

## Chapter 18

### AN ACT TO AMEND THE NUNAVUT HOUSING CORPORATION ACT

(Assented to June 9, 2011)

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

1. **The *Nunavut Housing Corporation Act* is amended by this Act.**
2. **Section 1 is amended by adding the following definitions in alphabetical order:**

"Board" means the Board of Directors established under subsection 2.1(1); (*conseil*)

"director" means a director appointed under subsection 2.1(2); (*administrateur*)

"President" means the President appointed under subsection 6(1); (*président*)

3. **The following is added after section 2:**

Board of Directors

**2.1.** (1) There shall be a Board of Directors of the Corporation composed of not fewer than five and not more than seven directors.

Appointment

(2) The Commissioner in Executive Council, on the recommendation of the Minister, shall appoint the directors and shall, from among the directors, designate a chairperson and vice-chairperson of the Board.

Factors for appointment

(3) In selecting persons for appointment, the Commissioner in Executive Council shall, as far as practicable, ensure that the directors

- (a) reflect a balance of gender and geographic representation; and
- (b) collectively hold the following qualifications:
  - (i) experience in project management;
  - (ii) experience in financial and strategic management;
  - (iii) familiarity with building construction in the northern context;
  - (iv) knowledge of housing issues in Nunavut;
  - (v) experience as a private developer of residential, commercial or institutional buildings;
  - (vi) awareness of the Corporation's policies and programs.

Term

(4) A director holds office, during pleasure, for a term of three years.

Expenses and honorarium

- (5) A director shall, in accordance with the regulations, receive
- (a) reimbursement for expenses incurred in the performance of his or her duties while away from his or her place of residence; and
  - (b) where a director is not a member of the public service, an honorarium.

Quorum

- (6) A majority of the directors constitutes a quorum.

Meetings by electronic means

(7) The directors may participate in a meeting by teleconference, videoconference or other electronic means.

By-laws

**2.2.** (1) The Board may make by-laws to govern its proceedings and provide generally for the conduct of business of the Corporation

Policies, etc.

(2) The Board may establish policies and may recommend to the Minister the issuance or establishment of such written directions or policy guidelines as it considers appropriate.

Audit committee

- (3) The Board shall establish an audit committee to ensure the critical and objective oversight of the Corporation's
- (a) standards of integrity and behaviour;
  - (b) reporting of financial information; and
  - (c) practices of strategic management and financial control.

Other committees

- (4) The Board may establish any other committee it considers appropriate.

**4. Section 5 is repealed and the following substituted:**

Business of Corporation

**5.** (1) The Board shall direct the business of the Corporation and may for that purpose exercise the powers and perform the duties of the Corporation under this Act and the regulations.

Ministerial directions and policy guidelines

(2) The Board, in exercising its powers and performing its duties, shall act in accordance with any written direction or policy guideline that the Minister may from time to time issue or establish.

**5. (1) Subsection 6(1) is amended by adding "**, on the recommendations of the Board" **after "the Minister".**

**(2) Subsection 6(2) is amended by striking out "has supervision over and direction of the work and staff of the Corporation" and substituting "shall, in accordance with the direction of the Board, direct, manage and supervise the business of the Corporation".**

**6. Subsection 7(1) is amended by striking out "the Minister" and substituting "the Board".**

**7. Section 8 is amended by striking out "the President or any person acting for or on behalf of the President" and substituting "the President, a director, an employee or any person acting for or on behalf of the Corporation, the Board, a director or the President".**

**8. The following is added after section 8:**

Conflict of interest

**8.1.** The *Conflict of Interest Act* applies to the President and the directors.

**9. The following is added after section 49:**

Confidentiality

**49.1.** Any information received by a director or employee of the Corporation or a member or employee of a housing association or housing authority in the course of employment or the exercise of a function under this Act is confidential and shall not be disclosed

- (a) except as may be required in the administration of this Act or the regulations;
- (b) except as may be required by law; or
- (c) unless the person to whom it relates consents.

**10. The following is added after paragraph 50(a):**

- (a.1) prescribing the amount of reimbursement for expenses and honorarium each director may receive under subsection 2.1(5);

### **Transitional**

**11. Despite subsection 2.1(4) of the *Nunavut Housing Corporation Act*, each of the first directors appointed on the coming into force of this Act shall hold office for the term set out in his or her appointment.**