

## Chapter 7

### AN ACT TO AMEND CERTAIN ACTS RELATED TO EDUCATION

(Assented to June 10, 2010)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

#### *Education Act*

**1. The definition of “teacher” in subsection 3(1) of the *Education Act* is repealed and the following substituted:**

"teacher" means an individual who is employed as a teacher in a school or who is employed by the Government of Nunavut in another position for which a teacher's certificate issued under this Act is required; (*enseignant*)

#### *Cities, Towns and Villages Act*

**2. Paragraph 136(2)(c) of the *Cities, Towns and Villages Act* is amended by striking out “or the *Education Act*”.**

#### *Financial Administration Act*

**3. Items 1 and 2.1 of Schedule A to the *Financial Administration Act* are repealed and the following substituted:**

1. All district education authorities, as defined in the *Education Act*, and all governing bodies of schools established under section 197 of that Act.

#### *Hamlets Act*

**4. Paragraph 136(3)(b) of the *Hamlets Act* is amended by striking out “or the *Education Act*”.**

#### *Local Authorities Elections Act*

**5. (1) The *Local Authorities Elections Act* is amended by this section.**

**(2) The definition of “District Education Authority” in section 1 is repealed and the following substituted:**

“education authority” means a district education authority, as defined in the *Education Act*, or the governing body of a school established under section 197 of that Act; (*administration scolaire*)

**(3) Paragraph (c) of the definition of “electoral district” in section 1 is repealed and the following substituted:**

- (c) a member of an education authority, the relevant education district, as defined in the *Education Act*;

**(4) Paragraph (c) of the definition of “local authority” in section 1 is repealed and the following substituted:**

- (c) an education authority; (*administration locale*)

**(5) Subsection 10(2) is repealed and the following substituted:**

Election day for members of local education authorities

(2) The day for a general election for members of an education authority is the same as that for the municipality in which it is situated, if any, or as otherwise fixed by the education authority.

**(6) Subsection 18.1(1) is amended by striking out “a District Education Authority” and substituting “an education authority”.**

**(7) Section 19 is repealed and the following substituted:**

Persons not eligible to stand as candidates

19. A person is not eligible to be nominated or to stand as a candidate as a member of an education authority if the person is

- (a) a member of the school staff, as defined in the *Education Act*, of a school under the jurisdiction of the education authority;
- (b) a person hired for the delivery of adult education programs; or
- (c) an employee of the education authority.

**(8) Subsection 22(2) is amended by striking out “A District Education Authority” and substituting “An education authority”.**

**(9) Paragraphs 24(1)(a), (b) and (c) are repealed and the following substituted:**

- (a) ratepayers; or
- (b) supporters of a school established under section 197 of the *Education Act*.

**(10) Paragraph 27(2)(b) is repealed and the following substituted:**

- (b) an employee of the department of the Minister responsible for administration of the *Education Act*, designated by that Minister for the purposes of this paragraph, shall perform the duties and

exercise the powers of the returning officer for an education authority named or described in the designation.

**(11) Item 4(b) of the Schedule is repealed and the following substituted:**

- (b) where appropriate, whether the person is a supporter of a school established under section 197 of the *Education Act*.

*Nunavut Teachers Association Act*

**6. (1) The *Nunavut Teachers Association Act* is amended by this section.**

**(2) The definition of “District Education Authority” in section 1 is repealed and the following substituted:**

“district education authority” means a district education authority as defined in the *Education Act*; (*administration scolaire de district*)

**(3) The definition of “Divisional Education Council” in section 1 is repealed.**

**(4) The definition of “Superintendent” in section 1 is repealed.**

**(5) The definition of “teacher” in section 1 is repealed and the following substituted:**

“teacher” means a person who holds a teacher's certificate issued under the *Education Act* but does not include a person who is excluded under subsection 41(1.7) of the *Public Service Act* from the bargaining unit established by paragraph 41(1.4)(c) of that Act (*enseignant ou enseignante*);

**(6) Section 11 is amended by striking out “District Education Authority, Divisional Education Council” and substituting “district education authority”.**

**(7) Section 12 is amended by striking out “District Education Authority, Divisional Education Council” and substituting “district education authority”.**

**(8) Subsections 15.1(1) and (2) are repealed and the following substituted:**

Active members

(1) Only a teacher who is a member of the bargaining unit established by paragraph 41(1.4)(c) of the *Public Service Act* may be an active member.

Leave of absence

(2) A teacher while on a leave of absence from their position in the bargaining unit established by paragraph 41(1.4)(c) of the *Public Service Act* continues to be an active member.

**(9) Paragraph 16(a) is repealed and the following substituted:**

- (a) officials of the Department of Education who are designated under the *Education Act* as executive directors;
- (a.1) teachers who are not members of the bargaining unit established by paragraph 41(1.4)(c) of the *Public Service Act*;

*Property Assessment and Taxation Act*

**7. (1) This section amends the *Property Assessment and Taxation Act*.**

**(2) Section 1 is amended by adding the following definition in alphabetical order:**

“ratepayer school” means a school established under section 197 of the *Education Act*; (*école établie par les contribuables*)

**(3) Paragraph 18(1)(h) is repealed and the following substituted:**

- (h) when required, an indication as to whether an assessed owner is a supporter of a ratepayer school; and

**(4) Section 24 is repealed and the following substituted:**

Ratepayer School Supporters

Record of support

**24.** (1) Where land is situated in the area for which a ratepayer school is established, the Director shall indicate in the assessment roll whether the assessed owner is a supporter of the ratepayer school in accordance with the regulations made under section 197 of the *Education Act*.

Statement of support

(2) A person may file, with the Director, a written statement that he or she is or is not a supporter of a ratepayer school.

If no statement filed

(3) In the absence of a filed statement, the Director shall indicate, in the assessment roll, whether the assessed owner is a supporter of the ratepayer school having regard to any knowledge or information available to the Director.

**(5) Paragraph 40(1)(f) is repealed and the following substituted:**

- (f) an indication as to whether an assessed owner is a supporter of a ratepayer school.

**(6) Paragraph 73(2)(g) is repealed and the following substituted:**

- (g) schools, as defined in the *Education Act*, and ratepayer schools, and the contiguous land used in connection with any such school or ratepayer school to the extent of not more than 1.6 ha in respect of each.

**(7) Subsections 75(4) and (5) are repealed and the following substituted:**

Mill rate does not apply

(4) An education mill rate established pursuant to paragraph (1)(b) does not apply to assessed property in the general taxation area in respect of which the body that governs a ratepayer school has the power under the regulations made under section 197 of the *Education Act* to receive money collected from property taxes.

Mill rate, ratepayer schools

(5) If a body governing a ratepayer school has the power under the regulations made under section 197 of the *Education Act* to receive money collected from property taxes on property in the general taxation area, the Minister of Finance may, by order, establish an education mill rate to raise the amount required by the body governing the ratepayer school.

**(8) Subsections 76(3) and (4) are repealed and the following substituted:**

Ratepayer school requisition

(3) If a body governing a ratepayer school has the power under the regulations made under section 197 of the *Education Act* to receive money collected from property taxes on property in a municipal taxation area, the council of the municipal taxing authority shall, by by-law, establish an education mill rate for each property class to raise the amount required by the body governing the ratepayer school.

**(9) Section 76.1 is repealed and the following substituted:**

Application – if no ratepayer school requisition

76.1. (1) This section applies with respect to property in a municipal taxation area that is not subject to a mill rate established under subsection 76(3).

Request by council

(2) At the request of the council of a municipal taxing authority, the Minister of Finance may establish, by order, an education mill rate for each property class in the municipal taxation area.

Education mill rate

(3) If the council of a municipal taxing authority has not made a request under subsection (2), the Minister of Finance shall, by order, establish an education mill rate for the assessed property in the municipal taxation area.

Education mill rate application

(4) An education mill rate established for a property class under subsection (2) must be applied uniformly in respect of the assessed property of that class liable to taxation.

*Idem*

(5) An education mill rate established under subsection (3) must be applied uniformly in respect of the assessed property liable to taxation.

**(10) Subparagraph 78(1)(a)(ii) is repealed and the following substituted:**

- (ii) subject to the regulations made under section 197 of the *Education Act*, the education mill rate established under paragraph 75(1)(b) or subsection 75(5), as the case may be,

**(11) Subparagraph 79(1)(a)(ii) is repealed and the following substituted:**

- (ii) subject to the regulations made under section 197 of the *Education Act* either
  - (A) the education mill rate established under subsection 76(3) or 76.1(2) that is applicable to the property class assigned to the assessed property, or
  - (B) the education mill rate established under subsection 76.1(3).

**(12) The following is added after section 79:**

Payments Related to Education Mill Rates

Payment related to education mill rate under subsection 75(5)

79.1 (1) The Collector of Taxes shall pay the property taxes collected by the Collector of Taxes that are attributable to the levy of the education mill rate established under subsection 75(5) to the body governing the ratepayer school.

Payment related to education mill rate under subsection 76(3)

(2) The municipal taxing authority shall pay the property taxes collected by the municipal taxing authority that are attributable to the levy of the education mill rate established under subsection 76(3) to the body governing the ratepayer school.

Payment related to education mill rate under section 76.1

(3) The municipal taxing authority shall pay the property taxes collected by the municipal taxing authority that are attributable to the levy of the education mill rate established under section 76.1 to the Collector of Taxes.

Amounts and timing of payments

(4) Payments under this section are subject to the regulations respecting the amounts of the payments and the times at which they are to be made.

Definition of property taxes

(5) In this section, “property taxes” includes payments accepted in lieu of property taxes under section 73.1.

**(13) Paragraph 88(2)(h) is repealed and the following substituted:**

- (h) when required, an indication as to whether an assessed owner is a supporter of a ratepayer school; and

**(14) Paragraph 117(2)(e) is repealed and the following substituted:**

- (e) respecting the amount of property taxes to be paid under section 79.1 and the times at which the payments are to be made.

*Public Service Act*

**8. (1) The *Public Service Act* is amended by this section.**

**(2) Subsection 41(1.7) is amended by striking out “or a teacher”.**

**(3) Subsection 41(1.9) is repealed and the following substituted:**

Principals and Vice-principals

(1.9) Subsection (1.7) does not apply with respect to principals and vice-principals employed under the *Education Act*.

*Statutory Instruments Act*

**9. Paragraph (b) of the definition of “local authority” in subsection 1(1) of the *Statutory Instruments Act* is repealed and the following substituted:**

- (b) a district education authority, as defined in the *Education Act*, or a governing body of a school established under section 197 of that Act;