

**NUNATSIAVUT ASSEMBLY**  
**IL 2011-05**

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

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**Section 6 of Beneficiaries Enrolment Act Amended**

**1**

**Section 6 of the *Beneficiaries Enrolment Act*, including the heading, is deleted and replaced as follows:**

**Notices of Change of Address and Removal of Beneficiaries from Register for Failing to Give Notice**

**6**

- (1) An individual who is enrolled on the Register must give written notice of every change in his or her address to the Registrar.
- (2) The parent or guardian of a beneficiary who is a minor or a person under a legal disability must give the Registrar written notice of every change in his or her own address and in the address of the beneficiary.
- (3) Where the Registrar attempts to communicate with a beneficiary or a parent or guardian of a beneficiary in relation to a matter referred to in section 3.3.6, 3.3.7, 3.6.1, 3.8.2, 3.11.4 or 3.13.1 of the Agreement but is unable to do so because the beneficiary or the beneficiary's parent or guardian has not given the Registrar notice of a change of address, the Registrar may remove the beneficiary's name from the Register after first complying with subsections (4) and (5) and regulations under subsection (7), if any.

Patricia Ford  
March 17, 2011  
mfd

- (4) Before removing a beneficiary's name from the Register the Registrar must publish notice of intention to remove the beneficiary's name from the Register and the date on which the name will be removed.
- (5) A notice under subsection (4) may be given in relation to one or more beneficiaries and must:
  - (a) state the full name and last known address of each beneficiary who may be removed from the Register;
  - (b) be published in a newspaper in general circulation in Labrador and in a national newspaper;
  - (c) be published twice in each newspaper with an interval of no less than one week and no more than 3 weeks between each publication with the last publication date being at least 45 days before the date on which the beneficiary's name will be removed from the Register;
  - (d) state the reason for the intended removal;
  - (e) state the action that must be taken by each beneficiary named in the notice, or by the parent or guardian of a beneficiary who is named in the notice and who is a minor or under a legal disability, in order to prevent removal of the beneficiary's name from the Register; and
  - (f) state the name, street address, mailing address, phone number, fax number and e-mail address of the Registrar.
- (6) Where an individual whose name has been removed from the Register under subsection (3) subsequently provides his or her current address to the Registrar, the Registrar must:
  - (a) where the individual has not complied with section 3.11.4 of the Agreement, require the individual to apply to enroll as a beneficiary in accordance with section 7 of this Act;
  - (b) where the individual has completed an application for enrolment after December 1, 2005, re-enroll the individual as a beneficiary by entering his or her name on the Register and issuing the person a new enrolment card and number; and
  - (c) where the individual has not completed an application for enrolment since December 1, 2005, require the individual to apply to enroll as a beneficiary in accordance with section 7 of this Act.

- (7) The Nunatsiavut Executive Council may, upon recommendation of the Minister, make regulations for purposes of this section.

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

**2**

**Section 39 of the Beneficiaries Enrolment Act is deleted and replaced as follows:**

**39**

- (1) The Registrar must maintain a record of beneficiaries who are enrolled as minors.
- (2) When a beneficiary who was enrolled as a minor reaches the age of majority the Registrar must send to the beneficiary:
  - (a) written notice advising him or her of section 3.11.4 of the Agreement;
  - (b) an application form;
  - (c) notice that if the beneficiary fails to comply with the requirement of section 3.11.4 of the Agreement the Registrar will remove the beneficiary's name from the Register; and
  - (d) such other information as in the opinion of the Registrar may be of assistance to the beneficiary in reapplying for enrolment.
- (3) A notice and application form under subsection (2) may be sent by ordinary pre-paid mail addressed to the beneficiary not earlier than 30 days prior to the beneficiary's 19<sup>th</sup> birthday and may be addressed to the beneficiary despite the fact that the beneficiary has not yet attained the full age of majority.
- (4) The Registrar must send a second written notice by ordinary pre-paid mail to a beneficiary who has not reapplied for enrolment pursuant to section 3.11.4 of the Agreement within 60 days of the date of the beneficiary's 19<sup>th</sup> birthday.
- (5) Where a beneficiary fails to reapply for enrolment pursuant to section 3.11.4 of the Agreement within 60 days of the date of the notice referred to in subsection (4) the Registrar must remove the beneficiary's name from the Register.

- (6) Where, between the Effective Date of the Labrador Inuit Land Claims Agreement and the date on which this Act comes into effect, the Registrar has given a person referred to in section 3.11.4 of the Agreement:
- (a) two or more written notices advising him or her of the requirement to reapply under section 3.11.4 of the Agreement; and
  - (b) a copy of the application form,
- and the beneficiary has not complied with section 3.11.4 of the Agreement on or before the date on which this Act comes into effect, the Registrar may, with the written consent of the Minister and notwithstanding anything in subsections (2), (3), (4) or (5) to the contrary, forthwith remove the Beneficiary's name from the Register without further notice.
- (7) An individual whose name has been removed from the Register under subsection (5) or (6) may apply to enroll as a beneficiary in accordance with section 7 of this Act.

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

**3**

#### **Section 44 of the Beneficiaries Enrolment Act is deleted and replaced as follows:**

**44**

The Nunatsiavut Executive Council may, upon recommendation of the Minister, make regulations:

- (a) respecting applications, the information to be included in applications, and records or documents that must be submitted with applications;
- (b) respecting the establishment and maintenance of the Register and the Regional Membership Lists;
- (c) respecting the maintenance of records pertaining to the administration of applications and decisions respecting enrolment and the protection of privacy of information contained in the records;
- (d) respecting forms, notices and requests for information required for purposes of this Act;
- (e) prescribing fees to be paid for applications, certifications and access to information, and exempting from the payment of prescribed fees individuals who are performing an act authorized under an Inuit law

or who are engaged in the performance of official duties or functions;

- (f) respecting certificates, cards, documentation or other evidence of enrolment on the Register;
- (g) respecting the procedures of the committees and the Inuit Membership Appeal Board including forms, notices and time limits; and
- (h) respecting forms, notices, procedures and time limits in relation to the removal of names from the Register by the Registrar and the re-instatement of names removed from the Register by the Registrar.

### **Coming into effect**

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