

## Chapter 11

### JUSTICE STATUTES AMENDMENT ACT, 2010

(Assented to June 10, 2010)

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

#### *Children's Law Act*

1. (1) **The *Children's Law Act* is amended by this section.**

(2) **Subsection 60(1) is amended by**

- (a) **striking out "and" at the end of paragraph (j);**
- (b) **striking out the period at the end of paragraph (k) and substituting "; and"; and**
- (c) **adding the following after paragraph (k):**
  - (l) authorizing the Maintenance Enforcement Administrator or an enforcement officer, appointed under the *Maintenance Orders Enforcement Act*, to recalculate, at regular intervals, in accordance with the applicable guidelines, the amount of an order of support on the basis of updated income information.

(3) **The following is added after subsection 60(1):**

Deemed amount of order of support

(1.1) Where the amount of an order of support is recalculated pursuant to paragraph (1)(l), that amount is deemed to be the amount payable under the order of support.

(4) **Paragraph 85(1)(g) is repealed.**

(5) **Each provision listed in Column 1 of Schedule A of this Act is amended by striking out the words set out in the same row of Column 2 and substituting the words set out in the same row of Column 3.**

#### *Corrections Act*

2. (1) **The *Corrections Act* is amended by this section.**

(2) **Section 1 is amended by adding the following definition in alphabetical order:**

“penitentiary” means a penitentiary as defined in the *Corrections and Conditional Release Act* (Canada); (*pénitencier*)

**(3) The following is added after subsection 30(2):**

Agreements

(2.1) The Minister may enter into agreements with the government of a province or territory respecting the confinement and transfer of inmates.

**(4) The following is added after subsection 30(3):**

Meaning of "correctional institution"

(4) For great certainty, in this section, "correctional institution" includes any lawful place of confinement operated by a province or territory outside Nunavut, but does not include a penitentiary.

**(5) The French version of section 31 is amended by striking out that portion preceding paragraph (a) and substituting the following:**

Accords avec le gouvernement fédéral

**31.** Le ministre et le commissaire peuvent, au nom du gouvernement du Nunavut, conclure des accords avec le gouvernement fédéral :

**(6) Each provision listed in Column 1 of Schedule B of this Act is amended by striking out the words set out in the same row of Column 2 and substituting the words set out in the same row of Column 3.**

*Interpretation Act*

**3. (1) The *Interpretation Act* is amended by this section.**

**(2) Deleted, Standing Committee on Legislation, 3<sup>rd</sup> Legislative Assembly, June 8, 2010.**

**(3) The following is added after subsection 23(2):**

Person may act for Minister

(2.1) Where an enactment directs or empowers a Minister to do any act or thing, that act or thing may be done on the Minister's behalf by a person

- (a) appointed to serve in a capacity appropriate to the doing of the act or thing in the department over which the Minister presides; or
- (b) authorized in writing, by name or by office, to do that act or thing by the Minister.

Person may act for Commissioner

(2.2) Where an enactment directs or empowers the Commissioner to do any act or thing, that act or thing may be done on the Commissioner's behalf by

- (a) the Minister who presides over the department to which the administration of the enactment is assigned; or
- (b) a person
  - (i) appointed to serve in a capacity appropriate to the doing of the act or thing in the department over which the Minister presides, or
  - (ii) authorized in writing, by name or by office, to do that act or thing by the Minister who presides over the department to which the administration of the enactment is assigned.

**(4) Section 24 is repealed and the following substituted:**

Time period - clear or minimum number of days

**24.** (1) A period of time described as a number of clear days or a minimum number of days between two events excludes the days on which the first and second events occur.

Time period - not clear or minimum number of days

(2) A period of time between two events that does not fall within the description set out in subsection (1)

- (a) excludes the day on which the first event occurs; and
- (b) includes the day on which the second event occurs.

Time period beginning or ending on specified day

(3) A period of time described as beginning or ending at, on or with a specified day includes that day.

Time period continuing until specified day

(4) A period of time described as continuing to or until a specified day includes that day.

Time period beginning after or before specified day

(5) A period of time described as being or beginning after or from, or ending before a specified day excludes that day.

Weeks, months or years

(6) In the calculation of a period of time described as involving weeks, months or years, the principles set out in this section apply correspondingly to those terms.

Time period of months after specified day

(7) A period of time described as consisting of a number of months after or from a specified day

- (a) excludes the month in which the specified day falls; and
- (b) includes the day in the last month having the same calendar number as the specified day, but if the last month has no day with

the same calendar number, then the last day of that month is included.

Time period of months before specified day

(8) A period of time described as consisting of a number of months before a specified day

- (a) excludes the month in which the specified day falls; and
- (b) includes the day in the first month having the same calendar number as the specified day, but if the first month has no day with the same calendar number, then the last day of that month is included.

Time period involving calendar number in month

(9) When the time limit for doing an act would otherwise expire or fall on a day for which there is no calendar number in a month, the time limit ends on the last day of that month.

Time limit extended for holidays

(10) When the time limit for doing an act expires or falls on a holiday, the time limit is extended to the next day that is not a holiday.

Time limit extended for office closure

(11) When the time limit for registering or filing a document or doing any other act in a business office expires or falls on a day on which the office is not open for any reason during its regular business hours, the time limit is extended to the next day on which the office is open.

Age

(12) A person attains an age expressed in years immediately at the beginning of the relevant anniversary of the person's date of birth.

**(5) Subsection 28(1) is amended by adding the following definition in alphabetical order:**

"Financial Management Board" means the Financial Management Board established by subsection 3(1) of the *Financial Administration Act*; (*Conseil de gestion financière*)

*Statutory Instruments Act*

**4. (1) The *Statutory Instruments Act* is amended by this section.**

**(2) Subsection 17(1) is amended by**

- (a) striking out "Commissioner" and substituting "Minister"; and**
- (b) striking out "consolidation or".**

**(3) Subsection 17(3) is repealed.**

*Transitional*

- 5. Any amount of an order of support purportedly recalculated under the *Children's Law Act* before the coming into force of section 1 of this Act is deemed**
- (a) to have been validly recalculated under that Act; and**
  - (b) to be the amount payable under the order of support,**
- if the recalculation would have been validly done had section 1 of this Act been in force at that time.**

**SCHEDULE A***(Section 1)**Children's Law Act*

<b>Provisions Amended</b>	<b>Word or Words Struck Out</b>	<b>Word or Words Substituted</b>
<ul style="list-style-type: none"> <li>• subsection 15(1), definition "extra-territorial tribunal";</li> <li>• paragraphs 16(d);</li> <li>• subsection 18(3);</li> <li>• subsection 22(1);</li> <li>• paragraphs 25(1)(a) and (b);</li> <li>• paragraph 26(a);</li> <li>• subparagraph 26(b)(iii);</li> <li>• section 27;</li> <li>• section 28;</li> <li>• subsection 31(2);</li> <li>• subsections 32(1) and (2);</li> <li>• subsection 33(1);</li> <li>• paragraphs 34(1)(d) and (e);</li> <li>• paragraphs 35(1)(a) and (b);</li> <li>• subsection 35(2);</li> <li>• paragraph 36(1)(c);</li> <li>• section 38;</li> <li>• subsection 65(3);</li> <li>• section 66</li> </ul>	"the Territories"	"Nunavut"
<ul style="list-style-type: none"> <li>• subsection 33(5);</li> <li>• subsection 65(6)</li> </ul>	"Government of the Northwest Territories"	"Government of Nunavut"

**SCHEDULE B***(Section 2)****Corrections Act***

<b>Provisions Amended</b>	<b>Word or Words Struck Out</b>	<b>Word or Words Substituted</b>
<ul style="list-style-type: none"> <li>• <b>section 1, definition "solicitor";</b></li> <li>• <b>subsection 2(1);</b></li> <li>• <b>section 8;</b></li> <li>• <b>subsection 10(1);</b></li> <li>• <b>paragraphs 30(3)(a) and (c);</b></li> <li>• <b>paragraph 31(a);</b></li> <li>• <b>subsection 44(2);</b></li> <li>• <b>section 46;</b></li> <li>• <b>subsection 47(1);</b></li> </ul>	"the Territories"	"Nunavut"
<ul style="list-style-type: none"> <li>• <b>subsection 2(1);</b></li> <li>• <b>the English version of section 31;</b></li> <li>• <b>paragraph 36(1)(a);</b></li> <li>• <b>paragraph 53(e)</b></li> </ul>	"Government of the Northwest Territories"	"Government of Nunavut"