



BILL NO. 121

Government Bill

*3rd Session, 61st General Assembly
Nova Scotia
60 Elizabeth II, 2011*

An Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act

CHAPTER 59
ACTS OF 2011

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 15, 2011**

The Honourable Ramona Jennex
Minister of Education

*Halifax, Nova Scotia
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**An Act to Amend Chapter 1
of the Acts of 1995-96,
the Education Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 86 of Chapter 1 of the Acts of 1995-96, the *Education Act*, is repealed.

2 Chapter 1 is further amended by adding immediately before Section 141 the following Section:

140A (1) In this Section, “records” means information or data recorded and stored by graphic photographic, electronic, mechanical or other means and includes books, accounts, financial records, operational data, reports, minutes, files, correspondence, drawings, photographs and electronic mail;

(2) The Minister may, from time to time, appoint one or more persons to

(a) conduct an independent financial audit of a school board;

(b) inquire into or investigate any school board matter related to

(i) the school board’s financial condition,

(ii) the school board’s administrative affairs,

(iii) the health, safety or educational welfare of the students of a school, or

(iv) any other matter connected with the organization, management, administration or operation of a school board.

(3) Where the Minister so provides, a person appointed pursuant to subsection (2) has the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*.

(4) The person appointed pursuant to subsection (2) is entitled to receive and shall be paid such fees as may be fixed and paid by the Minister.

(5) The person appointed pursuant to subsection (2) may

(a) examine and make copies of any relevant records or property; and

(b) upon giving a receipt therefor, remove any records or property for the purpose of making copies, in which case the copying must be carried out with reasonable dispatch and the items removed promptly thereafter returned to the school board.

(6) The person appointed pursuant to subsection (2) shall report the results of the audit, inquiry or investigation to the Minister.

(7) Upon receipt of the report, the Minister may

(a) issue such directives to the school board regarding corrective action; or

(b) take such other action as authorized by this Act,

as the Minister considers appropriate.

3 Subsection 146(1) of Chapter 1, as amended by Chapter 11 of the Acts of 2000, Chapter 5 of the Acts of 2002, Chapter 3 of the Acts of 2004, Chapter 4 of the Acts of 2004, Chapter 16 of the Acts of 2005, Chapter 27 of the Acts of 2006 and Chapter 53 of the Acts of 2008, is further amended by

**(a) deleting the period at the end of clause (yf) and substituting a semicolon;
and**

(b) adding immediately after clause (yf) the following clause:

(yg) respecting any matter related to an audit, inquiry, investigation or report under Section 140A;
