

CONSOLIDATION OF INCOME ASSISTANCE ACT

R.S.N.W.T. 1988,c.S-10

(Current to: July 11, 2019)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.113(Supp.)

S.N.W.T. 1991-92,c.19

In force April 1, 1992

S.N.W.T. 1993,c.14

S.N.W.T. 1998,c.41

S.N.W.T. 1998,c.21

In force December 19, 1998: SI-018-98

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2010,c.3,s.16

s.16 in force March 23, 2010

S.Nu. 2012,c.17,s.25

s.25 in force June 8, 2012

S.Nu. 2017,c.10

In force March 14, 2017, except s.26(2)

s.26(2) in force December 6, 2018: SI-009-2018

Note: see s.21 to 25 of S.Nu. 2017,c.10 for transitional and repeal provisions.

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 www.nunavutlegislation.ca 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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INCOME ASSISTANCE ACT

INTERPRETATION

Definitions

1. In this Act,

“Appeal Board” means the Income Assistance Appeal Board established under subsection 7(1); (*Commission d’appel*)

“Appeal Committee” means the Income Assistance Appeal Committee established under subsection 6(1); (*comité d’appel*)

“assistance” means prescribed aid and services

- (a) to or in respect of a person in need, or
- (b) having as their object the lessening, removal or prevention of the causes and effects of poverty, child neglect or dependence on public assistance; (*assistance*)

“Director” means the Director of Income Assistance appointed under section 2; (*directeur*)

“Income Assistance Officer” means an Income Assistance Officer appointed under section 4; (*agent de l’assistance au revenu*)

“local authority” means

- (a) the council of a municipal corporation;
- (b) the council of a settlement corporation;
- (c) a body that the Minister recognizes as a representative of a community or region for the purposes of this Act; (*autorité locale*)

“person in need” means a person whose need for assistance has been established in accordance with the regulations. (*personne nécessiteuse*)

S.N.W.T. 1998,c.21,s.16(2); S.Nu. 2012,c.17,s.25(2),(7); S.Nu. 2017,c.10,s.2,3.

ADMINISTRATION

Director of Income Assistance

2. The Minister shall appoint a Director of Income Assistance.

S.N.W.T. 1998,c.21,s.16(3)(a); S.Nu. 2012,c.17,s.25(7); S.Nu. 2017,c.10,s.3.

Duties of Director

3. (1) The Director shall, under the direction of the Minister, administer this Act and perform any other duties and functions that the Minister may impose.

(2) **Repealed, S.N.W.T. 1998,c.21,s.16(4).**

S.N.W.T. 1998,c.21,s.16(3)(b); S.N.W.T. 1998,c.21,s.16(4).

Income Assistance Officers

4. (1) The Director may appoint Income Assistance Officers.

Duties and functions

(2) Income Assistance Officers shall perform the prescribed duties and functions. S.Nu. 2012,c.17,s.25(3); S.Nu. 2017,c.10,s.4.

ASSISTANCE

Assistance

5. The Director shall, as provided in the regulations, make provision for assistance to any person who

- (a) is in Nunavut; or
- (b) left Nunavut pursuant to an agreement approved by the Director.

S.Nu. 2012,c.17,s.25(7); S.Nu. 2017,c.10,s.5.

Delegation

5.1. (1) The Minister may, by written agreement, delegate to a local authority designated by the Minister duties and functions of the Director pertaining to the delivery of assistance.

Consultation

(2) Before delegating duties or functions pertaining to the delivery of assistance in a region comprising more than one community, the Minister must consult with such representatives of the communities in the region as he or she considers necessary. S.N.W.T. 1998,c.21,s.16(5); S.Nu. 2017,c.10,s.6.

APPEALS

Income Assistance Appeal Committee

6. (1) The Income Assistance Appeal Committee is established.

Membership

(2) The Appeal Committee consists of at least three but not more than eight members appointed by the Minister. S.N.W.T. 1993,c.14,s.2; S.N.W.T. 1998,c.21,s.16(3)(c); S.Nu. 2017,c.10,s.7.

Board

7. (1) A board called the Income Assistance Appeal Board is established.

Composition

(2) The Appeal Board shall be composed of a chairperson, a vice-chairperson and not fewer than three other members appointed by the Minister.

Members of public service

(2.1) A member of the public service employed in the Department responsible for the administration of this Act shall not be appointed to the Appeal Board.

Term of office

(3) A member of the Appeal Board shall be appointed for a term of two years.

(4) **Repealed, S.Nu. 2017,c.10,s.8.**

(5) **Repealed, S.Nu. 2017,c.10,s.8..**

(6) **Repealed, S.Nu. 2017,c.10,s.8.**

(7) **Repealed, S.Nu. 2017,c.10,s.8.**

(8) **Repealed, S.Nu. 2017,c.10,s.8.**

(9) **Repealed, S.Nu. 2017,c.10,s.8.**

S.N.W.T. 1993,c.14,s.3; S.N.W.T. 1998,c.21,s.16(3)(d); S.Nu. 2017,c.10,s.8.

Persons who may appeal

8. (1) An applicant for or recipient of assistance under this Act may appeal any decision made by a Income Assistance Officer or the Director with respect to his or her eligibility to receive that assistance or the amount of assistance paid to him or her.

Appeal to Appeal Committee

(2) An appeal made under subsection (1) shall be made in the first instance to the Appeal Committee.

Appeal to Appeal Board

(3) An applicant for or recipient of assistance or the Director may appeal any finding of the Appeal Committee to the Appeal Board.

Appearance by applicant

(4) Every person making an appeal before the Appeal Committee under subsection (2) or the Appeal Board under subsection (3) is entitled to appear in person or by a representative.

Decision of Appeal Board

(5) The decision of the Appeal Board is final but a new application for assistance may be made by the applicant on new or other evidence or where it is made clear in the application that the material circumstances of the applicant have changed.

S.Nu. 2017,c.10,s.9.

GENERAL

Expenses and allowances

- 9.** A member of the Appeal Committee or the Appeal Board
- (a) is entitled to be paid reasonable travelling and living expenses incurred by the member in the performance of his or her duties on the Appeal Committee or the Appeal Board; and
 - (b) may be paid an allowance fixed by the Minister for each day on which the member is engaged in the work of the Appeal Committee or the Appeal Board.
- S.N.W.T. 1998,c.21,s.16(3)(e); S.Nu. 2017,c.10,s.10.

Recovery of assistance

- 10.** Any amount of assistance to which a person is not eligible and any amount in excess of the amount of assistance to which a person is eligible may be recovered from the recipient at any time as a debt due to the Government of Nunavut. S.Nu. 2012,c.17,s.25(4).

10.1. Repealed, S.N.W.T. 1991-92,c.19,s.2; R.S.N.W.T. 1988,c.113(Supp.),s.1.

Agreements

- 11.** Subject to this Act, the Minister may enter into an agreement with the Government of Canada, including any of its Ministers, departments or agencies, to provide for the payment by the Government of Canada to Nunavut of contributions in respect of the cost to Nunavut of providing assistance. S.N.W.T. 1998,c.21,s.16(3)(f); S.Nu. 2010,c.3,s.16(2); S.Nu. 2012,c.17,s.25(7); S.Nu. 2017,c.10,s.11.

Amendment or termination

- 12.** An agreement entered into under section 11 may contain any other terms and conditions that the Minister considers necessary and may be amended or terminated at any time by mutual consent of the parties to the agreement. S.N.W.T. 1998,c.21,s.16(3)(g).

Confidentiality

- 12.1.** (1) Any information received by a person employed in the administration of this Act in the course of his or her employment under this Act or by a member of the Appeal Committee or the Appeal Board in the course of his or her appointment as a member under this Act is confidential and shall not be disclosed by the person or member except in the performance of his or her duties or as provided in this section.

Exceptions

- (2) Information referred to in subsection (1) may be disclosed
- (a) where the person to whom it relates consents in writing to the disclosure;
 - (b) to the Financial Management Board established by the *Financial Administration Act* in respect of the forgiveness of a debt under the *Financial Administration Act*; and
 - (c) in accordance with an agreement made under section 12.3.

Disclosure and use within government

(3) Information referred to in subsection (1) may be disclosed and used within the Government of Nunavut

- (a) for the purpose of administering or enforcing the following:
 - (i) this Act;
 - (ii) other social benefit programs,
 - (iii) adult education and training programs,
 - (iv) economic development programs,
 - (v) the *Income Tax Act*;
- (b) for the purpose of coordinating the administration and enforcement of the programs and laws referred to in paragraph (a);
- (c) for the purpose of evaluating the programs and laws referred to in paragraph (a), including the development or amendment of such programs or laws;
- (d) for the purpose of determining a person's eligibility for any benefits provided under the programs or laws referred to in paragraph (a).

Limit with respect to evaluations

(4) Where information is disclosed or used under paragraph 12.1(3)(c), the information must be in the form of

- (a) aggregate information that relates only to groups of individuals in the form of statistical information or aggregated, general or anonymous data; or
- (b) anonymous information that relates to an unidentifiable individual.
S.N.W.T. 1993,c.14,s.4; S.Nu. 2012,c.17,s.25(5);
S.Nu. 2017,c.10,s.12.

Collection and use of personal information

12.2. The Director or an Income Assistance Officer may collect and use personal information for the purposes of administering this Act where

- (a) the person to whom the information relates consents in writing;
- (b) the information is collected from a person applying for or receiving assistance under this Act, and the information relates to the assistance requested by or provided to the person;
- (c) the information is collected by the Government of Nunavut for the purpose of administering or enforcing the programs and laws referred to in paragraph 12.1(3)(a); or
- (d) the information is collected and used in accordance with an agreement made under section 12.3.
S.Nu. 2017,c.10,s.13.

Information-sharing agreements

12.3. (1) The Minister may enter into agreements for the collection, use, disclosure and exchange of personal information with the following:

- (a) the Government of Canada or any of its departments, Ministers or agencies;

- (b) the government of a province or territory or any of its departments, Ministers or agencies;
- (c) a public agency specified in Schedule B to the *Financial Administration Act*;
- (d) a prescribed body.

Limit

(2) An agreement may only be entered into under subsection (1) for the purposes of administering, enforcing or evaluating a social benefit, adult education, training or economic development program, the *Income Tax Act*, the *Income Tax Act* (Canada), or the *Immigration and Refugee Protection Act* (Canada).

Content of agreement

- (3) An agreement entered into under subsection (1) shall
- (a) specify only those purposes under subsection (2) which are necessary for the purposes of the agreement;
 - (b) provide that information collected, used, disclosed or exchanged under the agreement may not be further used or disclosed for any purpose other than one specified in the agreement, unless applicable legislation requires such use or disclosure;
 - (c) provide that information collected, used, disclosed or exchanged for the purpose of evaluating a program or law must be in the form referred to in subsection 12.1(4);
 - (d) where the *Archives Act* or an enactment of another Canadian jurisdiction does not provide for the retention and destruction of information collected, used, disclosed or exchanged under the agreement, provide for retention and destruction schedules for the information;
 - (e) provide that personal information collected, used, disclosed or exchanged under the agreement is confidential; and
 - (f) establish mechanisms for maintaining the confidentiality and security of information collected, used, disclosed or exchanged under the agreement.

S.Nu. 2017,c.10,s.13.

Restriction

12.4. Subsection 12.1(3), paragraph 12.2(c) and subsection 12.3(2) do not apply to the administration or enforcement of social benefit, adult education, training or economic development programs where no person applying for or receiving assistance under this Act participates in or receives any benefit from the program. S.Nu. 2017,c.10,s.13.

Provision of information

12.5. The Director shall ensure that every applicant for and recipient of assistance under this Act is provided information on the manner in which personal information respecting him or her may be collected, used, disclosed or exchanged under this Act.

S.Nu. 2017,c.10,s.13.

OFFENCES AND PUNISHMENT

False statements

13. No person shall make a false or misleading statement for the purpose of obtaining assistance for himself or herself or any other person. S.Nu. 2017,c.10,s.14.

Aiding or abetting

14. No person shall knowingly aid or abet any other person to obtain assistance to which that other person is not entitled under this Act. S.Nu. 2017,c.10,s.14.

Offence and punishment

15. Every person who contravenes this Act is guilty of an offence punishable on summary conviction.

REGULATIONS

Regulations

16. On the recommendation of the Minister, the Commissioner may make regulations that the Commissioner considers necessary to carry out the provisions of this Act and, without limiting the generality of this power to make regulations, may make regulations

- (a) **repealed, S.N.W.T. 1993,c.14,s.5(1).**
- (b) respecting the conditions of eligibility to receive assistance;
- (c) governing the time and manner of making applications for assistance;
- (d) respecting the information, material or proof, including evidence under oath, that must be provided before assistance is given;
- (d.1) respecting the collection of personal information from third parties, including the consents to collection of personal information from third parties that must be provided by a person applying for or receiving assistance;
- (e) respecting the investigation of applications in order to determine the eligibility of the applicants to receive assistance and prescribing the procedure to be followed in the consideration of all information, material and evidence submitted;
- (f) prescribing the manner in which an applicant for assistance shall be informed as to whether his or her application has been granted or refused;
- (g) prescribing the time within and manner in which assistance must be given;
- (h) respecting the forms to be used under this Act;
- (i) respecting the circumstances or conditions under which assistance must be terminated or the amount of any assistance altered;
- (j) respecting the information and material to be provided from time to time by recipients as to their continued eligibility for assistance;
- (k) prescribing, for the purposes of this Act, the kinds of aid and services that constitute assistance;
- (l) respecting the Appeal Committee and the Appeal Board, including:

- (i) the establishment of panels of members and the powers, duties and quorum of such panels,
- (ii) the powers and duties of the chairperson and vice-chairperson of the Appeal Board,
- (iii) quorum, and
- (iv) the establishment of rules of evidence and procedure;
- (m) respecting the manner in which appeals must be dealt with under section 8;
- (n) prescribing the manner of informing applicants for and recipients of assistance of their responsibilities and rights under this Act and regulations;
- (o) for the carrying out of the obligations of Nunavut under an agreement made under section 11;
- (p) respecting the participation of designated local authorities in the delivery of assistance;
- (q) prescribing the duties and functions of Income Assistance Officers.
- (r) prescribing bodies for the purposes of section 12.3.
S.N.W.T 1993,c.14,s.5; S.Nu. 2012,c.17,s.25(7);
S.Nu. 2017,c.10,s.15.

Regulations respecting amounts of assistance

17. (1) The Commissioner, on the recommendation of the Financial Management Board established by the *Financial Administration Act*, may make regulations respecting the amount of assistance that may be provided under this Act.

Retroactive operation

(2) A regulation made under subsection (1) may, if it so provides, have retroactive effect to a day that is not earlier than the first day of the fiscal year in which it is made.

(3) **Repealed, S.Nu. 2012,c.17,s.25(6).**

(4) **Repealed, S.Nu. 2012,c.17,s.25(6).**

S.N.W.T. 1993,c.14,s.6; S.N.W.T. 1998,c.41,s.1; S.Nu. 2012,c.17,s.25(6);
S.Nu. 2017,c.10,s.16.

Classes of assistance

18. The regulations made under sections 16 and 17 may provide for

- (a) the establishment of classes of assistance;
- (b) different regulations, including conditions of eligibility and application procedures, for different classes of assistance.
S.Nu. 2017,c.10,s.17.