

N-7

NUNATSIAVUT GOVERNMENT ORGANIZATION (TRANSITIONAL) ACT

CIL N-7 (09-03-2018)

ORIGINAL ENACTMENT IL 2005-05

AMENDED IL 2018-03

**AN INUIT LAW RESPECTING THE ORGANIZATION OF THE TRANSITIONAL
NUNATSIAVUT GOVERNMENT**

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PART 1: GENERAL

Short title

1

This Act may be cited as the *Nunatsiavut Government Organization (Transitional) Act*.

Definitions

2

In this Act

“Agency” means an administrative, regulatory, advisory, corporate or quasi-judicial unit of the Nunatsiavut Government other than a Department.

“Civil Servant” means an employee of the Nunatsiavut Government hired pursuant to the *Civil Service Act*;

“Constitution” means the Labrador Inuit Constitution;

“Controller” means the Civil Servant who is appointed to oversee administration of receipts and payments of the Nunatsiavut Government in terms of section 8.6.5 of the Constitution;

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

“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 or Agency;

“Director” means a senior manager within a Department who reports to the Deputy Minister;

"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;

“Executive Order” means a decision of the President-in-Council that has the force of law;

“First Minister” means the First Minister of Nunatsiavut appointed by the President pursuant to Part 3.2.6 of the Constitution;

"Minister" means a member of the Executive Council appointed by the President in accordance with the Constitution and this Act;

“Nunatsiavut Fund” means the Nunatsiavut Government consolidated revenue fund prescribed in part 8.1 of the Constitution;

“President” means the President of Nunatsiavut and unless the context otherwise requires, includes the transitional President under Schedule 14-A of the Constitution and includes any person acting as President in terms of part 3.6 of the Constitution;

“President-in-Council” means the President of Nunatsiavut acting on the advice of the Executive Council pursuant to 5.2.2 of the Constitution;

“Portfolio” means the full complement of duties and responsibilities assigned to a Department or to a Minister;

“Secretary” means the secretary to the Executive Council who is the head of the Executive Council Secretariat and the senior officer of the Nunatsiavut Civil Service; and

“Treasurer” means the Treasurer of Nunatsiavut appointed by the President pursuant to subsection 5.1.1 (c) of the Constitution.

PART 2: NUNATSIAVUT EXECUTIVE COUNCIL

3

There shall be a Nunatsiavut Executive Council comprised of:

- (a) the President of Nunatsiavut who is the presiding officer of the Executive Council and who shall preside over such Departments and Agencies as the President-in-Council may determine from time to time;
- (b) the First Minister of Nunatsiavut who is appointed by the President upon nomination of the Nunatsiavut Assembly in accordance with the Constitution and who shall preside over such Departments as the President-in-Council may determine from time to time;

- (c) the Nunatsiavut Treasurer who is appointed by the President upon the advice of the First Minister in accordance with the Constitution and who is the Minister responsible for the financial management and administration of the Nunatsiavut Government; and
- (d) such other Ministers as the First Minister may select and the President may appoint from among the ordinary Members of the Assembly in accordance with section 5.5.1 the Constitution and this Act.

4

The executive authority of the Nunatsiavut Government shall be vested in the President of Nunatsiavut pursuant to Part 5.2.1 of the Constitution.

5

The executive authority of the President shall be exercised by the President-in-Council pursuant to Part 5.2.2 of the Constitution.

PART 3: PROCEDURES, POWERS AND FUNCTIONS OF EXECUTIVE COUNCIL

6

The primary powers and responsibilities of the Nunatsiavut Executive Council are as follows:

- (a) the execution, implementation, and enforcement of Inuit Laws;
- (b) the development and coordination of public policy;
- (c) the preparation, coordination and introduction of legislation in the Assembly;
- (d) the management and coordination of the administrative structures of the Government of Nunatsiavut;
- (e) to act as the employer of the Nunatsiavut Civil Service;
- (f) to make appointments or nominations to boards, committees, commissions, corporations, tribunals or other bodies in accordance with the Labrador Inuit Land Claims Agreement and Inuit Law; and
- (g) to perform other executive functions provided for in the Constitution or delegated to it by legislation. (IL 2018-03)

7

The Ministers appointed to the Executive Council pursuant to 3 (d) shall include the following:

- (a) the Minister of Lands and Resources; and

- (b) the Minister of Health, Education and Social and Economic Development.

Ministerial Portfolios

8

The President, on the advice of the First Minister may, from time to time assign responsibilities to an individual Minister including the following:

- (a) the responsibility for administering and implementing Acts of the Nunatsiavut Assembly;
- (b) the responsibility for the development, initiation and formulation of policies within the Minister's portfolio;
- (c) the responsibility for the executive direction and management of Departments and Agencies; and
- (d) other powers, duties and responsibilities.

Ministers as Department Heads

9

In the Minister's capacity as the chief executive of a Department or Agency, the Minister is responsible for the following:

- (a) to provide direction to the Deputy Minister or Director and to provide leadership to the Departmental or Agency personnel;
- (b) to be responsible to the Assembly for the conduct of the Department's affairs;
- (c) to report to the Assembly on matters pertaining to the Minister's Portfolio;
- (d) to be present in the Assembly during Question Period to answer Members' questions pertaining to the Minister's Portfolio; and
- (e) to exercise those powers, discharge those duties and perform those functions that the President-in-Council may prescribe under section 6.

Transfer of Ministerial Powers

10

The powers and responsibilities of a Minister, other than those assigned under the Constitution or in this Act to the President, the First Minister or the Treasurer, may, in accordance with section 5.8.8 of the Constitution, be transferred to another Minister by the President on the advice of the First Minister.

Delegation of Ministerial Powers and Responsibilities

11

A Minister may delegate Ministerial powers and responsibilities to an official or officials of a Department of the Nunatsiavut Government provided that the delegation

- (a) is in the form of a written Ministerial directive,
- (b) is permitted by the Inuit law which conferred the power on the Minister in the first instance, and
- (c) is revocable by the Minister at any time.

12

The President-in-Council may delegate Ministerial powers and authorities to an Inuit Community Government.

13

The powers and responsibilities of a Department or Agency of the Nunatsiavut Government other than those specifically set down in an Act of the Nunatsiavut Assembly or in the Constitution may be transferred to another Department or Agency by the President-in-Council.

Transfer of Departmental Funds

14

Where a transfer occurs under section 9, any moneys appropriated to the original Department or Agency for the exercise of the transferred powers or for the performance of the transferred responsibilities shall be deemed to have been appropriated to the Department or Agency to which the powers and responsibilities have been transferred.

Members of Executive Council to Attend Question Period

15

Every Minister is required to attend sittings of the Nunatsiavut Assembly during the period set aside for oral questions on at least three-fourths of the days on which the Assembly is sitting.

Excusable Absences

16

If a Minister is absent from question period, the Speaker may rule that the absence is justified on the grounds of illness, bereavement, a religious holiday or some similar reason, in which case the absence is not counted as an absence under section 15.

Meetings of the Executive Council

17

The President is the presiding officer of the Executive Council except that the First Minister may take the chair in the absence of the President.

18

Monthly Meetings of Executive Council

The President must convene a meeting of the Executive Council at least once per month unless this requirement is waived with the unanimous consent of the Executive Council.

Rules of Procedure for Executive Council Meetings

19

The Executive Council may, by Executive Order, establish such rules of procedure as it considers necessary or advisable for the conduct its business but those rules must be consistent with this Act and the Constitution.

Execution of Contracts on behalf of the Nunatsiavut Government

20

No agreement, deed or contract

- (a) in the name or on behalf of the Inuit or the Nunatsiavut Government is binding on the Inuit or the Nunatsiavut Government or shall be deemed to be an act of the Inuit or of the Nunatsiavut Government unless the President-in-Council has approved the agreement, deed or contract, authorized its execution by one or more Ministers and the agreement, deed or contract has been so executed by the President under the Nunatsiavut Seal.
- (b) in respect of any matter under the control or direction of a Minister is binding on the Nunatsiavut Government or shall be deemed to be the act of such Minister unless it is signed by the Minister or is approved by the President-in-Council.

Constitutional requirements for agreements Preserved

21

Nothing in section 20 detracts from the requirements of the Constitution including, for ease of reference, sections 4.18.26, 5.2.5 and 7.3.2.

Legal Proceedings Initiated by the Nunatsiavut Government

22

No legal proceeding may be commenced in the name of the Nunatsiavut Government by any person except pursuant to an Executive Order.

Liabilities

23

No person may incur a liability for, on behalf of or in the name of the Nunatsiavut Government unless authorized by an Act or Executive Order.

Notice to Controller

24

The Secretary must, as soon as practicable, forward a copy of every authorization given by the Executive Council under section 23 to the Controller.

Control and Management of Nunatsiavut Government Property

25

When any property or assets of the Nunatsiavut Government, including a piece, parcel or lot of Labrador Inuit Lands, is assigned to the possession, administration or control of a Minister for purposes of the Nunatsiavut Government, the decision must be approved by an Executive Order and the assignment must be in writing under the Nunatsiavut Seal, and be signed by the President and Minister or Ministers concerned.

Alienation of Property and Assets

26

No person may alienate or dispose of the administration and control of any property or asset of the Nunatsiavut Government except under section 25 or by authority of an Executive Order.

Payments

27

No person may make or authorize a payment out of the Nunatsiavut Fund unless the payment is authorized pursuant to an appropriation by the Nunatsiavut Assembly and is made under the authorization of the *Financial Administration Act*.

Inter-Governmental Relations

28

Subject to Chapter 12 of the Constitution:

- (a) the President, acting on the advice of the Nunatsiavut Assembly, represents Labrador Inuit, Nunatsiavut, the Nunatsiavut Government, the Inuit Community Governments and Inuit Community Corporations in dealings with federal, provincial, territorial and aboriginal governments in Canada and aboriginal, national and international non-governmental organizations.
- (b) the President-in-Council has the authority to enter into agreements with the federal, provincial, territorial and other aboriginal governments in Canada on behalf of the Inuit, the Nunatsiavut Government and the institutions of the Nunatsiavut Government.

PART 4: SENIOR MANAGEMENT AND STAFF OF THE NUNATSIAVUT GOVERNMENT

Secretary

29

The President-in-Council may appoint a Secretary of the Executive Council who shall, subject to appropriations by the Nunatsiavut Assembly, be paid such salary as the Executive Council deems appropriate.

Duties and Functions of the Secretary

30

The duties and functions of the Secretary of the Executive Council shall be to

- (a) examine submissions to the Executive Council to ensure conformity with policy and legal requirements;
- (b) prepare draft Executive Orders;
- (c) register, certify, distribute, index and file Executive Orders;
- (d) maintain liaison between Departments and Agencies of the Nunatsiavut Government and the Executive Council;
- (e) exercise the powers, discharge the responsibilities and perform the functions of the Deputy Minister of each Department or Agency for which the President is Minister; and
- (f) perform such other duties as may from time to time be prescribed by this Act, another Inuit Law or Executive Order or assigned by the President.

Status of the Secretary

31

The Secretary of the Executive Council is the senior Deputy Minister of the Nunatsiavut Government with the power to call and preside over interdepartmental meetings of Deputy Ministers and Directors.

Appointment of Senior Executives of the Nunatsiavut Government

32

The President-in-Council shall appoint a Deputy Minister or Director to act as head of each Department or Agency.

33

Deputy Ministers shall hold Office at the pleasure of the President-in-Council.

Function of Deputy Ministers

34

A Deputy Minister is the deputy head of the Department for which he or she is appointed and subject to the direction of the Minister, a Deputy Minister is responsible for the day to day management of the Department and shall perform such other functions as assigned by the Minister or by Executive Order.

Appointment of Directors

35

A Minister may appoint, for each Department for which the Minister is responsible, those Departmental Directors that the Executive Council approves as necessary for the proper conduct of the business of the Department or any division or part of a Department.

Function of Directors

36

A Director is an assistant to the Deputy Minister of the Department to which the Director is assigned.

Departmental Staff

37

Those other officers and employees that are necessary for the effective conduct of the business of a Department shall be appointed, contracted or employed by the Minister acting on the advice of the Deputy Minister and pursuant to the *Civil Service Act*.

Concept of Management not Exhausted

38

Nothing in this Act is intended to exhaustively define those employees who comprise the management of the Nunatsiavut Government.

Ministerial Directives

39

A Minister may, unless otherwise provided in an Inuit Law, make such internal regulations and directives as the Minister deems necessary or appropriate for the effective operation, organization, management or administration of the Departments and Agencies for which the Minister has responsibility.

Presidential Powers

40

Nothing in this Act shall limit the Constitutional powers of the President respecting the appointment and dismissal of Ministers, the internal organization of the Executive Council or the power to prevent or require "actions" by the Executive Council or its members under 3.2.16 and 3.2.17 of the Constitution.

Executive Orders for the further organization of the Nunatsiavut Government

41

The President in Council may, by Executive Order, provide for the further organization and management of the Nunatsiavut Government and may, without limiting the generality of the forgoing, enact one or more Executive Orders to:

- (a) establish ministerial portfolios,
- (b) establish departmental functions and responsibilities, and
- (c) provide for the management of departments.