



THE NEWFOUNDLAND AND LABRADOR GAZETTE

EXTRAORDINARY

Part II

PUBLISHED BY AUTHORITY

ST. JOHN'S, TUESDAY, AUGUST 16, 2016

**NEWFOUNDLAND AND LABRADOR
REGULATIONS**

NLR 41/16

NLR 42/16

NLR 43/16



**NEWFOUNDLAND AND LABRADOR
REGULATION 41/16**

*Proclamation bringing Act into force
(SNL2016 c35) (In force August 16, 2016)
under the
An Act to Amend the Schools Act, 1997
(O.C. 2016-123)*

(Filed August 16, 2016)

*ELIZABETH THE SECOND, by the Grace of God of the
United Kingdom, Canada and Her Other Realms and Territories
QUEEN, Head of the Commonwealth, Defender of the Faith*

J. DEREK GREEN
Administrator

HEATHER JACOBS
Deputy Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 8 of “*An Act to Amend the Schools Act, 1997*,” SNL2016 Chapter 35 (the “Act”) it is provided that the Act shall come into force on a day to be fixed by Proclamation of Our Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall now come into force;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that “*An Act to Amend the Schools Act, 1997*,” SNL2016 Chapter 35 shall come into force on August 16, 2016.

*Proclamation bringing an Act to Amend
the Schools Act, 1997, into force
(In Force August 16, 2016)*

41/16

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS
whom these Presents may concern are hereby required to take notice
and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be
made Patent and the Great Seal of Newfoundland and Labrador to be
hereunto affixed.

WITNESS: Our trusty and well-beloved the
Honourable J. Derek Green,
Chief Justice of Newfoundland and Labrador,
Court of Appeal, Administrator in and for
Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE,
in Our City of St. John's this 15th day of August
in the year of Our Lord two thousand and sixteen
in the sixty-fifth year of Our Reign.

BY COMMAND,

JAMIE CHIPPETT
Registrar General (Acting)



NEWFOUNDLAND AND LABRADOR REGULATION 42/16

Composition of the Conseil Scolaire Order
under the
Schools Act, 1997

(Filed August 16, 2016)

Under the authority of subsection 95(3) of the *Schools Act, 1997*,
I, on the recommendation of the conseil scolaire, make the following
Order.

Dated at St. John's, August 15, 2016.

Dale Kirby
Minister of Education and Early Childhood Development

ORDER

Analysis

- | | |
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| 2. Conseil scolaire composition | |

Short title

1. This Order may be cited as the *Composition of the Conseil Scolaire Order*.

Conseil scolaire
composition

2. Nine trustees shall be elected to the conseil scolaire.

Commencement

3. (1) This Order comes into force on November 22, 2016.

(2) Notwithstanding subsection (1), for the purpose of preparing for the election of trustees to the conseil scolaire on

November 22, 2016, this Order shall have effect from the date of publication.

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NEWFOUNDLAND AND LABRADOR REGULATION 43/16

School Board Election Regulations, 1998 (Amendment)
under the
Schools Act, 1997
(O.C. 2016-124)

(Filed August 16, 2016)

Under the authority of section 118 of the *Schools Act, 1997*, the
Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, August 15, 2016.

Julia Mullaley
Clerk of the Executive Council

REGULATIONS

Analysis

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NLR 146/97
as amended

1. Paragraphs 2(b), (c) and (d) of the *School Board Election Regulations, 1998* are repealed and the following substituted:

(b) "elector" means a person qualified to vote in an election of trustees to a board or to the conseil scolaire;

(c) "returning officer" means,

(i) in relation to a board, the assistant director of finance and business administration appointed under section 79 of the Act unless otherwise determined by the board, and

(ii) in relation to the conseil scolaire, the assistant director of finance and business administration appointed under paragraph 110(1)(b) of the Act unless otherwise determined by the conseil scolaire; and

(d) "zone" means a zone established by a board under section 54 of the Act or by the conseil scolaire under section 95.1 of the Act.

2. The regulations are amended by adding immediately after section 2 the following:

Interpretation

2.1 (1) For the purpose of these regulations except for paragraph 2(b), subparagraph 2(c)(i), paragraph 2(d), subsections 4(1) and 4.1(3), paragraph 6(5)(c), subsection 7(2.1), section 10 and subsections 11(1), 16(1) and 23(1), a reference to

(a) a board shall be considered to include a reference to the conseil scolaire; and

(b) a school shall be considered to include a reference to a French first language school

where to do so would not be inconsistent with these regulations.

(2) In sections 8, 9, 11, 23 and 37, "elector", notwithstanding paragraph 2(b), means a person who is qualified to vote under section 4.

3. Subsection 3(1) of the regulations is repealed.

4. Section 4 of the regulations is repealed and the following substituted:

Persons qualified to
vote

4. (1) A person is qualified to vote in an election of trustees to a board who

- (a) is not less than 18 years of age;
- (b) is a Canadian citizen; and
- (c) is ordinarily resident in the province on the day of the election.

(2) An elector is entitled to vote in only one zone established by a board.

(3) For the purpose of subsection (2), the zone in which an elector is entitled to vote shall be the zone in which the person is ordinarily resident.

(4) Section 26 of the *Elections Act, 1991* applies for the purpose of determining whether a person is ordinarily resident in the province under paragraph (1)(c) and in a zone under subsection (3).

5. The regulations are amended by adding immediately after section 4 the following:

Persons qualified to
vote - conseil
scolaire

4.1 (1) An elector is qualified to vote in an election of trustees to the conseil scolaire who meets the requirements in subsection 4(1) and

- (a) his or her first language learned and still understood is French;

(b) he or she received his or her primary school instruction in Canada in a French first language program; or

(c) he or she is a parent of a child who is receiving or has received primary or secondary school instruction in a French first language program in Canada.

(2) A person who meets the requirements of subsection (1) shall confirm that he or she is qualified to vote in an election of trustees to the conseil scolaire on the day of the election in the form prescribed by the minister.

(3) Notwithstanding subsection 4(2), where a person is qualified to vote in an election of trustees to both a board and the conseil scolaire, he or she may vote in both elections.

6. Section 5 of the regulations is repealed and the following substituted:

Ballots

5. A ballot shall clearly state

(a) the name of each candidate;

(b) the number of trustees for whom an elector may vote in the zone; and

(c) where the election includes an election of trustees at large, the number of trustees for whom an elector may vote as a trustee at large and whether each candidate seeks election in a zone or as a trustee at large.

7. Subsections 6(3) and (4) of the regulations is repealed and the following substituted:

(3) A candidate for election in a zone shall be nominated by 2 persons who are qualified to vote in the zone and in the election for which the person is seeking election.

(4) A candidate for election as a trustee at large shall be nominated by 2 persons who are qualified to vote in the election in which the person is seeking election.

(5) A person is not eligible to be a candidate at an election of trustees where, if the person is elected, he or she will be a trustee

- (a) of more than one zone at the same time;
- (b) of a zone and at large at the same time; or
- (c) of a board and the conseil scolaire at the same time.

8. (1) Paragraph 7(1)(a) of the regulations is repealed and the following substituted:

- (a) determine the number of polling divisions required for the election, giving due consideration to geographical and all other factors that may affect the convenience of the electors in casting their votes; and

(2) Section 7 of the regulations is amended by adding immediately after subsection (2) the following:

(2.1) Notwithstanding subsection (2), where an election of trustees to a board and an election of trustees to the conseil scolaire are fixed on the same date,

- (a) polling stations shall be designated to be used jointly in both elections;
- (b) the deputy returning officer and poll clerk for each designated polling station shall be appointed to act concurrently, in their respective capacities, in both elections; and
- (c) where practical, there shall be only one list of electors at each polling station and that list of electors shall be used in both elections.

9. Subsection 8(1) of the regulations is repealed and the following substituted:

List of electors

8. (1) Not less than 2 months before the date of an election, other than a by-election, the returning officer shall cause a list of electors to be prepared, revised and compiled in accordance with these regulations.

10. Section 9 of the regulations is repealed and the following substituted:

Particulars of
electoral lists

9. The returning officer shall, when the returning officer has completed the preparation of the list of electors for a polling division, a zone or the province, endorse at the end of the list a certificate in a form prescribed by the minister signed by the returning officer.

11. Section 10 of the regulations is repealed and the following substituted:

Posting of notices

10. (1) The returning officer for an election of trustees to a board shall post notices of the period fixed for the nomination of candidates in at least one conspicuous place in each city, town or community where the board operates a school, and the notices shall be posted not less than 7 days before the commencement of the period fixed for the nomination.

(2) The returning officer for an election of trustees to a board shall, where a poll is granted, post notices of the poll in at least one conspicuous place in each city, town or community where the board operates a school, and the notices shall be posted within 3 days of the expiration of the period fixed for the nomination of candidates.

(3) The returning officer for an election of trustees to the conseil scolaire shall post notices of the period fixed for the nomination of candidates in each French first language school and, in a city, town or community where the conseil scolaire does not operate a French first language school, in the places the notices are posted under subsection (1), and the notices shall be posted not less than 7 days before the commencement of the period fixed for the nomination.

(4) The returning officer for an election of trustees to the conseil scolaire shall, where a poll is granted, post notices of the poll in each French first language school and, in a city, town or community where the conseil scolaire does not operate a French first language school, in the places the notices are posted under subsection (2), and the notices shall be posted within 3 days of the expiration of the period fixed for the nomination of candidates.

12. Section 11 of the regulations is repealed and the following substituted:

Persons eligible to
vote

11. (1) Where a list of electors is compiled under section 8 for an election of trustees to a board, the persons whose names appear on the list of electors certified by the returning officer shall be those qualified to vote at the next election and a person whose name does not appear upon the list shall not be allowed to vote at the election.

(2) Where a list of electors is compiled under section 8 for an election of trustees to the conseil scolaire, the persons whose names appear on the list of electors certified by the returning officer shall be those eligible to vote at the next election but a person is not qualified to vote unless he or she confirms that he or she meets the requirements in subsection 4.1(1) and a person whose name does not appear upon the list or who does not confirm that he or she meets the requirements of subsection 4.1(1) shall not be allowed to vote at the election.

(3) Notwithstanding subsections (1) and (2), every person whose name has been omitted from the list of electors may have his or her name inserted before the close of the poll by attending at the election and completing a declaration of eligibility to vote in a form prescribed by the minister.

13. Subsection 12(4) of the regulations is repealed and the following substituted:

(4) A nomination form may be filed with a returning officer by facsimile transmission or email provided the date of the transmission is stated on it electronically.

14. Section 13 of the regulations is repealed and the following substituted:

Returning officer
may declare elec-
tion

13. Where only as many or fewer candidates are nominated as trustees than are required to be elected the returning officer shall, without a poll being taken, declare those candidates who are nominated to be elected and shall make the declaration publicly at his or her office at 9:00 a.m. of the first working day following that on which nominations close.

15. Section 14 of the regulations is repealed and the following substituted:

Where too few
candidates are
nominated

14. Where fewer candidates are nominated as trustees than are required to be elected, the returning officer shall notify the board and the board shall notify the minister of the deficiency.

16. Section 15 of the regulations is repealed and the following substituted:

Declaration of poll

15. Where more candidates are nominated as trustees than are required to be elected, the board shall grant a poll for the taking of votes.

17. Subsections 16(1) and (2) of the regulations is repealed and the following substituted:

Ballot papers

16. (1) When a poll has been granted in relation to an election of trustees to a board, the returning officer shall immediately cause to be printed a number of ballot papers, not less than the number of electors in the zone in which the election is to be held, and all ballot papers to be used in an election of trustees to a board shall be printed with the stamp or seal of the board.

(1.1) When a poll has been granted in relation to an election of trustees to the conseil scolaire, the returning officer shall immediately cause to be printed a number of ballot papers, not less than the number, in the opinion of the returning officer, sufficient for the number of electors in the zone in which the election is to be held, and all ballot papers to be used in an election of trustees to the conseil scolaire shall be printed with the stamp or seal of the conseil scolaire.

(2) Notwithstanding subsections (1) and (1.1), the returning officer shall not cause to be printed ballot papers with the stamp or seal of the board except those forwarded to the deputy returning officers and the existence of a ballot paper printed with the stamp or seal of the board other than those provided to the deputy returning officers is, in the absence of evidence to the contrary, evidence of malfeasance in office by the returning officer.

18. Paragraph 17(1)(a) of the regulations is repealed and the following substituted:

(a) a list in alphabetical order of the persons eligible to vote in the polling division for which the deputy returning officer has been appointed if such a list has been compiled;

19. Section 23 of the regulations is repealed and the following substituted:

Presentation for
vote

23. (1) When a person claiming to be qualified to vote in an election of trustees to a board presents himself or herself at the polling booth for the purpose of voting, the person shall state his or her name and place of residence, and the returning officer or the deputy returning officer shall proceed as follows:

- (a) the returning officer or deputy returning officer shall ascertain that the name of the person is entered or purports to be entered upon the copy of the list of electors for the polling division and if the name of the person proposing to vote is not found on the list the person shall be so informed and, in accordance with subsection 11(3), be given a declaration to sign and, upon signing the declaration, shall be permitted to vote;
- (b) the returning officer or deputy returning officer shall enter or cause to be entered in the poll book the name of the person presenting himself or herself at the polling booth for the purpose of voting; and
- (c) the returning officer or deputy returning officer shall deliver to the person a ballot paper which the returning officer or deputy returning officer has initialled.

(2) When a person claiming to be qualified to vote in an election of trustees to the conseil scolaire presents himself or herself at the polling booth for the purpose of voting, the person shall state his or her name and place of residence, and the returning officer or the deputy returning officer shall proceed as follows:

- (a) the returning officer or deputy returning officer shall ascertain that the name of the person is entered or purports to be entered upon the copy of the list of electors for the polling division and if the name of the person proposing to vote is not found on the list the person shall be so informed and, in accordance with subsection 11(3), be given a declaration to sign;
- (b) where the name of the person is entered or purports to be entered upon the copy of the list of electors or the person

signs the declaration in paragraph (a), the person shall be given a confirmation in the form prescribed by the minister in accordance with subsection 4.1(2) and, upon signing the confirmation, shall be permitted to vote in the election;

(c) the returning officer or deputy returning officer shall enter or cause to be entered in the poll book the name of the person presenting himself or herself at the polling booth for the purpose of voting; and

(d) the returning officer or deputy returning officer shall deliver to the person a ballot paper which the returning officer or deputy returning officer has initialled.

20. (1) Subsection 34(1) of the regulations is repealed and the following substituted:

Request for recount

34. (1) If, within 3 days after the declaration of an election, a candidate by himself or herself or his or her agent requests in writing a recount of the votes cast in a zone in which the candidate was nominated or the votes cast in an election of a trustee at large in which the candidate was nominated, the returning officer shall appoint a time within 5 days after the receipt of all ballot boxes to recount the votes at the returning officer's office.

(2) Subsection 34(3) of the regulations is repealed and the following substituted:

(3) The returning officer for an election and the person the returning officer appoints to assist the returning officer and each candidate or his or her agent or at least 3 electors qualified to vote in that election shall be present for the recounting of votes.

21. Subsection 37(1) of the regulations is repealed and the following substituted:

By-election

37. (1) Where the Lieutenant-Governor in Council orders that there be an election of a board or a by-election of a trustee under section 59 or section 96 of the Act, the board shall call an election or by-election at the time the minister directs.

22. Section 39 of the regulations is repealed and the following substituted:

Minister may set
dates

39. Notwithstanding subsections 7(1) and (2), 8(1) and (4), section 10, subsections 12(2) and (3), section 13 and subsection 34(1), the minister may, with the approval of the Lieutenant-Governor in Council, set dates and prescribe time periods for the purposes of these regulations.

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