

**Conflict of interest**

11(1) No member of a board of education or of the conseil scolaire shall:

- (a) be or become directly interested in any contract entered into by or on behalf of the board of education or the conseil scolaire of which he or she is a member;
- (b) participate directly in the profit or in any benefit or emolument arising from a contract entered into by or on behalf of the board of education or the conseil scolaire of which he or she is a member;
- (c) accept any office or place of emolument under the board of education or the conseil scolaire of which he or she is a member; or
- (d) perform any duty, transact any business or do anything whatever in any character or capacity for or in expectation of any fee, gain or reward for or on behalf of the board of education or the conseil scolaire of which he or she is a member.

(2) A member of a board of education or the conseil scolaire who contravenes subsection (1) must vacate his or her office as a member of the board of education or the conseil scolaire.

(3) If a member of a board of education or the conseil scolaire vacates his or her office pursuant to subsection (2), the remaining members of the board of education or the conseil scolaire must immediately notify the minister of the vacancy.

(4) Nothing in this section extends to or disqualifies as a member of a board of education or the conseil scolaire any person who:

- (a) enters into a contract with the board of education or the conseil scolaire, as the case may be, for the sale to the board of education or the conseil scolaire of a school site;
- (b) has received an amount not exceeding \$200 in any one year for labour authorized by and supplied to the board of education or the conseil scolaire;
- (c) enters into a contract with the board of education or the conseil scolaire for the sale of utilities, services or merchandise in an amount or amounts that in total do not exceed \$500 in any one year;
- (d) receives payment on account of or in lieu of the cost of transportation or other allowances payable to him or her as the parent or guardian of a pupil; or
- (e) is a shareholder in or is employed by a company that has dealings or contracts with the board of education or the conseil scolaire for the supply of utilities, goods or services, but that person shall not vote as a member of the board of education or the conseil scolaire on any matter affecting that company.

(5) Notwithstanding subsection (1), a member of a board of education or the conseil scolaire may have an interest in a contract with the board of education or the conseil scolaire, as the case may be, for goods and services if:

- (a) the goods and services are not readily obtainable from some other person in the school division or the francophone education area;
- (b) the price of goods and services to be obtained is reasonable; and
- (c) every member of the board of education or the conseil scolaire present and eligible to vote at a meeting of the board of education or the conseil scolaire votes in favour of the contract.

(6) Notwithstanding subsection (1) but subject to any terms and conditions that the board of education or the conseil scolaire considers proper, a board of education or the conseil scolaire may include any or all members of the board of education or the conseil scolaire in a benefit fund maintained for the benefit of its employees.

1 Sep 2017 cE-0.2 Reg 26 s11.

#### **Ouster of member**

12(1) Five or more electors in a school division may apply, without notice, to a judge of the Court of King's Bench for an order described in subsection (4) respecting a member of a board of education of that school division if the electors submit in their affidavits that the member:

- (a) is guilty of contravening section 11;
- (b) is guilty of gross neglect of duty;
- (c) has wilfully or negligently contravened the Act or the regulations; or
- (d) is unfit for any reason to act as a member of the board of education.

(2) Five or more voters in the division scolaire francophone may apply, without notice, to a judge of the Court of King's Bench for an order described in subsection (4) respecting a member of the conseil scolaire if the voters submit in their affidavits that the member:

- (a) is guilty of contravening section 11;
- (b) is guilty of gross neglect of duty;
- (c) has wilfully or negligently contravened the Act or the regulations; or
- (d) is unfit for any reason to act as a member of the conseil scolaire.

(3) The electors or voters must pay the required amount into court as security for costs when making their application.

(4) The electors or voters may apply for an order that:

- (a) grants leave to serve a notice of application directed to the member of the board of education or the conseil scolaire; and
- (b) requires that member to show cause why the member should not be removed from office.

(5) The judge may:

- (a) direct the manner in which a notice of application is to be served; and
- (b) fix the time when and place where the notice of application is returnable.

(6) If, on the return of the notice of application mentioned in subsection (5), the judge on affidavit or oral evidence finds that the member is unfit to act as a member of the board of education or conseil scolaire for any reason set out in subsection (1) or (2), the judge shall make an order ousting the member from office.

(7) The judge may make any order as to costs that is appropriate in the circumstances.

(8) No person is eligible for election as a member of any board of education or the conseil scolaire for a period of 4 years after the date of his or her ouster from office pursuant to this section.

1 Sep 2017 cE-0.2 Reg 26 s12; 1 Sep 2023 SR  
85/2023 s4.

#### **Removal of member**

**13(1)** Subject to subsection (2), on the recommendation of the minister, the Lieutenant Governor in Council may, at any time, by order, remove a member of a board of education or the conseil scolaire from office if the Lieutenant Governor in Council considers it in the public interest to do so.

(2) Before the Lieutenant Governor in Council exercises the power conferred on it pursuant to subsection (1):

- (a) the minister must, in accordance with clause 4(1.1)(j) of the Act, appoint an official trustee to examine the conduct of the member whom the Lieutenant Governor in Council is considering removing; and
- (b) the Lieutenant Governor in Council must consider the report prepared by the official trustee respecting the member's conduct.

- (3) A person who is removed from office pursuant to this section immediately ceases to hold office on the making of the order.
- (4) No person is eligible for election as a member of any board of education or the conseil scolaire for a period of 4 years after the date of his or her removal from office pursuant to this section.
- (5) As part of the order issued pursuant to this section, the Lieutenant Governor in Council may direct the board of education or the conseil scolaire, as the case may be, to take any action that the Lieutenant Governor in Council considers appropriate.

1 Sep 2017 cE-0.2 Reg 26 s13.