

FINANCIAL ADMINISTRATION ACT
**CONSOLIDATION OF CONTRACT OF
INDEMNIFICATION EXEMPTION REGULATIONS**
R-018-99

(Current to: February 20, 2014)

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

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette* (for regulations made before April 1, 1999) and Part II of the *Nunavut Gazette* (for regulations made on or after April 1, 1999).

A copy of a regulation of Nunavut can be obtained from the Territorial Printer at the address below. The *Nunavut Gazette* and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any registered regulations not yet published in the *Nunavut Gazette* can be obtained through the Registrar of Regulations at the address below.

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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".

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; or
 - (e) NAV CANADA.
- (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 his or her 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 his or her 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 paragraph (1)(e).
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).
- 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.

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.

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.