

Chapter 13

AN ACT TO AMEND THE LEGISLATIVE ASSEMBLY AND EXECUTIVE COUNCIL ACT

(Assented to June 10, 2010)

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

1. **The *Legislative Assembly and Executive Council Act*, S.Nu. 2002, c.5, is amended by this Act.**
2. **Section 21 is renumbered as subsection 21(1) and the following added after subsection 21(1):**

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 witnesses 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).

3. **(1) Subsection 25(3) is amended by striking out "the day of" and substituting "the day preceding the polling day for".**

(2) Subsection 25(5) is repealed.

4. **Section 34 is repealed and the following substituted:**

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.

5. The following is added after section 36:

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.

6. (1) Paragraph 38(1)(b) is amended by striking out "at least".

(2) The following is added after subsection 38(2):

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.

7. All that portion of subsection 60(1) preceding paragraph (b) is repealed and the following substituted:

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;

8. The following is added after section 70:

Allowances, expenses, benefits

70.01. (1) 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.

Annual report

(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 (1) in the previous fiscal year; and
- (b) showing the amounts paid 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.

9. Section 70.1 is repealed.

10. Paragraph 73(a) is repealed.

11. Each provision listed in Column 1 of the Schedule to this Act is amended by striking out the words set out in the same row of Column 2 and substituting the words set out in the same row of Column 3.

Transitional

12. Any amount recovered before the coming into force of section 4 of this Act is deemed to have been validly recovered if the recovery would have been validly done had section 4 of this Act been in force at that time.

COMMENCEMENT

13. Section 10 is deemed to have come into force on April 1, 2002.

SCHEDULE

(Section 11)

Provisions Amended	Word or Words Struck Out	Word or Words Substituted
<ul style="list-style-type: none"> • subsection 1(1), definition "Management and Services Board"; • paragraph 40(3)(a) 	"the Board"	"the Management and Services Board"
<ul style="list-style-type: none"> • the English version of subsection 3(1) 	"shall be"	"are established"
<ul style="list-style-type: none"> • the English version of subsection 3(2) 	"return"	"elect"
<ul style="list-style-type: none"> • the English version of section 4 	"shall"	"must"
<ul style="list-style-type: none"> • the English version of section 12 	"A"	"Every"
<ul style="list-style-type: none"> • the English version of subsection 16(1) 	"shall hold"	"hold"
<ul style="list-style-type: none"> • the English version of subsection 30(2) 	"and in the event of disagreement"	"and, in the event of disagreement,"
<ul style="list-style-type: none"> • the English version of subsection 37(3) 	"no more"	"not more"
<ul style="list-style-type: none"> • the English version of subsection 38(4); • the English version of subsection 39(4); • the English version of subsection 42(4) 	"shall be"	"is"
<ul style="list-style-type: none"> • the English version of subsection 41(2); • the English version of subsection 42(2); • the English version of subsection 50(2) 	"shall hold"	"holds"
<ul style="list-style-type: none"> • the English version of section 49 	"shall be"	"is established"
<ul style="list-style-type: none"> • the English version of subsections 54(1), (2) 	"before"	"in the presence of"