

N-2

**NUNATSIAVUT ASSEMBLY ACT
(CIL N-2 23-10-2020)**

ORIGINAL ENACTMENT IL 2005-09

AMENDED IL 2009-07
AMENDED IL 2008-02
AMENDED IL 2010-06
AMENDED IL 2011-06
AMENDED IL 2018-05
AMENDED IL 2020-03

**AN INUIT LAW TO ESTABLISH THE NUNATSIAVUT ASSEMBLY, DEFINE THE
POWERS AND PRIVILEGES OF THE NUNATSIAVUT ASSEMBLY AND TO
PROVIDE FOR RULES AND PROCEDURES TO GOVERN THE CONDUCT OF THE
BUSINESS OF THE NUNATSIAVUT ASSEMBLY**

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Whereas it is desirable to establish and define the powers and privileges of the Nunatsiavut Assembly and to set out the rules and procedures that will govern the conduct of its business pursuant to the Labrador Inuit Constitution.

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

Short title

1. This Act may be cited as the *Nunatsiavut Assembly Act*.

PART 1 DEFINITIONS AND INTERPRETATION

- 2 (1) In this Act:

“Act” means a Bill which has been approved by the Assembly and assented to by the President, which becomes an Inuit Law when recorded in the Registry of laws;

“Adjournment” means the termination of a daily sitting by the Speaker

“Dissolution” means the termination of an Assembly by order of the President.

“Bill” means a legislative proposal before the Assembly;

“AngajukKâk” means the chief executive officer and mayor of an Inuit Community Government who is *ex officio* a member of the Nunatsiavut Assembly under subsection 4.1.2 (b) of the Constitution; (IL 2011-06)

“Assembly” means the Nunatsiavut Assembly constituted in terms of Chapter 4 of the Constitution;

“Chairperson” means the executive officer of an Inuit Community Corporation referred to as the “Chair” in Part 11.3 of the Constitution who is an *ex officio* a member of the Nunatsiavut Assembly under subsection 4.1.2 (c) and section 11.2.1 of the Constitution; (IL 2011-06)

"Clerk" means the Clerk of the Nunatsiavut Assembly appointed under part 12 of this Act;

"Committee" means a standing or special committee of the Assembly;

“Constitution” means the Labrador Inuit Constitution;

"Effective Date" means the date on which the Labrador Inuit Land Claims Agreement and the Constitution come into effect;

"Executive Council" means the Nunatsiavut Executive Council appointed by the President in terms of Chapter 5 of the Constitution;

"First Minister" means the First Minister of Nunatsiavut appointed by the President pursuant to Part 3.2.6 of the Constitution;

"Member" means a member of the Assembly and includes the President; (IL 2011-06)

"Members' Services Committee" means a Standing Committee established pursuant to section 78 of this Act with responsibility for matters having to do with the internal affairs, finances and management practices of the Assembly;

"Ordinary Member" means a Member who is elected to represent a constituency referred to in section 4.2.1 of the Constitution but does not include an AngajukKâk or a Chairperson; (IL 2011-06) (IL 2018-05)

"President" means the President of Nunatsiavut and unless the context otherwise requires, includes the transitional President under Schedule 14-A of the Constitution and includes any person acting as President in terms of part 3.6 of the Constitution;

"Prorogation" means the termination of a Session by the President.

"Recess" means a temporary suspension of sittings within a Term or at the end of a Term;

"Resolution" means a formal statement approved by the Assembly which recognizes, affirms or introduces a point of principle or an indication of intent but which lacks the force of law;

"Session" means an annual convening of the Assembly that:
(a) is summoned and prorogued by the President; and
(b) is comprised of two or more separate Sittings; (IL 2011-06)

"Sitting" means a meeting of the Assembly that:
(a) is held during, and as a part of, a Session; and
(b) continues for a period of one or more days; (IL 2011-06)

"Speaker" means the Speaker of the Nunatsiavut Assembly provided for under Part 4 of this Act and includes an Ordinary Member of the Assembly other than the Speaker who performs the duties and exercises the authority of speaker; (IL 2018-05)

"Standing Orders" means the standing orders and rules of procedure of the Nunatsiavut Assembly established pursuant to section 84 of this Act and includes the continuing consolidation thereof; (IL 2011-06)

"Treasurer" means the Treasurer of Nunatsiavut appointed by the President pursuant to subsection 5.1.1 (c) of the Constitution.

2(2) In this Act and the Standing Orders: (IL 2011-06)

- (a) words importing female persons include male persons and words importing male persons include female persons;
- (b) words in the singular include the plural, and words in the plural include the singular;
- (c) where a word is defined, other parts of speech and grammatical forms of the word have corresponding meanings;
- (d) the expressions “shall” and “must” are to be understood as imperative and the expression “may” as permissive; and
- (e) headings and marginal headings are for ease of reference and are not to be used for purposes of interpreting this Act or the Standing Orders. (IL 2018-05)

PART 2 NUNATSIAVUT ASSEMBLY ELECTED PURSUANT TO THE CONSTITUTION

- 3. The Nunatsiavut Assembly shall consist of 17 Members. (IL 2009-07) (IL 2018-05)
- 4. The date of the first election of the Ordinary Members of the Assembly shall be set by order of the President but must be held no later than the first anniversary of the Effective Date. (IL 2018-05)
- 5. The President must give at least 28 days notice of the date of the first election of the Ordinary Members of the Assembly. (IL 2018-05)
- 6. For purposes of the first election of the Ordinary Members of the Assembly there shall be 7 constituencies as follows:
 - (a) Nain, consisting of Inuit resident in the region of Nain;
 - (b) Hopedale, consisting of Inuit resident in the region of Hopedale;
 - (c) Makkovik, consisting of Inuit resident in the region of Makkovik;
 - (d) Postville, consisting of Inuit resident in the region of Postville;
 - (e) Rigolet, consisting of Inuit resident in the region of Rigolet;
 - (f) Upper Lake Melville, consisting of Inuit resident in the communities of Happy Valley - Goose Bay, North West River and Mud Lake; and
 - (g) Canada, consisting of all Inuit resident in places in Canada other than the constituencies enumerated in subsections (a) through (f). (IL 2018-05)

One Ordinary Member to Represent Each Constituency

- 7. Except as provided in section 8, one member of the Assembly shall be returned for each constituency under the simple plurality system at an election held in or for each constituency.

Additional Representation for Nain and Upper Lake Melville

8. The Nain constituency, the Upper Lake Melville constituency, and the Canadian constituency shall each be represented by 2 Ordinary Members of the Nunatsiavut Assembly. (IL 2009-07) (IL 2018-05)

Representatives of the Inuit Community Governments and Inuit Community Corporations

9. The AngajukKât of each Inuit Community Government and each Chairperson shall be members of the Assembly subject to the provisions of Chapter 4 of the Constitution. (IL 2009-07) (IL 2011-06)
10. This section is intentionally blank. (IL 2011-06)
11. This section is intentionally blank. (IL 2011-06)

PART 3 QUALIFICATIONS FOR OFFICE, LOSS OF OFFICE AND FILLING OF VACANCIES

Ordinary Members of the Nunatsiavut Assembly

12. Only Inuit who are qualified in terms of part 4.3 of the Constitution may be members of the Assembly.

Oath of Office

13. Before a member of the Assembly begins to perform the member's functions in the Assembly, the member must make an oath or solemn affirmation, administered by the President, as follows:

“In the presence of everyone assembled here, and in full realization of the high calling I assume as a member of the Nunatsiavut Assembly and that the powers entrusted to me are for the benefit of all Labrador Inuit I, A. B., swear [or in the case of an affirmation: solemnly affirm] that I will be faithful to the Inuit and to Nunatsiavut and will obey, respect and uphold the Labrador Inuit Constitution and all Inuit laws; and I solemnly promise to fulfill my responsibilities as a leader and to perform my functions as a member of the Nunatsiavut Assembly to the best of my ability. [And, in the case of an oath: So help me God.]”

Loss of Membership in Assembly

14. A Member loses membership in the Assembly if he or she:
 - (a) ceases to be eligible under the Constitution,
 - (b) in the case of an AngajukKâk or Chairperson of an Inuit Community Corporation, ceases to hold the office that entitles him or her to membership in the Assembly,
 - (c) resigns,
 - (d) dies,

- (e) is removed from office under section 4.3.7 of the Constitution,
- (f) is absent from the Assembly in circumstances for which the Standing Orders prescribe loss of membership,
- (g) is, or becomes, a Senator, a Member of Parliament or a Member of a Provincial legislature,
- (h) is convicted of a crime, either in Nunatsiavut or elsewhere, but no person may be regarded as having been convicted of a crime until an appeal against the conviction has been determined or until the time for any appeal has expired. (IL 2018-05)

Resignation from Assembly

15. A Member may resign his or her seat as a member of the Assembly:
 - (a) by declaring openly in the Member's place in the Assembly during its proceedings that the Member resigns his or her seat as a Member, or
 - (b) by delivering a letter of resignation to the Speaker signed by the Member and attested to by two witnesses. (IL 2018-05)

16. A resignation takes effect immediately and cannot be reconsidered or retracted.

Removal from Office

17. A member of the Nunatsiavut Assembly may be removed from office by a Resolution of the Nunatsiavut Assembly adopted with a supporting vote of at least 60% of its Members only on the grounds of:
 - (a) a serious violation of the Labrador Inuit Constitution or Inuit law;
 - (b) becoming unable to perform the functions of office; or
 - (c) unethical or immoral behaviour, including a serious breach of any code of conduct, including a code of ethics and conflict of interest guidelines, that may be established by the Assembly for its Members. (IL 2018-05)
18. The validity of any proceeding of the Nunatsiavut Assembly is not affected by any vacancy in its membership.

Filling of Vacancies

19. Vacancies in the Assembly occurring after the first election of Ordinary Members must be filled in terms of the electoral law to be established pursuant to section 30 of the *Nunatsiavut Transitional Assembly Act* or failing such law an order of the Executive Council. (IL 2018-05)

Normal Duration of Assembly

20. The Nunatsiavut Assembly is elected for a period of 4 years.

Extraordinary Dissolution of Nunatsiavut Assembly

21. An Assembly may be dissolved before the full expiry of its four years if:
- (a) the Assembly resolves that it should be dissolved and if the Resolution is passed with at least 2/3 of the total number of seats voting in favour of Dissolution; or
 - (b) the President has removed the First Minister from office and the Nunatsiavut Assembly has been unable for a period of 28 days to nominate one of its Ordinary Members for appointment as First Minister. (IL 2018-05)

PART 4 SPEAKER OF THE NUNATSIAVUT ASSEMBLY

22. There shall be a presiding officer of the Nunatsiavut Assembly to be known as the Speaker of the Nunatsiavut Assembly.

Deputy Speaker

23. When the Speaker of the Nunatsiavut Assembly is absent or is unable to act or when the office of the Speaker of the Nunatsiavut Assembly is vacant, the functions of the Speaker of the Nunatsiavut Assembly may be performed by a deputy speaker appointed by the Speaker of the Nunatsiavut Assembly from among the Ordinary Members of the Nunatsiavut Assembly. (IL 2018-05)

Functions of the Speaker

24. The Speaker shall represent and speak for the Nunatsiavut Assembly, preside over the debates of the Nunatsiavut Assembly, enforce observance of the Standing Orders, control the accommodations and services of the premises and precincts occupied by the Nunatsiavut Assembly, and perform such other functions and exercise such other powers as the Nunatsiavut Assembly may prescribe. (IL 2011-06)

Election of Speaker

25. The Speaker of the Nunatsiavut Assembly shall be an Ordinary Member of the Nunatsiavut Assembly elected by the Assembly on nomination of the President of Nunatsiavut. (IL 2018-05)
26. The Assembly at its first sitting after each general election shall, as soon as possible and in accordance with the Standing Orders, elect one of its Ordinary Members as Speaker of the Nunatsiavut Assembly. (IL 2011-06) (IL 2018-05)

Oath of Office

27. The Speaker shall take office immediately after swearing or affirming the Speaker's oath of office as follows:

In the presence of the members of the Nunatsiavut Assembly, and in full realization of the responsibilities that have been entrusted to me by the members of the Nunatsiavut Assembly I, _____, swear/solemnly affirm that I will obey, observe, uphold and maintain the rights and privileges of the Nunatsiavut Assembly and the Standing Orders of the Nunatsiavut Assembly; and I solemnly and sincerely promise:

- to represent and speak for the Nunatsiavut Assembly with integrity and honour, to preside over the business of the Nunatsiavut Assembly and enforce the rules and procedures of the Assembly with independence, fairness, impartiality, patience and understanding, and
- to promote the efficient operation of the Nunatsiavut Assembly and prevent the obstruction or frustration of the Assembly in the conduct of its business. (In the case of an oath: So help me God.) (IL 2011-06)

28. The person who is Speaker at the time of the dissolution of the Assembly continues to hold office as the Speaker until the election of a new speaker following a general election.

Powers Reserved to the President

29. Nothing in this Part affects the power and responsibility of the President for opening each Session of the Nunatsiavut Assembly, delivering the speech that outlines the legislative program for that Session of the Assembly; presiding over the proceedings of the Assembly for purposes of opening ceremonies, the swearing of the oaths of office of the members of the Nunatsiavut Assembly, the election of the Speaker of the Nunatsiavut Assembly, and the administration of the oath of office of the Speaker of the Nunatsiavut Assembly or any of the powers and functions referred to in sections 4.15.1, 4.15.3 and 4.15.5 of the Constitution. (IL 2018-05)

PART 5 ASSEMBLIES, SESSIONS, TERMS AND SITTINGS

30. Each Assembly must be numbered consecutively with the Nunatsiavut Transitional Assembly being designated the Transitional Assembly and the first Assembly elected in terms of the Constitution being the First Assembly.
31. The President must summon and convene the Assembly annually and each annual Session of the Assembly shall be identified by the year in which the Session occurs.
32. During each Session the President shall convene a spring Sitting and a fall Sitting and may convene the Assembly more often if the President deems it necessary or desirable to do so. (IL 2011-06)
33. A spring Sitting must be convened between January 15 and June 30, and a fall Sitting must be convened between September 8 and December 15. (IL 2011-06)
34. In a year in which a general election is held the President must, during the period from January 15 to June 30, convene a Sitting of the outgoing Assembly prior to the election and a Sitting of the next Assembly following the election. (IL 2011-06) (IL 2018-05)

35. The President shall, by order, convene the first Session of the Assembly following a general election no later than two weeks after the date of the election. (IL 2011-06)
36. A Sitting may last for one day or for two or more consecutive days. (IL 2011-06).
37. The Assembly may agree to a recess within a Sitting or a Session without ending the Sitting or the Session, as the case may be. (IL 2011-06)
38. The Assembly may by majority Resolution, Adjourn a sitting at any time. (IL 2018-05)
39. Unfinished business on the agenda of the Assembly at the end of a Session may be carried over to the next session of the same Assembly but unfinished business of an Assembly dies upon dissolution of the Assembly and, if so desired, must be reintroduced in the next Assembly. (IL 2018-05)
40. (1) Other than the Members required for a quorum for a Sitting of the Assembly under section 41, all other Members must attend Sittings of the Assembly either in person or, if approved by the Speaker in exceptional circumstances, by the electronic means as specified and permitted in Standing Orders made in accordance with section 84. (IL 2020-03)

(2) A Member of a Committee may participate in a meeting of the Committee by means of telephone or other communication facilities that permit all members participating in the meeting to hear each other and a member of a Committee participating in a meeting by those means is deemed for all purposes to be present at that meeting. (IL 2020-03)
41. At a Sitting of the Assembly a quorum shall be six Ordinary Members of the Assembly and the President unless otherwise required by subsection 4.15.1(a) of the Constitution. (IL 20018-05)

PART 6 POWERS, PRIVILEGES AND IMMUNITIES

Jurisdiction of the Assembly

42. The Assembly has exclusive jurisdiction, subject to the Constitution and this Act in respect of
 - (a) the conduct of the internal proceedings of the Assembly and its Committees,
 - (b) the conduct of its internal budgetary and financial affairs, and
 - (c) the enactment of Inuit Laws in relation to matters within the jurisdiction of the Nunatsiavut Government under the Labrador Inuit Land Claims Agreement.

Privileges, immunities and powers generally

43. In addition to the privileges, immunities and powers conferred by this Act but subject to the Labrador Inuit Land Claims Agreement and the Constitution, the Assembly and its Members, and the Committees of the Assembly and their Members, have all privileges, immunities and powers necessary for purposes of section 42 and for the Assembly's capacity to function as an effective parliamentary institution.

44. Without restricting the generality of section 43:
- (a) the President, the members of the Nunatsiavut Executive Council, the members of the Nunatsiavut Assembly and the members of Committees have freedom of speech in the Assembly and in its Committees, subject to the Standing Orders of the Assembly; (IL 2011-06)
 - (b) the President, the members of the Nunatsiavut Executive Council, the members of the Nunatsiavut Assembly and the members of Committees have immunity from legal proceedings for things said in debate;
 - (c) the Assembly and Committees have the power to exclude strangers, disruptive and dangerous persons from the precincts of the Assembly; and
 - (d) the Assembly has exclusive control of publication of its debates and proceedings.

Immunity from damages

45. Without restricting the generality of sections 43 and 44, a member of the Nunatsiavut Assembly shall not be liable to a civil action or prosecution, in damages, imprisonment or otherwise because of a matter brought by that Member by petition, Bill, Resolution, motion or otherwise before the Assembly or a Committee, for anything said by that Member before the Assembly or a Committee, or for any act done under authority of the Assembly and within its legal power, or under a warrant issued under that authority. (IL 2018-05)
46. No person is liable in damages or otherwise for any act done
- (a) under the authority of the Assembly and within its powers, or
 - (b) under an order or warrant issued under the authority of the Assembly.
47. Upon an inquiry in relation to the privileges, immunities or powers of the Assembly, or a Committee or member of the Assembly, a copy of the minutes and journals of the Assembly printed by order of the Assembly, shall be, in the absence of evidence to the contrary, admitted as evidence of those minutes and journals, without proof being given that the copy was so printed.

Examination of witnesses

48. The Assembly or a Committee may require that facts and matters relating to the subject of an inquiry before the Assembly or the Committee be ascertained by the oral examination of witnesses, and may examine those witnesses upon oath or affirmation, and for that purpose the Speaker, or the chairperson of the Committee, may administer an oath or affirmation in the following form to a witness:

"The evidence I shall give to the Nunatsiavut Assembly (or Committee) respecting (stating here the matter then under consideration) shall be the truth, the whole truth, and nothing but the truth. So help me God." (or; "I do solemnly affirm.....").

Affidavit or declaration

49. The Assembly or a Committee may require that facts, matters and things relating to the subject of an inquiry before the Assembly or the Committee be ascertained by written submission supported by a declaration or affidavit instead of by oral examination and for that purpose the declaration or affidavit may be made before and taken by the Speaker, Clerk, a Commissioner of Oaths, a Justice of the Peace, or a notary public.

False testimony

50. A person examined before the Assembly or a Committee, who willfully gives false testimony on a question material to a fact, matters or thing relating to the subject of an inquiry before the Assembly or the Committee, is guilty of contempt of the Assembly and is subject to the penalties under this Act.

Attendance of witness and production of documents

51. The Speaker or the Chair of a Committee may order and compel the attendance before the Assembly or before a Committee, of a person and require the production of documents that the Assembly considers necessary for its proceedings or deliberations or that the Committee considers necessary for its proceedings or deliberations with the following exceptions:
- (a) the Assembly or a Committee may not compel as a witnesses persons or documents that are not subject to the jurisdiction of the Nunatsiavut Government;
 - (b) the Assembly or a Committee may not compel as a witness a judge of any court; and
 - (c) the Assembly or a Committee may not compel as a witnesses a member of an independent commission, board or tribunal on any matter relating to the discharge by that person of their functions with respect to the commission, board or tribunal.
52. An order under section 51 may command the aid and assistance of a peace officer or any other person.
53. A person who is served a summons or order under section 51 who neglects or refuses to attend, or to produce the stipulated papers and things before the Assembly or Committee, is guilty of contempt of the Assembly and is subject to the penalties under this Act but a person shall not be liable to produce a paper or document which he or she would not be compelled to produce in a court of justice or from the production of which he or she may be privileged by law.

Breaches of privilege and Instances of contempt of the Assembly

54. The Assembly may inquire into, adjudicate and punish breaches of the privileges of the Assembly and instances of contempt of the Assembly.

55. Without restricting the generality of section 54 the following acts by Inuit or Members constitute breaches of privilege or instances of contempt of the Assembly to which that section applies and are prohibited:
- (a) an assault, insult or libel on a member during a sitting of the Assembly or a Committee;
 - (b) obstructing, threatening, or attempting to force or intimidate a Member in any matter relating to the Member's office;
 - (c) the refusal or failure of an officer of the Assembly, or other person, to obey a rule or resolution of the Assembly or an order of the Speaker, Deputy Speaker or Committee chair.
 - (d) the asking by, offering to, or acceptance by, a Member of
 - (i) a bribe or
 - (ii) a fee or reward, including an appointment to a position or office other than an appointment to the Executive Council by the President pursuant to section 5.5.1 and 5.5.2 of the Constitution,in respect of the Member's conduct as a Member including drafting, advising on, revising, promoting, supporting or opposing any Bill, Resolution, petition or other matter submitted to, or intended to be submitted to, the Assembly or a Committee;
 - (e) assaults upon, or interference with, the Speaker, Deputy Speaker, chairperson of a Committee or other Member appointed by the Assembly to an office of the Assembly, or with an officer or employee of the Assembly in the execution of the person's duties;
 - (f) tampering with a witness in respect of evidence to be given by the witness to the Assembly or a Committee, or directly or indirectly trying to deter or hinder a person from appearing or giving evidence;
 - (g) presenting to the Assembly or to a Committee a forged or falsified document with intent to deceive the Assembly or Committee;
 - (h) forging, falsifying or unlawfully altering a record of the Assembly or of a Committee, or a document or petition presented or filed or intended to be presented or filed before the Assembly or a Committee, or the setting or subscribing by a person of the name of another person to a document or petition with intent to deceive;
 - (i) disobedience to a warrant requiring the attendance of a witness before the Assembly or a Committee, refusal or neglect to obey a warrant issued pursuant to this Act, or failure or refusal to give aid and assistance when it is commanded under this Act;

- (j) taking any civil proceeding against, or causing or effecting the arrest or imprisonment of a Member in any civil proceeding, for or by reason of any matter or thing brought by the Member by petition, Bill, Resolution, motion or otherwise, or anything said by the member, before the Assembly or a Committee; and
- (k) behaviour in contravention of this Act or the failure to obey an order of the Speaker, Deputy Speaker or Committee chair. (IL 2018-05)

Penalties

- 56. Every person who is found by the Assembly to have committed a breach of privilege or an instance of contempt of the Assembly under sections 50-55, inclusive, in addition to any other penalty or punishment to which the person may be subject by law, is liable to:
 - (a) a penalty in an amount, not exceeding \$ 2,000.00, determined by Resolution of the Assembly and by order of the Speaker; and
 - (b) in the case of a Member, the suspension of the Member's right to sit and vote in the Assembly or a Committee permanently, indefinitely, for a stated period or until the fulfillment of a condition in the order. (IL 2018-05)

Proceedings

- 57. The imposition of a penalty under section 56 is final.

Reports to the Nunatsiavut Assembly

- 58. Each member of the Nunatsiavut Executive Council who is the head of a department of the Nunatsiavut Government shall, as soon as practicable after the end of each fiscal year, prepare a general report summarizing the transactions and affairs of that department in that year and lay the report before the Assembly if it is then Sitting or, if it is not then Sitting, within 3 days after the commencement of the next Sitting. (IL 2018-05)
- 59. Where a report or other document that a member of the Executive Council or an officer of the Assembly is required to submit to the Assembly is submitted to the Speaker or Clerk when the Assembly is not Sitting, the Speaker or the Clerk shall provide a copy to each Member and make it available for inspection by the public immediately after the report or other document is submitted. (IL 20018-05)
- 60. A report or other document is considered to have been tabled before the Assembly when it is submitted to the Speaker or Clerk.

PART 7 LEGISLATIVE PROCESS

- 61. When a Bill is passed by the Assembly, the Clerk shall
 - (a) endorse the first page of the official copy of the Bill and enter the date on which the Assembly passed the Bill,
 - (b) initial each of the other pages of the Bill and

- (c) deliver the Bill so endorsed and initialed to the President.
- 62. The President must assent to a Bill passed by the Assembly or reserve the Bill in terms of section 4.19.1 of the Constitution.
- 63. When the President assents to a Bill the President must date and sign the Bill under the Nunatsiavut Seal and deliver the Bill for registration. (IL 2018-05)
- 64. A Bill becomes an Act of the Assembly when the President assents to the Bill.
- 65. The Act takes effect as an Inuit law immediately when it is entered in the Registry of Inuit Laws unless the Act itself states that it comes into effect at some other time.
- 66. If a Bill is reserved by the President in terms of part 4.19 of the Constitution the President shall state the reasons for the reservation and the Clerk shall endorse the official copy of the Bill and indicate on the official copy the following:
 - (a) the date on which it was so reserved,
 - (b) the reasons stated by the President as to why it was reserved, and
 - (c) whether the Bill stands referred to the Assembly for reconsideration or referred to the Inuit Court for a judicial opinion.
- 67. If a Bill is reserved and referred back to the Assembly for reconsideration the First Minister must propose such amendments to the Bill as, in the opinion of the Nunatsiavut Executive Council, will make the Bill constitutional and the Bill, including the proposed amendments will then be debated as if the Bill were in second reading.
- 68. If a Bill that is reserved and referred to the Inuit Court is judged unconstitutional by the Court, the Clerk shall endorse the official copy of the Bill and indicate on the official copy the following:
 - (a) the date of the judicial decision,
 - (b) that it has been rejected by the Inuit Court as unconstitutional, and
 - (c) the citation or proper reference to the decision. (IL 2018-05)
- 69. If a Bill that is reserved and referred to the Inuit Court is judged to be constitutional by the Court the Clerk shall endorse the official copy of the Bill and indicate on the official copy the following:
 - (a) the date of the judicial decision,
 - (b) that it has been declared by the Inuit Court to be constitutional, and
 - (c) the citation or proper reference to the decision,

and the Clerk shall return the official copy of the Bill to the President for assent in accordance with section 64. (IL 2018-05)

70. An official copy of all Bills passed by the Assembly, including those that are rejected as unconstitutional, shall be kept by the Clerk for reference by the Assembly.

PART 8 COMMITTEES

71. At the commencement of the first Session of each Assembly the Speaker shall name the members of the Standing Committees of the Assembly on the recommendation of the Assembly.
72. The membership of a Standing Committee shall continue from Session to Session for the duration of an Assembly but shall be subject to such changes in membership as recommended by the Assembly from time to time.
73. Notwithstanding Sections 71 and 72, the Assembly may from time to time establish Special Committees which unless provided otherwise by the Assembly shall have the same powers as Standing Committees.
74. Unless provided otherwise by the Assembly, Committees may meet even if the Assembly is not Sitting, is in recess or is prorogued. (IL 2018-05)
75. A Committee is empowered to examine and enquire into all such matters as may be referred to it by the Assembly, and to report back to the Assembly from time to time.
76. Except when the Assembly otherwise orders, a Committee is empowered to compel witnesses and to require the production of documents pursuant to Section 51.
77. Meetings of Committees when the Assembly is not Sitting may be held anywhere the Committee deems appropriate. (IL 2018-05)

Members' Services Committee

78. There shall be a Standing Committee of the Assembly named the Members' Services Committee which shall, unless the Standing Orders state otherwise, comprise all those Ordinary Members of the Assembly who are not members of the Executive Council and which shall be chaired by the Speaker. (IL 2011-06)
79. The Members' Services Committee shall, in consultation with the Clerk and Assembly staff, prepare an annual budget detailing the estimated costs and expenses of the Assembly for the coming fiscal year.
80. Notwithstanding Section 79, before tabling the budget in the Assembly the Members' Services Committee shall:
- (a) give at least 10 days notice to the Inuit public of all amounts proposed for recommendation under Part 11;
 - (b) consider any submissions that may be received from the Inuit public with respect to the amounts proposed for recommendation under Part 11; and

- (c) incorporate the expenditure estimates under Part 11 into the annual budget for the Assembly.
- 81. The Members' Services Committee shall, after completing the requirements under Section 80, table its consolidated budget recommendations for the approval of the Assembly.
- 82. After taking into account the comments and suggestions of the Members of the Assembly, the Members' Services Committee shall prepare the final consolidated estimates and transmit them to the Treasurer for inclusion in the consolidated financial plan for that fiscal year.
- 83. The Chair of the Members' Services Committee may make orders:
 - (a) respecting the management of records in the custody or under the control of the Clerk that have not been otherwise provided for under the Standing Orders and Procedures or an Act; and
 - (b) in relation to any other matter related to services required by the members of the Assembly in the performance of their functions.

PART 9 STANDING ORDERS AND RULES OF PROCEDURE OF THE ASSEMBLY

- 84(1) In addition to the provisions of this Act respecting the government and procedures of the Assembly, the Assembly may, by motion, establish, amend and repeal standing orders and rules of procedure for its government, the attendance of its Members, the conduct of its business, and for limiting the length of time that Members may speak. (IL 2011-06)
- 84 (1.1) Despite subsection (1) the Assembly must not establish any Standing Order or group of Standing Orders concerning the attendance of Members at Assembly sittings by electronic means unless such Standing Order or group of Standing Orders;
 - (a) is clearly stated to be established with respect to a specific public health emergency that is recognized by public health authorities in the province of Newfoundland and Labrador; and
 - (b) has effect for a duration of not more than 18 months. (IL 2020-03)
- 84(2) A motion to make, amend or repeal a Standing Order under subsection 84(1) must be approved by a vote of 50% plus 1 of the Members present and voting in favour thereof. (IL 2011-06)
- 85(1) The Clerk shall, under the supervision of the Speaker;
 - (a) maintain a copy of all motions approved under section 84 of this Act;
 - (b) compile, and at all times maintain, a continuing consolidation of the Standing Orders;

- (c) ensure that the Standing Orders are available at each Sitting of the Assembly;
 - (d) distribute or otherwise make available copies of the Standing Orders to each Member; and
 - (e) upon request and payment of a copy fee, as set from time to time by the Speaker, supply copies of the Standing Orders to the members of the public. (IL 2011-06) (IL 20018-05)
- 85(2) A copy of a consolidation of the Standing Orders that is certified by the Speaker to be a true copy of the Standing Orders shall be relied on a correct statement of the Standing Orders current as of the date on which the consolidation was certified.
86. This section is intentionally blank. (IL 2011-06)(IL 2018-05).

PART 10 STAFF OF THE ASSEMBLY

87. The office of Clerk of the Nunatsiavut Assembly is hereby established.
88. The Clerk is an officer of the Assembly.
89. The Clerk is responsible to the Assembly through the Speaker.
90. The Clerk has the following responsibilities:
- (a) to advise the Speaker on the Standing Orders and their interpretation; (IL 2011-06)
 - (b) to advise Members on questions of procedure and interpretation of the rules,
 - (c) to assist Members in drafting notices, motions and Resolutions,
 - (d) to coordinate the development and drafting of legislation as directed by the Speaker,
 - (e) to certify to the President that a Bill submitted for assent is a true copy of the Bill as enacted by the Assembly,
 - (f) to maintain the Registry of Inuit Laws and perform the other functions assigned to the Clerk under the Registry of Laws Act,
 - (g) in consultation with the Speaker, to oversee the preparation and timely distribution of agendas and notices of meetings,
 - (h) to coordinate the preparation and safe keeping of minute books, records of votes and proceedings and other records of the business of the Assembly and its Committees including records of all motions introduced, votes taken and Bills and Resolutions adopted or defeated,
 - (i) to provide public access to the records of public meetings of the Assembly and its Committees,

- (j) to coordinate with the Speaker and the Nunatsiavut Executive Council as required to ensure that the precincts of the Assembly and the other facilities and physical amenities required by the Assembly and its Committees are adequately provided and maintained,
 - (k) to advise the Assembly on the need for additional staff and to supervise the staff of the Assembly, and
 - (l) to carry out any other functions assigned by the Assembly. (IL 2018-05)
91. The Standing Orders may:
- (a) identify additional officers and staff positions necessary for the effective and efficient running of the Assembly,
 - (b) enumerate the duties and responsibilities of each identified officer and staff position, and
 - (c) set remuneration and working hours for each officer and staff position identified. (IL 2011-06)
92. Despite any other Act, the Assembly by Resolution may:
- (a) require that the appointment of any officer of the Assembly is to be made by the Assembly instead of being made under the *Nunatsiavut Civil service Act*,
 - (b) confer or impose any power or duty on an appointed officer of the Assembly, or
 - (c) dismiss, or suspend the appointment of, any officer or employee of the Assembly.

PART 11 MEMBERS' SALARIES, ALLOWANCES, EXPENSES AND BENEFITS

Members' salaries and expense allowances

93. There shall be paid to each Member of the Assembly:
- (a) a salary at the rate per year prescribed by the Members' Services Committee under section 82 and approved by the Assembly in terms of section 8.8.3 of the Constitution, and
 - (b) an expense allowance at the rate prescribed by the Members' Services Committee under section 82 and approved by the Assembly in terms of section 8.8.3 of the Constitution.
94. The allowance referred to in clause 93 (b) is provided to each Member to pay for expenses of that Member incident to the discharge of the Member's duties as a member.
95. The salaries and allowances under section 93 shall be paid in monthly amounts of not more than 1/12 of the rate of the yearly amounts.

Deductions from allowances

96. Deductions shall be made from both the salary and the expense allowance of a Member of the Assembly for each Sitting day during a Session on which the Member did not either take the Member's seat in the Assembly or attend in person a meeting of a Committee unless the non-attendance was a result of:
- (a) illness or injury,
 - (b) bereavement,
 - (c) official business of the Assembly or the Committee, or
 - (d) weather conditions preventing travel. (IL 2018-05)
97. The daily deduction rate under section 96 shall be the annual salary plus expense allowance divided by 132, unless the Members' Services Committee prescribes a greater rate.

Allowance for temporary residence in the legislative capital

98. Subject to sections 99 and 100, where it is reasonably necessary for a Member of the Assembly to live in a temporary residence in or near the legislative capital for the purpose of carrying out the Member's duties as a Member of the Assembly, the Member may claim and be paid an allowance at the rate prescribed by the Members' Services Committee for each day of a sitting of the Assembly or a Committee during which the Member was a Member of the Assembly and maintained that residence.
99. A Member is not entitled to receive a payment pursuant to section 98 in respect of any day in respect of which a deduction is made from the Member's salary and allowance under section 96.
100. A Member is not entitled to receive payments under section 98 in respect of more than the maximum number of days prescribed by the Members' Services Committee for any Session.

Allowances and expenses for Committee work

101. Subject to sections 102 and 106, a person who serves on a Committee or who performs duties in respect of the Assembly that are recognized by the Members' Services Committee is entitled to be paid in respect of that service or those duties:
- (a) an indemnity in an amount prescribed by the Members' Services Committee for each day on which the Member attends Committee meetings or is otherwise engaged in the business and affairs of the Committee,
 - (b) an allowance for the Member's living expenses at the rate prescribed by the Members' Services Committee for each day on which the Member attends Committee meetings or is otherwise engaged in the business and affairs of the Committee, and for each additional day required for travel in connection with

Committee meetings or the business of the Committee, if the Member is required to obtain accommodation by reason of the Member's absence from the Member's ordinary place of residence on that day, and

- (c) the Member's reasonable traveling expenses for travel as prescribed by the Members' Services Committee.

102. No Member is entitled to be paid any amount under section 101 in respect of service on more than one Committee on the same day.

Members' fees and expenses for service on boards, etc.

103. Unless the Assembly or the Nunatsiavut Executive Council orders otherwise, a Member is entitled to the payment of the Member's reasonable living and traveling expenses incurred in the course of:

- (a) serving as a member of any board, commission or other body (excluding a Committee of the Assembly) to which the Member is appointed by the Assembly or the Nunatsiavut Executive Council, or
- (b) attending any meeting or event as a representative of the Assembly, the Nunatsiavut Government or a Minister.

104. For the purposes of section 103:

- (a) a Member may be paid for traveling or living expenses by way of reimbursement for those expenses from the Nunatsiavut Government or the board, commission or other body, as the case may be, or the Nunatsiavut Government or the board, commission or other body, as the case may be, may pay those expenses directly to the person entitled to payment in respect of them; and
- (b) any registration fee payable in connection with the attendance at any meeting or event is deemed to be a reasonable traveling or living expense. (IL 2018-05)

105. If a Member holds office as a member of a board, commission or other body to which the Member is appointed by the Assembly or by the Executive Council the Member may be paid fees by the Nunatsiavut Government or by that body but shall only be paid fees by the Nunatsiavut Government in respect of that office if the Executive Council has, by written resolution:

- (a) determined that the payment of such fees will not compromise the impartiality of the Member as a member of the board, commission or body;
- (b) determined that the payment of such fees to the Member will not compromise the impartiality the board, commission or other body; and
- (c) prescribed the amount or rate of those fees. (IL 2018-05)

106. No Member is entitled to be paid any amount under section 101 in respect of a day when that Member receives a payment under section 103.

Salaries of Executive Council members

107. There shall be paid to the members of the Executive Council
- (a) salaries at the rates per year prescribed by the Assembly on recommendation of the Members' Services Committee, and
 - (b) reasonable allowances for traveling and living expenses incurred in the performance of their duties as members of the Executive Council prescribed by the Members' Services Committee.
108. The Assembly may, in accordance with the advice and recommendations of the Members' Services Committee, authorize the payment of allowances for moving expenses of a person who
- (a) as a result of the person's appointment as a member of the Executive Council, changes the person's residence to Nain.
 - (b) is a person referred to in (a) who, upon ceasing to be a member of the Executive Council, changes their residence from Nain to another place in Nunatsiavut or to the place they left in order to take up the appointment to the Executive Council.
109. The Speaker shall be paid a salary at the rate per year prescribed by the Assembly on recommendation of the Members' Services Committee
110. The payments under sections 107 and 109 are in addition to those paid under section 93 but the Members' Services Committee shall take into account the payments under section 93 in establishing the rates and allowances under section 107 and the rate under section 109.
111. The Treasurer shall, after the end of each fiscal year, prepare a report setting out:
- (a) the name of each Member and the amounts of all salaries, indemnities and allowances paid under this part to that Member.
 - (b) the name of each board, commission, Committee, other than a Committee of the Assembly reported on under subsection (a), or other body on which a Member has served and the names of those members who served on them during that fiscal year, and all the amounts paid in that fiscal year by the Nunatsiavut Government as fees and as traveling and living expenses under this part in respect of each member who is named. (IL 2018-05)
112. The Treasurer shall lay the report before the Assembly if it is then Sitting or, if it is not then Sitting, within 3 days after the commencement of the next Sitting.

PART 12 CONFLICT OF INTEREST

113. The Assembly shall establish codes of conduct, including a code of ethics and conflict of interest guidelines, for Members of the Assembly, the Executive Council, Inuit Community Governments and Inuit Community Corporations and their respective staff and employees.
114. A code established under section 113 shall not be altered or repealed except by a vote of 60% of the Members present and voting in favour thereof. (IL 2008-02)

PART 13 MISCELLANEOUS

Coming into effect of Act

115. In accordance with section 65, this enactment takes effect as an Inuit Law upon registration in the Registry of Inuit Laws.