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COUNCIL OF THE N.W.T.

54TH SESSION

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Executive Committee of the Northwest Territories and the  
Appointment of Territorial Councillors as Members

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1. Background

Last spring, the Parliament of Canada passed a number of amendments to the Northwest Territories Act designed to further the evolution of self-government in the north and to give residents more control over their own affairs. As a result, the Council will be a fully elected body of fifteen members after the next territorial general election and the new Council will be electing one of its own members to preside as Speaker.

In the House of Commons on March 18, 1974, during second reading of the bill containing these amendments, the Minister of Indian Affairs and Northern Development at that time, the Honourable Jean Chretien, announced his intention to have two elected Councillors appointed to the N.W.T. Executive Committee and each of them would be given the responsibility of managing one or more departments of the territorial government. The Minister explained that he and his colleagues had decided to leave any reference to these two elected members and the Executive Committee out of the bill. They wanted the Executive Committee "to grow and mature within the unwritten

constitution of the Territories" much as the cabinet and political parties had developed in England, and in Canada at the federal and provincial level.

On March 28, 1974, while sitting in Committee of the Whole at its 52nd Session, the Council of the Northwest Territories unanimously supported the concept that elected Members of the Council be appointed to the Territorial Executive Committee and that such a proposal not be provided for in legislation.

2. Continuing Role of the Commissioner as Chief Executive Officer and the New Executive Committee's Relationship to that Role

(a) Commissioner Will Remain Chief Executive Officer

The Northwest Territories Act authorizes the Governor in Council to appoint a chief executive officer for the Territories, styled and known as the Commissioner of the Northwest Territories. The Act further provides that the Commissioner shall administer the government of the Territories under instructions from time to time given by the Governor in Council or Minister. If the Commissioner is absent, ill or unable to act or the office of the Commissioner is vacant, the Deputy Commissioner, also appointed by the Governor in Council, has and may exercise all the powers and functions of the Commissioner.

(b) Appointment of New Executive Committee

The Minister of Indian Affairs and Northern Development, the

Honourable Judd Buchanan, pursuant to his authority under the Northwest Territories Act, will authorize the Commissioner to appoint two members of the Council to the Executive Committee which will then consist of the Commissioner as Chairman, the Deputy Commissioner, an Assistant Commissioner, and the two members of the new Council. In the Commissioner's absence, the Deputy Commissioner, pursuant to his powers prescribed by the Northwest Territories Act, will become the Chairman of the Executive Committee.

(c) Executive Committee's Responsibilities and Relationship with Commissioner

The Executive Committee's responsibilities will be to advise the Commissioner on broad policy matters and to act as a consultive body for the Commissioner in the exercise of his responsibilities as Chief Executive Officer under the Northwest Territories Act.

3. Conditions of Councillor's Appointment to the Executive Committee

(a) Tenure

The Council members whom the Commissioner will appoint to the Executive Committee will be selected by formal motion of Council. They will serve on the Committee during pleasure and under the Commissioner's direction and they will be expected to serve full time in this capacity. The Commissioner may revoke the appointment of one or both of the Councillors and he shall revoke the appointment of one or both of them when requested to do so by formal motion of the Council. In either case, the Council shall nominate by formal

motion the replacements whom the Commissioner will appoint to the Executive Committee.

The positions which the two Councillors will assume on the Executive Committee will be separate from and in addition to their positions as elected members of Council. Like other members of the Executive Committee, they will be required to take an Oath of Office and an Oath of Secrecy.

When a Council is dissolved or its life legally expires, the Council Members on the Executive Committee should remain in office as members of that Committee until the newly elected Council has by formal motion either confirmed them in office or nominated their successors for appointment by the Commissioner. This practice is followed by provincial executives and the federal Cabinet, enabling a smooth transition from one executive to the next and providing for continuity in the conduct of government. It will be in order for the Councillors to remain on the Executive Committee after the Council has been dissolved or its life has expired because their membership on the Committee and their membership in Council will in fact be separate. If a Councillor on the Executive Committee does not seek re-election or is not re-elected to Council, his appointment as a Member of the Executive Committee would remain valid until he is replaced by formal motion of the new Council.

(b) Collective Responsibility

As mentioned, the Councillors on the Executive Committee will be responsible to the Council and to the Commissioner in his capacity as chief executive officer for the territories under the Northwest Territories Act. In addition, and in keeping with the principles of cabinet government in Canada, all members of the Executive Committee will be responsible to one another; that is, they will have to agree publicly on all important public questions. This means that before any of the members makes an important announcement, he or she will have to have prior discussion with his or her Committee colleagues. Once the Commissioner and other Executive Committee members have reached agreement on the proposal, all members of the Committee will be committed to support the policy publicly.

With the departure of the Commissioner and Deputy Commissioner from Council after the next election, the two Councillors on the Executive Committee will have an important role to play in explaining and defending the executive's policies before Council. Having participated in the Executive Committee's deliberations on the executive's legislative program prior to its introduction at Council Sessions, the two Council Members of the Executive Committee will be in a position to sponsor the passage of that legislation through the various stages of consideration by Council.

(c) Salaries

The Councillors on the Executive Committee will be paid from the Consolidated Revenue Fund of the Northwest Territories out of annual appropriations passed by the Council. The salaries of the Councillors on the Committee, including their sessional indemnities, should be high enough to enable them to devote their full time to their new duties. The total amount they receive, however, should not exceed that received by any other member of the Executive Committee.

(d) Speaker and Deputy Speaker Should be Separate from Executive Committee

The new Speaker (and his Deputy) whom Council will designate after the next election will have their own heavy and important duties to perform and will not be expected to take on the burden of membership on the Executive Committee as well. This will be consistent with the practice in other legislative bodies in Canada where the role of Speaker and Deputy Speaker is kept separate from that of the Executive on the grounds that membership in the Executive makes it difficult, if not impossible, to preside objectively and impartially during debate in the House.

4. Portfolios

The two members of Council chosen to be Members of the Executive Committee will each be given line responsibility for the management of one or more of the Territorial government's program departments - education, social development, local government and economic development.



Council may wish to comment on the question of which of these departments should be assigned to the two Councillors on the Executive Committee, but the Commissioner will make the final decision in his capacity as chief executive officer.

5. Conflict of Interest

It is a generally accepted principle that holders of public office must order their affairs such that no serious conflict arises, or appears to arise, between their private interests and their public responsibilities. In keeping with this principle, Councillors appointed to the Executive Committee will be expected to arrange their affairs in such a manner as to avoid any possible charges of a conflict of interest. It should be noted that the principle cited above is already recognized in the Northwest Territories Council Ordinance, which prescribes certain rules which cannot be infringed without incurring penalties. There are also certain standards set out in the Criminal Code which apply to the conduct of holders of public office in Canada. In addition to these standards, the Council may wish to consider adopting a code of ethics to be followed by Councillors appointed to the Executive Committee. (A number of background papers related to this question are available for Council's review if so desired.)

For anyone holding public office by election, the most powerful sanction against taking personal advantage of his or her position is the fact that the officer will eventually have to face the

electorate and give an accounting of himself. In the case of the Executive Committee in the Northwest Territories, however, the Council Members on the Committee will in addition be responsible to the Commissioner who, because of his accountability to the Minister, will have to be able to ensure the integrity of his administration. Where there are breaches in this integrity, it will be the responsibility of the Commissioner to take action appropriate to the circumstances of the situation and, if he considers it necessary, to dismiss a Member from the Executive Committee or seek the advice of the Council on the action he should take.

6. Amendment to the Council Ordinance Will Be Required

Section 7 of the Council Ordinance will have to be amended to permit Councillors to become members of the Executive Committee without losing their seats on Council. This amendment will be introduced at this (54th) Session.

7. Purpose of Paper

The purpose in presenting this paper to Council at the present time is to familiarize Council and the public, in advance of the next territorial general election, with the concept of having Councillors appointed to the Executive Committee. It is recognized that subsequent Councils may want to express views on the Executive Committee and appropriate opportunities will be provided.