



Executive & Intergovernmental Affairs

STATUTORY APPOINTMENTS POLICY

PREAMBLE

The Government of Nunavut is committed to an appointments process that is easy to understand, protects the rights of Nunavummiut and is reflective of Inuit Qaujimajatuqangit.

PRINCIPLES

This policy is based on the following principles:

- Inuit Qaujimajatuqangit will provide the context in which we develop an open, responsive and accountable government.
- Nunavummiut deserve to be served in an accountable and representative manner on all public territorial boards, agencies, committees, councils and tribunals, and by those appointed to positions of influence.

APPLICATION

This policy applies to all departments and agencies of the Government of Nunavut.

DEFINITIONS

Board

Means a board, committee, tribunal or council established by territorial legislation.

Department

Means a department or agency of the Government of Nunavut established by authority of the Executive Council and can include bureau, commission or crown corporation.

High

An appointment that requires Cabinet approval prior to signature by a Minister or the Commissioner. These are positions that grant decision-making authority, relate to vulnerable groups, or place members of the public on boards, agencies and committees.

Medium

An appointment that requires the signature of a Minister or the Commissioner for which Cabinet approval is not required, but where reporting may be required. These are positions that give employees or others administrative or politically significant duties.

Low

An appointment for which neither Cabinet approval nor regular reporting are required. These are positions which give existing employees or others legal authority to perform certain common duties.

ROLES AND RESPONSIBILITIES

Cabinet

Will review the high, medium, low appointment designations at the beginning of each new government and may review at other times as desired.

Ministers

Are the legally responsible actors designated to make appointments under territorial legislation, unless otherwise legally designated.

Are responsible to their Cabinet colleagues and will seek their advice on high level appointments.

Department Heads

Are accountable for the implementation of this policy.

Executive and Intergovernmental Affairs

Will present to Cabinet, the table of high, medium, low appointment designations for review and approval.

Department of Justice

Will prepare appointments following the high, medium, low designation as approved by Cabinet.

Will publish appointments in the Nunavut Gazette.

PROVISIONS

1. Timing of Appointments

- (a) A statutory appointment or reappointment is required when the number of board members falls below the necessary minimum established in the relevant legislation.
- (b) A statutory appointment or reappointment may also be required when the number of appointees falls below a number necessary for effective implementation of a statutory requirement.

2. Procedure for Appointments

- (a) Where an appointment or reappointment is necessary or desired, the relevant department will consult the appointment designation table to determine the appointment's status as high, medium or low.
- (b) When appropriate, a public call-for-nominations shall be issued.
- (c) If the appointment is designated as high, a Request for Decision will be prepared to seek Cabinet approval.
- (d) If the appointment is medium, the relevant Minister or the Commissioner will sign the appointment.
- (e) If the appointment is low, the relevant Minister, the Commissioner or other legally designated agent will sign the appointment.
- (f) In most cases, the Registrar in the Department of Justice will prepare appointment forms for signature.

3. High Appointments

- (a) All appointments designated as high require Cabinet approval.
- (b) In the case where several high appointments are requested at the same time and under the same statutory instrument (e.g. Justices of the Peace), one Request for Decision may be prepared and submitted;

- (i) the Request for Decision shall include a short description of the statutory function, the current composition of the board, and a short biography of each of the suggested appointees.

4. Nunavut Gazette

- (a) All statutory appointments will be published in the Nunavut Gazette.
- (b) The Nunavut Gazette is prepared and published by the Department of Justice.

PREROGATIVE OF EXECUTIVE COUNCIL

Nothing in this directive shall in any way be construed to limit the prerogative of Executive Council to make decisions or take action respecting the appointments process of the Government of Nunavut, outside the provisions of this policy.

SUNSET

This Policy will be effective from the date of approval until May 2008.

Approved by:
Paul Okalik, Premier