

**CONSOLIDATION OF NUNAVUMMI NANGMINIQAQTUNIK IKAJUUTI
IMPLEMENTATION ACT**

S.Nu. 2017,c.13
In force April 1, 2017

(Current to: May 13, 2018)

The following provisions have been deleted for the purposes of this consolidation:
s.6 (Consequential Amendments)

AS AMENDED BY:

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.nunavutlegislation.ca> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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NUNAVUMMI NANGMINIAQTUNIK IKAJUUTI IMPLEMENTATION ACT

Definitions

1. (1) In this Act,

"Inuit firm" has the same definition as in Article 24 of the Nunavut Land Claims Agreement; (*entreprise inuit*)

"Inuit labour" means labour performed by a person enrolled under Article 35 of the Nunavut Land Claims Agreement; (*main-d'œuvre inuit*)

"Nunavummi Nangminiaqtunik Ikajuuti" means the set of rules provided for in the regulations for preferential treatment in public procurement of Inuit firms, Nunavut businesses and contractors employing Inuit, local or Nunavut labour; (*Nunavummi Nangminiaqtunik Ikajuuti*)

"Review Committee" means the Nunavummi Nangminiaqtunik Ikajuuti Review Committee established under section 4; (*comité de révision*)

"Tribunal" means the Nunavummi Nangminiaqtunik Ikajuuti Tribunal established under section 2. (*Tribunal*)

Paramountcy

(2) Despite the *Financial Administration Act*, if there is a conflict between this Act or the regulations and the following, this Act and the regulations prevail to the extent of the conflict:

- (a) directives issued under the *Financial Administration Act*; and
- (b) regulations made under paragraph 107(1)(f) of the *Financial Administration Act*, including, for greater certainty, the *Government Contract Regulations*.

Application

(3) This Act and the regulations apply to all the entities and contracts to which the Nunavummi Nangminiaqtunik Ikajuuti applies.

Tribunal

2. (1) The Nunavummi Nangminiaqtunik Ikajuuti Tribunal referred to in the Nunavummi Nangminiaqtunik Ikajuuti is established.

Composition

(2) The Minister shall, in accordance with the Nunavummi Nangminiaqtunik Ikajuuti,

- (a) appoint the members of the Tribunal; and
- (b) designate a chairperson and vice-chairperson of the Tribunal from among its members.

Panels

(3) The Tribunal may act in panels in accordance with the Nunavummi Nangminiaqtunik Ikajuuti.

Conduct

(4) The members of the Tribunal, including the chairperson and vice-chairperson shall conduct themselves in accordance with

- (a) the Nunavummi Nangminiaqtunik Ikajuuti, and
- (b) the *Conflict of Interest Act*.

Immunity from liability of Tribunal members

(5) No action lies against members of the Tribunal, former members of the Tribunal or any other person who is or was employed in or engaged by the Tribunal for anything done or not done in good faith under this Act.

Jurisdiction of NNI Tribunal

3. (1) The Tribunal has jurisdiction over matters related to the Nunavummi Nangminiaqtunik Ikajuuti in accordance with the Nunavummi Nangminiaqtunik Ikajuuti.

Binding nature of recommendation

(2) The recommendations of the Tribunal made in accordance with the Nunavummi Nangminiaqtunik Ikajuuti are binding, subject to any limitations or exceptions referred to in the Nunavummi Nangminiaqtunik Ikajuuti.

Costs

(3) The Tribunal may award costs in accordance with the Nunavummi Nangminiaqtunik Ikajuuti.

Review Committee

4. (1) The Nunavummi Nangminiaqtunik Ikajuuti Review Committee referred to in the Nunavummi Nangminiaqtunik Ikajuuti is established.

Composition

(2) The Review Committee is composed of members appointed in accordance with the Nunavummi Nangminiaqtunik Ikajuuti.

Minister appoints Government of Nunavut members

(3) The Minister shall appoint the members of the Review Committee representing the Government of Nunavut.

Confidentiality

(4) The members of the Review Committee shall, in accordance with the Nunavummi Nangminiaqtunik Ikajuuti, maintain the confidentiality of information disclosed to the Review Committee.

Regulations

5. (1) The Commissioner in Executive Council, on the recommendation of the Financial Management Board established by the *Financial Administration Act*, and following consultations under section 24.3.4 of the Nunavut Land Claims Agreement, may make regulations

- (a) providing for the Nunavummi Nangminiaqtunik Ikajuuti in accordance with subsection (2); and
- (b) providing for transitional measures related to changes to the Nunavummi Nangminiaqtunik Ikajuuti.

Nunavummi Nangminiaqtunik Ikajuuti

(2) The Nunavummi Nangminiaqtunik Ikajuuti is a set of rules for preferential treatment in public procurement of Inuit firms, Nunavut businesses and contractors employing Inuit, local or Nunavut labour, which may, without restricting the generality of the foregoing, include rules

- (a) respecting bid adjustments and bonuses;
- (b) providing for the entities and contracts to which it applies;
- (c) establishing classes of Inuit firms and Nunavut businesses;
- (d) providing for different preferential treatment, including different bid adjustments and bonuses, for
 - (i) different classes of Inuit firms and Nunavut businesses, and
 - (ii) different contractors based on the level of Inuit, local and Nunavut labour employed by the contractor;
- (e) requiring Inuit firms, Nunavut businesses and contractors to be registered and to comply with other legal requirements to be eligible for preferential treatment;
- (f) further defining the term "Inuit labour";
- (g) defining terms used in this Act that are not otherwise defined;
- (h) respecting the evaluation of bids;
- (i) respecting monitoring, enforcement and dispute resolution;
- (j) respecting the Tribunal, including
 - (i) its jurisdiction,
 - (ii) the appointment of its members,
 - (iii) the powers and duties of its members, including of its chairperson and vice-chairperson,
 - (iv) the conduct of its members,
 - (v) its procedure,
 - (vi) quorum,
 - (vii) the retention of experts,
 - (viii) its costs,
 - (ix) administrative support, and
 - (x) any other matters under sections 2 and 3 that are to be done in accordance with or are subject to the Nunavummi Nangminiaqtunik Ikajuuti;
- (k) respecting the Review Committee, including

- (i) its mandate,
 - (ii) the appointment of its members,
 - (iii) the powers and duties of its members,
 - (iv) its costs, and
 - (v) administrative support; and
- (l) respecting consultations with the Designated Inuit Organization as defined in the Nunavut Land Claims Agreement.

Publication in the *Nunavut Gazette*

(3) Where the regulations made under paragraph (1)(a) incorporate all or part of the Nunavummi Nangminiaqtunik Ikajuuti by reference to another document or instrument,

- (a) a notice shall be published in the *Nunavut Gazette* indicating how a copy of the other document or instrument may be obtained;
- (b) publication of the notice referred to in paragraph (a) is sufficient publication of the other document or instrument for the purposes of section 9 of the *Statutory Instruments Act*; and
- (c) the other document or instrument shall be judicially noticed.

Note

**The following provisions have been deleted for the purposes of this consolidation:
s.6 (Consequential Amendments)**

Transitional

- 7. The following regulations may come into force retroactively to April 1, 2017:**
- (a) initial regulations made under section 5;**
 - (b) initial amendments to regulations made under paragraph 107(1)(f) of the *Financial Administration Act* after the coming into force of this Act.**

Coming into force

- 8. This Act comes into force on April 1, 2017.**