

FINANCIAL ADMINISTRATION ACT

**OFFICIAL CONSOLIDATION OF CONTRACT OF
INDEMNIFICATION EXEMPTION REGULATIONS**

C.R.Nu. R-018-99

(Consolidation date: September 21, 2021)

R-018-99

AS AMENDED BY NUNAVUT REGULATIONS AND STATUTES:

R-003-2004 (as amended by S.Nu. 2006,c.10,s.8 [in force February 10, 2004 (deemed)])

In force February 10, 2004

R-009-2005

In force June 10, 2005

R-018-2006

In force July 21, 2006

R-028-2006

In force November 24, 2006

R-008-2007

In force March 12, 2007

R-012-2008

In force April 2, 2008

R-013-2008

In force April 21, 2008

R-016-2008

In force May 14, 2008

R-020-2008

In force September 3, 2008

R-001-2010

In force January 5, 2010

R-002-2010

In force March 23, 2010

R-009-2010

In force June 1, 2010

S.Nu. 2011,c.11,s.2

s.2 in force March 10, 2011

R-002-2012

In force February 22, 2012

R-011-2012

In force July 12, 2012

S.Nu. 2013,c.13,s.5

s.5 in force May 16, 2013

R-021-2013

In force September 9, 2013

R-025-2013

In force December 19, 2013

R-007-2014

In force January 24, 2014

R-029-2014

In force November 18, 2014

R-003-2017

In force February 20, 2017

R-011-2017

In force April 3, 2017

(See following page for more Nunavut amending statutes)

AS AMENDED BY NUNAVUT REGULATIONS AND STATUTES: (continued)

R-013-2017

In force May 11, 2017

R-003-2019

In force February 21, 2019

R-020-2020

In force August 20, 2020

R-001-2021

In force January 8, 2021

R-024-2021

In force May 11, 2021

R-028-2021

In force June 29, 2021

R-029-2021

In force June 29, 2021

R-040-2021

In force September 21, 2021

This is an official consolidation published by the authority of the Territorial Printer under the *Legislation Act*. Subsection 66(2) of the *Legislation Act* provides that "If there is an inconsistency between a consolidated enactment and the original or revised enactment as amended, the original or revised enactment as amended prevails."

The authoritative text of original and revised 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 www.nunavutlegislation.ca.

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.

Territorial Printer
Legislation Division
Department of Justice
Government of Nunavut
P.O. Box 1000, Station 550
Iqaluit, NU X0A 0H0

Tel.: (867) 975-6305
Fax: (867) 975-6189
Email: Territorial.Printer@gov.nu.ca

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".

Citation of Acts

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (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.

Citation of Regulations and other Statutory Instruments

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (Note: This is a Nunavut regulation made on or after January 1, 2000.)
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.)

CONTRACT OF INDEMNIFICATION EXEMPTION REGULATIONS

1. (1) A contract or an agreement that contains an indemnity by the Government of Nunavut is exempt from the operation of sections 66 to 67.3 of the Act where the indemnity is made in favour of
- (a) the directors and officers of the Canadian Blood Agency and the members of the Scientific Advisory Committee established by the Canadian Blood Agency;
 - (b) the directors and officers of the Canadian Blood Services;
 - (b.1) the Canadian Blood Services or a wholly owned subsidiary thereof, to a maximum aggregate amount of \$877,500;
 - (b.2) Health PRO Procurement Services Inc.;
 - (b.3) the Stanton Territorial Health Authority;
 - (c) the current or former insurers of the Government of Nunavut or the Government of the Northwest Territories as the predecessor of the Government of Nunavut;
 - (d) the Canadian Executive Service Organization (CESO) and its Volunteer Advisors in relation to services provided to the Government of Nunavut pursuant to an agreement between the Government of Nunavut and CESO;
 - (e) NAV CANADA; or
 - (f) the Canadian Air Transport Security Authority.
- (2) The Minister of Health may, on behalf of the Government of Nunavut, make and execute a contract or an agreement that contains an indemnity made in favour of a person or organization referred to in paragraph (1)(a), (b), (b.1), (b.2) or (b.3).
- (3) The Minister of Finance, or their delegate, may, on behalf of the Government of Nunavut, make and execute a contract or an agreement that contains an indemnity made in favour of a person or organisation referred to in paragraph (1)(c).
- (4) The Minister of Finance or their delegate, on the recommendation of the Financial Management Board under section 67.2 of the Act, may, on behalf of the Government of Nunavut, make and execute a contract or an agreement that contains an indemnity made in favour of a person or organisation referred to in paragraph (1)(d).
- (5) The Minister of Economic Development and Transportation may, on behalf of the Government of Nunavut, make and execute a contract or an agreement that contains an indemnity made in favour of the person referred to in paragraphs (1)(e) and (f).
R-003-2004,s.2,3,4; R-009-2005,s.2,3,4; R-018-2006,s.2,3; R-028-2006,s.2,3;
R-001-2010,s.2,3; R-002-2010,s.2; S.Nu. 2013,c.13,s.5(2); R-013-2017,ss.2,3.
2. (1) The contract entitled "Supply of Bulk Refined Petroleum Products Qikiqtaaluk and Kivalliq Regions 2007-2012" which contains an indemnity by the Government of Nunavut in favour of Woodward's Oil Limited is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Community and Government Services may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1).
R-008-2007,s.2.

2.1. (1) The contract entitled "Lease Agreement (2018-2020), Operation of the Bulk Fuel Storage Facility and Pipeline Distribution System, Iqaluit, NU" between the Government of Nunavut and Uqsuq Corporation is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Community and Government Services may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1).
R-003-2019,s.2.

3. (1) The contract entitled "Energy Services Contract" between the Government of Nunavut and MCW Custom Energy Solutions Ltd. and all ancillary agreements entered into by the Government of Nunavut pursuant to that contract are exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Community and Government Services may, on behalf of the Government of Nunavut, make and execute the contract and ancillary agreements referred to in subsection (1). R-012-2008,s.2.

4. (1) In this section, "Outfitter Indemnification Contracts" means a contract or class of contracts between the Government of Nunavut and outfitters, as that term is defined in the *Travel and Tourism Act*, which indemnify individual outfitters from comprehensive general liability claims within the following limits:

- (a) \$1,000,000 per outfitter, annually;
- (b) \$2,000,000 in the aggregate class of contracts, annually.

(2) Outfitter Indemnification Contracts are exempt from the operation of sections 66 to 67.3 of the Act.

(3) The Minister of Finance may, on behalf of the Government of Nunavut, make and execute any contract referred to in subsection (2). R-013-2008,s.2.

5. (1) The contract entitled "Moneris VISA Merchant Agreement / Moneris MasterCard Merchant Agreement / Moneris Debit Card and Terminal Agreement" between the Government of Nunavut and Moneris Solutions Corporation is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Community and Government Services may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1).
R-016-2008,s.2.

6. (1) The contract entitled "MEMORANDUM OF AGREEMENT FOR USE OF THE OTTAWA HOSPITAL (TOH) OACIS SYSTEM BY AFFILIATE ORGANIZATIONS" between the Government of Nunavut and The Ottawa Hospital is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Health may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1). R-020-2008,s.2.

7. (1) The contract entitled "Health Care Information System Software Agreement" between the Government of Nunavut and Medical Information Technology, Inc. is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Community and Government Services may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1). R-002-2010,s.3.

7.1. (1) A contract between the Government of Nunavut and Medical Information Technology Inc. that contains an indemnity by the Government of Nunavut is exempt from the operation of sections 66 to 67.3 of the Act to the extent that:

- (a) the contract is for services and software related to medical information management; and the indemnity relates to the improper or flawed operation or use of software.

(2) The Minister of Health may, on behalf of the Government of Nunavut, make and execute a contract referred to in subsection (1). R-003-2017,s.2.

8. (1) The contract entitled "Lexi-Comp Knowledge Solution Site License Agreement" between the Government of Nunavut and Lexi-Comp, Inc. is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Health may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1). R-009-2010,s.2.; S.Nu. 2013,c.13,s.5(3).

9. (1) The contract entitled "Pelmorex National Alert Aggregation & Dissemination User Access Agreement" between the Government of Nunavut and Pelmorex Communications Inc. is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Community and Government Services may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1). R-002-2012,s.2.

10. (1) The contract entitled "Iqaluit International Airport Improvement Project Conditional Financial Agreement" between the Government of Nunavut and PPP Canada Inc. is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Community and Government Services may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1). R-011-2012,s.2.

11. (1) The contract entitled "Agreement on a Joint Project for the Ongoing Operations of the Interprovincial Computerized Examination Management System (the "ICEMS Joint Project Agreement")" between the Government of Nunavut, the Government of Canada, the Provinces and Territories identified therein, and the Ontario College of Trades is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Education may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1). R-007-2014,s.2.

12. (1) The contract entitled "Iqaluit International Airport Improvement Project Agreement" between the Government of Nunavut and Arctic Infrastructure Limited Partnership, a limited partnership under the *Partnerships Act* (British Columbia), is exempt from the operation of sections 66 to 67.3 of the Act to the extent specified in that contract.

(2) The Minister of Community and Government Services may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1). R-021-2013,s.2.

13. (1) The contract entitled "P3 Canada Fund Financial Agreement" between the Government of Nunavut and PPP Canada Inc. is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Community and Government Services may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1). R-025-2013,s.2.

14. (1) The contract entitled "MATERIAL TRANSFER AGREEMENT" between the Government of Nunavut, York University and Auckland UniServices Limited is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Health may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1). R-029-2014,s.2.

15. (1) The contract entitled "Licence Agreement" between the Government of Nunavut and the Roman Catholic Episcopal Corporation of Hudson Bay, commencing March 6, 2017, is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Community and Government Services may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1). R-011-2017,s.2.

15.1. (1) Contracts between the Government of Nunavut and the Canadian Red Cross Society in relation to services provided by the Canadian Red Cross Society to support the Government of Nunavut's COVID-19 response efforts is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Health may, on behalf of the Government of Nunavut, make and execute contracts referred to in subsection (1). R-001-2021,s.2.

16. A contract between CANARIE Inc. and Nunavut Arctic College in relation to a research and innovation network deployed by CANARIE Inc. is exempt from the operation of section 86 and subsection 87(1) of the Act. R-020-2020.

17. (1) The contract entitled "Lease Agreement (2021-2031), Operation of the Bulk Fuel Storage Facility and Pipeline Distribution System, Iqaluit, NU" between the Government of Nunavut and Uqsuq Corporation is exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Deputy Minister of Community and Government Services may, on behalf of the Government of Nunavut, make and execute the contract referred to in subsection (1). R-024-2021,s.2.

18. (1) Contracts between the Government of Nunavut and Alberta Health Services in relation to the services provided at the Alberta Health Services Air Ambulance Base, located at the Edmonton International Airport, to the Government of Nunavut and its Air Ambulance Service Provider are exempt from the operation of sections 66 to 67.3 of the Act.

(2) The Minister of Health may, on behalf of the Government of Nunavut, make and execute contracts referred to in subsection (1). R-028-2021,s.2.

19. Contracts between Memorial University of Newfoundland and Nunavut Arctic College, in relation to the Memorial University of Newfoundland School of Social Work serving as the academic program sponsor of the Bachelor of Social Work program at Nunavut Arctic College, are exempt from the operation of section 86 and subsection 87(1) of the Act. R-029-2021.

20. The contract entitled "Contribution Agreement" for the project named "Covid-19 Support to Nunavut K-12 Students" between the Government of Nunavut and Nunavut Tunngavik Incorporated that was made and executed on behalf of the Government of Nunavut by the Deputy Minister of Education is exempt from the operation of the *Guarantees and Indemnities General Regulations* and sections 66 to 67.3 of the Act as of the coming into force of this section. R-040-2021,s.2.