

NUNATSIAVUT ASSEMBLY

**AN ACT TO AMEND THE BENEFICIARIES ENROLMENT ACT**

**IL 2013-04**

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**Section 7 of the Beneficiaries Enrolment Act Amended**

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**Section 7 of the *Beneficiaries Enrolment Act* is renumbered as subsection 7(1), all references to “section 7” in the Act are deleted and replaced with “subsection 7(1)”, and the following subsections are added to section 7:**

- (2) An individual who has 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.
- (3) Notwithstanding anything insubsection (2) to the contrary, where an individual has 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

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- (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.

- (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.
- (5) The decision of the Registrar under subsection (4) is final and is not open to appeal or review.
- (6) A second or subsequent Application Form accepted for filing shall be processed as if it had been filed under subsection (1).

**Clause 17(1)(c) of the Beneficiaries Enrolment Act Amended**

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**Clause (c) of subsection (1) of section 17 of the, *Beneficiaries Enrolment Act* is deleted and replaced with the following:**

- (c) a membership committee for the Hopedale land use region comprised of 4 members;

**Section 29 of the Beneficiaries Enrolment Act Amended**

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**Section 29 of the *Beneficiaries Enrolment Act* is amended by adding the following subsections:**

- (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.
- (9) A membership Committee may initiate a review under subsection (8) by decision of the Committee.

- (10) A beneficiary or the Registrar may initiate a review under subsection (8) by filing the prescribed form.
- (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.
- (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.
- (13) The decision of the Registrar under subsection (12) is final and is not open to appeal or review.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.

### **Section 39 of the Beneficiaries Enrolment Act Amended**

**Section 39 of the *Beneficiaries Enrolment Act* is amended by deleting all references to “application form” and replacing them with “Application Form”, by deleting the words “ordinary pre-paid” in subsection 4 and replacing them with the word “certified” and by deleting subsection (7) and adding the following subsections:**

- (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.
- (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.
- (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.
- (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.

**Clauses 44(a), (g) and (i) of the *Beneficiaries Enrolment Act* Amended**

**Clauses 44(a), (d), (g) and (i) of the *Beneficiaries Enrolment Act* are deleted and replaced as follows:**

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- (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;
- (d) prescribing forms, notices and requests for information required for purposes of this Act;
- (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;
- (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; and

**Section 44 of the *Beneficiaries Enrolment Act* Amended**

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**Section 44 of the *Beneficiaries Enrolment Act* is amended by adding the following clause:**

- (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.

**New section added to *Beneficiaries Enrolment Act***

**7**

**The *Beneficiaries Enrolment Act* is amended by adding the following section:**

**Consultation respecting rules of practice**

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.

**Coming into effect**

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This Act comes into effect when it is registered pursuant to the *Nunatsiavut Laws Registration Act*.