

N-6

NUNATSIAVUT GOVERNMENT APPOINTMENTS ACT

CIL N-6 (09-06-2017)

ORIGINAL ENACTMENT 2005-08

AMENDED IL 2017-05 S.36

**AN INUIT LAW RESPECTING NUNATSIAVUT GOVERNMENT APPOINTMENTS TO
BOARDS AND OTHER BODIES**

CONTENTS

	Preamble
1	Short title
2	Definitions
3	Purpose of this Act
4	Appointments
5	Advertisements
6	Applications
7	Nominations for Appointment
8	Data Base of Applications and Appointments
9	Advisory Committee on Appointments
10	Terms of Office of Advisory Committee Members
11	Vacancies in Lay Members
12	Expenses of Lay Members
13	Function of Advisory Committee
14	Approval Process
15	Notice of Appointments
16	Appointments and Nominations to be tabled in Assembly
17	Regulations

WHEREAS the Labrador Inuit Land Claims Agreement requires that the Nunatsiavut Government nominate or appoint individuals to a number of boards and other bodies; and

WHEREAS in the exercise of its powers and the conduct of its business the Nunatsiavut Government is expected to appoint individuals to various Agencies; and

WHEREAS it is desirable to select qualified men and women having the highest personal and professional integrity to serve on all boards and other bodies under the Labrador Inuit Land Claims Agreement and Agencies established by the Nunatsiavut Government,

NOW THEREFORE BE IT ENACTED by the Nunatsiavut Assembly as follows:

Short title

1. This Act may be cited as the *Nunatsiavut Government Appointments Act*.

Definitions

2. In this Act:

(a) "Agency" means:

- (i) a board, commission, corporation, tribunal or other body under the Labrador Inuit Land Claims Agreement one or more of the members of which are either nominated by or directly appointed by the Nunatsiavut Government, or
- (ii) a board, commission, corporation, tribunal or other body established under Inuit Law, all of the members of which are appointed by the Nunatsiavut Government, but does not include the Appointments Committee or a Department;

(b) "Applicant" means an individual who applies for an appointment or seeks to be nominated for an appointment;

(c) "Appointments Committee" means the Nunatsiavut Advisory Committee on Appointments referred to in section 9;

(d) "Candidate" means a person recommended for an appointment or nomination or an applicant;

(e) "Department" means an administrative unit of the Nunatsiavut Government which is staffed by employees pursuant to the *Civil Service Act* and which reports directly to a Minister;

(f) "Deputy Minister" means a senior Civil Servant, appointed by the President-in-Council, who serves under a Minister as the deputy head or senior manager of a Department;

(g) "Executive Council" means the executive branch or cabinet of the Nunatsiavut Government chaired by the President and composed of the President, the First Minister and the Treasurer of Nunatsiavut and other Ministers appointed by the President pursuant to Chapter 5 of the Constitution;

- (h) "Executive Order" means a decision of the President-in-Council that has the force of law;
- (i) "Lay Member" means a person appointed to an Agency who is not a Civil Servant, senior manager of the Nunatsiavut Government, Minister or Member of the Assembly;
- (j) "Nomination" means a proposal by the Nunatsiavut Government to a federal or provincial minister for an appointment by the minister to a board, commission, tribunal or other body under the Labrador Inuit Land Claims Agreement; and
- (k) "Registry of Candidates" means the compilation of expressions of interest, applications, nominations and appointments maintained by the Executive Council Secretariat under section 8.

Purpose of the Act

- 3. The purpose of this Act is to ensure the nomination and appointment of qualified men and women having the highest personal and professional integrity for Appointments to Agencies of the Government of Nunatsiavut and for Nominations to boards, commissions, tribunals or other bodies under the Labrador Inuit Land Claims Agreement.

Appointments and Nominations

- 4.
 - (1) All Appointments to Agencies of the Nunatsiavut Government shall be made in writing by the President-in-Council under the Nunatsiavut Seal in accordance with the procedures set out in this Act.
 - (2) All Nominations shall be made by the President by Executive Order in accordance with the procedures in this Act.

Expressions of interest

- 5. Despite the fact that no vacancies may exist at the time, the Executive Council must place a general advertisement in a regional, a provincial and a national newspaper once each year inviting
 - (a) expressions of interest in applying for positions on Agencies to which individuals may be Appointed by the Nunatsiavut Government, and
 - (b) expressions of interest in being nominated for positions for which Nominations are to be made by the Nunatsiavut Government.

Applications

- 6. Expressions of interest under section 5 and shall be directed to the Secretary of the Executive Council.

Recommendations for Appointments and Nominations

7. When an Appointment or Nomination is required to fill a vacancy on an Agency:
 - (a) a Deputy Minister or a committee of Deputy Ministers may recommend one or more individuals for the Appointment or Nomination; and
 - (b) the Executive Council may advertise for new Applicants for the vacancy and must:
 - (i) refer the Deputy Ministerial recommendation to the Advisory Committee on Appointments;
 - (ii) recommend an Applicant or Applicants from the Registry of Candidates to the Advisory Committee on Appointments; or
 - (iii) any combination of the above.

Registry of Candidates

8. The secretariat of the Executive Council must maintain an up-to-date Registry of all expressions of interest, applications, nominations and appointments.

Advisory Committee on Appointments

9. The Executive Council must, by Executive Order, appoint a Nunatsiavut Advisory Committee on Appointments comprised of a Minister who shall be the chair of the Appointments Committee, a Deputy Minister, a Nunatsiavut Government human resources professional and two volunteer Lay Members.

Term of Office of Appointments Committee Members

10. The Minister, the Deputy Minister and the government human resources professional may be appointed by President-in-Council from time to time on an *ad hoc* basis or for a specified term or terms and the lay members shall be Inuit appointed for a term of three years.

Vacancies in Lay Members

11. Vacancies in the lay member positions on the Appointments Committee shall be advertised and filled by the Executive Council as vacancies occur.

Expenses of Lay Members

12. All reasonable expenses incurred by a Lay Member in the performance of his or her committee-related responsibilities shall be reimbursed.

Functions of the Appointments Committee

13. The Appointments Committee shall review all Candidates for Appointment or Nomination to Agencies and may interview any such Candidate and shall:
 - (a) determine and identify qualified Candidates;

- (b) make all determinations under (a) on the basis of merit having regard to the qualifications, skills and experience of the Candidate and the requirements of the position to be filled; and
- (c) recommend a short list of a maximum of 3 qualified Candidates for each position from which the Executive Council shall choose a Candidate for appointment.

Approval Process

14. The President-in-Council has the ultimate responsibility to make appointments and nominations to Agencies but all appointments and nominations must be made from a short-list recommended by the Appointments Committee.

Notice of Appointments

15. All appointments to Agencies shall be publicly announced by the President as soon as practicable after the appointment is made and the Secretary of the Executive Council shall:
- (a) in the case of an Agency under the Labrador Inuit Land Claims Agreement, give notice of the appointment to the relevant officials of the federal and provincial governments and to the Agency; and
 - (b) in the case of an Agency under Inuit Law, give notice of the appointment to the Agency. (IL 2017-05 s.36)

Appointments and Nominations to be tabled in Assembly

16. The President must table notice of all Appointments and Nominations in the Nunatsiavut Assembly if it is then sitting or within two days of the start of its next meeting if it is not sitting when the appointment or nomination is made.

Regulations

17. The President-in-Council by Executive Order may enact subordinate legislation:
- (a) to establish the terms of reference of the Appointments Committee;
 - (b) to establish the criteria to be used and the procedures to be followed by the Appointments Committee in reviewing applications and nominations, interviewing Candidates and making its recommendations;
 - (c) respecting the form and content of advertisements for Appointments and Nominations and for vacancies in the Lay Members of the Appointments Committee; and
 - (d) respecting any other matter that it deems necessary for the implementation and administration of this Act.