

## Chapter 13

### AN ACT TO AMEND CERTAIN ACTS RESPECTING THE TERMS OF OFFICE OF INDEPENDENT OFFICERS OF THE LEGISLATIVE ASSEMBLY

(Assented to November 8, 2018)

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

1. (1) This section amends the *Access to Information and Protection of Privacy Act*.

(2) Section 60 is repealed.

(3) Subsection 61(3) is amended by replacing "until he or she is reappointed, a successor is appointed or a period of six months has expired, whichever first occurs" with "until reappointed, or until a successor is appointed".

(4) The following is added after subsection 61(3):

Removal by Management and Service Board

(3.1) When the Information and Privacy Commissioner continues to hold office following the expiry of his or her term of office, the Commissioner, on the recommendation of the Management and Service Board, may remove the Information and Privacy Commissioner without cause.

(5) Subsection 62(3) is amended by replacing "If the Legislative Assembly is not sitting, the Commissioner, on the recommendation of the Committee, " with "The Commissioner, on the recommendation of the Management and Services Board,".

(6) The following is added after subsection 62(3):

Ending suspension

(4) A suspension may be ended

- (a) by the Commissioner, on the recommendation of the Legislative Assembly, in the case of a suspension under subsection (2) or (3);
- (b) by the Commissioner, on the recommendation of the Management and Service Board, in the case of a suspension under subsection (3).

(7) Subsection 63(1) is amended by

- (a) replacing "Committee" with "Management and Services Board"; and
- (b) repealing and replacing paragraphs (b) to (d) with the following:
  - (b) the office of the Information and Privacy Commissioner is vacant; or
  - (c) the Information and Privacy Commissioner is suspended.

**2. (1) This section amends the *Integrity Act*.**

**(2) The following is added after subsection 24(4):**

Removal by Management and Service Board

(4.1) When the Integrity Commissioner continues to hold office following the expiry of his or her term of office, the Commissioner, on the recommendation of the Management and Service Board, may remove the Integrity Commissioner without cause.

**(3) Subsection 24(5) is amended by adding "or suspended" after "removed".**

**(4) The following is added after subsection 24(5):**

Suspension

(5.1) The Commissioner, on the recommendation of the Management and Services Board, may suspend the Integrity Commissioner for cause or incapacity.

Ending suspension

(5.2) A suspension may be ended

- (a) by the Commissioner, on the recommendation of the Legislative Assembly, in the case of a suspension under subsection (5) or (5.1);
- (b) by the Commissioner, on the recommendation of the Management and Service Board, in the case of a suspension under subsection (5.1).

**(5) Subsection 25(1) is amended by**

- (a) deleting "or" at the end of paragraph (a); and**
- (a) repealing and replacing paragraph (b) with the following:**
  - (b) the office of the Integrity Commissioner is vacant; or
  - (c) the Integrity Commissioner is suspended.

**(6) Subsection 25(2) is repealed and replaced by:**

Term of acting Integrity Commissioner

(2) An acting Integrity Commissioner holds office until

- (a) a person is appointed under subsection 24(1);
- (b) the suspension of the Integrity Commissioner ends; or
- (c) the Integrity Commissioner returns to office after a temporary absence.

**3. (1) The section amend the *Nunavut Elections Act*.**

**(2) Subsection 188(1) is amended by adding "or suspended" after "removed".**

**(3) The following is added after subsection 188(2.1):**

Removal by Management and Service Board

(2.2) When the Chief Electoral Officer continues to hold office following the expiry of his or her term of office, the Commissioner, on the recommendation of the Management and Service Board, may remove the Chief Electoral Officer without cause.

Suspension

(2.3) The Commissioner, on the recommendation of the Management and Services Board, may suspend the Chief Electoral Officer for cause or incapacity.

Ending suspension

(2.4) A suspension may be ended

- (a) by the Commissioner, on the recommendation of the Legislative Assembly, in the case of a suspension under subsection (1) or (2.3);
- (b) by the Commissioner, on the recommendation of the Management and Service Board, in the case of a suspension under subsection (2.3).

**(4) Subsection 193(1) is amended by**

- (a) deleting "or" at the end of paragraph (a); and**
- (b) repealing and replacing paragraph (b) with the following:**

- (b) the Office of the Chief Electoral Officer is vacant; or
- (c) the Chief Electoral Officer is suspended.

**(5) Subsection 193(2) is repealed and replaced by:**

Term of acting Chief Electoral Officer

- (2) An acting Chief Electoral Officer holds office until
  - (a) a person is appointed under subsection 188(1);
  - (b) the suspension of the Chief Electoral Officer ends; or
  - (c) the Chief Electoral Officer returns to office after a temporary absence.

**4. (1) This section amends the *Official Languages Act*.**

**(2) The following is added after subsection 16(5):**

Removal by Management and Service Board

(6) When the Languages Commissioner continues to hold office following the expiry of his or her term of office, the Commissioner, on the recommendation of the Management and Service Board, may remove the Languages Commissioner without cause.

**(3) The French versions of subsection 17(2) and (3) are amended by replacing "motif suffisant" with "motif valable".**

**(4) Subsection 17(3) is amended by replacing "If the Legislative Assembly is not sitting, the" with "The".**

**(5) The following is added after subsection 17(3):**

Ending suspension

- (4) A suspension may be ended
- (a) by the Commissioner, on the recommendation of the Legislative Assembly, in the case of a suspension under subsection (2) or (3);
  - (b) by the Commissioner, on the recommendation of the Management and Service Board, in the case of a suspension under subsection (3).

**(6) Paragraph 18(1)(b) to (d) are repealed and replaced by:**

- (b) the office of the Languages Commissioner is vacant; or
- (c) the Languages Commissioner is suspended.

**5. (1) This section amends the *Representative for Children and Youth Act*.**

**(2) The following is added after subsection 7(2):**

Removal by Management and Service Board

(3) When the Representative continues to hold office following the expiry of his or her term of office, the Commissioner, on the recommendation of the Management and Service Board, may remove the Representative without cause.

**(3) The French versions of subsection 9(2) and (3) are amended by replacing "motif suffisant" with "motif valable".**

**(4) Subsection 9(3) is amended by replacing "If the Legislative Assembly is not sitting, the" with "The".**

**(5) The following is added after subsection 9(3):**

Ending suspension

- (4) A suspension may be ended
- (a) by the Commissioner, on the recommendation of the Legislative Assembly, in the case of a suspension under subsection (2) or (3);
  - (b) by the Commissioner, on the recommendation of the Management and Service Board, in the case of a suspension under subsection (3).

**(6) Paragraphs 10(1)(b) to (d) are repealed and replaced by:**

- (b) the office of the Representative is vacant; or
- (c) the Representative is suspended.

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TERRITORIAL PRINTER FOR NUNAVUT  
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