

## Chapter 8

### AN ACT TO AMEND THE DIVISIONAL EDUCATION COUNCILS DISSOLUTION ACT

(Assented to April 28, 2000)

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

**1. The *Divisional Education Councils Dissolution Act* is amended by this Act.**

**2. Section 1 is repealed and the following substituted:**

#### Definitions

1. The definitions in subsection 1 (1) of the *Education Act* apply with respect to this Act.

**3. The following sections are added after section 4:**

#### Members deemed to have resigned

5. The members of each Divisional Education Council shall be deemed to have resigned from the Divisional Education Council effective June 30, 2000.

#### Amalgamation of Divisional Education Councils

6. (1) On July 1, 2000, each Divisional Education Council shall be deemed to be amalgamated with the Government of Nunavut.

#### Clarification

(2) For greater certainty, under subsection (1),

- (a) the assets and liabilities of a Divisional Education Council, become assets and liabilities of the Government of Nunavut;
- (b) obligations owed to a Divisional Education Council become obligations owed to the Government of Nunavut;
- (c) obligations owed by a Divisional Education Council become obligations owed by the Government of Nunavut; and
- (d) employees of a Divisional Education Council become employees of the Government of Nunavut, and their employment with the Divisional Education Council shall be deemed to have been employment with the Government of Nunavut.

#### Exception, office managers

(3) A person who is employed as an office manager of a District Education Authority shall be deemed to be employed by the District Education Authority and paragraph (2)(d) does not apply to such a person.

Minister to exercise powers, etc.

7. (1) The Minister shall exercise the powers and perform the duties of a Divisional Education Council under the *Education Act* and any other Act and, for the purposes of exercising such powers and performing such duties, references to a Divisional Education Council shall be deemed to be references to the Minister.

Continuation of allocation

(2) The powers and duties that immediately before July 1, 2000 were allocated to a Divisional Education Council under section 102 of the *Education Act* shall be deemed to be allocated to the Minister.

Continuation of arrangements with District Education Authorities

(3) If a Divisional Education Council and a District Education Authority have made a determination under section 120 of the *Education Act* as to how a power or duty that has been allocated to both of them shall be exercised or performed, that determination, as varied by any agreement between the District Education Authority and the Minister, shall continue and shall apply with respect to the Minister as though the Minister were the Divisional Education Council.

Responsibility under subsection 81(6) of the *Education Act*

(4) A power or duty that, under subsection 81(6) of the *Education Act*, would have been the responsibility of the Deputy Minister shall be the responsibility of the Minister.

Agreement

(5) A District Education Authority and the Minister shall enter into an agreement dealing with how the District Education Authority will carry out its duties and responsibilities and exercise its powers to ensure that the District Education Authority, to the extent it is willing and able, carries out as many duties, takes as much responsibility and exercises as many powers as possible.

Executive directors

8. (1) The Minister shall designate one or more departmental officials as executive directors.

Jurisdiction

(2) An executive director has jurisdiction in the education district or districts set out in the designation of the official as an executive director.

References to Superintendents

(3) For the purposes of the *Education Act* and other Acts, references to a Superintendent shall be deemed to be references to an executive director.

Unfinished appeals

9. (1) If an appeal under section 42 of the *Education Act* relating to a Divisional Education Council was not disposed of before July 1, 2000, the appeal shall be disposed of by a person or panel selected by the Minister.

Procedures

(2) The person or panel selected by the Minister may determine its own procedures, subject to any direction by the Minister.

Audits for last year

10. Sections 130 to 133 of the *Education Act* apply with respect to Divisional Education Councils for their last fiscal years with necessary modifications and with the following additional modifications:

- (a) the Minister shall appoint the auditor under section 130 of the *Education Act* and cause the audit to be conducted under subsection 131(1) of that Act;
- (b) paragraph 131(3)(b) of the *Education Act* does not apply;
- (c) the references to members and employees in subsection 132(2) of the *Education Act* shall be deemed to be references to former members and former employees;
- (d) under subsection 133(1) of the *Education Act*, the audit report shall be submitted only to the executive director appointed under section 8;
- (e) the requirements of subsection 133(2) of the *Education Act* shall be carried out by the executive director;
- (f) subsections 133(3) to (6) of the *Education Act* do not apply; and
- (g) the executive director shall forward the audit report to the Minister on or before September 30, 2000 and the Minister shall forward the audit report to the Minister of Finance and Administration.

*Statutory Instruments Act*

11. The *Statutory Instruments Act* does not apply to the following:

- (a) a direction of the Minister under subsection 9(2); and
- (b) anything done by the Minister in the exercise of a power or the performance of a duty of a Divisional Education Council.

**4. This Act comes into force on July 1, 2000.**