

**OFFICIAL CONSOLIDATION OF LEGISLATIVE ASSEMBLY
AND EXECUTIVE COUNCIL ACT**
C.S.Nu.,c.L-70

(Consolidation date: July 1, 2021)

The following provisions have been deleted for the purposes of this consolidation:
s.71 to 74 (Consequential Amendments)

S.Nu. 2002,c.5,

AS AMENDED BY:

S.Nu. 2002,c.15

In force April 1, 2002 (deemed)

S.Nu. 2002,c.17,s.275

s.275 in force September 8, 2003: SI-005-2003

R-021-2004

s.2 in force April 1, 2003 (deemed)

s.3 in force April 1, 2004

s.4 in force April 1, 2005

s.5 in force April 1, 2006

S.Nu. 2005,c.8,s.2

s.2 in force May 5, 2005

S.Nu. 2006,c.10,s.4

s.4 in force June 15, 2006

S.Nu. 2008,c.8,s.1

s.1 in force June 4, 2008

S.Nu. 2008,c.10,s.44

s.44 in force April 1, 2013: SI-001-2013

R-023-2008

s.2 in force October 1, 2006 (deemed)

s.3 in force October 1, 2007 (deemed)

s.4 in force April 1, 2008 (deemed)

s.5 in force October 1, 2008

s.6 in force April 1, 2009

s.7 in force October 1, 2009

Note: R-023-2008 is repealed on April 1, 2010 (see S.Nu. 2010,c.2,s.5).

S.Nu. 2010,c.2

In force April 1, 2010

S.Nu. 2010,c.13

In force June 10, 2010, except s.10

s.10 in force April 1, 2002 (deemed)

Note: see s.12 of S.Nu. 2010,c.13 for transitional provision.

S.Nu. 2011,c.24,s.1

s.1 in force September 23, 2013

R-018-2013

s.2 in force October 1, 2010 (deemed)

s.3 in force October 1, 2011 (deemed)

s.4 in force October 1, 2012 (deemed)

s.5 in force October 1, 2013

(See following page for more Nunavut amending statutes)

AS AMENDED BY NUNAVUT STATUTES: (continued)

S.Nu. 2013,c.18

In force September 23, 2013, except s.7

s.7 in force October 1, 2013

S.Nu. 2013,c.26,s.87

s.87 in force September 17, 2013

S.Nu. 2013,c.27,s.42

s.42 in force June 3, 2014

S.Nu. 2014,c.5,s.1

s.1 in force March 19, 2014

S.Nu. 2015,c.6,s.1-4

s.1-4 in force March 17, 2015

R-010-2016

In force April 1, 2016 (deemed)

In force November 1, 2017

S.Nu. 2017,c.12

In force October 1, 2017

S.Nu. 2017,c.29,s.3

s.3 in force September 19, 2017

R-026-2017

s.2 in force October 1, 2014 (deemed)

s.3 in force October 1, 2015 (deemed)

s.4 in force October 1, 2016 (deemed)

S.Nu. 2019,c.22, Part 1

In force November 7, 2019, except ss.1,2,3,6,10,12

ss.1,2,3,6,10,12 in force April 1, 2019 (deemed)

Note: see ss.12-14 of S.Nu. 2019,c.22 for transitional provisions.

S.Nu. 2020,c.15,ss.92,110,143,144(1),145(1)

s.92 NIF

ss.110,143,144(1),145(1) in force July 1, 2021

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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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LEGISLATIVE ASSEMBLY AND EXECUTIVE COUNCIL ACT**INTERPRETATION**

Definitions

1. (1) In this Act,

"caucus" means all of the members of the Legislative Assembly acting as a body; (*caucus*)

"Clerk" means the Clerk of the Legislative Assembly appointed under subsection 50(1); (*greffier*)

"constituency work" means any work directly connected with a member's responsibilities as a member in relation to the ordinary and proper representation of his or her constituents; (*travail de député*)

"Deputy Premier" means the Deputy Premier appointed under subsection 64(1); (*vice-premier ministre*)

"Deputy Speaker" means the Deputy Speaker and Chairperson of the Committee of the Whole elected under subsection 42(1); (*président adjoint*)

"election" means an election of a member or members to serve in the Legislative Assembly; (*élection*)

"fiscal year" means the period beginning on April 1 in one year and ending on March 31 in the following year; (*exercice*)

"Management and Services Board" means the Management and Services Board established by subsection 38(1); (*Bureau de régie et des services*)

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

"Minister" means a Minister appointed under subsection 66(1); (*ministre*)

"Premier" means the head of the executive government, chosen under paragraph 60(1)(a); (*premier ministre*)

"regular members' caucus" means all of the members of the Legislative Assembly, except the members of the Executive Council and the Speaker, acting as a body; (*députés ordinaires du caucus*)

"session" means a session of the Legislative Assembly referred to in subsection 6(1); (*session*)

"Speaker" means the Speaker of the Legislative Assembly elected under subsection 41(1); (*président*)

Definition of "independent officer of Legislative Assembly"

(2) In this Act or another enactment, "independent officer of the Legislative Assembly" means an officer referred to in paragraph 40(3)(c) and subsection 57(1), and includes:

- (a) the Integrity Commissioner appointed under subsection 24(1) of the *Integrity Act*;
- (b) the Chief Electoral Officer appointed under subsection 3(1) of the *Nunavut Elections Act*;
- (b.1) the Representative for Children and Youth appointed under the *Representative for Children and Youth Act*;
- (c) the Languages Commissioner appointed under subsection 16(1) of the *Official Languages Act*; and
- (d) the Information and Privacy Commissioner appointed under subsection 61(1) of the *Access to Information and Protection of Privacy Act*.

Rank of independent officers

(3) For greater certainty, the independent officers of the Legislative Assembly do not have a rank equivalent to that of Deputy Ministers. S.Nu. 2002,c.17,s.275(4); S.Nu. 2010,c.13,s.11; S.Nu. 2008,c.10,s.44; S.Nu. 2013,c.27,s.42; S.Nu. 2017,c.29,s.3(2),(3).

Inherent power of Legislative Assembly

2. (1) Nothing in this Act affects the inherent power of the Legislative Assembly to control its own proceedings, privileges or prerogatives, unless expressly provided otherwise.

Rights of the Legislative Assembly not limited

(2) Nothing in this Act shall be construed so as to limit the right of the Legislative Assembly to expel, suspend or discipline a member according to the practices, rules and procedures of the Legislative Assembly or the practices of Parliament.

Inuit Qaujimagatugangit

(3) In exercising its right referred to in subsection (1), the Legislative Assembly may take into consideration Inuit Qaujimagatugangit. S.Nu. 2006,c.10,s.4(2).

LEGISLATIVE ASSEMBLY**Composition of Legislative Assembly**

3. The Legislative Assembly consists of 22 members, each elected to represent one constituency in accordance with the *Nunavut Elections Act*. S.Nu. 2002,c.17,s.275(2)(a),(b); S.Nu. 2010,c.13,s.11; S.Nu. 2011,c.24,s.1(2).

Proclamation

4. Instructions of the Commissioner given under subsection 15(1) of the *Nunavut Act* (Canada) for issuing writs for the election of members must be in the form of a proclamation

under the Great Seal of Nunavut. S.Nu. 2002,c.17,s.275(1); S.Nu. 2010,c.13,s.11;
S.Nu. 2020,c.15,s.110(2).

5. Repealed, S.Nu. 2014,c.5,s.1.

Session

6. (1) A session begins on the first day of the first sitting following prorogation of the Legislative Assembly and ends on the day on which the session is next prorogued.

First session

(2) The Commissioner shall convene the first session of a Legislative Assembly as soon as practicable after the date of the return of the writs, but in any event no later than 45 days after the date of the general election, unless exceptional circumstances exist that make a delay necessary.

Sittings

(3) Pursuant to section 18 of the *Nunavut Act* (Canada), the Legislative Assembly shall sit at least once every 12 months.

Date of next session

(4) At the prorogation of a session, the Commissioner shall announce the date for the commencement of the next session. S.Nu. 2005,c.8,s.2(2).

Definition of "place of the seat of government of Nunavut"

7. (1) In this section, "place of the seat of government of Nunavut" means the place designated by the Governor in Council under section 4 of the *Nunavut Act* (Canada).

Iqaluit designated

(2) Pursuant to subsection (1), the place designated as the place of the seat of government of Nunavut is Iqaluit.

Place of sittings

(3) Sessions and sittings of the Legislative Assembly shall be held at Iqaluit unless the Legislative Assembly in caucus decides to hold a session or sitting at any other place in Nunavut.

Precinct of the Legislative Assembly

8. (1) In Iqaluit, the precinct of the Legislative Assembly is under the jurisdiction of the Speaker, and includes

- (a) the Legislative Assembly Building and any other office, warehouse or storage space ordinarily and commonly used by the members and the officers and employees of the Office of the Legislative Assembly for the business of the Legislative Assembly; and
- (b) any space temporarily used by the members and the officers and employees of the Office of the Legislative Assembly for the business of the Legislative Assembly.

Precinct when Legislative Assembly sits outside Iqaluit

(2) When the Legislative Assembly is sitting in another community or place in Nunavut, the precinct of the Legislative Assembly is under the jurisdiction of the Speaker, and includes all the spaces temporarily used by the members and the officers and employees of the Office of the Legislative Assembly for the business of the Legislative Assembly during the sitting.

Quorum

9. (1) A majority of members, including the Speaker, constitutes a quorum of the Legislative Assembly.

Voting

(2) Questions arising in the Legislative Assembly shall be decided by a majority of votes cast.

Where member ineligible at time of election

10. (1) A person who is elected as a member but who, at the time of his or her election, was not eligible to be a candidate at the election shall not be or sit as a member.

Where member ineligible after election

(2) A member who, after his or her election, would not be eligible to be a candidate at an election shall not be or sit as a member.

Persons not eligible to sit

(3) In addition to the criteria of eligibility for candidates set out in the *Nunavut Elections Act*, persons in the following categories are not eligible to sit as members:

- (a) members of boards or other organizations to which they were appointed under an Act, an Act of a province or another territory, or an Act of Canada;
 - (b) holders of any office to which they were elected or appointed pursuant to the Nunavut Agreement;
 - (c) mayors or councillors of a municipal corporation;
 - (d) officers of the Office of the Legislative Assembly, with the exception of members of the Management and Services Board; and
 - (e) members of boards and officers of corporations and agencies of the Government of Nunavut.
- S.Nu. 2002,c.17,s.275(4); S.Nu. 2020,c.15,s.143.

Where member convicted on indictment under *Criminal Code*

11. (1) Where a member is convicted of an offence under the *Criminal Code* prosecuted by indictment, the member shall not be or sit as a member.

Where member convicted of other offences

(2) Where a member is convicted of an offence under an Act or an Act of Canada, other than an offence described in subsection (1), the Legislative Assembly may determine whether or not it is necessary, for the good of the public and in the interest of the Legislative

Assembly, to expel the member from the Legislative Assembly and to declare that the member's seat is vacant or to otherwise discipline the member.

Oaths

12. Every member shall, before assuming any duties of office, take an oath of allegiance in Form 1 and an oath of office in Form 2 of Schedule D in the presence of the Commissioner. S.Nu. 2008,c.8,s.1(2); S.Nu. 2010,c.13,s.11.

VACANCIES

Resignation of seat

- 13.** (1) A member may resign his or her seat as a member
- (a) by declaring openly, in the member's place in the Legislative Assembly, the member's decision to resign, in which case the Clerk shall note the decision in the records and journals of the Legislative Assembly and the seat of the member shall immediately become vacant; or
 - (b) by causing to be delivered to the Speaker
 - (i) a written statement declaring the member's decision to resign signed by the member and dated not more than 14 days before the Speaker receives the statement, and
 - (ii) an affidavit of a witness attesting to the execution of the statement sworn before a commissioner for oaths or another person authorized to take affidavits in Nunavut, and on delivery of the statement and supporting affidavit to the Speaker the seat of the member shall become vacant.

Informing Commissioner of vacancy

(2) Where the Speaker receives a statement and supporting affidavit under paragraph (1)(b), the Speaker shall inform the Commissioner of the vacancy and transmit the statement and the affidavit to the Commissioner.

Member deemed to have resigned

(3) A member who has been convicted of an offence under the *Criminal Code* prosecuted by indictment shall be deemed to have resigned his or her seat.

Time for resignation

(4) For the purposes of this section, a person shall be deemed not to be a member unless that person has been declared elected as a member.

Effect of resignation

(5) 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;
- (b) under the *Integrity Act*; or
- (c) by the Legislative Assembly in its judicial capacity.

Proclamation

14. Where the seat of a member becomes vacant for any reason, the Commissioner, on being informed of the vacancy, shall issue a proclamation in accordance with the *Nunavut Elections Act*. S.Nu. 2002,c.17,s.275(3).

Effect of vacancy

15. No omission or failure to elect a member or members for any constituency, and no vacating of the seat or avoiding of the election of any member or members, shall make the Legislative Assembly incomplete, invalidate any of its proceedings or prevent the Legislative Assembly from meeting and dispatching business, so long as there is a quorum of members present. S.Nu. 2002,c.17,s.275(2)(c).

RIGHTS AND POWERS OF LEGISLATIVE ASSEMBLY AND MEMBERS

Parliamentary privilege

16. (1) The Legislative Assembly and the members hold, enjoy and exercise those and similar privileges, immunities and powers that are now held, enjoyed and exercised by the House of Commons of the Parliament of Canada and by the members of that House of Commons.

Part of the law of Nunavut

- (2) The privileges, immunities and powers referred to in subsection (1)
- (a) are part of the public and general law in Nunavut;
 - (b) need not be pleaded;
 - (c) shall be judicially noticed in all courts in Nunavut; and
 - (d) shall be exercised taking into consideration Inuit Qaujimajatuqangit.

Existing rights not affected

(3) Nothing in this Act shall be construed so as to deprive the Legislative Assembly, the members, the Management and Services Board, the committees of the Legislative Assembly or of the Management and Services Board, or a person involved in the proceedings of the Legislative Assembly, of the Management and Services Board or their committees, of any rights, immunities, privileges or powers that the Legislative Assembly, the members, the Management and Services Board, the committees of the Legislative Assembly or of the Management and Services Board, or the person is otherwise entitled to. S.Nu. 2010,c.13,s.11.

Establishment of committees

17. (1) The Legislative Assembly may establish such committees to aid and advise it as it considers necessary.

Extension of powers and rights

(2) All of the powers and rights of the Legislative Assembly are extended to its committees and to the Management and Services Board and its committees.

Powers of the Legislative Assembly

- 18.** (1) The Legislative Assembly has the following powers:
- (a) to regulate its own proceedings and internal affairs;
 - (b) to ensure the attendance and service of its members;
 - (c) to discipline members, including but not limited to suspending or expelling members;
 - (d) to publish material that would otherwise be considered defamatory;
 - (e) to administer oaths to witnesses;
 - (f) to compel the attendance and evidence of witnesses and production of documents, with the exception of any evidence or documents that a court could not compel; and
 - (g) to inquire into and to punish breaches of parliamentary privilege.

Protection for witnesses

(2) Evidence compelled or documents required to be produced under subsection (1) may not be used against the person who gave the evidence or produced the documents except in a prosecution for perjury.

RIGHTS AND POWERS OF MEMBERS

Rights and powers of members

- 19.** (1) In addition to the rights and powers of members under subsection 16(3), members have the following rights and powers:
- (a) freedom of speech;
 - (b) subject to this Act or the *Integrity Act*, freedom from arrest in a civil action during a sitting of the Legislative Assembly and for five days before the commencement of a sitting and for five days following the end of a sitting;
 - (c) exemption from jury duty;
 - (d) exemption from appearing as a witness before a court or any person or body empowered to compel the attendance of witnesses, at the following times:
 - (i) during a sitting of the Legislative Assembly and for five days before the commencement of a sitting and five days following the end of a sitting,
 - (ii) during a meeting of a committee on which they serve or before which they are required to appear, and for two days before the commencement of the meeting and for two days following the end of the meeting, and
 - (iii) at such other times as the Speaker considers necessary for the functioning of the Legislative Assembly;
 - (e) freedom from obstruction, interference, intimidation and molestation in the carrying out of their duties.

Consent of Speaker required

(2) A member may not be arrested or detained in a criminal matter while the member is in the Legislative Assembly Building or the precinct without the consent of the Speaker or Deputy Speaker.

Protection of members from actions

(3) Subject to the *Integrity Act*, no member is liable to any civil action or prosecution, arrest, imprisonment or damages

(a) by reason of any matter or thing brought by the member by petition, bill, resolution, motion or otherwise; or

(b) by reason of anything said by the member,

before the Legislative Assembly, the Management and Services Board, or any committee of the Legislative Assembly or the Management and Services Board.

Liability for acts done under authority of Legislative Assembly

20. (1) No person who is

(a) under lawful instructions from the Legislative Assembly; or

(b) a witness before the Legislative Assembly, the Management and Services Board, or any committee of the Legislative Assembly or the Management and Services Board, is liable for any act done by him or her, under those instructions or as a witness, to any other person in damages or otherwise.

Liability for publication of defamatory material

(2) A person is not liable for the publication of material that would otherwise be considered defamatory if the publication is by the order of the Legislative Assembly.

Exemptions for officers and employees

21. (1) The Clerk, the Law Clerk, the Sergeant-at-Arms and the employees of the Office of the Legislative Assembly, and persons appearing before the Legislative Assembly, the Management and Services Board, or one of their respective committees, are exempt from appearing as witnesses before a court or any person or body empowered to compel the attendance of witnesses, and from jury duty, at the following times:

(a) during a sitting of the Legislative Assembly and for five days before the commencement of a sitting and five days following the end of a sitting;

(b) during a meeting of a committee and for two days before the commencement of the meeting and for two days following the end of the meeting;

(c) at such other times as the Speaker deems necessary for the functioning of the Legislative Assembly.

Exemptions for others

(2) Where the Speaker certifies in writing that a person performs a service essential to the proper functioning of the Office of the Legislative Assembly, that person is exempt from appearing as a witness before a court or any person or body empowered to compel the

attendance of witnesses, and from jury duty, at the times described in paragraphs (1)(a) to (c).
S.Nu. 2010,c.13,s.2.

BREACHES OF PRIVILEGE

Judicial powers of Legislative Assembly

22. The Legislative Assembly is a court of record and has all the rights, powers and privileges of a court for the purpose of inquiring into, adjudicating and punishing any breaches of parliamentary privilege, including the power to order imprisonment as punishment for such breaches.

Legislative Assembly determines breaches of privilege

23. (1) Any act which, in the determination of the Legislative Assembly, is an attempt or has the effect of interfering with the duties of the Legislative Assembly, the members, the Management and Services Board, or the committees of the Legislative Assembly and the Management and Services Board, constitutes a breach of parliamentary privilege.

Acts which constitute breach of privilege

(2) Without restricting subsection (1), the following constitute breaches of parliamentary privilege:

- (a) an assault or libel on a member;
- (b) obstructing, threatening or attempting to force or intimidate a member in any matter relating to his or her office;
- (c) the offering to, or accepting by, a member of a bribe, fee or reward to improperly influence him or her in the conduct of the office of member;
- (d) tampering with a witness regarding the evidence given or to be given by the witness before the Legislative Assembly or a committee of the Legislative Assembly;
- (e) giving false evidence, misbehaving in giving evidence, refusing to attend, or refusing to give evidence or to produce documents before the Legislative Assembly or a committee of the Legislative Assembly;
- (f) forging or falsifying
 - (i) a record of the Legislative Assembly or a committee of the Legislative Assembly, or
 - (ii) a document presented to or filed with, or to be presented to or filed with, the Legislative Assembly or a committee of the Legislative Assembly;
- (g) knowingly presenting to the Legislative Assembly or a committee of the Legislative Assembly a forged or falsified document;
- (h) contravening this Act or an order of the Legislative Assembly or a committee of the Legislative Assembly.

Determinations and orders final

24. (1) The determinations and orders of the Legislative Assembly under sections 22 and 23 are final.

Additional liability

(2) A determination or order of the Legislative Assembly under section 22 or 23 does not affect the liability of the offender to prosecution and punishment according to law and independently of this Act.

INDEMNITIES, ALLOWANCES AND EXPENSES

Member's indemnity

- 25.** (1) Every member shall be paid
- (a) an indemnity at the rate set out in section 1 of Schedule C; and
 - (b) a constituency work indemnity at the rate set out in section 1.1 of Schedule C.

Day on which indemnity commences

(2) For the purposes of subsection (1), a person shall be deemed to have become a member on the last day fixed for the election of a member for the constituency represented by that person.

Continuation of service as member

(3) For the purposes of subsection (1), a person who immediately before the expiration or dissolution of the Legislative Assembly was a member shall be deemed to continue to be a member until the day preceding the polling day for the next general election.

Payment of indemnities

(4) The indemnities referred to in subsection (1) shall be paid every two weeks in equal amounts.

(5) Repealed, S.Nu. 2010,c.13,s.3(2).

Death of member

(6) Where a member dies, the indemnities payable under subsection (1) shall be paid to the end of the month in which the death of the member occurs.

S.Nu. 2002,c.17,s.275(2)(d); S.Nu. 2010,c.13,s.3; S.Nu. 2019,c.22,s.2.

Additional indemnity

26. (1) A member who serves in a capacity listed in section 2 of Schedule C shall be paid, during the period the member serves in that capacity, an indemnity at the rate set out in that section, in addition to the indemnities under section 25.

Indemnity – person appointed under paragraph 60(1)(b)

(2) A person, other than a member, who is appointed under paragraph 60(1)(b) and serves in a capacity listed in section 2 of Schedule C shall be paid, during the period the person serves in that capacity,

- (a) an indemnity equivalent to the indemnity under paragraph 25(1)(a); and
- (b) an indemnity at the rate set out in section 2 of Schedule C.
S.Nu. 2019,c.22,s.3.

Committee meeting indemnity

27. (1) An indemnity at the rate set out in section 3 of Schedule C shall be paid to every member who

- (a) **repealed, S.Nu. 2010,c.2,s.2(1);**
- (b) **repealed, S.Nu. 2010,c.2,s.2(1);**
- (c) **repealed, S.Nu. 2010,c.2,s.2(1);**
- (d) performs an assignment or duty given to him or her by the Legislative Assembly or the Speaker; or
- (e) **repealed, S.Nu. 2010,c.2,s.2(1).**

Indemnity payable for each day

(2) The indemnity payable under subsection (1) shall be paid for each day that the person performs the assignment or duty.

Maximum indemnity for travel

(3) The maximum amount of travel time for which an indemnity under subsection (1) shall be paid is four days.

Indemnity prorated

(4) The indemnity payable under subsection (1) shall be prorated accordingly where, for part only of a day,

- (a) a member attends a meeting or performs an assignment or duty referred to in subsection (1); or
- (b) a member is absent from his or her place of residence to attend a meeting or perform an assignment or duty referred to in subsection (1).

Indemnity during session

(5) Members shall not be paid an indemnity under subsection (1) during a session, unless the attendance at the meeting or performance of the assignment or duty occurs on a Saturday, a Sunday, a general holiday as defined in the *Labour Standards Act*, including Easter Monday and Boxing Day, or on any day on which the session stands adjourned.

Speaker and Minister

(6) The Speaker and a Minister shall not be paid an indemnity under subsection (1).
S.Nu. 2010,c.2,s.2.

Living allowance for member not within commuting distance

28. (1) If a member does not live within commuting distance of a place referred to in subsection (2) and must travel to that place, the member shall be paid

- (a) the reasonable costs of the return transportation of the member between the member's place of residence and the place to which the member must travel; and
- (b) a living allowance at the prescribed rate for each day that the member attends the session, sitting or meeting or performs the assignment or duties referred to in subsection (2), or is absent from the member's place of residence in order to attend or perform.

Places

- (2) Subsection (1) applies with respect to a place where
- (a) a session or sitting is being held;
 - (b) a meeting of a committee of the Legislative Assembly of which the member is a member is being held;
 - (c) a meeting of the Management and Services Board of which the member is a member is being held;
 - (d) a meeting of caucus is being held;
 - (e) a meeting of regular members' caucus is being held; or
 - (f) the member is performing an assignment or duty given to the member by the Legislative Assembly or the Speaker.

Written claim

(3) A member may claim a living allowance under subsection (1) by filing a written statement with the Office of the Clerk listing the dates and locations of the session, sitting or meeting or the performance of the assignment or duty.

- (4) **Repealed, S.Nu. 2019, c.22, s.4.**
S.Nu. 2019, c.22, s.4.

Resident of Nunavut allowance

29. Every member shall be paid an allowance for residents of Nunavut, calculated in accordance with the place where the member ordinarily resides, at the rate set out in section 4 of Schedule C. S.Nu. 2010, c.2, s.3.

Additional travel entitlement

30. (1) In addition to the travel expenses allowed under paragraph 28(1)(a), a member who attends a sitting of the Legislative Assembly or a meeting of a committee of the Legislative Assembly of which the member is a member is entitled to travel expenses in accordance with the directives issued by the Management and Service Board for

- (a) the member; and
- (b) other designated travellers, as defined in the directives.

Cost of travel

(2) For the purposes of subsection (1), the cost of a trip is the cost that in the opinion of the Management and Services Board is the most reasonable cost for the trip, and, in the event of disagreement, the decision as to the reasonableness of an expense shall be made by the Management and Services Board.

Family-friendly entitlements

(3) A member is entitled to allowances and expenses in accordance with the directives issued by the Management and Services Board respecting a family-friendly Legislative Assembly.

- (4) **Repealed, S.Nu. 2019, c.22, s.5.**
S.Nu. 2010, c.13, s.11; S.Nu. 2019, c.22, s.5.

Constituency allowance and expenses

31. (1) In addition to the allowances and expenses referred to in section 27 to 30, when a member engages in constituency work that is not within commuting distance of the member's place of residence, the member is entitled to be paid

- (a) the reasonable cost of the return transportation of the member between the member's place of residence and the place to which the member must travel; and
- (b) a living allowance at the prescribed rate for each day that the member is engaged in constituency work or is absent from the member's place of residence in order to engage in constituency work.

Written claim

(2) A member may claim a living allowance under subsection (1)(a) by filing a written statement with the Office of the Clerk listing the dates and locations of the constituency work.

Other expenses that may be paid

(3) In addition to the allowances and expenses referred to in subsection (1), a member is entitled to be reimbursed for any other reasonable expenses incurred by the member in order to engage in the constituency work on production of receipts or other documentation satisfactory to the Management and Services Board.

Amount of expenses

(4) The maximum allowances and expenses to which a member is entitled under this section in any fiscal year shall not exceed the amount set out in Schedule B for the constituency represented by the member.

(5) **Repealed, S.Nu. 2019,c.22,s.6.**

S.Nu. 2002,c.17,s.275(2)(e); S.Nu. 2019,c.22,s.6.

Prorated expenses and indemnities

32. In a year in which there is a general election, the entitlement of a member, Speaker and Deputy Speaker to expenses, indemnities and allowances under section 31 shall be reduced

- (a) for the period before the election, to an amount prorated for the period beginning on the first day of the fiscal year and ending on the day on which the writ of election is issued; and
- (b) for the period after the election, to an amount prorated for the period beginning on the day on which the writ of election is returned and ending on the last day of the fiscal year.

Transitional allowance

33. (1) A person who is a member of the Legislative Assembly shall be paid a transitional allowance if he or she

- (a) is not elected as a member of the subsequent Legislative Assembly; or
- (b) does not continue as a member in the current Legislative Assembly.

Calculation

(2) The transitional allowance referred to in subsection (1) shall be calculated as an amount equal to the amount of the indemnity payable to the member for six weeks for each year served at the rate set out in section 1 of Schedule C plus the applicable allowances for six weeks for each year served at the rate for the capacity in which the member served set out in section 2 of Schedule C.

Maximum allowance

(3) The maximum transitional allowance calculated under subsection (2) shall not exceed the amount set out in section 5 of Schedule C.

Allowance prorated

(4) Where a member serves in the Legislative Assembly for less than a year, the transitional allowance shall be prorated accordingly.

Calculation for serving members

(5) Where a member is serving on the coming into force of this Act, and was serving on April 1, 1999, the transitional allowance for that member shall be calculated under subsection (2) as from April 1, 1999.

Additional allowances, expenses, benefits

33.1 (1) The Management and Services Board may establish policies for the payment and recovery of allowances, reimbursement of expenses and provision of benefits to members who are not members of the Executive Council that are in addition to those provided for in sections 25 to 33.

Same

(2) The Executive Council may establish policies for the payment and recovery of allowances, reimbursement of expenses and provision of benefits to members of the Executive Council that are in addition to those provided for in sections 25 to 33. S.Nu. 2015,c.6,s.2.

Reimbursement by member

34. (1) A member shall reimburse the Consolidated Revenue Fund for any excess payment or any payment to which the member was not entitled under this Act by reason of the member's failure to

- (a) attend a sitting of the Legislative Assembly or a meeting of caucus, regular members' caucus or a committee of the Legislative Assembly;
- (b) in the case of a member of the Executive Council, attend a meeting of the Executive Council or a committee of the Executive Council; or
- (c) perform an assignment or duty.

Payment authorized by Management and Services Board

(2) Despite subsection (1), the Management and Services Board may, if the Management and Services Board is of the opinion that the member's explanation for the failure to do any of the acts described in paragraphs 1(a) to (c) is reasonable, authorize the payment of an indemnity, allowance or expense to the member.

Recovery of payment

(3) The Management and Services Board may recover the amount of the payment referred to in subsection (1) by setting it off against any other entitlement the member may have to an indemnity, allowance or expense or by any other legal means. S.Nu. 2010,c.13,s.4.

Increase or decrease in rates

35. (1) Where the rates of pay of employees referred to in paragraph 55(5)(a) of the *Public Service Act* are globally increased or decreased by a certain percentage, the Management and Services Board may, by regulation, amend Schedule C by the same percentage increase or decrease.

Retroactivity of regulations

(2) A regulation made under subsection (1) may come into force before it is made. S.Nu. 2013,c.26,s.87.

Annual report by Speaker

36. (1) The Speaker shall, during each fiscal year, cause a report to be laid before the Legislative Assembly

- (a) setting out any policies made under subsection 33.1(1) in the previous fiscal year; and
- (b) showing the amounts paid by the Legislative Assembly by way of indemnity, allowance, expense or benefit during the previous fiscal year to each person who had been a member during that previous fiscal year, other than those amounts paid pursuant to a policy made under subsection 33.1(2).

Annual report by Premier

(2) The Premier shall, during each fiscal year, cause a report to be laid before the Legislative Assembly

- (a) setting out any policies made under subsection 33.1(2) in the previous fiscal year; and
- (b) showing the amounts paid pursuant to a policy made under subsection 33.1(2), by way of allowance, expense or benefit, during the previous fiscal year to each person who had been a member of the Executive Council during that fiscal year.

Combined report

(3) For further clarity, the information required to be reported under this section may be combined into one report. S.Nu. 2015,c.6,s.3.

Attendance report

36.1. (1) The Speaker may, whenever the Speaker considers appropriate, cause a report to be laid before the Legislative Assembly showing

- (a) the name of any member who failed to attend a sitting of the Legislative Assembly or a meeting described in paragraph 34(1)(a) or (b); and
- (b) if the member provides an explanation for his or her failure to attend that sitting or meeting
 - (i) a summary of the explanation, and
 - (ii) the determination made by the Management and Services Board as to whether the member's explanation is or is not reasonable.

Information in annual report

(2) The information referred to in subsection (1) shall be included in the annual report laid by Speaker before the Legislative Assembly under section 36. S.Nu. 2010,c.13,s.5.

Appointment of commission

37. (1) After every second general election, the Speaker shall, after consultation with the Management and Services Board, establish an independent commission to review and make recommendations to the Speaker regarding the indemnities, allowances, expenses and benefits to be paid to the members of the Legislative Assembly and other related matters.

Reports of commission

(2) The Speaker shall cause any recommendations and reports made by a commission established under subsection (1) to be laid before the Legislative Assembly as soon as reasonably practicable and in any case before the end of the session in which they were received.

Membership of commission

(3) The commission shall be composed of not more than five members, chosen by the Speaker on the recommendation of the Management and Services Board.

Members not eligible

(4) Members shall not serve as members of the commission. S.Nu. 2010,c.13,s.11; S.Nu. 2019,c.22,s.7.

MANAGEMENT AND SERVICES BOARD

Management and Services Board

38. (1) A body corporate called the Management and Services Board is established and is composed of

- (a) the Speaker;
- (b) one Minister; and
- (c) three members, other than the Deputy Speaker.

Appointments

(2) The Legislative Assembly shall, by resolution at its first session, appoint members to the Management and Services Board.

Appointments – alternate Minister

(2.1) In appointing members to the Management and Services Board, the Legislative Assembly shall appoint an alternate ministerial member, who shall participate as a member in the event that the Minister described in paragraph 38(1)(b) is absent, incapacitated or unable to participate as a member.

Term of office

(3) A member of the Management and Services Board holds office until the next Legislative Assembly appoints members under subsection (2), unless the appointment of the member is earlier revoked by resolution of the Legislative Assembly.

Chairperson

(4) The Speaker is the chairperson of the Management and Services Board.

Acting chairperson

(5) If the Speaker is absent, incapacitated or unable to act, or the office of Speaker is vacant, the Deputy Speaker shall act as chairperson of the Management and Services Board until the Speaker is able to act or the office of Speaker has been filled.

Acting chairperson where Deputy Speaker unable to act

(6) At a meeting of the Management and Services Board where both the Speaker and Deputy Speaker are absent, incapacitated or unable to act, the members of the Management and Services Board shall choose an acting chairperson from among themselves to act until either the Speaker or the Deputy Speaker is available to act.

Vacancy between sessions

(7) In the event of a vacancy on the Management and Services Board that arises between sessions, the Management and Services Board may appoint an interim member to serve until the Legislative Assembly appoints a successor. S.Nu. 2010,c.13,s.6,11.

Quorum

39. (1) The chairperson and two other members of the Management and Services Board constitute a quorum.

Voting

(2) Each member of the Management and Services Board is entitled to one vote.

Vote of chairperson

(3) Notwithstanding subsection (2), the chairperson of the Management and Services Board is only entitled to vote in order to break a tie vote.

Secretary

(4) The Clerk is the secretary of the Management and Services Board.
S.Nu. 2010,c.13,s.11.

Oaths

39.1. Every member of the Management and Services Board, including the alternate ministerial member, shall, before assuming any duties of office, take the following oaths in the presence of the Commissioner:

- (a) an oath of allegiance in Form 1 of Schedule D, where the member has not taken that oath under section 12; and
- (b) an oath of office in Form 4.1 of Schedule D.
S.Nu. 2019,c.22,s.8.

Regulations

- 40.** (1) The Management and Services Board may make regulations,
- (a) respecting rates for the indemnities, allowances and expenses set out in Schedules B and C and sections 28 and 31;
 - (b) respecting additional duties of the Clerk;
 - (c) respecting the duties of the officers and employees of the Office of the Legislative Assembly; and
 - (d) for carrying out the purposes and provisions of this Act.

Retroactivity of regulations

- (2) A regulation made under paragraph (1)(a) may come into force before it is made.

Powers of Management and Services Board

- (3) The Management and Services Board may
- (a) provide the services to members that the Management and Services Board considers appropriate;
 - (b) administer the indemnities, allowances, expenses, reimbursements and benefits to which members are entitled;
 - (c) establish and provide for the management and operation of the Office of the Legislative Assembly;
 - (d) establish job classifications and salary ranges and determine any other terms and conditions of employment;
 - (e) provide a system of cumulative vacation and other credits for regular attendance and payments in respect of these credits;
 - (f) determine the remuneration of independent officers of the Legislative Assembly;
 - (f.1) issue directives to independent officers of the Legislative Assembly respecting compliance with the provisions of the *Public Service Act*, the *Financial Administration Act*, regulations and policies made under those Acts, and other administrative matters;
 - (f.2) issue directives
 - (i) respecting travel expenses to be paid under subsection 30(1),
 - (ii) respecting a family-friendly Legislative Assembly, including allowances and expenses to be paid to members with respect to their families, and
 - (iii) defining "designated travellers" for the purposes of the directives;

- (g) establish security procedures for the Legislative Assembly;
- (h) establish policies to give effect to the provisions of this Act;
- (i) establish an appropriate decor for the Legislative Assembly and an appropriate decor and dress for the opening ceremonies of the Legislative Assembly; and
- (j) provide for any other financial or administrative matter that it considers appropriate in respect of the Legislative Assembly or the Office of the Legislative Assembly.

Directives to be made public

(3.1) The Speaker shall

- (a) ensure that a copy of a directive issued under paragraph (3)(f.2) is published as soon as reasonably practicable after it is issued; and
- (b) include a copy of all directives issued under paragraph (3)(f.2) during the previous fiscal year in the report under subsection 36(1).

Statutory Instruments Act

(3.2) The *Statutory Instruments Act* does not apply to directives issued under this Act.

Duty of Management and Services Board

(4) The Management and Services Board shall approve the annual estimates.

Position and duty of chairperson

(5) The chairperson of the Management and Services Board is the chief administrative officer of the Management and Services Board and shall carry out its work subject to its directions.

Rules and procedures

(6) The Management and Services Board may establish its own rules and procedures.

Inuit Qaujimajatuqangit

(7) In exercising its powers and carrying out its duties, the Management and Services Board shall give due consideration to the cultures and traditions of Nunavut and to Inuit Qaujimajatuqangit. S.Nu. 2002,c.15,s.3; S.Nu. 2010,c.13,s.11; S.Nu. 2013,c.18,s.2; S.Nu. 2019,c.22,s.9.

SPEAKER AND DEPUTY SPEAKER

Speaker

41. (1) The Legislative Assembly on its first day of sitting after a general election shall elect one of its members to be Speaker.

Tenure of office

(2) The Speaker holds office during the pleasure of the Legislative Assembly.

Vacancy

(3) If a vacancy occurs in the office of Speaker by death, resignation or otherwise, the Legislative Assembly shall elect another of its members to be Speaker.

Duties

(4) Except as otherwise provided in this Act, the Speaker shall preside over the Legislative Assembly when it is in session and shall have all the inherent rights and powers that pertain to the office of Speaker.

Continuance of Speaker in office

(5) The person who holds the office of Speaker at the time of the dissolution of the Legislative Assembly shall continue to hold the office of Speaker until the day before the day of the next sitting of the Legislative Assembly.

Consecutive terms of office

(6) The Speaker or Deputy Speaker shall be deemed to have held office continuously where, after re-election as a member, the Speaker or Deputy Speaker again holds the same office. S.Nu. 2010,c.13,s.11.

Deputy Speaker

42. (1) The Legislative Assembly shall elect a Deputy Speaker at its first session.

Tenure of office

(2) The Deputy Speaker holds office during the pleasure of the Legislative Assembly.

Powers and duties

(3) The Deputy Speaker may exercise the powers and shall perform the duties of the Speaker where

- (a) invited to do so by the Speaker;
- (b) the office of the Speaker is vacant; or
- (c) the Speaker is absent, incapacitated or unable to act.

Chairperson of Committee of the Whole

(4) The Deputy Speaker is the chairperson of the Committee of the Whole. S.Nu. 2010,c.13,s.11.

Deputy chairpersons of Committee of the Whole

43. (1) The Legislative Assembly shall, at its first session, elect two deputy chairpersons of the Committee of the Whole.

Powers and duties

(2) A deputy chairperson of the Committee of the Whole may exercise the powers and shall perform the duties of the Deputy Speaker as chairperson of the Committee of the Whole where invited to do so by the Speaker or where the Deputy Speaker is absent, incapacitated or unable to act.

Acting Speaker where Deputy Speaker absent

44. (1) Where the Speaker from illness or other cause finds it necessary to leave the chair during any part of the sittings of the Legislative Assembly, the Speaker may, in the absence of the Deputy Speaker, call on any member of the Legislative Assembly to take the chair and act as Speaker during the remainder of the day unless the Speaker or Deputy Speaker resumes the chair before the close of the sitting day.

Acting Speaker where Speaker and Deputy Speaker absent

(2) Where the Legislative Assembly is informed by the Clerk at the table of the unavoidable absence of both the Speaker and the Deputy Speaker, the Legislative Assembly shall elect a member to take the chair and act as Speaker for that day.

Duty of acting Speaker

(3) The member called on or elected under this section shall take the chair and act as Speaker accordingly.

Validity of Acts, orders and things

45. Every Act passed, order made and thing done by the Legislative Assembly while the Deputy Speaker or a member is acting as Speaker is as valid and has the same effect as if the Speaker were presiding.

Vote of Speaker

46. (1) The Speaker or the person acting as Speaker shall not vote except in order to break a tie vote.

Vote of chairperson of Committee of the Whole

(2) The chairperson of the Committee of the Whole or the person acting in the place of the chairperson shall not vote during proceedings of the Committee of the Whole except in order to break a tie vote.

Administration of Act

47. The Speaker, subject to direction from the Management and Services Board, is responsible for the administration of this Act.

Agreements

48. (1) Notwithstanding the *Financial Administration Act*, or any other Act, the Speaker or a person duly authorized by the Speaker may, subject to the approval of the Management and Services Board, enter into any agreement on behalf of the Legislative Assembly that the Speaker or the authorized person, as the case may be, considers advisable for the purposes of carrying out the provisions of this Act or the *Integrity Act*.

Beneficiary of agreements

(2) An agreement entered into by the Speaker or a person duly authorized by the Speaker enures to the benefit of the Legislative Assembly.

Liability

(3) The Speaker, or the person duly authorized by the Speaker, is not personally liable for any agreement that was entered into under this section.

Civil actions

(4) The Speaker, for and on behalf of the Legislative Assembly, may sue and be sued.

OFFICE OF THE LEGISLATIVE ASSEMBLY

Office of the Legislative Assembly

49. There is established an Office of the Legislative Assembly composed of the following:

- (a) the Speaker;
- (b) the Deputy Speaker;
- (c) the Clerk;
- (d) the Law Clerk;
- (e) the Sergeant-at-Arms;
- (f) such employees as may be required for the proper conduct of the business of the Legislative Assembly.

S.Nu. 2010,c.13,s.11.

Appointment of Clerk

50. (1) The Clerk shall be appointed by the Commissioner on the recommendation of the Management and Services Board approved by motion of the Legislative Assembly.

Tenure of office

(2) The Clerk holds office during good behaviour but may be removed from office for cause by the Commissioner on the recommendation of the Management and Services Board approved by motion of the Legislative Assembly. S.Nu. 2010,c.13,s.11.

Appointment of officers

51. The Law Clerk and the Sergeant-at-Arms shall be chosen by the Speaker, on such terms and conditions as the Management and Services Board may recommend.

Members of public service

52. (1) The employees of the Office of the Legislative Assembly are members of the public service.

Application of *Public Service Act*

(2) Notwithstanding subsection (1), the Management and Services Board may, by resolution or order, suspend or vary the application of the *Public Service Act* or any regulation, order, policy or directive made under that Act as it applies to employees of the Office of the Legislative Assembly.

Appointment and dismissal of employees

(2.1) The Management and Services Board may, at its absolute discretion, on the written recommendation of the Clerk, approve the appointment or dismissal of an employee of the Office of the Legislative Assembly.

Excluded employees

(3) The Clerk and the employees of the Office of the Legislative Assembly are not eligible for membership in a bargaining unit as defined in the *Public Service Act*. S.Nu. 2013,c.18,s.3.

Duties

53. The Clerk, officers and employees of the Office of the Legislative Assembly shall perform the duties that may be provided for in the Rules of the Legislative Assembly or that may be prescribed by the Management and Services Board.

Oath of office by Clerk

54. (1) The Clerk shall, before assuming the duties of Clerk, take the oath of office in Form 3 of Schedule D in the presence of the Speaker.

Oath of office by officers and employees

(2) The officers and employees of the Office of the Legislative Assembly shall, before assuming their duties, take the oath of office in Form 3 of Schedule D in the presence of the Speaker or the Clerk.

Oaths for independent officers

(3) Independent officers of the Legislative Assembly shall take the oath of office in Form 5 of Schedule D in the presence of the Speaker or the Clerk. S.Nu. 2010,c.13,s.11; S.Nu. 2013,c.18,s.4.

Endorsement of Acts

55. (1) The Clerk shall endorse on every Act, immediately after the title of the Act, the day, month and year when the Act was assented to by the Commissioner, and the endorsement is part of the Act.

Custody of Acts

(2) All Acts whether passed before or after the coming into force of this Act shall be and continue to remain of record in the custody of the Clerk.

(3) **Repealed, S.Nu. 2013,c.18,s.5.**

Request for certified copies of Acts

(4) The Clerk shall provide a certified copy of any Act to a person requesting a certified copy.

Certificate of Clerk

(5) The Clerk shall place at the foot of every copy of an Act required to be certified a written certificate signed and authenticated by the Clerk to the effect that it is a true copy, and in the case of an Act disallowed after it came into force, the Clerk shall add to the certificate the words "This Act disallowed by the Governor in Council on (month) (day) (year)".
S.Nu. 2013,c.18,s.5.

56. Repealed, S.Nu. 2005,c.8,s.2(3).

FINANCIAL MATTERS

Estimates

57. (1) The Speaker shall present to the Management and Services Board the estimates of the sums of money that will be required each fiscal year for the Legislative Assembly and for the operations of the independent officers of the Legislative Assembly.

Approval of estimates

(2) The Management and Services Board shall consider the estimates and may make such alterations to them as it considers necessary before approving them.

Laying of estimates

(3) The Speaker shall cause the estimates to be laid annually before the Legislative Assembly.

Consolidated Revenue Fund

58. Payments made under this Act shall be made out of money appropriated for the purpose in the Consolidated Revenue Fund.

COMMISSIONER'S ASSENT TO BILLS

Form and manner of assent

58.1. Assent to a bill passed by the Legislative Assembly of Nunavut may be signified, during the session in which the Legislative Assembly passes the bill

(a) in the Legislative Assembly; or

(b) by written declaration.

S.Nu. 2005,c.8,s.2(4); S.Nu. 2006,c.10,s.4(3).

Witness of assent

58.2. (1) The signification of assent by written declaration shall be witnessed by one or more persons designated by the Clerk.

Saving

(2) No assent is invalid only because subsection (1) is not complied with.
S.Nu. 2005,c.8,s.2(4).

Notification in the Legislative Assembly

58.3. The Legislative Assembly shall be notified of a written declaration of assent by the Speaker of the Legislative Assembly or by the person acting as Speaker.

S.Nu. 2005,c.8,s.2(4).

Date of assent

58.4. Where assent is signified by written declaration, the Act is deemed to be assented to on the day on which the Legislative Assembly has been notified of the declaration.

S.Nu. 2005,c.8,s.2(4).

Application of Parts 3 to 5 of *Legislation Act*

58.5. Parts 3 to 5 of the *Legislation Act* do not apply to a written declaration of Assent.

S.Nu. 2005,c.8,s.2(4); S.Nu. 2020,c.15,s.110(3).

EXECUTIVE COUNCIL

Definition of "department"

59. (1) In section 67, "department" means a department, secretariat, agency, board or corporation of the Government of Nunavut.

Interpretation

(2) Sections 60 to 70 shall not be construed to be exhaustive of the privileges, capacities, rights, functions, powers and duties of the executive government.

Executive Council

60. (1) The Executive Council of Nunavut is composed of the following members:

- (a) a Premier chosen from among the members of the Legislative Assembly and appointed by the Commissioner on the recommendation of the Legislative Assembly;
- (b) persons appointed by the Commissioner on the recommendation of the Legislative Assembly.

Exception

(2) No person shall be appointed under paragraph (1)(b) unless he or she meets the requirements of subsection 10(3).

Tenure of office

(3) The members of the Executive Council chosen or appointed under subsection (1) hold office during the pleasure of the Legislative Assembly. S.Nu. 2010,c.13,s.7.

Responsibilities of Executive Council

61. The Executive Council is responsible for the overall management and direction of the executive government of Nunavut, including matters of policy.

Oaths

62. Every member of the Executive Council shall, before assuming any duties of office, take the following oaths in the presence of the Commissioner:

- (a) an oath of allegiance in Form 1 of Schedule D, where the member has not taken that oath under section 12;
- (b) an oath of office in Form 4 of Schedule D.
S.Nu. 2008,c.8,s.1(3).

Office of Premier vacant

63. (1) If the office of the Premier becomes vacant by resignation, death or for any other reason, the Legislative Assembly shall choose another from among its members to be Premier.

Continuance of Premier in office

(2) The person who holds the office of Premier at the time of expiration or dissolution of the Legislative Assembly continues to hold the office of Premier until the next Premier is chosen at the first session of the next Legislative Assembly.

Appointment of Deputy Premier

64. (1) The Commissioner, on the advice of the Premier, may appoint under the Great Seal of Nunavut, from among the members of the Executive Council, a Deputy Premier.

Tenure of office

(2) The Deputy Premier holds office during the pleasure of the Premier.
S.Nu. 2020,c.15,s.144(1).

Duties of Deputy Premier

65. (1) Where the office of the Premier is vacant, the Deputy Premier may exercise the powers and shall perform the duties of the Premier until a new Premier is chosen by the Legislative Assembly.

Where Premier absent

(2) Where the Premier is absent, incapacitated, or unable to act, the Deputy Premier may exercise the powers and shall perform the duties of the Premier during the absence, incapacity, or inability to act of the Premier.

Acting Premier where both Premier and Deputy Premier absent

(3) Where both the Premier and Deputy Premier are or expect to be absent, incapacitated, or unable to act at the same time, the Premier or the Deputy Premier may designate a Minister to exercise the powers and perform the duties of the Premier during the absence, incapacity, or inability to act of the Premier and Deputy Premier.

Validity of acts done

(4) All acts done under this section by the Deputy Premier or a designated Minister are as valid and have the same effect as if done by the Premier.

Appointment of Ministers

66. (1) The Commissioner, on the advice of the Premier, may appoint under the Great Seal of Nunavut, from among the members of the Executive Council, the Ministers of the executive government.

Tenure of office

(2) The Ministers appointed under subsection (1) hold office during the pleasure of the Premier. S.Nu. 2020,c.15,s.144(1).

Departments and title

67. (1) A Minister may be appointed to have authority over more than one department or to hold more than one title.

Responsibility of Minister

(2) A Minister has responsibility for all matters arising within a department over which the Minister has authority.

Agreements

- (3) Subject to any enactment, a Minister may enter into agreements for or on behalf of
- (a) a department over which the Minister has authority; or
 - (b) the Government of Nunavut.

Note: On a day to be fixed by order of the Commissioner in Executive Council, these sections are added after s.67:

Establishment of departments

67.1. (1) The Commissioner in Executive Council, on the recommendation of the Premier, may make regulations

- (a) establishing departments, including determining their names; and
- (b) subject to subsection 67.2, assigning responsibilities to departments.

Exception

(2) For greater certainty, regulations made under subsection (1) may not

- (a) disestablish a department which has been established by another enactment; or
- (b) remove or transfer a responsibility which has been assigned to a department under another enactment.

Responsibility for Acts

67.2. (1) The Commissioner in Executive Council, on the recommendation of the Premier, may make regulations assigning responsibility for the administration of an Act or a provision of an Act to

- (a) a Minister and a department or public agency; or
- (b) the Legislative Assembly and its Speaker.

Division of responsibilities

(2) If a regulation made under subsection (1) assigns responsibility for the administration of an Act or a provision of an Act to more than one Minister or more than one department or public agency, the regulations must indicate the division of responsibilities.

Exception

(3) For greater certainty, regulations made under subsection (1) may not remove or transfer a responsibility which has been assigned to a Minister, a department, a public agency, the Legislative Assembly or its Speaker under another enactment.

Consent of Speaker

(4) The following regulations may only be made with the consent of the Speaker of the Legislative Assembly:

- (a) regulations under paragraph (1)(b);
- (b) regulations assigning responsibility for the administration of an Act or a provision of an Act that is, immediately prior to making the regulations, assigned to the Legislative Assembly and its Speaker.

Absent regulations

(5) If regulations made under this section do not specify responsibility for the administration of an Act or a provision of an Act, the responsibility for the administration for the Act or provision is assigned to,

- (a) if applicable, the Minister who introduced the Bill enacting the Act or

- provision in the Legislative Assembly and that Minister's department or public agency;
- (b) if the Bill enacting the Act or provision was introduced in the Legislative Assembly by a member of the Management and Services Board in that capacity, the Legislative Assembly and its Speaker; or
 - (c) otherwise, the department or public agency whose responsibilities assigned under paragraph 67.1(1)(b) or under another enactment most closely reflect the subject-matter of the Act, and its Minister.

Definitions

67.3. (1) The definitions in subsection 1(1) of the *Financial Administration Act* apply to this section.

Financial considerations

(2) Despite the *Financial Administration Act*, if regulations made under section 67.1 or 67.2 have the effect of transferring a responsibility from one department or public agency to another, the Commissioner in Executive Council, on the recommendation of the Premier, may make regulations

- (a) transferring, from the department or public agency from which the responsibility is assigned to the department or public agency to which the responsibility is assigned, the unexpended portion of the amounts that are appropriated for the responsibility; and
- (b) amending the Estimates and appropriations as is necessary to effect the transfer of the unexpended amounts under paragraph (a).

See S.Nu. 2020,c.15,s.92.

Absence, incapacity or inability

68. (1) A Minister who is or expects to be temporarily absent, incapacitated or unable to act may request the Premier to designate another Minister to act in the Minister's stead.

Designation of acting Minister

(2) Where a Minister has requested the Premier to designate another Minister to act in the Minister's stead or where a Minister is unable to make such a request but is temporarily absent, incapacitated or unable to act, the Premier may designate another Minister to act during the temporary absence, incapacity or inability of that Minister.

Validity of acts done

(3) All acts done by a Minister designated under subsection (2) are as valid and have the same effect as if done by the Minister in whose stead that Minister is acting.

Continuation of appointment

69. A person, other than the Premier, who is a member of the Executive Council at the time of expiration or dissolution of the Legislative Assembly continues to be a member of the Executive Council, and to hold the office of Deputy Premier or Minister, until the beginning

of the first day of the first session of the next Legislative Assembly, unless the person's appointment or appointments are revoked earlier.

Committees

70. The Executive Council may establish such committees of the Executive Council to aid and advise the executive government as it considers advisable.

70.01. Repealed, S.Nu. 2015,c.6,s.4.

70.1. Repealed, S.Nu. 2010,c.13,s.9.

Note

The following provisions have been deleted for the purposes of this consolidation: s. 71 to 74 (Consequential Amendments)

REPEAL

75. (1) Subject to subsection (2), the *Legislative Assembly and Executive Council Act*, R.S.N.W.T. 1988,c.L-5, as duplicated for Nunavut, is repealed on April 1, 2002.

(2) Section 6.1 and sections 23 to 28 are deemed to have been repealed on March 6, 2002. S.Nu. 2002,c.15,s.5.

COMMENCEMENT

76. (1) Subject to subsection (2), this Act comes into force on April 1, 2002.

(2) Section 11, subsections 25(1), (2) and (4), and sections 26, 27 and 70.1 are deemed to have come into force on March 6, 2002. S.Nu. 2002,c.15,s.6.

SCHEDULE A

(Subsection 3(1))

Repealed, 2011,c.24,s.1(3).

SCHEDULE B

(Subsection 31(5))

MAXIMUM PERMISSIBLE CONSTITUENCY WORK EXPENSES

Circonscription				Plafond des frais
English	ᐃᓄᓂᐅᑦ	Français	Inuinnaqtun	
Aggu	ᐱᓄᓂ	Aggu	Aggu	28 000 \$
Aivilik	ᐱᓄᓂᑦᓄᑦ	Aivilik	Aivilik	47 000
Amittuq	ᐱᓄᓂᑦᓄᑦ	Amittuq	Amittuq	45 000
Arviat North-Whale Cove	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Arviat Nord-Whale Cove	Arviat Tununga-Tikiraryuaq	46 000
Arviat South	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Arviat Sud	Arviat Hivuraa	29 000
Baker Lake	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Baker Lake	Qamanittuaq	30 000
Cambridge Bay	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Cambridge Bay	Iqaluktuuttiaq	26 000
Gjoa Haven	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Gjoa Haven	Uqhuqtuuq	37 000
Hudson Bay	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Baie d'Hudson	Tahiuyaryuaq	31 000
Iqaluit-Manirajak	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Iqaluit-Manirajak	Iqaluit-Manirajak	25 000
Iqaluit-Nianqunnguu	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Iqaluit-Niaqunnguu	Iqaluit-Niaqunnguu	25 000
Iqaluit-Sinaa	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Iqaluit-Sinaa	Iqaluit-Sinaa	25 000
Iqaluit-Tasiluk	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Iqaluit-Tasiluk	Iqaluit-Tasiluk	25 000
Kugluktuk	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Kugluktuk	Kugluktuk	26 000
Netsilik	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Netsilik	Netsilik	41 000
Pangnirtung	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Pangnirtung	Pangniqtuuq	26 000
Quttiktuq	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Quttiktuq	Quttiktuq	67 000
Rankin Inlet North-Chesterfield Inlet	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Rankin Inlet Nord-Chesterfield Inlet	Kangirliniq Tununga-Igluligaaryuk	43 000
Rankin Inlet South	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Rankin Inlet Sud	Kangirliniq Hivuraa	29 000
South Baffin	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Baffin Sud	Hivuraa Qikiqtaaluk	45 000
Tununiq	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Tununiq	Tununiq	29 000
Uqqummiut	ᐱᓄᓂᑦᓄᑦ ᐱᓄᓂᑦᓄᑦ	Uqqummiut	Uqqurmiut	51 000

S.Nu. 2013,c.18,s.6; R-010-2016.

SCHEDULE C

(Sections 25-27, 29 & 33)

INDEMNITIES AND ALLOWANCES

Member's indemnity

1. An indemnity of \$103,323 is payable to each member in each fiscal year in accordance with section 25 of the Act.

1.1. A constituency work indemnity of \$28,000 is payable to each member in each fiscal year in accordance with section 25 of the Act.

Additional indemnity

2. The following additional indemnities are payable in each fiscal year pursuant to section 26:

(a)	to the Premier	\$95,198
(b)	to the Deputy Premier	\$87,665
(c)	to a Minister other than the Premier or Deputy Premier	\$80,134
(d)	to the Speaker	\$80,134
(e)	to the Deputy Speaker	\$20,665
(f)	to a deputy chairperson of the Committee of the Whole	\$5,421
(g)	to a chairperson of a Standing or Special Committee of the Legislative Assembly	\$4,669
(h)	to a chairperson of caucus and regular members' caucus	\$3,163

Indemnity for performance of an assignment or duty

3. An additional indemnity of \$346 is payable in accordance with section 27.

Nunavut northern allowance

4. The amount payable pursuant to section 29 in each fiscal year is the amount, with respect to the community in which the member ordinarily resides, that is set out in Article 39 of the *Collective Agreement between the Nunavut Employees Union and the Minister Responsible for the Public Service Act*.

Transitional allowance

5. The amount of a transitional allowance payable pursuant to section 33 shall not exceed \$103,323.

R-021-2004,s.2,3,4,5; R-023-2008,s.2 to 7; S.Nu. 2010,c.2,s.4; R-018-2013,s.2 to 5; S.Nu. 2013,c.18,s.7; R-026-2017,s.2 to 4; S.Nu. 2017,c.12; S.Nu. 2019,c.22,s.10.

SCHEDULE D

OATHS

Form 1
OATH OF ALLEGIANCE*(Sections 12, 62)*

I,, do (swear *or* affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, her heirs and successors, according to law. (So help me God.) *(Delete "So help me God" where the member chooses to affirm.)*

Form 2
OATH OF OFFICE*(Section 12)*

I,, do solemnly and sincerely promise and (swear *or* affirm) that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trust reposed in me as a member of the Legislative Assembly of Nunavut. (So help me God.) *(Delete "So help me God" where the member chooses to promise and affirm.)*

Form 3
OATH OF OFFICE*(Section 54)*

I,, do (swear *or* affirm) that I will faithfully discharge my duties as *(Clerk/officer/employee)* of the Office of the Legislative Assembly, and will observe and comply with the laws of Canada and Nunavut, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or into my possession by reason of my being an employee of the Office of the Legislative Assembly. (So help me God.) *(Delete "So help me God" where the person chooses to affirm.)*

Form 4
OATH OF OFFICE*(Section 62)*

I,, do solemnly and sincerely promise and (swear *or* affirm) that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trust reposed in me as a member of the Executive Council of Nunavut. I further (swear *or* affirm) that I will keep confidential all matters addressed in Executive Council or that come to my knowledge by reason of being a member of the Executive Council, and that I will not disclose any such matters to any person other than a member of the Executive Council, except as authorized by the Executive Council, or as required in the lawful execution of my duties. (So help me God.) *(Delete "So help me God" where the member chooses to promise and affirm.)*

FORM 4.1

OATH OF OFFICE

I,, do solemnly and sincerely promise and (swear *or* affirm) that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trust reposed in me as a member of the Management and Services Board. I further (swear *or* affirm) that I will keep confidential all matters addressed in the Management and Services Board or that come to my knowledge by reason of being a member of the Management and Services Board, and that I will not disclose any such matters to any person other than a member of the Management and Services Board, except as authorized by the Management and Services Board, or as required in the lawful execution of my duties. (So help me God.) (*Delete "So help me God" where the member chooses to promise and affirm.*)

Form 5

OATH OF OFFICE – INDEPENDENT OFFICERS

(*Subsection 54(3)*)

I,, do solemnly and sincerely promise and (swear *or* affirm) to faithfully and impartially perform the duties of the office and not to disclose any information received in my capacity as (Information and Privacy Commissioner/Languages Commissioner/ Integrity Commissioner/Chief Electoral Officer/Representative for Children and Youth) except in accordance with law (So help me God.) (*Delete "So help me God" where the independent officer chooses to promise and affirm.*).

S.Nu. 2013,c.18,s.8,9; S.Nu. 2019,c.22,s.11.