

Chapter 10

AN ACT TO AMEND THE SOCIAL ASSISTANCE ACT

(Assented to March 14, 2017)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the *Social Assistance Act*.
2. The Act is renamed the *Income Assistance Act*.
3. Sections 1 and 2 are repealed and the following substituted:

Definitions

1. In this Act,

“Appeal Board” means the Income Assistance Appeal Board established under subsection 7(1); (*Commission d’appel*)

“Appeal Committee” means the Income Assistance Appeal Committee established under subsection 6(1); (*comité d’appel*)

“assistance” means prescribed aid and services

- (a) to or in respect of a person in need, or
- (b) having as their object the lessening, removal or prevention of the causes and effects of poverty, child neglect or dependence on public assistance; (*assistance*)

“Director” means the Director of Income Assistance appointed under section 2; (*directeur*)

“Income Assistance Officer” means an Income Assistance Officer appointed under section 4; (*agent de l’assistance au revenu*)

“local authority” means

- (a) the council of a municipal corporation;
- (b) the council of a settlement corporation;
- (c) a body that the Minister recognizes as a representative of a community or region for the purposes of this Act; (*autorité locale*)

“person in need” means a person whose need for assistance has been established in accordance with the regulations. (*personne nécessiteuse*)

Director of Income Assistance

2. The Minister shall appoint a Director of Income Assistance.

4. **Section 4 is repealed and the following substituted:**

Income Assistance Officer

4. (1) The Director may appoint Income Assistance Officers.

Duties and functions

(2) Income Assistance Officers shall perform the prescribed duties and functions.

5. **Section 5 and the heading preceding section 5 are repealed and the following substituted:**

ASSISTANCE

Assistance

5. The Director shall, as provided in the regulations, make provision for assistance to any person who

- (a) is in Nunavut; or
- (b) left Nunavut pursuant to an agreement approved by the Director.

6. **Subsections 5.1(1) and (2) are amended by striking out “and welfare services” wherever it appears.**

7. **Section 6 is repealed and the following substituted:**

Income Assistance Appeal Committee

6. (1) The Income Assistance Appeal Committee is established.

Membership

(2) The Appeal Committee consists of at least three but not more than eight members appointed by the Minister.

8. **Section 7 is amended**

- (a) **in subsection (1) by striking out “Social Assistance Appeal Board” and substituting “Income Assistance Appeal Board”;**

(b) adding the following after subsection (2):

Members of public service

(2.1) A member of the public service employed in the Department responsible for the administration of this Act shall not be appointed to the Appeal Board.

(c) by repealing subsections (4) to (9).

9. Section 8 is amended

(a) in subsection (1) by striking out “Social Welfare Officer” and substituting “Income Assistance Officer”;

(b) by striking out subsection (2) and substituting the following:

Appeal to Appeal Committee

(2) An appeal made under subsection (1) shall be made in the first instance to the Appeal Committee.

(c) in subsection (3) and in the English version of subsection (4) by striking out “an appeal committee” wherever it appears and substituting “the Appeal Committee”.

10. Section 9, including paragraphs (a) and (b), is amended by striking out “an appeal committee” wherever it appears and substituting “the Appeal Committee”.

11. Section 11 is repealed and the following substituted:

Agreements

11. Subject to this Act, the Minister may enter into an agreement with the Government of Canada, including any of its Ministers, departments or agencies, to provide for the payment by the Government of Canada to Nunavut of contributions in respect of the cost to Nunavut of providing assistance.

12. Section 12.1 is amended

(a) in subsection (1)

(i) by striking out “Subject to subsection (2), any” and substituting “Any”,

(ii) by striking out “an appeal committee” and substituting “the Appeal Committee”,

(iii) by striking out “as provided in subsection (2)” and substituting “as provided in this section”;

(b) **in subsection (2) by repealing paragraph (c) and substituting the following:**

(c) in accordance with an agreement made under section 12.3.

(c) **by adding the following after subsection (2):**

Disclosure and use within government

(3) Information referred to in subsection (1) may be disclosed and used within the Government of Nunavut

- (a) for the purpose of administering or enforcing the following:
 - (i) this Act;
 - (ii) other social benefit programs,
 - (iii) adult education and training programs,
 - (iv) economic development programs,
 - (v) the *Income Tax Act*;
- (b) for the purpose of coordinating the administration and enforcement of the programs and laws referred to in paragraph (a);
- (c) for the purpose of evaluating the programs and laws referred to in paragraph (a), including the development or amendment of such programs or laws;
- (d) for the purpose of determining a person's eligibility for any benefits provided under the programs or laws referred to in paragraph (a).

Limit with respect to evaluations

(4) Where information is disclosed or used under paragraph 12.1(3)(c), the information must be in the form of

- (a) aggregate information that relates only to groups of individuals in the form of statistical information or aggregated, general or anonymous data; or
- (b) anonymous information that relates to an unidentifiable individual.

13. The following is added after section 12.1:

Collection and use of personal information

12.2. The Director or an Income Assistance Officer may collect and use personal information for the purposes of administering this Act where

- (a) the person to whom the information relates consents in writing;
- (b) the information is collected from a person applying for or receiving assistance under this Act, and the information relates to the assistance requested by or provided to the person;

- (c) the information is collected by the Government of Nunavut for the purpose of administering or enforcing the programs and laws referred to in paragraph 12.1(3)(a); or
- (d) the information is collected and used in accordance with an agreement made under section 12.3.

Information-sharing agreements

12.3. (1) The Minister may enter into agreements for the collection, use, disclosure and exchange of personal information with the following:

- (a) the Government of Canada or any of its departments, Ministers or agencies;
- (b) the government of a province or territory or any of its departments, Ministers or agencies;
- (c) a public agency specified in Schedule B to the *Financial Administration Act*;
- (d) a prescribed body.

Limit

(2) An agreement may only be entered into under subsection (1) for the purposes of administering, enforcing or evaluating a social benefit, adult education, training or economic development program, the *Income Tax Act*, the *Income Tax Act (Canada)*, or the *Immigration and Refugee Protection Act (Canada)*.

Content of agreement

- (3) An agreement entered into under subsection (1) shall
- (a) specify only those purposes under subsection (2) which are necessary for the purposes of the agreement;
 - (b) provide that information collected, used, disclosed or exchanged under the agreement may not be further used or disclosed for any purpose other than one specified in the agreement, unless applicable legislation requires such use or disclosure;
 - (c) provide that information collected, used, disclosed or exchanged for the purpose of evaluating a program or law must be in the form referred to in subsection 12.1(4);
 - (d) where the *Archives Act* or an enactment of another Canadian jurisdiction does not provide for the retention and destruction of information collected, used, disclosed or exchanged under the agreement, provide for retention and destruction schedules for the information;
 - (e) provide that personal information collected, used, disclosed or exchanged under the agreement is confidential; and
 - (f) establish mechanisms for maintaining the confidentiality and security of information collected, used, disclosed or exchanged under the agreement.

Restriction

12.4. Subsection 12.1(3), paragraph 12.2(c) and subsection 12.3(2) do not apply to the administration or enforcement of social benefit, adult education, training or economic development programs where no person applying for or receiving assistance under this Act participates in or receives any benefit from the program.

Provision of information

12.5. The Director shall ensure that every applicant for and recipient of assistance under this Act is provided information on the manner in which personal information respecting him or her may be collected, used, disclosed or exchanged under this Act.

14. Sections 13 and 14 are amended by striking out “or welfare services” wherever it appears.

15. Section 16 is amended

- (a) in paragraph (b)**
 - (i) by striking out “prescribing” and substituting “respecting”, and**
 - (ii) by striking out “or welfare services”;**
- (b) in paragraph (c) by striking out “or welfare services”;**
- (c) in paragraph (d) by striking out “prescribing” and substituting “respecting”;**
- (d) by adding the following after paragraph (d):**
 - (d.1) respecting the collection of personal information from third parties, including the consents to collection of personal information from third parties that must be provided by a person applying for or receiving assistance;
- (e) in paragraph (i) by striking out “prescribing” and substituting “respecting”;**
- (f) by repealing paragraph (k) and substituting the following:**
 - (k) prescribing, for the purposes of this Act, the kinds of aid and services that constitute assistance;
- (g) by repealing paragraph (l) and substituting the following:**
 - (l) respecting the Appeal Committee and the Appeal Board, including:

- (i) the establishment of panels of members and the powers, duties and quorum of such panels,
 - (ii) the powers and duties of the chairperson and vice-chairperson of the Appeal Board,
 - (iii) quorum, and
 - (iv) the establishment of rules of evidence and procedure;
- (h) **in paragraph (m) by striking out “prescribing” and substituting “respecting”;**
- (i) **in paragraph (p) by striking out “and welfare services”;**
- (j) **in paragraph (q) by striking out “Social Welfare Officers” and substituting “Income Assistance Officers”;**
- (k) **adding the following after paragraph (q):**
- (r) prescribing bodies for the purposes of section 12.3.

16. Subsection 17(1) is amended by striking out “and welfare service that may be given to persons in need” and substituting “that may be provided under this Act”.

17. The following is added after section 17:

Classes of assistance

- 18.** The regulations made under sections 16 and 17 may provide for
- (a) the establishment of classes of assistance;
 - (b) different regulations, including conditions of eligibility and application procedures, for different classes of assistance.

Consequential Amendments

18. The *Children's Law Act* is amended by striking out "*Social Assistance Act*" in the following provisions and substituting "*Income Assistance Act*":

- (a) **paragraph 59(2)(c);**
- (b) **paragraph 60(1)(f);**
- (c) **subsection 60(3);**
- (d) **paragraph 61(1)(c).**

19. The *Family Law Act* is amended by striking out "*Social Assistance Act*" in the following provisions and substituting "*Income Assistance Act*":

- (a) **paragraph 16(2)(b);**
- (b) **paragraph 21(1)(f);**
- (c) **subsection 21(3);**

- (d) **paragraph 23(1)(b);**
- (e) **paragraph 24(1)(b).**

20. The *Family Support Orders Enforcement Act* is amended by

- (a) **repealing the definition of "Director of Social Assistance" in subsection 1(1) and substituting the following:**

"Director of Income Assistance" means the Director of Income Assistance appointed under the *Income Assistance Act*; (*directeur de l'assistance au revenu*)

- (b) **striking out "Director of Social Assistance" wherever it appears in the following provisions and substituting "Director of Income Assistance":**
 - (i) **paragraph (f) of the definition of "support" in subsection 1(1),**
 - (ii) **subsection 3(5), including paragraph 3(5)(b),**
 - (iii) **subsection 3(6),**
 - (iv) **paragraph 3(8)(c),**
 - (v) **paragraph 7(1)(c),**
 - (vi) **subsection 9(6);**
- (c) **striking out "*Social Assistance Act*" in the following provisions and substituting "*Income Assistance Act*":**
 - (i) **paragraph 3(5)(a),**
 - (ii) **subsection 3(6),**
 - (iii) **paragraph 3(8)(c),**
 - (iv) **paragraph 11(2)(a).**

Transitional and Repeal

21. An appointment as Director of Social Assistance prior to the coming into force of this Act is continued as an appointment as Director of Income Assistance under section 2 on the coming into force of this Act.

22. An appointment as Social Welfare Officer prior to the coming into force of this Act is continued as an appointment as Income Assistance Officer under section 4 on the coming into force of this Act.

23. An appointment to the Social Assistance Appeal Board prior to the coming into force of this Act is continued as an appointment to the Income Assistance Appeal Board under section 7 on the coming into force of this Act.

24. The Social Assistance Appeal Committee established under the *Social Assistance Appeal Committee Establishment Order*, registered as statutory instrument numbered SI-002-2014 immediately prior to the coming into force of this Act, is continued, as of the coming into force of this Act, as the Income Assistance Appeal Committee established under section 6 of the Act.

25. The *Social Assistance Appeal Committee Establishment Order*, registered as statutory instrument numbered SI-002-2014, is repealed.

Coming into force

26. (1) Subject to subsection (2), this Act comes into force on Assent.

(2) Paragraph 8(c) comes into force on a day to be fixed by order of the Commissioner.