

# Members' Dissolution Guidelines and Information on Indemnities, Allowances, and Services in the 2021 Election Year



Prepared by the Office of the Clerk under the authority of the  
Management and Services Board of the  
Legislative Assembly of Nunavut

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# Overview

These guidelines are provided for Members, officers and employees of the Legislative Assembly of Nunavut. The purpose of this document is to describe the allowances and services which are available to Members in the 2021 election year.

The guidelines also outline the services available from the days on which the 5<sup>th</sup> Legislative Assembly is dissolved, including the day the writ of election is issued, the polling day and the day the writ of election is returned.

A basic underlying principle of democratic elections is that there must be a level playing field for all candidates. Consequently, an incumbent Member should not have an advantage over other candidates because of access to public funds, or because of his or her status associated with being a Member of the Legislative Assembly.

## Frequently Asked Questions

**Q. Am I still considered to be a Member of the Legislative Assembly after the Legislative Assembly dissolves?**

A. No. The issuance of a writ of election follows the dissolution of the current Legislative Assembly. Since there is no legislature, Members are no longer Members of the Legislative Assembly.

However, it is important to note that members of the Executive Council remain members of Cabinet (until the appointment is terminated), and the Speaker remains Speaker until the election of a new Speaker on the first sitting day of the first session of the new Legislative Assembly.

**Q. If I am no longer a Member, do I continue to be paid?**

A. Yes. Members continue to receive their Indemnity, Constituency Work Indemnity, Nunavut Northern Allowance, and Housing Allowance (if applicable) up to the day preceding polling day. Members of Cabinet continue to receive their Additional Indemnity.

**Q. If I am currently a Member, can I use “MLA” or “Honourable Member” on my election campaign advertising?**

A. No. Once the Legislative Assembly is dissolved, Members are no longer Members of the Legislative Assembly.

**Q. Do I have to close my constituency office after dissolution of the 5<sup>th</sup> Legislative Assembly?**

A. Yes. All constituency offices are closed from the day of dissolution and remain closed until the return of the writ.

**Q. Can I continue to assist my constituents following dissolution?**

A. Yes. You can assist constituents provided no financial obligations are incurred to the Assembly.

- For constituency concerns related to the Assembly, you may wish to refer constituents to the Assembly’s toll-free number: 1-877-334-7266.
- For constituency concerns related to the Government of Nunavut, you may wish to refer constituents to the government’s toll-free number: 1-888-252-9869, or to the office of the community’s Government Liaison Officer (GLO).

## Key Election Dates

The following dates are important to remember for Members as they form the basis for the calculation of indemnities, expenses and allowances:

Dissolution	Sunday, September 19, 2021
Issue of the Writ	Monday, September 20, 2021
Polling Date	Monday, October 25, 2021
Return of the Writ	Monday, November 1, 2021

## Members' Indemnity and Allowances

When the Legislative Assembly is dissolved, Members cease to be Members within the meaning of subsection 1(1) of the *Legislative Assembly and Executive Council Act* (The "**Act**").

However, for the purposes of computing the amount of indemnity and allowances, the following provisions of the **Act** apply.

Subsection 25(2) provides:

*"For the purposes of subsection (1), a person shall be deemed to have become a member on the last day fixed for the election of a member for the constituency represented by that person."*

Subsection 25(3) provides:

*"For the purposes of subsection (1), a person who immediately before the expiration or dissolution of the Legislative Assembly was a member shall be deemed to continue to be a member until the day preceding the polling day for the next general election."*

In summary:

1. The Members' Indemnity, Constituency Work Allowance, Nunavut Northern Allowance and Housing Allowance (if applicable) will continue to be paid every two weeks from the day of dissolution until the day preceding the polling day for the next general election. (October 24, 2021)
2. For a Member who is re-elected, there will be no disruption in his or her Indemnity, Constituency Work Allowance, Nunavut Northern Allowance and Housing Allowance (if applicable).
3. For a Member who is not re-elected or who does not seek re-election, the Indemnity, Constituency Work Allowance, Nunavut Northern Allowance and Housing Allowance (if applicable) will cease the day preceding the polling day. (October 24, 2021)

## **Members with Additional Responsibilities**

The positions of Speaker, Deputy Speaker, Premier, Deputy Premier, Ministers, Deputy Chairpersons of Committee of the Whole, Chairpersons of Standing and Special Committees and Chairpersons of Full and Regular Members' Caucus all receive additional indemnities while they hold their respective offices.

Subsection 26(1) of the Act provides:

*“A member who serves in a capacity listed in section 2 of Schedule C shall be paid, during the period the member serves in that capacity, an indemnity at the rate set out in that section, in addition to the indemnities under section 25.”*

The following outlines payments to the respective offices:

### **1. Speaker**

The *Speaker* continues to be paid the Additional Indemnity up to the day before the day of the next sitting of the Legislative Assembly pursuant to subsection 41(5) of the **Act**, which states:

*“The person who holds the office of Speaker at the time of the dissolution of the Legislative Assembly shall continue to hold the office of Speaker until the day before the day of the next sitting of the Legislative Assembly.”*

This remuneration continues to be paid even if the present Speaker chooses not to run for re-election or is no longer a Member after polling day. However, as previously noted, the Indemnity, Constituency Work Allowance, Nunavut Northern Allowance and Housing Allowance (if applicable) cease on the day preceding polling day.

To ensure that the Office of the Speaker is not compromised during an election campaign, the Management and Services Board has adopted additional guidelines to assist the Speaker in carrying out required duties during the election campaign ([Refer to page 13 for additional details.](#))

### **2. Premier, Deputy Premier and Ministers**

The *Premier* continues to be paid the Additional Indemnity up to the day the 6<sup>th</sup> Assembly has chosen the Premier pursuant to subsection 63(2) of the **Act**, which states:

*“The person who holds the office of Premier at the time of expiration or dissolution of the Legislative Assembly continues to hold the office of Premier until the next Premier is chosen at the first session of the next Legislative Assembly.”*

The *Deputy Premier and Ministers* continue to receive their Additional Indemnities up to the beginning of the first day of the first session of the 6th Assembly, pursuant to subsection 69 of the **Act**, which provides:

*“A person, other than the Premier, who is a member of the Executive Council at the time of expiration or dissolution of the Legislative Assembly continues to be a member of the Executive Council, and to hold the office of Deputy Premier or Minister, until the beginning of the first day of the first session of the next Legislative Assembly, unless the person’s appointment or appointments are revoked earlier.”*

This procedure is followed even if the Premier, Deputy Premier or Minister is not re-elected or does not seek re-election. However, as previously noted, the Indemnity, Constituency Work Allowance, Nunavut Northern Allowance and Housing Allowance (if applicable) cease on the day preceding polling day.

For the information of all Members, Cabinet has adopted guidelines to assist the Premier, Deputy Premier and Ministers in carrying out their duties as Ministers during the election campaign ([Refer to pages 13/14 for additional details](#))

These guidelines are to ensure that the activities of the Premier, Deputy Premier and Ministers during the election campaign relate directly to Ministerial responsibilities.

### **3. Other Positions**

The **Act** makes no provision for the Deputy Speaker, Deputy Chairpersons of Committee of the Whole, Standing and Special Committee Chairpersons and Caucus Chairpersons to continue past dissolution. Therefore, a Member holding any of these positions will only be paid their Additional Indemnity up to the day of dissolution. ([September 19, 2021](#))

### **Constituency Work Expenses**

Section 32 of the **Act** provides that in a year in which there is a general election, the entitlement of a Member to constituency work expenses shall be prorated:

*(a) for the period before the election, to an amount prorated for the period beginning on the first day of the fiscal year ([April 1, 2021](#)) and ending on the day on which the writ of election is issued ([September 20, 2021](#)); and,*

*(b) for the period after the election, to an amount prorated for the period beginning on the day on which the writ of election is returned ([November 1, 2021](#)) and ending the last day of the fiscal year ([March 31, 2022](#)).*

The Constituency Work Expense budget is the amount of funds set out in *Schedule B of the Act* that a Member has available in each fiscal year to pay for constituency work expenses. In accordance with section 32 of the *Act*, the amount of pro-rated funds available to Members is as follows:

Community	F/Y Budget	Prorated budget
Aggu	28,000	13,200
Aivilik	47,000	22,100
Amittuq	45,000	21,200
Arviat North-Whale Cove	46,000	21,700
Arviat South	29,000	13,700
Baker Lake	30,000	14,100
Cambridge Bay	26,000	12,300
Gjoa Haven	37,000	17,400
Hudson Bay	31,000	14,600
Iqaluit-Manirajak	25,000	11,800
Iqaluit-Niaqunngu	25,000	11,800
Iqaluit-Sinaa	25,000	11,800
Iqaluit-Tasiluk	25,000	11,800
Kugluktuk	26,000	12,300
Netsilik	41,000	19,300
Pangnirtung	26,000	12,300
Quttiktuq	67,000	31,600
Rankin Inlet North-Chesterfield Inlet	43,000	20,300
Rankin Inlet South	29,000	13,700
South Baffin	45,000	21,200
Tununiq	29,000	13,700
Uqqummiut	51,000	24,000
<b>Schedule B – Grand Total</b>	<b>\$776,000</b>	<b>\$365,900</b>

Hence, Members are not eligible to claim reimbursement or have payment made on their behalf for any expenses that were incurred for the period of September 19, 2021 to November 1, 2021 inclusive.

### **Constituency Assistants**

The amount of funding available for the remuneration for Constituency Assistants is prorated in the same manner as the constituency work expense budgets and the budget available is as follows:

1. \$30,100.00 for Members whose constituencies include one community
2. \$33,200.00 for Members whose constituencies include two communities
3. \$36,600.00 for Members whose constituencies include more than two communities

Commencing April 1, 2021, Members are prohibited from making any change in the remuneration for Constituency Assistants, including the payment of performance or other one-time bonuses, with the exception of those changes that are specifically provided for in contracts between the Constituency Assistant and the Member.

All Members must advise their Constituency Assistants that the requirement for their services will end as of September 19, 2021, at which time they will be removed from payroll.

Any service contracts for Constituency Assistants will be terminated as of September 19, 2021.

Members' Constituency Assistants may receive severance entitlements on the termination of their Constituency Assistants' employment if the Constituency Assistant meets the eligibility requirements as set out in the Severance Entitlements for Constituency Assistants Policy. For complete details, refer to the Members' Handbook.

### **Use of Constituency and Assembly Offices**

It is important for Members to note that Members' Constituency and Assembly offices must not be utilized for any purpose related to an election campaign.

Constituency or Assembly offices cannot be used to prepare, store or distribute election campaign material nor can offices display any material advocating the choice of any candidate.

After dissolution, rent payments for Constituency offices continue to be paid to the end date of the constituency lease.

Members will not be permitted access to Constituency offices on or after September 19, 2021. Access to such offices will be on the day following the Return of the Writ, November 2, 2021. Instructions to this effect will be provided to the lessor.

It is also advisable for Members to remove any personal items they may require during the election period.

Regular Members will not have access to their Assembly offices but still have access to the building to meet with Ministers or the Clerk of the Assembly.

- Phones and Furniture

Members do not have use of their constituency communication accounts during the election period. This includes office phones, cellular telephones, computer devices, satellite phones, fax machines and email.

Telephone and fax numbers in Constituency offices will be suspended as of September 19, 2021. These numbers will be re-activated by November 2, 2021.



Cellular telephones and satellite telephones supplied to Members by the Assembly will be suspended.

Every Member has furniture and equipment in their constituency office that has purchased for them using Legislative Assembly funds. Every Member will receive an inventory confirmation list during the Spring 2021 sitting of the Legislative Assembly. The list is to be verified and returned to the Director of Financial Services and Operations by the commencement of the September 2021 pre-dissolution sitting of the Legislative Assembly. This inventory forms the basis for replacement and disposal of furniture and equipment.

- **Constituency and Assembly Offices – Winding Up**

Members who decide not to seek re-election are encouraged to remove their personal items from their constituency offices within one week following dissolution. They are also encouraged to remove their personal items, at Assembly expense, from their Assembly offices upon the conclusion of the pre-dissolution September sitting. (**September 16, 2021**). Arrangements can be made with the Clerk's office if additional time is required to do this prior to your leaving Iqaluit for your home community.

The Clerk's Office will contact those Members who are not re-elected to arrange for their personal effects in their Assembly office to be returned to them. Personal effects must be removed from Constituency offices by November 1, 2021.

Non-returning Members also have the opportunity to purchase or donate surplus constituency furniture and equipment. Details will be made available in September 2021 or upon demand by contacting Corporate Services.

### **Advertising, Newsletters and Promotional Materials**

All advertising and newsletters are to be published one month prior to the date of dissolution, August 19, 2021.

Strict adherence to this guideline will serve to avoid contravention of the *Nunavut Elections Act*.

Promotional materials include such items as Members' newsletters, calendars, and sundry items such as caps, mugs and hoodies. Purchasing of promotional materials is to be completed by May 31, 2021. Members should be mindful that the Pre-Election Period begins on June 22, 2021. The distribution of promotional materials may be perceived as campaigning. The public may look upon this as the Member using public funds to gain an unfair advantage in the upcoming election.

## **Legislative Assembly Computer Services**

Email and internet services available to Members in the Legislative Assembly Precinct or in constituency offices will be suspended and hence will not be available during the election period.

After polling day, services for Members who are not re-elected will be cancelled. Laptop computers and other portable computer and phone equipment in the Members' possession are to be returned to Legislative Assembly Computer Support Services no later than November 15, 2021.

Non-returning Members will be provided an opportunity to acquire the hard drive of their Assembly and constituency office computers, if they so wish. Members must contact Computer Support Services to receive the hard drive(s).

For returning Members, account passwords will be reset by Computer Support Services following polling day.

## **Social Media, Websites and Members' Contact Information on the Legislative Assembly Website**

Members who maintain an Internet presence using free-of-charge services such as blogs and/or social media accounts (e.g. Twitter and Facebook) cannot identify themselves as serving MLAs during the election campaign.

Use of, and access to, websites established with public funds is prohibited during the election period, regardless of whether the site was established by the Assembly or contracted out using constituency budgets. Members may continue to update their website up to the close of business day on September 17, 2021. Such websites must be disabled and inaccessible during the election period from September 18, 2021 to November 1, 2021.

Biographical information concerning Members of the 5<sup>th</sup> Legislative Assembly will remain on the Assembly's website until the election of the Members of the 6<sup>th</sup> Legislative Assembly. During the election campaign period, information on the Legislative Assembly's website will clearly indicate that the 5<sup>th</sup> Legislative Assembly has been dissolved.

- Audio and Video Excerpts

Members may not use audio and/or video excerpts of Legislative Assembly proceedings for advertising during the election campaign.

## **Records Management**

Personal and constituency records generated by Members are considered the Member's personal property and can be disposed of as they see fit. The Office of the Clerk will assist the Member in determining the best method of disposition.

For non-returning Members, Assembly-prepared documents may be removed, retained or disposed of with assistance from the Office of the Clerk.

For Members of the Executive Council (Cabinet) staff of the Department of Executive and Intergovernmental Affairs (EIA) determine which files are permitted to be disposed, and which need to be archived, according to the Government's records retention policies would initiate a review of all records.

## **Members' Retiring Allowances**

Each year, Members are provided with a summary of their personal annual pension benefits statement. Each Member is asked to verify the data on the pension information provided to ensure that the pension administrators have the most up-to-date information. This should be reviewed and any changes forwarded to the Director of Financial Services and Operations as soon as possible.

In an election year and by the end of the month of May, Members are provided with more detailed statements along with an opportunity to discuss their pension entitlements with the actuaries. After each election, each Member who did not seek re-election or was not re-elected are provided documents explaining his or her pension options. These documents include a section where the Member must choose his or her form of pension. These documents are to be completed and returned to the Director as soon as possible. Any questions concerning pensions should be addressed to the Director.

## **Medical and Dental Benefits**

Present coverage for Members and eligible dependents under the Government of Nunavut's medical and dental care plan will continue in effect until polling day. Members who are re-elected will have continued coverage. For those Members not seeking re-election or who are not re-elected, coverage for the Member and his or her dependents will cease automatically on polling day. However, coverage can be continuous to non-returning Members who are entitled to an immediate annuity on retirement. For those who choose to defer their pension to a later date also have the option to re-join the plan at that time. Any questions in regards to the plan or the application process are to be directed to the Director of Compensation and Benefits, Department of Finance.

## **Transitional Allowance**

Members who do not seek re-election or who are not re-elected are entitled to a transitional allowance in accordance with Section 33 of the **Act**, which provides that the allowance:

“Shall be calculated as an amount equal to the amount of the indemnity payable to the member for six weeks for each year served at the rate set out in section 1 of Schedule C plus the applicable allowances for six weeks for each year served at the rate for the capacity in which the member served set out in section 2 of Schedule C.”

Schedule C of the Act provides that “the amount of a transitional allowance payable according to Section 33 shall not exceed the value of the Indemnity. The value of the Indemnity will be \$103,323 as of October 25, 2021.

Please note that outstanding indebtedness to the Legislative Assembly or the Government of Nunavut will be recovered from the Transitional Allowance.

Members will be provided options for payouts of the transitional allowance based upon either a one-time payment or a series of bi-weekly payments.

## **Transition Counseling and Training Assistance**

The *Transitional Counseling and Training Assistance Policy* provides (one-time only) financial assistance to departing Members wishing to either re-establish themselves in private life or to prepare for retirement.

Transition support includes:

1. Career transition and job search skills for Members, including upgrading in basic academic skills, defining career goals, preparing résumés and effective interview skills;
2. Assistance on how to start a business, including developing a Business Plan;
3. Assistance with retirement planning; and

4. Financial counseling, including pension, budgeting and income tax implications.

Further details on the *Transitional Counseling and Training Assistance Policy* are articulated in the Members' Handbook.

### **Other Considerations**

#### 1. Legislative Assembly Staff

Officers and employees of the Office of the Legislative Assembly are not permitted to engage in any type of activity associated with an election campaign. Likewise, Members are not permitted to request assistance of any of the staff or to use any of the facilities of the Legislative Assembly during the election. This includes any assistance provided to an elected Member prior to an election which could be construed as providing assistance in preparation for the forthcoming election. Assistance can include the printing, photocopying or preparation of political materials, assistance with pre-campaign materials, or telephone or email assistance by staff.

If a Member is not seeking re-election, any contact during the campaign period should be made directly to the Clerk of the Legislative Assembly, provided it relates to assisting the outgoing Member with administrative or financial matters.

#### 2. Research Services

Members are permitted to continue to make requests for services up to dissolution on September 19, 2021, in a manner consistent with the guidelines noted in preceding section. If any requests entail large-scale research, these should be made well in advance of dissolution to ensure they are completed. If a document is not completed prior to dissolution then it will be given to the Member at the stage it is at on September 19, 2021.

#### 3. *Nunavut Elections Act*

Members' attention is drawn to the following definitions contained in the *Nunavut Elections Act* respecting the expenditure of funds prior to an election:

- "pre-election expense" means any amount paid or liability incurred during a pre-election period to promote or oppose the election of a person who may be a candidate at a future election, and includes any contribution of services and goods;
- "pre-election period" means in the case of a general election held in accordance with the fixed election day under subsection 36(3.1), the 90 day period before the writ is issued, or

- “pre-election period” means the period beginning from the day when the date of a forthcoming election is publicly announced and ending on the day the writ is issued;

As the pre-election period commences on June 22, 2021, all Members are cautioned to be particularly careful in the expenditure of their constituency budgets. (refer to page 8)

Further information regarding the *Nunavut Elections Act* and its provisions can be obtained from the Office of the Chief Electoral Officer at 1-800-267-4394.

#### 4. *Integrity Act* and Contracting

Non-returning Members and Ministers are reminded of the need to comply with the provisions of the *Integrity Act* and should be aware of restrictions on contracting with the Government of Nunavut after a Member ceases to be an elected official.

#### **Guidelines for the Speaker in an Election Year**

These guidelines apply only to election campaign activities. The Speaker continues to hold office during the election campaign and until the day prior to the first sitting of a new Legislative Assembly.

No election campaign activity is permitted in the Speaker’s Office or in any part of the Legislative Assembly Precinct. In this context, campaign activity includes:

- production of campaign materials, such as posters, pamphlets and letters or their storage; and
- meetings to discuss campaign activity.

No expenses of any kind related to an election campaign are to be borne by the Speaker’s Office. Examples of such expenses include hospitality, materials and supplies, postage, travel, telephone and fax charges, etc.

#### **Guidelines for the Premier and Ministers in an Election Year**

Ministers are reminded that special restrictions are placed on Ministers and their staff under various pieces of legislation, including the *Nunavut Elections Act* and the *Legislative Assembly and Executive Council Act*, during an election campaign. Ministers continue to hold office and draw pay during a territorial election campaign and after an election until they are either reconfirmed or replaced.

No election campaign activity is permitted in government leased or owned premises. In this context, campaign activity includes:

- production of campaign materials such as posters, pamphlets and letters or their storage;
- meetings to discuss campaign activity.

Ministerial Political Advisors and Executive Secretaries may not engage in election campaign activities during normal working hours or on government premises, nor using any government property (i.e., phones, photocopiers, computers, etc.) for election purposes.

No expenses of any kind related to an election campaign should be borne by the Government of Nunavut. Examples of such expenses include hospitality, materials and supplies, postage, travel, telephone and fax charges.

During an election campaign, Ministers should travel at government expense only when clearly on essential and/or urgent government business.

**Procedures:**

1. The above noted guidelines come into effect once the writ of election is issued.
2. If Ministerial staff choose to work full-time on an election campaign, they must apply for and receive approval for a leave of absence without pay.
3. Home travel undertaken in accordance with Section 10 of this manual is not affected by the foregoing guidelines.
4. In the event a dispute arises with respect to the interpretation of these guidelines and procedures, the Secretary to Cabinet will refer the matter to the Premier for direction with a recommendation.