

CONSOLIDATION OF NUNAVUT TEACHERS' ASSOCIATION ACT
R.S.N.W.T. 1988,c.N-3

(Current to: January 25, 2015)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.114(Supp.)

S.N.W.T. 1995,c.11

S.N.W.T. 1995,c.28

In force July 1, 1996: SI-003-96

S.N.W.T. 1996,c.1

S.N.W.T. 1998,c.5

AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:

S.N.W.T. 1998,c.37

In force April 1, 1999

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2006,c.10,s.1

s.1 in force June 15, 2006

S.Nu. 2010,c.3,s.11

s.11 in force March 23, 2010

S.Nu. 2010,c.7,s.6

s.6 in force June 10, 2010

S.Nu. 2013,c.19

In force May 16, 2013

S.Nu. 2013,c.26,s.91

s.91 in force September 17, 2013

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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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NUNAVUT TEACHERS' ASSOCIATION ACT

INTERPRETATION

Definitions

1. In this Act,

"Association" means the Nunavut Teachers' Association referred to in subsection 2(1); (*Association*)

"by-laws" means by-laws of the Association made under subsection 4(1); (*règlements administratifs*)

"Central Council" means the governing body of the Association referred to in subsection 5(1); (*conseil central*)

"Central Executive" means the Central Executive of the Association elected pursuant to subsection 7(1); (*bureau de direction*)

"discipline committee" means a discipline committee established under subsection 26(1); (*comité de discipline*)

"district education authority" means a district education authority as defined in the *Education Act*; (*administration scolaire de district*)

"member" means a person who is registered as a member of the Association; (*membre*)

"President" means the president of the Association; (*président*)

"teacher" means a person who is a member of the bargaining unit established for teachers under the *Public Service Act*. (*enseignant ou enseignante*)

S.N.W.T. 1996,c.1,s.12; S.N.W.T. 1995,c.28,s.155(2);

S.N.W.T. 1998,c.37,Sch.E,s.1,2,3(a),4(a); S.Nu. 2006,c.10,s.1(2)(a),(3),(5);

S.Nu. 2010,c.3,s.11(2); S.Nu. 2010,c.7,s.6(2),(3),(4),(5); S.Nu. 2013,c.19,s.2(a),3.

NUNAVUT TEACHERS' ASSOCIATION

Association

2. (1) The Nunavut Teachers Association is continued and shall be known as the "Nunavut Teachers' Association".

Head office

(2) The head office of the Association shall be in Nunavut.

Powers of Association

(3) The Association, in addition to the powers vested in it by the *Interpretation Act*, may

- (a) acquire and hold real property and sell, lease or otherwise dispose of it at pleasure;
- (b) borrow money for the purposes of the Association and mortgage or charge property of the Association, but not its sources of funds, as security for moneys borrowed;
- (c) invest any moneys of the Association in securities in which trustees may invest under the *Trustee Act*;
- (d) enter into association or affiliation with any other association having similar objects and purposes and pay dues to that association; and
- (e) bargain and enter into collective agreements with the employers of its members on behalf of its members.

S.N.W.T. 1998,c.37,Sch.E,s.3(b),4(b),5;

S.Nu. 2006,c.10,s.1(2)(b),(4),(5); S.Nu. 2013,c.19,s.2(b),4.

Objects of Association

3. The objects of the Association are

- (a) to promote high quality education;
- (b) to promote high ethical standards in the teaching profession;
- (c) to promote the continuing education, training, skill and proficiency of its members;
- (d) to encourage the entry of residents of Nunavut into the teaching profession;
- (e) to advise, assist, govern and discipline its members;
- (f) to unite the members of the Association for their mutual improvement, socially, mentally and physically and for their protection and common and individual welfare; and
- (g) to enter into collective bargaining negotiations for the purpose of concluding collective agreements with the employers of its members.

S.N.W.T. 1998,c.37,Sch.E,s.3(c),4(c); S.Nu. 2006,c.10,s.1(5);

S.Nu. 2013,c.19,s.5.

By-laws of Association

4. (1) The Association in general meeting may make by-laws not inconsistent with this Act or the regulations

- (a) respecting the nomination, election, appointment, terms of office, remuneration, powers and duties of members of the Central Council or any committee or administrative group within the Association;
- (b) respecting the qualifications and disqualifications for holding office as a member of the Central Council or any committee or administrative group within the Association;

- (c) respecting the time, place and conduct of meetings of the Association, including the procedure for voting on by-laws;
- (c.1) respecting notices related to elections and general meetings that are to be given to members;
- (d) respecting the management of the property, affairs and internal organization and administration of the Association;
- (e) respecting the maintenance of the Association and the fixing and collecting of annual and other fees payable by members of the Association;
- (f) respecting the enrolment of members and their government and discipline including their reprimand, suspension, expulsion and reinstatement;
- (g) respecting the appointment or election of members to, and the conduct of, investigating committees to inquire into and investigate formal complaints against members;
- (h) respecting the procedures for appointing or electing negotiators for the Association and the procedures for consulting with the membership as to proposed collective agreements;
- (i) establishing the terms and conditions on which approval for membership may be given;
- (j) providing for the appointment of an auditor or legal counsel or both for the Association;
- (j.1) respecting the disciplinary process for members, including respecting investigations and hearings;
- (k) providing for the rights and privileges of different categories of members;
- (l) providing for the adoption, custody and use of the seal of the Association; and
- (m) for the management and conduct of the affairs of the Association.

By-laws to be available to the public

(2) The Association shall ensure that the by-laws are available for review by the public. S.N.W.T. 1998,c.37,Sch.E,s.3(c); S.Nu. 2006,c.10,s.1(5); S.Nu. 2013,c.19,s.6.

Central Council

5. (1) The affairs of the Association shall be managed and conducted by the Central Council, which shall be composed of the number of persons specified by the by-laws to be elected from among the membership of the Association in accordance with the by-laws.

Term of office

(2) The members of the Central Council shall hold office for the terms that may be specified in the by-laws. S.N.W.T. 1998,c.37,Sch.E,s.3(d); S.Nu. 2006,c.10,s.1(5); S.Nu. 2013,c.19,s.7.

Powers of Central Council

- 6.** The Central Council may, by resolution,
- (a) authorize the Association to establish lectures and classes for its members;
 - (b) authorize the Association to enter into agreements with educational institutions for the attendance of members at classes and lectures;
 - (c) authorize the Association to enter into contracts;
 - (d) appoint representatives to appear on behalf of and represent the Association;
 - (e) authorize the Association to enter into group insurance contracts insuring the lives or incomes of members or insuring members against any risks that may be incurred in the teaching profession;
 - (f) authorize the distribution to members of memoranda or publications; and
 - (g) take the action and incur the expenses that it considers necessary for the protection, interest or welfare of the Association or its members.
- S.N.W.T. 1998,c.37,Sch.E,s.3(e); S.Nu. 2006,c.10,s.1(5).

Election of Central Executive members

- 7.** (1) The Central Executive of the Association shall be elected from among the membership of the Association in accordance with the by-laws.

Appointments

- (2) The Executive Director of the Association and other officers that may be required by the Association shall be appointed in accordance with the by-laws.

Executive Director

- (3) The Executive Director is the chief administrative officer of the Association. S.N.W.T. 1998,c.37,Sch.E,s.3(e); S.Nu. 2006,c.10,s.1(5).

General meetings

- 8.** (1) The Association shall, at least once in each year, hold a general meeting of the elected representatives of the Association to be held at the place and time that the Central Executive determines.

Report of President

- (2) At each general meeting referred to in subsection (1), the President shall present a report of the proceedings of the Central Executive since the previous general meeting.

Financial statement

- (3) A statement of the financial business and financial status of the Association since the previous general meeting shall be given by the Treasurer at each general meeting of the Association. S.N.W.T. 1998,c.37,Sch.E,s.3(f); S.Nu. 2006,c.10,s.1(5).

Notice to members

8.1. The Association shall, in accordance with the by-laws, give its members reasonable notice of elections referred to in sections 5 and 7 and general meetings referred to in section 8. S.Nu. 2013,c.19,s.8.

Meetings of Central Executive

9. The Central Executive shall, in accordance with the by-laws, hold meetings at the places and times that the President determines.

REGISTRATION AND MEMBERSHIP

Register

10. (1) The Central Executive shall cause to be kept a record called the Nunavut Teaching Register in which shall be entered the name of and any other information that may be required by the by-laws pertaining to each person who is accepted as a member of the Association.

Registration

(2) A person is registered when his or her name is entered in the Register under subsection (1).

Inspection of Register

(3) The Register

- (a) shall be kept at the head office of the Association; and
 - (b) shall be open for inspection at any time that the head office of the Association is open.
- S.N.W.T. 1998,c.37,Sch.E,s.3(g),6; S.Nu. 2006,c.10,s.1(5).

Membership

11. (1) Subject to subsection (2), every teacher who is employed by the Minister responsible for the *Education Act* is, upon employment, entitled to be registered as a member of the Association and is entitled to continue to be a member until his or her employment ceases or his or membership is terminated in accordance with this Act, the regulations or the by-laws.

Refusal to register

(2) The Association may declare that a person employed as a teacher is not eligible for membership in the Association and may refuse to register that person or terminate his or her membership, as the case may require.

Transition, substitute teachers

(3) Subject to subsection (2), a substitute teacher who is employed by a district education authority on or before June 30, 2013 is, upon employment, entitled to be registered as a member of the Association and is entitled to continue to be a member until the end of that day unless before that day, his or her employment ceases or his or her membership is terminated in accordance with this Act, the regulations or the by-laws. S.N.W.T. 1995,c.28,s.155(3); S.N.W.T. 1998,c.37,Sch.E,s.3(h),7(a); S.Nu. 2006,c.10,s.1(5); S.Nu. 2010,c.7,s.6(6); S.Nu. 2013,c.19,s.9.

Notice, teachers other than substitutes

12. (1) When the Minister responsible for the *Education Act* employs a teacher, other than a substitute teacher, the Minister shall notify the Association in writing

- (a) before the starting date of the employment, of the name of the teacher and the date of commencement of his or her employment; and
- (b) within 30 days after the starting date of the employment, of the amount of salary to be paid to the teacher.

Notice, substitute teachers

(2) The Minister responsible for the *Education Act* shall provide the following information in writing each month to the Association:

- (a) the number of substitute teachers employed in the preceding month in each education district established under the *Education Act*; and
- (b) the name of, and the rate of pay for, every substitute teacher employed in the preceding month.
S.N.W.T. 1995,c.28,s.155(4);
S.N.W.T. 1998,c.37,Sch.E,s.3(h),7(a); S.Nu. 2006,c.10,s.1(5);
S.Nu. 2010,c.7,s.6(7); S.Nu. 2013,c.19,s.9.

13. Repealed, S.Nu. 2013,c.19,s.9.

Fees

14. Every member shall pay to the Association the fees that may be fixed by by-law. S.N.W.T. 1998,c.37,Sch.E,s.3(h); S.Nu. 2006,c.10,s.1(5).

Categories of membership

15. (1) The membership of the Association includes active, associate, life, honorary and student members.

(2) Repealed, R.S.N.W.T. 1988,c.114(Supp.),s.2.

R.S.N.W.T. 1988,c.114(Supp.),s.2; S.N.W.T. 1998,c.37,Sch.E,s.3(h);
S.Nu. 2006,c.10,s.1(5)

Active members

15.1. (1) Only a teacher who is a member of the bargaining unit established by paragraph 55(5)(c) of the *Public Service Act* may be an active member.

Leave of absence

(2) A teacher while on a leave of absence from their position in the bargaining unit established by paragraph 55(5)(c) of the *Public Service Act* continues to be an active member.

Immediate past Presidents

(3) Notwithstanding subsection (1), a teacher who retires immediately after holding the office of President may continue to be an active member for a period of one year after the expiry of his or her term of office. R.S.N.W.T. 1988,c.114(Supp.),s.3; S.N.W.T. 1995,c.28,s.155(5); S.N.W.T. 1998,c.37,Sch.E,s.8; S.Nu. 2010,c.7,s.6(8); S.Nu. 2013,c.26,s.91(2).

Associate members

16. The following are eligible to become associate members by applying personally and by paying the required fee:

- (a) **repealed, S.Nu. 2013,c.19,s.10;**
- (a.1) teachers who are not members of the bargaining unit established by paragraph 41(1.4)(c) of the *Public Service Act*;
- (b) unemployed teachers;
- (c) **repealed, R.S.N.W.T. 1988,c.114(Supp.),s.4;**
- (d) retired teachers;
- (e) professional employees of the Association; and
- (f) others as determined by the Central Executive.
R.S.N.W.T. 1988,c.114(Supp.),s.4; S.N.W.T. 1995,c.28,s.155(6); S.N.W.T. 1998,c.37,Sch.E,s.3(i),7(b); S.Nu. 2006,c.10,s.1(5); S.Nu. 2010,c.7,s.6(9); S.Nu. 2013,c.19,s.10.

Life members

17. The Central Council may grant life membership to retired teachers under the conditions that may be established by by-law.

Honorary members

18. The Central Council may confer honorary membership in the Association on any person under the conditions that may be established by by-law.
S.N.W.T. 1998,c.37,Sch.E,s.3(j); S.Nu. 2006,c.10,s.1(5); S.Nu. 2013,c.19,s.11.

Students

19. Students who are enrolled in full-time courses of study leading to certification as teachers may become student members of the Association under the conditions that may be established by by-law. S.N.W.T. 1998,c.37,Sch.E,s.3(j); S.Nu. 2006,c.10,s.1(5).

Rights of active members

20. Active members have the right to vote and to hold office in the Association and are subject to this Act and the by-laws. S.N.W.T. 1998,c.37,Sch.E,s.3(j); S.Nu. 2006,c.10,s.1(5).

Other members

21. Life, honorary, associate and student members do not have the right to vote or hold office in the Association. S.N.W.T. 1998,c.37,Sch.E,s.3(j); S.Nu. 2006,c.10,s.1(5); S.Nu. 2013,c.19,s.12.

Appeal

22. (1) Where the Association refuses or neglects to register a person or refuses or neglects to renew the registration of a person, the person aggrieved may, within 30 days after the day on which the person receives knowledge of that, commence an appeal in accordance with the appeal procedures set out in the by-laws.

Application to Nunavut Court of Justice

(2) Where, after an appeal under subsection (1) has been heard, the person remains aggrieved, the person may apply to the Nunavut Court of Justice, which on due cause shown, may make an order directing the Association to grant or renew the registration or make any other order that is warranted by the facts.

Order

(3) An order made under subsection (2) is final and conclusive and shall be acted on without delay by the Association and, where applicable, by the employer of the person aggrieved. S.N.W.T. 1998,c.37,Sch.E,s.3(j),9(a); S.Nu. 2006,c.10,s.1(5).

DISCIPLINARY PROCEEDINGS

23. Repealed, S.Nu. 2013,c.19,s.13.

Professional misconduct

24. Without restricting the generality of the expression "professional misconduct", a member is guilty of professional misconduct who

- (a) in the course of his or her profession knowingly provides or condones a false or misleading oral or written statement;
- (b) impersonates another member;
- (c) permits his or her name or picture to be used in connection with the advertisement of any product that is or may be used for teaching purposes in Nunavut;
- (d) irresponsibly divulges professional confidences;
- (e) acts fraudulently for the purpose of procuring registration for himself or herself or another;
- (f) contravenes any code of ethics adopted by the Association by by-law; or
- (g) is convicted of a criminal offence, the nature of which could affect or reflect on the ethics of the teaching profession.

S.N.W.T. 1998,c.37,Sch.E,s.3(1),4(d); S.Nu. 2006,c.10,s.1(5).

Review of complaint

25. (1) If the Association receives a complaint in writing alleging professional misconduct, contravention of the by-laws of the Association or incompetence on the part of a member, the President and the Executive Director, or either of them, as may be provided in the by-laws, shall review the complaint in accordance with the by-laws and shall refer the complaint to the discipline committee for investigation unless after the review it is decided that the complaint is frivolous or vexatious or can be resolved without referring it to the discipline committee.

Frivolous or vexatious complaints

(2) A complaint is deemed to be dismissed if in the review required by subsection (1) it is found to be frivolous or vexatious.

Prompt reviews, investigation and hearing

(3) The Association shall ensure that reviews, investigations and hearings are held and decisions are rendered promptly.

Timelines

(4) The Association shall, by by-law, establish timelines that should be met in the conduct of reviews, investigations and hearings.

Alternates

(5) If the by-laws require that both the President and the Executive Director conduct a review under subsection (1), the Association may, by by-law, provide for the appointment of an officer of the Association to act in the place of the President or Executive Director if the President or Executive Director is unable to act in a particular case. S.N.W.T. 1998,c.37,Sch.E,s.3(m); S.Nu. 2006,c.10,s.1(5); S.Nu. 2013,c.19,s.14.

Discipline committee

26. (1) The Association shall establish a discipline committee for the purposes of

- (a) investigating, in accordance with the by-laws, a complaint referred to it under subsection 25(1); and
- (b) holding a hearing in respect of a complaint if, after considering the results of an investigation, the committee is of the opinion that a hearing should be held in respect of the complaint.

Composition

(2) The discipline committee shall be composed of three members of the Association.

Alternate members

(3) The Association may, by by-law, provide for the appointment of members of the Association as alternate members of the discipline committee to act if one or more permanent members of the committee is unable to act in a particular case.

Delegation of investigation function

(4) The Association may, by by-law, delegate the functions of investigating complaints to a committee of the Association other than the discipline committee but it shall not delegate the hearing function. S.Nu. 2013,c.19,s.14.

Investigations, natural justice and privacy

27. (1) The investigation of a complaint by the discipline committee or by another committee shall be conducted in private and the rules of natural justice, other than the right to be heard, apply to the investigation.

Report to discipline committee

(2) If a committee other than the discipline committee investigates a complaint, the committee shall, in accordance with the by-laws, report its findings and recommendations to the discipline committee which shall consider the report and decide whether a hearing is required as provided in the by-laws. S.Nu. 2013,c.19,s.14.

Hearings, natural justice and privacy

28. (1) Hearings by the discipline committee shall be conducted in private and in accordance with the rules of natural justice, including the right of the member who is the subject of a complaint to be heard by the committee.

Powers of discipline committee

- (2) Subject to subsection (1), the discipline committee may
- (a) summon and bring before it any person whose attendance it considers necessary to enable it to inquire properly into the matter complained of;
 - (b) ascertain the facts in the manner that it considers necessary;
 - (c) administer oaths and affirmations and examine all persons sworn;
 - (d) do all things that it considers necessary to provide a full and proper inquiry; and
 - (e) make findings as to the conduct and discipline of a member.

Evidence

(3) Subject to subsection (1), the discipline committee is not bound by the laws of evidence applicable to judicial proceedings.

Counsel

(4) The Association and any member whose conduct is being investigated or in respect of whom a hearing is being held have the right to be represented by counsel. S.Nu. 2013,c.19,s.14.

Report on investigation

28.1. (1) If the discipline committee decides that no hearing is required in respect of a complaint, the committee shall submit, in accordance with the by-laws, a full report on the investigation and its decision to the Central Executive.

No discipline without hearing

(2) The discipline committee may recommend disciplinary action without holding a hearing only if the committee scheduled a hearing and the member without reasonable excuse delivered to the committee on or before the day of the hearing failed to appear.

Report to Central Executive

(3) The discipline committee shall submit, in accordance with the by-laws, a full report to the Central Executive on any hearing held by the committee or any decision it makes following the failure of a member to attend a hearing as described in subsection (2) and the report shall include the committee's recommendations, if any, with respect to disciplinary action.

Decision of Central Executive

(4) The Central Executive shall, in accordance with the by-laws, consider the report of the discipline committee, render its decision on the matter and take the action that it considers necessary and proper in the circumstances. S.Nu. 2013,c.19,s.14.

Discipline

29. (1) The Central Executive may, in accordance with the by-laws and on the advice of the discipline committee, order the suspension or expulsion of a member either permanently or for a specified period of time, or may otherwise reprimand the member where it has been shown to the satisfaction of the Central Executive that the member has been guilty of professional misconduct or a contravention of the by-laws or is incompetent.

Notice to registrar

(2) The Association shall notify the registrar appointed under section 119 of the *Education Act* when it disciplines a member.

Contents of notice

(3) The notice required by subsection (2) shall be given to the registrar as soon as possible after the disciplinary action is taken and shall set out

- (a) the name of the member;
- (b) a statement of whether the member was suspended, expelled or reprimanded;
- (c) the length of any suspension or expulsion; and
- (d) a brief statement of the facts that caused the disciplinary action to be taken.

Action by registrar

(4) The registrar shall treat a notice under subsection (2) in the same manner as a complaint made in writing to the registrar. S.Nu. 2013,c.19,s.15.

Appeal

30. (1) Where the Central Executive orders the suspension, expulsion or reprimand of a member under section 29, the member may, on originating notice, appeal to a judge of the Nunavut Court of Justice within 30 days after the suspension, expulsion or reprimand.

Nature of appeal

(2) The proceedings of an appeal under subsection (1) shall be in the nature of a re-hearing on which the judge of the Nunavut Court of Justice may make an order, including an order as to costs, that the judge considers just.

Order

(3) An order made under subsection (2) is final and binding on the member and on the Association. S.N.W.T. 1998,c.37,Sch.E,s.3(n),9(b); S.Nu. 2006,c.10,s.1(5).

REGULATIONS

Regulations

31. The Commissioner, on the recommendation of the Minister, may make regulations that the Commissioner considers necessary to carry out the purposes of this Act.

32. Repealed, S.Nu. 2006,c.10,s.1(6).

33. Repealed, S.Nu. 2006,c.10,s.1(6).