

**CONSOLIDATION OF COMMUNITY EMPLOYEES' BENEFITS
PROGRAM TRANSFER ACT**
S.N.W.T. 1998,c.30

(Current to: May 14, 2007)

The following provisions have been deleted for the purposes of this codification:
s.5, Schedule (Consequential Amendments)

AS AMENDED BY:

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of 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 <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

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.

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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".
- 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.*)

Citation of Acts

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

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COMMUNITY EMPLOYEES' BENEFITS ACT**

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COMMENCEMENT

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<i>Idem</i>		(3)

COMMUNITY EMPLOYEES' BENEFITS PROGRAM TRANSFER ACT

Whereas it is desirable for the benefits program administered by the Community Employees' Benefits Program Board under the *Community Employees' Benefits Act* to continue, after the establishment of Nunavut, as a single benefits program in both the Northwest Territories and Nunavut;

And whereas it is therefore necessary for the Community Employees' Benefits Program Board to transfer the administration of the benefits program and the ownership and responsibility for all the assets and liabilities of the Board under the *Community Employees' Benefits Act* to a federal not-for-profit corporation established under Part II of the *Canada Corporations Act*;

The Commissioner of the Northwest Territories, by and with the advice and consent of the Legislative Assembly, enacts as follows:

INTERPRETATION

Definitions

1. (1) In this Act,

"benefits program" means the benefits program as defined in the *Community Employees' Benefits Act*; (*programme de prestations*)

"Board" means the Community Employees' Benefits Program Board continued under the *Community Employees' Benefits Act*; (*Bureau*)

"participating employees" means the participating employees as defined in the *Community Employees' Benefits Act*; (*employés participants*)

"participating employer" means a participating employer as defined in the *Community Employees' Benefits Act*; (*employeur participant*)

"successor corporation" means the corporation incorporated under the *Canada Corporations Act* in accordance with section 2. (*personne morale remplaçante*)

Assets and liabilities

(2) For greater certainty, a reference in this Act to the assets and liabilities of the Board under the *Community Employees' Benefits Act* includes,

- (a) in respect of the assets,
 - (i) all trust funds, investments and insurance policies held by or in the name of or in trust for the Board, and
 - (ii) all funds payable to the Board, including all contributions to the benefits program that are payable and that have not been remitted to the Board; and

- (b) in respect of the liabilities, all liabilities and obligations to
 - (i) pay employee benefits under a benefits plan available under the benefits program, and
 - (ii) refund any overpayment of contributions to any participating employer or participating employee.

Meaning of words and expressions

(3) Unless a contrary intention appears, words and expressions used in this Act have the same meaning as in the *Canada Corporations Act*.

Paramountcy

(4) Where there is a conflict or inconsistency between this Act and any other enactment, this Act shall prevail to the extent of the conflict or inconsistency.

SUCCESSOR CORPORATION

Application to incorporate

2. (1) Four or more persons who are members of the Board on the date this subsection comes into force may together submit an application in accordance with the provisions of Part II of the *Canada Corporations Act* for the grant of a Charter by letters patent under those provisions constituting the applicants, and such other persons who subsequently become members of the corporation thereby created, a body corporate and politic, without share capital.

Required statements

- (2) The application referred to in subsection (1) must state that
- (a) one of the objectives of the proposed corporation is to acquire and assume
 - (i) the administration of the benefits program, and
 - (ii) the ownership of and responsibility for all the assets and liabilities of the Board under the *Community Employees' Benefits Act*; and
 - (b) the members of the proposed corporation will include those entities who are, as of the date of incorporation, participating employers in the benefits program.

Minister's approval

(3) An application shall not be submitted in accordance with subsection (1) unless the application and any necessary supporting documentation, including the by-laws of the proposed corporation, have first been submitted to and approved by the Minister.

Applicants must be representative of East and West

(4) Before approving an application submitted in accordance with subsection (3), the Minister shall, in consultation with the Interim Commissioner of Nunavut, satisfy himself or herself that the applicants are, in number and by place of ordinary residence, adequately representative of the communities of both that portion of the Northwest

Territories that will, as of April 1, 1999, comprise Nunavut and that portion that will continue, as of that date, to comprise the Northwest Territories.

Authority of members of the Board

(5) Subject to subsection (3), the applicants referred to in subsection (1) are authorized to do and perform all acts and things necessary for or incidental to the incorporation referred to in that subsection.

TRANSFER AGREEMENT

Agreement to transfer benefits program

3. (1) After the successor corporation is incorporated under Part II of the *Canada Corporations Act*, the Board may enter into an agreement with the successor corporation to transfer to it

- (a) the administration of the benefits program; and
- (b) the ownership of and responsibility for all of the assets and liabilities of the Board under the *Community Employees' Benefits Act*.

Participation at meetings of Board

(2) For greater certainty, a member of the Board who is also a director of the successor corporation, is not precluded for that reason from taking part, at a meeting of the Board, in any consideration of, or vote on, any questions with respect to the agreement referred to in subsection (1).

Submission and approval of agreement

(3) The Board shall not enter into an agreement under subsection (1) unless a copy of the proposed agreement has first been submitted to and approved by the Minister.

Criteria for approval

(4) The Minister must, before approving the proposed agreement submitted in accordance with subsection (3), satisfy himself or herself that under the agreement

- (a) the successor corporation will acquire and assume
 - (i) the administration of the benefits program, and
 - (ii) the ownership of and responsibility for all of the assets and liabilities held or incurred by the Board under the *Community Employees' Benefits Act*;
- (b) any pension plan included in the benefits program will continue to be eligible for registration under the *Pension Benefits Standards Act, 1985* (Canada);
- (c) the transfer will be effected or will be deemed to be effected on March 30, 1999;
- (d) existing benefit plans and benefit entitlements under the benefits program will continue, in substantially the same form, on the transfer of the program, subject to subsequent changes effected in accordance with the by-laws of the successor corporation;

- (e) all persons who are participating employees in the benefits program on the transfer of the program will be entitled to continue to participate in the program and to obtain substantially the same type and amount of benefits after the transfer, subject to subsequent changes effected in accordance with the by-laws of the successor corporation; and
- (f) copies of all documents held by the Board respecting the matters referred to in subparagraphs (a)(i) and (ii) will be provided to the successor corporation by the Board.

Authority of Minister

(5) On the dissolution of the Board under section 4, the Minister is authorized to do and to perform all acts and things that were not done or completed by the Board before its dissolution and that are necessary for or incidental to the transfer of

- (a) the benefits program; and
- (b) the ownership of and responsibility for all of the assets and liabilities of the Board under the *Community Employees' Benefits Act*.

DISSOLUTION OF BOARD AND REPEAL OF COMMUNITY EMPLOYEES' BENEFITS ACT

Dissolution of the Community Employees' Benefits Program Board

4. (1) The Community Employees' Benefits Program Board is dissolved.

Repeal of the *Community Employee's Benefits Act*

(2) The *Community Employees' Benefits Act* is repealed.

Note

The following provision has been deleted for the purposes of this consolidation:
s.5 (Consequential Amendments)

COMMENCEMENT

Coming into force

6. (1) Subject to subsection (2) and (3), this Act comes into force on assent.

Idem

(2) Section 5 and the Schedule come into force on March 30, 1999.

Idem

(3) Section 4 comes into force on March 31, 1999.

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