

Report of the Special Committee
on Transition Matters

PASSING THE MACE:
Recommendations to the
18th Legislative Assembly

October 2015

SPECIAL COMMITTEE ON TRANSITION MATTERS

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SPECIAL COMMITTEE ON TRANSITION MATTERS
PASSING THE MACE: RECOMMENDATIONS TO THE
18TH LEGISLATIVE ASSEMBLY

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October 7, 2015

THE HONOURABLE JACKIE JACOBSON
SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

On March 9, 2015 the Legislative Assembly adopted the Terms of Reference for the Special Committee on Transition Matters. The Special Committee was guided by this Terms of Reference in the completion of its work.

The Special Committee was mandated to describe the fiscal and decision-making context for the next Assembly, to make recommendations on how the transition process and the practice of consensus government could be improved, and to recommend priority policy issues for the next Assembly.

As Committee Chair, I would like to thank my colleagues on the Special Committee on Transition Matters. They have shown great commitment and genuine interest in caring for future assemblies.

The Special Committee's completed report consists of four parts: State of the NWT Economy and its Implications for GNWT Revenues, The Decision-Making Environment, Recommendations on Transition Process and Consensus Government, and Recommendations on Priorities for the 18th Legislative Assembly. Your Special Committee on Transition Matters has the honour of presenting its report to the Legislative Assembly and commends it to the House.



Norman Yakeleya,
Chair

INTRODUCTION

What is transition and why does it matter?

Transition is when one group of people willfully hands over political power to another group of people. One of the most unremarked but noteworthy aspects of Canadian democracy is that the transition of power between general elections is peaceful, cooperative, and timely. Citizens should expect a smooth transition of power after an election, but we should never take the process for granted.

This year the Northwest Territories (NWT) will transition from the 17th Legislative Assembly to the 18th Legislative Assembly. This process will begin with the dissolution of the 17th Assembly on October 25th, followed by polling day for the general election on November 23rd, with the swearing-in of new representatives and the appointment of a new government soon thereafter.

How does transition work in consensus government?

The transition process in the NWT is a distinctive aspect of consensus government. One distinct aspect about transition in consensus government is how the priorities for a legislative term are formed. All members of the Legislative Assembly have a role in shaping the priorities for a forthcoming legislative term. As such, we do not usually see major swings from one government to the next. Continuity in direction over successive assemblies has become a hallmark of consensus government.

In consensus government, we do not know who will form the new government until all 19 members of the Legislative Assembly have elected the Premier and members of the Executive Council (the Cabinet). This usually takes place about three weeks after polling day. As in other parliamentary democracies, upon dissolution, we no longer have members of the Legislative Assembly, but we do continue to have ministers until a new government is appointed.

What is the purpose of this Committee and of this report?

This Committee was responsible for composing the best advice of the out-going 17th Assembly to the in-coming 18th Assembly. It was mandated to describe the fiscal and decision-making context for the next Assembly. The Committee was mandated to make recommendations on how the transition process and the practice of consensus government could be improved, and to recommend priority policy issues for the next Assembly.

The members of this Committee were chosen by Caucus. The Committee has a balance of regional representation, experience, and roles within the House. Our report

describes the current context for decision-making, recommends the most effective ways of doing business, and lists some big issues we think worthy of attention.

Our system of consensus government encourages all members to work together on issues of common interest. All members set the priorities together at the beginning of the Assembly, and now this Committee is working on behalf of members to reflect on what might be important for the next group of MLAs to consider.

This Committee will be successful if our report helps the next Caucus think about major issues and decide on possible ways to tackle them. The Committee also hopes the public will read this report and be better informed as candidates, volunteers, and voters in the territorial election.

What will happen and when?

The transition period is largely shaped by election timing. This year, because the campaign period was originally scheduled to overlap with municipal and federal elections in October, the territorial election was deferred by six weeks until late November.

At midnight on October 25th, the Legislative Assembly will be dissolved, meaning that there will no longer be members of the Legislative Assembly. This will allow for writs of election to be issued by the Chief Electoral Officer for each of the 19 electoral districts in the Territory. After a month-long campaign period, polling day will be Monday, November 23rd.

In early December, members of the Legislative Assembly will be sworn-in. The Territorial Leadership Committee will convene soon thereafter to elect a Speaker, Premier, and members of the Executive Council. This will mark the beginning of the four-year term of the 18th Legislative Assembly of the Northwest Territories.

As we pass the mace to members of the 18th Assembly, we are confident the work of this Committee and this report will better prepare them to govern.

EXECUTIVE SUMMARY

Introduction

Transition is when one group of people willfully hands over political power to another group of people.

This year the Northwest Territories (NWT) will transition from the 17th Legislative Assembly to the 18th Legislative Assembly. This process will begin with the dissolution of the 17th Assembly on October 25th, followed by polling day for the general election on November 23rd, and the appointment of a new government soon thereafter.

The purpose of this joint Committee – the first of its kind – was to improve the transition process by providing the best advice of one Assembly to the next Assembly.

The Committee was mandated to describe the fiscal and decision-making context for the next Assembly, to make recommendations on how the transition process and the practice of consensus government could be improved, and to recommend priority policy issues for the next Assembly.

The recommendations of this Committee are not binding, but are for the consideration of members of the 18th Assembly.

State of the Economy

This chapter provides background information about the NWT economic outlook and the implications for GNWT revenues, including:

- A discussion of the NWT economy in a Canadian and global context and NWT linkages with the domestic and international economies;
- A summary of the current state of the NWT economy and prospects for future economic growth; and,
- A description of how government revenues are affected by economic growth.

The NWT economy was severely affected by the global economic and financial crisis in 2008 and not all aspects of the economy have returned to pre-recession levels.

The NWT economic outlook over the next five years is mixed at best. Although some regions are benefitting from resource projects, economic activity in other areas has either slowed considerably or declined.

Over the next 5 to 15 years, the data suggests a protracted decline in resource production. Existing diamond mines are maturing and identified potential mining

operations will not replace the economic activity of current operations. Resource exploration, which is necessary for further development, is also slowing down.

Growing the NWT economy requires transformational investments such as the Mackenzie Valley Fibre Optic Link, the Mackenzie Valley Highway and addressing our energy cost and supply challenges. These strategic investments and other initiatives to lower costs for residents and businesses are vital for the long-term growth and sustainability of the NWT economy.

Finalizing remaining land claims would provide greater certainty on land ownership, clarify the terms of engagement among stakeholders for land access, and potentially make more land available for regional and community economic development.

The slow-growing economy produces a flat revenue outlook, which in turn means less fiscal resources to sustain programs and services at current levels.

Decision-Making Environment

This chapter describes major changes in the decision-making environment that may affect the consideration of future priorities by the 18th Legislative Assembly, including:

- the roles and responsibilities of public decision-makers in the NWT other than the territorial government;
- how the territorial government makes decisions; and,
- some emerging trends in citizen expectations of government.

Territorial government is not the only policy-maker in the NWT. Other major public decision-makers include the Government of Canada, regional Aboriginal governments, community governments, co-management boards, and territorial boards; and, courts of law are significant independent decision-makers in their own right. It is also important to continue to think about how all of these decision-makers fit together in governing the NWT.

Recognizing that there are other important public policy-makers in the NWT, the territorial government has the broadest mandate for policy-making within our borders. Our consensus government uses processes similar to those found in provincial capitals or in Ottawa, but without political parties or majority governments. The Executive Council is in place to provide leadership on policy initiatives and direct the civil service, while regular members are expected to help guide policy direction and hold the executive to account. It is the Executive Council that prepares and proposes budgets, but the Legislative Assembly ultimately approves spending in law.

Modern technology and increased connectivity throughout the territory has resulted in numerous approaches to public participation in policy making. For many, information is

delivered with the speed of Google, goods delivered with the choice and efficiency of Amazon, and messages responded to instantly through Twitter or Facebook. As for government, it has a public duty to check that the information it sends is accurate, the goods it delivers are safe and accessible, and dialogue with the public is fair and inclusive. At the same time, increasingly, citizens expect government to work in cooperation with other groups and associations to develop public policy.

Recommendations on the Transition Process and Consensus Government

Term Length

The Committee recommends that the in-coming 18th Assembly retain the current four-year fixed date election schedule.

Territorial Leadership Selection

The Committee recommends that the in-coming 18th Assembly continue to elect members of the Executive Council.

Regional Balance on Cabinet

The Committee supports having regional balance on Cabinet, but does not make any recommendation on the way the 18th Assembly should arrive at regional balance on Cabinet.

Mid-Term Review

The Committee recommends that the out-going 17th Assembly establish a Process Convention on Priority Setting and Reporting, and that the in-coming 18th Assembly endorse this convention.

Priority Setting

The Committee recommends that the out-going 17th Assembly establish a Process Convention on Priority Setting and Reporting, and that the in-coming 18th Assembly endorse this convention.

Business Planning Process

The Committee recommends that the in-coming 18th Assembly conduct concurrent reviews of departmental business plans as well as amend sitting hours and the Orders of the Day during the budget session.

Transition Staging

The Committee recommends that the 18th Assembly also establish a Special Committee on Transition Matters during the last year of its legislative term.

Recommendations on Priorities for the 18th Legislative Assembly

Because of the long-term nature of our work, many of the priorities of the 18th Assembly will be similar to those of the 17th and earlier assemblies. This Committee wishes to highlight five key areas that members of the 18th Assembly should consider when discussing priorities.

They are not intended to be an inventory of everything government does, nor a catalogue of specific projects that individual members are passionate about. Not all members of this Committee agree on the relative importance of each priority, and they are presented in no particular order. Not everyone will agree that these should be the priorities of the 18th Assembly. That is a good thing.

- Reverse the social ills that hold our people down, particularly low education levels, addictions and poor mental health.
- Strengthen and diversify our economy in anticipation of impending diamond mine closures.
- Complete devolution of land and resources and implement a regulatory system that reflects the values of our residents and partner governments.
- Rein-in the increasing cost of living, particularly energy, housing and food.
- Plan for and adapt to a changing climate in the North.

RÉSUMÉ

Introduction

La transition se produit lorsqu'un groupe de personnes remet volontairement le pouvoir politique à un autre groupe de personnes.

Cette année, les Territoires du Nord-Ouest (TNO) passeront de la 17^e à la 18^e Assemblée législative. Ce processus de transition débutera le 25 octobre avec la dissolution de la 17^e Assemblée, qui sera suivie du jour du scrutin pour l'élection générale le 23 novembre, puis de la nomination d'un nouveau gouvernement peu après.

L'objectif du Comité mixte – le premier du genre – consiste à améliorer le processus de transition en assurant que l'Assemblée actuelle offre les meilleurs conseils possible à la prochaine Assemblée.

Ce comité a été mandaté pour décrire le contexte budgétaire et décisionnel de la prochaine Assemblée, formuler des recommandations sur la façon dont le processus de transition et le fonctionnement du gouvernement de consensus peuvent être améliorés, et suggérer les enjeux de politiques à étudier en priorité lors de la prochaine Assemblée.

Les recommandations de ce comité ne sont pas contraignantes; elles servent à des fins de réflexion pour les membres de la 18^e Assemblée.

Situation de l'économie

Ce chapitre fournit des renseignements généraux sur les perspectives économiques des TNO et leurs incidences sur les recettes du GTNO, notamment :

- une discussion portant sur l'économie des TNO dans un contexte canadien et mondial et sur les relations qu'entretiennent les TNO avec les économies nationale et internationale;
- un résumé de la situation économique actuelle des TNO et des perspectives économiques de croissance;
- une description de l'effet de la croissance économique sur les recettes publiques.

L'économie des TNO a été durement touchée par la crise économique et financière mondiale de 2008. Certains pans de l'économie n'ont pas tous retrouvé les niveaux qu'ils enregistraient avant la récession.

Les perspectives économiques des TNO sont au mieux mitigées pour les cinq prochaines années. Bien que certaines régions bénéficient de projets d'exploitation des

ressources naturelles, l'activité économique dans d'autres secteurs a considérablement ralenti ou diminué.

Les données suggèrent un déclin prolongé de la production des ressources au cours des cinq à quinze prochaines années. Les mines de diamants existantes ont atteint leur maturité et les opérations minières potentielles identifiées ne remplaceront pas l'activité économique des projets en cours. L'exploration des ressources, une activité nécessaire à la poursuite du développement dans ce secteur, connaît également un ralentissement.

Pour assurer la croissance de leur économie, les TNO doivent se tourner vers des investissements évolutifs, tels que la liaison par fibre optique dans la vallée du Mackenzie et la route de la vallée du Mackenzie, ainsi que relever les défis associés à l'approvisionnement en énergie et à son coût. Ces investissements stratégiques et d'autres initiatives visant à réduire les coûts pour les résidents et les entreprises sont d'une importance capitale pour la croissance à long terme et la durabilité de l'économie des TNO.

Le règlement des revendications territoriales permettrait de mieux établir les droits de propriété des terres et de clarifier les modalités d'engagement entre les intervenants pour l'accès aux terres, et pourrait rendre un plus grand nombre de terres accessibles pour le développement économique des régions et des collectivités.

Le ralentissement économique engendre des perspectives de recettes statiques, ce qui signifie une baisse des ressources fiscales permettant de maintenir les programmes et services à leurs niveaux actuels.

Environnement décisionnel

Ce chapitre décrit les principaux changements apportés à l'environnement décisionnel qui peuvent influencer sur les priorités futures de la 18^e Assemblée législative, notamment :

- les rôles et responsabilités des instances publiques des TNO autres que le gouvernement territorial;
- la façon dont le gouvernement territorial prend des décisions;
- certaines nouvelles tendances dans les attentes des citoyens à l'égard du gouvernement.

Le gouvernement territorial n'est pas le seul responsable des politiques aux TNO. Parmi les autres grands décideurs publics, soulignons le gouvernement du Canada, les gouvernements autochtones régionaux, les administrations communautaires, les conseils de cogestion et les conseils territoriaux; les tribunaux sont également d'importants décideurs indépendants. Il demeure important de continuer à réfléchir sur la façon d'intégrer tous ces décideurs à la gouvernance des TNO.

Reconnaissant qu'il existe d'autres importants décideurs publics aux TNO, le gouvernement territorial a le mandat élargi d'élaborer les politiques à l'intérieur de ses frontières. Notre gouvernement de consensus utilise des procédés similaires à ceux des capitales provinciales ou d'Ottawa, sans toutefois recourir aux partis politiques ou aux gouvernements majoritaires. Le Conseil exécutif est en place pour diriger les initiatives stratégiques et la fonction publique, tandis que les députés doivent orienter les politiques et demander des comptes à l'exécutif. C'est le Conseil exécutif qui prépare et propose les budgets, tandis que c'est l'Assemblée législative qui approuve en dernier ressort les dépenses aux termes de la loi.

La technologie moderne et la connectivité accrue dans l'ensemble du territoire ont entraîné l'adoption de nombreuses approches à la participation du public dans l'élaboration des politiques. Bon nombre de citoyens peuvent transmettre des renseignements à la vitesse de Google, livrer des marchandises en comptant sur le choix et l'efficacité d'Amazon, et répondre instantanément à des messages grâce à Twitter ou Facebook. De son côté, le gouvernement a le devoir public de vérifier si les renseignements qu'il transmet sont exacts, que les produits qu'il livre sont sécuritaires et accessibles et que le dialogue avec le public est juste et inclusif. Parallèlement, de plus en plus de citoyens s'attendent à ce que le gouvernement collabore avec d'autres groupes et associations pour élaborer les politiques publiques.

Recommandations sur le processus de transition et le gouvernement de consensus

Durée du terme

Le Comité recommande que la 18^e Assemblée conserve le calendrier des élections à date fixe s'échelonnant sur quatre ans.

Comité territorial chargé des postes de leadership

Le Comité recommande que la 18^e Assemblée continue à élire les membres du Conseil exécutif.

Équilibre entre les régions au Cabinet

Le Comité soutient qu'un équilibre entre les régions a été atteint du Cabinet, mais ne formule aucune recommandation sur la façon dont la 18^e Assemblée devrait atteindre un tel équilibre.

Évaluation à mi-période du mandat

Le Comité recommande que la 17^e Assemblée établisse une convention de processus sur l'établissement et la communication des priorités, et que la 18^e Assemblée approuve cette convention.

Établissement des priorités

Le Comité recommande que la 17^e Assemblée établisse une convention de processus sur l'établissement et la communication des priorités, et que la 18^e Assemblée approuve cette convention.

Processus de planification organisationnelle

Le Comité recommande que la 18^e Assemblée effectue des examens simultanés des plans d'activités ministériels et qu'elle modifie les heures de séance et les ordres du jour au cours de la session budgétaire.

Étapes de transition

Le Comité recommande que la 18^e Assemblée forme elle aussi un comité spécial sur les questions de transition au cours de la dernière année de son mandat législatif.

Recommandations sur les priorités pour la 18^e Assemblée législative

En raison de la nature à long terme de notre travail, plusieurs des priorités de la 18^e Assemblée seront similaires à celles de la 17^e Assemblée et des assemblées antérieures. Ce comité tient à souligner cinq domaines clés que les membres de la 18^e Assemblée doivent considérer lors de l'examen de ses priorités.

Il ne s'agit pas d'une liste de toutes les activités menées par le gouvernement ni d'un catalogue de projets particuliers auxquels des membres vouent une passion. Les membres du Comité ne s'entendent pas tous sur l'importance relative de chaque priorité, et ces priorités ne sont présentées dans aucun ordre particulier. Ces priorités ne feront sans doute pas l'unanimité dans la 18^e Assemblée. Rappelons que ce désaccord est une bonne chose.

- Remédier aux maux sociaux qui affectent notre population, particulièrement le faible niveau de scolarité, les dépendances et les problèmes de santé mentale;
- Renforcer et diversifier notre économie en prévision de l'imminence de la fermeture des mines de diamants;
- Finaliser le transfert des responsabilités des terres et des ressources et mettre en œuvre un système de réglementation qui respecte les valeurs de nos résidents et des gouvernements partenaires;
- Freiner l'augmentation du coût de la vie, en particulier les coûts de l'énergie, du logement et de la nourriture;
- Prévoir les changements climatiques dans le Nord et s'y adapter.

PART A: State of the NWT Economy and its Implications for GNWT Revenues

Key Messages

- The NWT economy was severely affected by the global economic and financial crisis in 2008 and not all aspects of the economy have returned to pre-recession levels.
- The NWT economic outlook over the next five years is mixed at best. Although some regions are benefitting from resource projects, economic activity in other areas has either slowed considerably or declined.
- Over the next 5 to 15 years, the data suggests a protracted decline in resource production. Existing diamond mines are maturing and identified potential mining operations will not replace the economic activity of current operations. Resource exploration, which is necessary for further development, is also slowing down.
- Growing the NWT economy requires transformational investments such as the Mackenzie Valley Fibre Optic Link, the Mackenzie Valley Highway and addressing our energy cost and supply challenges. These strategic investments and other initiatives to lower costs for residents and businesses are vital for the long-term growth and sustainability of the NWT economy.
- Finalizing remaining land claims would provide greater certainty on land ownership, clarify the terms of engagement among stakeholders for land access, and potentially make more land available for regional and community economic development.
- The slow growing economy produces a flat revenue outlook, which in turn means less fiscal resources to sustain programs and services at current levels.

Introduction

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- A discussion of the NWT economy in a Canadian and global context, and NWT linkages with the domestic and international economies;
- A summary of the current state of the NWT economy and prospects for future economic growth; and,
- A description of how government revenues are affected by economic growth.

The NWT Economy in a Canadian and Global Context

The NWT economy is small and resource extraction accounts for one-third of gross domestic product (GDP). The resource-based nature of the NWT economy makes it extremely open, which means that the NWT economy is strongly linked to the global economy and influenced by external factors. Both workers and capital can easily leave the NWT when the NWT economy slows down or another province experiences strong economic growth.

Prices for NWT resources are set in the global market and these prices influence the demand for NWT resources. For example, mining, oil and gas exploration and development is linked to the world prices for diamonds, base metals, gold, other minerals and oil and gas. These world prices reflect global supply and demand, which are influenced by many factors such as geographical, political and economic conditions and technological changes.

The NWT must compete globally to attract investment, develop its non-renewable resources, attract tourists and support resident businesses. The NWT economy cannot operate in isolation from the rest of the global economy and must become more efficient to compete.

Uncertainty in the global financial and currency exchange markets is a challenge for creating investment in the NWT economy. A weak global economy will dampen demand for NWT products, and low resource prices will hurt the overall NWT economy.

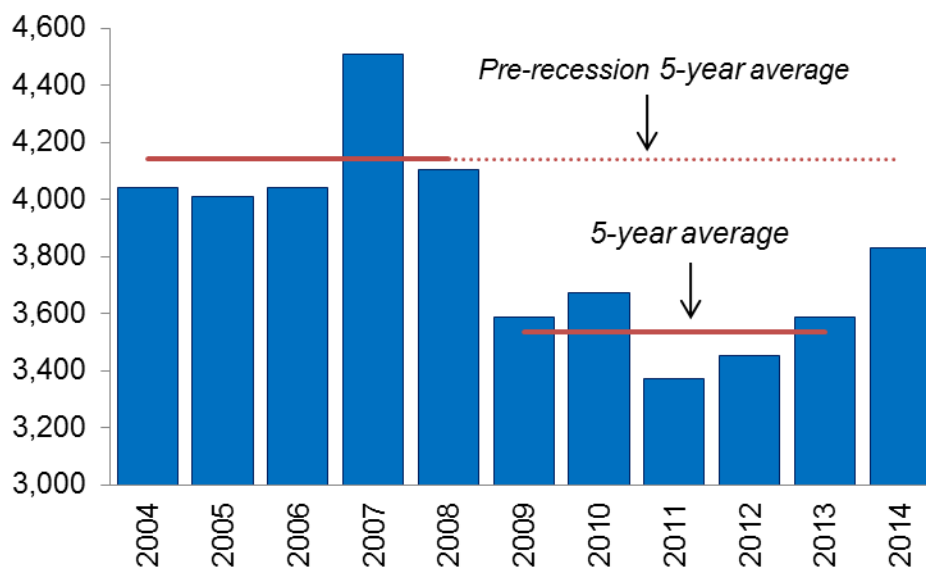
Currently, potential new mines are having difficulty obtaining financing to develop. Low oil prices have caused oil and gas activity in the territory to decline significantly and new drilling and exploration projects in the Beaufort Sea and Sahtu regions have been put on hold.

State of the NWT Economy and Future Outlook

Gross Domestic Product – size and growth of the total economy

The NWT economy has experienced three years of growth, which tends to cloak the fact that real 2014 GDP is about 7.5 per cent lower than the five-year average before the global recession in 2008. Furthermore, current economic growth is concentrated in the diamond-mining industry and there is little growth in the rest of the economy. As a result, economic activity is uneven, with southern NWT, especially Yellowknife, benefitting from mineral exploration and diamond mine activity but other regions, especially the Sahtu and Beaufort-Delta regions, experiencing serious declines in economic activity.

NWT Real GDP by Industry
 (Millions of 2007 Dollars) 2004-2014



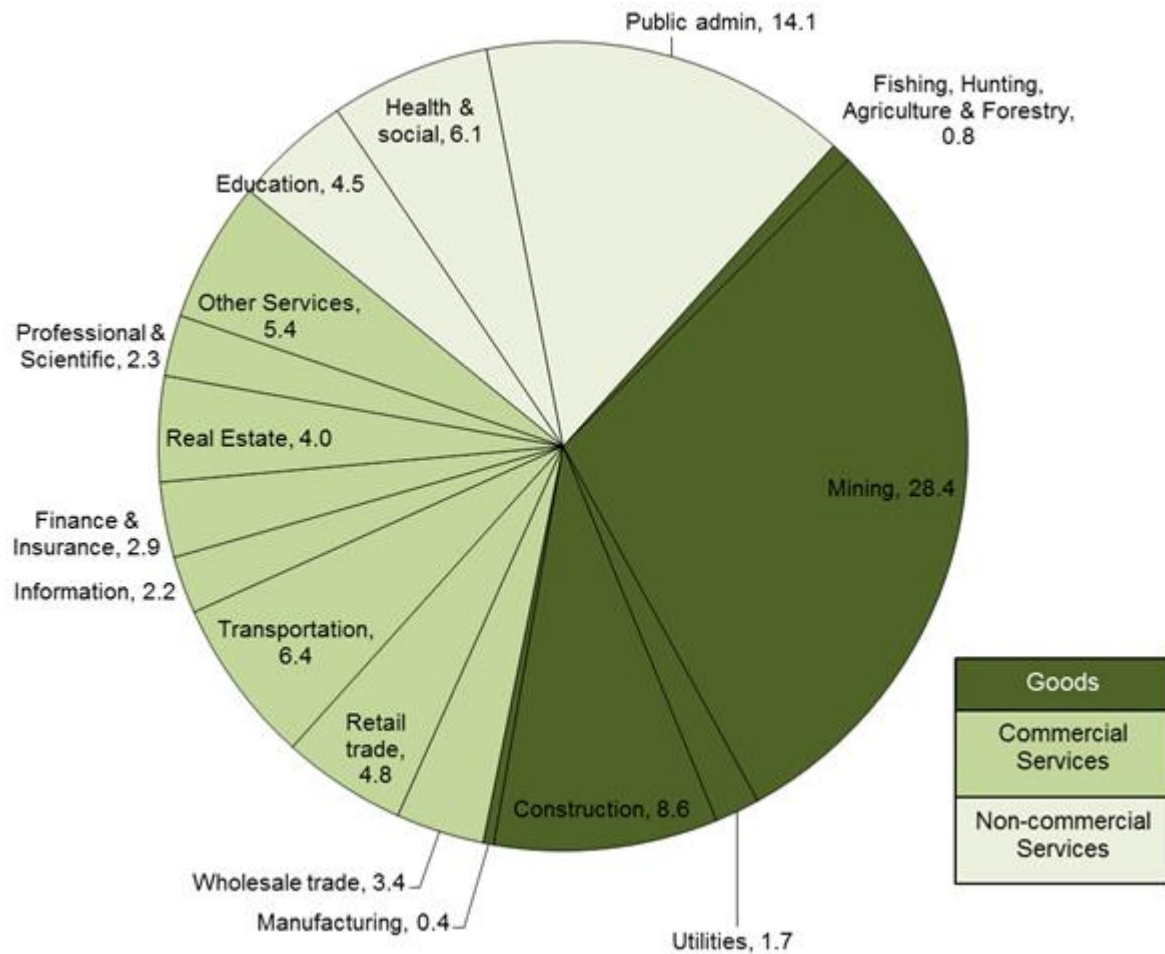
Source: Statistics Canada

Growth in 2014 was 6.8 per cent, the highest since the spike in 2007 (+11.6 per cent). The growth in 2014 reflects increased diamond production, pre-construction work on the Gahcho Kué mine and the Inuvik-Tuktoyaktuk Highway construction. Economic growth should continue in 2015 with increased investment resulting from the start of construction of the Gahcho Kué diamond mine.

The NWT economy can be divided into three interlocking categories:

- Goods producing sector (mining (includes oil and gas), construction, manufacturing, agriculture, hunting and fishing) makes up 40 per cent of GDP;
- Commercial services makes up 37 per cent of GDP; and,
- Non-commercial services (public administration, education, health and social services) make up 25 per cent of GDP.

NWT GDP by Industry, % share, 2014



Note: Excludes owner-occupied dwellings

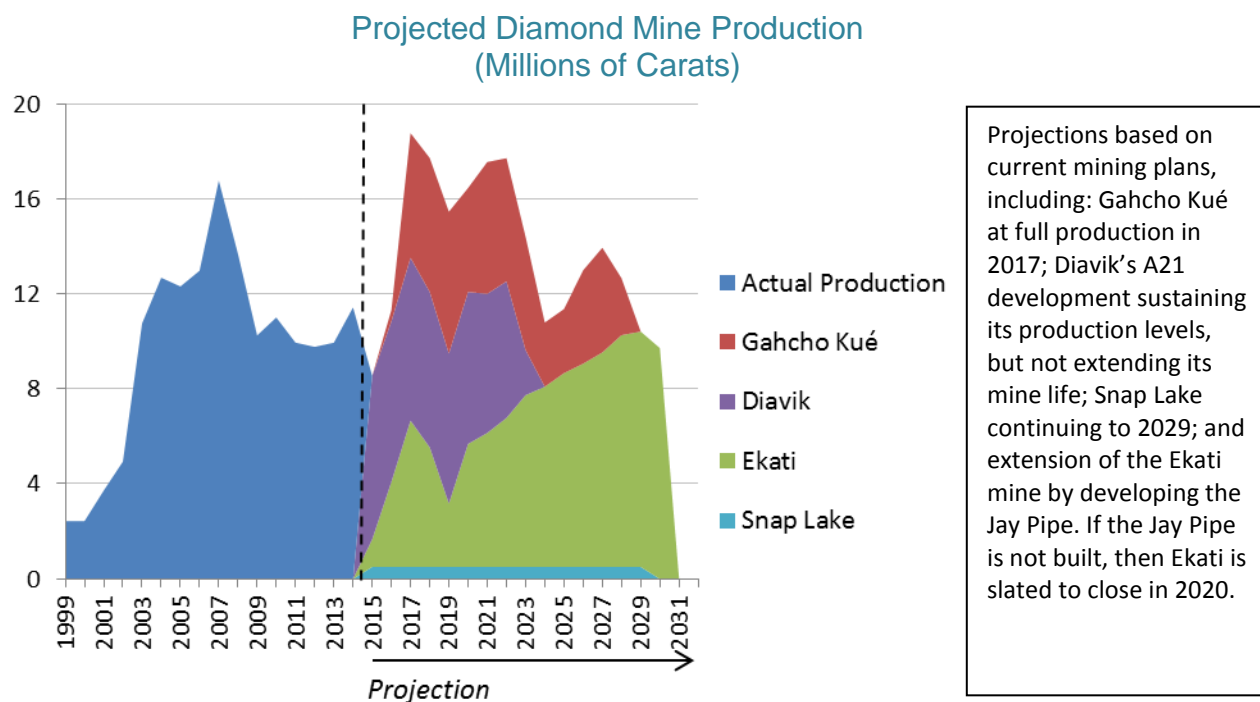
Source: Statistics Canada, NWT Finance

All components of the economy are important, but because of the dominance of the mining sector (including mining and oil and gas extraction) at 28 per cent of real GDP, what happens in the mining sector has a dramatic ripple effect on the rest of the economy in relatively short order. The mining sector has significant effects on other

industries through strong linkages to transportation, wholesale and retail trade, and real estate. Overall economic performance over the past 10 years was driven by the resource industry, both exploration and production.

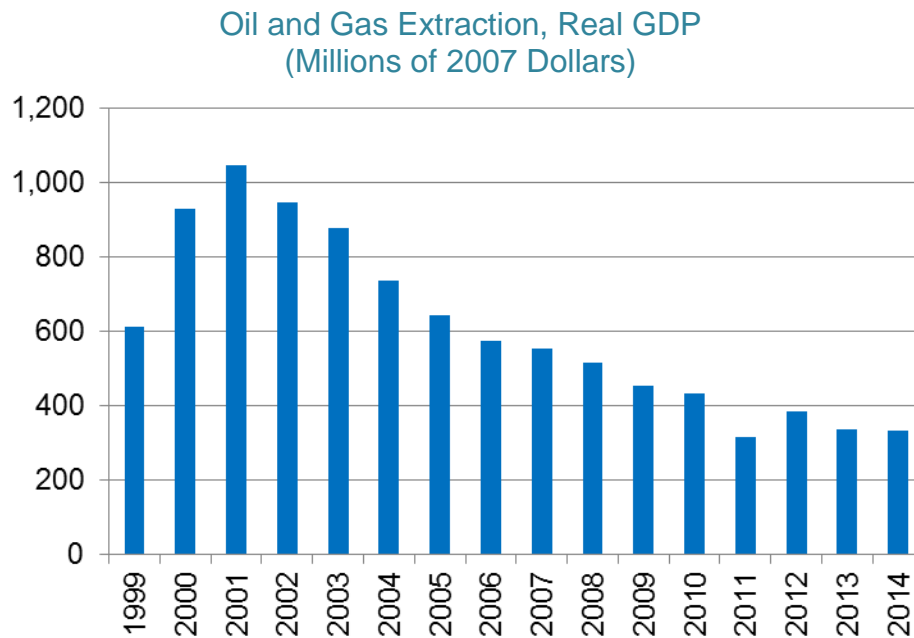
Diamond mine activity is the main component of the mining and oil and gas sector. Rough diamond production has been steady since 2007. While the near-term outlook projects higher levels of output, none of the plans for existing, or under construction, diamond mines project production past 2031.

The scope and timing of new resource projects is uncertain and any new mines are smaller than the existing mines. If the Ekati mine does not develop its Jay Pipe, it is expected to close in 2020, and beyond 2023, all four diamond mines are expected to start closing as deposits are exhausted. At present, there are no potential projects large enough to replace the existing diamond mines when they stop production in the medium term.



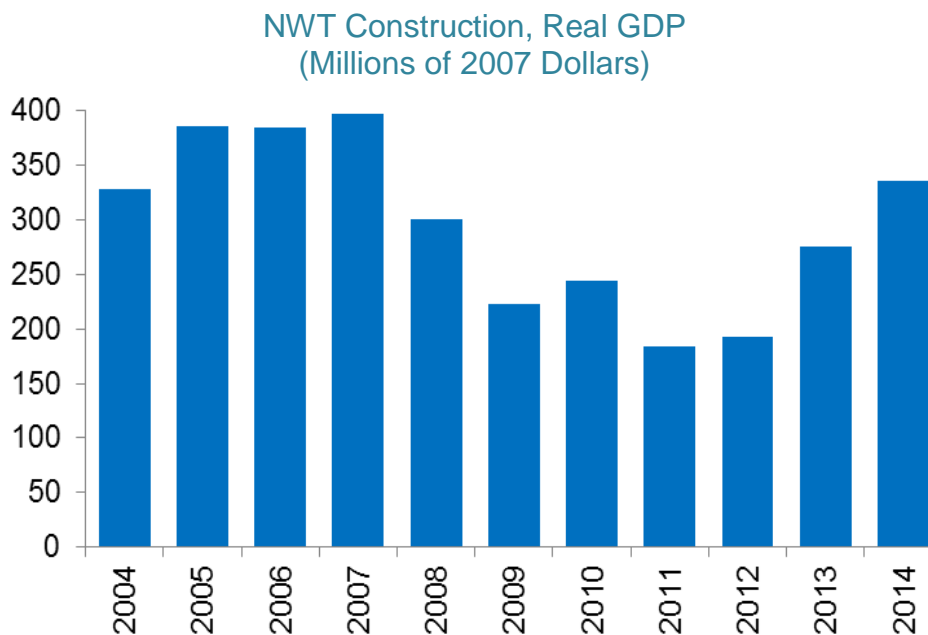
Source: NWT Department of Finance compilation of various technical and annual reports.

Oil and gas extraction is flat and historically low; compared to its production peak in 2001, real GDP in the NWT oil extraction sector is down by more than two-thirds in 2014. Oil production is declining and although there are proven oil and gas reserves in the NWT, extraction costs are high and there is not a viable means of getting the resource to market. Low oil prices are expected to continue for the medium term, further dampening the prospects for the NWT oil industry over the same period.



Source: Statistics Canada

Construction is the fourth largest component of territorial GDP and its contribution is heavily influenced by large resource-based projects. Construction has gradually recovered since the decline caused by the 2008 global recession and is expected to remain strong while construction of the Gahcho Kué diamond mine is underway.



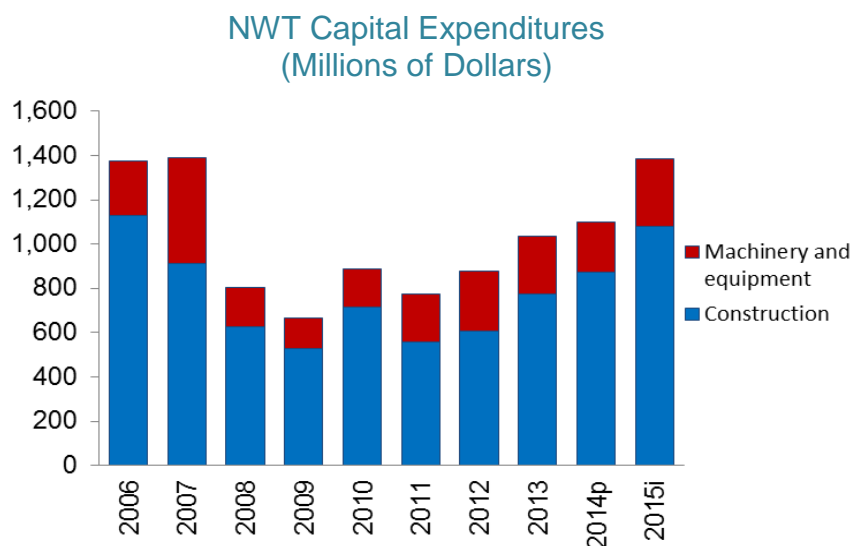
Source: Statistics Canada

Efforts to diversify the economy and temper the boom-and-bust nature of the current resource-based economy are still required. The manufacturing sector and the forestry, fishing, hunting and agriculture sector are the two smallest in the NWT economy, comprising less than 2 per cent of the total economy. However, both of these sectors have posted the largest growth rates over the last five years. The manufacturing sector has grown from a recessionary low of \$5 million in 2009 (0.2 per cent of GDP) to \$16 million in 2014 (0.4 per cent of GDP), representing a 26 per cent annual increase over that time. The forestry, fishing, hunting and agriculture industry have increased 13.8 per cent annually over the last five years, from \$16 million to \$30 million; however, almost all of the growth is from forestry support services, including firefighting, conservation, maintenance, measurement, and valuation, which totaled \$28 million in 2014 in real GDP terms. Agriculture production was negligible before 2011 but has consistently produced \$2 million annually since then.

Investment

Investment provides an indication of future economic growth. New investment by the private sector focuses on direct spending on buildings, equipment and machinery with the expectation of a positive return on the investment. Public sector investment largely focuses on health, education and public infrastructure; these investments seek to achieve beneficial social and economic outcomes.

Over the past decade, capital investment decreased substantially as a result of the global recession but is expected to match the 2007 peak in 2015, mainly due to construction at the Gahcho Kué diamond mine.



p: Preliminary

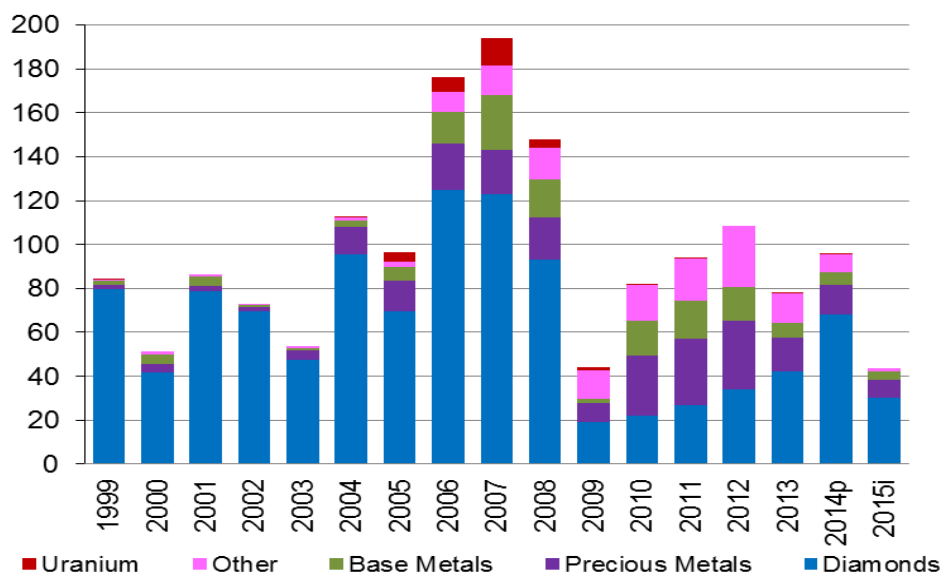
i: Intentions

Source: Statistics Canada

Despite the recovery in capital investments projected for 2015, the outlook for future expenditures is not as positive. Sectors other than the public and resource sectors are too small or lack significant growth potential for their investments to make a significant contribution to macroeconomic growth. Resource development depends on resource exploration investments for future growth. A new mineral discovery may take more than a decade to become a developed and producing mine. Total mineral exploration in 2015 is projected to drop to a level similar to 2009, when the global economy was mired in a severe downturn. There has been minimal oil and gas exploration over the past few years. Without exploration, new resource development does not happen.

The mining sector has been under pressure worldwide, especially the junior segment of the market, which typically are the companies that find new mines. Commodity prices are at their lowest level since early last decade and energy and metals have experienced some of the sharpest declines. Low commodity prices mean investors are reluctant to purchase shares in junior mining companies, which are their most common source of funding. The difficulties in securing funding have caused many juniors to dramatically scale back their activities. In short, low commodity prices have translated into a lack of funding for exploration. The poor outlook for global commodity prices over the medium-term will continue to dampen resource exploration in the NWT and make it extremely challenging for companies to secure financing to develop discovered deposits.

Mineral Exploration and Deposit Appraisals: 1999 – 2015i

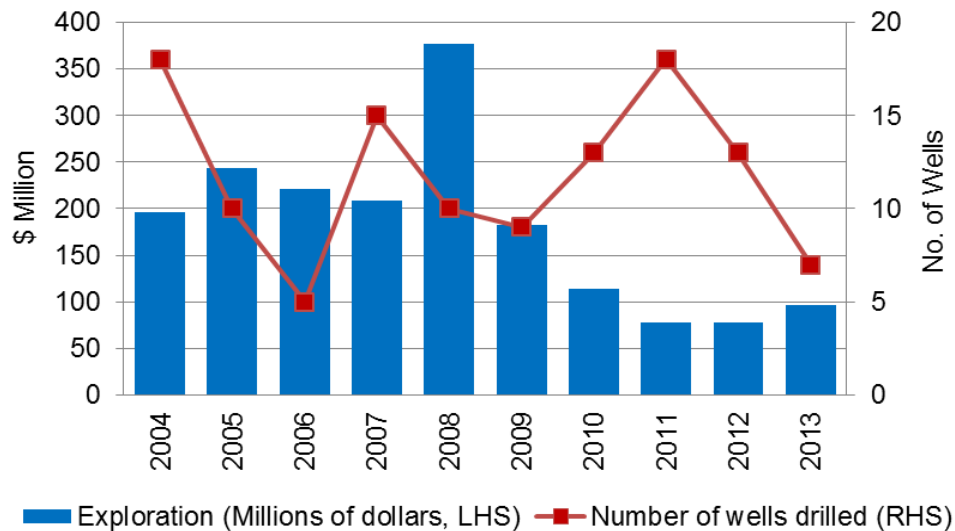


p: Preliminary

i: Intentions

Source: Natural Resources Canada

NWT Oil & Gas Exploration: 2004 - 2013

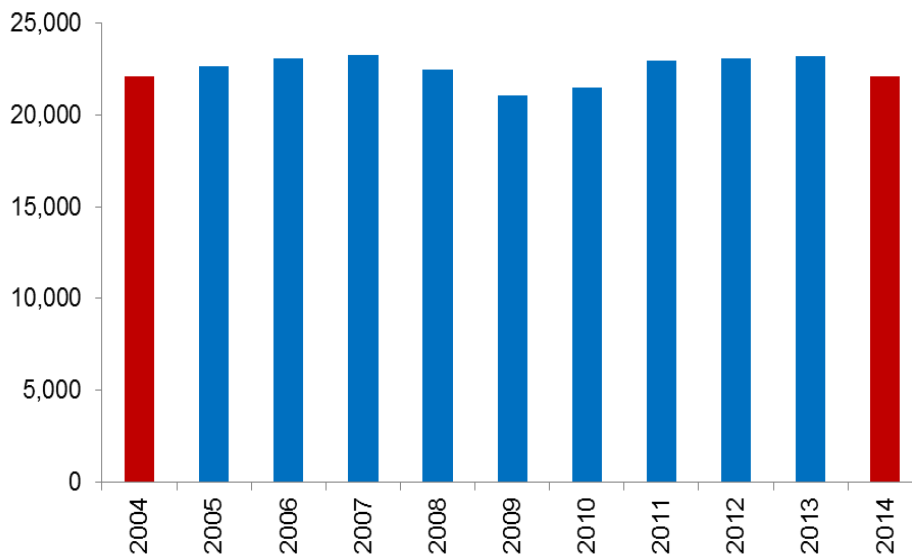


Source: NWT Bureau of Statistics

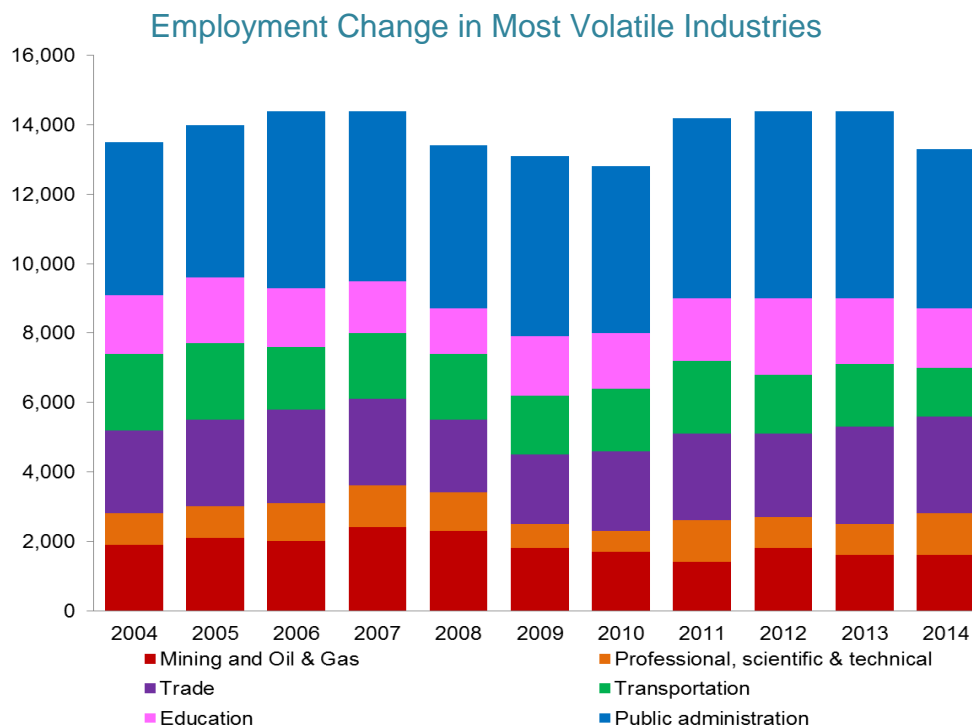
Employment

Employment decreased 4.7 per cent in 2014. Compared to a decade earlier, employment is relatively unchanged, down on average 0.5 per cent annually over that time. This means that essentially the same number of people were employed in 2014 as in 2004. However, this masks the movement of the job market between 2004 and 2014 and hides that growth was interrupted by the 2008-2009 recession.

NWT Employment



Source: Statistics Canada and NWT Bureau of Statistics



Source: Statistics Canada

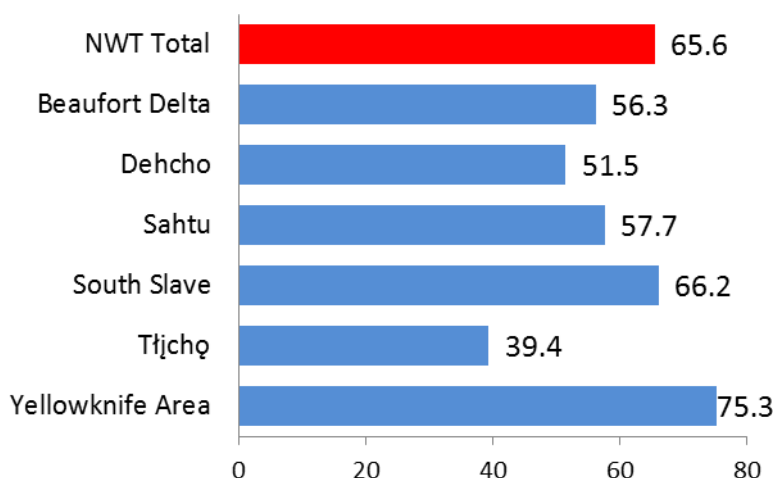
The six most volatile industries (mining and oil and gas extraction, professional services, wholesale and retail trade, transportation and warehousing, educational services, public administration) accounted for generally six out of ten jobs since 2004. These industries accounted for much of the fluctuations in employment during that period.

Employment in the mining, oil and gas industry has declined and professional, scientific and technical services were significantly squeezed in the recession and are just coming back. Public administration and public sector educational services are both among the most volatile sectors and they are level with 2004, but down compared to the 2011 to 2013 period.

The employment rate measures the extent to which NWT residents are directly participating in and benefiting from economic growth by determining the share of people 15 years of age and older who are employed. Employment rates vary considerably by region in the NWT but overall the NWT employment rate is higher than the Canadian average.

The overall employment rate masks disparities across the regions. Employment rates are the highest in the Yellowknife area and South Slave region. The employment rates in the Sahtu, Beaufort-Delta and Dehcho regions are considerably lower, ranging from 52 to 58 per cent and the Tłı̄chǫ region is the lowest at 39 per cent in 2014. The disparity has narrowed slightly over the past decade, but mainly because employment rates in all regions have decreased, other than in the Tlı̄chǫ and South Slave, where employment rates have risen by two percentage points.

Employment Rates by Region, 2014 (%)

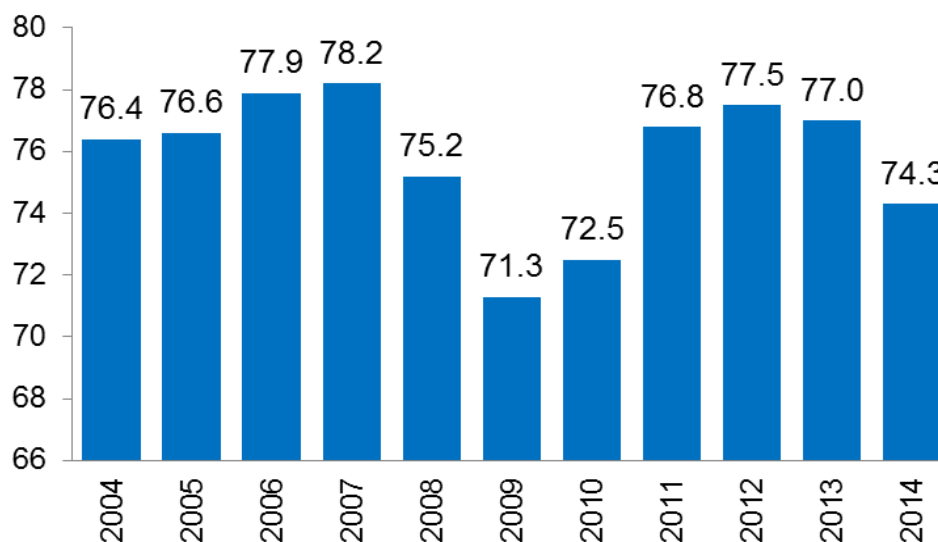


Source: NWT Bureau of Statistics

There is a major dependency on fly-in labour, especially for the resource sector, which highlights the inability of the NWT resident labour force to meet the demand for workers. The number of fly-in/fly-out workers in the NWT ranged from about 5,700 to 8,600 between 2003 and 2011, with increases in numbers between 2003 and 2008 and then a decline in 2009 because of the recession. Fly-in/fly-out workers account for between 21 and 26 per cent of NWT employment income over this time period. Over half of the NWT employment income earned by fly-in/fly-out workers was paid to individuals from Alberta and British Columbia, although shares from Ontario and Atlantic Canada doubled from 2003 to 2008, before declining again with the recession.

The NWT participation rate shows the number of people who are either employed or are actively looking for work and exclude those individuals who are not interested in working. The number of participants not in the labour force increased to 8,300 in 2014, the highest level since 2010. The participation rate dropped during the recession but recovered by 2011; however, the participation rate appears to be declining again.

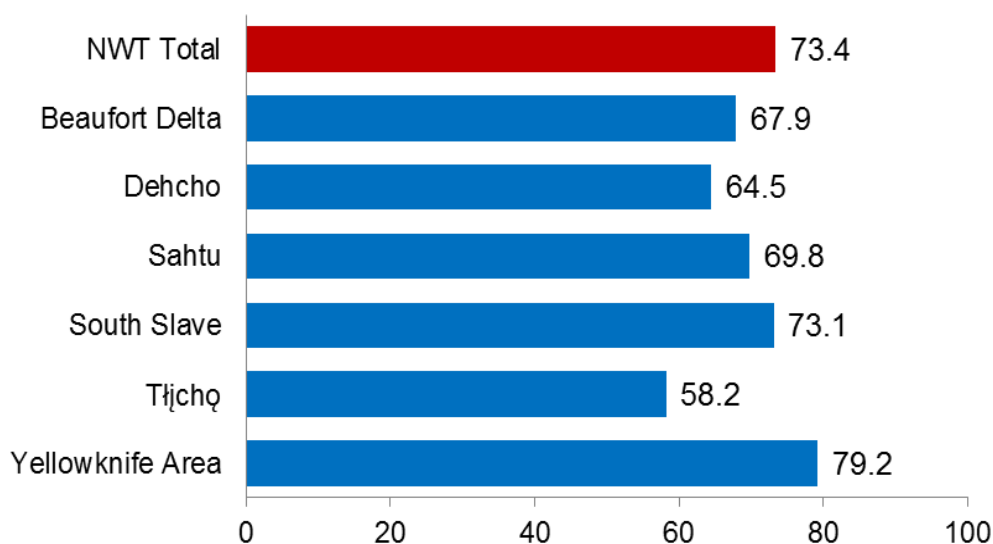
NWT Participation Rate (%)



Source: NWT Bureau of Statistics

Similar to employment rates, the participation rate differs by region. In 2014, the Yellowknife area had the highest rate (79 per cent) followed by the South Slave (73 per cent) and Sahtu (70 per cent) near the territorial average. The lowest rates are in the Tłı̄chq̄ (58 per cent), Dehcho (65 per cent), and Beaufort-Delta (68 per cent) regions.

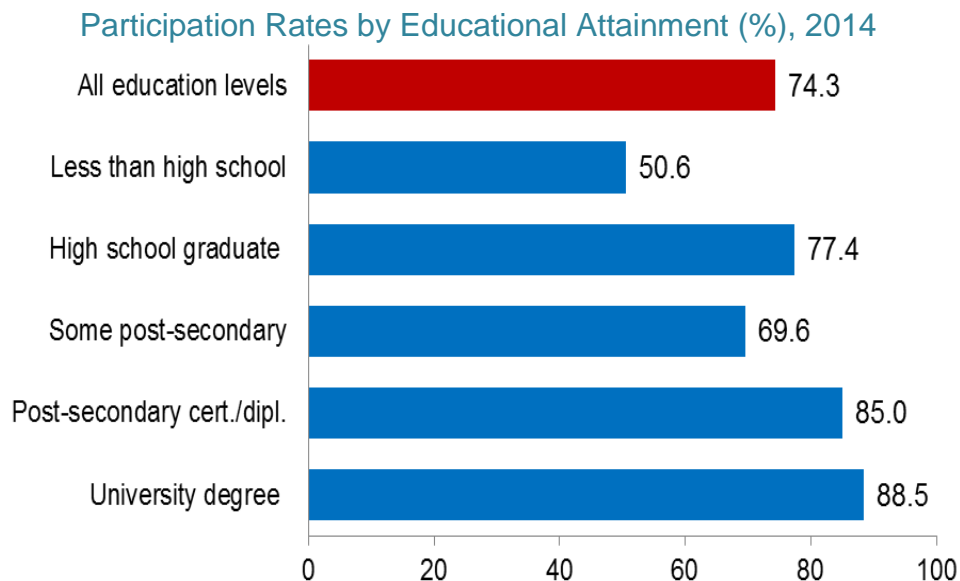
Participation Rates by Region (%), 2014



Source: NWT Bureau of Statistics

Education plays a pivotal role in labour market outcomes. The group with less than high school education was half (4,300) of all persons not in the labour force in 2014, with a

participation rate of 51 per cent. Those with university attainment had a participation rate of 89 per cent.

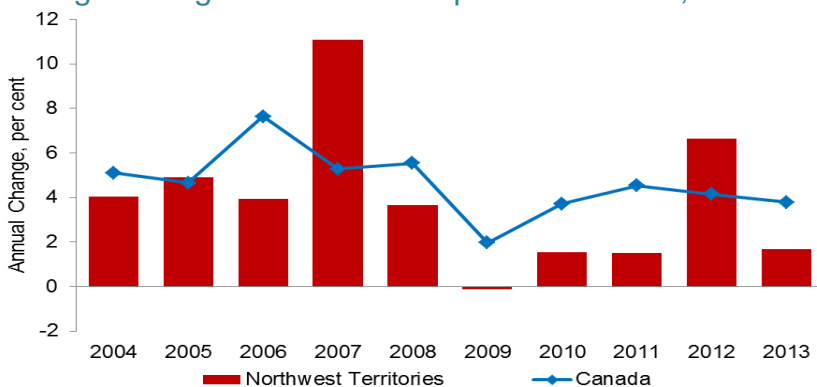


Source: NWT Bureau of Statistics

Income

Income growth provides evidence that people are benefitting from economic growth. Household disposable income in the NWT has grown over the past decade; however, it has grown slower than the national average. This suggests that the NWT is falling behind the rest of Canada.

Annual Percentage Change in Personal Disposable Income, NWT and Canada



Source: Statistics Canada

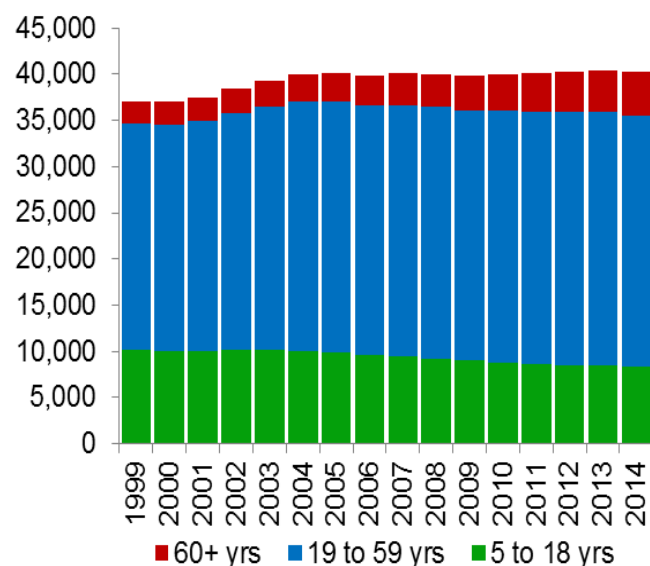
Population

Population growth measures a response to economic growth and provides a base for further growth through economic diversification. Population changes reflect the health of the population and the economic or lifestyle incentives for people to immigrate to the NWT or emigrate from the NWT. A growing population serves as a growing consumer market for local businesses.

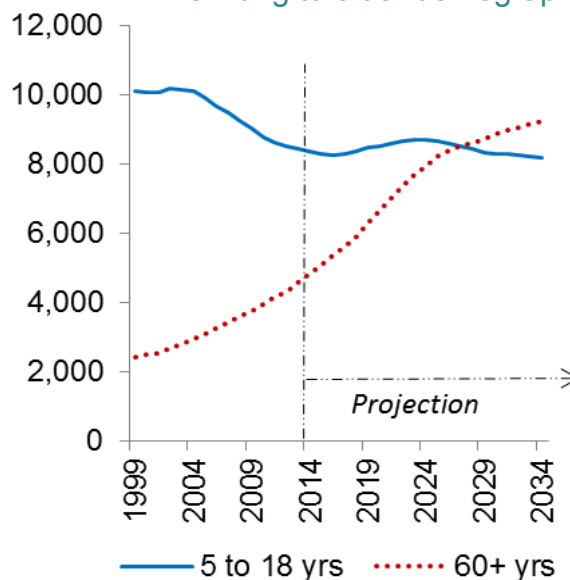
Similar to employment, the NWT population growth was flat over the last decade. In 2014, the population estimate was 43,623, representing an average annual increase of 0.07 per cent since 2004 when population was estimated at 43,305. The 2014 estimate is 0.5 per cent lower than 2013, ending a four-year run in growth.

In addition to flat population growth, the population is ageing. The number of children aged 5 to 18 years old is declining and the number of persons aged 60 and up is increasing. Since 1999, the number of persons aged 60 years and older has doubled. The NWT Bureau of Statistics projects that the number of seniors will be greater than the number of children within 12 years (by 2027). This type of demographic shift will require a reconfiguration of the GNWT's delivery of services to meet future demands.

Flat population growth...



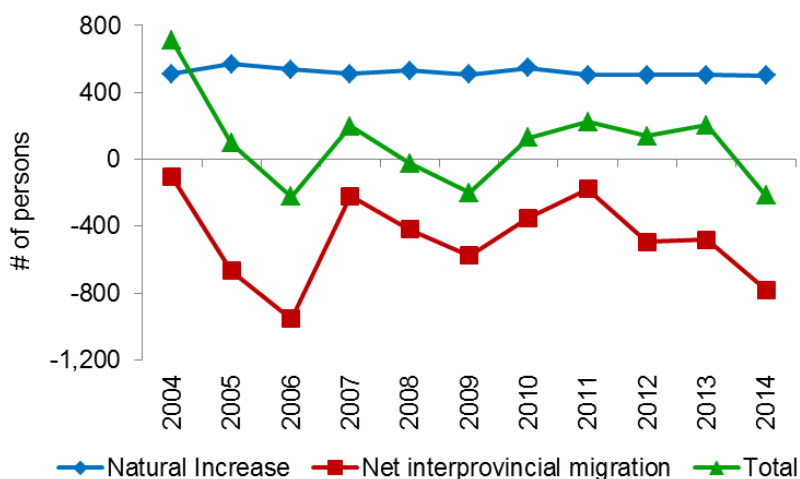
... shifting to older demographic



Source: Statistics Canada

Population growth is driven by inter-provincial migration, offset by natural increase (births less deaths). The current population stagnation is mainly due to more people leaving the NWT than coming into the territory. As shown in the following graph, the net natural increase has been relatively steady over the past decade. The data supports the theory that many young people come to work in the NWT (2-in) and leave a few years later, especially once they have children (4-out), possibly returning South because of family, rather than economic considerations.

Growth in NWT Population Components 2004-2014



Source: Statistics Canada

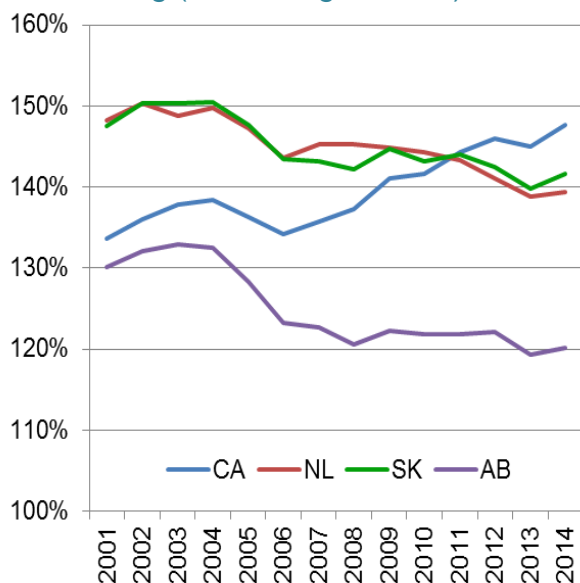
The NWT has always experienced negative net migration to Western Canada, and with the rise of western economies (especially Alberta and Saskatchewan) that negative migration has increased. The last time the NWT showed strong population growth was between 2002 and 2004 when the NWT had very strong economic growth and the rest of Canada had lackluster economic growth. This pattern of strong population growth was not repeated again in 2006 and 2007 when the territorial GDP peaked because of mine construction and the NWT was experiencing a huge labour shortage because other resource-rich economies, particularly Alberta and Newfoundland were also peaking at that time.

Both the strength in the NWT economy and its comparative advantage matters for attracting people. As shown in the following chart, the Average Weekly Wage differential (left chart) has shifted and improved relative to all but the oil-rich provinces over the past decade. (As the chart shows, in 2004, NWT wages were 138 per cent higher than the Canadian average and by 2014 the gap has widened to 148 per cent.) In 2014, NWT wages improved over these jurisdictions as well, and under the current economic environment it is possible that the NWT may be able to attract more people to take advantage of the economic opportunities offered in the NWT. Economic shifts lead to shifting patterns of migration. The population growth strategy needs to be able to target

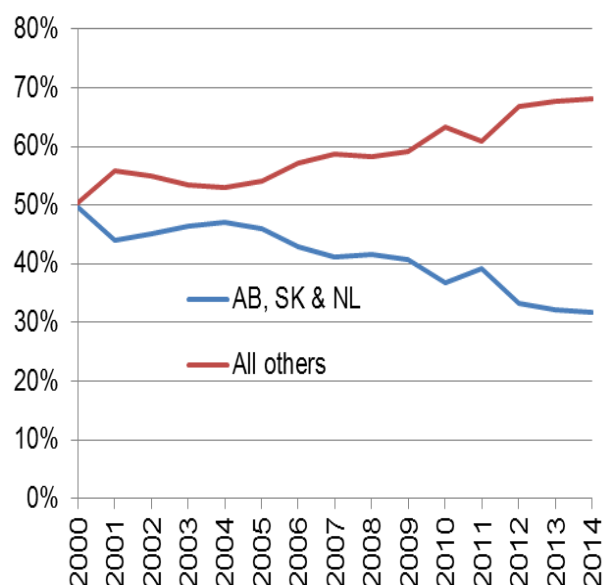
areas where comparative advantage exists, and to respond to economic shifts. The recent slowdown in the Alberta, Saskatchewan and Newfoundland economies may help in this area over the short-term.

Our changing comparative advantage - Economic shifts in Canada affect our comparative advantage and migration sources

NWT Wages Higher than Canada and Growing (NWT Wage Ratios)



Source of In-Migration (Shares)



Source: Statistics Canada

The NWT’s comparative advantages are limited, making efforts to grow the population especially challenging. Although the NWT provides lots of advantages, such as high incomes, clean air, lots of recreational opportunities, good government services, and short work commutes, other jurisdictions can make similar claims and are not hampered by a high cost of living. The 2014 NWT Mining Employees Survey provides information on the factors that mining employees consider in determining where to live. Of the NWT mining employees who moved to the NWT, over half moved because of availability and competitive pay and benefits, and another 8.3 per cent because of spousal employment. The main reasons mining employees considered moving from the NWT in the next year were the cost of living (44 per cent) and to be closer to family (12 per cent). The main reasons cited by non-NWT mining employees for not moving to the NWT were that they liked their home community (29 per cent) and the high cost of living (28 per cent). The main cost concerns were housing and utility costs. Therefore, while the NWT has a comparative advantage by offering plenty of high-paying job opportunities, it faces a comparative disadvantage because of the higher cost of living makes it difficult to attract new workers to live in the NWT and also increases operating costs for business.

The NWT economy relies on fly-in/fly-out labour for a significant part of its workforce to address the shortage of specific skills. Efforts to reduce this reliance will require an increased focus on immigration and a continued focus on efforts to enhance the skills and education of the local workforce.

Land Claims

Settled land claim agreements provide certainty to affected Aboriginal governments, residents and businesses considering investing in the region. This certainty often yields increased local and regional economic growth, employment and business opportunities, as the terms and conditions of engagement with governments and access to and use of land are defined and known. Settling the four remaining land claims with the Acho Dene Koe First Nations, Akaitcho Dene First Nations, Dehcho First Nations, and Northwest Territory Métis First Nation would clarify the terms of engagement among all parties, provide access to a significant amount of land currently not accessible due to interim land withdrawals and would improve the investment climate, generate jobs and economic activity, and foster commerce and entrepreneurship. Settling land claims is an important factor in strengthening the NWT economy.

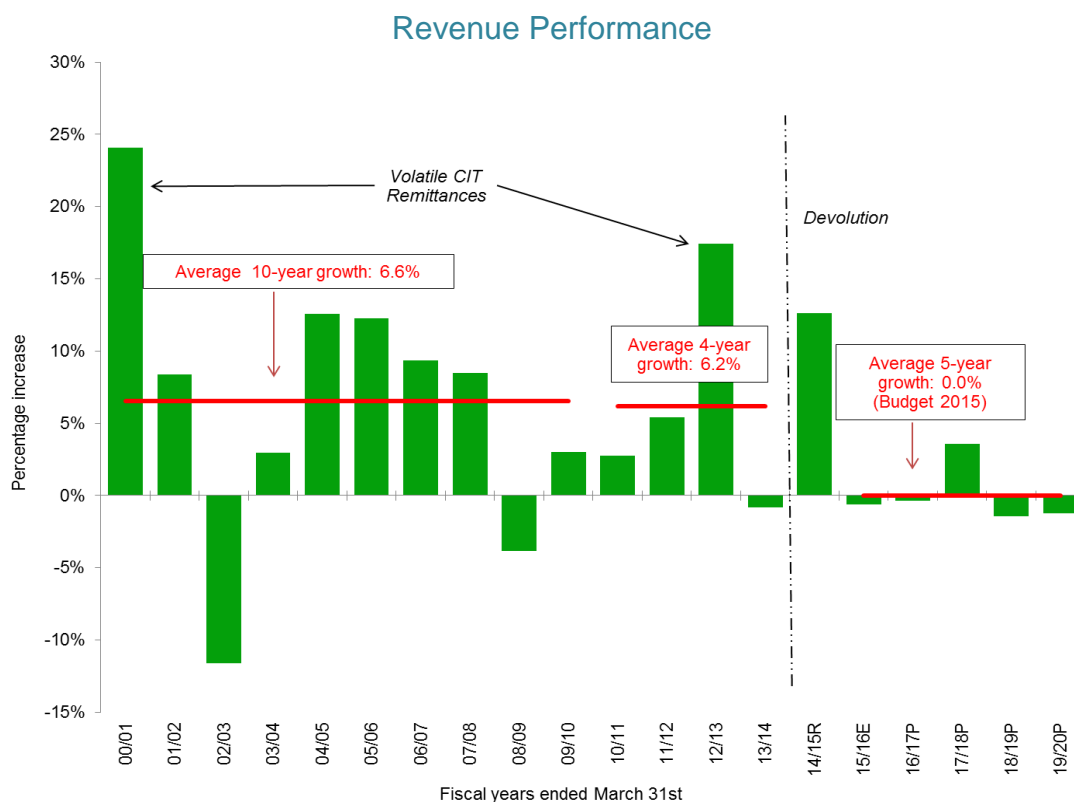
The NWT Economy Implications for GNWT Revenues

The limited extent of linkages in the territorial economy means that NWT economic growth does not always result in corresponding growth in GNWT revenues. However, direct economic activity, whether it is the operations of a mine or a retail establishment, has a direct impact on employment and also an indirect impact on other territorial businesses.

Based on national and territorial economic outlooks, and the NWT population growth forecasts, GNWT revenues are projected to remain almost flat over the medium-term while expenditure pressures continue to grow. The stagnant revenues are primarily due to slower Territorial Formula Financing growth. Since the Territorial Formula Financing grant is almost 70 per cent of GNWT revenues, the key variables in the grant, population and provincial/local government expenditures, drive the increase in total GNWT revenues. The GNWT's tax bases are too small to fund territorial government program and service responsibilities and therefore the GNWT depends on federal transfers, in particular, the Territorial Formula Financing arrangements, to provide adequate government revenues. Territorial Formula Financing arrangements are designed to cover the fiscal gap between GNWT own-source revenues and expenditure needs. Consequently, growth in own-source revenues decreases the Territorial Formula Financing by a corresponding but lesser amount.

Since the Territorial Formula Financing grant is the largest component of revenue, its growth rate anchors the growth rate for total GNWT revenue. It is projected to grow an average of 0.3 per cent annually from 2015-16 to 2019-20. The slowdown in the Canadian economy means that provinces are also facing slower revenue growth while needing to address huge debt levels, providing them with few options other than to restrict expenditures. Reduced provincial/local government expenditure growth and flat NWT population growth are the main reasons for the slower Territorial Formula Financing growth. Provincial/local government spending is not within the control of the GNWT, but the GNWT can influence NWT population levels through population growth and economic development strategies and by increasing the skills of residents of working age.

GNWT own-source revenue has grown an average of 6.4 per cent per year over the 2004 to 2015 period, but over the last five years growth has been reduced to 2.3 per cent annually.



* Adjusted for devolution from 14/15R and COLC from 12/13

R: Revised

E: Main Estimate

P: Projection

Source: NWT Department of Finance

Increased economic activity corresponds to a certain extent with increased income, fuel, property, and payroll tax revenue and resource royalties. Some increases in other

GNWT fees can also be attributed to economic growth and corresponding population growth. In general, own source revenue growth for different revenue sources can be explained through the following mechanisms:

- Fuel tax revenue growth is linked to fuel taxes paid by the diamond mines and other resource extraction activity. Fuel taxes also increase with general economic and population growth.
- Property tax revenue growth is largely attributable to tying property mill rates to inflation and to an increase in the number of assessed properties, which is clearly linked to economic growth.
- Payroll tax revenue is also growing on an annual basis due to increased employment levels and increases in wages and salaries. However, increases in payroll tax revenue can also be a result of an increase in the number of workers who live in other jurisdictions and therefore pay personal income taxes to those jurisdictions. Fly-in/fly-out workers are necessary to address labour skill shortages in the NWT resident labour force and are predominantly used by the resource industry, but too many non-resident workers becomes an economic distortion and prevents the NWT economy from reaching its full potential.
- Personal income tax revenue is increased through higher incomes and more taxpayers. Economic growth that does not create increased resident employment and, therefore, more taxpayers will not increase personal income tax revenues significantly.
- A definitive link between corporate income taxes and economic growth is difficult to determine. Wide swings in corporate income tax are the result of the actions of single taxpayers. The majority of corporate income tax is paid by a few firms in the resource sector, which, by the nature of the business, have volatile taxable incomes. Further, corporate income tax paid by multi-jurisdictional companies is allocated among provinces and territories according to federal income tax regulations. In general, for corporate income tax calculations, half of a corporation's income is allocated based on where wages and salaries are paid and half based on the location of sales.

The GNWT's tax bases are too small to generate sufficient new revenue by increasing taxes and user fees, even if increased taxation did not negatively affect economic growth. Promoting economic growth, and increasing the tax base, are important for the long-term health in own-source revenue, but own-source revenue has little immediate sensitivity to GDP and is less than 30 per cent of GNWT revenue. Increasing tax rates would make the high cost of living and business in the NWT higher. Even a large increase in taxes would not yield a proportional increase in total revenue given that tax is a small share of total revenue.

The flat revenue projection means that there can be no expenditure growth if the GNWT's fiscal framework is to remain sustainable. Increasing expenditure growth combined with flat or declining revenue will squeeze operating surpluses. Under the current medium-term outlook, expenditure growth is projected to increase, causing the projected surplus to fall from \$147 million in 2015-16 to \$13 million by 2019-20. This means that there will be little capital investment available by the last year of the 18th Assembly, as the Fiscal Responsibility Policy requires that at least half of capital investment be funded by operating surpluses. Expenditure management will be necessary to ensure operating surpluses have an impact on the infrastructure deficit. The GNWT will need the capacity to leverage funds through the New Building Canada Plan, a project-based fund that cost-shares infrastructure investment with the federal government. Otherwise, allocation of funds between other critical infrastructure investment and program and service delivery will be reduced.

Climate Change and its Fiscal Impact

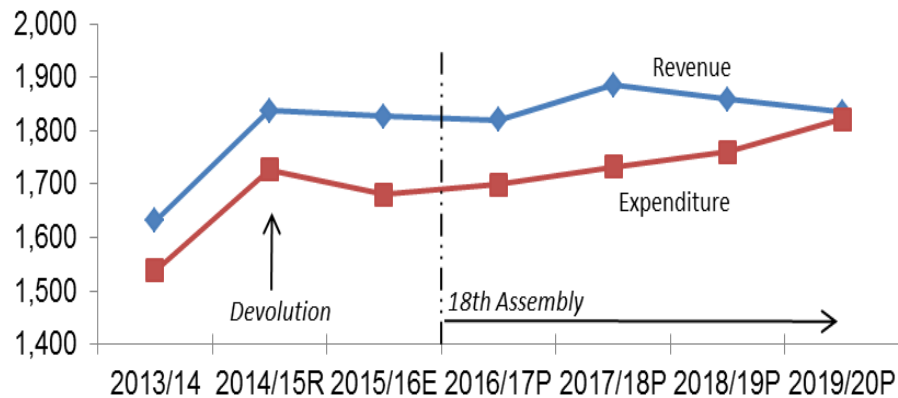
The effects of climate change are exacerbating expenditure pressures in a time of flat revenue growth. Immediate requirements to mitigate the effects of reduced electrical generation capacity due to low water levels, increased fire suppression costs, and costs to repair infrastructure damaged by thawing permafrost, diverts investments from other infrastructure projects that are necessary to provide government programs and services and to grow the NWT economy. Forest fire suppression costs have increased significantly for each of the past five years, costing in excess of \$100 million over this time period.

Climate change will present a number of challenges for both operating and capital budgets going forward. Future investments will require proactive measures to protect and enhance the transportation system and to make electricity generation and distribution more robust to climate change, including investment in alternative energy supplies and improvements to electrical transmission grids.

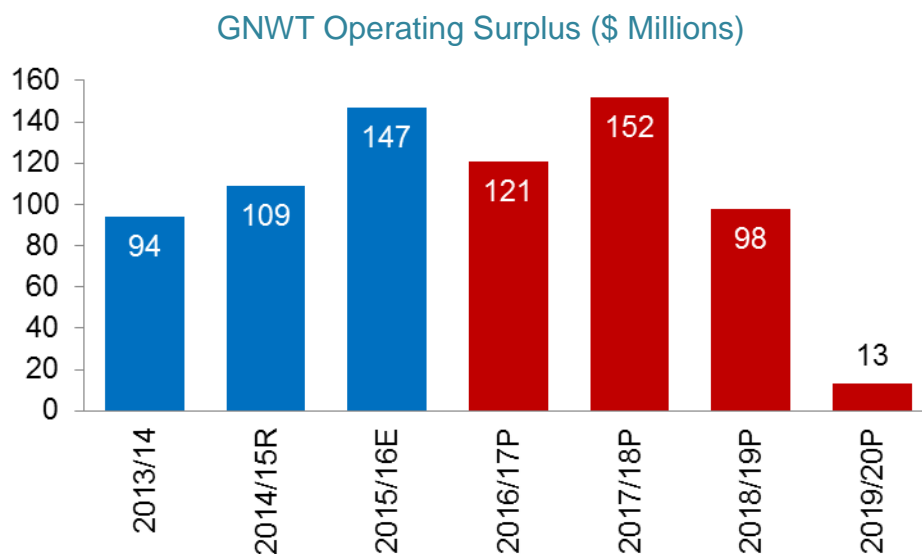
Table 1: Medium-Term Outlook – May 2015 (\$ Millions)

	2014-2015 (Revised)	2015-2016 (Forecast)	2016-2017 (Forecast)	2017-2018 (Forecast)	2018-2019 (Forecast)	2019-2020 (Forecast)
OPERATING SUMMARY						
Total revenues	1,838	1,827	1,820	1,885	1,858	1,835
Total expenditures	(1,729)	(1,680)	(1,699)	(1,733)	(1,760)	(1,822)
Operating surplus (deficit)	109	147	121	152	98	13
CAPITAL INVESTMENT						
	234	235	204	155	124	117
TOTAL (DEBT) AT MARCH 31						
Cash Surplus (Deficit) at year end	(287)	(272)	(281)	(250)	(172)	(121)
Long Term Debt and Guaranteed Debt	(443)	(442)	(520)	(510)	(500)	(638)
Total (Debt) at March 31	(730)	(714)	(801)	(760)	(672)	(759)
BORROWING LIMIT						
	800	1,300	1,300	1,300	1,300	1,300
Available Borrowing Capacity	70	586	499	540	628	541

GNWT Fiscal Outlook (\$ Millions)



R: Revised
 E: Main Estimates
 P: Projection



R: Revised
 E: Main Estimates
 P: Projection

The GNWT may borrow at higher than current levels because of the May 2015 \$500 million increase in the federally-imposed borrowing limit to \$1.3 billion. However, increased debt today leads to higher future debt repayments. Using the increased borrowing room entirely would add almost \$30 million annually in expenses for interest and debt repayment for three decades. The operating budget would be required to cover these extra costs and within the current fiscal framework, would create a deficit by 2019-20.

To ensure responsible borrowing policies, the GNWT developed a prudent debt management plan that is guided by the Fiscal Responsibility Policy, which requires operating cash surpluses to pay down debt and requires that at least half of the annual capital budget is funded by cash from operating surpluses.

Despite the need to invest in the economy, the current outlook lowers capital investment spending. Given the narrowing surplus and the Fiscal Responsibility Policy, the investment projection in Budget 2015 is in continual decline, from over \$230 million in both 2014-15 and 2015-16 to \$117 million by 2019-20. Increased investment will require increased operating surpluses but expenditure pressures from on-going demands for government programs and services also present challenges.

Summary

The NWT economic outlook is mixed at best. Some growth is expected in the near term due to resource development, in particular development of the Gahcho Kué diamond mine. However, the dependence on the volatile non-renewable resource sector makes the outlook for the NWT economy over the long-term uncertain as the two largest

diamond mines, Ekati and Diavik, are past their peak and currently identified potential resource projects might not replace the economic activity of these mines. The oil and gas sector has declined significantly since last decade, and the low energy prices that now prevail will not be helpful in spurring renewed activity. Revitalization of the mining, oil and sector industries will require a better outlook for commodity prices and improved global economic growth.

The slow-growing NWT economy produces a flat, if not declining, population. Past and current problems in the Canadian economy have created large provincial government debt loads, which provincial governments are addressing through slower expenditure growth and in some cases expenditure reductions. Flat territorial population growth and reduced provincial government spending has dramatically decreased the growth in the Territorial Formula Financing grant, which is 70 per cent of total GNWT revenues. Slow economic activity is a drag on GNWT own source revenues.

The NWT and Canadian economic situation has produced a flat revenue outlook, which in turn means less fiscal resources to sustain programs and services. Flat revenues mean that the GNWT cannot cover the growth in current expenditures caused by inflation. Given the narrowing surplus and the constraints created by prudent debt-management policies, the capital budget projection will be in continual decline unless expenditure management measures are taken. The recent \$500 million increase to the borrowing limit does allow the GNWT to borrow more to invest in infrastructure but debt payments reduce the amount that can be spent to deliver existing programs and services. Increased investment will require increased operating surpluses, but expenditure pressures from on-going demands for government programs and services also present challenges. Meeting these demands from within fiscal targets will require difficult decisions, including possibly changing the mix of programs and services the GNWT delivers. With a flat revenue outlook, expenditure management will be a necessary measure to generate surpluses to provide funding for infrastructure to grow the economy.

The NWT economy has a lot of potential, and not just in the resource sector. To help realize this potential, the GNWT needs to make investments to grow and diversify the economy and achieve the objectives set in the population growth and economic opportunity strategies, including fostering economic growth through infrastructure, including energy infrastructure, and exploration investment. Over the near term, projected activity will provide a holding pattern for the NWT economy that will allow for the opportunity to make the new investments required to ensure the longer term sustainability of the NWT economy.

PART B: The Decision-Making Environment

Key Messages

- There are numerous public decision-makers in the NWT, each of them operating in separate jurisdictions but in regular dialogue with each other.
- The territorial government makes decisions on matters closely related to the lives of NWT residents, and does so in a political system that is unique and continues to evolve.
- Citizens' expectations of government are changing, with demands for greater accessibility as well as speedy, personalized service delivery.

Introduction

The Standing Committee on Transition Matters (the Committee) was mandated to identify, describe, and signify major changes in the decision-making environment that may affect the consideration of future priorities by the 18th Legislative Assembly.

In this respect, the Committee has identified three major elements for consideration:

- the roles and responsibilities of public decision-makers in the NWT other than the territorial government;
- how the territorial government makes decisions; and,
- some emerging trends in citizen expectations of government.

The Committee believes that understanding these aspects of public policy will help members of the 18th Legislative Assembly make decisions on the future priorities of NWT residents.

The Committee describes public policy as a commitment by government to a path of action to achieve certain goals. Overall, the objective of policy making is to understand the issues that matter to residents and for elected leaders to collectively respond to those issues as best as possible. That's what government priority setting is all about. In order to do so responsibly, decision-makers need accurate and reliable information on which to base their decisions.

Decision-Makers in the NWT

The territorial government is only one public decision-maker in the NWT, but it is a very important one. The territorial government has responsibility for administering a wide range of public services, such as health care and education, building and maintaining roads, protecting water resources, and promoting economic development. The exercise of these responsibilities creates many of the public services used by our residents every day. The three branches of government include not only the executive and the legislature, but also courts of law, which are significant independent decision-makers in their own right.

Territorial government is not the only policy-maker in the NWT. Other major public decision-makers include the Government of Canada, regional Aboriginal governments, community governments, co-management boards, and territorial boards. There is regular communication between each of these institutions, through structures such as the Intergovernmental Council, NWT Board Forum and/or simply in phone conversations between leaders. It is useful to understand not only the jurisdiction of each public decision-maker but also channels for on-going dialogue between them. It is also important to continue to think about how all of these decision-makers fit together in governing the NWT.

Government of Canada

The role of the Government of Canada in the NWT has changed significantly in the wake of successive devolutions of authority, the most recent of these being the devolution of responsibility for water, land and resource management from Canada to the NWT on April 1, 2014. The GNWT now has province-like powers in almost all aspects of public policy, and federal government activity in the NWT is now more similar to that of a province; for example, the federal government still provides services in public prosecutions, and is active in health promotion and regional economic development. The Government of Canada also has specific responsibilities under the *Indian Act*, and participates in the negotiation and implementation of land claims agreements. The Government of Canada is still responsible for the *Mackenzie Valley Resource Management Act*, but authority for that legislation could be devolved during the term of the 18th Assembly following a five year period for review.

Aboriginal Governments

Section 35 of the *Constitution Act* (1982) recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada. Both Canada and the GNWT have taken the position that the inherent right of self-government is an existing Aboriginal right. The modern expression of this right is negotiated through self-government agreements. Negotiations are underway throughout the territory, and concluded agreements established the regional Tłıchǫ government in 2004 and the community government of Délıne in 2015.

There are several forms of Aboriginal government in the NWT. Some Aboriginal governments represent a specific group of Aboriginal people, while others deliver programs and services to all residents in a community or area. Moreover, some governance bodies, such as the Inuvialuit Regional Corporation, were created before current forms of self-government were put in place, but are nonetheless understood to be governments. When self-government agreements are finalized, they are signed by the affected Aboriginal peoples as well as by the Government of Canada and the GNWT, with each signatory agreeing to specific obligations.

This expansion in representation necessitates new ways for governments to work together. For example, an Intergovernmental Council was created in 2014 to expand government-to-government relationship-building in the territory and to help ensure a consistent approach to managing lands and resources. Meanwhile, intergovernmental service agreements are specific partnerships between the GNWT and Aboriginal governments to enhance program and service delivery through the sharing of resources. The GNWT has memorandums of understanding with some Aboriginal governments, such as the Akaitcho, to ensure collaboration on issues of shared interest. The relationship between Aboriginal and public governments is a dynamic and evolving one.

Community Governments

There is a range of types of community government in the NWT. The territory's six largest municipalities are taxed-based, meaning that a portion of their revenues comes from direct taxation of residents. The other 27 communities in the territory are a mixture and blend of hamlets, band governments, reserves, and self-governments; in these instances, government revenue comes primarily from the territorial department for municipal affairs or the federal government. In every instance, community governments deliver daily services to residents and are the most local forms of representation.

As governance in the NWT has evolved, the authorities of community governments have expanded. At the same time, there is a recognizable pattern of declining populations in our smallest communities and increased migration to our larger regional centres; this can place greater pressure on the capacity of a community government to deliver a full range of services to residents.

Co-Management Boards

Flowing from comprehensive claims, inclusive boards are a distinctly northern innovation in resource management. These management boards, such as the Mackenzie Valley Environmental Impact Review Board, are institutions of public government at the intersection of Aboriginal, territorial, and federal jurisdiction. They are intended to ensure balanced perspectives, including Aboriginal views in decision-making, and are typically responsible for wildlife management, land use planning, licensing, or environmental assessment. Appointments to these boards are made by a designated government, and nominations for potential appointees come from all three

orders of government. Perhaps the most significant current issue is the initiative to amalgamate regional land and water boards in the Mackenzie Valley into a single larger board; in early 2015 a court injunction stopped this process, and that court decision is under appeal.

Territorial Boards

Public boards are created through territorial legislation, intergovernmental agreements, or government policy. Generally speaking, territorial boards are either advisory, or they regulate certain bodies, or they make regulatory decisions based on specific applications. For example, the Status of Women Council of the NWT provides advice to the responsible minister on how to promote changes to ensure equality for women; the Aurora College Board of Governors regulates governance of the College; meanwhile, the Social Assistance Appeal Board hears appeals resulting from specific decisions on individual cases. The territorial government appoints people to serve on these boards who are qualified and committed to undertake the work; although boards operate at arm's length, the government is still responsible for setting policy direction as well as for general oversight. Some changes are underway to improve board governance, such as the plan to amalgamate the existing eight regional health boards into one shared authority to ensure that board operations are efficient and responsive to public needs.

Courts of Law

Decisions taken by courts of law have a direct effect on government policy making; courts regularly review which public bodies are entitled to take decisions, how decisions are made, and whether the decisions taken are reasonable and lawful. For example, decisions concerning the rights of francophone students effect the planning of school facilities, while decisions concerning Aboriginal harvesting rights affect wildlife management. Courts are thus important points of influence in the policy making environment.

The NWT has a Territorial Court, which is a trial court, as well as a Supreme Court, which hears civil and serious criminal cases, can review board decision-making, and hears some appeals. There is also an NWT Court of Appeal that provides for appeals of decisions of the Supreme Court of the NWT. Judges of the Territorial Court are appointed by the territorial Minister of Justice upon the recommendation of the Judicial Appointments Advisory Committee, which comprises representatives of the public, the legal profession, and the judiciary; whereas judges of the Supreme Court and the Court of Appeal are appointed by the federal Minister of Justice. Moreover, decisions by the Federal Court of Canada and the Supreme Court of Canada, particularly, most recently, with respect to Aboriginal rights and resource extraction, have an effect on the rights and obligations of all governments and citizens in Canada, including in the NWT.

Territorial Government Decision-Making

Recognizing that there are other important public policy makers in the NWT, the territorial government has the broadest mandate for policy making within our borders. Our consensus government uses processes similar to those found in provincial capitals or in Ottawa, but without political parties or majority governments. The Executive Council always has a minority of members of the legislative assembly (MLA), standing committees play a vital role in the legislative and policy making process, and individual ministers have significant individual responsibilities. This section is intended to highlight some of the important aspects of territorial government decision-making.

Process Conventions

Consensus government continues to evolve. At one time, no members of the Executive Council were elected; over time, democratization and traditional Aboriginal ways of decision-making have influenced the structure and culture of territorial government. Today's elected representatives continue to think about the best way for our system of government to operate.

The Guiding Principles and Process Conventions of consensus government were established in 2010 and continue to be refined. The principles speak to the ways of doing politics in consensus government; for example, it is explained that the role of regular members is not to be the 'government-in-waiting', but is to review, monitor, and hold to account the direction taken by Cabinet. The conventions describe elements such as the role of Caucus, the proceedings of the Territorial Leadership Committee, and how governments responsibly exercise restraint during periods of government transition. These principles and conventions can be revised at any time by agreement of Caucus or by agreement between the Executive Council and the Standing Committee on Priorities and Planning, allowing political processes to be responsive to changes in the policy making environment.

Authority and Organization

Although consensus government affords a greater and more active role for all MLAs, there remains an important distinction between the Executive Council and regular members. The Executive Council is in place to provide leadership on policy initiatives and direct the civil service, while regular members are expected to help guide policy direction and hold the Executive to account. It is the Executive Council that prepares and proposes budgets, but the Legislative Assembly ultimately approves spending in law.

The organizational structure of any government is designed by choice. Government is often organized to help achieve defined goals and objectives. The reorganization of government can be a major undertaking, requiring months if not years to design and implement; as legal authorities, personnel, records, and equipment are being adjusted, programs and services still must be delivered. Recent examples of government

reorganization include the creation of the Department of Lands in 2014 to respond to new authorities resulting from devolution. Another aspect of government organization is the geographic location of public service positions, and recently the GNWT has decentralized over 100 positions outside of the capital.

Role of Standing Committees

Standing and special committees of the Legislative Assembly are crucial to the territory's legislative and policy processes. Special committees are set up by the Assembly to gather information and public input on particular subjects, while standing committees deal with Assembly business of a continuing nature. Standing committees are more numerous and common, and are frequently busy with the review of legislative proposals for new or amended laws, major policy initiatives, and the annual business plans of government departments. Standing committees regularly provide reports on transition matters to convey what issues they have studied over the past four years and what issues they think may carry forward to the next Assembly.

Minister as Regulator

As the GNWT accepted new regulatory responsibilities on April 1st, 2014, some government ministers were assigned new powers. A number of laws that used to assign decision-making to federal ministers were mirrored under territorial authority and now assign authority to territorial ministers. For example, it is a territorial minister who may now approve or reject the issuance of Type A water licences under the *Waters Act*.

Any decisions or decision-making processes taken by a minister as regulator must respect common law. In some cases, this may prevent a minister from speaking about an issue with other MLAs, including other ministers, before taking a decision, unless there is a defined public process where others are also allowed to express their views to the minister. These regulatory powers are not new to the GNWT. For example, prior to devolution, it was the responsible minister who could appeal government decisions under the *Forest Management Act*. Post-devolution, there are more instances of a minister acting in a regulatory capacity independent of Cabinet, and in a consensus government this means more areas where ministers may not be able to solicit the opinions of other MLAs absent a public process.

Citizen Expectations of Government

Citizen expectations of government are shaped, in part, by the standards set by other organizations and by overall changes in society. For many people, information is delivered with the speed of Google, goods are delivered with the choice and efficiency of Amazon, and messages are responded to instantly through Twitter or Facebook. At the same time, some northerners are without access or need to experience life at this pace. As for government, it has a public duty to check that the information it sends is accurate, the goods it delivers are safe and accessible, and dialogue with the public is

fair and inclusive. The territorial government is expected to meet the expectations of Internet-savvy youth in the city as well as elders living traditional ways-of-life in our smallest communities, and to do so in accordance with the law and principles of good public management.

Public Participation

Modern technology and increased connectivity throughout the territory has resulted in numerous approaches to public participation in policy making. Residents can comment on public policies directly to their elected representative(s), on social media, in community consultations, and in response to surveys.

Consultation is not always just an optional practice, there is a legal 'duty to consult' with Aboriginal peoples where their Aboriginal and treaty rights could be affected by a decision, particularly as it relates to land and resource development. Successive court cases in Canada have illustrated how this duty must be met.

And beyond formal consultations by government, elected representatives are now more accessible to a wider group of people and interests, at any time of day, through social media. This can place more pressure and demand on the time and attention of policy makers.

Service Delivery

Citizens will most often experience their government, not through elections or policy debates, but in service delivery. Therefore, the experience citizens have at the front line of government will likely shape their views of government. Accessibility has become a major aspect of government service delivery. The overall growth in government services coupled with the possibilities of electronic access to government have allowed for a greater sophistication in approaches to service delivery.

But while there is growing demand for online services, there are also inequalities in computer literacy and broadband access. These inequalities are related to both income and geography. This places the government in the position of keeping up with national trends for electronic service delivery, while, at the same time, delivering innovative solutions for a northern context, such as the placement of Government Service Officers in our smallest communities.

Representation

Residents of the NWT are represented by numerous elected officials. This includes a resident's Member of the Legislative Assembly, Member of Parliament, Senator, community government representatives, and regional government representatives. With so many more representatives, alongside the changing nature of NWT governance, it can be difficult for citizens to know which representative to approach if there is an issue to be addressed.

Sometimes the people raising issues on behalf of citizens are not elected. For example, the legislature's statutory officers such as the Auditor General or the Information and Privacy Commissioner frequently ask expert questions of government in the interest of citizens. Additionally, interest groups, businesses and non-governmental organizations, will often advocate or lobby for or against certain causes on behalf of some citizens. Citizens increasingly expect government to work in cooperation with groups and associations to develop public policy; for example, government and various organizations collaborated to develop an anti-poverty strategy for the NWT. This is a growing trend for the development of public policy in Canada.

Summary

The Member of the Legislative Assembly is thus one voice in the territorial policy making environment, but is a person with considerable power and responsibility.

The GNWT is one decision-maker in the decision-making environment, but it is one that acts in a broad range of areas – many of which are closely connected to the lives of territorial residents. As institutional relationships and consensus government in the territory continues to evolve, it will be increasingly important for citizens to know the power and limits of the GNWT. The Committee believes this chapter of our report gives members of the 18th Assembly and the public a valuable overview of the powers of government and the pressures upon government. This is important context to behold when considering the priorities of our future government.

PART C: Recommendations on Transition Process and Consensus Government

The terms of reference for the Special Committee on Transition Matters include a mandate for the Committee to report on “options and recommendations on the transition process from the 17th Assembly to the 18th Assembly, including the structure of the orientation, leadership selection, and priority setting.”

Concurrent with the establishment of the Committee, the Secretary to the Committee conducted interviews with members of the Legislative Assembly on consensus government and previous transitions. The results of these interviews assisted the Committee in setting an agenda for examination of the transition process.

The purpose of this section of the Report is to describe the issues studied by the Committee, summarize the deliberations of the Committee, and convey the Committee’s recommendations.

Subjects discussed by the Committee were:

- Term Length
- Territorial Leadership Selection
- Regional Balance on Cabinet
- Mid-Term Review
- Priority Setting
- Business Planning Process
- Transition Staging

Term Length

The fixed four-year term of the legislature arose as an issue this past year when deliberating how best to manage the overlap in municipal, federal, and territorial election periods. When interviewed, MLAs consistently mentioned the time constraints of legislating within the system of consensus government; this is because the early parts of a legislative term are dedicated to establishing a mandate, while the latter parts tend to shift towards transition planning.

The Committee explored options. Even with the maximum life of an Assembly now being five years under the *Northwest Territories Act*, it was determined that fixed date elections every four years in the fall is in the territorial interest. Given that overlapping election periods may occur from time to time, a trigger mechanism could be established to defer the election period by a few weeks but retain the principle of a fixed date election on a four year cycle (as was done in 2015 with the *Polling Day Act*).

The Committee recommends that the in-coming 18th Assembly retain the current four-year fixed date election schedule.

Territorial Leadership Selection

In consensus government, the Speaker, Premier, and members of the Executive Council are elected by all members of the Legislative Assembly. This is one of the defining features of consensus government. It stands in contrast to other Westminster systems in Canada where the first minister is the party leader who commands the confidence of the legislature and where Cabinet ministers are selected by the first minister.

The interviews demonstrated widespread satisfaction with members of the Legislative Assembly electing the Executive Council. The Committee discussed the subject and determined that no additional research was warranted.

The Committee recommends that the in-coming 18th Assembly continue to elect members of the Executive Council.

Regional Balance on Cabinet

Membership of all Cabinets in territorial, provincial, and federal governments in Canada reflect a balance of regions within their jurisdiction. Over successive legislative assemblies, NWT Cabinets have also reflected regional balance. Although there is no written rule that this must be the case, and no rule stating how regional representation must be balanced, there is a convention in place. The current convention is that, after the Premier is elected, the remaining six members of the Executive Council will be elected so that there are two from ridings in the North, two from ridings in Yellowknife, and two from ridings in the South – this has been called the 2-2-2 convention.

The interviews demonstrated support for regional balance on Cabinet, but uncertainty as to whether the 2-2-2 convention is the best method to achieve balance. The Committee explored options. In examining different methods of striking a regional balance on Cabinet, members reflected that every option has advantages and disadvantages, and none is perfect.

Some members understood the rationale to consider change, but were satisfied with the 2-2-2 convention and the current process for electing the leadership.

Some members thought it best to adopt a 2-3-2 convention, whereby members of the Executive Council would be elected, with all seven positions allocated based on existing regions, but with three spots reserved for members from ridings in Yellowknife to better reflect the City's proportion of the territory's overall population (i.e., 2 from the North, 3 from Yellowknife, and 2 from the South). The Premier would be elected last by the Legislative Assembly from among the seven members of the Executive Council.

Other members thought it best to adopt a 2-2-2-1 convention, whereby members of the Executive Council would be elected with the first six being allocated based on existing regions (2 from the North, 2 from Yellowknife, and 2 from the South) and with the last member being elected at-large to make up for other deficiencies in representation (e.g., more women); after all seven members of the Executive Council were elected, then, from among the seven, the Legislative Assembly would elect a Premier.

The Committee supports having regional balance on Cabinet, but does not make any recommendation on the way the 18th Assembly should arrive at regional balance on Cabinet.

Mid-Term Review

Previous Assemblies have held a mid-term review of the performance of members of the Executive Council; the last mid-term review was during the 13th Assembly (1995 – 1999). Mid-term reviews are done in Nunavut, where consensus government is also practiced.

Interviews with MLAs demonstrated support for a mid-term review, but more to take stock of the priorities and goals for the legislative term, than to review the political performance of individuals.

The Committee examined the question from a political and from a policy perspective.

From a political perspective, it was determined that there are numerous and sufficient methods already in place for the Legislative Assembly to review, criticize, and, if necessary, sanction a member or the government; examples of these tools include the power to revoke an appointment to the Executive Council, to censure a Minister, to replace the chair of a standing committee, and to debate and approve budgets. The Committee does not recommend a mid-term review.

From a policy perspective, it was observed that reviewing the priorities for a legislative term is closely connected with how the priorities are set as well as reporting on their implementation. The Committee thought it best to introduce a process convention to add clarity to this aspect of consensus government [see Appendix B].

The Committee recommends that the out-going 17th Assembly establish a *Process Convention on Priority Setting and Reporting*, and that the in-coming 18th Assembly endorse this convention.

Priority Setting

In consensus government, the policy priorities for a forthcoming legislative term are pronounced by members during the early period of a new Assembly. This is because there is not a plurality of members who successfully campaigned on a collective mandate, but rather a gathering of 19 individuals who successfully campaigned on individual mandates. The challenge is to formulate a collective agenda that addresses issues of constituency concern as well as broad territorial interest.

Interviews with MLAs demonstrated support for the development of a mandate with more strategic direction as well as enhanced accountability mechanisms for implementation and reporting on progress.

The Committee examined options to enhance priority setting, recognizing the relationship between the setting of priorities, the periodic assessment of choices made, and reporting progress on implementation, as well as the need for overall transparency and accountability. The Committee thought it best to introduce a process convention to add clarity to this aspect of consensus government [see Appendix B].

The Committee recommends that the out-going 17th Assembly establish a *Process Convention on Priority Setting and Reporting*, and that the in-coming 18th Assembly endorse this convention.

Business Planning Process

Voting supply to the government is perhaps the most critical function performed by a legislature in a parliamentary democracy. As such, the proposed spending plans of a government involve careful scrutiny. One element of financial planning in the NWT is annual departmental business plans, where it is explained in greater detail how money will be spent and for what purpose. Business plans are currently reviewed by legislative standing committees.

Interviews conducted with MLAs indicated a high level of support for the continued production and review of business plans. However, concerns were raised with the existing process, notably in terms of the amount of time it takes to review the business plans and budget as well as the opportunity for public input. The Committee explored options.

Two options were particularly attractive to the Committee:

Review Departmental Business Plans Concurrently: One set of plans would be reviewed by a committee in Committee Room A while another would be reviewed at the same time in the Caucus Room. Concurrent reviews by standing committees would take advantage of the division of labour and specialization of expertise.

Amend Sitting Hours and Orders of the Day during the Budget Session: Once the Main Estimates have been referred to Committee of the Whole, the House would commence at 10:00 a.m. on specific days. With the exception of Fridays, the daily hour of adjournment would continue to be 6:00 pm. On these days, certain items would be removed from the Orders of the Day or shortened considerably. This approach was used successfully during the 15th Assembly.

The Committee recommends that the in-coming 18th Assembly conduct concurrent reviews of departmental business plans as well as amend sitting hours and the Orders of the Day during the budget session.

Transition Staging

The transition process in the Northwest Territories stands as another distinct aspect of consensus government. The absence of registered political parties also means that there are no partisan transition teams preparing a mandate and planning for the next government. In the past, more responsibility for transition staging has fallen to the public service. However, transition planning deserves attention from elected representatives. This joint Special Committee on Transition Matters has taken on that responsibility.

The Committee recommends that the 18th Assembly also establish a Special Committee on Transition Matters during the last year of its legislative term.

Summary of Recommendations on Transition Process

Term Length

The Committee recommends that the in-coming 18th Assembly retain the current four-year fixed date election schedule.

Territorial Leadership Selection

The Committee recommends that the in-coming 18th Assembly continue to elect members of the Executive Council.

Regional Balance on Cabinet

The Committee supports having regional balance on Cabinet, but does not make any recommendation on the way the 18th Assembly should arrive at regional balance on Cabinet.

Mid-Term Review

The Committee recommends that the out-going 17th Assembly establish a Process Convention on Priority Setting and Reporting, and that the in-coming 18th Assembly endorse this convention.

Priority Setting

The Committee recommends that the out-going 17th Assembly establish a Process Convention on Priority Setting and Reporting, and that the in-coming 18th Assembly endorse this convention.

Business Planning Process

The Committee recommends that the in-coming 18th Assembly conduct concurrent reviews of departmental business plans as well as amend sitting hours and the Orders of the Day during the budget session.

Transition Staging

The Committee recommends that the 18th Assembly also establish a Special Committee on Transition Matters during the last year of its legislative term.

PART D: Recommendations on Priorities for the 18th Legislative Assembly

Introduction

Priority setting is about making choices. Our government, like all others, must use limited resources to respond to unlimited demands for public services. The decision to focus on one priority is always a decision not to focus on another. Every “yes” is a “no.”

One of the strengths of consensus government is the way all elected representatives can have a meaningful role in decision-making. One of the frequently-cited weaknesses of our system is the perceived inability to set meaningful priorities. The vision statements of previous assemblies have tended to be very broad. Unfortunately, such broad statements are of little value to Cabinet, who must implement them, or to standing committees, who must hold Cabinet to account. Simply put, “if everything is a priority, nothing is a priority.”

In Part C of this report the Committee recommends an improved process for setting priorities. The 18th Legislative Assembly must decide whether to adopt this recommended process as its own. No matter what process is ultimately decided upon, there is no need to start from a blank slate. The work of each Assembly carries over to the next. Because of the long-term nature of our work, many of the priorities of the 18th Assembly will be similar to those of the 17th and earlier assemblies.

In fulfilling the mandate given to this Committee, this Committee wishes to highlight five key areas that members of the 18th Assembly should consider when discussing its priorities. They are not intended to be an inventory of everything government does nor a catalogue of specific projects that individual members are passionate about. Not all members of this Committee agree on the relative importance of each priority. They are presented in no particular order. Just because something is not mentioned does not mean it’s not important or should not be done. Not everyone will agree that these should be the priorities of the 18th Assembly. That is a good thing.

Priorities

- Reverse the social ills that hold our people down, particularly low education levels, addictions and poor mental health.
- Strengthen and diversify our economy in anticipation of impending diamond mine closures.
- Complete devolution of land and resources and implement a regulatory system that reflects the values of our residents and partner governments.
- Rein-in the increasing cost of living, particularly energy, housing and food.
- Plan for and adapt to a changing climate in the North.

Reverse the social ills that hold our people down, particularly low educational levels, addictions and poor mental health.

Rates of suicide, addictions, family violence, and incarceration are significantly higher in the NWT than in most other jurisdictions in Canada. The devastating results are suffered disproportionately by Aboriginal people, but felt in the homes and on the streets of every one of our communities. The consequences for our society include low school attendance and graduation rates, unemployment, poor health and, ultimately, a quality of life below Canadian standards. This persistent cycle drives up the costs of social programs and law enforcement, causes a drag on our economy, lowers revenues, and thus lessens resources available to meet other priorities.

We encourage the in-coming Assembly to tackle this unacceptable situation head on. We need targeted policies and programs that will, over time, improve early childhood development, school attendance rates and educational attainment, improve mental health and lower rates of addictions. This should be done, in part, through improved system governance, program improvements and efficiencies, examining and where appropriate implementing recommendations from the Truth and Reconciliation Commission, actions to reduce poverty, and investments in technologies for health and education.

Strengthen and diversify our economy in anticipation of impending diamond mine closures.

The 18th Legislative Assembly must come to terms with the expected wind-down of existing diamond mines in the NWT. Even if all potential announced investments proceed, overall diamond production in the Northwest Territories will decline significantly in the next 10 to 15 years. At present, there is nothing waiting in the wings to take the place of the NWT's two largest mines. As goes the mining sector, so go the next largest sectors of our economy, being construction and transportation. As jobs disappear, our population will decline further and faster, resulting in less revenue for programs and services, fewer opportunities for our youth and a higher cost of living.

We encourage the 18th Legislative Assembly to invest in the infrastructure needed to open our territory to exploration and transport our vast resources to market. We must pursue this in close partnership with Aboriginal governments and the Government of Canada. Our efforts must be focused on those investments most likely to yield positive results for our economy and sustainable jobs for our residents. We can no longer risk keeping all of our eggs in one basket.

Skill development, diversification and improving the conditions for entrepreneurship and capital investment must continue if we are to meet our goal of increasing the NWT population, which both builds our economy and improves GNWT revenue. Stimulating population growth requires a detailed plan and targeted actions. This Committee urges members of the 18th Assembly to address this as early as possible in their term.

Complete devolution of land and resources and implement a regulatory system that reflects the values of our residents and partner governments.

Devolution of land and resource administration to the NWT from Canada represents a major advance in responsible government of the Northwest Territories. We are now stewards of our resources, land, water and environment. We must deliver on our goal for an effective, efficient, and truly northern regulatory system, in collaboration with Aboriginal governments and our communities.

The Intergovernmental Council was created as the forum for collaboration with Aboriginal governments. Its mandate is to review the existing regulatory system, including land management and resource revenue, and recommend improvements. Advancing this work, along with public engagement, is the necessary next step. The lack of participation by some Aboriginal governments without completed land claims is not sustainable. Every effort should be made to include them in the Intergovernmental Council's work.

In addition, we must work with the federal government to transfer remaining authority under the *Mackenzie Valley Resource Management Act* to the Northwest Territories. Consistent with the Land Use Sustainability Framework and evolving regional land use plans, we must ensure the right balance between development, sustainable use, and conservation.

Rein-in the increasing cost of living, particularly energy, housing and food.

The high and increasing cost-of-living is a threat to our individual and collective well-being. Whether it be the price of a litre of milk in Colville Lake, an entry-level home in Yellowknife, or a kilowatt/hour of electricity in Hay River, every resident, business and community is impacted by the cost of living in the NWT. It is also an impediment to attracting new residents to the NWT and is a significant factor for many who leave.

This Committee encourages the in-coming Legislative Assembly to pursue opportunities to lower the cost of electricity generation and distribution in all our communities. We must work closely with the federal government to develop a new funding partnership for public housing and improve the effectiveness of existing programs to lower the cost of basic food items in our smallest and most remote communities.

Plan for and adapt to a warming climate

The Northwest Territories is experiencing some of the fastest warming in the world. Climate change has serious impacts on almost every aspect of our lives. Drought and low-water levels reduce hydroelectric power capacity, require increased diesel generation, heighten the incidence of forest fires, and restrict the commercial, traditional and recreational use of our waterways. Fires are ravaging our forests and have threatened communities and housing, as well as telecommunications and transportation infrastructure. Climate change is also disrupting the ecosystems and wildlife our

communities depend on. Thawing permafrost and coastal erosion have become common problems, affecting transportation infrastructure, water quality, and causing the draining of our lakes. Such impacts bring heavy costs, both directly and indirectly, many of which are only partially reflected in annual budgets.

The impacts of climate change are more likely to accelerate than abate. Our government must keep abreast of climate change science and best practices in other northern jurisdictions, plan accordingly, work with affected communities, and inform the public. Our residents and the rest of the country must better understand the impacts of climate change and the needs of our territory. We must develop specific plans to reduce emissions and mitigate impacts.

APPENDIX A: Motion & Terms of Reference – Special Committee on Transition Matters



No. 38-17(5)

Motion

Establishment of a Special Committee on Transition Matters

WHEREAS, the role of Caucus is fundamental to the effectiveness of consensus government;

AND WHEREAS Caucus provides a venue for all Members to set broad strategic direction for a Legislative Assembly and discuss matters of widespread importance to the Northwest Territories;

AND WHEREAS the priorities established by a Caucus form the basis for government business plans and budgets prepared over the course of an Assembly;

AND WHEREAS the Caucus of the 17th Legislative Assembly agreed upon the vision, goals, and priorities for action under the theme of Believing in People and Building on the Strengths of Northerners;

AND WHEREAS transition to a new Assembly is an appropriate time for reporting on matters of on-going action, discussion and consideration;

AND WHEREAS Members of the 18th Legislative Assembly may wish to consider how to build on the direction and deliberations of the 17th Legislative Assembly;

NOW THEREFORE I MOVE, seconded by the honourable Member for Thebacha, that pursuant to Rule 88(1), the Legislative Assembly hereby establish a Special Committee on transition matters;

AND FURTHER, that the following Members be named to the Special Committee:

- The Member for Sahtu, Mr. Norman Yakeleya, Chair;
- The Member for Hay River North, Mr. Robert Bouchard;
- The Member for Inuvik Boot Lake, Mr. Alfred Moses;
- The Member for Kam Lake, Mr. David Ramsay;
- The Member for Range Lake, Mr. Daryl Dolynny; and
- The Member for Tu Nedhe, Mr. Tom Beaulieu;

AND FURTHERMORE, that the Special Committee on Transition Matters be established by the terms of reference, identified as Tabled Document 211-17(5).



Date of Notice:	March 5, 2015	Moved by:	Mrs. Groenewegen
Date of Introduction:	March 9, 2015	Seconded By:	Mr. Miltenberger
Disposition:	Carried		
Carried:	March 9, 2015	Ruled Out of Order:	

TABLED DOCUMENT 211-17(5) TABLED ON MARCH 4, 2015

SPECIAL COMMITTEE ON TRANSITION MATTERS

TERMS OF REFERENCE

PURPOSE

The purpose of this Special Committee is for the Caucus of the 17th Legislative Assembly to identify and report on major current trends and issues for consideration by the Caucus of the 18th Legislative Assembly and to advise on the process for transition.

COMPOSITION

This committee is comprised of five Members of the Legislative Assembly, two selected from among Members of the Executive Council and three selected from among Regular Members.

The Caucus Chair, by virtue of office, is a Member of and shall chair the Committee.

All Members of this Committee are to be appointed by motion of the Legislative Assembly.

ACCOUNTABILITY

This Committee is accountable to the Legislative Assembly.

Updates on the progress of this Committee will be made to Caucus.

A final report from this Committee is expected to be tabled in the Legislative Assembly on behalf of Caucus, after being reviewed by Caucus.

DECISION MAKING

Decisions will be made by consensus.

If the Committee cannot reach a decision by consensus, the matter will be referred to Caucus for deliberation and direction.

All Members of this Committee serve as equal members of Caucus and are encouraged to participate in discussions free from Cabinet or Committee solidarity.

SCOPE

- 1) This Committee will prepare a report on behalf of the Caucus of the 17th Legislative Assembly with advice for consideration by the Caucus of the 18th Legislative Assembly.
- 2) The report should be moderate in tone, factual in approach, and respectful of the authority of the 18th Assembly.
- 3) The report should identify, describe, and signify major current trends and issues, in the form of:
 - (a) major economic trends that may affect territorial public finances and the consideration of future priorities by the 18th Assembly;
 - (b) major changes in the policy making environment that may affect the consideration of future priorities by the 18th Assembly;
 - (c) and, major priorities, projects, or issues, that arose during the 17th Assembly, or earlier, that may carry-over for consideration by the 18th Assembly.
- 4) The report should present options and recommendations on the transition process from the 17th Assembly to the 18th Assembly, including the structure of orientation, leadership selection, and priority setting.
- 5) It is expected that this report will be tabled in the Legislative Assembly on behalf of Caucus.
- 6) This report will be available for consideration by Members of the 18th Legislative Assembly, but in no way will it fetter the right of the next Assembly to take decisions.
- 7) Any report or other document produced by this Committee is not intended to replace or take precedent over any other transition materials that may be produced by Cabinet, the House, or its Committees.

BUDGET

As a Committee of the House, the budget for this Committee will be drawn from the 2015-2016 operational funds of the Legislative Assembly.

QUORUM

Quorum for the Special Committee will be four Members including one Minister.

TIMING

The Committee will come into existence in accordance with a motion of the Legislative Assembly and will discontinue upon dissolution of the 17th Legislative Assembly.

The Committee's draft report will be reviewed during a meeting of Caucus in advance of the last sitting of the Legislative Assembly prior to dissolution in 2015.

The Committee's final report is to be tabled in the Legislative Assembly during the last sitting of the Legislative Assembly prior to dissolution in 2015.

OPERATIONS

The Committee:

- (a) will meet monthly or as required at the call of the chair, in person or by phone;
- (b) will record decisions taken;
- (c) will report, as necessary or as prescribed, to the House, through Caucus.

OPERATIONAL SUPPORT

The Committee will be supported by a joint committee of officials or their respective designates that comprise the:

- Clerk of the Legislative Assembly
- Secretary to Cabinet
- Secretary to the Financial Management Board
- Special Assistant to the Secretary to Cabinet, Government Transition, who shall serve as Secretary to the Special Committee.

Supporting officials will assist the Committee by:

- (a) arranging for and organizing meetings of the Committee;
- (b) coordinating the preparation of information or material required by the Committee;
- (c) summarizing Committee decisions and direction; and
- (d) maintaining and retaining Committee records.

APPENDIX B: Process Convention on Priority Setting and Reporting

Process Convention

Priority Setting and Reporting

Preamble

The priorities determined at the beginning of a Legislative Assembly guide the work of all Members over the term of an Assembly. At the same time, each Legislative Assembly builds on the legacy of previous assemblies as reflected in existing laws, policies, programs, and services, although no Assembly can be bound by the decisions of a previous Assembly.

Consensus government is a form of responsible government. The Executive Council provides overall leadership and direction, and is responsible to the Legislative Assembly for its decisions. Regular Members of the Legislative Assembly review and monitor these decisions in order to hold the government to account. The Executive Council must maintain the confidence of the Legislative Assembly. This is the essence of responsible government.

Guiding Principles

This process convention will be implemented in accordance with the following Caucus approved guiding principles for consensus government in the Northwest Territories:

1. The role of the Caucus is fundamental to the effectiveness of consensus government. Caucus provides a venue for all Members to set a broad mandate for a Legislative Assembly and discuss matters of widespread importance to the Northwest Territories as they arise.
2. The Premier and Cabinet are appointed by the Members of the Legislative Assembly to provide overall leadership and direction in accordance with the broad strategic direction set by the Caucus. Cabinet must have the ability to implement this mandate effectively and efficiently but in a way that reflects the concerns of Regular Members and maintains their support.
3. As with all parliamentary systems of government, a healthy level of tension must exist between Cabinet and Regular Members. While the ultimate goal of the Regular Members is not to defeat or discredit Cabinet, it is their responsibility to review and monitor the leadership and direction of Cabinet and hold it to account.

Authority

This Process Convention is established under the authority of Caucus and may be amended at any time by agreement of the full Caucus.

Process

Priority Setting

1. At the beginning of a Legislative Assembly, after the orientation of Members-elect, each Member shall be invited by the Clerk to make a public statement about what the Member believes should be the priorities for the forthcoming legislative term. These statements shall be transcribed and the transcriptions made public.
2. Following a public statement of priorities by each individual Member, the Clerk shall convene a meeting of Caucus in order for the Caucus to establish a collective statement of priorities for the forthcoming legislative term. In establishing this collective statement of priorities, Caucus shall take into account the transcribed statements of all Members of the current Assembly as well as the Report of the Special Committee on Transition Matters tabled during the last sitting of the previous Assembly.
3. The Caucus statement of priorities will be tabled in the first session of the Legislative Assembly.

Establishing a Mandate

4. Following the conclusion of the Territorial Leadership Committee and the swearing-in of Members of the Executive Council, the Premier shall promptly convene a meeting of the Executive Council to discuss a draft mandate for the forthcoming legislative term. This discussion shall take into account the stated priorities of all Members of the current Assembly as well as the Report of the Special Committee on Transition Matters tabled during the last sitting of the previous Assembly.
5. The Premier shall request that the Chair of Caucus convene a meeting of Caucus so that the Executive Council may present to Caucus a draft mandate for the forthcoming legislative term and to solicit feedback from all Members on the draft mandate.

6. The Premier shall schedule a subsequent meeting of the Executive Council to consider feedback from all Members expressed in Caucus and to discuss possible amendments to the draft mandate.
7. Caucus and/or the Executive Council may meet as often as is necessary before the Executive Council is satisfied that the draft mandate is sufficiently responsive to the stated priorities of all Members and sufficiently feasible for implementation by government.
8. The mandate shall form the basis for the Commissioner's Address made at the opening of the second session of a Legislative Assembly.
9. The mandate of the Executive Council shall be tabled by the Premier during the second session of a Legislative Assembly.
10. Once tabled, the mandate of the Executive Council shall be referred to Committee of the Whole and debated, prior to adoption by the Legislative Assembly.

Reporting

11. The Executive Council will be held to account for its progress implementing the mandate through the debate of its budgets, oral questions, meetings of legislative committees, and meetings between the Premier and Regular Members.
12. The Executive Council shall maintain a report on progress on the implementation of the mandate, and provide that report to the Standing Committee on Priorities and Planning not less than once every 12 months. The same progress report shall also be made available to the public in a timely manner.
13. At the mid-point of a legislative term, the Legislative Assembly will be prorogued to allow for Caucus to discuss the priorities, the mandate and progress made towards implementation.
14. The Legislative Assembly will resume with a Commissioner's Address that will reflect any adjustments to the priorities or the mandate.
15. No less than four months before the dissolution of an Assembly, the Legislative Assembly should establish, by motion, a joint Special Committee on Transition Matters to prepare a report with recommendations on the transition process and major priorities for consideration by the next Assembly.

16. Prior to the last sitting before dissolution of an Assembly, the Executive Council shall provide to Caucus a report on the actions undertaken to implement the mandate. This report will be tabled in the final sitting of a Legislative Assembly.
17. The report of a Special Committee on Transition Matters will be tabled in the final sitting of a Legislative Assembly.

Angela Munn
Chair, Caucus

Deputy Chair, Caucus.

Sept. 15/15.
Date

APPENDIX C: Priorities of the 17th Legislative Assembly

17th Assembly Caucus Priorities – **BELIEVING IN PEOPLE AND BUILDING ON THE STRENGTHS OF NORTHERNERS**

Our Vision

Strong individuals, families and communities sharing the benefits and responsibilities of a unified, environmentally sustainable and prosperous Northwest Territories

Our Goals

- A strong and independent north built on partnerships
- An environment that will sustain present and future generations
- Healthy, educated people free from poverty
- A diversified economy that provides all communities and regions with opportunities and choices
- Sustainable, vibrant, safe communities
- Effective and efficient government

Our Priorities

Build a strong and sustainable future for our Territory by strengthening our relationships with Aboriginal and other northern governments, negotiating and implementing a devolution final agreement, achieving an increase to our borrowing limit, and working with our partners to ensure responsible stewardship through our land and resource management regime.

Increase employment opportunities where they are most needed by decentralizing more GNWT positions, reducing dependency on government by encouraging people who are able to enter or remain in the workforce, and supporting child care programs to help parents become or stay employed.

Strengthen and diversify our economy by making strategic infrastructure investments such as the Inuvik-Tuktoyaktuk highway, the Mackenzie Fiberoptic Link, and hydro initiatives, supporting the Mackenzie Gas Pipeline project, developing a socially responsible and environmentally sustainable economic development and mining strategy, supporting the traditional economy, and improving our regulatory processes.

Address housing needs by completing and implementing the Shelter Policy Review including fair and sustainable public housing rent scales, selling our public housing stock where this makes sense, and putting higher density housing units in small communities.

Ensure a fair and sustainable health care system by investing in prevention, education and awareness and early childhood development, enhancing addictions treatment programs using existing infrastructure, and addressing our health facilities deficit.

APPENDIX D: On-going Actions of the Territorial Government

Initiative	Purpose	Lead Department	Start Date	Projected Completion Date
Respect, Recognition, Responsibility – GNWT Approach to Engagement with Aboriginal Governments	Implement to build and maintain mutually respectful relations and advance territorial priorities.	AAIR	2013	on-going initiative
Federal Engagement Strategy	Develop and implement to strengthen the GNWT's presence in Ottawa both at the bureaucratic and political levels, advance the 18th Assembly's and GNWT's mandate.	AAIR	2016	on-going initiative
Multi-Modal Transportation Strategy	Enhance and expand transportation infrastructure to enable economic growth and the delivery of essential services.	DOT	2015	2040
Road Safety Strategy	Promote road safety through public education, engineering, regulation and legislation.	DOT	2015	2019

Initiative	Purpose	Lead Department	Start Date	Projected Completion Date
Environmental Management System for Transportation Operations	A systematic approach for organizations to bring environmental considerations into decision-making and day-to-day operations.	DOT	2009	on-going initiative
Education Renewal and Innovation	Implement educational outcomes for all NWT students and close the gap between Aboriginal and other students.	ECE	2013	2023
Junior Kindergarten	Prepare students for school and improve educational outcomes	ECE	2014	2016
Skills 4 Success	Review of adult and postsecondary training and education within the context of current and future labour market needs.	ECE	2014	2016
Immigration Framework	Grow and diversify the labour force and support economic growth and prosperity.	ECE	2015	2020
Culture and Heritage Strategic Framework	Create a shared vision for culture and heritage that will guide all GNWT departments, boards and agencies.	ECE	2015	on-going initiative

Initiative	Purpose	Lead Department	Start Date	Projected Completion Date
Northern Voices, Northern Waters - NWT Water Stewardship Strategy	Ensure NWT waters remain clean, abundant and productive for all time.	ENR	2010	2020
Conservation Network Planning	Identify and protect special natural and cultural areas as well as core representative areas within each eco-region.	ENR	2015	2020
Barren-ground Caribou Management Strategy for the Northwest Territories	Implement monitoring, building community capacity, enhanced compliance, assessing and managing cumulative effects.	ENR	2011	2020
NWT Science Agenda	Promote and facilitate the use of science in decision-making processes.	ENR	2009	2020
Climate Change Strategy	Take action on climate change.	ENR	2011	2020
Single Window Service Centres	Ensure residents in smaller communities have access to government programs and services.	EXEC	2010	on-going initiative

Initiative	Purpose	Lead Department	Start Date	Projected Completion Date
Communications Functional Review	Implement the recommendations of the Review and deliver an effective communication service.	EXEC	2015	on-going initiative
Service Innovation Strategy	Improve service delivery to NWT residents, businesses and visitors.	FIN	2014	2017
Population Growth Strategy	Increase the population by 2000 people by 2019, particularly through options and strategies for public service recruitment and retention.	FIN	2014	2019
Decentralization	Decentralize GNWT positions to increase employment opportunities where they are most needed.	FIN	2013	on-going initiative
Workforce Planning Strategy	Establish recruitment, retention and succession initiatives to ensure a stable and representative public service, including regional recruitment, inclusive recruitment, student and youth initiatives, and knowledge retention.	HR	2013	2020

Initiative	Purpose	Lead Department	Start Date	Projected Completion Date
Regional Recruitment Strategy	Fill vacant regional positions and support employment opportunities across the NWT by providing on the job training and support for regional residents.	HR	2014	on-going initiative
20/20 A Brilliant North – NWT Public Service Strategic Plan	Guide the development of the public service to make the GNWT the employer of choice.	HR	2009	2020
Caring for Our People – HSS Governance Reform	Develop a new structure that will better meet needs of residents and improve measurement and accountability within the system.	HSS	2014	2016
Building Stronger Families – An Action Plan to Transform Child and Family Services	Implement OAG recommendations to improve accountability and service delivery to better assist children and families in our communities.	HSS	2014	2019
Right from the Start: A Framework for Early Childhood Development in the NWT	Implement quality, comprehensive, community driven, culturally relevant integrated early childhood programs and services. 10 year framework with a 2-year action plan.	HSS/ECE	2013	2023

Initiative	Purpose	Lead Department	Start Date	Projected Completion Date
Building on the Strengths of Northerners: A Strategic Framework toward the Elimination of Poverty in the NWT	Tackle the root causes of poverty by addressing the causes and effects of poverty.	HSS/ECE/JUS/NWTHC	2013	on-going initiative
A Shared Path Towards Wellness: Mental Health and Addictions Plan	Implement to ensure people with mental health and addictions issues have access to programs and services to address physical, social, cultural and spiritual health.	HSS/JUS	2014	2016
Regulations for hydraulic fracturing	Regulatory requirements to ensure the protection of the environment, protection of human health and safety and conservation of NWT oil and gas resources.	ITI	2015	regulations drafted in 2015; undertaking public consultation
Oil and Gas Strategy	Identify policy objectives and actions in order to grow environmentally and socially responsible oil and gas exploration, development, production and transportation to global markets.	ITI	2016	on-going initiative

Initiative	Purpose	Lead Department	Start Date	Projected Completion Date
Tourism 2020	Establish and promote tourism opportunities, operators and products with a focus on Aboriginal tourism, community and industry engagement, infrastructure, skills development and research and planning.	ITI	2016	2020
Agricultural Strategy	Build an economically viable agriculture industry in the Northwest Territories.	ITI	2016	on-going initiative
Community Safety Strategy	Identify local safety issues and concerns, and develop goals and approaches for moving forward.	JUS	2012	next steps determined 2016/2017
Integrated Case Management Pilot Project	Integrate client service delivery into a holistic, organized and therapeutic approach to provide informed case management, and timely and appropriate services.	JUS/HSS/CE/NWTHC	2014	2016/2017

Initiative	Purpose	Lead Department	Start Date	Projected Completion Date
NWT Wellness Court	Implement multi-disciplinary, multi-agency approach to identifying and implementing longer term supports to prevent re-offending and to address mental health and social issues.	JUS	2014	on-going initiative
Recreational Land Management Framework	Guide and support recreation land use so northerners can access and utilize the land in a fair, transparent, consistent and responsible manner.	LANDS	2014	2016
9-1-1 Plan	Planning a territorial-wide 9-1-1 system.	MACA	2014	on-going initiative
Ground Ambulance, Remote Medical and Highway Rescue Strategy	Support and strengthen community-based ground ambulance, highway and remote medical rescue services in the NWT.	MACA	2012	2019
NWT Emergency Plan	Modernize the NWT emergency measures regime.	MACA	2015	2016
Community Fire Protection Plan	Support and strengthen community fire protection in the NWT.	MACA	2013	on-going initiative

Initiative	Purpose	Lead Department	Start Date	Projected Completion Date
Municipal Funding Review	Implement a needs-based funding methodology for municipal governments.	MACA	2014	on-going initiative
Drinking Water Management	Coordinate and implement a broad range of water activities to ensure NWT residents have access to safe drinking water.	MACA/ENR/PWS/HSS	2001	2020
Building for the Future: Northern Solutions for Northern Housing	Address housing needs across the spectrum.	NWTHC	2011	on-going initiative

APPENDIX E: On-going Actions of the Legislative Assembly

On-going Actions of the Legislative Assembly

1. Comprehensive review of the *Northwest Territories Human Rights Act*.

The following reports have not yet been responded to by the Government:

2. Report on the Review of the 2015 Report of the Auditor General of Canada on Corrections in the Northwest Territories.
3. Report on the Review of Hydraulic Fracturing Filing Regulations.
4. Report on the Review of Bill 47: An Act to Amend the *Child and Family Services Act*.
5. Report on the Review of 2013-14 Public Accounts.
6. Report on the Review of Bill 44: An Act to Amend the *Hospital Insurance and Health and Social Services Administration Act*.
7. Report on the Review of Bill 37: *Financial Administration Act*.
8. Report on the Review of the *Official Languages Act*.
9. Report on the Review of Bill 36: *Health and Social Services Professions Act*.
10. Report on the Review of the 2013-2014 Annual Report of the Information and Privacy Commissioner of the Northwest Territories.

The following reports had a response from government, and there is continued interest:

11. Report on Establishing an Office of the Ombudsman for the Northwest Territories.

APPENDIX F: Motions Passed During the 17th Legislative Assembly with Possible Transition Implications¹

Motion and Date	Topic	Notes
40-17(4) - March 9, 2015	Wellness Centre at Stanton Territorial Hospital	Motion to establish a wellness centre at Stanton Territorial Hospital Government response requested within 120 days No response tabled in the House
39-17(5) - March 9, 2015	Domestic Violence Death Review Committee	Motion to investigate the feasibility of establishing a Domestic Violence Death Review Committee Government response requested within 120 days No response tabled in the House
35-17(5) - February 17, 2015	Lobbyist Registry	Motion to investigate the best way to implement a lobbyist registry Government response requested within 120 days Response provided; process for reporting on external Ministerial meetings announced.

¹ Current as of October 2, 2015

Motion and Date	Topic	Notes
31-17(5) - November 4, 2014	Establishment of Ombudsman Office	Motion to establish an Ombudsman Office Government response requested within 120 days Response provided; matter referred to the 18th Assembly
29-17(5) - October 17, 2014	Extended Care Facilities	Motion to develop a long-term action plan for the provision of long-term care beds Government response requested within 120 days No response tabled in the House
22-17(5) - June 3, 2014	Funding to Implement Junior Kindergarten	Motion to seek new funding to implement junior kindergarten Government response requested within 120 days No response tabled in the House

APPENDIX G: Legislation with Provisions Coming-into-Force During the 18th Legislative Assembly

Statute	Provisions not yet in force	Notes
<p>An Act to Amend the <i>Child and Family Services Act</i></p> <p>S.N.W.T. 2015, c. 12</p> <p>(Health and Social Services)</p>	<p>All provisions except sections 16, 18 and 22.</p>	<p>Subsection 23(2) provides that the remaining provisions in the Act will come into force on April 1, 2016.</p>
<p>Déline Final Self-Government Agreement Act</p> <p>S.N.W.T. 2015, c. 3</p> <p>(Aboriginal Affairs and Intergovernmental Relations)</p>	<p>All provisions except section 5.</p>	<p>Subsection 20(1) provides that the Act or any provision of the Act except section 5 [in force on assent], comes into force on a day or days to be fixed by order of the Commissioner.</p> <p>No coming into force order has been made at this time.</p>
<p>An Act to Amend the <i>Education Act</i></p> <p>S.N.W.T. 2013, c. 18</p> <p>(Education, Culture and Employment)</p>	<p>Entire Act</p>	<p>Section 11 provides that the Act or any provision of the Act comes into force on a day or days to be fixed by order of the Commissioner.</p> <p>No coming into force order has been made at this time.</p>

Statute	Provisions not yet in force	Notes
Financial Administration Act S.N.W.T. 2015, c. 13 (Finance)	Entire Act	Section 184 provides that the Act or any provision of the Act comes into force on a day or days to be fixed by order of the Commissioner. No coming into force order has been made at this time.
Health Information Act S.N.W.T. 2014, c. 2 (Health and Social Services)	Entire Act	Section 208 provides that the Act or any provision of the Act comes into force on a day or days to be fixed by order of the Commissioner. No coming into force order has been made at this time.
Health and Social Services Professions Act S.N.W.T. 2015, c. 4 (Health and Social Services)	Entire Act	Section 69 provides that the Act or any provision of the Act comes into force on a day or days to be fixed by order of the Commissioner. No coming into force order has been made at this time.

Statute	Provisions not yet in force	Notes
<p>An Act to Amend the <i>Hospital Insurance and Health and Social Services Administration Act</i></p> <p>S.N.W.T. 2015, c. 14</p> <p>(Health and Social Services)</p>	<p>Entire Act</p>	<p>Subsection 33(1) provides that, subject to subsection (2), the Act or any provision of the Act comes into force on a day or days to be fixed by order of the Commissioner.</p> <p>Subsection 33(2) requires that sections 16 to 20 may not be brought into force until the contract described in subsection 17(2) [copied below] is entered into and comes into effect.</p> <p>No coming into force order has been made at this time.</p> <p>[17. (2) Subsections 15(1) to (5), as applied in respect of the former Hay River Health and Social Services Authority, do not apply in respect of any liability, including any contractual obligation, arising from employment related matters between the Hay River Health and Social Services Authority and its employees or the Public Service Alliance of Canada, except to the extent that Government expressly agrees, in a contract entered into before this section comes into force, to assume such liability.]</p>

Statute	Provisions not yet in force	Notes
<p>An Act to Amend the <i>Legislative Assembly and Executive Council Act</i></p> <p>S.N.W.T. 2014, c. 21</p> <p>(Legislative Assembly)</p>	<p>Entire Act</p>	<p>Section 3 provides that the Act comes into force on the dissolution of the 17th Legislative Assembly.</p>
<p><i>Oil and Gas Operations Act</i></p> <p>S.N.W.T. 2014, c. 14</p> <p>(Industry, Tourism and Investment)</p>	<p>Section 122 (amendment required when provisions of the <i>Surface Rights Board Act</i> are brought into force)</p>	<p>Subsection 125(2) provides that section 122 comes into force on the day sections 6 and 29 to 89 of Bill 3, introduced during the Fifth Session of the 17th Legislative Assembly and entitled the <i>Surface Rights Board Act</i>, come into force.</p>
<p>An Act to Amend the <i>Partnership Act</i></p> <p>S.N.W.T. 2015, c. 7</p> <p>(Justice)</p>	<p>Entire Act</p>	<p>Section 40 provides that the Act or any provision of the Act comes into force on a day or days to be fixed by order of the Commissioner.</p> <p>No coming into force order has been made at this time.</p>
<p><i>Surface Rights Board Act</i></p> <p>S.N.W.T. 2014, c. 17</p> <p>(Lands)</p>	<p>Sections 6 and 29 to 89 (provisions relating applications to the Board, hearings before the Board and orders of the Board)</p>	<p>Subsection 100(2) provides that sections 6 and 29 to 89 come into force on April 1, 2016 or such earlier date as ordered by the Commissioner in Executive Council.</p> <p>No coming into force order has been made at this time.</p>

Statute	Provisions not yet in force	Notes
<p>Tobacco Damages and Health Care Costs Recovery Act</p> <p>S.N.W.T. 2011, c. 33</p> <p>(Justice)</p>	<p>Entire Act</p>	<p>Section 11 provides that the Act or any provision of the Act comes into force on a day or days to be fixed by order of the Commissioner.</p> <p>No coming into force order has been made at this time.</p>
<p><i>Waters Act</i></p> <p>S.N.W.T. 2014, c. 18</p> <p>(Environment and Natural Resources)</p>	<p>Section 104 (employment and remuneration of employees)</p>	<p>Subsection 105(2) provides that section 104 comes into force on a day to be fixed by order of the Commissioner.</p> <p>No coming into force order has been made at this time.</p>
<p><i>Wildlife Act</i></p> <p>S.N.W.T. 2013, c. 30</p> <p>(Environment and Natural Resources)</p>	<p>Sections 46-48 (provisions respecting harvester training courses)</p>	<p>Section 180 of the Act provides that the Act or any provision of the Act comes into force on a day or days to be fixed by order of the Commissioner.</p> <p>A coming into force order fixed the coming into force date for all provisions other than sections 46 – 48 as of November 28, 2014. No coming into force order respecting sections 46 – 48 has been made at this time.</p>

Notes:

- Acts or specific provisions that have not been brought into force for more than five years are not included in this table, as they will not be brought into force during the transition period.
- Bills currently before the Legislative Assembly that could, if passed, be brought into force during or after the transition period are not included.