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BENEFICIARIES ENROLMENT ACT
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AMENDED IL 2013-04

**AN INUIT LAW TO PROVIDE FOR PROCEDURES RELATED TO THE ENROLMENT
OF BENEFICIARIES UNDER THE LABRADOR INUIT LAND CLAIMS AGREEMENT**

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PART 1: GENERAL

Short Title

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This Inuit Law may be cited as the *Beneficiaries Enrolment Act*.

Definitions and Interpretation

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- (1) This Act is to be read together with chapter 3 of the Agreement.
- (2) In this Act, words and phrases have the same meaning as in the Agreement.
- (3) For the purposes of this Act :

“Act” means the *Beneficiaries Enrolment Act*;

“Agreement” means the Labrador Inuit Agreement dated the 22nd day of January 2005;

“Applicant” means an individual who has applied to be enrolled as a beneficiary and includes an individual under a legal disability on whose behalf an application is made;

“Application Form” means the application form prescribed by regulations enacted under section 44 of this Act;

“Minister” means the First Minister of Nunatsiavut;

"Register" means the central registry containing the names of the individuals who are beneficiaries of the Agreement established under section 3.6.1 of the Agreement and maintained under this Act ;

"Registrar" means the official of the Nunatsiavut Government to be known as the Registrar of Beneficiaries appointed under section 37; and

"Voters list" means the official voters list for the Inuit ratification vote held on May 26, 2004. (IL 2009-04)

Purpose

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The purpose of this Act is to establish procedures additional to those set out in the Agreement for

- (a) the administration of applications from individuals who apply to become enrolled as beneficiaries of the Agreement; and
- (b) the conduct of the business of the committees, commission and board under chapter 3 of the Agreement.

PART 2 ELEGIBILITY CRITERIA

Beneficiaries Must Meet the Criteria in the Agreement

4

An individual is eligible to be enrolled on the Register if the individual meets the "Criteria" as defined in section 3.1.1 of the Agreement.

Beneficiaries are Inuit

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An individual who is enrolled on the Register is a beneficiary of the Agreement and an Inuk for purposes of Inuit Law.

Notices of Change of Address and Removal of Beneficiaries from Register Failing to Give Notice

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- (1) An individual who is enrolled on the Register must give the Registrar written notice of any change in his or her address to the Registrar (IL 2011-05).
- (2) The parent or guardian of a beneficiary who is a minor or a person under legal disability must give the Registrar written notice of every change in his or her own address and in the address of the beneficiary. (IL 2011-05)

- (3) Where the Registrar attempts to communicate with a beneficiary or a parent or guardian of a beneficiary in relation to a matter referred to in section 3.3.6, 3.3.7, 3.6.1, 3.8.2, 3.11.4 or 3.13.1 of the Agreement but is unable to do so because the beneficiary or the beneficiary's parent or guardian has not given the Registrar notice of a change of address, the Registrar may remove the beneficiary's name from the Register after first complying with sub-sections (4) and (5) and regulations under sub-section (7), if any. (IL 2011-05)
- (4) Before removing a beneficiary's name from the Register the Registrar must publish notice of intention to remove the beneficiary's name from the Register and the date on which the name will be removed. (IL 2011-05)
- (5) A notice under subsection (4) may be given in relation to one or more beneficiaries and must:
- (a) state the full name and last known address of each beneficiary who may be removed from the Register;
 - (b) be published in a newspaper in general circulation in Labrador and in a national newspaper;
 - (c) be published twice in each newspaper with an interval of no less than one week and no more than 3 weeks between each publication with the last publication date being at least 45 days before the date on which the beneficiary's name will be removed from the Register;
 - (d) state the reason for the intended removal;
 - (e) state the action that must be taken by each beneficiary named in the notice, or by the parent or guardian who is named in the notice and who is a minor under a legal disability, in order to prevent removal of the beneficiary's name from the Register; and
 - (f) state the name, street address, mailing address, phone number, fax number and e-mail address of the Registrar. (IL 2011-05)
- (6) Where an individual whose name has been removed from the Register under subsection (3) subsequently provides his or her current address to the Registrar, the Register must:
- (a) where the individual has not complied with section 3.11.4 of the Agreement, require the individual to apply to enroll as a beneficiary in accordance with subsection 7(1) of this Act;
 - (b) where the individual has completed an application for enrolment after December 1, 2005, re-enroll the individual as a beneficiary by entering his or her name on the Register and issuing the person a new enrolment card and number; and
 - (c) where the individual has not completed an application for enrolment since December 1, 2005, require the individual to apply to enroll as a beneficiary in accordance with subsection 7(1) of this Act. (IL 2011-05)
- (7) The Nunatsiavut Executive Council may, upon recommendation of the Minister, make regulations for purposes of this section. (IL 2001-05)

PART 3 APPLICATION FOR ENROLMENT

Application Form to be Submitted to Registrar

- 7(1) An individual who wishes to be enrolled as a beneficiary must:
- (a) make an application to be enrolled as a beneficiary by completing an Application Form;
 - (b) designate in writing the Committee that the Applicant believes to be the appropriate Committee to consider the application; and
 - (c) submit the completed Application Form and all required information to the Registrar. *(IL 2009-04)*
- (2) An individual who had made an application to be enrolled as a beneficiary may not submit a second or subsequent Application Form in support of an application to be enrolled as a beneficiary unless:
- (a) that individual is required to do so in terms of the Agreement, this Act or a regulation under this Act; or
 - (b) the individual is requested, directed or permitted to do so by the Registrar; a Membership Committee, the Inuit Membership Appeal Board or the Federal Court. *(IL 2013-04)*
- (3) Notwithstanding anything in subsection (2) to the contrary, where an individual had made an application to be enrolled as a beneficiary and
- (a) the application has been finally rejected by a Membership Committee or the Inuit Membership Appeal Board and all time limits for appeal or judicial review have lapsed, and
 - (b) the individual acquires information relevant to his or her eligibility for enrolment that
 - (i) is substantially new or different from the information submitted in support of his or her application and
 - (ii) was not available to him or her when the Application Form was submitted,that individual may, subject to subsection (4), submit a second application to be enrolled as a beneficiary. *(IL 2013-04)*
- (4) The Registrar shall not accept a second or subsequent Application Form submitted under subsection (3) unless the Registrar is satisfied that the application discloses substantial and relevant information that is material to the individual's eligibility to be enrolled as a beneficiary. *(IL 2013-04)*
- (5) The decision of the Registrar under subsection (4) is final and is not open to appeal or review. *(IL 2013-04)*
- (6) A second or subsequent Application Form accepted for filing shall be processed as if it had been filed under subsection (1). *(IL 2013-04)*

Registrar to Register Applications

When the Registrar receives an Application Form under subsection 7(1) the Registrar must, as soon as practicable, and in any event within 14 days:

- (a) register the application and assign the application a serial number;
- (b) review the application and
 - (i) make a preliminary determination as to whether the application is complete and
 - (ii) make a determination as to whether or not the appropriate committee has been designated by the applicant to decide the application; and
- (c) give notice to the Applicant of receipt of the application, the serial number of the application, the committee to which the application has been, or will be, forwarded for a decision and either
 - (i) notice of any additional information that may be required in order to process the application, or
 - (ii) notice that the Registrar has made a preliminary determination that the application is complete. *(IL 2009-04)*

Where Registrar Requires Additional Information

9

- (1) If the Registrar gives notice to an Applicant that his or her application is incomplete the Applicant must:
 - (a) supply the information requested by the Registrar in writing, or
 - (b) if the information is not available, provide a detailed written explanation why not.
- (2) An application will not be submitted to a Committee for a decision until the Applicant has complied with subsection (1).

Registrar to Forward Completed Applications to Committees for Decision

10

When the Registrar has made a preliminary determination that an application is complete or received an explanation under paragraph 9(1)(b) as to why an application remains incomplete, the Registrar must, as soon as practicable, forward the application to the designated Committee and enter in the register of Applications a copy of the application and all related information, the Committee to which the original application has been forwarded for a decision, and the date on which it was forwarded.

Committees must Consider Applications

11

A Committee must, as soon as practicable, consider all applications for enrolment forwarded to it by the Registrar.

Committees may Request Further Information

12

- (1) A Committee may ask an Applicant to supply any additional information that it considers necessary to make a decision about an application.
- (2) If a Committee asks for additional information with respect to an application it must not proceed to make a preliminary decision on the application until 30 days after the date on which it asked for the information or until it receives the information, whichever happens first.
- (3) A Committee must consider an application as soon as practicable after the expiry of the time for additional information set out in subsection (2) has expired, whether or not it has received the information.
- (4) A Committee must forward a copy of any additional information received in relation to an application to the Registrar for entry in the applications registry.

Approval of Application

13

- (1) A committee must approve the enrolment of the Applicant as a beneficiary if it is satisfied that the applicant meets the Criteria.
- (2) If a Committee approves the enrolment of an Applicant under subsection (1), it must give written notice of its decision to the applicant and to the Registrar.
- (3) When the Registrar receives a notice under subsection (2) the Registrar must:
 - (a) enter the notice in the register of applications;
 - (b) enter the name and address of the Applicant in the Register
 - (c) allocate the beneficiary a registration number;
 - (d) issue a certificate to the beneficiary; and
 - (e) give the beneficiary written notice of the beneficiary's obligation under section 6.

Refusal to Approve Application

14

- (1) If a Committee intends to refuse to approve an application for enrolment, the Committee must, before it makes a final decision:
 - (a) give the applicant written notice of its preliminary decision with reasons in writing;
 - (b) by written request, ask the Applicant to make written or oral representations to the Committee explaining why the preliminary decision to reject the application should not be made final and the applicant should be enrolled as a beneficiary; and
 - (c) give the Applicant written notice that he or she has 38 clear days from the date of the notice to make written representations to the Committee or to request an oral hearing.
- (2) Notice of a preliminary decision, a request and the other notices required under subsection (1) must be given in accordance with section 24.
- (3) If a Committee receives a request for an oral hearing, it must, no later than 60 clear days from the date of the Applicant's request for the hearing, convene a meeting to hear the applicant's representations as to why the preliminary decision to reject the application should not be made final and the applicant should be enrolled as a beneficiary.
- (4) Where a Committee has made a preliminary decision under subsection (1) it must, within 60 days after the date of the notice referred to in paragraph (1)(c) or hearing oral representations from the Applicant under subsection (3):
 - (a) consider any representations it has received; and either
 - (b) approve the enrolment of the applicant as a beneficiary if it is satisfied that the applicant meets the Criteria; or
 - (c) make a final decision to refuse the application for enrolment.
- (5) If a committee approves the enrolment of an Applicant under paragraph (4)(b) it must comply with the requirements of subsections 13(2) and the Registrar must comply with subsection 13(3).
- (6) If a committee decides to refuse an application for enrolment under paragraph (4)(c) it must:
 - (a) comply with section 3.11.10 of the Agreement; and
 - (b) give notice of the decision to the Registrar.

Applicant May Appeal a Refusal

15

An individual whose application for enrolment as a beneficiary of the Agreement is refused by a committee under paragraph 14(4) (c) may appeal that decision under part 3.5 or part 3.10 of the Agreement by filing written notice of appeal with the appropriate body within 30 clear days from the date on which he or she receives written reasons for the refusal.

PART 4 COMMITTEES AND COMMITTEE PROCEDURES

Enrolment Committees

16

- (1) The following enrolment committees are established:
 - (a) an enrolment committee for the Rigolet and Lake Melville land use region comprised of 6 members;
 - (b) an enrolment committee for the Makkovik and Postville land use region comprised of 5 members;
 - (c) an enrolment committee for the Hopedale land use region comprised of 3 members; and
 - (d) an enrolment committee for the Nain land use region and the land use region north of Nain comprised of 4 members.
- (2) The members of the committees are as set out in section 18 of the *Nunatsiavut Government Appointments Act*.
- (3) In the event of a vacancy in the membership of a committee a replacement member must be appointed by the President as soon as possible in accordance with the *Nunatsiavut Government Appointments Act*.
- (4) The enrolment committees shall perform the functions and duties set out for them in the Agreement in accordance with the requirements of the Agreement and this Act.
- (5) The enrolment committees shall be dissolved in accordance with section 3.4.10 of the Agreement.

Membership Committees

17

- (1) On the earlier of the first anniversary of the Effective Date or the date on which the Register is first published the following membership committees are established:

- (a) a membership committee for the Rigolet and Lake Melville land use region comprised of 5 members;
 - (b) a membership committee for the Makkovik and Postville land use region comprised of 4 members;
 - (c) a membership committee for the Hopedale land use region comprised of 4 members (IL 2013-04); and
 - (d) a membership committee for the Nain land use region and the land use region north of Nain comprised of 5 members.
- (2) The members of the membership committees must be appointed in accordance with the *Nunatsiavut Government Appointments Act* and section 3.9.2 of the Agreement and vacancies must be filled, for the unexpired portion of the term of the position that is vacant, in accordance with the *Nunatsiavut Government Appointments Act*.
 - (3) Each member of a membership committee holds office for a term of 4 years, except as provided in subsection (4), and may be reappointed.
 - (4) The President must:
 - (a) appoint no less than one third and no more than one half of the first members of each membership committee to serve an initial term of 2 years; and
 - (b) when making the first appointments to each membership committee, state which of the members are to serve initial 2 year terms under subsection (a).

Administrative Support for Committees

18

The Minister must ensure that personnel are made available to provide secretarial and translation services to the committees and to maintain their records.

Committees to Elect Chairpersons

19

- (1) Each committee must elect one of its members to be chairperson of the committee and give written notice to the Registrar of the name and address of the chairperson.
- (2) If a committee is comprised of an even number of members the chairperson has one vote on each question to be decided and a second, deciding, vote in the event of a tie vote.
- (3) If a committee is comprised of an uneven number of members the chairperson shall vote only in order to break a tie vote.
- (4) If a chairperson is not present at a meeting of a committee the remaining members of the committee shall appoint one of their number to act as chairperson at the meeting.

- (5) The chairperson is responsible for:
- (a) convening meetings of the committee in accordance with this Act;
 - (b) chairing all meetings of the committee;
 - (c) giving directions to personnel assigned to assist the committee to perform its functions;
 - (d) receiving applications on behalf of the committee from the Registrar and advising the registrar of committee decisions; and
 - (e) signing all decisions, notices and correspondence of the committee.

Quorum of Committee

20

A quorum of the committee is a majority of the members.

Meetings

21

- (1) The chairperson must call a meeting of the committee on at least 5 days written notice to each committee member as soon as practicable after receiving an application from the Registrar, but a meeting must be held to consider an application no later than 30 days after the application is received from the Registrar.
- (2) A committee may schedule monthly meetings on a set day in each month in which case:
 - (a) a meeting may be convened on the date set for the meeting without notice; and
 - (b) the chairperson may cancel a scheduled meeting if, on the day immediately prior to the date set for the meeting there are no applications or other business to be considered by the committee.
- (3) A member must be personally present in order to participate in a meeting.
- (4) Subject to subsections 19(2), 19(3) and 22(1), a committee must try to reach its decisions by consensus but if consensus is not possible, a decision must be made by a motion passed by a majority of the voting members.

Rules and Procedures for Committee Meetings

22

- (1) Each member has one vote on all questions.

- (2) A vacancy in membership of the committee does not impair the power of the remaining members to act.
- (3) A committee must use all reasonable efforts to perform its functions within any time prescribed by the Agreement, this Act or the Registrar.
- (4) Subject to the Agreement, this Act and any regulations that the Executive Council may enact for the purposes of managing and administering the business of the committees generally, a committee may determine its rules and procedures but all such rules and procedures shall be set out in writing and a copy must be provided to the Registrar.

Hearing of Oral Representations

23

- (1) If a committee hears oral representations from or on behalf of an Applicant the chairperson must, at the hearing:
 - (a) take all reasonable steps to provide the Applicant with an opportunity to understand:
 - (i) the preliminary decision of the committee,
 - (ii) the committee's reasons for its preliminary decision; and
 - (iii) the information required so as not to make the committee's preliminary decision final and to decide, instead, that the Applicant should be enrolled as a beneficiary;
 - (b) give the Applicant a full and fair opportunity to make representations as to why the preliminary decision to reject the application should not be made final and why the Applicant should be enrolled as a beneficiary and to present information relevant to those representations;
 - (c) give the members of the committee an opportunity to raise any relevant questions they may have with respect to the representations made and the information presented by or on behalf of the Applicant; and
 - (d) give the Applicant a full and fair opportunity to respond to all questions.
- (2) Nothing in subsection (1) prevents the chairperson from raising any relevant questions he or she may have with respect to the representations made and the information presented by or on behalf of an Applicant.

Service of Notices, Requests and Decisions of Committees

24

Wherever the Agreement or this Act:



- (a) requires that a committee must give notice of a preliminary decision or a decision or any other notice in relation to a proceeding under the Agreement or this Act; or
- (b) gives a committee the power to issue a request,

the notice or request is considered to have been given if it is personally delivered to the addressee or if it is sent by registered mail to the last known address of the addressee as shown in the Application Form of an Applicant or the Register in respect of any other individual. *(IL 2009-04)*

PART 5 SPECIAL PROCEDURES RESPECTING INITIAL ENROLMENT

Individuals on Official Voters List not to Apply unless Requested

25

Despite any other provision of this Act, an individual enumerated on the official voters list for the Inuit ratification vote that was held on May 26, 2004, will be considered to have applied to be enrolled as a beneficiary under the agreement and to have supplied all information required in support of the application and must not make any further application for enrolment or supply any further information in support of an application for enrolment unless requested by written notice from an enrolment committee to do so.

Official Voters List to be Provided to Each Committee

26

- (1) The Registrar must provide to each committee:
 - (a) a copy of the voters list;
 - (b) a copy of the application for enumeration of each individual on the voters list:
 - (i) who is a permanent resident of the land use region for which the committee is responsible; and
 - (ii) who is resident outside the Labrador Inuit Settlement Area but who is connected to the land use region for which the committee is responsible; and
 - (c) any other information available to the Registrar that was used in the enumeration of voters for the Inuit ratification vote that may be of relevance to the committee's review.

Committee to Use Official Voters List in Preparation of Preliminary List

27

- (1) The committees must review the voters list for purposes of establishing preliminary lists of beneficiaries as required by section 3.4.7(c) of the Agreement.
- (2) In conducting the review under subsection (1) a committee:
 - (a) must approve the enrolment of an individual enumerated on the official voters list unless it requires further information or has reason to believe that the individual may not meet the Criteria; or
 - (b) may require, by written notice, that an individual enumerated on the official voters list make an application for enrolment or provide further information, as specified by the committee, in support of his or her enrolment as a beneficiary; or
 - (c) may make a preliminary decision not to enroll an Individual enumerated on the voters list; and
 - (d) must thereafter proceed in accordance with part 3 which shall apply with all necessary changes in points of detail.
- (3) For greater clarity, and without limiting the generality of paragraph (2)(d):
 - (a) if an enrolment committee approves the enrolment of an individual under paragraph (2)(a) the individual must be enrolled in accordance with the procedures set out in section 13;
 - (b) if an enrolment committee requires that an individual submit an application or further information under paragraph (2)(b), the requirement shall be dealt with as if it were a request for information under section 12 and the committee must then proceed with its determination in accordance with the ensuing procedures set out in part 3; and
 - (c) if a committee makes a preliminary decision not to enroll an Individual enumerated on the voters list under paragraph (2)(c), it shall proceed in accordance with the requirements of section 14.
- (4) An individual who was enumerated on the voters list but whose enrolment as a beneficiary of the Agreement is refused by a committee under this section may appeal that decision under part 3.5 or part 3.10 of the Agreement by filing written notice of appeal with the appropriate body within 30 clear days from the date on which he or she receives written reasons for the refusal.



PART 6 RENUNCIATIONS, REVOCATIONS AND OTHER REMOVALS

Renunciation of Status as a Beneficiary

28

- (1) An individual may renounce his or her status as a beneficiary of the Agreement and as an Inuk for purposes of Inuit Law by sending a written notice in the prescribed form requesting the Registrar to remove his or her name from the Register.
- (2) A renunciation is effective under subsection (1) when the name of the individual is removed from the Register.
- (3) When the Registrar removes the name of an individual from the Register the Registrar must give written notice that the individual is not a beneficiary and not an Inuk for purposes of Inuit Law to the appropriate committee and to the Government of Newfoundland and Labrador, the Government of Canada and all departments and agencies of the Nunatsiavut Government.
- (4) An individual who has renounced his or her status a beneficiary and an Inuk for purposes of Inuit Law may be reinstated if he or she submits an application under subsection 7(1) and the application is approved in accordance with the Agreement and this Act.

Revocation of Enrolment

29

- (1) If a committee has reason to believe that an individual who has been enrolled as a beneficiary of the Agreement does not meet the Criteria whether as a consequence of false representation, fraud, knowingly concealing a material fact or circumstance, error or otherwise, the committee must:
 - (a) make a preliminary decision to remove that individual's name from the Register and to make a declaration that the individual is not entitled to the status of a beneficiary of the Agreement or of an Inuk for purposes of Inuit Law; and
 - (b) send a written notice to that individual advising him or her that the committee intends to make a final decision, to remove the individual's name from the Register and declaring that the individual is not entitled to the status of a beneficiary of the Agreement or of an Inuk for purposes of Inuit Law.
- (2) The notice under paragraph (1)(b) must:
 - (a) give the reasons for the intended decision;
 - (b) state that the individual may make written or oral representations to the Committee explaining why the preliminary decision should not be made final; and

- (c) give notice that the individual has 38 clear days from the date of the notice to make written representations to the committee or to request an oral hearing.
- (3) Notice of a preliminary decision under paragraph (1)(b) is considered to have been given if personally delivered to the applicant or if sent by registered mail to the address of the applicant shown in the Register.
- (4) If a Committee receives a request for an oral hearing, it must, no later than 60 clear days from the date of the applicant's request for the hearing, convene a meeting to hear the applicant's representations as to why the preliminary decision should not be made final.
- (5) Where a Committee has made a preliminary decision under paragraph (1)(a) it must, within 60 days after the date of the notice referred to in paragraph (1)(b) or hearing oral representations from the applicant under subsection (4):
 - (a) consider any representations it has received; and either
 - (b) rescind the preliminary decision if it is satisfied that the applicant meets the Criteria; or
 - (c) make a final decision to remove that individual's name from the Register and to declare that the individual is not entitled to the status of a beneficiary under the Agreement or of an Inuk for purposes of Inuit Law.
- (6) If a committee decides to revoke an enrolment under paragraph (5)(c) it must:
 - (a) comply with section 3.11.10 of the Agreement; and
 - (b) give written notice of its decision to the Registrar.
- (7) The Registrar must not act on a notice received under paragraph (6)(b):
 - (a) until the time for an appeal from the decision of the committee has expired and no appeal has been made; or
 - (b) if the decision of the committee has been appealed, all appeals and reviews of appeal decisions, if any, have been finally determined.
- (8) Where a Membership Committee, the Registrar or a beneficiary other than a member of the Inuit Membership Appeal Board, has reason to believe that a person enumerated on the Register does not meet the Criteria for enrolment as a beneficiary, the Committee, Registrar or the beneficiary, as the case may be, may initiate a review of that person's eligibility by a Membership Committee pursuant to its responsibilities under section 3.8.2 of the Agreement and this section. (IL 2013-04)
- (9) A membership Committee may initiate a review under subsection (8) by decision of the Committee. (IL 2013-04)

- (10) A beneficiary or the Registrar may initiate a review under subsection (8) by filing the prescribed form. (IL 2013-04)
- (11) The Registrar must screen a form submitted by a beneficiary under subsection (10) and the relevant beneficiary file to determine whether a review is warranted. (IL 2013-04)
- (12) The Registrar shall not forward a request for review initiated by a beneficiary to the appropriate Membership Committee unless the Registrar is reasonably satisfied that a review of the relevant beneficiary's enrolment on the Register is warranted. (IL 2013-04)
- (13) The decision of the Registrar under subsection (12) is final and is not open to appeal or review. (IL 2013-04)
- (14) A Membership Committee or the Registrar may, for purposes of a review to determine whether an individual enrolled on the Register is eligible to be enrolled as a beneficiary under the Criteria, by written request, require that the individual supply information or complete an Application Form. (IL 2013-04)
- (15) A request for information or to file an Application Form under subsection (14) may be sent by ordinary pre-paid mail addressed to the individual at his or her last known address and shall give the individual at least 30 days from the date of receipt of the request to provide the information or Application Form to the Registrar. (IL 2013-04)
- (16) If an individual fails to respond to a request under subsection (14) the Registrar must send the individual written notice by certified mail that a failure to comply with the request within 45 clear days of the date of the notice will result in the individual's name being removed from the Register. (IL 2013-04)
- (17) Where, an individual fails to comply with a request under subsection (14) within the time limit set out in subsection (16) the Registrar must remove that individual's name from the Register. (IL 2013-04)
- (18) A decision of the Registrar to remove an individual's name from the Register under subsection (17) is final and is not open to appeal or review. (IL 2013-04)
- (19) An individual whose name has been removed from the Register under subsection (17) may apply to enroll as a beneficiary in accordance with subsection 7(1) of this Act. (IL 2013-04)

Removal of Names of Deceased Beneficiaries from the Register

30

- (1) The Registrar and each committee must establish procedures to identify the names of beneficiaries who have died.
- (2) If a committee has reason to believe that an individual whose name is enrolled on the Register is dead, it must give written notice to the Registrar and written reasons for its belief, together with any supporting information or document

- (3) If the Registrar has reason to believe that an individual whose name is enrolled on the Register is dead or receives a notice under subsection (2), the Registrar shall take reasonable measures to verify that the individual is deceased.
- (4) When the Registrar is satisfied that an individual whose name is enrolled on the Register is dead, the Registrar shall delete that beneficiary's name from the Register and give notice of the deletion of the name to the appropriate committee.

PART 7 PROCEDURES OF ENROLMENT APPEAL COMMISSION AND INUIT MEMBERSHIP APPEAL BOARD

Definitions

31

In this part:

- (a) "Appeal Tribunal" means the Enrolment Appeal Commission and the Inuit Membership Appeal Board.

Notice to Registrar on receipt of an Appeal

32

- (1) When an Appeal Tribunal receives a notice of appeal it must send a copy to the Registrar.
- (2) When the Registrar receives a notice of appeal from a decision to refuse an application, the Registrar must enter the notice in the applications register with respect to the application.
- (3) When the Registrar receives a notice of appeal from a decision to revoke an enrolment, the Registrar must not act on that decision until the appeal is disposed of and notice has been received from the appeal tribunal under section 34.

Notice to Registrar on receipt of an Application

33

- (1) When an Appeal Tribunal receives an application under Section 3.11.12 of the Agreement it must send a copy to the Registrar.
- (2) If the Registrar receives a notice under subsection (1) the Registrar must:
 - (a) immediately advise the Minister in writing;
 - (b) as soon as practicable inquire of the chairperson and any other member of the relevant committee as to the reason or reasons why the committee has not made a final decision with respect to a preliminary decision under section 3.11.6 of the Agreement within the time limited by section 3.11.12 of the Agreement; and

- (c) report to the Minister on the outcome of the Registrar's inquiry under paragraph (2)(b) and provide any recommendations the Registrar may have arising out of the inquiry.

Notice to Registrar of Decision

34

When an Appeal Tribunal makes a decision with respect to an appeal or an application it must give written notice of its decision and a copy of its reasons to the Registrar who must circulate the reasons to the appropriate Committee. *(IL 2009-04)*

Administrative Support for Tribunals

35

- (1) The Minister may enter into a funding agreement with the Government of Canada and the Government of Newfoundland and Labrador for purposes of providing funding to the Enrolment Appeal Commission so as to enable it to obtain and pay for any administrative support that it may require in order to perform its functions.
- (2) The Minister must ensure that personnel are made available to provide administrative and translation services to the Inuit Membership Appeal Board.

PART 8 ADMINISTRATION

Minister's Responsibilities

36

The Minister is responsible to the Nunatsiavut Assembly for:

- (a) the administration of this Act and all matters pertaining to the enrolment of beneficiaries of the Agreement including the maintenance of a current and reliable Register;
- (b) the fair, effective and efficient administration of all procedures necessary for the initial enrolment of beneficiaries of the Agreement and the ongoing processing of applications for enrolment; and
- (c) as soon as practicable after this Act comes into effect and on an ongoing basis thereafter:
 - (i) giving notice in English and Inuktitut of the Criteria and of the enrolment procedures and time limitations established under this Act and chapter 3 of the Agreement; and
 - (ii) preparing and providing information in English and Inuktitut that is needed by the committees to administer the enrolment of beneficiaries and that may, in the Minister's opinion be of assistance to the committees in the performance of their functions under this Act and the Agreement. *(IL 2009-04)*

Minister to Appoint the Registrar

37

- (1) The Minister must, in accordance with the *Nunatsiavut Civil Service Act*, appoint an individual to be the Registrar of Beneficiaries.
- (2) The Registrar may have a seal of office.

Registrar's Functions

38

- (1) The Registrar must
 - (a) maintain, or supervise and direct the maintenance of, the Register in accordance with this Act so that it is complete and current;
 - (b) supervise, and assist in, the coordination of the bodies and procedures established for the enrolment of beneficiaries established under this Act and chapter 3 of the Agreement,
 - (c) supervise and direct such employees of the Nunatsiavut government, if any, as may be assigned to assist the Registrar and the committees in the performance of their respective duties and the exercise of their respective powers; and
 - (d) perform the duties prescribed by this Act or directed by the Minister.
(IL 2009-04)
- (2) The Registrar must
 - (a) prepare and publish the Register within one year from the effective date of the agreement;
 - (b) update and republish the Register annually;
 - (c) provide a copy of the Register as published under paragraph (a) and paragraph (b) to the Government of Canada and the Government of Newfoundland and Labrador;
 - (d) maintain the Register in an electronic data base that is accessible to departments and officials responsible for conducting Nunatsiavut Government elections;
 - (e) provide for the security and safety of all records held in the registry and for that purpose must keep a duplicate Register and, as prescribed by the regulations or by any method the Registrar considers appropriate, a duplicate of other information held by the Registrar;



- (f) take and maintain measures to protect the privacy of information about individuals that is held by the Registrar. (IL 2009-04)

Beneficiaries Enrolled as Minors

39

- (1) The registrar must maintain a record of beneficiaries who are enrolled as minors.
- (2) When a beneficiary who was enrolled as a minor reaches the age of majority the Registrar must send to the beneficiary:
 - (a) written notice advising him or her of section 3.11.4 of the Agreement;
 - (b) an Application Form;
 - (c) notice that if the beneficiary fails to comply with the requirement of section 3.11.4 of the Agreement the Registrar will remove the beneficiary's name from the Register; and
 - (d) such other information as in the opinion of the Registrar may be of assistance to the beneficiary in reapplying for enrolment. (IL 2011-05)
- (3) A notice and application form under subsection (2) may be sent by certified mail addressed to the beneficiary not earlier than 30 days prior to the beneficiary's 19th birthday and may be addressed to the beneficiary despite the fact that the beneficiary has not yet attained the full age of majority. (IL 2011-05)
- (4) The Registrar must send a second written notice by certified mail to a beneficiary who has not reapplied for enrolment pursuant to section 3.11.4 of the Agreement within 60 days of the date of the beneficiary's 19th birthday. (IL 2011-05)
- (5) Where a beneficiary fails to reapply for enrolment pursuant to section 3.11.4 of the Agreement within 60 days of the date of the notice referred to in subsection (4) the Registrar must remove the beneficiary's name from the Register. (IL 2011-05)
- (6) Where, between the Effective Date of the Labrador Inuit Land Claims Agreement and 23 March 2011, the Registrar had given a person referred to in section 3.11.4 of the Agreement:
 - (a) two or more written notices advising him or her of the requirement to reapply under sections 3.11.4 of the Agreement; and
 - (b) a copy of the Application Form,

and the beneficiary has not complied with section 3.11.4 of the Agreement on or before 23 March 2011, the Registrar may, with the written consent of the Minister and notwithstanding anything in subsections (2), (3), (4) or (5) to the contrary, forthwith remove the Beneficiary's name from the Register without further notice. (IL 2011-05)

- (7) Where a beneficiary who was enrolled on the Register as a minor reapplies for enrolment under section 3.11.4 of the Agreement, the Registrar shall process the application in accordance with the Agreement and, subject to subsections (8), (9) and (10), this Act. (IL 2013-04)
- (8) Where a beneficiary reapplies for enrolment under section 3.11.4 of the Agreement but fails to complete an Application Form or supply the information necessary to determine whether the beneficiary meets the Criteria, the beneficiary shall be deemed to have failed to comply with section 3.11.4 of the Agreement until the necessary information has been provided to the Registrar. (IL 2013-04)
- (9) Where a beneficiary submits an incomplete Application Form or otherwise fails to supply the information necessary to determine whether he or she meets the Criteria, the Registrar must:
 - (a) send a written request by ordinary pre-paid mail to the beneficiary stating the information that is required and requesting that the beneficiary supply the information within 45 days of the date of the request; and
 - (b) if the beneficiary refuses or fails to supply the required information within 45 days of the date of the request the Registrar must send a second written notice by certified mail to the beneficiary stating the information that is required in order to complete the application and stating that if the information is not received within 30 days of the date of the notice the beneficiary's name will be removed from the Register. (IL 2013-04)
- (10) Where a beneficiary fails to complete an application for enrolment pursuant to section 3.11.4 of the Agreement within 30 days of the date of the notice referred to in clause (b) of subsection (9) the Registrar must remove the beneficiary's name from the Register.
- (11) An individual whose name has been removed from the Register under subsection (5), (6) or (10) may apply to enroll as a beneficiary in accordance with subsection 7(1) of this Act. (IL 2013-04)

The Register

40

- (1) The Register shall be comprised of:
 - (a) the full name of each individual who is determined to be a beneficiary of the Agreement under chapter 3 of the Agreement; and
 - (b) the mailing address of each beneficiary.
- (2) The Register shall also contain the following additional information:
 - (a) the serial number assigned to each beneficiary's application for enrolment;



- (b) the unique registration number assigned to each beneficiary on enrolment;
 - (c) the beneficiary's date of birth; and
 - (d) any other information that the Registrar deems necessary or advisable or that may be required by an Inuit Law.
- (3) The Registrar and every department and official who has access to the Register must protect the confidentiality of the information referred to in subsection (2).
- (4) Nothing in subsection (3) prevents the Registrar from
 - (a) confirming or certifying information or the accuracy of information referred to in subsection (2) that has been disclosed by a beneficiary or by the parent or guardian of a beneficiary under a legal disability in relation to that beneficiary; or
 - (b) disclosing or certifying a beneficiary's enrolment number and age to an officer of a court for purposes of a legal proceeding; or
 - (c) disclosing or certifying a beneficiary's enrolment number and age to an authorized official of a government in connection with the recognition, protection or advancement of the rights, privileges and benefits to which the beneficiary is or may be entitled under the Agreement or any law.
- (5) The Register must be organized as both:
 - (a) a listing of all beneficiaries by family name in alphabetic order; and
 - (b) a listing of all beneficiaries by place of residence in alphabetic order by family name.

Records

41

- (1) The Registrar may keep the records required under this Act
 - (a) in written form,
 - (b) by any photographic or electronic means, or
 - (c) by any other means or combination of means,as the Registrar considers appropriate.
- (2) In addition to the Register the Registrar must keep a record of:
 - (a) all applications



- (b) the disposition of all applications; and
- (c) renunciations;
- (d) decisions to revoke enrolments;
- (e) deaths; and
- (f) any other matter that, in the discretion of the Registrar, is relevant to the administration of applications for enrolment and the currency and accuracy of the Register. *(IL 2009-04)*

Public Access to the Register

42

- (1) Subject to the other provisions of this section, during the open hours of the Registrar's office the Registrar must:
 - (a) make the Register or extracts from the Register available to the public;
 - (b) provide a certified copy of the Register or extract from the Register. *(IL 2009-04)*
- (2) A person who wants access to information referred to in subsection (1) must submit a request for the information to the Registrar in a form prescribed by the regulations and pay any fee that may be prescribed by regulation. *(IL 2009-04)*
- (3) The Registrar must not make available to the public any of the information referred to in subsection 40(2).
- (4) Records maintained or kept by the Registrar, other than the Register, are not available for examination by, and must not be released to the public.

PART 9 OFFENSES

Becoming Enrolled through fraud etc.

43

An individual commits an offense punishable under Inuit Law if that individual by false representation, fraud, or knowingly concealing a material fact or circumstance:

- (a) becomes enrolled as a beneficiary;
- (b) attempts to become enrolled as a beneficiary;
- (c) assists another individual to become or attempt to become a beneficiary; or



- (d) causes, attempts to cause or assists another individual to cause or attempt to cause a beneficiary's enrolment to be revoked.

PART 10 REGULATIONS

Executive Council may make Regulations

44

The Nunatsiavut Executive Council may, upon recommendation of the Minister, make regulations:

- (a) respecting applications, the information to be included in applications or supplied in support of applications, and records or documents that must be submitted with applications; (IL 2013-04)
- (b) respecting the establishment and maintenance of the Register and the Regional Membership Lists;
- (c) respecting the maintenance of records pertaining to the administration of applications and decisions respecting enrolment and the protection of privacy of information contained in the records;
- (d) prescribing forms, notices and requests for information required for purposes of this Act; (IL 2013-04)
- (e) prescribing fees to be paid for applications, certifications and access to information and exempting from the payment of prescribed fees individuals who are performing an act authorized under an Inuit law or who are engaged in the performance of official duties or functions;
- (f) respecting certificates, cards, documentation or other evidence of enrolment on the Register;
- (g) respecting the procedures and rules of practice of the Committees and the Inuit Membership Appeal Board including procedures for purposes of reviews under section 3.8.2 of the Agreement and the forms, notices and time limits applicable to proceedings of the Committees and the Inuit Membership Appeal Board; (IL 2013-04)
- (h) respecting forms, notices, procedures and time limits in relation to the removal of names from the Register by the Registrar and the re-instatement of names from the Register by the Registrar. (IL 2009-04) (IL 2011-05)
- (i) subject to the Nunatsiavut Government Appointments Act, respecting appointments to Committees and the Appeal Board and the removal from office of members of the Committees and the Appeal Board (IL 2013-04); and
- (j) establishing administrative penalties and remedies in relation to the administration of this Act including regulations to authorize the Registrar to remove from the Register the name

of a beneficiary who fails to comply with a prescribed procedure or administrative notice issued under the Act or a regulation, or who fails or refuses to pay a fee prescribed under the authority of this Act. (IL 2013-04)

Consultation respecting rules of practice

45

The Minister shall, before recommending the enactment of a regulation under clause 44(g), obtain the advice of the Chairpersons of the Committees with respect to rules of practice before the Committees and the advice of the Chairperson of the Inuit Membership Appeal Board with respect to rules of practice before the Board. (IL 2013-04)