

Chapter 22

AN ACT TO AMEND THE LEGISLATIVE ASSEMBLY AND EXECUTIVE COUNCIL ACT AND THE SUPPLEMENTARY RETIRING ALLOWANCES ACT

(Assented to November 7, 2019)

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

PART 1

LEGISLATIVE ASSEMBLY AND EXECUTIVE COUNCIL ACT

1. This Part amends the *Legislative Assembly and Executive Council Act*.

2. (1) Subsection 25(1) is repealed and replaced by:

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.

(2) Subsections 25(4) and (6) are amended by replacing "indemnity" with "indemnities".

3. Section 26 is repealed and replaced by:

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.

4. Section 28 is repealed and replaced by:

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.

5. Section 30 is repealed and replaced by:

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.

6. Section 31 is repealed and replaced by:

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) 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.

7. Subsection 37(1) is repealed and replaced by:

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.

8. The following is added after section 39:

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.

9. (1) Paragraph 40(1)(a) is amended by replacing "prescribing" with "respecting".

(2) The following is added after paragraph 40(3)(f.1):

- (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;

(3) The following is added after subsection 40(3):

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.

10. Schedule C is amended by adding the following after section 1:

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.

11. Schedule D is amended by

(a) by adding the following after Form 4:

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.*)

- (b) **in Form 5 by**
 - (i) **adding** "/Representative for Children and Youth" **after** "Chief Electoral Officer", **and**
 - (ii) **adding** "(So help me God.) (*Delete "So help me God" where the independent officer chooses to promise and affirm.*)" **after** "law."

Transitional

12. For the April 1, 2019 to March 31, 2020 fiscal year, a member's constituency work indemnity under paragraph 25(1)(b) of the Act shall be reduced by an amount equal to the amount paid to that member since April 1, 2019 under paragraph 31(1)(a) of the Act as it read immediately prior to its repeal and replacement by this Act.

13. The first independent commission under subsection 37(1) of the Act shall be established after the general election that follows the dissolution of the Sixth Legislative Assembly.

14. A member of the Management and Services Board on the day of Assent, including the alternate ministerial member, is not required to take the oath under section 39.1 of the Act until the end of the first sitting of the Legislative Assembly following Assent, but may take the oath at any time before then.

Coming into force

15. Sections 1, 2, 3, 6, 10 and 12 of this Act are deemed to have come into force April 1, 2019.

PART 2

SUPPLEMENTARY RETIRING ALLOWANCES ACT

16. This Part amends the *Supplementary Retiring Allowances Act*.

17. Section 7 is repealed and replaced by:

Election by member

7. (1) A member is only entitled to participate in this Act if the member elects to do so by filing a form to that effect with the Speaker.

Late election by member

(2) If a member files the form referred to in subsection (1) more than 60 days after first being elected to the Legislative Assembly, the service of the member for the purposes this Act is deemed to

- (a) start on the day the member files the form; and
- (b) for greater certainty, not include any period during which the member was a member prior to the day the member files the form.

18. Subsection 16.1(1) is amended by deleting "5, 10 or".

Transitional

19. For greater certainty, subsection 7(2) of the Act applies whether a member was first elected before or after the coming into force of that subsection.