

The Saskatchewan Association of School Business Officials Act, 2004

Repealed

by [Chapter 22 of *The Statutes of Saskatchewan, 2008*](#)
(effective September 1, 2008).

Formerly

[Chapter S-8.2 of *The Statutes of Saskatchewan, 2004*](#)
(effective November 1, 2004).

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 S-8.2

An Act respecting the Saskatchewan Association of School Business Officials

Short title

1 This Act may be cited as *The Saskatchewan Association of School Business Officials Act, 2004*.

Interpretation

2 In this Act:

- (a) “**administrative bylaw**” means a bylaw made for a purpose set out in subsection 14(1);
- (b) “**associate member**” means an associate member of the association who is in good standing;
- (c) “**association**” means the Saskatchewan Association of School Business Officials continued pursuant to section 3;
- (d) “**bylaws**” means the valid and subsisting bylaws of the association;
- (e) “**court**” means the Court of Queen’s Bench;
- (f) “**executive**” means the executive of the association;
- (g) “**executive director**” means the executive director appointed pursuant to subsection 11(2);
- (h) “**member**”, subject to section 21, means a member of the association who is in good standing, but does not include an associate member;
- (i) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (j) “**register**” means the register kept pursuant to section 17;
- (k) “**regulatory bylaw**” means a bylaw made for a purpose set out in subsection 14(2);
- (l) “**school business official**” means a person employed as a secretary, treasurer or secretary-treasurer of a school division or of the division scolaire francophone.

ASSOCIATION

Association continued

3(1) The Saskatchewan Association of School Business Officials is continued.

(2) The association is a corporation.

2004, c.S-8.2, s.3.

Membership

4 The membership of the association consists of:

(a) those persons who are members of the Saskatchewan Association of School Business Officials on the day before this Act comes into force; and

(b) those persons who are admitted as members pursuant to this Act and the bylaws.

2004, c.S-8.2, s.4.

Property

5(1) The association may acquire, hold, mortgage, lease, sell or dispose of any property.

(2) All fees, fines and penalties receivable or recoverable pursuant to this Act are the property of the association.

(3) The association may:

(a) invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act*; and

(b) sell or otherwise dispose of those investments and reinvest the proceeds in similar investments.

2004, c.S-8.2, s.5.

Meetings

6(1) An annual meeting of the association is to be held at the time and place that is determined by the executive in accordance with the bylaws.

(2) A special meeting of the association for the transaction of the business that is specified in the resolution or demand is to be held:

(a) on resolution of the executive; or

(b) on the demand, in writing, of the number of members specified in the bylaws.

(3) The procedure at an annual or special meeting is to be determined by bylaw.

(4) The executive director shall send a notice of an annual meeting or special meeting to each member at least 14 days before the meeting.

2004, c.S-8.2, s.6.

EXECUTIVE

Executive

- 7(1) The executive shall manage and regulate the affairs and business of the association.
- (2) The executive consists of:
- (a) the number of members prescribed in the bylaws elected by members in accordance with this Act and the bylaws; and
 - (b) the person appointed pursuant to section 8.
- (3) Members of the executive elected pursuant to clause (2)(a) are entitled to remuneration and reimbursement for expenses in the amounts prescribed in the bylaws.
- (4) Each member of the executive elected pursuant to clause (2)(a) holds office for the term prescribed in the bylaws.

2004, c.S-8.2, s.7.

Public appointee

- 8(1) The Lieutenant Governor in Council may appoint one person who resides in Saskatchewan as a member of the executive.
- (2) If the Lieutenant Governor in Council appoints a person as a member of the executive, the term of office of that person is not to exceed three years.
- (3) Subject to subsection (4), the member of the executive appointed pursuant to this section holds office until that person's successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.
- (4) The member of the executive appointed pursuant to this section ceases to hold office if that person ceases to be a resident of Saskatchewan.
- (5) The member of the executive appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other members of the executive.
- (6) The member of the executive appointed pursuant to this section shall be a member of the discipline committee.
- (7) The absence or inability to act as a member of the discipline committee by the member of the executive appointed pursuant to this section or the failure to appoint a member of the executive pursuant to this section does not impair the ability of the other members of the discipline committee to act.
- (8) The minister shall remunerate and reimburse for expenses the member of the executive appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

2004, c.S-8.2, s.8.

Resignation

9(1) An elected member of the executive may resign by giving written notice of his or her resignation to the executive.

(2) A member of the executive appointed pursuant to section 8 may resign by giving written notice of his or her resignation to the minister.

(3) The resignation of a member of the executive is effective on the date stated on the written notice or, if no date is stated:

(a) in the case of a resignation of an elected member, on the date the written notice is received by the executive; or

(b) in the case of a resignation of a member of the executive appointed pursuant to section 8, on the date the written notice is received by the minister.

2004, c.S-8.2, s.9.

Vacancy

10(1) If a vacancy occurs in the elected membership of the executive, the remaining members of the executive may appoint another member to fill the vacancy until the earlier of:

(a) the expiry of the term of office of the executive member who ceased to be a member of the executive; and

(b) the date on which a member is elected to fill the vacancy in accordance with this Act and the bylaws.

(2) A vacancy in the membership of the executive does not impair the power of the remaining members of the executive to act.

(3) If a member serving as an elected member of the executive is suspended from the association, the member's powers and duties as an elected member of the executive are suspended for the same period.

(4) If a member serving as an elected member of the executive is expelled from the association, the member ceases to be an elected member of the executive on the day the member is expelled.

2004, c.S-8.2, s.10.

Officers and employees

11(1) The officers of the association are to be those that are:

(a) prescribed in the bylaws; and

(b) appointed or elected in accordance with the bylaws.

(2) The executive shall appoint an executive director.

(3) The executive may engage any employees that it considers necessary to carry out the duties and functions of the association.

(4) Subject to this Act and the bylaws, the executive shall determine the duties, responsibilities and remuneration of employees of the association.

2004, c.S-8.2, s.11.

Committees

12(1) The executive may establish any committees that are provided for by the bylaws or that it considers necessary.

(2) The executive shall appoint persons to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).

(3) Subject to this Act and the bylaws, the executive, on any terms or conditions that it may determine, may delegate any of its powers or duties to a committee provided for by this Act or the bylaws or established pursuant to subsection (1).

(4) The executive shall not delegate the power to make bylaws.

(5) Subject to this Act and the bylaws, a committee may establish its own procedures.

2004, c.S-8.2, s.12.

BYLAWS

Procedures

13(1) The executive, with the approval of not less than a two-thirds majority of the members of the executive, may make bylaws for any purpose set out in section 14.

(2) A bylaw made by the executive pursuant to subsection (1) has effect only until the next annual or special meeting of the association and, unless confirmed or varied by the members in accordance with subsection (3), ceases to have any effect after that time.

(3) With the approval of a two-thirds majority of those members who vote at an annual or special meeting, the association may:

(a) make bylaws for any purpose set out in section 14; and

(b) confirm, vary or revoke any bylaw made by the executive pursuant to subsection (1).

(4) The variation or revocation of a bylaw pursuant to subsection (3) does not affect the operation or application of the bylaw prior to its revocation or variation, and everything done, omitted to be done or authorized pursuant to the bylaw is valid and effective against all persons notwithstanding the revocation or variation.

(5) The executive director shall forward copies of proposed bylaws to all members at least 14 days before the date of the annual or special meeting at which the bylaws are to be presented.

(6) The executive director shall notify each member of each bylaw made pursuant to subsection (1) or (3), or confirmed, varied or revoked pursuant to subsection (3), within 150 days after the bylaw is made, confirmed, varied or revoked.

- (7) Failure to comply with subsection (6) does not invalidate a bylaw.
- (8) No regulatory bylaw made by the executive or the association comes into force until it is:
 - (a) approved by the minister pursuant to section 15; and
 - (b) published in the Gazette.
- (9) An administrative bylaw becomes effective on the later of:
 - (a) the day on which it is filed pursuant to subsection 15(5); and
 - (b) the date specified in the bylaw.

2004, c.S-8.2, s.13.

Bylaws

14(1) Subject to this Act, administrative bylaws may be made pursuant to section 13 for the following purposes:

- (a) prescribing the seal of the association;
- (b) providing for the execution of documents by the association;
- (c) respecting the banking and financial dealings of the association;
- (d) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;
- (e) respecting the management of the property of the association;
- (f) prescribing the number and terms of office of elected members of the executive;
- (g) prescribing the officers of the association and governing the procedure for the appointment or election of those officers;
- (h) prescribing the duties of members of the executive and officers and employees of the association;
- (i) governing the procedures for the election of members of the executive;
- (j) prescribing the organization, powers and procedures of the executive and regulating the executive in the performance of its duties;
- (k) respecting the holding and procedures of meetings of the executive and annual and special meetings of the association;
- (l) prescribing the amount of registration and other fees payable to the association, the times of payment and penalties for late payment;
- (m) providing for the receipt, management and investment of contributions, donations and bequests;
- (n) establishing and governing scholarships, bursaries and prizes;

- (o) regulating joint participation by the association with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the association;
 - (p) establishing programs for the continuing education of members;
 - (q) establishing any committees that the executive considers necessary and prescribing the manner of election or appointment of committee members;
 - (r) prescribing the remuneration and reimbursement for expenses for members of the executive and committee members;
 - (s) providing for any other thing that is necessary for the effective administration of the association.
- (2) Subject to this Act, regulatory bylaws may be made pursuant to section 13 for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency for the registration of persons or any category of persons as members;
 - (b) prescribing:
 - (i) the procedures governing registration of persons or any category of persons as members; and
 - (ii) the terms and conditions of membership;
 - (c) establishing categories of membership in the association and prescribing the rights and privileges of each category;
 - (d) setting standards of professional conduct, competency and proficiency of members;
 - (e) providing for a code of ethics for members;
 - (f) setting standards regarding the manner and method of practice of members;
 - (g) prescribing procedures for:
 - (i) the review, investigation and disposition by the professional standards committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
 - (ii) hearings by the discipline committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence; and
 - (iii) reviews pursuant to subsection 19(4);
 - (h) prescribing the circumstances under which members are required to attend re-entry education programs and courses and approving programs and courses for that purpose;

- (i) establishing education programs, or governing the approval of education programs, for the purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;
- (j) setting standards for continuing education and the participation of members in continuing education;
- (k) governing the reinstatement of a member who has been expelled;
- (l) setting requirements for maintenance of membership;
- (m) prescribing the number of members required to demand a special meeting of the association;
- (n) prescribing the form, content and maintenance of the register and the information to be provided by members for the purpose of the register;
- (o) respecting the reporting and publication of decisions and reports of the executive and committees;
- (p) respecting the types and service of notices that may be served electronically;
- (q) defining activities that constitute a conflict of interest and prohibiting the participation of members in those activities;
- (r) prescribing any other matters considered necessary for the better carrying out of this Act.

2004, c.S-8.2, s.14.

Filing of bylaws

15(1) The association shall file with the minister two copies, certified by the executive director to be true copies, of:

- (a) all regulatory bylaws; and
 - (b) any amendment to a regulatory bylaw together with two certified copies of the regulatory bylaw to which the amendment relates.
- (2) If the minister does not advise the association in writing within 90 days after receiving copies of the regulatory bylaw or amendment that the minister approves the regulatory bylaw or amendment, the regulatory bylaw or amendment is deemed not to be approved.
- (3) If the minister approves a regulatory bylaw or an amendment to a regulatory bylaw, the minister shall file with the Department of Justice two copies, certified by the executive director to be true copies, of the regulatory bylaw or amendment.
- (4) When an amendment to a regulatory bylaw is filed pursuant to subsection (3), the minister shall file two copies, certified by the executive director to be true copies, of the regulatory bylaw with the amendment.
- (5) Within 30 days after an administrative bylaw or an amendment to an administrative bylaw is made, the executive shall file with the Department of Justice two copies, certified by the executive director to be true copies, of the administrative bylaw or amendment.

(6) When an amendment to an administrative bylaw is filed pursuant to subsection (5), the executive shall also file two copies, certified by the executive director to be true copies, of the administrative bylaw with the amendment.

(7) If an administrative bylaw or an amendment to an administrative bylaw is not filed within the time required by subsection (5), the administrative bylaw or amendment to the administrative bylaw is deemed to be revoked on the expiration of the 30 days mentioned in subsection (5).

2004, c.S-8.2, s.15.

MEMBERSHIP AND REGISTRATION

Membership

16 The executive, in accordance with this Act and the bylaws, may register persons as members or associate members.

2004, c.S-8.2, s.16.

Register

17(1) In accordance with the bylaws, the executive shall keep a register in which the name and address of every member and associate member is to be recorded.

(2) The register is to be:

- (a) kept at the head office of the association; and
- (b) open for inspection by all persons, without fee, during normal office hours of the association.

(3) The following documents are admissible in evidence as proof, in the absence of evidence to the contrary, of their contents without proof of the executive director's appointment or signature:

- (a) a certificate purporting to be signed by the executive director and stating that:
 - (i) a named person was or was not, on a specified day or during a specified period, a member or associate member according to the register; or
 - (ii) a named person was or was not, on a specified day or during a specified period, suspended according to the register;
- (b) an extract from the register that is certified by the executive director.

2004, c.S-8.2, s.17.

Registration

18(1) The executive may register as a member a person who produces evidence establishing to the satisfaction of the executive that the person:

- (a) has paid the prescribed fees;
- (b) has complied with the bylaws with respect to registration as a member;

- (c) is employed as a school business official; and
 - (d) if employed as a treasurer or secretary-treasurer, possesses the qualifications for that position as set out in regulations made pursuant to *The Education Act, 1995*.
- (2) The executive may register as an associate member a person who is not employed as a school business official but who produces evidence establishing to the satisfaction of the executive that the person:
- (a) has paid the prescribed fees;
 - (b) has complied with the bylaws with respect to registration as an associate member; and
 - (c) possesses the educational qualifications and the employment qualifications required by the bylaws.
- (3) No person shall accept an appointment or employment, or continue to be employed, as a secretary, treasurer or secretary-treasurer for a board of education or the conseil scolaire unless that person is a member of or has applied for membership in the association and maintains membership in the association.

2004, c.S-8.2, s.18.

Delegation and review

- 19(1) The executive may delegate to the executive director the power to register persons as members or associate members.
- (2) When a power is delegated pursuant to this section, the exercise of that power by the executive director is deemed to be an exercise of the power by the executive.
- (3) The executive may impose any terms and conditions that it considers appropriate on a delegation of its powers.
- (4) A person who is aggrieved by a decision of the executive director made pursuant to a delegated power may apply to the executive to review that decision.
- (5) On a review pursuant to subsection (4), the executive shall hear the review and may:
- (a) direct the executive director to exercise the power in a manner that the executive considers appropriate; or
 - (b) confirm the executive director's decision.
- (6) On a review pursuant to subsection (4), the person aggrieved by the decision of the executive director has the right to appear in person before the executive in support of the application.
- (7) The executive shall cause the applicant to be informed, in writing, of its decision regarding the review.

2004, c.S-8.2, s.19.

PROHIBITION

Protection of title

20 No person other than a member shall use the title “Registered School Business Official,” the abbreviation “R.S.B.O.” or any other title or designation, abbreviated or otherwise, to imply that the person is a member.

2004, c.S-8.2, s.20.

DISCIPLINE

Proceedings against former members

21(1) In sections 22 to 37, “**member**” includes a former member.

(2) No investigation pursuant to section 25 shall be commenced against a former member more than two years after the day on which he or she became a former member.

2004, c.S-8.2, s.21.

Professional incompetence

22 Professional incompetence is a question of fact, but the display by a member of a lack of knowledge, skill or judgment or a disregard for the welfare of a member of the public served by the profession of a nature or to an extent that demonstrates that the member is unfit to:

- (a) continue in the practice of the profession; or
- (b) provide one or more services ordinarily provided as a part of the practice of the profession;

is professional incompetence within the meaning of this Act.

2004, c.S-8.2, s.22.

Professional misconduct

23 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of the public or the members;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of this Act or the bylaws; or
- (d) it is a failure to comply with an order of the professional standards committee, the discipline committee or the executive.

2004, c.S-8.2, s.23.

Professional standards committee

24(1) The professional standards committee is established consisting of at least three persons appointed by the executive.

(2) No member of the discipline committee is eligible to be a member of the professional standards committee.

2004, c.S-8.2, s.24.

Investigation

25(1) If the professional standards committee is requested by the executive to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence, the committee shall:

- (a) review the complaint; and
 - (b) investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint.
- (2) On completion of its investigation, the professional standards committee shall make a written report to the discipline committee recommending:
- (a) that the discipline committee hear and determine the formal complaint set out in the written report; or
 - (b) that no further action be taken with respect to the matter under investigation.
- (3) The formal complaint set out in a written report made pursuant to clause (2)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or the investigation conducted pursuant to subsection (1).
- (4) A report signed by a majority of the professional standards committee is the decision of that committee.
- (5) The professional standards committee shall provide, or cause the executive director to provide, a copy of a written report made pursuant to clause (2)(b) to:
- (a) the executive;
 - (b) the complainant, if any; and
 - (c) the member whose conduct is the subject of the complaint mentioned in subsection (1).

2004, c.S-8.2, s.25.

Discipline committee

26(1) The discipline committee is established consisting of at least three persons appointed by the executive, one of whom shall be the member of the executive appointed pursuant to section 8.

- (2) No member of the professional standards committee is eligible to be a member of the discipline committee.
- (3) Notwithstanding subsection (1), in the event a member of the discipline committee must be excused from further participation in a discipline proceeding, the members of the discipline committee remaining shall:
- (a) constitute the discipline committee;
 - (b) continue the proceeding until its conclusion; and
 - (c) prepare a report of its findings.

- (4) Notwithstanding subsection (1), if:
- (a) a member of the discipline committee is absent or unable to act as a member of the discipline committee; or
 - (b) a member of the discipline committee has not been appointed pursuant to this section;

the other members of the discipline committee shall constitute the discipline committee and the ability of the discipline committee to act is not impaired.

- (5) Subject to this Act and the bylaws, the discipline committee may make rules regulating its business and proceedings.

2004, c.S-8.2, s.26.

Discipline hearing

27(1) If a report of the professional standards committee recommends that the discipline committee hear and determine a formal complaint, the executive director shall, at least 14 days before the date the discipline committee is to sit:

- (a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and
 - (b) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.
- (2) The professional standards committee shall prosecute or direct the prosecution of the formal complaint, but its members shall not participate in any other manner in the hearing of the formal complaint except as witnesses when required.
- (3) The discipline committee shall hear the formal complaint and shall determine whether or not the member is guilty of professional misconduct or professional incompetence, notwithstanding that the determination of a question of fact may be involved, and the discipline committee need not refer any question to a court for adjudication.
- (4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.
- (5) The discipline committee may employ, at the expense of the association, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at his or her own expense, may be represented by counsel.
- (6) The testimony of witnesses is to be under oath or affirmation administered by the chairperson of the discipline committee.
- (7) At a hearing by the discipline committee, there is to be full right:
- (a) to examine, cross-examine and re-examine all witnesses; and
 - (b) to present evidence in defence and reply.

(8) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* to all or any of the following:

- (a) a member whose conduct is the subject of a hearing pursuant to this Act;
- (b) a member of the professional standards committee;
- (c) a member of the discipline committee.

(9) If a writ issued pursuant to subsection (8) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.

(10) If the member whose conduct is the subject of the hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in his or her absence.

(11) If, during the course of a hearing, the evidence shows that the member whose conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge specified in the formal complaint, the discipline committee shall notify the member of that fact.

(12) If the discipline committee proposes to amend, add to or substitute the charge in the formal complaint, the discipline committee shall adjourn the hearing for any period that the discipline committee considers sufficient to give the member an opportunity to prepare a defence to the amended formal complaint, unless the member consents to continue the hearing.

(13) The person, if any, who made the complaint pursuant to section 25:

- (a) is to be advised orally or in writing by the executive director of the date, time and place of the hearing; and
- (b) subject to subsection (15), is entitled to attend the hearing.

(14) Subject to subsection (15), the discipline committee shall conduct all hearings in public.

(15) The discipline committee may exclude members of the public and the person who made the complaint from any part of the hearing if the committee is of the opinion that evidence brought in the presence of the person or persons to be excluded will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing.

2004, c.S-8.2, s.27.

Disciplinary powers

28(1) If the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:

- (a) an order that the member be expelled from the association and that the member's name be struck from the register;
- (b) an order that the member be suspended for a specified period;

- (c) an order that the member be suspended pending the satisfaction and completion of any conditions specified in the order;
 - (d) an order that the member may continue to practise, but only under conditions specified in the order, which may include, but are not restricted to, an order that the member:
 - (i) not do specified types of work;
 - (ii) successfully complete specified classes or courses of instruction;
 - (iii) obtain all or any medical treatment, other treatment or counselling;
 - (e) an order reprimanding the member;
 - (f) any other order that the discipline committee considers just.
- (2) In addition to any order made pursuant to subsection (1), the discipline committee may order:
- (a) that the member pay to the association, within a fixed period:
 - (i) a fine in a specified amount not exceeding \$5,000; and
 - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional standards committee and the discipline committee and the costs of legal services and witnesses; and
 - (b) if a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended.
- (3) The executive director shall send a copy of an order made pursuant to this section to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.
- (4) If a member is expelled or suspended from the association, the executive director shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.
- (5) The discipline committee may inform a member's employer of the order made against that member if that member has been found guilty of professional misconduct or professional incompetence.

2004, c.S-8.2, s.28.

Criminal conviction

29 The discipline committee may make any order pursuant to section 28 if:

- (a) the member has been convicted of an offence pursuant to the *Criminal Code*;
- (b) a report of the professional standards committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the member mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the member giving rise to the conviction is professional misconduct.

2004, c.S-8.2, s.29.

Duty to report

30 If the professional standards committee in its investigation pursuant to section 25, or the discipline committee at the conclusion of its hearing pursuant to section 27, believes that the member whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its investigation or hearing, as the case may be, and shall make a report of its findings to:

- (a) the president of the association; and
- (b) the Deputy Minister of Justice.

2004, c.S-8.2, s.30.

Suspension

31 A judge of the court, on the application of the executive, may direct that a member be suspended pending the disposition of a criminal charge if:

- (a) a criminal charge is laid against the member; and
- (b) the member has applied to the court for a stay of any disciplinary proceedings against the member.

2004, c.S-8.2, s.31.

Appeal to executive

32(1) A member may appeal the decision or any order of the discipline committee to the executive by serving the executive director with a notice of appeal within 30 days after the decision or order if:

- (a) the member has been found guilty of professional misconduct or professional incompetence by the discipline committee; or
- (b) the member is subject to an order made pursuant to section 29.

(2) An appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (1).

(3) On receipt of a notice of appeal, the executive director shall file with the executive a true copy of:

- (a) the formal complaint sent and notice served pursuant to section 27 or the report of the professional standards committee made pursuant to section 30;
- (b) the transcript of the evidence presented to the discipline committee; and
- (c) the decision and order of the discipline committee.

(4) The appellant or the appellant's solicitor or agent may obtain from the executive director a copy of the documents filed pursuant to subsection (3) on payment of the costs of producing them.

- (5) On hearing an appeal, the executive may:
- (a) dismiss the appeal;
 - (b) quash the finding of guilt;
 - (c) direct a new hearing or further inquiries by the discipline committee;
 - (d) vary the order of the discipline committee; or
 - (e) substitute its own decision for the decision appealed from.
- (6) The executive may make any order as to costs that it considers appropriate.

2004, c.S-8.2, s.32.

Appeal to court

33 A member whose conduct is the subject of an order of the executive pursuant to section 32 may appeal that order to a judge of the court within 30 days after the date of the order of the executive, and section 32 applies, with any necessary modification.

2004, c.S-8.2, s.33.

Effect of appeal

34 The commencement of an appeal pursuant to section 32 or 33 does not stay the effect of the decision or order appealed from, but, on five days' notice to the executive director, the appellant may apply to the court for a stay of the decision or order pending the disposition of the appeal.

2004, c.S-8.2, s.34.

Effect of expulsion or suspension

35 If a member is expelled or suspended from the association, that member's rights and privileges as a member are removed for the period during which he or she is expelled or suspended from the association.

2004, c.S-8.2, s.35.

Reinstatement

36(1) A person who has been expelled as a member may apply to the executive for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the executive shall:

- (a) review the application; and
- (b) investigate the application by taking any steps it considers necessary.

- (3) On completion of its investigation, the executive may:
- (a) if it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement:
 - (i) order that the person be reinstated as a member, on any terms and conditions that the executive considers appropriate; or
 - (ii) if the person is not qualified to be registered pursuant to clause 18(1)(c), order that the person is eligible for reinstatement as a member on any terms and conditions that the executive considers appropriate; or
 - (b) by order, refuse:
 - (i) to reinstate the person; or
 - (ii) to order that the person is eligible for reinstatement.
- (4) If, on an application pursuant to subsection (1), the executive makes an order pursuant to subclause (3)(b)(i) or (ii), the person, within 30 days after the date of the order, may appeal the order to a judge of the court, and the judge may allow or disallow the appeal.
- (5) On an appeal pursuant to subsection (4), the judge shall consider:
- (a) the proceedings before the executive on the application for reinstatement;
 - (b) the past record of the appellant as shown by the books and records of the association; and
 - (c) the evidence taken before the executive and any committee that dealt with the expulsion and application for reinstatement and the report of that committee.
- (6) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, at any time.

2004, c.S-8.2, s.36.

Report of termination of employment

37 Any employer who terminates for cause the employment of a member shall report the termination to the association if the employer reasonably believes the cause is professional incompetence or professional misconduct.

2004, c.S-8.2, s.37.

GENERAL

Immunity

38 No action lies or shall be commenced against:

- (a) members of the executive;
- (b) the professional standards committee;
- (c) the discipline committee;
- (d) any member of any committee; or
- (e) any officer, employee or agent of the association;

for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

2004, c.S-8.2, s.38.

Offence and penalty

39 Every person who contravenes subsection 18(3) or section 20 is guilty of an offence and liable on summary conviction:

- (a) for a first offence, to a fine of not more than \$2,000;
- (b) for a second offence, to a fine of not more than \$4,000; and
- (c) for each subsequent offence, to a fine of not more than \$6,000, to imprisonment for a term of not more than six months or to both.

2004, c.S-8.2, s.39.

Limitation of prosecution

40 No prosecution for a contravention of subsection 18(3) or section 20 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the executive.

2004, c.S-8.2, s.40.

Review by Legislative Assembly

41(1) One copy of each bylaw and amendment filed with the Department of Justice pursuant to section 15 is to be laid before the Legislative Assembly by the Minister of Justice in accordance with *The Tabling of Documents Act, 1991*.

(2) If any bylaw or amendment laid before the Legislative Assembly is found by the Legislative Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, that bylaw or amendment ceases to have any effect and is deemed to have been revoked.

2004, c.S-8.2, s.41.

Record of revocation and notification

42(1) If it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Legislative Assembly shall immediately:

- (a) forward two copies of the Votes and Proceedings to the Deputy Minister of Justice; and
- (b) advise him or her that the copies are forwarded pursuant to this subsection.

(2) On receipt of the copies mentioned in subsection (1), the Deputy Minister of Justice shall immediately:

- (a) file one of the copies with the bylaw or amendment to which it relates;
- (b) forward the other copy to the association; and
- (c) advise the association that the copy is forwarded pursuant to this subsection.

2004, c.S-8.2, s.42.

Annual register

43 On or before February 1 in each year, the association shall file with the Minister of Justice a list, certified by the executive director to be a true list, showing:

- (a) the names of all members and associate members as at December 31 in the preceding year;
- (b) the addresses of the members and associate members mentioned in clause (a) as shown by the records of the association; and
- (c) the respective dates of admission of the members and associate members mentioned in clause (a).

2004, c.S-8.2, s.43.

Annual report

44 The association shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister.

2004, c.S-8.2, s.44.

Compliance

45 Every member and associate member shall comply with this Act and the bylaws.

2004, c.S-8.2, s.45.

Service of notices, etc.

46(1) Unless otherwise provided for in this Act or the bylaws, any notice or other document that is required to be served pursuant to this Act may be served by:

- (a) personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or
 - (b) registered mail addressed to the last business or residential address of the person to be served that is known to the executive director.
- (2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.
- (3) If it is for any reason impractical to effect service of any documents in the manner provided for in subsection (1), the court may, on an application that may be made *ex parte*, make an order for substituted service.
- (4) A document served in accordance with the terms of an order mentioned in subsection (3) is deemed to have been properly served.

2004, c.S-8.2, s.46.

TRANSITIONAL, REPEAL AND COMING INTO FORCE

Transitional – bylaws

47 Every bylaw of the association that is in force on the day before the coming into force of this Act continues in force to the extent that the bylaw is not inconsistent with this Act.

2004, c.S-8.2, s.47.

Transitional – Executive Board members

48 A person who was a member of the Executive Board of the Saskatchewan Association of School Business Officials on the day before this Act comes into force continues as a member of the executive until the earlier of:

- (a) the date on which members of the executive are elected or appointed pursuant to this Act; and
- (b) the date on which the member dies, resigns or otherwise ceases to be a member of the executive.

2004, c.S-8.2, s.48.

R.S.S. 1978, c.S-8.1 repealed

49 *The Saskatchewan Association of School Business Officials Act, 1993* is repealed.

2004, c.S-8.2, s.49.

Coming into force

50 This Act comes into force on proclamation.

2004, c.S-8.2, s.50.