

C-2
CODE OF CONDUCT
(CIL 31-12-2012 C-2)
ORIGINAL ENACTMENT IL 2008-02
THE NUNATSIAVUT CODE OF CONDUCT FOR ELECTED OFFICIALS ACT

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PREAMBLE

WHEREAS the *Labrador Inuit Constitution* and Labrador Inuit political, social, cultural and economic institutions under the Labrador Inuit Constitution are founded on principles that include the understanding that the status, powers and functions granted to leaders and representatives of the Inuit of Labrador are entrusted to them for the benefit of all Inuit of Labrador in the expectation that leaders and representatives of the Inuit of Labrador will lead lives deserving of respect, be respectful and considerate of all people, give guidance, act wisely, fairly and surely in the exercise of their powers, seek balance and agreement in their decisions, avoid conflict, and serve without showing favour or prejudice and without pursuing personal gain;

AND WHEREAS the *Labrador Inuit Constitution* and section 113 of the *Nunatsiavut Assembly Act* require that the Nunatsiavut Assembly establish codes of conduct, including a code of ethics and conflict of interest guidelines, for members of the Nunatsiavut Assembly, the Nunatsiavut Executive Council, Inuit Community Governments and Inuit Community Corporations and their respective staff and employees;

AND WHEREAS section 30 of the *Civil Service Act*, IL 2005-07, establishes an interim code of conduct for the staff and employees of the Nunatsiavut Government;

AND WHEREAS the actions of elected Officials have a profound impact on the lives of all Beneficiaries of the Labrador Inuit Land Claims Agreement and must be carried out in accordance with the highest ethical standards;

NOW THEREFORE BE IT ENACTED by the Nunatsiavut Assembly as follows:

PART 1 GENERAL

Short Title

1.1 This Inuit law may be cited as the *Code of Conduct*.

Application

1.2 Unless otherwise stated or the context requires otherwise, this Code of Conduct applies to

- (a) the Members of the Nunatsiavut Assembly;
- (b) the Members of the Nunatsiavut Executive Council;
- (c) the Members of the Inuit Community Governments; and
- (d) the Officers of the Inuit Community Corporations.

Interpretation

1.3 In this Code of Conduct, unless the Code or the context requires otherwise

"board" means any board, commission, committee, body, authority of any kind or corporation established by a government to exercise any power or authority with respect to any of the rights, powers, functions, affairs or purposes of the government;

"Clerk" means the Clerk of the Nunatsiavut Assembly;

"Discipline Committee" means an *ad hoc* committee of the Nunatsiavut Assembly established under subsection 5.5(e);

"Elected Official" refers to the elected members of the Nunatsiavut Assembly, the members of the Nunatsiavut Executive Council, the elected members of the Inuit Community Governments, and the elected members of the Executive Committees of the Inuit Community Corporations and includes a person who is appointed to a position in an Inuit Community Government or the Executive Committee of an Inuit Community Corporations that is usually filled by election;

"government" refers to the Nunatsiavut Government, including the Nunatsiavut Assembly and the Nunatsiavut Executive Council, the Inuit Community Governments and the Inuit Community Corporations;

"member" means an Elected Official and a member, in whatever capacity, of a board and for the purposes of Part 5, includes a former member; and

"Nunatsiavut Conflict of Interest Rules" means the rules respecting conflict of interest set out in Part 3 of the Code of Conduct.

Purpose

- 1.4** The purpose of the Code of Conduct is to
- (a) affirm that service in the Nunatsiavut Assembly, on the Nunatsiavut Executive Council, in an Inuit Community Government, and in an Inuit Community Corporation is a public trust;
 - (b) maintain confidence in the integrity and value of Inuit self-government and its officers and institutions;
 - (c) hold Elected Officials to standards that place the public interest ahead of private interests;
 - (d) provide the means by which questions relating to the conduct of elected Officials may be addressed; and
 - (e) ensure that Elected Officials are held accountable for violating the Code of Conduct.

PART 2 RULES OF CONDUCT FOR ELECTED OFFICIALS

Elected Officials must act in accordance with the Code of Conduct

- 2.1** When performing their functions and duties every Elected Official is in a position of public trust and must act in accordance with the founding principles respecting leadership set out in Chapter 1 of the *Labrador Inuit Constitution*, his or her Oath of Office, and in accordance with the rules set out in this Code of Conduct.

Integrity

- 2.2** Every Elected Official shall act with integrity. Acting with integrity includes
- (a) being honest;
 - (b) being truthful;
 - (c) being trustworthy;
 - (d) avoiding illegal conduct;
 - (e) acting fairly and free from prejudice;
 - (f) acting without self-interest;
 - (g) placing loyalty to the highest moral principles above loyalty to other members of government, family, friends or constituents;
 - (h) serving only the public interest of the governments in which he or she serves;

- (i) giving full effort and dedicated thought in return for the pay and benefits that he or she receives;
- (j) never making private promises or giving special favours or privileges to anyone, and refusing favours or benefits for themselves or their families under circumstances that might be reasonably considered as influencing the performance of an official function or duty; and
- (k) using and spending allowances, expense accounts and credit cards solely for the purposes for which they are granted.

Acting without conflict of interest

2.3 Elected Officials must carry out their official duties without consideration of their private interests and in accordance with the Nunatsiavut Conflict of Interest Rules.

Avoiding discredit

2.4 Elected Officials must not engage in personal conduct that would tend to bring discredit to their offices. Avoiding discredit includes

- (a) upholding the Labrador Inuit Constitution and Inuit Laws and never being a party to their evasion;
- (b) avoiding political corruption and refusing to participate in political practices that tend to undermine the democratic traditions of the Inuit and the Inuit Communities;
- (c) obeying the Zero Tolerance Rules set out in Part 4 of this Code;
- (d) responding to constituents, other elected officials and public servants in a timely manner;
- (e) ensuring constituents and staff are informed of the whereabouts of Elected Officials when on the job, particularly when traveling on official business; and
- (f) promoting and supporting ethical public conduct by leadership, by example, and by following this Code of Conduct.

Proper use of public property

2.5 Elected Officials must not use, or allow the use of, government property for purposes of patronage, private favour, personal enjoyment, benefit or gain, or any purpose for which it is not intended. Government property includes

- (a) assets, funds, money, allowances and credit cards;
- (b) information;
- (c) telephones and photocopiers;

- (d) computers; and
- (e) internet and email services.

Courtesy and respect

2.6 Elected Officials must treat colleagues, constituents, public servants and members of the public with the courtesy and respect that is their due.

Responsibility, accountability and transparency

2.7 Elected Officials must be responsible, accountable and transparent in all official business, particularly in their dealings with public resources. Responsibility, accountability and transparency include

- (a) acting in conformity with the Labrador Inuit Land Claims Agreement (and ancillary agreements), the Labrador Inuit Constitution and Inuit Laws;
- (b) exposing corruption and questionable conduct wherever discovered;
- (c) making decisions based on fair procedures, factual information, merit and the law, particularly when making appointments, awarding contracts, or recommending individuals for rewards or benefits;
- (d) answering for their official actions and the manner in which their functions and responsibilities are carried out;
- (e) co-operating fully and honestly with any scrutiny appropriate to their particular office; and
- (f) informing constituents how they are spending government money and allowances received from government, and giving reasons for why they travel, how much money is spent in travel expenses, and what it is spent on.

PART 3 CONFLICT OF INTEREST RULES

Short title

3.1 This Part of the Code of Conduct may be cited as the Nunatsiavut Conflict of Interest Rules.

Interpretation

3.2 In this Part

- (a) "Assembly" means the Nunatsiavut Assembly;
- (b) "elector" means a person entitled to vote at an election for a government;

- (c) "interest in common with electors generally" means a private interest in common with the electors or, where the matter under consideration affects only a portion of the electors, an interest in common with that portion of the electors;
- (d) "meeting" means a regular, special, *in camera* or emergency meeting of a government or a board and includes informal as well as formal meetings;
- (e) "private interest" includes, without limitation, a pecuniary interest, an indirect pecuniary interest and a deemed pecuniary interest;
- (f) "senior officer" means the chairman and vice-chairman of the board of directors of a corporation, the president, vice-president, secretary, treasurer, managing director and general manager of a corporation and any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;
- (g) "spouse" means either of two individuals who:
 - (i) are married to each other,
 - (ii) are married to each other by a marriage that is voidable but which has not been voided by order of a court,
 - (iii) have gone through a form of marriage that is void and have cohabited within the preceding twelve months, or
 - (iv) are living together as husband and wife or as sexual partners, but "spouse" does not include an individual referred to in sub-clauses (i) to (iv) who is separated and living apart from a member and who:
 - (v) has entered into a written agreement under which they have agreed to live apart, or
 - (vi) is subject to an order of a court recognizing the separation; and
- (h) "substantial interest" means the direct or indirect beneficial ownership of, or the power to exercise control or direction over, equity shares of any corporation that carry more than ten per cent of the voting rights attached to all outstanding equity shares of the corporation.

Indirect pecuniary interest

3.3 For the purposes of these rules a member has an indirect pecuniary interest in any matter

- (a) if the member or the member's nominee:
 - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its shares to the public,

- (ii) has a substantial interest in, or is a director or senior officer of, a corporation that offers its shares to the public, or
 - (iii) is a member of a body, whether incorporated or not, that has an interest in any matter in which the government or a board is concerned; or
- (b) if the member is a partner of or associated in a joint venture with a person, or is in the employ of a person or body, whether incorporated or not, that has an interest in any matter in which the government or a board is concerned.

Deemed pecuniary interest

3.4 The pecuniary interest of

- (a) the spouse of a member;
- (b) any son, daughter, father, mother, brother or sister of a member or the member's spouse;
- (c) the spouse of a person referred to in clause (b); and
- (d) any other person who normally resides in the same home as the member, shall be deemed to be also a pecuniary interest of the member if the member knew of that interest or the member reasonably should have known of that interest.

Conflict of interest

3.5 For the purposes of these rules a member has a conflict of interest when the member exercises an official power or performs an official duty or function in the execution of his or her office and at the same time knows that in the performance of the duty or function or in the exercise of the power there is the opportunity to further his or her private interest.

Apparent conflict of interest

3.6 For the purposes of these rules, a member has an apparent conflict of interest if there is a reasonable perception, which a reasonably well informed person could properly have, that the member's ability to exercise an official power or perform an official duty or function must have been affected by his or her private interest.

Rules do not apply

3.7 These rules do not apply to the exercise of an official power or the performance of an official duty or function that applies to electors nor do they apply to any interest in a matter that a member may have;

- (a) as an elector;

- (b) because of being entitled to receive any service, commodity or other benefit offered by the government or a board on the same conditions that apply to persons who are not members;
- (c) because of being liable to pay a fee, levy, payment or rate for a service, privilege or benefit charged by the government or a board to all individuals in respect of that service, privilege or benefit;
- (d) because of being eligible for election or appointment to fill a vacancy, office or position in a government or a board in a situation where the government or board is empowered or required by law to fill that vacancy, office or position;
- (e) because of being eligible for election or appointment, or having been elected or appointed, by a government to a board;
- (f) with respect to any allowance, honorarium, remuneration, salary or benefit to which the member is or may be entitled by reason of being a member of the government or board;
- (g) because of having paid a deposit to a government or a board, all or part of which is or may be returned to the member in the same way that such deposit is or may be returned to other electors;
- (h) solely because of being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the Nunatsiavut Government;
- (i) because the member has a pecuniary interest that is an interest in common with electors generally;
- (j) as the purchaser or owner of a debenture, bond, or other security issued by the Nunatsiavut Government; or
- (k) solely because of an interest that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member.

Conflict of interest prohibited

- 3.8** A member must not exercise an official power or perform an official duty or function if the member has a conflict of interest or an apparent conflict of interest.

Use of insider information for private interest prohibited

- 3.9** A member must not use information that is gained in the execution of his or her office and that is not available to the general public to further or seek to further the member's private interest.

Influence

- 3.10** A member must not use his or her office to seek to influence a decision, to be made by another person, to further the member's private interest.

Accepting extra benefits

- 3.11** A member must not accept a fee, payment, gift or personal benefit, except compensation authorized by the government or board that is connected directly or indirectly with the performance of his or her duties of office.

Protocol gifts

- 3.12** Rule 3.11 does not apply to a non-monetary gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

Disclosure of Protocol gifts

- 3.13** If a gift or personal benefit referred to in rule 3.12 exceeds \$250 in value, or if the total value received directly or indirectly from one source in any 12 month period exceeds \$250, the member must immediately file with the Assembly or, if the Assembly is not then sitting within 3 days of the commencement of its next meeting, a disclosure statement setting out;

- (a) the nature of the gift or benefit;
- (b) its source; and
- (c) the circumstances under which it was given and accepted.

Valuable protocol gifts

- 3.14** A member shall transfer a non-consumable gift listed on a disclosure statement to the government designated by the Assembly if the Assembly, by resolution passed during the sitting in which the disclosure statement is filed, directs the member to do so.

Carrying on business by Members of the Executive Council

- 3.15** A member of the Nunatsiavut Executive Council must not
- (a) engage in employment or in the practice of a profession;
 - (b) carry on a business; or
 - (c) hold an office or directorship other than in a social club, religious organization or political party, if any of these activities are likely to conflict with the member's public duties.

Time for compliance

- 3.16** A person who becomes a member of the Nunatsiavut Executive Council must comply with rule 3.15 within 60 days of being appointed.

Use of blind trust for purposes of compliance

- 3.17** If a member of the Nunatsiavut Executive Council complies with rule 15 by entrusting his or her business to one or more trustees
- (a) the trustees must be persons who are at arm's length with the member; and
 - (b) the trustees must not consult with the member with respect to managing the trust property.

Routine personal finances

- 3.18** For the purposes of this Part, the management of routine personal financial interests does not constitute carrying on a business.

Benefiting former members of Executive Council

- 3.19** The Nunatsiavut Executive Council, a member of the Nunatsiavut Executive Council or an employee of the Nunatsiavut Government must not knowingly;
- (a) award or approve a contract with, or grant a benefit to, a former member of the Nunatsiavut Executive Council until 12 months have expired after the date when the former member of the Nunatsiavut Executive Council ceased to hold office;
 - (b) award or approve a contract with, or grant a benefit to, a former member of the Nunatsiavut Executive Council who has, during the 12 months after the date when the former member of the Executive Council ceased to hold office, lobbied or made representations in respect of the contract or benefit; or
 - (c) award or approve a contract with, or grant a benefit to, a person on whose behalf a former member of the Nunatsiavut Executive Council has, during the 12 months after the date when the former member of the Executive Council ceased to hold office, lobbied or made representations in respect of the contract or benefit.

Procedure on conflict of interest

- 3.20** A member who has reasonable grounds to believe that he or she has a conflict of interest in a matter that is before the government or a board must, if present at a meeting considering the matter;
- (a) as soon as practicable after the commencement of the meeting disclose the general nature of the conflict of interest;

- (b) vacate the member's seat without voting or participating in the consideration of the matter and while the matter is being considered:
 - (i) in the case of a closed meeting, leave the room in which the meeting is held, and
 - (ii) in the case of a meeting that is open to the public, either leave the room in which the meeting is being held or remain in that part of the room set aside for the general public; and
- (c) refrain from attempting in any way, whether before, during or after the meeting, to influence the decision of the government or board with respect to the matter.

Interested member not present at meeting

- 3.21** If a member was not present at a meeting at which a matter in which the member has a private interest was the subject of consideration, the member must disclose the conflict of interest at the next meeting the member attends, and the provisions of rule 3.20 apply to the member in respect of the matter.

Where intent to obtain pecuniary interest

- 3.22** A member must also comply with rule 3.20 in respect of any matter in which the member intends to obtain a private interest.

Recording in minutes of declaration of interest

- 3.23** Every disclosure of a conflict of interest and the general nature thereof, and the withdrawal of the member from the meeting pursuant to rule 3.20 must be recorded in the minutes of the meeting and in the case of the Assembly, the Nunatsiavut Executive Council or a board established by the Nunatsiavut government the person responsible for making that record shall provide a certified copy to the Clerk of the Nunatsiavut Assembly.

Recording in central record of disclosure of interest

- 3.24** The Clerk of the Nunatsiavut Assembly must keep a central record of every disclosure of a conflict of interest received under rule 3.23 and distribute to all members of the Assembly each certificate received under rule 3.23.

Central record of disclosure

- 3.25** The central record of disclosure referred to in rule 3.24, shall be open to inspection by any elector without fee at all reasonable times.

Reduced quorum

- 3.26** If, because of the operation of rule 3.20, a meeting lacks a quorum to consider a matter in relation to which a declaration of conflict of interest has been made, then, despite any provision establishing the number of members that constitute a quorum, for the purpose of considering and acting on that matter, the quorum requirement is reduced by one.

Order of Speaker

- 3.27** If, despite rule 3.26, a meeting still lacks a quorum to consider a matter in relation to which a declaration of interest has been made, the government or board may apply to the Speaker for an order authorizing the government or board to consider and act on the matter and the Speaker may, by order, prescribe the terms and conditions pursuant to which the government or board may consider and act on the matter, and may direct that certain members may participate in the consideration of the matter and that certain members may not.

No Appeal from Order

- 3.28** An order under rule 3.27 is final.

Authorized participation by interested member

- 3.29** Participation in the consideration of a matter in which a member has a conflict of interest pursuant to an order of the Speaker is not a contravention of the Code of Conduct.

PART 4 ZERO TOLERANCE RULES

Prohibition

- 4.1** An Elected Official shall not consume alcohol or illegal drugs or be under the influence of alcohol or illegal drugs while conducting or discussing Nunatsiavut Government business or the business of an Inuit Community Government or an Inuit Community Corporation.

Discipline procedure for breach of zero tolerance rule

- 4.2** An alleged breach of section 4.1 shall be dealt with in accordance with Part 5 except that subsections 5.5 (c) and 5.5(d) do not apply and the alleged breach of section 4.1 must be referred by the Speaker for investigation and determination to a Discipline Committee.

Detoxification or rehabilitation programs may be ordered in addition to other penalties

- 4.3** If a Discipline Committee finds an Elected Official guilty of a breach of section 4.1 it may, in addition to a penalty imposed under clause 5.5(h)(i) or 5.5(h)(ii), order that the official undertake an alcohol or drug detoxification program or other alcohol or drug rehabilitation program, as appropriate.

PART 5 IMPLEMENTATION

Application to determine if an Elected Official is in contravention of the Code

- 5.1** An elector, Elected Official acting on behalf of an aggrieved person, or Elected Official acting on his or her own behalf may apply for a determination of whether a member has contravened the Code of Conduct.

Content of application

- 5.2** The application shall state the name of the member, the rule or rules contravened and the grounds on which it is believed that a contravention of the rule or rules may have occurred.

Time limit

- 5.3** An application shall be made within sixty days after the contravention comes to the attention of the applicant that the member may have contravened these rules.

Further time limit

- 5.4** No application may be made under rule 5.1;
- (a) in the case of a contravention of the Nunatsiavut Conflict of Interest Rules, more than two years after the date of the alleged contravention; and
 - (b) in the case of any other contravention of this Code of Conduct, more than one year after the date of the alleged contravention.

Procedure for dealing with complaints

- 5.5** An application must be submitted to the Clerk of the Nunatsiavut Assembly and shall be dealt with as follows
- (a) the Clerk shall bring the application to the attention of the Speaker and shall forward a copy to the member who must respond with 10 days;
 - (b) the Speaker shall review the application and any comments received from the member, which comments must be in writing;
 - (c) if it appears to the Speaker that the application raises concerns that are trivial, groundless, initiated simply to annoy the member or are not matters for action under this Part, or if the Speaker believes that an investigation is not warranted, the Speaker may summarily dismiss the application;
 - (d) if it appears to the Speaker that the complaint may be resolved, and if the applicant and the member consent, the Speaker may attempt to mediate and resolve the complaint;

- (e) an application that is not either summarily dismissed under subsection (c) or resolved under subsection (d) shall be referred by the Speaker for investigation and determination to an *ad hoc* Discipline Committee of the Nunatsiavut Assembly comprised of the Speaker and two other members of the Assembly appointed by the Speaker;
- (f) the Discipline Committee must:
 - (i) review the application and all responses received from the member and the applicant,
 - (ii) ensure that a copy of the member's response is sent to the Applicant who may present further information and arguments after reading the member's response, and
 - (iii) give a further opportunity to the member to respond to anything the applicant may say;
- (g) when all the responses have been received, the Discipline Committee must consider both the application and the responses, may make further inquiries and conduct formal hearings, and on the basis of the information before it make one of the following decisions:
 - (i) the information disclosed does not support a finding of misconduct,
 - (ii) the information discloses conduct meriting counseling as to proper conduct in accordance with the Code of Conduct, or cautioning, or both, or
 - (iii) the information disclosed by the investigation supports a finding of misconduct;
- (h) if the Discipline Committee finds a member guilty of misconduct, it must impose one of the following penalties:
 - (i) a reprimand, or
 - (ii) a suspension from office without pay; or
 - (iii) a recommendation for removal from office, and
 - (iv) in addition to a penalty under clause (i), (ii) or (iii), where the misconduct is a contravention of the Nunatsiavut Conflict of Interest Rules, disqualify the member from being a member of a government or a board for a period of not more than ten years, and
 - (v) where the contravention of the Nunatsiavut Conflict of Interest Rules has resulted in personal financial gain, order the member to make restitution

and for that purpose may, by order, attach any amount payable to the member by a government or board;

- (i) a recommendation for removal from office under subsection (h) is binding and shall be made to and dealt with expeditiously by the government, board or person having the necessary authority to implement the recommendation;
- (j) a decision of the Speaker under subsection (c), (d) or (e) is final, binding, and not subject to appeal or review and must be given in writing to the applicant, the member and the Clerk of the Nunatsiavut Assembly; and
- (k) a decision of a Discipline Committee under subsection (g) or (h) is final, binding, and not subject to appeal or review and must be given in writing to the applicant, the member and the Clerk of the Nunatsiavut Assembly.

Disqualification to fill forfeited office

- 5.6** A member removed from office under section 5.5 shall not be qualified to fill the vacancy so created.

Application to determine if the Speaker is in contravention

- 5.7** An application under this Part in respect of conduct by the Speaker shall be referred by the Clerk to the Deputy Speaker for a determination of whether the Speaker has contravened the Code of Conduct and the Deputy Speaker shall perform the functions and duties of the Speaker under section 5.5 and for that purpose all references to the Speaker in section 5.5 shall be read as referring to the Deputy Speaker.

Application for restitution

- 5.8** Despite anything in this Code of Conduct, if any person, whether or not the person is or was a member, has realized financial gain in a transaction to which a violation of this Code relates, any other person affected by the financial gain, including a government or board, may apply to a court of competent jurisdiction for an order of restitution against the person who has realized the financial gain.

Record of Decisions

- 5.9** The Clerk must maintain a central record of all applications under this Part and the final disposition of all applications, and the record shall be open to inspection by the public without payment of a fee.

Publication of Decisions

- 5.10** Whenever a Discipline Committee imposes a penalty on a member under subsection 5.5(h), the clerk must issue a public notice announcing the nature of the complaint and the decision of the committee.