Governor in Council that he declare inapplicable, in whole or in part, any regulation enacted under this act."

Elections
of commis-
sioners
recognized.

2. The Ministre de l'éducation may recognize, from the date he determines, the elections of commissioners of the Cree School Board which took place before the date of the coming into force of this act as elections under Part XII of the Education Act.

Kativik
School
Board
before estab-
lishment of
Regional Gov-
ernment.

3. Until the establishment of the Regional Government provided for in Section 13 of the Agreement and of the municipalities provided for in Section 12 of the Agreement, the Council of commissioners of the Kativik School Board shall be composed of the official representatives whose names have been submitted to the Ministre de l'éducation by an official resolution of the duly recognized community councils which shall have been adopted within fifteen days from the coming into force of this act.

Appoint-
ment of
commis-
sioners.

As to the communities where the commissioners have not been designated within the period mentioned above, one commissioner for every community may be appointed by the Government on the recommendation of the Minister after consultation by the Minister with the community council.

Coming
into force.

4. This act comes into force on the day of its sanction.