

Chapter 7

INTEGRITY ACT

(Assented to May 28, 2001)

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

Purpose

1. The purpose of this Act is
 - (a) to affirm in law the commitment of the members of the Legislative Assembly to serve always the common good in keeping with traditional Nunavummiut values and democratic ideals; and
 - (b) to establish a system of standards and accountability for fulfilling that commitment.

Principles

2. This Act is founded on the following principles:
 - (a) integrity is the first and highest duty of elected office;
 - (b) the people of Nunavut are entitled to expect those they choose to govern them to perform their public duties and arrange their private affairs in a way that promotes public confidence in each member's integrity, that maintains the Legislative Assembly's dignity and that justifies the respect in which society holds the Legislative Assembly and its members;
 - (c) the members of the Legislative Assembly are committed, in reconciling their public duties and private interests, to honour that expectation with openness, objectivity and impartiality, and to be accountable for so doing;
 - (d) the Legislative Assembly can serve the people of Nunavut most effectively if its members come from a spectrum of occupations and continue to participate actively in the economic and social life of the community.

Definitions

3. (1) In this Act,

"child" includes a person whom a member has demonstrated a settled intention to treat as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody; (*enfant*)

"Clerk" means the Clerk of the Legislative Assembly; (*greffier*)

"family", when used with reference to a person, means

- (a) his or her spouse and minor children, and
- (b) anyone who is related to the person or his or her spouse, shares a residence with the person and is primarily dependent on the person or spouse for financial support; (*famille*)

"Government" means the Government of Nunavut and includes a public agency as defined in the *Financial Administration Act*; (*gouvernement*)

"Integrity Commissioner" means the Integrity Commissioner appointed under section 24, and includes an acting Integrity Commissioner appointed under section 25 and a special Integrity Commissioner appointed under section 26; (*commissaire à l'intégrité*)

"Management and Services Board" means the Management and Services Board under the *Legislative Assembly and Executive Council Act*; (*Bureau de régie et des services*)

"member" means a member of the Legislative Assembly; (*député*)

"private company" means a corporation, wherever incorporated, that is not a distributing corporation as that term is defined in the *Business Corporations Act*; (*compagnie fermée*)

"private interest" does not include an interest in a decision that

- (a) is of general application to the public,
- (b) affects a person as one of a broad class of persons,
- (c) concerns the remuneration or benefits of a member or an officer or employee of the Legislative Assembly; (*intérêt personnel*)

"Speaker" means the Speaker of the Legislative Assembly; (*président*)

"spouse" means a person who is married to a member or a person living with a member in a conjugal relationship outside marriage, but does not include a person from whom the member is separated. (*conjoint*)

Member's duties include duties as Minister, etc.

(2) In this Act, a reference to the duties or office of a member includes the duties or office of the member as a Minister, the Premier, the Speaker or the Deputy Speaker.

PROVISIONS APPLYING TO ALL MEMBERS

General obligations and commitments

4. Each member shall

- (a) perform his or her duties of office and arrange his or her private affairs in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the member;
- (b) refrain from accepting any remuneration, gift or benefit the acceptance of which might erode public confidence and trust in the

- integrity, objectivity or impartiality of the member, and in all other respects act in a manner that will bear the closest public scrutiny;
- (c) arrange his or her private affairs in conformity with the provisions of this Act and act generally to prevent any conflict of interest from arising; and
 - (d) make all reasonable efforts to resolve any conflict of interest that may arise in favour of the public interest.

Public disclosure statements

- 5.** (1) Each member shall file with the Clerk a public disclosure statement, in the form established by the Integrity Commissioner,
- (a) within 60 days after being elected, and
 - (b) thereafter, once in every calendar year on the date established by the Integrity Commissioner.

Content of statements

- (2) A public disclosure statement shall
- (a) identify the source and nature, but not the value, of the assets and liabilities of the member, each person who belongs to his or her family, and any private company in which any of them has an interest, and list the names and addresses of all persons who have an interest in those assets and liabilities;
 - (b) identify the source and nature, but not the value, of any income the member or a person who belongs to his or her family received during the preceding 12 months or is entitled to receive during the next 12 months;
 - (c) identify the subject-matter and nature of any contracts the member, a person who belongs to his or her family or any private company in which any of them has an interest, has with the Government, and identify all resulting benefits each has received during the preceding 12 months or is entitled to receive during the next 12 months;
 - (d) if a private company in which the member or a person who belongs to his or her family has an interest is mentioned in the public disclosure statement, identify any other corporation in which the private company has an interest;
 - (e) identify all corporations and other organizations in which the member or a person who belongs to his or her family is an officer or director or has a similar position;
 - (f) identify all partnerships in which the member or a person who belongs to his or her family is a partner; and
 - (g) if in the previous 12 months the member has carried out an activity, under an authorization from the Integrity Commissioner, that otherwise would be prohibited,
 - (i) describe the activity; and

- (ii) if the activity is a business activity, list the name and address of each person who has a 10 per cent or greater equity interest in the business, and describe the person's relationship to the member.

Excluded assets, etc.

(3) Notwithstanding subsection (2), a member is not required to include information relating to the following assets, liabilities and sources of income in the public disclosure statement:

- (a) an asset or liability worth less than \$10,000;
- (b) a source of income that yielded less than \$5,000 during the 12 months preceding the relevant date;
- (c) cash on hand, or on deposit in Canada with a financial institution that is lawfully entitled to accept deposits;
- (d) real property that the member or a person who belongs to his or her family uses primarily as a residence or for recreational purposes;
- (e) personal property that the member or a person who belongs to his or her family uses primarily for transportation, household, educational, recreational, social or aesthetic purposes;
- (f) fixed value securities issued or guaranteed by a government in Canada or by an agency of any such government;
- (g) a registered retirement savings plan, a registered retirement income fund or a registered educational savings plan that is not self-administered, or a registered home ownership savings plan;
- (h) an interest in a pension plan, employee benefit plan, annuity or life insurance policy;
- (i) an investment in an open-ended mutual fund that has broadly-based investments not limited to one industry or one segment of the economy;
- (j) a guaranteed investment certificate or similar financial instrument;
- (k) support payments;
- (l) a liability to a financial institution referred to in paragraph (c) if the liability relates to an asset referred to in paragraphs (d) through (j); and
- (m) any other asset, liability or source of income that the Integrity Commissioner approves as an excluded private interest.

Supplementary public disclosure statements

6. Within 30 days after a change or event that occurs after the filing of a public disclosure statement that would significantly change the information required in the public disclosure statement, the member shall file with the Clerk a supplementary public disclosure statement describing those changes to the information, in the form established by the Integrity Commissioner.

Availability of statements

- 7.** (1) The Clerk shall, for the statements described in subsection (2),
- (a) ensure that every statement is made available for examination by members of the public;
 - (b) provide the Integrity Commissioner with a copy of every statement;
 - (c) provide a copy of any statement to any person who pays the fee fixed by the Clerk.

Statements covered

- (2) This section applies with respect to the following:
- (a) public disclosure statements filed under subsection 5(1);
 - (b) supplementary public disclosure statements filed under section 6;
 - (c) disclosure statements relating to gifts or personal benefits filed under subsection 13(3).

Conflict of interest

8. A member shall not make a decision or participate in making a decision in the performance of his or her duties of office or otherwise exercise an official power or perform an official duty in the exercise of his or her office if the member knows or reasonably should know that in doing so there is an opportunity to further the member's private interest or improperly to further another person's private interest.

Insider information

9. (1) A member shall not use information that is obtained in the course of carrying out his or her duties of office and that is not available to the general public to further or seek to further the member's private interest or improperly to further or seek to further another person's private interest.

Passing on insider information

(2) A member shall not communicate information described in subsection (1) to another person if the member knows or reasonably should know that the information may be used for a purpose described in that subsection.

Influence

10. A member shall not use his or her office to seek to influence a decision made or to be made by another person so as to further the member's private interest or improperly to further another person's private interest.

Lobbying

11. A member shall not make representations for remuneration on behalf of any person, with respect to

- (a) the awarding of a contract by the Government or a department;
- (b) the extension of a benefit to a person by the Government or a department; or

- (c) any other matter that relates directly or indirectly to the performance of the member's duties of office.

Activities on behalf of constituents

12. This Act does not prohibit the activities in which members properly engage on behalf of constituents in accordance with parliamentary convention.

Remuneration, gifts and benefits

13. (1) A member shall not accept any remuneration, gift or personal benefit that is connected directly or indirectly with the performance of the member's duties of office and the member shall ensure that no person who belongs to his or her family accepts such remuneration, gift or personal benefit.

Limitation

- (2) Subsection (1) does not apply to,
 - (a) compensation authorized by law;
 - (b) a gift or personal benefit that is received as an incident of the protocol, customs or social obligations that normally accompany the responsibilities of office;
 - (c) transportation, accommodation, hospitality or the reimbursement of reasonable travel and associated expenses if the receipt of the transportation, accommodation, hospitality or reimbursement is unlikely to affect the member's performance of his or her duties of office;
 - (d) a gift or personal benefit if the Integrity Commissioner has authorized the receipt of the gift or personal benefit on the basis that it is unlikely to affect the member's performance of his or her duties of office.

Disclosure

(3) Within 30 days after the receipt of a gift or personal benefit referred to in paragraph (2)(b), (c) or (d) that exceeds \$400 in value, the member shall file with the Clerk a disclosure statement in the form established by the Integrity Commissioner, indicating the nature of the gift or benefit, its source and the circumstances under which it was given and accepted.

Same

(4) Subsection (3) also applies to gifts and benefits if the total value of what is received from one source in any 12-month period by the member and persons who belong to the member's family exceeds \$400.

Government contracts with members

14. (1) No member shall be a party to a contract with the Government under which the member receives a benefit.

Partnerships, private companies

(2) No member shall have an interest in a partnership or in a private company that is a party to a contract with the Government under which the partnership or company receives a benefit.

Exception, existing contracts

(3) Subsections (1) and (2) do not apply to a contract that existed before the member's election to the Legislative Assembly but do apply to its renewal or extension.

Qualification on existing contract exception

(4) The exception in subsection (3) does not apply to a contract of personal service.

Exception, authorization by Integrity Commissioner

(5) Subsections (1) and (2) do not apply if the Integrity Commissioner has authorized the member to be a party to the contract or hold the interest on the basis that the contract or interest is unlikely to affect the member's performance of his or her duties of office.

Exception, pensions

(6) Subsection (1) does not prohibit a member from receiving retirement benefits.

Exception, inheritance

(7) Subsections (1) and (2) do not apply to anything acquired by inheritance until the first anniversary of that acquisition by inheritance.

Exception, interest in trust

(8) Subsections (1) and (2) do not apply if the member has entrusted his or her interest in the contract or his or her interest in the partnership or private company to one or more trustees on the following terms:

- (a) the provisions of the trust shall be approved by the Integrity Commissioner;
- (b) the trustees shall be persons who are at arm's length with the member and approved by the Integrity Commissioner;
- (c) the trustees shall not consult with the member with respect to managing the trust property unless the Integrity Commissioner has authorized the consultation and the consultation is with respect to a proposed or threatened event that might have a material effect on the trust;
- (d) the trustees may consult with the Integrity Commissioner with respect to managing the trust property;
- (e) annually, the trustees shall give the Integrity Commissioner a written report stating the nature of the assets in the trust, the trust's net income for the preceding year and the trustees' fees, if any;

- (f) the trustees shall give the member sufficient information to permit him or her to submit returns as required by the *Income Tax Act* (Canada);
- (g) the trustees shall give the Integrity Commissioner copies of all information and reports given to the member.

Procedure on conflict of interest

15. (1) A member who has reasonable grounds to believe that he or she has a conflict of interest in a matter that is before the Legislative Assembly, the Management and Services Board or the Executive Council, or a committee of any of them, shall not attempt to influence the disposition of the matter and shall, if present at a meeting considering the matter,

- (a) disclose the general nature of the conflict of interest; and
- (b) withdraw from the meeting without voting or participating in consideration of the matter.

Records, Executive Council meetings

(2) The Secretary to Cabinet shall ensure that every disclosure and withdrawal under subsection (1) that occurs at a meeting of the Executive Council or a committee of the Executive Council is recorded.

Records, Legislative Assembly meetings

(3) The Clerk shall ensure that every disclosure and withdrawal under subsection (1) that occurs at a meeting of the Legislative Assembly, the Management and Services Board or a committee of either of them is recorded and that a copy of the record is given to the Integrity Commissioner as soon as possible.

PROVISIONS APPLYING TO MINISTERS

Outside activities

- 16.** (1) A Minister shall not
- (a) engage in employment or the practice of a profession;
 - (b) engage in the management of a business carried on by a corporation;
 - (c) carry on business through a partnership or sole proprietorship; or
 - (d) hold an office or directorship, unless holding the office or directorship is one of the Minister's duties as a Minister, or the office or directorship is in a social club, religious organization or political party.

Exception, business in trust

(2) Paragraph (1)(c) does not apply if a Minister entrusts the business or his or her interest in the business to one or more trustees on the following terms:

- (a) the provisions of the trust shall be approved by the Integrity Commissioner;

- (b) the trustees shall be persons who are at arm's length with the Minister and approved by the Integrity Commissioner;
- (c) the trustees shall not consult with the Minister with respect to managing the trust property;
- (d) the trustees may consult with the Integrity Commissioner with respect to managing the trust property;
- (e) the trustees shall, at the end of each calendar year and at one or more intervals during the year, give the Minister a written report stating the value, but not the nature, of the assets in the trust and shall, in the year-end report, also state the trust's net income for the preceding year and the trustees' fees, if any;
- (f) the trustees shall give the Minister sufficient information to permit him or her to submit returns as required by the *Income Tax Act* (Canada);
- (g) the trustees shall give the Integrity Commissioner copies of all information and reports given to the Minister.

Investments

17. (1) A Minister shall not hold or trade in securities or commodities.

Exception, excluded assets, etc.

(2) Subsection (1) does not apply to assets and liabilities described in subsection 5(3).

Exception, securities in trust

(3) Subsection (1) does not apply if a Minister entrusts his or her assets to one or more trustees on the following terms:

- (a) the provisions of the trust shall be approved by the Integrity Commissioner;
- (b) the trustees shall be persons who are at arm's length with the Minister and approved by the Integrity Commissioner;
- (c) the trustees shall not consult with the Minister with respect to managing the trust property unless the Integrity Commissioner has authorized the consultation and the consultation is with respect to a proposed or threatened event that might have a material effect on the trust;
- (d) the trustees may consult with the Integrity Commissioner with respect to managing the trust property;
- (e) annually, the trustees shall give the Integrity Commissioner a written report stating the nature of the assets in the trust, the trust's net income for the preceding year and the trustees' fees, if any;
- (f) the trustees shall give the Minister sufficient information to permit him or her to submit returns as required by the *Income Tax Act* (Canada);
- (g) the trustees shall give the Integrity Commissioner copies of all information and reports given to the Minister;

- (h) the Minister may at any time instruct the trustees to liquidate all or part of the trust and pay the proceeds to the Minister.

Reimbursement for trust costs

18. A Minister shall be reimbursed for the reasonable fees and disbursements actually paid for the establishment and administration of a trust under subsection 16(2) or 17(3), as approved by the Integrity Commissioner, but is responsible for any income tax liabilities that may result from the reimbursement.

Approved exceptions

19. A Minister may engage in an activity prohibited by subsection 16(1) or 17(1) if the following conditions are met:

- (a) the Minister has disclosed all material facts to the Integrity Commissioner;
- (b) the Integrity Commissioner is satisfied that the activity, if carried on in the specified manner, will not create a conflict between the Minister's private interest and public duty;
- (c) the Integrity Commissioner has authorized the Minister to engage in the activity and has specified the manner in which the activity may be carried out;
- (d) the Minister carries the activity out in the specified manner.

Time for compliance

20. A person who becomes a Minister shall comply with subsections 16(1) and 17(1), or obtain the Integrity Commissioner's authorization under section 19, within 60 days after becoming a Minister.

PROVISIONS APPLYING TO FORMER MINISTERS

Restrictions applicable to Executive Council

- 21.** (1) The Executive Council or a Minister shall not knowingly
- (a) award or approve a contract with, or grant a benefit to, a former Minister until six months have passed after the date he or she ceased to be a Minister;
 - (b) award or approve a contract with, or grant a benefit to, a former Minister who has, during the six months after the date he or she ceased to be a Minister, made representations to the Government in respect of the contract or benefit;
 - (c) award or approve a contract with, or grant a benefit to, a person on whose behalf a former Minister has, during the six months after the date he or she ceased to be a Minister, made representations to the Government in respect of the contract or benefit.

Exception

(2) Paragraphs (1)(a) and (b) do not apply to contracts or benefits in respect of further duties in the service of the Government.

Same

(3) Subsection (1) does not apply if the conditions on which the contract or benefit is awarded, approved or granted are the same for all persons similarly entitled.

Restrictions applicable to former Ministers

22. (1) A former Minister shall not knowingly, during the six months after the date he or she ceased to be a Minister,

- (a) accept a contract or benefit that is awarded, approved or granted by the Executive Council, a Minister or an employee of the Government;
- (b) make representations to the Government on his or her own behalf or on another person's behalf with respect to such a contract or benefit;
- (c) accept a contract or benefit from any person who received a contract or benefit from a department of which the former member was the Minister at the time.

Exception

(2) Subsection (1) does not apply to contracts or benefits in respect of further duties in the service of the Government.

Same

(3) Subsection (1) does not apply if the conditions on which the contract or benefit is awarded, approved or granted are the same for all persons similarly entitled.

Ongoing transaction or negotiation

(4) A former Minister shall not make representations to the Government in relation to a transaction or negotiation to which the Government is a party and in which he or she was previously involved as a Minister, if the representation could result in the conferring of a benefit not of general application.

Insider information

(5) During the six months after the date he or she ceased to be a Minister, a former Minister who is no longer a member shall not use information acquired as a Minister that is not available to the general public to further or seek to further his or her private interest or improperly to further or seek to further another person's private interest.

Offence

(6) A person who contravenes subsection (1), (4) or (5) is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding \$10,000.

Exception

23. Subsections 21(1) and 22(1), (4) and (5) does not apply to an activity authorized by the Integrity Commissioner and carried out in the manner specified by the Integrity Commissioner.

INTEGRITY COMMISSIONER

Appointment

24. (1) The Commissioner, on the recommendation of the Legislative Assembly, shall appoint an Integrity Commissioner who shall be an officer of the Legislative Assembly.

Duties of Integrity Commissioner

(2) The Integrity Commissioner shall perform any duties set out in this Act, and in addition may undertake any other assignments that are requested by the Legislative Assembly or the Management and Services Board and that the Integrity Commissioner considers appropriate.

Term of office

(3) The Integrity Commissioner shall hold office during good behaviour for a term of five years and may be reappointed for a further term or terms.

Continuation after expiry

(4) The Integrity Commissioner continues to hold office after the expiry of the term until reappointed, or until a successor is appointed.

Removal

(5) The Integrity Commissioner may be removed for cause or incapacity, before the expiry of the term of office, by the Commissioner on the recommendation of the Legislative Assembly.

Resignation

(6) The Integrity Commissioner may resign, at any time, by notifying the Clerk in writing.

Transitional

(7) The person who, on the coming into force of this subsection, was the Conflict of Interest Commissioner appointed under section 79 of the *Legislative Assembly and Executive Council Act* is deemed to have been appointed as the Integrity Commissioner under subsection (1), but with an initial term of office expiring on the day that his or her term as Conflict of Interest Commissioner would have expired.

Acting Integrity Commissioner

25. (1) The Commissioner, on the recommendation of the Management and Services Board, may appoint an acting Integrity Commissioner if

- (a) the Integrity Commissioner is temporarily unable to act because of illness or for another reason; or
- (b) the office of the Integrity Commissioner is vacant, the Legislative Assembly is not sitting and no recommendation has been made by the Legislative Assembly under subsection 24(1).

Term of acting Integrity Commissioner

(2) An acting Integrity Commissioner holds office until either a person is appointed under subsection 24(1) or the Integrity Commissioner returns to office after being temporarily unable to act.

Special Integrity Commissioner

26. (1) Where, for any reason, the Integrity Commissioner determines that he or she should not act in respect of any particular matter under this Act, the Commissioner, on the recommendation of the Management and Services Board, may appoint a special Integrity Commissioner to act in the place of the Integrity Commissioner in respect of that matter.

Term

(2) A special Integrity Commissioner holds office until the conclusion of the matter in respect of which he or she has been appointed.

Oath

27. Before undertaking the duties of office, the Integrity Commissioner shall take an oath, before either the Speaker or Clerk, to perform faithfully and impartially the duties of the office and not to disclose any confidential information or advice except in accordance with this Act.

Commissioner for oaths

28. The Integrity Commissioner is, by virtue of his or her office, a commissioner for taking oaths within and outside Nunavut.

Engaging of assistance

29. (1) The Integrity Commissioner may engage counsel, experts and other persons to assist in carrying out the functions of the office.

Consultation with Elders

(2) The Integrity Commissioner may consult with Elders about the traditional values and customs of Nunavut, but may not disclose confidential information about a member's conduct except with the written approval of the member.

Exclusion of liability

30. (1) The Integrity Commissioner and any person assisting the Integrity Commissioner under this Act are not liable for loss or damage caused by anything done or not done in good faith in the performance of the duties or in the exercise of the powers of the Integrity Commissioner.

Persons providing information

(2) No person who, in good faith, provides information to or testifies before the Integrity Commissioner is liable for loss or damage caused by the provision of the information or the testimony.

No retribution

31. (1) No employer shall take or threaten any action with respect to the employment of a person because the person has, in good faith, provided information to or testified before the Integrity Commissioner.

Offence

(2) A person who contravenes subsection (1) is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding \$10,000.

Not subject to review

32. Decisions made by the Integrity Commissioner are not subject to appeal to, or review by, any court.

Consultation with Integrity Commissioner

33. A member or former member may consult with the Integrity Commissioner to obtain advice on his or her obligations under this Act.

Meeting with Integrity Commissioner

34. (1) A member shall meet, at least annually, with the Integrity Commissioner to obtain advice on the member's obligations under this Act.

Spouse to attend meeting

(2) A member shall use his or her best efforts to ensure that the member's spouse attends the meeting with the Integrity Commissioner.

Member's request for advice

35. (1) A member may request written advice from the Integrity Commissioner with respect to the member's obligations under this Act.

Request in writing

(2) A request for written advice must be in writing, and must include a statement of the material facts giving rise to the request for written advice.

Inquiries by Integrity Commissioner

(3) The Integrity Commissioner may make such inquiries as he or she considers appropriate in order to provide the member with written advice.

Compliance with advice

(4) Where a member has, in response to a request under this section, received written advice from the Integrity Commissioner with respect to obligations of the member under this Act, no sanction shall be imposed against the member under this Act in respect of those obligations if the member has

- (a) communicated the material facts to the Integrity Commissioner;
- and
- (b) complied with the advice of the Integrity Commissioner.

REVIEW AND REPORT

Request for review, any person

36. (1) Any person, including a member, who believes on reasonable grounds that a member has contravened this Act may request that the Integrity Commissioner review the facts and give a written report on the matter.

Requirements

(2) A request under subsection (1) must be in writing and must set out the alleged contravention and the grounds for believing that the contravention occurred.

Affidavit

(3) A request under subsection (1) must be supported by an affidavit of the person making the request attesting to the belief of the person that the contravention occurred and to the grounds for that belief.

Request for review, Legislative Assembly

37. The Legislative Assembly may, by resolution, request that the Integrity Commissioner review the facts and give a written report as to whether a member has contravened this Act.

Request for review, Premier

38. (1) The Premier may, in writing, request that the Integrity Commissioner review the facts and give a written report as to whether a Minister has contravened any additional written requirements established by the Premier for Ministers.

Clarification

(2) This section does not limit the Premier's right to request an opinion under section 36.

No inquiry if referred to Integrity Commissioner

39. (1) The Legislative Assembly, committees of the Legislative Assembly and the Management and Services Board shall not inquire into any matter in respect of which a request for an opinion has been made under section 36 or 37.

Member convicted of offence

(2) Nothing in subsection (1) prevents the Legislative Assembly from acting under subsection 6.1(2) of the *Legislative Assembly and Executive Council Act*.

Review by Integrity Commissioner

40. (1) On receiving a request under section 36, 37 or 38 or on the Integrity Commissioner's own initiative and on giving the member whose conduct is concerned reasonable notice, the Integrity Commissioner may conduct a review.

Refusal to review

(2) If the Integrity Commissioner is of the opinion that the request for a review made under section 36 is frivolous, vexatious or not made in good faith or that there are insufficient grounds to warrant commencing a review, or to continue conducting a review, the Integrity Commissioner may refuse to commence or to continue conducting a review and, if the Integrity Commissioner does refuse, the Integrity Commissioner shall state the reasons for that refusal in his or her report.

Conduct of review

- 41.** (1) In the conduct of a review, the Integrity Commissioner,
- (a) has the powers of a Board under the *Public Inquiries Act*, including the power to engage the services of counsel, experts and other persons referred to in section 10 of that Act; and
 - (b) is not subject to technical rules of evidence.

Public or private review

(2) The Integrity Commissioner may conduct the review in private or in public at his or her discretion.

Police investigation or charge

42. (1) If the Integrity Commissioner, when conducting a review, discovers that the subject-matter of the review is being investigated by police or that a charge has been laid, the Integrity Commissioner may suspend the review until the police investigation or charge has been finally disposed of, and may report the suspension to the Speaker, or in the case of a review commenced under section 38, to the Premier.

Where member convicted of offence

(2) Where a member is convicted of an offence mentioned in section 6.1 of the *Legislative Assembly and Executive Council Act* arising from a subject-matter to which this Act applies, the Integrity Commissioner may, in his or her discretion, discontinue any proceedings under this Act.

Reference to appropriate authorities

43. If the Integrity Commissioner, when conducting a review, determines that there are reasonable grounds to believe that there has been a contravention of any other Act, including the *Criminal Code* or any other federal Act, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and may suspend the review until any resulting police investigation and charge have been finally disposed of, and may report the suspension to the Speaker, or in the case of a review commenced under section 38, to the Premier.

Report, requests from any person or Assembly

44. (1) If a request for a review is made under section 36 or 37 or if the review is made on the Integrity Commissioner's own initiative, the Integrity Commissioner shall make his or her report to the Speaker.

Report to member and Assembly

(2) The Speaker shall give a copy of the report to the member whose conduct is concerned and, if the Legislative Assembly is sitting, cause the report to be laid before the Legislative Assembly as soon as possible or, if the Legislative Assembly is not sitting, cause the report to be laid before the Legislative Assembly within the first ten sitting days of the next sitting.

Distribution if Assembly not sitting

(3) If the Legislative Assembly is not sitting, the Integrity Commissioner shall also give a copy of his or her report to the Clerk who shall give a copy of the report to all members.

Report, requests from Premier

45. If a request for a review is made under section 38, the Integrity Commissioner shall make his or her report to the Premier.

SANCTIONS

Recommendations after review

46. (1) If, after a review, the Integrity Commissioner finds that the member has contravened this Act, the Integrity Commissioner shall, in his or her report, recommend one or more of the following:

- (a) that no sanction be imposed;
- (b) that the member be reprimanded;
- (c) that the member publicly acknowledge his or her conduct;
- (d) that the member undertake such remedial action as may be directed, including paying compensation to any person or paying , to the government, the amount of any gain realized by the member or any other person;
- (e) that the member be ordered to pay a fine not exceeding \$10,000;
- (f) that the member's right to sit and vote in the Legislative Assembly be suspended, with or without indemnity or allowance, for a specified period or until a specified condition is fulfilled;
- (g) that the member's seat be declared vacant; or
- (h) any other sanction the Integrity Commissioner considers appropriate.

Costs

(2) The Integrity Commissioner may also, in his or her report, recommend that costs, in an amount determined by the Integrity Commissioner, be paid, either by or to, any of the following:

- (a) the member;
- (b) the person who made the request for a review;
- (c) the Government.

Where no sanction shall be recommended

47. (1) The Integrity Commissioner shall recommend that no sanction be imposed if the Integrity Commissioner finds that there has been no contravention of this Act or that there has been a contravention of this Act but

- (a) the member took all reasonable measures to prevent the contravention;
- (b) the contravention was trivial, committed through inadvertence or an error of judgment made in good faith; or
- (c) the member was acting in accordance with the Integrity Commissioner's advice and had, before receiving that advice, disclosed all material facts known to the member.

Statement of reasons

(2) If the Integrity Commissioner recommends that no sanction be imposed the Integrity Commissioner shall state, in his or her report, the findings that upon which that recommendation was based.

Consideration and response of Legislative Assembly

48. (1) The Legislative Assembly shall consider a report laid before the Legislative Assembly within 10 sitting days after the report is laid before the Legislative Assembly, and shall respond to the report before the end of the session in which the report is laid before it.

No further inquiries

(2) The Legislative Assembly may not inquire further into the matter.

What Legislative Assembly can do

(3) In the Legislative Assembly's response, the Legislative Assembly shall do one of the following:

- (a) accept all the Integrity Commissioner's recommendations; or
- (b) reject all the Integrity Commissioner's recommendations.

Decision final

49. The Legislative Assembly's decision to accept or reject the Integrity Commissioner's recommendations is final and conclusive.

Enforcement of recommendations if accepted

50. (1) If the Legislative Assembly accepts the Integrity Commissioner's recommendations the Legislative Assembly shall be deemed to have ordered the recommendations and the recommendations may be filed with the Nunavut Court of Justice and shall be enforceable as an order of the Court.

Deductions from amounts owed

(2) Any amounts owed by a member as a result of the Integrity Commissioner's recommendations may be deducted from any amount the member is entitled to receive under the *Legislative Assembly and Executive Council Act*.

Where review under section 38

51. (1) Where the Integrity Commissioner has conducted a review under section 38, and the Integrity Commissioner finds that a Minister has contravened any additional written requirement established by the Premier for Ministers, the Integrity Commissioner may, in his or her report to the Premier, make any recommendation that could be made under section 46.

Actions by Premier

(2) The Premier may, within 30 days of receiving the Integrity Commissioner's report, take any action that could be taken by the Legislative Assembly under section 48.

Application of other provisions

(3) Sections 47, 49 and 50 apply to a review under section 38 with any necessary modification.

New review

52. The Integrity Commissioner may conduct a review into a matter which has already been reviewed only if new evidence is presented that in the opinion of the Integrity Commissioner, justifies a new review.

MISCELLANEOUS

Confidential information, etc.

53. Information disclosed by a member to the Integrity Commissioner under this Act and advice and recommendations given to a member by the Integrity Commissioner under this Act are confidential but may be released

- (a) by the member to whom the information, advice or recommendation relates or with the member's consent;
- (b) in a criminal proceeding, as required by law;
- (c) otherwise, in accordance with this Act.

Destruction of records

54. (1) The Integrity Commissioner and the Clerk shall each destroy any record in his or her possession that was created pursuant to this Act and that relates to a former member, or to a person who belongs to his or her family, during the 12-month period that follows the sixth anniversary of when the member ceased to be a member.

Exception

(2) If a review to which a record may relate is being conducted under this Act, or if the Integrity Commissioner or Clerk is aware that a charge to which it may relate has been laid under any other Act, including the *Criminal Code* or any other federal Act, against the member or former member or a person who belongs to his or her family, the record shall not be destroyed until the review or the charge has been finally disposed of.

Effect of breach

55. No decision or transaction, and no procedure undertaken by the Government with respect to a decision or transaction, is invalidated by reason only of a breach of this Act, but a transaction or procedure is voidable at the instance of the Commissioner within two years of the date of the decision authorizing the transaction or procedure, except as against anyone who acted in good faith and without actual notice of the breach.

Extension of time

56. (1) A member who is required by this Act to do anything within a specified time may, either before or after the expiry of that time, apply in writing to the Integrity Commissioner for an extension of that time.

Same

(2) Where the Integrity Commissioner considers it consistent with the public interest to do so, the Integrity Commissioner may, in writing, grant an application made under subsection (1), subject to any terms and conditions that the Integrity Commissioner sees fit.

Annual report

57. (1) The Integrity Commissioner shall, at any times that he or she considers appropriate, and at least annually, make a report to the Speaker, who shall cause the report to be laid before the Legislative Assembly.

Confidentiality

(2) The report may summarize advice that has been given, but must not disclose confidential information or identify a person concerned except a member who has

- (a) failed to file a disclosure statement,
- (b) been given authority to do something otherwise prohibited,
- (c) been the subject of a review if the review has been completed and a report made.

REVIEW OF ACT

Review of Act

58. (1) Within five years from the day this section comes into force, and every five years after that, the Legislative Assembly shall begin a review of this Act.

Amendments

(2) Within one year of commencing a review under subsection (1), the Legislative Assembly shall consider any amendments that are proposed as a consequence of the review.

**AMENDMENTS TO *LEGISLATIVE ASSEMBLY
AND EXECUTIVE COUNCIL ACT***

59. (1) This section amends the *Legislative Assembly and Executive Council Act*.

(2) Subsection 8(4) is repealed and the following substituted:

Effect of resignation

(4) The resignation of a member under this section does not affect the conduct or result of any proceedings that are pending or that may be taken

- (a) under any law respecting controverted elections; or
- (b) under the *Integrity Act*.

(3) Section 12 is amended by striking out "Subject to Part III" and substituting "Subject to the *Integrity Act*".

(4) Section 13 is amended by striking out "Except for a contravention of this Act" and substituting "Except for a contravention of this Act or the *Integrity Act*".

(5) Subsection 47(1) is amended by adding "or the *Integrity Act*" after "considers advisable for carrying out the provisions of this Act".

(6) Subsection 52(1) is amended by striking out "this Act" and substituting "this Act and the *Integrity Act*".

(7) Section 53 is amended by striking out "this Act" and substituting "this Act and the *Integrity Act*".

(8) Part III, consisting of sections 65 to 87 and the heading preceding section 65, is repealed.

Transitional

(9) Notwithstanding subsection (8), where a complaint was filed under section 80 of the *Legislative Assembly and Executive Council Act* before the day that subsection (8) came into force

- (a) the complaint shall be dealt with in accordance with that Act,
- (b) Part III of that Act shall be deemed to be in force for the purposes of dealing with the complaint, and
- (c) anything that may be done under that Act by the Conflict of Interest Commissioner may be done by the Integrity Commissioner.

TRANSITIONAL AND COMING INTO FORCE

New obligations

60. (1) Where this Act imposes a restriction or obligation that did not previously exist, a member who held office at the time of the coming into force of the restriction or obligation is not obliged to comply with the restriction or fulfil the obligation until 60 days from the day that it came into force.

Disclosure statements

(2) A member who held office at the time of the coming into force of section 5 shall file the public disclosure statement required by that section:

- (a) on the date established by the Integrity Commissioner, and
- (b) thereafter, once in every calendar year on the date established by the Integrity Commissioner.

Coming into force

61. This Act comes into force on a day to be fixed by order of the Commissioner.