

# 2021 REVIEW OF MEMBERS' COMPENSATION AND BENEFITS

Northwest Territories

Presented by the



*INDEPENDENT COMMISSION* TO REVIEW  
*MEMBERS' COMPENSATION AND BENEFITS*

*LA COMMISSION INDÉPENDANTE* SUR L'EXAMEN DE LA  
*RÉMUNÉRATION ET DES AVANTAGES SOCIAUX DES DÉPUTÉS*

**JUNE 2021**

[Revised: August 5, 2021]

## **Acknowledgements**

The Independent Commission to Review Members' Compensation and Benefits (ICRMCB) thanks staff of the NWT Legislative Assembly for information, research and other support provided for this review. The Commission is grateful for the support provided by the staff at the Speaker's Office. We would also like to thank Susan Ashton who was a very valuable member of our team. The Commission very much appreciates and thanks members of the public who took the time to share their views and insights.

June 24, 2021

The Honourable Frederick Blake  
Speaker of the NWT Legislative Assembly  
Box 1320  
Yellowknife NT X1A 2L9

Dear Mr. Speaker,

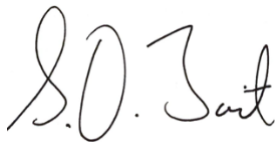
The Independent Commission to Review Members' Compensation and Benefits has completed its review of the remuneration and benefits paid to the Members of the Legislative Assembly, as defined in Section 35.1 of the *Legislative Assembly and Executive Council Act*.

The Commission is pleased to submit this 2021 report, which includes the decisions and the rationale for these conclusions.

Respectfully submitted,



Joe Handley  
Commission Chair



Glenn Tait  
Commissioner



Janet Toner  
Commissioner

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# 2021 REVIEW OF MEMBERS' COMPENSATION AND BENEFITS

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## Summary of Recommendations

### MLA Orientation

1. It is recommended the initial Member orientation be revised so it can be given over a 30-day period.
2. It is recommended a review of the orientation content be completed, to ensure information is comprehensive and adequate for the Members to fulfill their jobs as an MLA.
3. It is strongly recommended that the Members' Handbook be updated prior to the next Assembly and be kept up to date, so that everyone is working from the most current version.

### MLA Professional Development Fund

4. It is recommended to establish a fund of \$30,000.00 annually (\$120,000.00 for the Assembly) that MLAs can apply to for ongoing professional development.
5. It is recommended that the Board of Management, if the Members agree, may use some of this fund to provide training for all Members in a specific area of interest.

### Committee Participation

6. It is recommended that all MLAs, excluding the Speaker, Premier and Ministers, are expected to participate on a minimum of two standing committees (not including the Standing Committee on Accountability and Oversight) and at least one special committee (if there are special committees).
7. It is recommended that the basic MLA salary of \$110,761.00, with the exception of the Speaker, Premier and Ministers, be reduced by \$4,000.00. However, MLAs will receive a stipend of \$2,000 for each standing committee they are a member of, to a maximum of \$4,000. If a Member sits on more than two committees, there will be no additional stipend paid.
8. It is recommended that if a member is removed from a committee, the \$2,000 stipend would be removed and prorated to the date of removal. If they become a member of another committee, then the stipend would be reinstated once they become a member of that committee.
9. It is recommended that the Board of Management review the workload of all Standing Committees every two years and if necessary, reassign Members to rebalance the Member's workload.
10. It is recommended that the Deputy Chair for all the Committees, with the exclusion of the Deputy Chair of the Committee of the Whole, receive a stipend of \$3,000.00.

## **Housing Allowance**

11. It is recommended that the basic allowance for maintaining a second home in Yellowknife, if required, should be increased from \$31,000 per year to \$32,000.
12. It is recommended that the basic allowance for maintaining a second home in Yellowknife should be reviewed annually by the Board of Management, to ensure it remains in line with the current rental market.

## **Family Responsibility Allowance**

13. It is recommended that an amount of \$2,000.00 per year be paid to all MLAs with dependent children, regardless of the number of dependent children they have.

## **Members of the Legislative Assembly Pension Plan**

14. It is recommended that a reciprocal agreement with other registered pension plans including Public Service Superannuation and Northern Employee Benefits Services (NEBS) be negotiated so pension amounts can be transferred.
15. It is recommended that the MLAs be advised as to when they are approaching 60 days within being sworn in, so they have time to decide about whether to access the Supplementary Plan, to ensure they do not inadvertently miss the deadline.

## **Leaving Politics**

16. It is recommended that Members receive a top up for every year they were in a position as Speaker, Premier or Minister regardless of when they served in that position. This top up cannot exceed the annual basic indemnity at that time. The Member will receive one month of the Speaker, Premier or Minister allowance for every year served in any of those positions, with the top up calculation based on the current indemnity allowance paid to a Member holding one of those offices. The time served in any of those positions is to be rounded up to the next full year.



## Examples: Recommended Changes to Transition Allowance

### Example 1:

A regular Member is in office for eight years, seven years as a Member and one year as a Minister in the third year of their first term.

#### *Transition Allowance Calculation:*

Basic indemnity of \$110,761 x 1/12 x 8 years = \$73,841.

Top up for one year as a Minister: \$59,281 (Minister allowance) x 1/12 x 1 = \$4,940.

Total Transition Allowance = \$73,841 + \$4,940 = \$78,781.

### Example 2:

A Member is in office for eight years and is a Minister for all eight years.

#### *Transition Allowance Calculation:*

Basic indemnity of \$110,761 x 1/12 x 8 years = \$73,841.

Eight years as a Minister: \$59,281 (Minister allowance) x 1/12 x 8 years = \$39,521.

Total Transition Allowance = \$73,841 + \$39,521 = \$113,362\*.

\*This amount is over the basic indemnity amount, so the Member would receive a maximum of \$110,761

### Example 3:

A Member is in office for eight years, two of which were as a Minister and two as Premier.

#### *Transition Allowance Calculation:*

Basic indemnity of \$110,761 x 1/12 x 12 years = \$73,841

Two years as a Minister: \$59,281 (Minister allowance) x 1/12 x 2 years = \$9,880.

Two years as Premier: \$84,241 x 1/12 x 2 years = \$14,040.

Total Transition Allowance = \$73,841 + \$9,880 + \$14,040 = \$97,761.

17. It is recommended that the word "Premier" be added to any clause in Section 79. where reference is made to Speaker or Minister (Speaker, Premier or Minister).
18. It is recommended the following clause in Section 79 (page 48) of the Members' Handbook be removed.
  - For a Member who is a former Speaker or Minister, the Transition Allowance is equal and limited to their annual indemnity at the time of eligibility.
19. It is recommended Members are advised that they can access financial planning support from an independent advisor when they leave office.

### Constituency Work Expense Allowance

20. It is recommended that while each MLA continues to negotiate the salary level for their Constituency Assistant, the minimum hourly rate should not be less than \$25.00 per hour.
21. It is recommended that the budget amounts available to MLAs for Constituency Assistant salaries be increased by the Canadian Consumer Price Index annually.
22. It is recommended that shared office space for Yellowknife Members of the Legislative Assembly be established, that is located in a central part of the city, and that is accessible to all Yellowknife constituents and others who are seeking information or support.

### Interested in Becoming an MLA?

23. It is recommended the reference document *“So You Want to Be a Member of the Legislative Assembly”* be updated and revised to ensure the information is current, relevant, visually appealing and easy to read.
24. It is recommended that this document is more easily found on the Legislative Assembly website.
25. It is recommended an awareness and information video be created, “A Day in the Life of an MLA” by following and interviewing Members and Ministers about their work in the Legislative Assembly. It is important to show the difference between the role of a Minister and a Member. This would assist with awareness not only for potential candidates but the public in general.

### Public Orientation About the Roles of an MLA

26. It is recommended that clearly articulated and publicly available information about the purpose of the Legislative Assembly and the work and roles of an MLA in the Northwest Territories be created, so individuals can become more informed and engaged in the political process. This could include things such as educational and information resources, fact sheets, classroom activities, workshops or webinars.
27. It is recommended that a campaign to advertise and promote the purpose of the Legislative Assembly and the work and roles of an MLA, along with messaging about how important it is for the public to be informed about government is created.

### Publication of Member’s Compensation and Benefits

28. It is recommended that the information about Pay & Benefits be moved to a stand-alone tab in the side bar under the Members tab on the Legislative Assembly web page.

## Support for Future Independent Commissions

29. It is recommended that an electronic package of any relevant materials relating to the work of future Independent Commissions to Review Members' Compensation and Benefits such as the overview PowerPoint presentation created by the Legislative Assembly, past Commission reports, across Canada salary comparisons and pension information, links to relevant documents including the Members' Handbook and the Rules of the Legislative Assembly, Acts and Regulations be delivered to the members of future Independent Commissions as soon as they are appointed, to allow them time to read, review and prepare for the work they will conduct and complete.

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# 2021 REVIEW OF MEMBERS' COMPENSATION AND BENEFITS

## 1.0 Legislation, Commissioners and Mandate

### 1.1 The Commission

On October 20, 2020, the Honourable Frederick Blake, Speaker of the Northwest Territories (NWT) Legislative Assembly appointed three members to the Independent Commission to Review Members' Compensation and Benefits (ICRMCB). The review of indemnities, allowances, expenses, and benefits provided to Members of the Legislative Assembly (MLA) is a statutory requirement of the NWT *Legislative Assembly and Executive Council Act*, Section 35.1: Independent Commission to Review Members' Compensation and Benefits. A copy of Section 35.1 is included as Appendix A.

The Commission was tasked with the responsibility to set out their recommendations for any suggested change to the compensation and/or benefits Members are entitled to receive. The Speaker is required to table the report with "the Legislative Assembly as soon as is reasonably possible," where it may be debated and/or result in actual changes.

The work of the Commission is politically neutral. Further, the Commission and its members are independent of the Members of the Legislative Assembly and the Government of the Northwest Territories (GNWT).

The goal is to ensure that MLAs have a reasonable and sustainable compensation and benefits package. The Commission completed the review to determine the adequacy and appropriateness of the benefits and allowances received by Members. They assessed reporting requirements and procedures to determine if there is an acceptable level of public accountability. They then made decisions, based on the information reviewed, assessed, and heard. A report of their findings (this report) is the culmination of the work carried out by the Commission.

## 1.2 Commission Members

### Joseph “Joe” Handley



Joe Handley was born in northern Saskatchewan and moved to the Northwest Territories in 1985. Prior to moving north, he was an educator, who worked in Saskatchewan, Manitoba, British Columbia and West Africa. He received his undergraduate and graduate degrees at the University of Saskatchewan and University of Ottawa.

In 1985 he joined the Northwest Territories government and served as Deputy Minister in several portfolios including Deputy Minister of Education; Renewable Resources; the NWT Housing Corporation; Transportation and Resources, Wildlife and Economic Development. He left his career in 1999 as a deputy minister to run successfully for election in the NWT Legislative Assembly.

In his first term in office as a Member of the Legislative Assembly he became the Minister of Finance, Chairman of the Financial Management Board, Minister for Resources, Wildlife and Economic Development, Minister Responsible for the Workers Compensation Board, Minister of Transportation, and Minister Responsible for the Northwest Territories Power Corporation.

After his first term, Mr. Handley was returned as MLA for Weledeh by acclamation. In 2003 he ran unopposed for Premier. He did not run for another term in 2007.

Following his retirement from politics Mr. Handley served and continues to serve on a number of boards including the Canadian Broadcasting Corporation, Canadian Executive Services Organization, Det'on Cho Corporation and as Public Administrator for the Stanton Territorial Hospital. He is also a shareholder and Board member for Aurora Corporation Ltd.

Mr. Handley has received of a number of awards including: the National Aboriginal Achievement Award (2008); Saskatchewan Centennial Medal for Outstanding Achievement (2005); Thelma Chalifoux Award (2010); Queen Elizabeth 50<sup>th</sup> Anniversary Medal (2002); and Diamond Jubilee Medal (2012).

Joe, his wife Theresa, their two children and three grandchildren continue to make Yellowknife their home.

## Janet Toner



Janet Toner is a Chartered Professional Accountant (CPA, CA) with over 25 years of experience. Janet is a member of the Chartered Professional Accountants of NWT/Nunavut and a member of the Chartered Professional Accountants BC.

In January 2021, Janet was awarded a Fellow from the Chartered Professional Accountants of the NWT/Nunavut for her exceptional service to the profession.

Ms. Toner has spent most of her career working with Northern governments and organizations. For over 10 years, she was a partner at a local accounting firm, Crowe Mackay LLP, that provided accounting and audit services. From 2014 to 2019, as Assistant Superintendent of Yellowknife Catholic Schools, Janet was responsible for the business activities of the school board. She currently has a consulting company and specializes in financial and human resource management.

Janet has lived in Yellowknife over 20 years and has been active in the community. She has volunteered for many organizations such as the Stanton Hospital Foundation and YWCA NWT. She has been appointed to the Board of the NWT Business Development and Investment Corporation and is the chair of the audit committee. She is currently the chair of the audit committee for the City of Yellowknife.

## Glenn Tait



After a 35-year career practicing law, Glenn retired in 2018 and became the Executive Director of the Law Society of the Northwest Territories. Glenn has a Bachelor of Commerce degree, and both a bachelor's degree (LLB) and a Master's degree (LLM) in Law.

Glenn has lived in Yellowknife for the last 23 years. He and his wife Leanne raised their two children here.

Glenn volunteers extensively with various Yellowknife community and sports organizations including the Stanton Territorial Hospital Foundation; NWT Hard of Hearing Association; NWT and Nunavut Lottery Authority; Institute of Chartered Accountants of the NWT and Nunavut; Northern Arts & Cultural Centre; NWT Law Foundation; Canadian Parents for French; Yellowknife Speedskating Club; Basketball NWT; GO Ball and the NWT Community Services Corporation. Glenn is the chair of the NWT Review Board.

## 1.3 Commission Terms of Reference

Pursuant to Section 35.1 of the *Legislative Assembly and Executive Council Act*, within one year after the polling day for a general election, the Speaker, on the recommendation of the Board of Management, is to establish an independent commission and appoint as its members three individuals who are independent, neutral, and knowledgeable.

The last comprehensive review of Members compensation and benefits occurred in 2018, with a report tabled on October 11, 2018.

The Independent Commission used the ICRMCB Terms of Reference as the guide and direction for the work to be completed.

As identified in the Terms of Reference, the purpose of the Commission was to:

1. Review and assess the indemnities, additional indemnities, allowances, expenses, and benefits provided to Members and Ministers to determine the adequacy and appropriateness of the amounts provided.
2. Review and assess specific items referred to the Commission by the Board of Management.
3. Review and assess the reporting requirements and procedures for Members' expenditures to determine the level of accountability acceptable to the public.
4. Review any other matter the Commission considers relevant respecting the compensation, allowances, and benefits provided to Members and Ministers.
5. Provide to the Speaker a report setting out any recommendations for any change that the Commission determines should be made to Members' indemnities, allowances, reimbursements, and other benefits.

For additional information about the Terms of Reference and the responsibilities of the Commission, please refer to Appendix B.

## 2.0 Review Process

1. To initiate their work, the Speakers Office provided the Commission with an overview document of the current regime and issues. Topics presented included: the role of the Commission; Office of the Clerk; current indemnities (remuneration), allowances; expenses; Member's pension plans and benefits; and other considerations. "Issues for Consideration" were identified for each area. These captured reoccurring themes heard within the Assembly that may be issues for the Commission to consider in their review and discussion with Members.

### Identified Issues

#### Indemnities (remuneration)

1. Are the current indemnity levels fair and adequate?
2. Should the indemnities continue to be tied to CPI adjustment, or is another benchmark more appropriate?
3. Is the Chair of Caucus receiving fair compensation compared to other committee chairs?



### Allowances

1. Are the value of the allowances fair and adequate?
2. Child care allowance
  - a. Should the child care allowance be capped per member?
  - b. Should the child care allowance be capped per fiscal year for all members?
  - c. Should the child care allowance be available to Constituency Assistants (CA)?

### Expenses

1. Are the constituency work budgets allocated to Member's fair and adequate?
2. Is the list of eligible and ineligible constituency budget expenses fair and reasonable?
3. Is the approach to employing Constituency Assistants fair and reasonable?
  - 3.1 Should a CA be a public servant?
  - 3.2 Should the Members establish a set pay range for a CA?
4. Are the travel and meeting entitlements provided to Member's fair and adequate given the nature of their jobs?
5. Are Members able to operate within the current budgets?

### Pension Plan Benefits

1. Is the cost of these benefits fair and reasonable?
2. The Commission then met and identified the following tasks they would complete to meet the mandate of this work, as per the Terms of Reference and the issues identified by the Legislative Assembly. The following task list was created.
  - a. Review and assess the indemnities, additional indemnities, allowances, expenses and benefits provided to Members to determine the adequacy and appropriateness of the amounts. This included reviewing the *Legislative Assembly and Executive Council Act; Indemnities, Allowances and Expense Regulations; Legislative Assembly Retiring Allowances Act; Supplementary Retiring Allowances Act; Supplementary Retiring Allowances Regulations* and Board of Management Policies.
  - b. Review and assess specific items referred to the Commission by the Board of Management.
  - c. Review and assess the reporting requirements and procedures for Members' expenditures to determine the level of accountability acceptable to the public.
  - d. Provide to the Speaker a report setting out any recommendations for change that the Commission determines should be made to the Members indemnities, allowances, reimbursements and other benefits.
3. The work and recommendations of previous NWT Independent Commissions to Review Members' Compensation and Benefits were reviewed. Other Canadian jurisdictions were studied, to compare (where appropriate) the manner in which Members were compensated. Staff at the Legislative Assembly were asked to provide additional information for clarification or edification purposes.
4. A review and analysis of relevant background resources was conducted. Documents identified were used to inform and support the discussion carried out by the Commission. This information was essential when making recommendations for submission to the Speaker. The following lists the main documents reviewed for this work.
  - *Legislative Assembly and Executive Council Act*

- *Indemnities, Allowances and Expense Regulations*
  - *Legislative Assembly Retiring Allowances Act*
  - *Supplementary Retiring Allowances Act*
  - *Supplementary Retiring Allowances Regulations*
  - Board of Management Policies
  - Overview of Indemnities – effective April 1, 2021
  - Overview – Changes in Schedule C Indemnities and Allowances
  - 19<sup>th</sup> Legislative Assembly Members’ Handbook Northwest Territories Legislative Assembly
  - Pension Administration Reports – *Retiring Allowances Act* and *Supplementary Retiring Allowances Act*, NWT Legislative Assembly, for 2018, 2019 and 2020
  - Independent Commission to Review Compensation & Benefits, Overview of Current Regime and Issues, February 2021 Power Point presentation
  - Salary survey of MLA and Member of Parliament (MP) salaries across Canada
  - Child Care Expenses Deduction for 2020, Canada Revenue Agency
  - Appointment of Constituency Assistant and Employment Agreement
  - Northern Employee Benefits Services, Group Number G. 799
  - ICRMCB’s 2014 and 2018 reports
  - Overview – Pension Plans across Canada
  - Report to the Members’ Services Board of the Yukon Legislative Assembly respecting MLA Salaries and Benefits, 2018
  - House of Commons, Canada (2018) Member’s Allowances and Services
5. Meetings with Members of the NWT Legislative Assembly were conducted, to obtain their input, hear their concerns and suggestions. Eleven of the 19 Members were interviewed by the Commission.

In advance of their interview, each Member was sent a list of questions and potential issues (attached as Appendix C) to help them prepare for their discussion with the Commission. The questions and issues were developed from an assessment of the information, issues and other areas for consideration brought forward to and discussed by the Commission. Notes were compiled following each interview.

6. Input from members of the public was specifically solicited through media advertising and on the Commission’s website. Examples of the letters, advertisements and website have been included as Appendix D.
- a. Letters were sent to each MLA, communities and Indigenous Governments in the NWT asking for submissions.
  - b. A web advertisement was placed on Cabin Radio. This ran for three weeks, between March 23 and April 14, 2021.
  - c. Public Service Announcements were sent to: CBC North, Cabin Radio, CKLB, NNSL, Inuvik Drum, Moose FM, and Radio Canada (French).
  - d. Advertisements were published in News North – NWT and the Yellowknifer on March 26, April 2 and 9, 2021. Advertisements were published in L’Aquila on April 9, 16 and 23, 2021.
  - e. A website was created where respondents could submit their responses using a Webform, or access information about submitting written submissions either by mail or email. Contact information to arrange a telephone or video meeting was included.
  - f. The Commission Chair was interviewed by Cabin Radio and CBC North, creating a news story promoting the work of the Commission.

Nine written submissions were received from members of the public.

7. Finally, the Commission members researched other documents as needed, to ensure they had complete information prior to making any recommendations.

All of the reports, documents, information and meetings were reviewed and assessed, in order to arrive at the recommendations contained in this Report.

## 2.1 Review Limitations

Because of the restrictions imposed by the Office of the Chief Public Health Officer due to the Covid-19 pandemic, the Commission was not able to hold face to face public meetings. This may have limited access to public input and participation. There were few who responded to the request for public input.

As well, in discussion with the Members, compensation and benefits did not seem to be a high priority. This could be an unexpected downside of having this review completed within the second year in the life of the assembly. Previous reviews were conducted during the third year in the life of the assembly.

35.1. (1) Within **one year** after the polling day for a general election, the Speaker, on the recommendation of the Board of Management, shall establish an independent commission and appoint as its members three individuals who are independent, neutral and knowledgeable (Legislative Assembly and Executive Council Act, s. 35.1 (1)).

This early in their life as an MLA, they may not be thinking about leaving government or their future needs. They are in the mode of establishing this government.

## 3.0 About the NWT Legislative Assembly

### 3.1 Consensus Government

The Legislative Assembly is the seat of the elected government in the Northwest Territories. Members are elected every four years from each of the 19 ridings to serve in a unique consensus government. This is described as “essentially a parliament led by a permanent minority. Members elect seven Cabinet ministers and a Speaker from their own ranks.”<sup>1</sup>

In order to have fair and equitable representation, Ministers are generally selected from across the territory – two from the north, two from the south and two from the central part of the NWT. There is also consideration of a balanced cabinet, such as having representatives who are Indigenous and/or female. Once selected by secret ballot, the Premier (also selected by secret ballot) assigns the Ministers to be responsible for one or more government departments and Boards.

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<sup>1</sup> GNWT. (2014). About the Legislative Assembly. <https://www.ntassembly.ca/about>

Some Members choose not to accept a nomination to Cabinet because they prefer to be free to ask questions of the Ministers or before standing committees. They feel they can better represent their constituents as regular Members.

The 11 Regular Members hold the balance of power, as only seven Cabinet Ministers are elected. Consensus government does not mean that unanimous agreement is necessary for decisions to be made, motions passed, and legislation enacted. A simple majority carries the vote.

### 3.2 Constituencies in the NWT

There are 19 electoral districts which are geographical areas represented by a Member of the Legislative Assembly. Electoral districts are also called constituencies or ridings. Of these, 12 are located outside of Yellowknife and seven constituencies have more than one community. Five of the constituencies rely in whole or partially on access through air travel.

| CONSTITUENCY              | COMMUNITIES  |
|---------------------------|--|
| Dehcho                    | Enterprise, Fort Providence, Kátł'odeeche, Kakisa                              |
| Hay River North           | Hay River  |
| Hay River South           | Hay River  |
| Inuvik Boot Lake          | Inuvik   |
| Inuvik Twin Lakes         | Inuvik   |
| Mackenzie Delta           | Aklavik, Fort McPherson, Tsiigehtchic  |
| Monfwi                    | Behchokò, Gametì, Wekweètì, Whatì  |
| Nahendeh                  | Fort Liard, Fort Simpson, Jean Marie River, Nahanni Butte, Trout Lake, Wrigley |
| Nunakput                  | Ulukhaktok, Paulatuk, Sachs Harbour, Tuktoyaktuk                               |
| Thebacha                  | Fort Smith   |
| Sahtu                     | Colville Lake, Déline, Fort Good Hope, Norman Wells, Tulita                    |
| Tu Nedhé - Wiilideh       | Dettah, Fort Resolution, N'dilo, Łutselk'e                                     |
| Yellowknife Centre        | Yellowknife  |
| Frame Lake (Yellowknife)  | Yellowknife  |
| Great Slave (Yellowknife) | Yellowknife  |
| Kam Lake (Yellowknife)    | Yellowknife  |
| Range Lake (Yellowknife)  | Yellowknife  |

| CONSTITUENCY      | COMMUNITIES                 |
|-------------------|-----------------------------|
| Yellowknife North | Yellowknife                 |
| Yellowknife South | Ingraham Trail, Yellowknife |

Members travel in their ridings often, and many live in their home community. Communities expect their MLA to attend important community events, such as attending performances, parades, anniversaries or funerals. They are often asked to open public buildings or make speeches at community events. They attend as many events as possible, as it helps them keep in touch with how people feel about various issues.

It is also the custom for food to be served at constituency meetings. Interpretation services are often required. This adds additional challenges and burden (time, logistics and cost) on the MLA being able to connect with and support their constituents.

#### 4.0 Roles and Responsibilities of a Member of the Legislative Assembly

A Member is the face of the government and is often the first point of contact in their constituency. This role, outside the work of the Legislative Assembly, is somewhat defined by the constituents, the people living in the riding the Member has been elected to represent. MLAs are expected to support their constituents, which means they may be asked to review and deal with many situations, that lead them into legal areas, health issues, education, housing, advocacy roles or other areas that are of concern and importance. Members provide information and problem solve issues for constituents on government policies, services and programs. This requires knowledge of how government works and the ability to determine the difference between big policies or small issues.

MLAs must be sensitive to their constituents and community’s needs. In order to do this, they must be present and accessible in their communities and have the ability to engage their constituents and listen to their concerns. They normally have at least one office in their riding where constituents can meet with the MLA or their Constituency Assistant, discuss issues or concerns and get information about the Legislative Assembly or various government departments or agencies, to learn about what resources and supports might be available and who to connect with.

Members represent everyone, even those who did not elect them, and act as their spokesperson. They research and make statements in the Legislative Assembly about important issues, and help make decisions with regard to policy, finances, and issues of concern for the residents of the NWT. Working with their fellow Members, they debate, deliberate, introduce bills about important issues, and vote on legislation to create laws. Regular members participate in standing committees that monitor and provide advice to Minister’s responsible in particular areas, such as health, social programs, economic development or government operations. There are times when Special Committees are established to deal with major issues.

MLAs also participate in Caucus, where all members are included as equals regardless of their role within the Legislative Assembly. They follow current events, read reports, attend meetings and conferences and monitor the media. At times, they are asked to present petitions from the public in the Legislative Assembly. They meet with groups who have special concerns, or interest in specific areas, talk with the

media to help keep the public informed and keep in touch with their constituents to find out what they think about certain issues.

It is not easy to define the workload of an MLA. Much of that is determined by their personal contributions, the physical size of their constituency, their travel back and forth to Yellowknife and the role the Member takes in the Legislative Assembly. Some take on tasks, responsibilities and requests by constituents that would not necessarily form part of their duties. This may not be at the forefront of the MLAs thinking but this goodwill could lead to future electability by their being available for all manner of needs.

It is important that Members of the Legislative Assembly carry out their duties with integrity and honour, showing respect to their constituents, their fellow Members and to the Northwest Territories Legislative Assembly. It is equally important that Members be seen to be carrying out their duties in this manner. Citizens require public accountability and expect the highest standards from those in positions of power. When MLAs take office, they swear to a statutory oath of allegiance, loyalty and office. They are also bound to follow the [Code of Conduct for Members of the Northwest Territories Legislative Assembly](#) and the [Guide to the Rules Relating to the Conduct of Members](#).

The Commission determined that it is important to take into consideration the life and all of the duties required of an MLA when reviewing and recommending a comprehensive remuneration package.

## 5.0 Committees of the 19<sup>th</sup> Legislative Assembly

Committees are central to the operations of the Legislative Assembly. They allow for detailed examination of complex matters which is more easily done in small groups rather than an entire assembly.

Committees offer an opportunity for Members to hear from others about topics of concern and to have their statements placed on the public record. They also provide a way to probe into details of policies and programs, there by further enhancing their expertise in specific areas.

Committees are able to monitor the activities of the government by conducting reviews and inquiries into government legislation, programs and policies. They sometimes travel to various parts of the Northwest Territories, taking the Legislature to the people. Committees meet during and in between Session.

Quorum for all Committees is a majority of Committee Members. It is the responsibility of the Chair to ensure that all Members are fulfilling their Committee obligations by:

- Attending regularly and on time,
- Preparing for meetings, and
- Participating in meetings in a productive way.

If a Member is absent for six meeting days in a calendar year without a valid explanation, the Committee may recommend to the House that the Member be removed from the Committee.

There are three types of committees – Committee of the Whole, Standing Committees and Special Committees.

## 1. Committee of the Whole

This committee consists of all Members of the Assembly. The proceedings are not as formal as the Assembly and have flexible rules. The Deputy Speaker chairs this committee. There are also two Deputy Chairpersons who assist the Chair of the Committee of the Whole.

The Legislative Assembly refers various matters to this Committee. For example, all Bills are brought to the Committee after Second Reading for review that might lead to suggested changes. All business conducted in the Committee of the Whole is reported to the Assembly by the Chairperson. The Assembly then decides whether to accept the Committee's report and adopt the decisions made.

## 2. Standing Committees

Standing Committees carry out much of the work of the Assembly. They help to ensure that all members have the opportunity to voice their opinions on issues. Through Committee reports, tabled in the Legislative Assembly, Standing Committees provide input in order to assist the Government in moving forward with its proposals.

All MLAs, excluding the Speaker and Cabinet members, are expected to participate on a minimum of two standing committees and at least one special committee (if there is more than one special committee).

There are six Standing Committees.

The **Board of Management**, chaired by the Speaker, administers the Assembly support services and advises the Legislature on matters such as Members' indemnities, benefits and allowances, and provides for the management and operation of the Office of the Legislative Assembly.

The other Standing Committees are:

- Standing Committee on Accountability and Oversight<sup>2</sup> – all regular Members of the Assembly are members of this Committee.
- Standing Committee on Economic Development and Environment
- Standing Committee on Government Operations
- Standing Committee on Rules and Procedures
- Standing Committee on Social Development

## 3. Special Committees

Special Committees are created as needed by the Assembly. Responsibilities are determined by the Legislative Assembly as well as the time frame for completion of their mandate. During the 19<sup>th</sup> Legislative Assembly, one Special Committee has been formed – the Special Committee on Reconciliation and Indigenous Affairs. This Special Committee is to focus on encouraging discussions and producing

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<sup>2</sup> This Committee was renamed on December 10, 2019. It was previously known as the Standing Committee on Priorities and Planning.

recommendations in relation to Aboriginal Rights negotiations and reconciliation with the Indigenous Peoples of the Northwest Territories.

## 5.1 Committee Meetings and Hours

As noted, Committees are a central part of the working of this government. But they do take time and commitment from the Members. The following tables show the number of committee meetings held and the number of hours during the 19<sup>th</sup> Legislative Assembly, to April 2021.

### Number of Committee Meetings

| Committee                             | 2019      | 2020       | 2021      | Total      |
|---------------------------------------|-----------|------------|-----------|------------|
| Accountability and Oversight*         | 14        | 90         | 25        | 129        |
| Government Operations                 | 1         | 25         | 9         | 35         |
| Economic Development and Environment  | 1         | 45         | 8         | 54         |
| Social Development                    | 1         | 45         | 12        | 58         |
| Rules and Procedures                  | 1         | 16         | 2         | 19         |
| Reconciliation and Indigenous Affairs | 0         | 1          | 2         | 3          |
| <b>Total</b>                          | <b>18</b> | <b>222</b> | <b>58</b> | <b>298</b> |

\*Accountability and Oversight includes the 11 meetings under the name “Priorities and Planning”

### Committee Hours

| Committee                            | # of Meetings | Confirmed Hours* | Average Time per Meeting |
|--------------------------------------|---------------|------------------|--------------------------|
| Priorities and Planning              | 11            | 68:37            | 6:14                     |
| Accountability and Oversight         | 118           | 250:01           | 2:11                     |
| Government Operations                | 35            | 66:08            | 2:52                     |
| Economic Development and Environment | 54            | 152:22           | 2:52                     |
| Social Development                   | 58            | 106:59           | 2:44                     |
| Rules and Procedures                 | 19            | 32:11            | 1:41                     |

\*Some committee meeting notes are outstanding, so the total number of hours is underestimated



## 6.0 Recommendations

The Commission was tasked to review and assess indemnities, allowances, expenses and benefits provided to Members of the Legislative Assembly to determine the adequacy and appropriateness of the amounts provided. There were no other specific areas referred to the Commission by the Board of Management.

The following are the areas reviewed by the Commission. Each area includes a summary of findings, followed by recommendations. There were some areas the Commission felt did not require any change. These have been identified in Section One. Section Two identifies the areas and recommendations for change the Commission suggests with respect to Members' indemnities, allowances, reimbursements and other benefits. There were some additional areas, such as orientation and professional development that the Commission wanted to bring forward based on information gathered during the interviews with the Members.

### Section One: No Recommendations

#### Member's Basic Salary

Member's basic salary is one that causes debate. The question of whether higher levels of compensation will attract stronger, more competent politicians is one that is not easily answered. The literature reveals that there are two common problems when determining compensation for politicians. First, there is no market that establishes the productivity and correspondingly proper level of pay for legislators, as there is for executives or managers in the private sector. Second, the actual level of compensation is difficult to compare across jurisdictions because it includes pension and other benefits, the value of which is different depending on the politician's level of responsibility and length of service<sup>3</sup>.

Section 17 of the *Legislative Assembly and Executive Council Act* provides that all Members are entitled to an annual indemnity or salary of \$110,761. This indemnity is paid in 26 bi-weekly installments with deductions for income tax, Canada Pension Plan, and the various benefit plans that Members select.

The *Legislative Assembly and Executive Council Act* provides that a Member's Basic Indemnity and Indemnity for Extra Duties are automatically adjusted each year by the percentage increase or decrease in the Canadian Consumer Price Index (CPI) between the previous calendar year and the calendar year before that.

The NWT MLA basic salary is the highest of the Territorial governments and the smaller provinces (New Brunswick (NB), Nova Scotia (NS), Prince Edward Island (PEI), and Newfoundland / Labrador (NL)).

Some of the MLAs interviewed noted they "*made more in their jobs prior to becoming a politician.*" Some suggested that the basic salaries should be increased, based on their experience, coming from working in a government position. One suggested it would be fair to look within the civil service to find a comparative salary, for a position with similar responsibilities and duties. But this would be difficult to

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<sup>3</sup> Atkinson, Michael M. and Rogers, Dustin. (2012). Better Politicians: If We Pay, Will They Come? <https://cpsa-acsp.ca/papers-2012/Atkinson.pdf>

find, as others noted, because of the long, irregular hours MLAs work and the responsibilities of the Members. Many noted that the compensation was “just fine.”

The Commission is **not making any recommendation** to change the basic salary amounts except for the allowable automatic adjustments based on the Canadian CPI index, as per the *Legislative Assembly and Executive Council Act*. (Please refer to Section Two, Committee Participation for a suggested exception).

### Speaker, Premier and Minister Allowances (Above the Basic Salary)

A further indemnity is paid to a Member holding an office in addition to that of MLA. These amounts, payable each fiscal year, are paid on a bi-weekly basis and are subject to the same deductions as the basic indemnity. The following are the amounts paid as of April 1, 2021.

|                |          |
|----------------|----------|
| Speaker        | \$48,210 |
| Premier        | \$84,241 |
| Minister       | \$59,281 |
| Deputy Speaker | \$7,800  |

The NWT Premier salary and allowances (\$195, 002) is the second highest of the three Territorial governments and smaller provinces (NB, NS, PEI and NL).

The NWT Minister’s salary and allowances (\$170,042) is the second highest of smaller provinces and the Territorial governments.

It was discussed that the current method of increasing allowances annually by the Canadian CPI favours those with the higher allowances. For example, applying a 2% increase for the Premier and Ministers means a \$500 added advantage for the Premier (the allowance for the Premier is about 30% higher than a Minister’s allowance). Over several years, the spread between the Premier, Ministers and regular MLAs salaries becomes unintentionally distorted.

Almost without exception, the MLAs interviewed recommended that the allowances for the Premier, Ministers and Speaker were adequate and not excessive given the work requirements and time commitments.

There is **no recommendation to change** the allowances for the Speaker, Premier, Ministers or Deputy Speaker.

### Members’ Health Benefits

Although Members are not part of the public services, they are eligible to receive the same medical travel, health, dental, and life insurance benefits available to senior managers in the public service. All Members receive the same level of benefits.

Eligibility for these benefits ceases for a Member on Polling day of a new election, as per section 3 of the LAEC Act, or when the Speaker or a Minister no longer hold office, as per sections 45 and 69 of the LAEC Act. Failure to complete required documentation can adversely affect a Member’s eligibility for benefits.

After discussion and hearing from various Members, the Commission has determined these benefits are fair and reasonable. They are **not recommending any change** to Members' Health Benefits.

### **Allowances for Expenses and Entertainment**

Every Member of the Legislative Assembly is eligible to receive an annual gross allowance of \$7,982 paid to Members on a bi-weekly basis. As a taxable, non-accountable allowance no proof of expenses is required for payment and taxes are collected when the allowance is paid to Members.

The Allowance for Expenses is intended to cover the following expenses while Members are in their community of ordinary residence and while discharging their duties as a Member.

- Meal expenses
- Local ground transportation expenses
- Hospitality expenses including meals, transportation, whether within or outside the constituency.

The Speaker and Ministers are eligible to receive an annual \$1,500 allowance for duty related entertainment expenses. This allowance is taxable and non-accountable and is paid in advance in two installments.

The Commission has decided that non-accountable expense allowances currently received by Members, and the additional allowances for the Speaker and Ministers should remain the same. The Commission is **not recommending any change**.

## Section Two: Recommendations

Section Two identifies the areas the Commission reviewed and have determined, in their opinion, a number of areas where recommendations for change are needed. They have based these recommendations on the review of materials and information, discussions with the Members and their personal understanding of the workings within the government. The intent of these recommendations is to improve the overall life for the Members and the working of the government.

### MLA Orientation

New and returning MLAs need to be informed about their roles, responsibilities and expectations as a Member of the Legislative Assembly of the Northwest Territories. It is important for them to learn (or be reminded) about the procedures of the Legislative Assembly, Code of Conduct expectations, political duties and responsibilities, how government works and how to hold it accountable and MLA compensation and benefits. This learning occurs through orientation held at the beginning of the term. This can be overwhelming as there is a great deal of information given at the same time the MLA is trying to get their offices set up, hire Constituency Assistants, and become familiar with the processes and procedures for session and committees. Orientation is held over a two-week period which is not much time.

Orientation is important to set the tone for the overall workings of the government. It was noted it is important to develop an understanding about the system, committees, consensus government and how it should ideally work, what it means to be an MLA and what is the priority (e.g., constituency and the betterment of the NWT) so they are aware of expectations and areas they need to be involved in.

*“When not coming from the government, it might have been of benefit to receive an overview of government, what it is, how it works with a focus on what is the job.”*

Attendance should be compulsory. Orientation should be spread out over the first 30 days in office, using shorter sessions. This will help an MLA, especially a new MLA, learn and retain the information, by not feeling overwhelmed. One interviewee recommended a package of easy-to-follow information be provided, that would cover easy to understand information about benefits, salary, and what is expected of an MLA.

Along with the current orientation, additional topics were suggested. The topics suggested include:

- Information regarding benefits of the Pension Plan and the Supplementary Plan
- More detailed information about what areas of spending is allowed under the Constituency Assistant budget
- Cultural awareness
- Information about Indigenous Governments and Organizations, including self-government
- Leadership skills
- Mediation, negotiation and conflict resolution skills
- How to safely meet with a constituent e.g., safe place with people around, be near the door, tone of voice, not to make promises cannot meet and how to chair a meeting.

*“Training on how to be a good chair – need to have awareness about how to chair a meeting, deal with difficult situations, develop an agenda, time management, how to use staff appropriately...could use videos for training, discussions or other means.”*

Annual continuing education should also be offered to refresh the Member’s knowledge and to share any new relevant information. *“Members need reminders, need to understand the importance of all of this, understand their choices and impacts of decisions.”* Additional and continuing support should be given in areas of communication, time management, team building, community engagement, media training, public speaking, work life balance and other areas the MLA feels they need support.

Along with the initial orientation, each Member is expected to refer to the Rules of the Legislative Assembly which includes an overview of rules, practices and procedures governing the Assembly’s order of business, format for debates, conduct of Members, and how time is allocated. Another resource, the Members’ Handbook, is a guide about the performance of their duties and fulfillment of their responsibilities as an elected representative in the Northwest Territories Legislative Assembly. There is difficulty finding these documents if one is not provided with very specific information about where to find the links. This information should be easily accessible for the public, as well the Members. Also, it was discovered that Members’ may be working from different versions of the Members’ Handbook, which causes some confusion.

### **Recommendations: MLA Orientation**

1. It is recommended the initial Member orientation be revised so it can be given over a 30-day period.
2. It is recommended a review of the orientation content be completed, to ensure information is comprehensive and adequate for the Members to fulfill their jobs as an MLA.
3. It is strongly recommended that the Members’ Handbook be updated prior to the next Assembly and be kept up to date, so that everyone is working from the most current version.

### **MLA Professional Development Fund**

Members must be held to the same level of accountability as other specialized professionals who are committed to ethical codes and are regulated to standards of behaviour in the public interest. As with other professions, continuing education is a key component of remaining current and informed, developing new skills or acquiring new information in order increase competency in their position.

A training fund established for use by MLAs, individually and by application, would assist the MLAs to meet their professional needs. Funds could be made available for such needs as public speaking, crisis management, improved writing and research skills or strategic planning.

The Board of Management would be responsible for providing oversight of this fund, by establishing application processes, criteria, reviewing all applications and general management of the program. The process needs to be fair, transparent and accessible to all Members. The Clerk’s Office could inform Members about opportunities that may become available.

### *Recommendations: MLA Professional Development Fund*

4. It is recommended to establish a fund of \$30,000.00 annually (\$120,000.00 for the Assembly) that MLAs can apply to for ongoing professional development.
5. It is recommended that the Board of Management, if the Members agree, may use some of this fund to provide training for all Members in a specific area of interest.

### **Committee Participation**

Committee work is an important part of governance. As per the Rules of the Legislative Assembly, a Striking Committee prepares a list of Members to create the Standing Committees of the Legislative Assembly. This list is generated, based on Members' interests, ability and experience. Standing Committees hold meetings about issues of significance, review proposed legislation, Government plans or proposals. Through the Committees' reports, that are tabled in the Legislative Assembly, the Committees provide input in order to assist the Government in moving forward with its mandate and proposals.

Standing Committees carry out much of the work of the Assembly, saving Members time during sessions. They help ensure that all Members have the opportunity to voice their opinions on each issue. There are six standing committees:

- Board of Management, chaired by the Speaker
- Standing Committee on Accountability and Oversight
- Standing Committee on Government Operations
- Standing Committee on Rules and Procedures
- Standing Committee on Economic Development
- Standing Committee on Environment and Social Development.

There are other committees, including the Committee of the Whole (Caucus) and a Special Committee on Reconciliation and Indigenous Affairs.

MLAs, excluding the Speaker and Cabinet members, are expected to participate on a minimum of two standing committees and one special committee. This does not always occur.

It is also the responsibility of the Chair to ensure that all Members are fulfilling their Committee obligations by:

- attending regularly and on time, preparing for meetings, and
- participating in meetings in a productive way.

If a Member is absent for six meeting days in a calendar year without a valid explanation, the Committee shall recommend to the House that the Member be removed from the Committee (From the Members' Handbook, Section 36).

The following shows the stipend that is paid to the chairs of the respective committees.

|   |          |
|---|----------|
| ▪ Chair of the Standing Committee on Accountability and Oversight | \$10,184 |
| ▪ Chair of the (other) Standing Committees                        | \$6,911  |
| ▪ Chair of Special Committee                                      | \$3,456  |
| ▪ Chair of Caucus   | \$3,456  |

The Deputy Speaker is the chair of the Committee of the Whole. The Deputy Speaker receives a stipend of \$7,800 for that position and does not receive any additional stipend for chairing the Committee of the Whole. There are two Deputy Chairs for the Committee of the Whole who are each entitled to receive a stipend of \$4,682 for their roles as Deputy Chairs. This is the only Deputy Chair position that receives a stipend.

Members had differing views on payment or compensation to attend meetings. One noted being on committees is part of the salary, as it is part of the job. Others noted members should be reimbursed for attending meetings. Their reasoning was that if there is compensation for attendance, that might “*fix the lack of participation.*” But it was also noted that people “*cannot just show up to get a check mark and then leave; they need to be there and present.*”

If Members were to receive stipends for participating on committees, it was suggested rules would need to be put in place e.g., the Chair needs to sign off on the member’s attendance, rather than the Member signing in and leaving.

It was also noted that the only Deputy Chair to receive a stipend is for the Committee of the Whole. But, as one Member said, “*...they are sitting in for the Chair, there is added responsibility.*”

Most agreed that committee attendance is poor. They stated there should be an obligation on Members to participate on two committees and be present and participate in those meetings.

*“By not sitting on a committee, this doesn’t seem fair to the institution [and other Members].”*

### ***Recommendations: Committee Participation***

6. It is recommended that all MLAs, excluding the Speaker, Premier and Ministers, are expected to participate on a minimum of two standing committees (not including the Standing Committee on Accountability and Oversight) and at least one special committee (if there are special committees).
7. It is recommended that the basic MLA salary of \$110,761.00, with the exception of the Speaker, Premier and Ministers, be reduced by \$4,000.00. However, MLAs will receive a stipend of \$2,000 for each standing committee they are a member of, to a maximum of \$4,000. If a Member sits on more than two committees, there will be no additional stipend paid.
8. It is recommended that if a Member is removed from a committee, the \$2,000 stipend would be removed and prorated to the date of removal. If they become a member of another committee, then the stipend would be reinstated once they become a member of that committee.

9. It is recommended that the Board of Management review the workload of all Standing Committees every two years and if necessary, reassign Members to rebalance the Member's workload.
10. It is recommended that the Deputy Chair for all the Committees, with the exclusion of the Deputy Chair of the Committee of the Whole, receive a stipend of \$3,000.00.

## Housing Allowance

It is required that a place of ordinary residence is established for all Members. A Member is considered to live in the community in which they regularly or customarily engage in the normal routines of life when not attending a Session of the Legislative Assembly. Members who do not live within commuting distance of the Capital are eligible for reimbursement for either actual rent for rental accommodation in the Capital or the actual cost of hotel accommodation in the Capital. In both cases, certain other authorized expenses incurred by the Member while in the Capital on business as a Member will also be reimbursed.<sup>4</sup>

The maximum amount a Member may be reimbursed under the Capital Accommodation Allowance is set out in Section 6 of the *Indemnities, Allowances and Expense Regulations*:

6. (1) The maximum amount for which a member may be reimbursed under subsection 24(1) of the Act is \$31,000 for each fiscal year.

(2) Subject to subsection (3), the maximum amount for which a member may be reimbursed under subsection 24(1.1) of the Act is \$31,000, plus an additional \$6,000 for each dependant residing in the secondary residence of the member, to a maximum total amount of \$49,000 for each fiscal year.

Rent has continued to rise in Yellowknife over the past several years. Some Members felt the housing allowance should be increased to reflect the current cost of living. They also identified they needed to rent in areas that are "*safe and protected, a building with security,*" which leads to higher rent. It was also noted it is not really an option to rent temporary accommodation, such as renting only for each session. Most identified an increase was needed in order to keep up with rising costs of housing in Yellowknife.

### *Recommendations: Housing Allowance*

11. It is recommended that the basic allowance for maintaining a second home in Yellowknife, if required, should be increased from \$31,000 per year to \$32,000.
12. It is recommended that the basic allowance for maintaining a second home in Yellowknife should be reviewed annually by the Board of Management, to ensure it remains in line with the current rental market.

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<sup>4</sup> GNWT. (2019). 19<sup>th</sup> Legislative Assembly Members' Handbook.



## Family Responsibility Allowance

The last Assembly made changes to child care, to make the Legislative Assembly building more family friendly and to allow child care to become an eligible expense as part of an allowance.

'Child of the Member' is defined in the Members' Handbook as:

- A child, or children under the age of eighteen years old to whom the Member is a parent or stands in the place of a parent, including a child placed in a foster home operated by the Member.

Currently, a Member can be reimbursed for eligible extraordinary childcare expenses when:

- A Member's child, or children is reasonably required to travel with the Member while the Member is performing constituency or Legislative Assembly business
- A Member is required to travel from the Member's ordinary place of residence to perform his or her duties of office, or
- A Member is required to attend constituency or Legislative Assembly business that occurs outside of regular business hours and incurs extraordinary childcare expenses that the Member would not normally incur.

Extraordinary childcare expenses are defined as:

- Those expenses related to childcare that are incurred by a Member beyond expenses normally incurred for the care of a child of the Member.

Reimbursement of child care expenses is a non-taxable/accountable benefit to Members who do not reside within commuting distance of the Capital, and a taxable/accountable benefit for Members who reside in the Capital.

Not having access to child care can create a barrier for people, especially women, to enter politics. There is an impact on the family as the politician is either working remotely, away from home for long periods of time, there are long hours and a lack of personal privacy.

*"There is a perceived stigma about accessing this fund, which needs to be eliminated. There is a concern about public perception."*

Accessing the child care fund *"is a struggle."* There needs to be clarity about whether the MLA, by hiring a caregiver, is now considered an employer? Need to clearly define what is normal versus enhanced child care. There is a mechanics to using this fund e.g., need to produce receipts or sign a statutory declaration which leads to the belief the parent has now become a casual employer.

The GNWT Collective Agreement with the Union of Northern Workers does provide a flat rate of \$50 per day when employees have to travel and require child care. Receipts are required.

After consideration, the Commission believes this allowance should be changed to a non-accountable, non-taxable Family Allowance subsidy payable to MLAs with dependent children under the age of 16. The amount should be the same for all MLAs with legal, including custom adopted, dependent children or foster children placed in their home. The program should be designed to subsidize the extra costs of caring for dependents given the extra-ordinary work hours and commitments of MLAs. They want this

support to be as barrier free as possible. The New Zealand: Allowances for Elected Members<sup>5</sup> document might be a resource that can be adapted for the NWT.

### *Recommendations: Family Responsibility Allowance*

13. It is recommended that an amount of \$2,000.00 per year be paid to all MLAs with dependent children, regardless of the number of dependent children they have.

### **Members of the Legislative Assembly Pension Plan**

The Northwest Territories Legislative Assembly provides a contributory pension plan for its elected Members. The plan is registered under the *Canada Income Tax Act*. The *Legislative Assembly Retiring Allowances Act* sets out the provisions of the basic MLA Pension Plan, in which all Members participate. Members are required to join this “Registered Plan” as soon as they are elected.

Members contribute 6.5% of their pensionable income, which is calculated as all taxable income less the Northern Allowance. The right to receive benefits vests with the Member after four years of service, or the completion of one full term of office, whichever comes first.

Members will receive, upon reaching pensionable age, two percent of the average of their four best years’ taxable income multiplied by the number of years of service, to a maximum of 30 years. Pensionable age is the earliest of 60 years, 30 years of service or the sum of age plus years of service equal to 80.

A Member who ceases to be a Member may elect to begin receiving a pension at any time. The amount of the pension will be reduced in proportion to the number of months remaining until the Member reaches pensionable age. They may also transfer the value of their pension to a locked-in RRSP or a combination option, where former Members may receive both a lump sum transfer to an RRSP and a temporary pension.

An optional pension plan, the “Supplementary Plan” was re-introduced in 2001 during the 14th Assembly. The plan is administered under *the Supplementary Retiring Allowances Act*. Members are given the option to vest into the plan within 60 days of being sworn-in as a Member of each successive Legislative Assembly of which they become a Member.

During the interviews with the MLAs, the pension plan was not raised as an area of concern. There was discussion about how, if the trend of lower average age of MLAs continues, this may over time have an unintended impact on the viability of the current pension plan.

Upon further jurisdictional review, the Commission concluded that no changes to the pension plan are needed at this time. But they did feel that the pension should be portable. The MLA should have the opportunity to transfer their pension to another registered pension plan provided to an MLA after leaving

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<sup>5</sup> New Zealand Government. (2021). Childcare Allowance. <https://www.remauthority.govt.nz/clients-remuneration/local-government-elected-members/allowances-local-government-elected-members/childcare-allowance/>

politics, to ensure, for some, no break in service if they are coming into the Legislative Assembly from a position which provides a pension.

The Commission does suggest that the pension plan continue to be reviewed annually to ensure it performs adequately. They also suggest that MLAs be reminded prior to 60 days within being sworn in as a Member, to decide about whether they will access the Supplementary Plan.

### *Recommendations: Pension Plan*

14. It is recommended that a reciprocal agreement with other registered pension plans including Public Service Superannuation and Northern Employee Benefits Services (NEBS) be negotiated so pension amounts can be transferred.
15. It is recommended that the MLAs be advised as to when they are approaching 60 days within being sworn in, so they have time to decide about whether to access the Supplementary Plan, to ensure they do not inadvertently miss the deadline.

### **Leaving Politics**

Leaving politics is a major decision. An MLA, if they are young enough to move on to another career, may find it difficult to get hired. Being an MLA could affect the Member's employability within the NWT, as the GNWT, being one of the major employers, may not be willing to hire a previous MLA.

*"People who enter politics are taking a risk with their future. There are questions about whether they are able to continue to work in the NWT, especially the government. Would they be considered an asset or a liability?"*

One Member did note that *"on the flip side, they should be able to provide a great deal of insight and awareness."* Members, after time as a politician, are moving away from a level of authority or influence they had as a politician.

In order to assist with the transition back into public life, Section 79, Members' Handbook, identifies entitlements for a transition allowance that Members are able to access when they leave political office.

- Members of the Legislative Assembly are entitled to a Transition Allowance when they resign as Member or when the Assembly, they are serving in is dissolved or ended by the passage of time and the Member does not get re-elected into the subsequent Legislative Assembly.
- For a Member who is not a Speaker or a Minister, the transition allowance is equal to one-twelfth of the annual indemnity for each consecutive year of service but cannot exceed the annual basic indemnity at the time of eligibility. This allowance will be calculated pro rata for any period of service less than a year.
- For a Member who is a former Speaker or Minister, the Transition Allowance is equal and limited to their annual indemnity at the time of eligibility.

- In all cases the limit of the transition allowance is cumulative and may not be exceeded where a Member received a transitional allowance and subsequently, after a break in service, again becomes a Member of the Legislative Assembly. The length of time to which the transition allowance relates is defined in the Legislative Assembly and Executive Council Act as the transition period (Section 83(1)) and certain restrictions apply to the activities of former Members during this period. For further information, Members should refer to Part 3, Conflict of Interest, Legislative Assembly and Executive Council Act and to Section 7 of this Handbook, Conflict of Interest.
- A Member entitled to a Transition Allowance has the option of receiving one lump sum payment immediately upon entitlement, two payments within one year of leaving office, or allowing the payment to be spread over the number of months equal to the Member's years of service. For example, if a Member has served eight years, the Member may elect to receive the allowance over eight months. In the case of a former Speaker or Minister the payment may be spread out over 12 months. The Member is not entitled to other indemnities, allowances and benefits normally available to Members during this period.

Members are entitled to a transition allowance that is tied to the number of years they are in office. For example, an MLA in office for two terms (four years) is entitled to eight months' salary.

#### Example: Current Transition Allowance when Leaving Office

**Example 1:**

A regular Member is in office for eight years and has never been a Minister or Speaker.

*Transition Allowance Calculation:*

Basic indemnity of \$110,761 x 1/12 x 8 years = \$73,841.

Ministers, regardless of how long they serve in office, are entitled to 12 months of their basic indemnity pay of \$110,761. The additional Speaker or Minister allowance paid to a member holding an office is not included in the transition allowance amount. The Member must also be in a position as Speaker or Minister at the time they leave office. They do not automatically receive 12 months of their basic indemnity, but their transition allowance is calculated based on their years of service as an MLA.

## Examples: Current Transition Allowance when Leaving Office as the Speaker or Minister

### **Example 2:**

A regular Member is in office for eight years, four years as a Member and the last four years as a Minister.

#### *Transition Allowance Calculation:*

The Transition Allowance for a Minister is equal and limited to their annual indemnity at the time of eligibility. The Member would receive 12 months (a full year) of their basic indemnity = \$110,761.

### **Example 3:**

A regular Member is in office for eight years, the first two years as a Member, the second two years as a Minister and the last four years as a Member.

#### *Transition Allowance Calculation:*

Basic indemnity of \$110,761 x 1/12 x 8 years = \$73,841.

Regardless of how long an MLA is a Minister, if they are not a Speaker, Premier or Minister at the time they leave office, they are not entitled to a full year of the basic indemnity, unless they have been in office for twelve years. The Commission feels this is lacking fairness to those who served as a Speaker, Premier or Minister and who may not be in one of those positions when they leave office. They believe there should be recognition for the work that was done when the Member was a Speaker, Premier or Minister.

It is also noted that Section 79 of the Member's Handbook does not specifically identify the Premier - "*For a Member who is not a Speaker or a Minister...*" This seems to be an omission as they currently receive the same transition allowance as the Speaker or Minister.

As well as the transition allowance, Non-Returning Members are eligible to access the Retraining Assistance Program to aid in their transition from public to private life. To be eligible for this benefit, a former Member must have served at least one complete term and have left office either through retirement or defeat. A former Member is entitled to \$1,000 in program funding for each year of service, up to a maximum of \$12,000.

The former Member must apply to access the program within one year of leaving office and, if the application is approved, can access the funding over a two-year period commencing on the approval of their application. The retraining assistance program may be accessed only once in the lifetime of a Member.

There are many things for a Member to consider when leaving politics. Early on, they learn about their pension and options but by the end of their term, this information is not current in their thinking. They do have an option of booking a session with an independent advisor about their pension and overall money management. Members need to be encouraged to access this option.

Members also are able to access the Employee and Family Assistance Program for one year after they leave the Legislative Assembly. Again, Members or their family members should be encouraged to access this support to assist with their transition back into private life.

### ***Recommendations: Leaving Politics***

16. It is recommended that Members receive a top up for every year they were in a position as Speaker, Premier or Minister regardless of when they served in that position. This top up cannot exceed the annual basic indemnity at that time. The Member will receive one month of the Speaker, Premier or Minister allowance for every year served in any of those positions, with the top up calculation based on the current indemnity allowance paid to a Member holding one of those offices. The time served in any of those positions is to be rounded up to the next full year.

### **Examples: Recommended Changes to Transition Allowance**

#### **Example 1:**

A regular Member is in office for eight years, seven years as a Member and one year as a Minister in the third year of their first term.

#### *Transition Allowance Calculation:*

Basic indemnity of \$110,761 x 1/12 x 8 years = \$73,841.

Top up for one year as a Minister: \$59,281 (Minister allowance) x 1/12 x 1 = \$4,940.

Total Transition Allowance = \$73,841 + \$4,940 = \$78,781.

#### **Example 2:**

A Member is in office for eight years and is a Minister for all eight years.

#### *Transition Allowance Calculation:*

Basic indemnity of \$110,761 x 1/12 x 8 years = \$73,841.

Eight years as a Minister: \$59,281 (Minister allowance) x 1/12 x 8 years = \$39,521.

Total Transition Allowance = \$73,841 + \$39,521 = \$113,362\*.

\*This amount is over the basic indemnity amount, so the Member would receive a maximum of \$110,761

#### **Example 3:**

A Member is in office for eight years, two of which were as a Minister and two as Premier.

#### *Transition Allowance Calculation:*

Basic indemnity of \$110,761 x 1/12 x 12 years = \$73,841

Two years as a Minister: \$59,281 (Minister allowance) x 1/12 x 2 years = \$9,880.

Two years as Premier: \$84,241 x 1/12 x 2 years = \$14,040.

Total Transition Allowance = \$73,841 + \$9,880 + \$14,040 = \$97,761.

17. It is recommended that the word “Premier” be added to any clause in Section 79 where reference is made to Speaker or Minister (Speaker, Premier or Minister).
18. It is recommended the following clause in Section 79 (page 48) of the Members’ Handbook be removed.
  - For a Member who is a former Speaker or Minister, the Transition Allowance is equal and limited to their annual indemnity at the time of eligibility.
19. It is recommended Members are advised that they can access financial planning support from an independent advisor when they leave office.

### Constituency Work Expense Allowance

Constituency work is defined in Section 1 of the *Legislative Assembly and Executive Council Act* as any work directly connected with a Member’s responsibility as a Member in relation to the ordinary and proper representation of members of the public. There are a number of allowable expenses identified in Section 11 of the *Indemnities, Allowances and Expense Regulations* such as advertising, newsletters, promotional items, contributions to a community feast or event, expenses related to constituency meetings, an office and a Constituency Assistant.

It is important for a Member to engage their constituents, address concerns, and be present and accessible. In doing this, if an expense is incurred, the Member should feel confident the expense they are submitting is appropriate. The expense must be a reasonable and legitimate expense incurred while doing their jobs. They cannot be reimbursed for any activity that would derive a personal benefit nor a benefit to anyone associated with them. The Commission did not hear from Members that this was an issue for them; the Board of Management seems to respect the diverse ways that Member’s engage constituents.

Members are permitted to hire a Constituency Assistant (CA) to assist them in the performance of their constituency duties. The cost is reimbursed from their Constituency Work Expense Allowance.

The CA position is important to the MLA. As one Member noted, their Constituency Assistant is the “*face of the region.*” They are the “*eyes and ears for the member at the ground level, to ensure the MLA has a continued understanding of the needs of the region. This information assists with planning and advocating for the people.*” There are “*different needs for each Member, including different languages.*”

Constituency Assistants are not employees of the Legislative Assembly or the GNWT. The Member is the employer, who enters into a personal employment contract with the CA. They mutually agree on the wage to be paid, benefits to be offered and hours of work. Currently there is no standard wage amount set for the CA position. Constituency Assistants have access to health and dental benefits through the Northern Employee Benefits Services as part of their employment package. It was also noted that the Constituency Assistant budget allowance does not allow the Member to give their CA a small raise each year. It was suggested there should be a minimum amount for the CA salary, which still provides the MLA discretion about hiring a CA e.g., if hiring more than one position or hours of work.

*"It doesn't make sense to have a CA pay grid, because of the different needs of the MLAs and their region."*

There is an index factor for the MLA constituency budget in the various regions. It is up to the Member who may represent more than one community to determine if they will have office space in more than one community. It is also up to the Member on how to develop a relationship with each of the communities they represent. One Member noted that they have a good relationship with the Leaders in each community, who becomes a voice and "*de facto CA.*"

Yellowknife MLAs do not have independent constituency offices. Their constituents meet their MLA at the Legislative Assembly, or they can arrange a place offsite, which may or may not be a private place to discuss the matter they are bringing forward. Coming to the Legislative Assembly is not convenient and can be intimidating to members of the public, particularly given the security requirements, the formality of needing to pre-book appointments and requirement of being escorted while in the building. This is not as friendly as being welcomed into a dedicated constituency office. Also, since March 2020, the Legislative Assembly building has been closed to the public.

There has been discussion amongst the Yellowknife MLAs to have one Yellowknife constituency office. This would be used as a "*triage site*" for all Yellowknife residents. A joint, accessible constituency office would be beneficial, more friendly and more convenient and may seem safer for members of the public. The proposed center should have space available for private meetings with constituents and for constituency meetings, as well as space for the Yellowknife CAs.

It was noted that a number of people who live in Yellowknife are actually residents of another constituency. This "joint" Yellowknife constituency office could also provide space for MLAs from outside Yellowknife to meet their constituents, which may be an advantage to them. They could arrange to meet with a constituent, who is currently living in Yellowknife but still connects with their home constituency.

*"People living away from their home region are more comfortable talking to the Member from their home community / region. Recognize this is part of the culture. They [the constituents] remain attached to their home community."*

CAs from outside Yellowknife could access this space when in the capital. And with a joint working space, more experienced CAs could mentor newer CAs. Also, CAs could cover for one another in cases of absences.

Yellowknife does have a broader range of government services than most other communities, but people do not know where to go or who to contact. This again could be dealt with in a central office.

One MLA suggested a proposal be put forward to the Board of Management to provide funding for one staff person, [in addition to the CAs], whose role would be to provide guidance and advice to members of the public on alternatives to resolving their issues or needs. They would triage people and issues or assist with getting the person to the right resource and support or refer them to the appropriate MLA for direct contact. The role of this individual would be similar to that of a government liaison officer position currently employed in the communities outside of Yellowknife, where there is no such position.

A strong argument to support a Yellowknife office is that other MLAs do get funding to set up constituency offices within their home ridings, sometimes in more than one community. Having a joint



office, where all Yellowknife Members participate (“*this wouldn’t work otherwise*”) and funds are pooled would create a space that is friendly, easier to access and more supportive to the constituents living in Yellowknife. The government should be accessible to as many people as possible; access should not be restricted by creating a barrier such as accessing an MLA at the Legislative Assembly building. It should be noted, if a Yellowknife constituency office is established, members of the public should not be discouraged from meeting their MLA in their office in the Legislative Assembly, if they so choose.

### ***Recommendations: Constituency Work Expense Allowance***

20. It is recommended that while each MLA continues to negotiate the salary level for their Constituency Assistant, the minimum hourly rate should not be less than \$25.00 per hour.
21. It is recommended that the budget amounts available to MLAs for Constituency Assistant salaries be increased by the Canadian Consumer Price Index annually.
22. It is recommended that shared office space for Yellowknife Members of the Legislative Assembly be established, that is located in a central part of the city, that is accessible to all Yellowknife constituents and others who are seeking information or support.

### **Interested in Becoming an MLA?**

A Member of the Legislative Assembly is elected by the people (electorate) who live in the constituency they represent, either through a general election or a by-election (mid-term to fill a vacancy created either by resignation or death). Many people think you need to be a lawyer or have an advanced university degree to be an MLA. There are no legislated job qualifications for the office of MLA. In fact, the only mandatory requirements are to:

1. Be 18 years of age;
2. Be a Canadian citizen; and
3. Have lived in the NWT for at least 12 months prior to election day.

A prospective politician must either possess or develop the required skill set to meet the demands of this position. They are expected to speak publicly, engage their communities, have the ability to create new ideas, be able to multi-task and manage their time effectively and manage their constituency offices.

The real strength and wisdom of a Legislative Assembly comes from the many different types of people who are elected. No matter if they are a child care worker, a volunteer, a professional, an injured worker or a stay-at-home parent, they have something valuable to contribute. Competence is another quality voters look for in a candidate.

It is important to attract diverse and qualified leaders in our communities who offer themselves to run and have qualities that will enhance the decision-making ability of the Legislative Assembly. We need competent leaders. If our elected representatives regard themselves as professionals, and that impression is shared by the public, it could very well have a positive impact on behavior both inside and outside the Legislative Assembly. It is up to the voters to determine if an individual has the qualifications to be an MLA.

Currently there are information packages available to those who are considering running to be an MLA, but they are not well communicated. [“So, You Want to Be a Member of the Legislative Assembly? Here’s What You Can Expect”](#) is one document that all potential candidates should know about. This document was revised in June 2019, but needs to be updated with current information e.g., the Members annual salary is incorrect. It is also not appealing as a document nor does it follow the basic premise of the Legislative Assembly Visual Identity Program Guidelines e.g., no visual identity elements or colour.

It is also very difficult to find this document on the Legislative Assembly website. The link is found under the Members tab on Legislative Assembly website, then Role of Members and finally, the link is at the bottom of that information page.

Interested persons should be made aware of the [“Member’s Handbook”](#) that is the official record of Board policy. This reference document provides information to guide MLAs in the performance of their duties and responsibilities as elected representatives in the Legislative Assembly of the Northwest Territories. The Handbook also references statutory and regulatory requirements and rules of the Legislative Assembly.

Additionally, the Members’ Handbook is not just for Members of the Legislative Assembly. It is a document the public may refer to when looking for information. This would potentially be a first choice for reference as most people are not likely to go through an Act. And using the Members’ Handbook is appropriate, as this is meant to be a plain language interpretation of processes and procedures, duties and responsibilities.

What is missing from this material is information about typical work schedules, potential impact of frequent travel away from home and being ‘on call’ to their constituents at all times of the day or night. It is important that those who are interested in public office have information about life after being an MLA. When individuals successfully run for office, they abandon their careers, have no job security, and may not have a job when politics is over. Quite often this is done with financial sacrifice. Members must begin to plan for transition to private life almost as soon as they are elected. All of this is important for people to be aware of so they can determine if this is a job they wish to pursue.

*“Should have a videographer follow a regular MLA and Minister for a few days, as well as a member of cabinet to show what a day in the life could look like, create a sense of how this place works, clarify the difference between the roles...Not only to ensure members are aware, but to create better awareness for the public in general.”*

### ***Recommendations: Interested in Becoming an MLA?***

23. It is recommended the reference document *“So You Want to Be a Member of the Legislative Assembly”* be updated and revised to ensure the information is current, relevant, visually appealing and easy to read.
24. It is recommended that this document is more easily found on the Legislative Assembly website.
25. It is recommended an awareness and information video , *“A Day in the Life of an MLA”* be created, by following and interviewing Members and Ministers about their work in the Legislative Assembly. It is important to show the difference between the role of a Minister and a Member. This would assist with awareness not only for potential candidates but the public in general.

## Public Orientation About the Roles of an MLA

Generally, the public does not understand the role of MLAs and the Legislative Assembly (government). Much of the work performed by an MLA is generally not seen or appreciated by the public. It is important to ensure the public, if they wish, can become familiar and educated about the role and work of a politician and government.

The public has a responsibility to properly inform themselves about the workings of government and the roles of an MLA. This will help create a cultural shift toward the professionalization of politics. One way this government tries to enhance understanding is through Youth Parliament. Students in grades nine or ten apply to represent their Member of the Legislative Assembly. They will research community concerns, meet with their MLA to discuss issues, write a Member or Minister's statement, write questions for Question Period and learn the process of making a bill into a law. Unfortunately, due to the pandemic and Covid-19 restrictions, Youth Parliament was postponed in 2020 until a later date.

The public can be misinformed or unaware of the duties, responsibilities, and benefits of an MLA. Anecdotally, the Commission members have heard from the public that an MLA receives a full pension, even if only an MLA for four years or some believe they have many days off in between sessions in the House, not knowing that the MLA may be traveling within their constituency or attending committee meetings. One of the public comments indicated that there is a clear lack of understanding about the salary and compensation MLAs receive, feeling it was higher than most people in the NWT would make. In the interviews with the MLAs, they acknowledged their salaries are lower than Deputy Ministers, but they also recognized the Deputy Ministers are hired for their specific expertise in the department they are assigned to oversee.

The public can influence the government if they become informed. Clearly articulated and publicly available information to assist the public to become more aware of the purpose of the Legislative Assembly and the work and roles of an MLA must be readily available. An example of providing information to assist with supporting the public to become more informed is in Australia. Under the Queensland Parliament website, on the home page, there is a tab called "Get Involved" (<https://www.parliament.qld.gov.au/get-involved>). Under that tab, there are links that provides information on the numerous avenues where individuals and groups can get involved with Queensland's democratic institutions. These include such things as how members of the public can influence decisions or raising community awareness and understanding. MLAs can then represent the people better if the public tells them about their concerns and ideas.

### *Recommendations: Public Orientation About the Roles of an MLA*

26. It is recommended that clearly articulated and publicly available information about the purpose of the Legislative Assembly and the work and roles of an MLA in the Northwest Territories be created, so individuals can become more informed and engaged in the political process. This could include things such as educational and information resources, fact sheets, classroom activities, workshops or webinars.
27. It is recommended that a campaign to advertise and promote the purpose of the Legislative Assembly and the work and roles of an MLA, along with messaging about how important it is for the public to be informed about government is created.

## Publication of Member's Compensation and Benefits

Along with public orientation about the roles of an MLA, the public should have access to information about MLA compensation and benefits. The issue of compensation and benefits generates public discussion and sometimes attracts media opinion. MLAs themselves realize the scrutiny they are under when debate about their compensation and benefits come up in the Legislative Assembly.

Transparency and access to information are two fundamental principles of a democratic system. This allows a certain level of vigilance with regard to public awareness. By making this information available to the public, it creates an opportunity for greater public debate.

It seems people do not access information (e.g., information about compensation or benefits) available on the Legislative Assembly website. This could be because this website is difficult to navigate if you don't have clear search terms, or they have no computer or internet services to access such information. Currently, to find information about Pay and Benefits, one needs to go to the Legislative Assembly home page, click on the Members tab, then click on the drop-down list under Accountability (found in a side bar on the Members page). Under the drop-down list is the tab to get to Pay & Benefits information. This is not transparent or easy to find.

### *Recommendations: Publication of Member's Compensation and Benefits*

28. It is recommended that the information about Pay & Benefits be moved to a stand-alone tab in the side bar under the Members tab on the Legislative Assembly web page.

## Support for Future Independent Commissions

Under Section 35.1 (1) of the *Legislative Assembly and Executive Council Act*, an independent commission is appointed by the Speaker of the Legislative Assembly to review the current salaries, allowances, expenses and benefits provided to Members of the Legislative Assembly. The Commission is to conduct an inquiry and compile a report of their findings, that is then submitted to the Speaker, who will table the report with the Legislative Assembly.

In order to complete their work, the Commission needed to familiarize themselves with various areas of MLA current and past compensation and benefits, past Commission reports in the NWT and other Canadian jurisdictions, relevant Acts and Regulations, key documents such as salary comparisons and pension plans from across Canada, MLA pension plan information, the Members' Handbook and the Rules of the Legislative Assembly, and other information as identified throughout the review. A more complete list of documents this Commission accessed and reviewed has been identified in Section 2.0, Review Process, point #4.

It took the Commission some time to identify and receive information they required. Once information was requested, it was quickly received from the Legislative Assembly staff who were assigned to support the Commission. But this Commission identified it would have been more efficient to receive a complete package of information at the onset. This package would be created by Legislative Assembly staff, based on previous information made available and additional requests for information from past Commissions. This may have saved time for both the Commission members and also Legislative Assembly staff, as they would not need to respond to as many additional requests.

It is also important to ensure the Commission is aware of their overall budget and budget expectations, and the need to perhaps split their budget over two fiscal years while the Commission completes their work.

*Recommendations: Support for Future Independent Commissions*

29. It is recommended that an electronic package of any relevant materials relating to the work of future Independent Commissions to Review Members' Compensation and Benefits such as the overview power point presentation created by the Legislative Assembly, past Commission reports, across Canada salary comparisons and pension information, links to relevant documents including the Members' Handbook and the Rules of the Legislative Assembly, Acts and Regulations be delivered to the members of future Independent Commissions as soon as they are appointed, to allow them time to read, review and prepare for the work they will conduct and complete.

## Appendix A: Section 35.1, *Legislative Assembly and Executive Council Act*

*Legislative Assembly and Executive Council Act, S.N.W.T. 1999, c.22*  
In force April 1, 2021

### Section 35.1

#### Independent Commission to Review Members' Compensation and Benefits

|   |  |
|---|--|
| Establishment of independent commission   | <b>35.1.</b> (1) Within one year after the polling day for a general election, the Speaker, on the recommendation of the Board of Management, shall establish an independent commission and appoint as its members three individuals who are independent, neutral and knowledgeable.   |
| Chairperson                               | (1.01) The Speaker, on the recommendation of the Board of Management, shall designate a chairperson from among its members.  |
| Remuneration                              | (1.1) A member of the commission is entitled to remuneration for his or her services at the rates determined by the Board of Management.   |
| Expenses                                  | (1.2) A member of the commission is entitled to reasonable travelling and living expenses while absent from his or her ordinary place of residence in the course of his or her duties under this section, at the rates determined by the Board of Management.  |
| Duties of commission                      | (2) The commission shall, within 10 months after its establishment,<br>(a) review the indemnities, allowances and reimbursements for expenses payable, and any other benefits available, to members and to members holding offices; and<br>(b) provide to the Speaker a report setting out any recommendations for changes that the commission determines should be made to the indemnities, allowances, reimbursements and other benefits.  |
| Laying report before Legislative Assembly | (3) The Speaker shall cause the report provided under paragraph (2)(b) to be laid before the Legislative Assembly as soon as is reasonably possible.   |
| Termination of commission appointments    | (4) An appointment of an individual to a commission terminates on earliest of<br>(a) six months after the day on which the report is laid before the Legislative Assembly under subsection (3);<br>(b) the day the Legislative Assembly is dissolved, or the session is prorogued prior to the report being considered; or<br>(c) the day the appointment is revoked or otherwise terminated.<br>SNWT 2002, c.3, s.5; SNWT 2006, c.22, s.16; SNWT 2011, c.11, s.8; SNWT 2019, c.10, s.8. |

## Appendix B: Terms of Reference, ICRMCB

### Independent Commission to Review Members' Compensation and Benefits

#### TERMS OF REFERENCE

Pursuant to Section 35.1 of the *Legislative Assembly and Executive Council Act*, within one year after the polling day for a general election, the Speaker, on the recommendation of the Board of Management, shall establish an independent commission and appoint as its members three individuals who are independent, neutral, and knowledgeable.

The last comprehensive review of Members' compensation and benefits occurred in 2017 with a report tabled on October 11, 2018. The recommendations from this report resulted in a number of changes to legislation, regulations and Board of Management policies.

#### 1. PURPOSE

The Commission shall:

- 1) Review and assess the indemnities, additional indemnities, allowances, expenses and benefits provided to Members to determine the adequacy and appropriateness of the amounts provided by way of:
  - *Legislative Assembly and Executive Council Act*
  - *Indemnities, Allowances and Expense Regulations*
  - *Legislative Assembly Retiring Allowances Act*
  - *Supplementary Retiring Allowances Act*
  - Board of Management Policies
- 2) Review and assess specific items referred to the Commission by the Board of Management.
- 3) Review and assess the reporting requirements and procedures for Members' expenditures to determine the level of accountability acceptable to the public.
- 4) Review any other matter that the Commission considers relevant respecting the compensation, allowances, and benefits provided to all Members and Ministers.
- 5) Provide to the Speaker a report setting out any recommendations for change that the Commission determines should be made to Members' indemnities, allowances, reimbursements, and other benefits.

#### 2. GUIDING PRINCIPLES

- 1) No Member should seek to serve in public office for purely financial gain. Although reasons may vary considerably, the underlying motivation for election must be to serve and improve the well-being of the people of the Northwest Territories.

- 2) The system of remuneration must be transparent, open, and provide an easy-to-understand system of remuneration to the Members of the Legislative Assembly, while providing a high degree of accountability to the people they serve.
- 3) Remuneration packages, particularly with respect to living, travel and transportation costs, need to be sensitive to the regional differences of job-related expenses in order to ensure these factors do not become prohibitive for any Member to represent their constituents.
- 4) The requirement to be available and accountable 24 hours a day, seven days a week, coupled with the lack of job security associated with an election every four years, ensures that only certain individuals can consider running for public office. A position of such importance in our democratic system, with such wide-ranging responsibility, should be fairly compensated in order to attract qualified and committed individuals.

### 3. COMPOSITION

The Commission shall consist of three individuals who are independent, neutral, and knowledgeable. Preferably, the Commission shall consist of a former Member, a professional with relevant financial or legal designations and experience, and an interested member of the public. Appointment to the Commission will also take into account regional representation within the NWT.

The Speaker, on the recommendation of the Board of Management, shall appoint one of the three Commission Members to serve as Chair.

### 4. RESPONSIBILITIES

The Commission will be responsible for:

- 1) Collecting and analyzing research materials from previous Commissions, other legislative jurisdictions and positions of comparable responsibility within the public and private sectors.
- 2) Seeking public input and soliciting Member's submissions.
- 3) Reviewing and making recommendations on the following areas of Members' remuneration or any other areas the Commission considers relevant, including, but not restricted to:
  - Indemnities Payable to Every Member
  - Indemnities Payable to Office Holders
  - Taxable Allowance for Expenses
  - Constituency Work Expense Allowance and Permissible Expenditures • Constituency Assistants
  - Duty Travel & Meals
  - All Travel Allowances
  - Northern Living Allowance
  - Leave and Vacation Allowance
  - Transition Allowance
  - Pension & Benefits Entitlements
  - Telecommunications & Computer Equipment Allowances



- Acquisition of Office Inventory Items on Expiry of Office
- Capital Accommodation and Furniture Allowances
- Constituency Assistant Compensation and Benefits
- Automatic Adjustment to All Allowances
- Specific Items Referred by the Board of Management

## 5. REPORT

The Commission shall, within ten months after the day the Commission is established to:

- 1) Review the indemnities, allowances and reimbursements for expenses payable, and any other benefits available, to members and to members holding offices; and
- 2) Provide to the Speaker a report setting out any recommendations for changes that the commission determines should be made to the indemnities, allowances, reimbursements and other benefits.

## 6. FINANCE AND ADMINISTRATION

The Clerk of the Legislative Assembly will provide administrative services and support to the Commission as required. The Commission may seek the assistance of consultants to provide it with advice and analysis and to ensure an arm's-length relationship with the Legislative Assembly.

The Speaker, on the recommendations of the Board of Management, will approve funding for the Commission. The Commission will ensure expenditures do not exceed the allotted funds.

## 7. REMUNERATION

The Speaker, on the recommendations of the Board of Management, may approve honoraria and reasonable expenses to attend meetings for Members of the Commission, including the Chair.

## 8. TERMINATION

The appointment of an individual to the Commission terminates on the earliest of: (a) six months after the day on which the report is laid before the Legislative Assembly under subsection (3)

- (a) The day the Legislative Assembly is dissolved, or the session is prorogued prior to the report being considered; or
- (b) the day the appointment is revoked or otherwise terminated.

## Appendix C: Member Interviews - Questions and Issues

### Questions for MLAs

- Are there any areas where you feel you are not properly compensated?
- Are there any benefits that you are not receiving that you believe you should receive?
- Are the amounts that you pay for benefits such as dental and long-term disability appropriate?
- Are the amounts paid to Committee Chairs appropriate?
- Are the childcare allowance amounts appropriate?
- Should the childcare amount be capped at a maximum amount per year?
- Should any of the allowances you receive be made available to your constituency assistants?
- Is your constituency work budget appropriate?
- Is the list of eligible and ineligible constituency budget expenses appropriate?
- Is the mechanism for employing constituency assistants fair?
- Are the wages and benefits that constituency assistance receive appropriate?
- Should there be pay ranges established for constituency assistants?
- Are the meeting and travel entitlements you receive fair and reasonable?
- Are you able to operate within the current budgets?
- Will the pension options available to you when you leave the Assembly be appropriate for you?
- Is the transition allowance you will receive when you leave the Assembly appropriate?
- Is the retraining assistance you will receive when you leave the Assembly appropriate?
- Is using the Consumer Price Index (CPI) the best way to adjust member's salaries and benefits?

### Identified Issues

#### Indemnities (remuneration)

1. Are the current indemnity levels fair and adequate?
2. Should the indemnities continue to be tied to CPI adjustment, or is another benchmark more appropriate?
3. Is the Chair of Caucus receiving fair compensation compared to other committee chairs?
4. Gap – base versus cabinet under a consensus government system

#### Allowances

1. Are the value of the allowances fair and adequate?
2. Child care allowance
  - a. Should the child care allowance be capped per member?
  - b. Should the child care allowance be capped per fiscal year for all members?
  - c. Should the child care allowance be available to Constituency Assistants?

#### Expenses

1. Are the constituency work budgets allocated to Member's fair and adequate?
2. Is the list of eligible and ineligible constituency budget expenses fair and reasonable?
3. Is the approach to employing Constituency Assistants fair and reasonable?
  - 3.1 Should a CA be a public servant?
  - 3.2 Should the Members establish a set pay range for a CA?
4. Are the travel and meeting entitlements provided to Member's fair and adequate given the nature of their jobs?

5. Are Members able to operate within the current budgets?

Pension Plan Benefits

1. Is the cost of these benefits fair and reasonable?
2. Can the benefits be transferred to Superannuation?

Benefits

1. Is the cost of the benefits fair and reasonable?

Other Considerations

1. CAs – compensation/benefits
2. Constituency Offices – furniture and office
3. Retention of public property

## Appendix D: Requesting Public Input



**The Independent Commission to Review Members' Compensation and Benefits wants to hear from you.**

Do you have comments on the pay, allowances and benefits of the Members of the Northwest Territories Legislative Assembly?

The Independent Commission to Review Members' Compensation and Benefits has been appointed by the Speaker of the Legislative Assembly to review the current salaries, allowances, expenses and benefits provided to Members of the Legislative Assembly. This is a requirement of the *Legislative Assembly and Executive Council Act*.

The Commission has three members. Ms. Janet Toner and Mr. Glenn Tait are Commissioners, and Mr. Joe Handley as Chair. The Commission will review and assess MLA salaries and benefits, and recommend changes to the Speaker of the Legislative Assembly.

For additional information regarding the Commission, please visit our website at:

<https://nwtmlapay.ca/>


The Commission wants to hear your comments. You can provide them to the Commission in a number of ways.

1. **Written:** please send any written submissions to the Commission by **May 1, 2021** to:

Independent Commission to Review Members' Compensation and Benefits  
c/o NWT Legislative Assembly  
PO Box 1320  
4570-48TH STREET  
YELLOWKNIFE NT X1A 2L9

2. **Email** Please send any submissions to: [info@nwtmlapay.ca](mailto:info@nwtmlapay.ca)
3. **Telephone or video meeting with the Commission:** Please contact Ms. Corinne Kruse at 867-767-9133 extension 12005, or e-mail [info@nwtmlapay.ca](mailto:info@nwtmlapay.ca) by April 15, 2021 to arrange.

Sincerely,



Joe Handley  
Chair



*INDEPENDENT COMMISSION* TO REVIEW  
*MEMBERS' COMPENSATION AND BENEFITS*

Public Service Announcement

March 18, 2021

The Independent Commission to Review Members Compensation and Benefits is interested in what Northerners think about MLAs salaries and benefits.

If you have any views on MLA Compensation and Benefits that you want to share with the Commission, please let us know by **May 1, 2021**.

You can contact the Commission at [info@nwtmlapay.ca](mailto:info@nwtmlapay.ca)

You can also visit our website: [nwtmlapay.ca](http://nwtmlapay.ca)

If you want a telephone or video meeting with the Commission, please contact Ms. Corinne Kruse at 867-767-9133 extension 12005, or e-mail [info@nwtmlapay.ca](mailto:info@nwtmlapay.ca) by **April 15, 2021**, to arrange a meeting with the Commission.

If you wish to utilize any of the official languages of the Northwest Territories, other than English, please contact the Commission before 5 pm on **April 15, 2021**.



## COMMISSION MANDATE

The Independent Commission is appointed by the Speaker of the Legislative Assembly of the Northwest Territories to review the salaries, benefits, allowances, and expenses that are received by the elected members of the Legislative Assembly.

## MANDAT DE LA COMMISSION

Le président de l'Assemblée législative des TNO a chargé la Commission indépendante de passer en revue le salaire, les avantages sociaux, les indemnités et les frais de fonction dont bénéficient les députés de l'Assemblée législative.

The Independent Commission to Review Members' Compensation and Benefits has been appointed by the Speaker of the Legislative Assembly to review the current salaries, allowances, expenses and benefits provided to Members of the Legislative Assembly. This is a requirement of the LAECA. The Terms of Reference for the Independent Commission can be found [here](#).

La Commission indépendante sur l'examen de la rémunération et des avantages sociaux des députés a été chargée par le président de l'Assemblée législative de passer en revue le salaire, les avantages sociaux, les indemnités, les frais de fonction et les avantages sociaux dont bénéficient à l'heure actuelle les députés à l'Assemblée législative. De tels examens sont exigés par la Loi sur l'Assemblée législative et le Conseil exécutif. Vous pouvez trouver le mandat de la Commission indépendante [ici](#).

## Commission Members / Commissaires

**Ms. Janet Toner**

Member / Commissaire

**Mr. Glenn Tait**

Member / Commissaire

**Mr. Joe Handley**

Chair / Président

The Commission will review and assess MLA salaries and benefits, and recommend changes to the Speaker of the Legislative Assembly. The Committee is required to provide its recommendations to the Speaker by August 20, 2021.

La Commission évalue et analyse la rémunération et les avantages sociaux des députés et recommandera toute modification nécessaire au président de l'Assemblée législative. Le Comité est censé communiquer ses recommandations au président d'ici le 20 août 2021.

Do you have comments on the pay, allowances and benefits of the Members of the Northwest Territories Legislative Assembly?

Avez-vous des commentaires au sujet de la paie, des indemnités et des avantages sociaux des députés à l'Assemblée législative des Territoires du Nord-Ouest?

### Interested in submitting a submission?

The Commission wants your comments. You can provide them to the Commission in a number of ways.

**1. Submit a [written submission](#) to the Commission by **May 1, 2021**.**

Letters can be mailed to:

*Independent Commission to Review Members' Compensation and Benefits  
c/o NT Legislative Assembly  
PO Box 1320  
4570-48th Street  
Yellowknife NT X1A 2L9*

**2. Send an [Email or Webform](#) submission by **May 1, 2021**.**

Please use our online webform to [send a submission here](#).

If you would prefer, please send a submission to **info [at] nwtmlapay [dot] ca**

### Désirez-vous déposer un document?

La Commission veut savoir ce que vous pensez de la rémunération et des avantages sociaux des députés. Vous pouvez communiquer vos commentaires à la Commission de diverses manières.

**1. Transmettre une [soumission écrite](#) à la Commission d'ici le 1er mai 2021.**

Vous pouvez poster une lettre à l'adresse suivante:

*Commission indépendante sur l'examen de la rémunération et des avantages sociaux des députés  
A/S de l'Assemblée législative des TNO  
C. P. 1320  
4570, 48e Rue  
Yellowknife, TNO X1A 2L9*

**2. Envoyer un [courriel ou remplir un formulaire Web](#) d'ici le 1er mai 2021.**

Envoyez-nous votre présentation en remplissant le formulaire que vous trouverez ici.

### 3. Contact the Commission to arrange a **telephone or video meeting**.

Please contact Corinne Kruse at the Office of the Speaker of the Legislative Assembly at 867-767-9133 extension 12005, or e-mail [info \[at\] nwtmlapay \[dot\] ca](mailto:info@nwtmlapay.ca) by **April 15, 2021**, to arrange a meeting with the Commission.

The Commission wants to hear from you.

Vous pouvez aussi nous envoyer un courriel à [info \[at\] nwtmlapay \[dot\] ca](mailto:info@nwtmlapay.ca)

### 3. Communiquer avec la Commission pour organiser **une réunion téléphonique ou par vidéo**.

Si vous désirez rencontrer la Commission, adressez-vous à Corinne Kruse au Bureau du président de l'Assemblée législative en composant le 867 767-9133, poste 12005, ou en envoyant un courriel à [info \[at\] nwtmlapay \[dot\] ca](mailto:info@nwtmlapay.ca) d'ici le **15 avril 2021**.

La Commission veut savoir ce que vous pensez de la situation.



INDEPENDENT COMMISSION TO REVIEW  
MEMBERS' COMPENSATION AND BENEFITS

LA COMMISSION INDÉPENDANTE SUR L'EXAMEN DE LA  
RÉMUNÉRATION ET DES AVANTAGES SOCIAUX DES DÉPUTÉS

INDEPENDENT COMMISSION TO  
REVIEW MEMBERS' COMPENSATION  
AND BENEFITS  
C/O NT LEGISLATIVE ASSEMBLY  
PO BOX 1320  
4570-48TH STREET  
YELLOWKNIFE NT X1A 2L9

📞 867.767.9133, 12005

✉️ [INFO \[AT\] NWTMLAPAY \[DOT\] CA](mailto:info@nwtmlapay.ca)

COMMISSION INDÉPENDANTE SUR  
L'EXAMEN DE LA RÉMUNÉRATION ET  
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YELLOWKNIFE, TNO X1A 2L9

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SUBMISSION FORM

COMMISSION INDÉPENDANTE SUR L'EXAMEN DE LA RÉMUNÉRATION ET DES AVANTAGES SOCIAUX  
DES DÉPUTÉS, 2021 FORMULAIRE DE PRÉSENTATION

FORMULAIRE DE PRÉSENTATION