

## Chapter 16

### LEGISLATIVE ASSEMBLY MEMBERS REMOVAL AND DISQUALIFICATION ACT (Assented to November 3, 2000)

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

**1. Section 6.1 of the *Legislative Assembly and Executive Council Act* is repealed and the following substituted:**

Member convicted on indictment under *Criminal Code*

6.1. (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.

Member convicted of other offences

(2) Where a member is convicted of an offence under a federal or Nunavut statute, 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.

**2. Section 51 of the *Elections Act* is amended by adding the following after subsection (2):**

Ineligible candidates – convicted members

(2.1) A member of the Legislative Assembly who has been convicted of an offence under a federal or Nunavut statute and who, as a result of that conviction, has ceased to be a member is not eligible to be a candidate at an election until after the member's successor has been elected.

What "as a result of a conviction" means

(2.2) For the purposes of subsection (2.1), a member ceases to be a member as a result of a conviction if

- (a) the person ceases to be a member under subsection 6.1(1) of the *Legislative Assembly and Executive Council Act*,
- (b) the member's seat was declared vacant by the Legislative Assembly under subsection 6.1(2) of the *Legislative Assembly and Executive Council Act*, or
- (c) the person resigns as a member of the Legislative Assembly, where the reason, or one of the reasons, for resigning is that the member had been or might be convicted.

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