

The Association of School Business Officials of Saskatchewan Act

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Chapter A-31 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER A-31

An Act respecting the Association of School Business Officials of Saskatchewan

Short title

1 This Act may be cited as *The Association of School Business Officials of Saskatchewan Act*.

R.S.S. 1978, c.A-31, s.1.

Incorporation

2(1) The “School Business Association of Saskatchewan” is continued as a body corporate and politic under the name The Association of School Business Officials of Saskatchewan, hereinafter referred to as “the association”.

(2) The association shall consist of its present members and those who become registered as members under this Act.

R.S.S. 1965, c.337, s.2; 1968, c.67, s.4; R.S.S. 1978, c.A-31, s.2.

Head office

3 The head office of the association shall be in the city of Regina, or in such other place in the Province of Saskatchewan as may be determined by bylaw.

R.S.S. 1965, c.337, s.3; R.S.S. 1978, c.A-31, s.3.

Power to acquire and hold and dispose of property

4 The association may acquire and hold real and personal property for its corporate purposes, and may sell, alienate, exchange, lease, mortgage or otherwise charge or dispose of the same or any part thereof.

R.S.S. 1965, c.337, s.4; R.S.S. 1978, c.A-31, s.4.

Objects

5 The general objects of the association shall be:

- (a) to promote, and assist in maintaining, the efficient administration of school government in Saskatchewan, and to co-operate with The Saskatchewan School Trustees' Association and the Department of Education in all matters thereto pertaining;
- (b) to establish and maintain the highest possible standards of proficiency, skill and knowledge among the members of the association in all matters relating to the business or profession of a school secretary treasurer;
- (c) subject to section 11, to prescribe and provide such course of studies and tests of competence, and to hold such examinations, as may be considered necessary or expedient to qualify for admission to membership;
- (d) to discipline any member guilty of misconduct or default in the performance of his duties as a school secretary treasurer;

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(e) to provide advice and assistance to and protection for members in their professional duties and relationships and to secure for them satisfactory working conditions, adequate compensation for their services and fair retirement allowances.

R.S.S. 1965, c.337, s.5; R.S.S. 1978, c.A-31, s.5.

Power to establish lectures and classes

6 The association may establish lectures and classes and provide other means and facilities by which its members may increase their proficiency, knowledge and skill with respect to the performance of their professional duties, or may enter into an agreement with the governing body of any college or university in Saskatchewan or with the Minister of Education for the purpose of providing such lectures, classes and facilities for members of the association and persons who apply for membership therein.

R.S.S. 1965, c.337, s.6; R.S.S. 1978, c.A-31, s.6.

General meetings

7 There shall be at least one general meeting of the association in each calendar year and, subject to that requirement, meetings of the association shall be held as the bylaws of the association may provide.

R.S.S. 1965, c.337, s.7; R.S.S. 1978, c.A-31, s.7.

Executive Board

8(1) The association shall be governed by an Executive Board consisting of a president, the person who was president immediately prior to the election of the president, a vice-president, a secretary treasurer and the directors elected pursuant to subsection (2), together with such members *ex officio* be provided by bylaw.

(2) The president and vice-president shall be elected from the membership at large, one director shall be elected from each of the electoral divisions into which the province shall be divided according to a plan to be approved by the association and the secretary treasurer shall be appointed by the elected members of the Executive Board.

(3) Subject to subsection (2), the election and appointment of officers of the association, the tenure and termination of offices and the filling of vacancies therein shall be in accordance with the bylaws of the association.

(4) The retiring members of the Executive Board shall continue to act until their successors take office.

R.S.S. 1965, c.337, s.8; R.S.S. 1978, c.A-31, s.8.

Power to pass bylaws

9(1) The association may pass such bylaws, rules and regulations, not inconsistent with this Act, as may be deemed expedient for any or all of the following purposes:

- (a) the government, discipline and honour of its members;
- (b) the management of its affairs and property;
- (c) prescribing a course of studies for, tests of competence of, and holding examinations of, members;

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- (d) subject to section 11, prescribing standards of proficiency, skill and knowledge for the admission of members to the association;
 - (e) the maintenance of the association by levying contributions and fees;
 - (f) the investigation of any complaint that a member has been guilty of misconduct, or default, or such incompetence in the performance of his duties as to render it desirable, in the interests of the school board or school unit board served by the member or of the association, that his membership be revoked or suspended;
 - (g) generally all matters necessary or incidental to the carrying out of the provisions of this Act and the regulation and conduct of the affairs of the association.
- (2) The Executive Board may exercise the powers of the association and pass bylaws, rules and regulations accordingly; provided that such bylaws, rules and regulations, unless in the meantime confirmed by a general meeting, shall have force only until the annual general meeting held next after the passing thereof, and in default of confirmation thereof at the annual general meeting such bylaws shall at and from that time cease to have any force.
- (3) The power to pass bylaws, rules and regulations includes the power to repeal, amend, vary and re-enact the same.

R.S.S. 1965, c.337, s.9; R.S.S. 1978, c.A-31, s.9.

Register of members

- 10(1)** The Executive Board shall cause to be kept a register in which shall be entered in alphabetical order the names of all members of the association in good standing, and those members only whose names are inscribed in the register shall be entitled to the privileges of membership in the association. The register shall, at all reasonable times, be open to inspection by any person.
- (2) The register, or a copy thereof or an extract therefrom duly certified by the secretary treasurer of the association, shall be *prima facie* evidence in all courts and before all persons, without proof of the signature of the secretary treasurer, that the persons whose names are inscribed therein as members of the association in good standing are members of the association in good standing and that a person whose name is not inscribed therein is not a member of the association.

R.S.S. 1965, c.337, s.10; R.S.S. 1978, c.A-31,
s.10.

Examinations

- 11** So long as the conduct of examinations of secretary treasurers, and of persons who desire to qualify as secretary treasurers, of school units is under the control of the board of examiners appointed by the Minister of Education, the examinations or tests of competence required for admission to membership in the association shall be those prescribed and conducted by the said board for the purpose of determining whether or not the persons who take the examinations or tests are qualified to be appointed secretary treasurers of school units.

R.S.S. 1965, c.337, s.11; R.S.S. 1978, c.A-31,
s.11.

Admission to membership

12(1) Any person eighteen years of age or more and of good moral character who holds a certificate of qualification issued by the Department of Education that has not been revoked and who has paid the admission fee and any other fee payable in accordance with the requirements of the bylaws of the association and who is employed as a school secretary treasurer on a full-time basis shall be admitted to membership in the association and be accorded all the rights and privileges of membership and a certificate of membership shall be issued to him.

(2) Any person eighteen years of age or more and of good moral character who:

(a) is not employed as a school secretary treasurer on a full-time basis but holds a certificate of qualification issued by the Department of Education that has not been revoked; or

(b) is employed as a school secretary treasurer on a full-time basis but does not hold a certificate of qualification issued by the Department of Education;

and who has paid the admission fee and any other fee payable in accordance with the requirements of the bylaws of the association shall be admitted as an associate member of the association and upon being so admitted a certificate of associate membership shall be issued to him and he shall be deemed to be a member of the association but he shall not be entitled to vote.

(3) Every person who holds a certificate of membership or associate membership that has not been revoked and a certificate of qualification issued by the Department of Education that has not been revoked shall be deemed to be a member in good standing and shall be entitled to hold himself out as qualified to serve as secretary treasurer of a school unit in Saskatchewan.

R.S.S. 1965, c.337, s.12; 1972, c.1, s.41; R.S.S.
1978, c.A-31, s.12.

Prohibition against non-members holding out as qualified

13(1) Subject to subsection (2), no person other than a person enrolled as a member of the association and holding a certificate of membership or associate membership that has not been revoked and a certificate of qualification issued by the Department of Education that has not been revoked shall serve or hold himself out as qualified to serve as a secretary treasurer of a school unit in Saskatchewan.

(2) Subsection (1) does not apply to:

(a) a person appointed by the Minister of Education, pursuant to subsection (2) of section 5 of *The Larger School Units Act*, to be secretary of a school unit pending the appointment of a secretary by the first unit board; or

(b) a person appointed as secretary treasurer or acting secretary treasurer of a school unit where the Minister of Education has authorized the school unit board to so appoint a person who does not hold a certificate of qualification, but upon the expiration of the period specified in the minister's authorization subsection (1) shall apply to that person.

R.S.S. 1965, c.337, s.13; R.S.S. 1978, c.A-31,
s.13.

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Use of designation

14 Every member of the association shall be entitled to use the designation “Registered School Secretary Treasurer” and may also use after his name the initials “R.S.S.T.”, and no person shall take or use the said designation or the said initials implying that he is a registered school secretary treasurer unless he is a member of the association in good standing and his name is inscribed in the register of the association.

R.S.S. 1965, c.337, s.14; R.S.S. 1978, c.A-31, s.14.

Penalty for holding out, etc.

15(1) A person not being a member of the association in good standing, other than a person mentioned in subsection (2) of section 13, who holds himself out to be a member of the association in good standing and a person not being the holder of a certificate of qualification issued by the Department of Education who holds himself out as being the holder of such a certificate and a person who violates section 14 is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 and in default of payment to imprisonment for a term not exceeding thirty days.

(2) In a prosecution under this Act the burden of proof as to membership in the association is upon the person accused.

(3) All fines imposed and recovered under this Act shall belong to the association and form part of its funds.

R.S.S. 1965, c.337, s.15; R.S.S. 1978, c.A-31, s.15.

Funds of association

16(1) All fees and contributions payable to the association under this Act shall be the property of the association and shall be paid to the secretary treasurer thereof.

(2) The funds of the association shall be deposited by the secretary treasurer thereof to the credit of the association in a chartered bank or credit union and shall be withdrawn only by cheque signed by the secretary treasurer and countersigned by the president or vice-president.

(3) The funds of the association shall be disbursed and appropriated under the direction of the Executive Board in payment of the necessary expenses of the association.

R.S.S. 1965, c.337, s.16; R.S.S. 1978, c.A-31, s.16.

Investment of funds

17 The Executive Board may invest such portions of the funds of the association as are not required for the ordinary purposes thereof in securities of or guaranteed by the Government of Canada or the Province of Saskatchewan and may vary or transpose any securities into or exchange any securities for other securities of the nature authorized.

R.S.S. 1965, c.337, s.17; R.S.S. 1978, c.A-31, s.17.

Discipline

18(1) The Executive Board may expel or suspend from membership or otherwise discipline any member who has been found guilty of misconduct or default in the performance of his professional duties or of violation of the bylaws, rules or regulations of the association or of conduct unbecoming to a member of the association, and may revoke the certificate of membership of a member who has been expelled or suspended.

(2) Misconduct, default or conduct unbecoming to a member of the association shall be a question of fact for the sole and final determination of the Executive Board, and any matter or thing that, in the opinion of the Executive Board, is inimical to the best interests of the association or the public or any school board or school unit board served by a member shall be misconduct, default or conduct unbecoming to a member of the association within the meaning of this section.

R.S.S. 1965, c.337, s.18; R.S.S. 1978, c.A-31, s.18.

Inquiry

19(1) The Executive Board may, either of its own motion or on the application of any person, inquire into and determine any complaint against a member of the association where it is in substance alleged or the Executive Board has reason to believe that he has been guilty of anything for which he is liable to be expelled, suspended or otherwise disciplined in accordance with this Act.

(2) At least fifteen days' notice of the time and place appointed for holding an inquiry shall be served, by personal service or by registered mail, on the member whose conduct is to be the subject of the inquiry and such notice shall be signed by the president, vice-president or secretary treasurer of the association and shall be accompanied by a copy of the charges made against that member.

(3) Where the notice is served by registered mail it shall be addressed to that member at his last known address and shall be deemed to have been served on the day following the day on which it was posted in a post office in Saskatchewan, and proof of posting may be given by the affidavit of the person having knowledge of the fact.

R.S.S. 1965, c.337, s.19; R.S.S. 1978, c.A-31, s.19.

Evidence

20(1) The testimony of witnesses may be taken under oath, which the president or vice-president or other person presiding at the inquiry is hereby authorized to administer, and there shall be full right to examine, cross-examine and re-examine all witnesses called to adduce evidence in defence and reply.

(2) For the purpose of procuring the attendance and evidence of witnesses before the Executive Board or any committee thereof appointed by the Executive Board to hold such inquiry and the production of books, papers and other documents, the local registrar of the Court of Queen's Bench at any judicial centre shall, upon the application of a party to the inquiry or on the application of a member of the Executive Board or such committee thereof or the secretary treasurer of the association and upon payment of the fees prescribed by the rules of court, issue writs of *subpoena ad testificandum* or *subpoena duces tecum*; and the proceedings and penalties in the case of disobedience to such writs shall be the same as obtain in civil cases in the Court of Queen's Bench.

R.S.S. 1965, c.337, s.20; R.S.S. 1978, c.A-31, s.20.

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Non-attendance of accused

21(1) If the person whose conduct is the subject of inquiry fails to attend, the Executive Board or the committee thereof conducting the inquiry may, upon proof of service of the notice mentioned in subsection (2) of section 19 in accordance with this Act, proceed with the inquiry and, without further notice to that person, take such action as is authorized by this Act.

(2) If the person whose conduct is the subject of inquiry does not appear and the Executive Board or the committee thereof conducting the inquiry determines to proceed in his absence, and in any other case, with the consent in writing of that person, the Executive Board or the committee thereof conducting the inquiry may, either as to the whole case or as to any particular fact or facts, proceed and act upon evidence by affidavit.

R.S.S. 1965, c.337, s.21; R.S.S. 1978, c.A-31,
s.21.

Discipline committee

22(1) The Executive Board may by bylaw provide that all or any of the disciplinary powers of the Executive Board may be exercised by a committee to be known as the "Discipline Committee", and in such case the discipline committee shall have and exercise all such powers as are conferred upon it by bylaw of the association.

(2) The discipline committee shall be constituted and appointed in such manner as may be provided by bylaw of the association.

R.S.S. 1965, c.337, s.22; R.S.S. 1978, c.A-31,
s.22.

Conviction under *Criminal Code*

23 A member of the association who has been convicted of an indictable offence under the *Criminal Code* may be expelled from the association without further inquiry by resolution of the Executive Board.

R.S.S. 1965, c.337, s.23; R.S.S. 1978, c.A-31,
s.23.

Appeal

24(1) A person who has been expelled, suspended or otherwise disciplined under this Act may appeal from the decision against him to a judge of the Court of Queen's Bench in chambers at any time within thirty days from the date of the decision, and the presiding judge may, upon the hearing of the appeal, make an order either confirming, amending or reversing the decision appealed against.

(2) The appeal shall be by motion, notice of which shall be served upon the secretary treasurer of the association at least fifteen days before the time fixed for hearing the appeal, and shall be determined on the evidence taken before the Executive Board or the committee thereof conducting the inquiry.

(3) A copy of such evidence and the decision appealed against shall be furnished by the secretary treasurer to any person desiring to appeal upon payment of the proper costs and charges therefor.

R.S.S. 1965, c.337, s.24; R.S.S. 1978, c.A-31,
s.24.

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Effect of expulsion or suspension

25 Upon a member of the association being expelled from membership under this Act, all his rights and privileges as a member of the association shall cease and determine; and if he is suspended he shall, during the period of his suspension, possess no rights or privileges as a member of the association.

R.S.S. 1965, c.337, s.25; R.S.S. 1978, c.A-31,
s.25.

Reinstatement

26 The Executive Board may, on application made for the purpose, and when in its opinion the subsequent conduct of a member of the association who has been expelled or suspended under this Act and all the surrounding circumstances and the facts warrant, order that the member be reinstated on such terms as it deems fit, and on an order being made accordingly the member shall be reinstated in accordance with the terms thereof.

R.S.S. 1965, c.337, s.26; R.S.S. 1978, c.A-31,
s.26.

No action against association, etc.

27 No action lies against the association or the Executive Board or any committee thereof or a member of the Executive Board or of any committee thereof or an officer of the association for any proceedings taken in good faith or decisions or orders made or enforced under the disciplinary provisions of this Act or under the bylaws, rules or regulations of the association.

R.S.S. 1965, c.337, s.27; R.S.S. 1978, c.A-31,
s.27.

Bylaws, etc., to be filed with Provincial Secretary and Minister of Education

28(1) The association shall file in the Department of the Provincial Secretary and in the Department of Education two copies, certified by the secretary treasurer to be true copies, of:

- (a) all bylaws, rules and regulations made under this Act;
- (b) all amendments made to those bylaws, rules and regulations;

within thirty days after they are made.

(2) Where the association adopts a code of ethics governing its members, and subscription thereto or observance thereof is a condition of membership, the code of ethics shall for the purposes of this section and sections 29, 30, 31 and 32 be deemed to be a bylaw of the association.

(3) Where a bylaw, rule or regulation is amended two copies thereof shall be filed with the amendment.

R.S.S. 1965, c.337, s.28; R.S.S. 1978, c.A-31,
s.28.

Effective date of bylaws, etc.

29 All bylaws, rules, regulations and amendments thereto shall take effect upon the making thereof or on a date specified therein for the purpose.

R.S.S. 1965, c.337, s.29; R.S.S. 1978, c.A-31,
s.29.

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Effect of failure to file bylaw, etc.

30 Failure to file any bylaw, rule, regulation or amendment as required by section 28 shall render the bylaw, rule, regulation or amendment ineffective as from the expiration of the time allowed for filing it and it shall be deemed to have been revoked.

R.S.S. 1965, c.337, s.30; R.S.S. 1978, c.A-31,
s.30.

Review by Legislative Assembly

31(l) One copy of all bylaws, rules and regulations and Legislative Assembly amendments thereto filed with the Department of the Provincial Secretary pursuant to section 28 shall, in accordance with *The Tabling of Documents Act*, be laid before the Legislative Assembly.

(2) Where any bylaw, rule or regulation or any amendment thereto laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, such bylaw, rule, regulation or amendment shall thereupon cease to have any effect and be deemed to have been revoked.

R.S.S. 1965, c.337, s.31; R.S.S. 1978, c.A-31,
s.31.

Record of revocation and notification to association

32(1) Where it appears from any Votes and Proceeding of the Legislative Assembly that any bylaw, rule or regulation or amendment thereto has ceased to have effect, the Clerk of the Assembly shall forthwith forward two copies of such Votes and Proceedings to the Deputy Provincial Secretary and to the Minister of Education and at the same time advise them that the copies are forwarded pursuant to this subsection.

(2) Upon receipt of such copies the Deputy Provincial Secretary shall file one of the copies with the bylaw, rule, regulation or amendment to which it relates and forthwith forward the other copy to the association and at the same time advise the association that the copy is forwarded pursuant to this subsection.

R.S.S. 1965, c.337, s.32; R.S.S. 1978, c.A-31,
s.32.

Annual filing of lists with Provincial Secretary and Minister of Education

33 The association shall, before the first day of February in each year, file in the Department of the Provincial Secretary and in the Department of Education a list, certified by the secretary treasurer of the association to be a true list, showing the names of all members of the association in good standing as of the thirty-first day of December in the preceding year, their addresses as shown by the records of the association and the respective dates of their admission to membership in the association.

R.S.S. 1965, c.337, s.33; R.S.S. 1978, c.A-31,
s.33.

Report to Minister of Education where application for admission refused

34 Where an application for reinstatement or for admission to membership in the association is made in compliance with this Act and the bylaws, rules and regulations is refused, the association shall within seven days thereafter forward by registered mail to the Minister of Education a report setting forth the circumstances and stating the reasons for the refusal, and thereupon subsection (2) of section 35 shall apply *mutatis mutandis*.

R.S.S. 1965, c.337, s.34; R.S.S. 1978, c.A-31,
s.34.

Discipline

35(1) Where the Executive Board or a committee thereof suspends or expels a member, the association shall within fourteen days after the date of suspension or expulsion forward by registered mail to the Minister of Education a copy, certified by the secretary treasurer to be a true copy, of the complaint, any report upon the conduct of the person suspended or expelled and the order of the Executive Board or such committee, and shall furnish the Minister of Education with such relative information as he may require.

(2) If the Minister of Education is of opinion that the suspension or expulsion is unjust or contrary to the public interest, he may:

- (a) request the Executive Board or committee to reconsider the case and its findings thereon;
 - (b) if the Executive Board or committee and the person whose conduct is under inquiry agree, appoint a board of arbitration consisting of one member nominated by the Executive Board, one nominated by the person whose conduct is under inquiry and one appointed by the Lieutenant Governor in Council to review or rehear the case and render decision thereon; or
 - (c) institute an appeal to a judge of the Court of Queen's Bench in chambers.
- (3) Nothing in this section shall prejudice any right of appeal conferred by this Act.

R.S.S. 1965, c.337, s.35; R.S.S. 1978, c.A-31,
s.35.