

PETERSON, STANG & MALAKOE

Barristers and Solicitors
Northwest Territories & Nunavut

Handwritten signature and date: JSM/10/31

KATHERINE R. PETERSON, Q.C.
GERALD STANG
GARTH MALAKOE
JAMES R. POSYNIK
CHARLES THOMPSON
ANGELA DAVIES
MARK SEEBARAN
LEANNE DRAGON
MARGOT L. ENCLEY
CHRISTOPHER J. JESSWEIN *
KERRY L. LANGFORD *

4902 - 49TH STREET
P.O. BOX 939
YELLOWKNIFE, NWT
CANADA X1A 2N7

TEL. (867) 669-8450

FAX. (867) 873-6543

* NWT Only

October 30, 2000

Mr. Michael Miltenberger
Member of the Legislative Assembly for Thebaca
c/o the Members' Offices
Legislative Assembly of the Northwest Territories

By Fax, Original with enclosures Hand Delivered

STRICTLY PERSONAL AND CONFIDENTIAL

Re: Involvement in Political Activity
Our File No. 00-338-KP

The writer has now had the opportunity to review the applicable statutes, regulations, policies and procedures relating to political activities of employees of the Government of the Northwest Territories and, in particular, employees of the Department of the Executive. I have also had the opportunity to review other materials as background information. The purpose of the writer's review was to ascertain whether there is any legal impediment to the Premier's Chief of Staff holding an appointment as Campaign Chair for the federal Liberal party incumbent, the Hon. Ethel Blondin-Andrew.

In preparation for this opinion, the following statutes and materials were resourced:

1. *The Northwest Territories Act (the "NWT Act");*
2. *The Legislative Assembly and Executive Council Act (the "LAECA");*
3. *The Financial Administration Act (the "FAA");*
4. *The Financial Administration Manual (the "FAM"), Directive 808-5;*
5. *The Government Contract Regulations (the "GCR");*



5. *The Government Contract Regulations (the "GCR");*
6. *The Public Service Act (the "PSA");*
7. *The Public Service Regulations (the "PSAR");*
8. *The Ministerial Administrative Procedures Manual (the "MAM"), sections 9, 10, 20, 24;*
9. *The Human Resources Manual, (the "HRM");*
10. Correspondence between yourself and the Premier;
11. A press release dated January 31, 2000 concerning the appointment of the Premier's Chief of Staff;
12. Transcripts from Hansard, dated March 21, 2000 and June 30, 2000;
13. Transcripts of CBC Radio interviews on October 25th, 2000;
14. Yellowknifer newspaper article of October 27, 2000;
15. Excerpts from the *Code of Conduct and Ethics for the Public Service of Alberta*;
16. Excerpts from the Yukon *Public Service Act* and *Cabinet and Caucus Employees Act*;
17. Excerpts from the New Brunswick *Civil Service Act*;
18. An Ordinance to Amend the Public Service Ordinance (*the "1983 Amendment"*);
19. Hansard, 9th Assembly, 10th Session, March 10, 1983 (*the "9th Assembly Hansard"*);

Copies of the Documents (and relevant sections of relevant legislation) will be delivered to you with the original of this opinion tomorrow a.m. The above materials are referenced below by the numerical designation above, e.g. reference to the *NWTA* would be "Document 1."

Facts:

On or about January 31, 2000, the Premier announced via press release the appointment of Ms. Lynda Sorensen as his Chief of Staff. The announced purpose of the appointment was to "*provide for the smooth administrative operation of the Premier's Office and Executive Council political offices...[to] oversee the quick response to MLA requests, the Premier's scheduling and coordinate [the Premier's] Intergovernmental Affairs and Premier's duties*" (Document 11.).

On March 21, 2000, the Premier stated in the House that his executive assistant position had been "*enhanced*" by the creation of the Chief of Staff position "*to ensure we begin a concerted effort to ensure that all Ministers' staff and offices are coordinated in the best way possible to ensure the Cabinet, Ministers' Offices and staff operate as a unit*" (No. 12, page 195, above). The Premier said that "*... the executive assistant has been a revised position to the chief of staff and the dollars associated with that*" (Document 12, p. 195).

On June 30, 2000, the Premier announced a \$179,000.00 increase in his office's budget "for the increased responsibilities assigned to the chief of staff and the addition of an executive secretary to the principal secretary." (p. 380, Document 12.) . The Premier also stated that "it is the prerogative of the Premier to appoint all senior managers in government... [including the] chief of staff" but that in this case, he "shared that responsibility and that decision with the Cabinet" (p. 389, Document 12).

On October 25th, when asked about Ms. Sorenson's appointment by a CBC Radio reporter, Principal Secretary John Bayly stated "I think you have to see the government as having both political staff to give political advice, which is very much involved in the various political processes, and administrative or public service staff which is not allowed to that because it gives a fairly different kind of advice and it's a disadvantage if it's encumbered with political connections and so forth. She [Ms. Sorenson] falls into the former class and the government needs both kinds of advice" (Document 13.).

On Friday, October 27th, 2000, the Yellowknifer ran a story containing a response from Ms. Sorenson and Mr. Bayly to concerns you raised about her appointment. In the story, Ms. Sorenson says that she was "mindful of protecting her right to continue her political involvement when she negotiated [the chief of staff contract]" and that she has been "told" that she is exempt from "restrictions that apply to deputy ministers". She said the "exemption" was agreed to by cabinet. Mr. Bayly stated that the duties of Ms. Sorenson are no different than that of an executive assistant: "She is in effect, the premier's executive assistant" (Document 14.).

The latter excerpts give us some idea of the duties of the Chief of Staff. They are important since the The Director of Research and Library Services was denied access to Ms. Sorenson's contract and details of her employment for "privacy reasons". As of the date of this opinion, a second request has not yet received a response. They are important also because any "exemptions" to political involvement in the statutes/regulations seem to be based on the job title and functions of the position in question.

It should be noted that section 23³ (4) of the NWT *Access to Information and Privacy Act* specifically says that "it is not an unreasonable invasion of a third party's personal privacy" for a department head to disclose (e.g.) salary range, benefits and the "employment responsibilities of a member of the staff of a member of the Executive Council". No reason has been give for the refusal to provide the information to date.

The Premier's letter to you refers to an "employment contract" so we'll make the assumption that this is correct information. Otherwise, if Ms. Sorenson is in fact under a service contract, she may well be excluded entirely from the ambit of the *PSA*.

The Chief of Staff as an "Employee"

There is little doubt that the Premier is entitled to create positions and hire support staff for the day to day operation of the Department of the Executive (the "Executive"). Like any other department, the Executive must seek assembly approval for those expenditures and all such expenditures are otherwise subject to the *FAA*. Likewise, terms and conditions of employment are subject to applicable statutes, regulations and governmental policies.

Ministerial "prerogative" certainly allows Ministers to hire Executive Assistants without competition: see Document 8, Section 10, p. 1. Presumably this is the prerogative that the Premier was referring to (the Premier's reference to his "prerogative" would not seem to amount to anything more; although the Executive Council may have more: see section 72 of the *LAECA*).

The *PSA* applies to "all employees"; it defines an "employee" as "a person employed in the public service" and the "public service" means "the several positions in or under any department...". If Ms. Sorenson is under an employment contract to the Department of the Executive, she is an employee within the meaning of the *PSA* and subject to the sections dealing with "political partisanship".

Section 34 (2) of the *PSA* prohibits all employees from (among other things)... (b) "during working hours" engaging in "any political activity for or on behalf of a territorial or federal political party or a candidate", (c) [using] the premises, air charters, supplies, equipment or services belonging to or in the possession of the Government of the Northwest Territories for the purpose of any political activity... (d) [displaying or distributing] territorial or federal campaign literature or other promotional material in any office or premises belong to or in the possession of the Government... (g) intentionally [using or attempting to use] his or her position to affect the political activity of any other person. These subsections would seem to apply strictly to Ms. Sorenson because she is under an employment contract with the territorial government.

The prescribed (i.e. by statute or regulation) category of "restricted" employees have even stricter prohibitions in the *PSA*, including prohibitions against attending and voting at meetings of territorial and federal candidates, serving as an executive officer of a federal political party and campaigning for a federal or territorial political party: see section 34 (4); all of which Ms. Sorenson would appear to be able to do under her employment contract. The question is: is Ms. Sorenson a "restricted" employee within the meaning of the *PSA*?

Section 49 of the *PSAR* says that the "category of restricted employees includes... (k) executive branch staff, other than secretarial staff, clerical staff, or executive assistants to

elected Ministers..." It is of note that there is no mention in the *PSA* or the *PSAR* of a staff position called "chief of staff".

The latter provisions of the *PSA* and the *PSAR* are also contained in the *FMBS HRM* (Document 9). The *HRM* emphasizes that employees "*have a duty to abide by these provisions*" and that "*Departments have a duty to ensure that the Government remains above reproach. This involves ensuring that the public service employees follow the political activity guidelines*" (Document 9, paras. 1. & 2.).

The only governmental resource obtained by the writer in which a staff position called "chief of staff" appears is in the *MAM* (Document 8, revised in May, 1998). It appears in both Sections 9. and 10. in reference to the "role and responsibilities" of Secretaries and Executive Assistants. Unfortunately, that role is largely undefined and seems to vary from Minister to Minister. However there is no indication that either role would encompass the kind of functions expressed by the Premier in his news release or in the Assembly. Nor does the function of "*giving political advice*" as suggested by Mr. Bayly emerge from either of those sections.

It may be worth noting that in Section 24 of the *MAM* which deals with the funding that the Premier is entitled to for salary and wages, there is no mention of a "chief of staff" position; the positions mentioned in the section include one each of an Executive Secretary, Executive Assistant, Principle Secretary and a secretarial support position. This document was last revised on January 1, 2000.

In any event, the net result of the exclusion of secretarial, clerical staff and executive assistants is that they are not prohibited from political involvement except as noted in section 34 (2) of the *PSA*; section 34 (4) does not apply to them because of the exclusion in the *PSAR*; these are the sections that are referred to in the Premier's letter to you of October 24, 2000.

The reasoning of the Premier is that a "chief of staff" is the equivalent of or a "super" version of a secretary, clerical person or executive assistant, and therefore they are not "restricted employees".

Both the Premier (in his letter to you) and Ms. Sorenson (in her Yellowknifer interview) have indicated that the chief of staff's employment contract exempts or excludes her from the provisions of section 34. Frankly, that does not make much sense. If Ms. Sorenson has an employment contract with the GNWT, thereby making her an "employee", the contents of her employment contract on the issue is irrelevant: neither the Premier nor any other Minister can override the provisions of statute by creating an employment contract that

purports to displace the law.

Section 34 of the *PSA* deals with all aspects of political partisanship for employees of the Territorial Government. The administration of section 34 of the *PAS* is reserved to the Commissioner, on the recommendation of the Minister, under section 49 (1) (k) and (l) of the *PSA*. In other words, the legislation contemplates the passing of regulations to create both restrictions and exclusions and neither the Premier nor any Minister of government has the "prerogative" or authority to hire an employee on terms and conditions that are contrary to section 34. If Ms. Sorenson's position does not fall within one of the excluded categories, then her contract for employment cannot create a new category. Only the Commissioner, on the advice of the Minister can do that.

What is the purpose of s. 34?

When interpreting statutes and regulations, a "purposive" approach is used; i.e. to determine what was in the mind of the legislators when the legislation was passed. In this case it is useful to ask the question "Why did the legislators exclude these types of employees from the category of "restricted employees" under the *PSA*?

Until March of 1983, no government employee could engage in work for, on behalf of or against a candidate for in a territorial or federal election (or work for, on behalf of or against a political party). In March of 1983, the *PSA* was amended to specify the prohibited circumstances (in today's section 34) and to distinguish the obligations between employees and restricted employees (Document 18.).

Reviewing the 9th *Assembly Hansard* (Document 19) is not entirely satisfactory as a means of determining what the legislators intended. Nonetheless, there is some indication of the legislative purpose: at p. 963 that at least one of the rationale's for the passage of the legislation was to restrict persons who may "influence" others in the voting community (note the discussion between Ms. Coumoyea and Mr. Braden; at p. 964, Mr. Braden discusses concerns raised about the solicitation of funds by a civil servant who is on the executive of a federal party. The latter concern seems to focus on "easy access" problems: civil servants have a captive audience from whom they may solicit funding. Over the page, at 965, Mr. Braden expresses the concern that civil servants should not serve as official agent for a territorial party because of the "responsibility and being representative of the candidate".

Most importantly, Document 19 does not demonstrate the reason why "secretarial staff, clerical staff, or executive assistants to elected Ministers" are not designated as restricted employees. It is possible, perhaps likely, that the rationale is that in our small jurisdiction with problems of geography and travel, territorial candidates can and should be able to use

their support staff to help them with speaking engagements and attendance at meetings. Less clear is that the support staff would be able to serve as executive officer of a federal political party/candidate or campaign for one. However we hasten to add that the tenor of section 34 of the *PSA* is to *restrict* the political activities of government employees generally and tighten it even further for "restricted employees". It certainly does not provide support for the creation of a public service position that is *primarily and, perhaps, vicariously* involved with political issues (as Mr. Bayly suggested in his radio interview).

Conflict of Interest Considerations:

Section 74 of the *LAECA* says:

"... a member has a conflict of interest when the member exercises an official power or performs an official duty or function in the execution of his or her office and at the same time knows or reasonably should know that the performance of the duty or function or the exercise of the power may further his or her private interest or the private interests of his or her spouse or dependent child"

It would be speculative to suggest that the appointment of a chief of staff - even as a purely political functionary - is for the private benefit of the Premier or the Executive except to the extent that the government as a whole may benefit.

As to whether the appointment of a chief of staff or "political advisor" who is closely associated with the federal government is appropriate in the context of consensus government, this is essentially a political, not a legal question. Arguably such liasons may be both good and bad.

Other Jurisdictions:

The Director of Research Services has provided us with some information on how other jurisdictions treat the political activity of senior governmental officials.

In the Yukon, their Public Service Act actually allows every employee, other than a Deputy Head, to engage in political activities that are not specifically prohibited by the Act (Document 16). Activities that are prohibited include:

- soliciting funds for a political party or candidate by way of influence or if the employee's impartiality is called into question;
- revealing information obtained thru his or her employment;

- publicly criticizing or opposing government policy that he or she formulated;
- promoting candidates during working hours

Employees of Executive Council Members are governed by separate legislation (Document 16). The legislation sets out how positions are established and authorizes contracts for employment. The legislation also authorizes the hiring of "employees for party caucases" which, presumably, have a large political content in their duties and functions. Persons employed in either capacity are specifically exempted from the Public Service Act provisions governing political activities.

New Brunswick restricts deputy heads and employees from influencing political activities of other persons, from engaging in political activity during working hours and in spending so much time on political activities that their governmental work is adversely affected (see Document 17).

New Brunswick also defines politically restricted employees (those who provide "*advice, opinions, proposals, recommendations, analyses or policy options to the Premier, a Minister, Executive Council...*") and prohibits them from working for, on behalf or against a candidate in a federal or territorial election or a registered political party and may not be a candidate.

Alberta has a Code of Ethics that applies to the public service (Document 15). The Code disallows "*senior officials and those employees who occupy positions in the executive manager classes of the management compensation plan*" from seeking candidacy in federal or provincial elections and from holding office in a political party or constituency association. Otherwise employees may participate in political activities if they do not participate in soliciting contributions (and they may run as candidates in appropriate circumstances).

The latter overview suggests that there is some difference of opinion among other jurisdictions as to the extent to which employees generally and highly placed employees in particular, may engage in political activities. From a legal point of view, to avoid any perception of political influence at the highest levels of government, it might be desirable to adopt legislation similar to what the Yukon has put in place. At least in the Yukon, the role of political employees is acknowledged and not confused/hidden behind the title of other positions in government. The New Brunswick model (see section 27.2 (c) in Document 17) has merit in that it itemizes the kinds of duties and responsibilities that politically restricted employees might have rather than resorting to ambiguous job titles. A blend of these two regimes into a coherent piece of legislation might assist all members and certainly future Executive Councils in avoiding any perception of wrongdoing in the future.

CONCLUSIONS

1. The Premier's chief of staff was hired under an employment contract (as announced); if she was not, she is effectively a "consultant" on contract to the GNWT.
2. Section 34 (2) of the *PSA* applies to Ms. Sorenson if she is hired under an employment contract because she is then an employee within the meaning of the *PSA*.
3. Ms. Sorenson's employment contract cannot exempt her from the operation of section 34 of the *PSA* because section 49 (1) (k) and (l) allows only the Commissioner on the recommendation of the Minister to deal with those matters;
4. The purpose of legislating section 34 was to restrict political activities of all employees while imposing greater restrictions on others ("restricted employees"); the intention was not to allow free reign to expand the categories of exceptions mentioned in section 49 of the *PSAR*. Those are specific exceptions and any change or addition must be by regulation (as per #. 3.).
5. There is no direct evidence of any legal conflict of interest arising out of Ms. Sorenson's appointment.
6. From a legal standpoint, there is merit in clarifying the duties and functions of positions in the category of "restricted employees" and, as well, the role of support staff to the Premier and Executive Council.

We trust that you will find this information useful. If you have any questions or concerns in any of these regards, please do not hesitate to contact the writer.

Yours very truly,



James R. Posynick
JP/eka



OCT. 23 2000

STEPHEN KAKFWI
PREMIER

Involvement in Political Activity

A Federal election is now upon us. A number of people both inside my constituency and outside have raised the question of what Ms. Lynda Sorenson's role will be in terms of the Liberal campaign. I've chosen to address this issue by writing to you directly.

In prior Federal elections, Ms. Lynda Sorenson was a very active participant in the Liberal campaign in the Northwest Territories. A number of months ago, there was a reference in the Hill Times that Ms. Sorenson was going to be Ms. Blondin-Andrew's campaign manager if Ms. Blondin-Andrew was once again the Liberal candidate in the next election. It is clear that Ms. Sorenson is still very involved with the local Liberal association based on her call to me this weekend regarding a pre-election meeting.

I recognize that the initial announcement of Ms. Sorenson's involvement with the campaign was perhaps made before she took on her new post. Ms. Sorenson is now the most senior bureaucrat in the Government of the Northwest Territories as your chief of staff. As such, is she considered a restricted employee in accordance with the Conflict of Interest – political activity section of the Human Resource Manual? If she is, she, along with all other senior staff, would therefore be subject to a number of restrictions including

11. *In addition to the prohibitions outlined above, restricted employees are prohibited from the following political activities :*
- b) attending any meeting of a Northwest Territorial or Federal party, riding or association as a voting delegate;*
 - c) campaigning on behalf or otherwise actively working in support of a Northwest Territorial or Federal political party or candidate.*



I would appreciate clarification about whether Ms. Sorenson's position makes her a restricted employee and further, your assurance that Ms. Sorenson's involvement with the Liberal party and the campaign will be in strict conformity with the conflict of interest – political activity guidelines as outlined in the Human Resource Manual. I have raised this issue in a timely manner with you and hope you will be able to provide similarly timely clarification on the two areas of concern prior to the next sitting of the Legislative Assembly.

A handwritten signature in black ink, appearing to read "J.M. Miltenberger". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

J. Michael Miltenberger



THE PREMIER OF THE NORTHWEST TERRITORIES



J. MICHAEL MILTENBERGER, MLA
THEBACHA

OCT 24 2000

Involvement in Political Activity

I am in receipt of your letter concerning the status of the Chief of Staff position, specifically whether the position is considered restricted in accordance with the Conflict of Interest section of the Human Resource Manual. This position is not a restricted position.

It is recognized that the role and responsibilities of executive assistants to elected Ministers, including the Chief of Staff as political advisor to the Premier, may require involvement in political activities. Therefore regulations pursuant to the *Public Service Act* specifically exempt executive assistants to elected Ministers from restrictions placed on other employees under section 34 of the *Act*. The Chief of Staff because of her role and responsibilities has the same exemption from political restrictions through the terms of her employment contract.

Stephen Kakfwi

LEGISLATIVE ASSEMBLY
YELLOWKNIFE, NT
CANADA X1A 2L9
Telephone (867) 669-2311
Facsimile (867) 373-0385

March 21, 2000

NORTHWEST TERRITORIES HANSAARD

Page 195

response back from the Minister. That was the process we were using, Mr. Kakfwl. So if that is the process that we are going to use, I would like to continue on with that process.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Mr. Kakfwl.

HON. STEPHEN KAKFWI: Mr. Chairman, the Member offered some comments and his view of some of the activities we are engaged in. It sounded like a whole series of rather negative views on just about everything I did not hear any questions. I thank him for his comments. If there is something specific I could try to answer, I would do that.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Minister. Mr. Miltenberger, can you be more specific in regards to questions to the Minister and make it a little clearer so he can have a chance to respond, instead of making it general?

MR. MILTENBERGER: Thank you, Mr. Chairman. I will ask the Premier a specific question. In light of the difficult circumstances in maintaining programs and services, how does he justify the significant increase in staff, the 18 percent forced growth to the Executive at a time when we should be leading by example in terms of being prudent and keeping the dollars with the people and the programs where they are needed? Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Miltenberger. The Minister responsible for the Department of the Executive, Mr. Kakfwl.

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. It is true that there are some changes in the Department of the Executive, some new positions, some new functions that are being put in place. One of them, dealing with regional operations, as the Member pointed out, was in fact set up by the previous Cabinet, it was simply not funded. So we are just carrying on with that initiative. The Member would do very aware, with his long memory, that it happened in the previous Cabinet and that it was a good initiative that I think he personally supported.

The regions in the Northwest Territories are changing with division. The old Fort Smith region that some of us fondly remember is no longer able to be a reality.

The Inuvik region is also changing, not at the demand of this government, but of the aboriginal and community leaders in that part of the Territory. What is emerging are new realities for us that we have to grapple with as a government. There is a Beaufort Delta region that is emerging. A Sahtu region that is defined in land claim legislation. There is a Deh Cho region, which is accepted as a political fact. A Dogrib region is also becoming a legislative reality in the very near future.

These are the realities the Executive and this government have to grapple with. It requires central planning, it requires a capacity to be able to look at how we can enhance recognition of these realities in the way we operate as a government.

The functions within the Executive that were set up by the previous Cabinet are something this Assembly and this government should continue to support. It is what the communities and regions are asking us to do. We have to find a way to ensure the way we operate reflects what the Deh Cho,

the Dogrbs, the Sahtu, and the Beaufort Delta want, as well as make an effort to support what people in the southern part of the Territory want as well. That explains that part of it.

There is the call by all governments, the federal government, our government and aboriginal governments, to set up an intergovernmental forum. This function has to be provided by the Department of the Executive. We cannot do it within existing resources. It is a major initiative that demands full time attention by a core group.

In keeping with the high priority that has been placed on this by the previous government and Legislature, as well as this government and this Legislature, we have set up a secretariat to provide support to our government on how to engage in an intergovernmental forum.

We have created an additional Cabinet position that was asked for by the Legislature. We have complied with that wish of this Legislature. With my insistence, we have enhanced the executive assistant position that is tied to my office and created a chief of staff. This is to ensure we begin a concerted effort to ensure that all Ministers' staff and offices are coordinated in the best way possible to ensure the Cabinet, Ministers' offices and staff operate as a unit. It is an opportunity to enhance the operation of the Executive. We have done that. It has been a very welcomed development by all of the Ministers, as well as by the staff that service each individual minister, the executive assistants and the executive secretaries.

We have asked the Executive to provide an additional executive assistant to my office simply because I retain the portfolio of Resources, Wildlife and Economic Development. That requires a full time, executive assistant to help me deal with the responsibilities that comes with that portfolio. We have brought in a secretary to provide support to the office of the principal secretary. These are all things that we require in order to operate in a time when there are incredible demands put on the Premier and the Ministers.

There is a tremendous amount of activity and there are exciting opportunities that none of us can afford to miss. The excuse that we simply did not have the time or the resources to respond quickly to opportunities that presented themselves to us is just not going to fly.

We have to be ready. We have to be prepared. As Members know, it has been non-stop since we have been elected. There have been workshops and sessions.

We are into our second session already. There have been no breaks. There have been no free days for most of us. The opportunities are tremendous.

We have just come back from a week in Ottawa. The federal government has indicated a keen interest in what is happening here for the first time in many years. They have also indicated a very strong commitment to work with us to make some things happen.

Members should take comfort in knowing we are not alone and we should not continue to express our fears and think we are talking into the dark. There is some real possibility that exciting things can happen with the federal and aboriginal governments partnering with us.

CONSOLIDATION OF PUBLIC
SERVICE ACT
R.S.N.W.T. 1988,c.P-16

CODIFICATION ADMINISTRATIVE
DE LA LOI SUR LA
FONCTION PUBLIQUE
L.R.T.N.-O. 1988, ch. P-16

AS AMENDED BY

R.S.N.W.T. 1988,c.80(Suppl.)
R.S.N.W.T. 1988,c.124(Suppl.)
S.N.W.T. 1994,c.30
S.N.W.T. 1994,c.28
In force January 1, 1995;
SI-020-94
S.N.W.T. 1995,c.11
S.N.W.T. 1996,c.1
Note: see s. 2 and s.3 and ss. 5(2) of S.N.W.T.
1996,c.1 for provisions that may have a
transitional effect.
S.N.W.T. 1995,c.28
In force July 1, 1996;
SI-003-96
S.N.W.T. 1997,c.8
S.N.W.T. 1997,c.11
In force July 1, 1997;
SI-005-97
S.N.W.T. 1997,c.12
In force July 1, 1998;
SI-009-98
S.N.W.T. 1998,c.5
In force July 1, 1998;
see s. 29(2) of S.N.W.T. 1998,c.5
S.N.W.T. 1999,c.1
S.N.W.T. 1999,c.7

MODIFIÉE PAR

L.R.T.N.-O. 1988, ch. 80 (Suppl.)
L.R.T.N.-O. 1988, ch. 124 (Suppl.)
L.T.N.-O. 1994, ch. 30
L.T.N.-O. 1994, ch. 28
En vigueur le 1^{er} janvier 1995;
TR-020-94
L.T.N.-O. 1995, ch. 11
L.T.N.-O. 1996, ch. 1
NOTA : Voir les articles 2 et 3 et le paragraphe 5(2)
des L.T.N.-O. 1996, ch. 1, pour les
dispositions transitoires.
L.T.N.-O. 1995, ch. 28
En vigueur le 1^{er} juillet 1996;
TR-003-96
L.T.N.-O. 1997, ch. 8
L.T.N.-O. 1997, ch. 11
En vigueur le 1^{er} juillet 1997;
TR-005-97
L.T.N.-O. 1997, ch. 12
En vigueur le 1^{er} juillet 1998;
TR-009-98
L.T.N.-O. 1998, ch. 5
En vigueur le 1^{er} juillet 1998;
voir le paragraphe 29(2) des L.T.N.-O. 1998,
ch. 5
L.T.N.-O. 1999, ch. 1
L.T.N.-O. 1999, ch. 7

PUBLIC SERVICE ACT

INTERPRETATION

Definitions

1. (1) In this Act,

"annual vacation leave" means leave of absence with pay in accordance with subsection 36(1); (*vacances annuelles*)

"demote" means a transfer of an employee to a position with a maximum rate of pay lower than that for the position he or she held immediately prior to the transfer; (*rétrogradation*)

"department" means a division of the public service continued or established by statute or designated as a department by the Commissioner in Executive Council, on the recommendation of the Premier; (*ministère*)

"deputy head" means,

- (a) in relation to a department, the Deputy Minister of that department, and
- (b) in relation to any other portion of the public service, the chief executive officer of that portion or, if there is no chief executive officer, such person as the Minister may designate as deputy head for the purposes of this Act; (*administrateur général*)

"Deputy Minister" means the non-elected head of a department and where the position is vacant or the Deputy Minister is absent or unable to act, includes the person designated by the Minister responsible for the department to act as Deputy Minister; (*sous-ministre*)

"employee" means a person employed in the public service; (*fonctionnaire*)

"incompetence" means incompetence of an employee in the performance of his or her duties and includes negligence; (*incompétence*)

"lay-off" means a person who has been laid off under subsection 27(1) and who, in the opinion of the Minister, is suitable for continued employment in the public service; (*disponibilité*)

"Minister" means the member of the Executive

LOI SUR LA FONCTION PUBLIQUE

DÉFINITIONS

1. (1) Les définitions qui suivent s'appliquent à la présente loi. Définitions

«administrateur général» S'entend :

- a) dans un ministère, du sous-ministre;
- b) dans tout autre secteur de la fonction publique, du premier dirigeant de ce secteur ou, à défaut, de la personne que le ministre peut désigner à ce titre pour l'application de la présente loi. (*deputy head*)

«comité d'appel des nominations» Le comité d'appel des nominations constitué par règlement. (*Staffing Appeals Committee*)

«congé de préretraite» Congé payé prenant fin à la retraite du fonctionnaire. (*retiring leave*)

«disponibilité» Situation de la personne mise en disponibilité au titre du paragraphe 27(1) et ayant, de l'avis du ministre, qualité pour continuer d'occuper un poste dans la fonction publique. (*lay-off*)

«fonction publique» Ensemble des postes qui sont compris dans les ministères ou autres secteurs de l'administration publique spécifiés à l'annexe A. Sont cependant exclus, par dérogation à toute autre loi et sous réserve du paragraphe 1(6), les individus mentionnés à l'annexe B. (*public service*)

«fonctionnaire» Personne employée dans la fonction publique. (*employee*)

«incompétence» Incompétence d'un fonctionnaire dans l'exercice de ses fonctions; y est assimilée la négligence. (*incompetence*)

«inconduite» Inconduite d'un fonctionnaire dans l'exercice de ses fonctions; y est assimilé le fait de déconsidérer la fonction publique. (*misconduct*)

«ministère» Division de la fonction publique soit désignée à ce titre par le commissaire en Conseil exécutif, sur la recommandation du premier ministre, soit prorogée ou établie par la loi. (*department*)

«ministre» Le membre du Conseil exécutif nommé à

Council appointed as a Minister under the *Legislative Assembly and Executive Council Act* who is responsible for this Act; (*ministre*)

"misconduct" means misconduct of an employee in the performance of his or her duties, and includes bringing the public service into disrepute; (*inconduite*)

"public service" means the several positions in or under any department or other portion of the public service specified in Schedule A and, notwithstanding any other Act and subject to subsection 1(6), does not include individuals referred to in Schedule B; (*fonction publique*)

"retiring leave" means leave of absence with pay terminating with the retirement of an employee from the public service; (*congé de préretraite*)

"Staffing Appeals Committee" means the Staffing Appeals Committee established by regulation. (*comité d'appel des nominations*)

ce titre en application de la *Loi sur l'Assemblée législative et le Conseil exécutif* et responsable de l'application de la présente loi. (*Minister*)

«rétrogradation» Transfert d'un fonctionnaire à un poste auquel correspond un taux maximum de traitement inférieur à celui applicable au poste qu'il occupait immédiatement avant ce transfert. (*demote*)

«sous-ministre» Le dirigeant non-élu d'un ministère ou, en cas de vacance de ce poste ou d'empêchement du sous-ministre, la personne nommée par le ministre responsable d'un ministère pour agir à ce titre. (*Deputy Minister*)

«vacances annuelles» Congés payés en application du paragraphe 36(1). (*annual vacation*)

Amendment of Schedule A

(1.1) The Commissioner, on the recommendation of the Executive Council, may, by order, amend Schedule A by adding to it or deleting from it.

(2) Repealed, R.S.N.W.T. 1988, c.124 (Suppl.), s.2.

(1.1) Le commissaire peut, par décret et sur la recommandation du Conseil exécutif, ajouter ou rayer des éléments de l'annexe A.

(2) Abrogé, L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 2.

Modification à l'annexe

Delegation by deputy head

(3) A deputy head may authorize any person under the jurisdiction of the deputy head to exercise any of the powers or perform any of the duties or functions of a deputy head under this Act.

(3) Un administrateur général peut autoriser des subordonnés à exercer l'un des pouvoirs et fonctions que lui confère la présente loi.

Délégation par l'administrateur général

Acting deputy head

(4) In the absence of a deputy head, the person designated by the deputy head to act in his or her absence or, where no person has been so designated or the position of deputy head is vacant, the person designated by the Minister responsible for the portion of the public service under the jurisdiction of the deputy head or by the Commissioner in Executive Council, on the recommendation of the Premier, has all the powers, functions and duties of the deputy head.

(4) En l'absence de l'administrateur général, c'est la personne désignée par celui-ci qui exerce ses pouvoirs et fonctions; à défaut, ou s'il n'y a pas d'administrateur général, c'est la personne désignée soit par le ministre compétent pour le secteur de la fonction publique en cause, soit par le commissaire en Conseil exécutif, sur la recommandation du premier ministre.

Administrateur général par intérim

References

(5) Unless the context otherwise requires,
(a) a reference in this Act to a deputy head in relation to an employee shall be construed as a reference to the deputy head of the department or the deputy head in relation to the portion of the public service, as the case may be, in

(5) Sauf indication contraire du contexte, dans la présente loi, «administrateur général» désigne :
a) par rapport à un fonctionnaire, l'administrateur général du ministère ou du secteur de la fonction publique dont relève ce fonctionnaire;
b) par rapport à un ministère ou autre

Administrateur général

which the employee is employed; and
 (b) a reference in this Act to a deputy head in relation to a department or other portion of the public service shall be construed as a reference to the deputy head of that department or the deputy head in relation to that portion of the public service, as the case may be, to which the context extends.

secteur de la fonction publique, l'administrateur général de ce ministère ou secteur.

Inclusion of persons in Schedule B

(6) The Minister may, by order, deem any individual referred to in Schedule B a member of the public service and such order may be given retroactive effect. R.S.N.W.T. 1988,c.80(Suppl.), s.2,3;c.124(Suppl.),s.2; S.N.W.T. 1994,c.30,s.3; S.N.W.T. 1995,c.11,s.45.

(6) Le ministre peut, décréter qu'un individu mentionné à l'annexe B est membre de la fonction publique. Un tel décret peut avoir un effet rétroactif. L.R.T.N.-O. 1988, ch. 80 (Suppl.), art. 3; ch. 124 (Suppl.), art. 2; L.T.N.-O. 1994, ch. 30, art. 3; L.T.N.-O. 1995, ch. 11, art. 45.

Ajout à l'annexe

APPLICATION

CHAMP D'APPLICATION

Application

2. (1) This Act applies to all employees whether appointed before, on or after June 25, 1965.

2. (1) La présente loi s'applique à tous les fonctionnaires, qu'ils aient été nommés le 25 juin 1965 ou à toute autre date.

Champ d'appli.

Reference to period of employment

(2) A reference in any of the provisions of this Act to a period of employment shall be construed as including employment before as well as on and after June 25, 1965. R.S.N.W.T. 1988,c.124(Suppl.),s.3.

(2) La mention, dans la présente loi, de la période d'emploi vaut mention de la période en cours le 25 juin 1965, ou la période antérieure ou postérieure à cette date. L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 3.

Mention la péri. d'emp'

MANAGEMENT AND DIRECTION

GESTION ET DIRECTION

Powers of Minister

3. (1) The Minister has the management and direction of the public service.

3. (1) Le ministre assure la gestion et la direction de la fonction publique.

Attribu du m.

Report to Legislature

(2) The Minister shall report annually to the Legislative Assembly on the management and direction of the public service. R.S.N.W.T. 1988,c.124(Suppl.),s.4.

(2) Le ministre présente à l'Assemblée législative un rapport annuel sur la gestion et la direction de la fonction publique. L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 4.

Rapp. l'Ass. légis.

Delegation of authority

4. The Minister may authorize
 (a) an employee, or
 (b) in respect of a portion of the public service other than a department, an individual who holds the position prescribed for that portion of the public service,

4. Le ministre peut autoriser les personnes suivantes à exercer, selon les modalités et aux conditions qu'il fixe, les attributions que lui confère la présente loi, sauf en ce qui concerne les appels prévus à l'article 29, selon le cas :

Pouvo. délég.

to exercise and perform, in the manner and subject to the terms and conditions that the Minister directs, any of the powers, functions and duties of the Minister under this Act, other than the powers, functions and duties of the Minister in relation to appeals under section 29. R.S.N.W.T. 1988, c.124(Suppl.),s.5.

a) un fonctionnaire;
 b) en ce qui concerne un secteur de la fonction publique autre qu'un ministère, un individu qui occupe le poste déterminé par règlement pour le secteur en cause. L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 5.

Powers of deputy

4.1. Subject to the general direction of the Minister, a deputy head shall oversee and control the conduct of

4.1. Sous réserve de la direction générale du ministre, l'administrateur général surveille et contrôle

Pouvo. sou.

Proceedings
at completion
of investiga-
tion or
proceedings

32. (1) On completion of the investigation referred to in section 30, the Minister shall,
(a) if as a result of the investigation the Minister is satisfied that the employee has been guilty of misconduct or incompetence,
(i) dismiss or demote the employee,
(ii) suspend the employee for a period not exceeding 30 days, or
(iii) take such other action as the Minister considers appropriate; or
(b) if as the result of the investigation the Minister is not satisfied that the employee has been guilty of misconduct or incompetence, terminate the suspension and reinstate the employee.

Remuneration

(2) Where an employee is suspended pursuant to subparagraph (1)(a)(ii), the employee is not entitled to any remuneration in respect of the period of suspension. R.S.N.W.T. 1988, c.124(Supp.), s.16.

Dismissals

Notice of dismissal

33. Where the Minister dismisses an employee, the Minister shall give the employee notice in writing of the dismissal and the reasons for it. R.S.N.W.T. 1988, c.124(Supp.), s.17.

Political Partisanship

Definitions

34. (1) In this section,
"candidate" means a candidate as defined in the *Elections Act* or *Canada Elections Act* as applicable; (*candidat*)
"official agent" means an official agent as defined in the *Elections Act* or *Canada Elections Act* as applicable; (*agent officiel*)
"policy" means a government commitment to the public to follow an action or course of action in pursuit of approved objectives; (*politique*)
"political party" means a registered party as defined in the *Canada Elections Act* or an unregistered party functioning in the Territories to achieve political aims; (*parti politique*)
"territorial association" means the territorial association of a political party. (*association territoriale*)

32. (1) Au terme de l'enquête mentionnée à l'article 30, le ministre :

Mesures consécutives à l'enquête ou aux poursuites

a) renvoie ou rétrograde, suspend pour une période d'au plus 30 jours ou prend toute autre mesure qu'il juge appropriée, s'il est convaincu, par la conclusion de l'enquête, que le fonctionnaire a fait preuve d'incompétence ou s'est rendu coupable d'inconduite;
b) sinon, annule la suspension et réintègre le fonctionnaire.

(2) Le fonctionnaire suspendu en application de l'alinéa (1)a) n'a droit à aucune rémunération durant cette période. L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 16.

Absence rémunérée

Renvoi

33. Le ministre notifie sa décision motivée au fonctionnaire qu'il renvoie. L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 17.

Notification

Activités politiques

34. (1) Les définitions qui suivent s'appliquent au présent article.

Définitions

«agent officiel» S'entend au sens de la *Loi électorale* ou de la *Loi électorale du Canada*, selon le cas. (*official agent*)
«association territoriale» L'association territoriale d'un parti politique. (*territorial association*)
«candidat» S'entend au sens de la *Loi électorale* ou de la *Loi électorale du Canada*, selon le cas. (*candidate*)
«parti politique» Parti enregistré au sens de la *Loi électorale du Canada* ou parti non enregistré poursuivant, dans les territoires, des buts politiques. (*political party*)
«politique» L'engagement public du gouvernement de prendre des mesures ou d'adopter une ligne de conduite dans la poursuite d'objectifs approuvés.

Political activity

- (2) Subject to this section, an employee may engage in political activity, but shall not
- (a) personally solicit funds for a territorial political party or candidate;
 - (b) during working hours, engage in any political activity for or on behalf of a territorial or federal political party or a candidate;
 - (c) use the premises, air charters, supplies, equipment or services belonging to or in the possession of the Government of the Northwest Territories for the purposes of any political activity, unless the premises are leased residential premises;
 - (d) display or distribute territorial or federal campaign literature or other promotional material in any office or premises belonging to or in the possession of the Government of the Northwest Territories, unless the premises are leased residential premises;
 - (e) be a candidate in a territorial, federal, provincial or Yukon Territory election, unless on a leave of absence granted pursuant to subsection (6);
 - (f) serve as an official agent for a candidate or as an executive officer of a territorial political party or territorial riding association; or
 - (g) intentionally use or attempt to use his or her position to affect the political activity of any other person.

(policy)

- (2) Sous réserve des autres dispositions du présent article, un fonctionnaire peut se livrer à des activités politiques; il lui est toutefois interdit de faire ce qui suit :
- a) solliciter personnellement des fonds pour un candidat ou un parti politique des territoires;
 - b) se livrer à une quelconque activité politique pour le compte d'un candidat, ou d'un parti politique fédéral ou des territoires durant les heures de travail;
 - c) soit utiliser les locaux, sauf les locaux d'habitation loués, matériels et équipements appartenant au gouvernement des Territoires du Nord-Ouest ou en sa possession, ainsi que les services dont celui-ci dispose, soit profiter de ses affrètements aériens, aux fins d'activités politiques;
 - d) exhiber ou distribuer tout matériel électoral fédéral ou des territoires dans les locaux appartenant au gouvernement des Territoires du Nord-Ouest ou en sa possession, sauf les locaux d'habitation loués;
 - e) se porter candidat à une élection territoriale, provinciale, fédérale ou du territoire du Yukon, s'il n'a pas obtenu le congé visé au paragraphe (6);
 - f) occuper le poste d'agent officiel d'un candidat ou de dirigeant d'un parti politique des territoires ou d'une association de circonscription des territoires;
 - g) user de ses fonctions pour influencer l'activité politique d'une autre personne, ou tenter de le faire, de façon délibérée.

Criticism of policies

- (3) Subject to this section, an employee shall not publicly criticize any policy of the Government of the Northwest Territories
- (a) about which the employee acquired information by virtue of his or her position, or
 - (b) that directly relates to the duties of the employee,
- unless on a leave of absence.

- (3) Sous réserve des autres dispositions du présent article, il est interdit à un fonctionnaire, sauf pendant un congé, de critiquer publiquement les politiques du gouvernement des Territoires du Nord-Ouest :
- a) ou bien dont il a pris connaissance dans le cadre de son poste;
 - b) ou bien qui concernent directement ses fonctions.

Restricted employees

- (4) In addition to the prohibitions contained in subsection (2), an employee who falls within the prescribed category of restricted employees shall not
- (a) speak in public or express views in

- (4) Il est en outre interdit au fonctionnaire compris dans la catégorie d'employés à activités restreintes déterminée par règlement de se livrer aux activités suivantes :

	<p>writing for distribution to the public on any matter that forms part of the platform of a territorial or federal political party including any criticism of candidates, positions or policies;</p> <p>(b) attend any meeting of a territorial or federal political party as a voting delegate;</p> <p>(c) serve as executive officer of a federal political party, riding or association; or</p> <p>(d) campaign on behalf or otherwise actively work in support of a territorial or federal political party or candidate.</p>	<p>a) faire une déclaration publique, orale ou écrite, concernant toute question relevant de la plate-forme d'un parti politique fédéral ou des territoires, notamment la critique de candidats, de positions ou de politiques;</p> <p>b) assister aux réunions d'un tel parti et y avoir voix délibérative;</p> <p>c) occuper un poste de dirigeant d'un parti politique fédéral, d'une circonscription ou d'une association politique fédérale;</p> <p>d) faire campagne ou travailler d'une autre façon pour un candidat ou un parti politique fédéral ou des territoires.</p>	
Acceptable activities	<p>(5) A person does not contravene subsections (2) or (4) by reason only that the person</p> <p>(a) attends political meetings;</p> <p>(b) is a member of a political party; or</p> <p>(c) contributes money to any political candidate or party.</p>	<p>(5) Ne constituent pas à eux seuls des manquements aux paragraphes (2) ou (4) l'un des faits suivants :</p> <p>a) celui d'assister à une réunion politique;</p> <p>b) celui d'être membre d'un parti politique;</p> <p>c) celui de contribuer financièrement à la caisse d'un candidat ou d'un parti politique.</p>	Activ autor
Leave of absence	<p>(6) Notwithstanding any other Act, where</p> <p>(a) an employee applies in writing, and</p> <p>(b) in the case of an employee who falls within the prescribed category of restricted employees, the Minister is satisfied that the absence of the employee will not seriously interfere with the operation of the public service,</p> <p>the Minister shall grant to the employee a leave of absence without pay to seek nomination as a candidate and to be a candidate for election for a period ending on the day on which the results of the election are officially declared, or on an earlier day that is requested by an employee if the employee has ceased to be a candidate.</p>	<p>(6) Par dérogation à toute autre loi, le ministre accorde un congé non payé, pour une période se terminant soit le jour de la proclamation des résultats de l'élection, soit, en cas de retrait de candidature, à la date antérieure demandée, au fonctionnaire désireux de se porter ou d'être choisi comme candidat :</p> <p>a) sur demande écrite de celui-ci;</p> <p>b) dans le cas d'un fonctionnaire compris dans la catégorie d'employés à activités restreintes déterminée par règlement, le congé est accordé si le ministre juge que l'absence du fonctionnaire ne nuira pas aux activités de la fonction publique.</p>	Cong
Restriction	<p>(7) A leave of absence granted pursuant to subsection (6) must be taken by the employee on becoming an official candidate.</p>	<p>(7) Le congé doit être pris par le fonctionnaire à compter du moment où sa candidature devient officielle.</p>	Com ment
Notice	<p>(8) On granting a leave of absence under subsection (6), the Minister shall cause notice of this action to be published in the <i>Northwest Territories Gazette</i> and in a widely distributed newspaper available to the public in the Territories.</p>	<p>(8) Dès qu'il a accordé le congé prévu au paragraphe (6), le ministre fait publier un avis à cet effet dans la <i>Gazette des Territoires du Nord-Ouest</i> et dans un journal à grande diffusion dans les territoires.</p>	Avis
Effect of election	<p>(9) An employee who is declared elected as a member of the Legislative Assembly, the Parliament of Canada or of the legislative assembly of a province or the Yukon Territory upon that declaration ceases to</p>	<p>(9) Le fonctionnaire déclaré élu comme député à l'Assemblée législative, au Parlement du Canada ou à la législature d'une province ou du territoire du Yukon perd dès lors sa qualité de fonctionnaire.</p>	Effet l'élec

be an employee.

Discipline

(10) A contravention of subsection (2), (3) or (4) shall be deemed to be sufficient cause for any disciplinary measures that the Minister considers appropriate. R.S.N.W.T. 1988,c.124(Supp.),s.18.

(10) Tout manquement aux paragraphes (2), (3) ou (4) est censé constituer une cause suffisante pour les mesures disciplinaires que le ministre estime indiquées. L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 18. Mesures disciplinaires

(11) Repealed, R.S.N.W.T. 1988,c.124 (Supp.), s.18.

(11) Abrogé, L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 18.

Holidays

Jours fériés

Holidays

35. (1) The following days are holidays for the public service, namely,

- (a) New Year's Day,
- (b) Good Friday,
- (c) Easter Monday,
- (d) the day fixed by proclamation of the Governor in Council for the celebration of the birthday of the Sovereign,
- (e) Canada Day,
- (f) Labour Day,
- (g) Remembrance Day,
- (h) Christmas Day, and
- (i) the day fixed by order of the Minister as a general day of Thanksgiving,

and any other day fixed by order of the Minister as a holiday for all or any part of the public service is a holiday for the public service or for that part of the public service, as the case may be.

35. (1) En plus des jours fixés par arrêté ministériel pour l'ensemble ou un secteur particulier de la fonction publique, selon le cas, les jours suivants sont des jours fériés : Jours fériés

- a) le jour de l'An;
- b) le Vendredi saint;
- c) le lundi de Pâques;
- d) le jour fixé par proclamation du gouverneur en conseil pour la célébration de l'anniversaire de la souveraine;
- e) la fête du Canada;
- f) la fête du Travail;
- g) le jour du Souvenir;
- h) le jour de Noël;
- i) le jour fixé par arrêté du ministre comme jour d'action de grâces.

Compensation for work on holiday

(2) Any employee required to perform the duties of his or her position on a holiday shall be granted another day of leave with pay or paid compensation for overtime. R.S.N.W.T. 1988,c.124(Supp.),s.19.

(2) Tout fonctionnaire qui travaille durant un jour férié reçoit une journée de congé payé ou une compensation pour le temps supplémentaire effectué. L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 19. Travail pendant un jour férié

Leave of Absence

Congé

36. Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.20.

36. Abrogé, L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 20.

Appointment during extended leave

37. (1) Where an employee has been granted leave of absence for a period in excess of two months, the Minister may appoint another person to that employee's position and, in that event, the employee ceases to be the incumbent of that position but, during the remaining period for which the employee was granted leave of absence, the employee shall, subject to this section, be deemed to be the incumbent of an equivalent position on the establishment.

37. (1) Le ministre peut nommer une autre personne au poste du fonctionnaire en congé pour une période de plus de deux mois; celui-ci cesse dès lors d'être titulaire du poste en question, mais est censé, sous réserve des autres dispositions du présent article, être titulaire d'un poste équivalent au sein de l'effectif jusqu'à la fin de son congé. Nomination d'un remplaçant

Remuneration

(2) An employee who by subsection (1) is deemed to be the incumbent of an equivalent position

(2) Ce fonctionnaire n'a cependant droit à aucune rémunération à l'égard du poste équivalent, à Rémunération

instruction, direction, regulation or directive in the interest of the health, safety or security of the people. R.S.N.W.T. 1988, c.124(Suppl.), s.26; S.N.W.T. 1996, c.1, s.10.

directives ou règlements pris dans l'intérêt de la santé et de la sécurité des personnes. L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 26; L.T.N.-O. 1996, ch. 1, art. 10.

GENERAL

Regulations

Regulations

49. (1) The Commissioner, on the recommendation of the Minister, may make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations

- (a) prescribing the positions in portions of the public service other than departments in respect of which the Minister may authorize the person holding the position to exercise and perform the Minister's powers, functions and duties under paragraph 4(b);
- (b) respecting procedures or policies to evaluate positions in the public service and to establish groups of positions;
- (c) respecting a procedure to determine, or considerations to be followed in determining, rates of pay and other remuneration that is in addition to pay for positions in the public service;
- (d) respecting the payment of acting pay where an employee is required to perform for a temporary period the duties of a person occupying a higher position, the amount of or method of determining the amount of acting pay and the circumstances and conditions under which it may be paid;
- (e) respecting procedures for establishment and approval of
 - (i) positions in a department or other portion of the public service, and
 - (ii) the addition of positions to or the deletion of positions from a department or other portion of the public service;
- (f) establishing the Staffing Appeals Committee;
- (g) respecting extensions of the probationary periods of employees;
- (h) prescribing a method for determining the effective date of an appointment to the public service;

DISPOSITIONS GÉNÉRALES

Règlements

Règlements

49. (1) Le commissaire, sur la recommandation du ministre, peut prendre par règlement, des mesures d'application de la présente loi, et notamment :

- a) prescrire les postes dans les secteurs de la fonction publique autres que les ministères pour lesquels le ministre peut exercer le pouvoir de délégation que lui confère l'alinéa 4b);
- b) déterminer les procédures et les politiques d'évaluation des postes et établir les groupes de postes de la fonction publique;
- c) prévoir la procédure ou les directives relatives au mode de calcul du taux de traitement et de toute rémunération supplémentaire attribués aux fonctionnaires;
- d) prévoir le versement d'un traitement provisoire pour la période où le fonctionnaire exerce les fonctions d'une personne occupant un poste supérieur à celui dont il est titulaire et en fixer le montant ou le mode de calcul, ainsi que les conditions d'attribution;
- e) prévoir les modalités de création et d'approbation, d'ajout et de suppression de postes au sein d'un ministère ou de tout autre secteur de la fonction publique;
- f) établir le comité d'appel des nominations;
- g) fixer les périodes de prolongation des stages;
- h) fixer les modalités servant à déterminer la date de prise d'effet des nominations dans la fonction publique;
- i) déterminer en quoi consiste la démission d'un fonctionnaire;
- j) déterminer en quoi consiste la mise en disponibilité d'un fonctionnaire et régir la nomination d'un fonctionnaire mis en disponibilité à un poste de la fonction publique;
- k) déterminer la catégorie d'employés à

- (i) respecting resignations of employees;
 - (j) respecting the lay-off of employees and the appointment of a person laid off to a position in the public service;
 - (k) prescribing the category of restricted employees for the purposes of section 34;
 - (l) concerning any other matters relating to section 34 not referred to in paragraph (k);
 - (m) respecting leaves of absence;
 - (n) respecting when employees, by reason of special circumstances or the nature of their duties, must perform the duties of their position on a holiday;
 - (o) respecting retirement from positions in the public service;
 - (p) prescribing the oath referred to in section 39;
 - (q) respecting hours of work, attendance and other matters relating to the performance of duties;
 - (r) respecting the selection, appointment and conditions of employment of employees and the pay and other remuneration in addition to pay payable to employees;
 - (s) respecting the holding of offices or positions outside the public service by persons employed in the public service;
 - (t) providing for the resolution of disputes arising out of any matter governed by this Act or the regulations, whether by way of grievance, appeal or otherwise; and
 - (u) for any purpose for which regulations are authorized to be made.
- activités restreintes, aux fins de l'article 34;
 - l) régir tout autre type d'activité politique visée à l'article 34;
 - m) prévoir les congés payés;
 - n) prévoir les situations où les fonctionnaires, dans des circonstances exceptionnelles ou en raison de la nature de leurs fonctions, sont dans l'obligation de travailler un jour férié;
 - o) régir la retraite des fonctionnaires;
 - p) prescrire le serment visé à l'article 39;
 - q) régir les heures de travail, l'assiduité et toute autre question touchant l'exercice des fonctions;
 - r) régir le mode de sélection, la nomination, les conditions d'emploi, ainsi que le traitement et toute rémunération supplémentaire des fonctionnaires;
 - s) régir le détachement des fonctionnaires à l'extérieur de la fonction publique;
 - t) prévoir le mode de règlement des différends, notamment par grief ou appel, concernant toute question visée par la présente loi ou ses règlements;
 - u) prescrire par règlement tout autre sujet pouvant faire l'objet de réglementation.

Application to Deputy Ministers

(2) Regulations made under subsection (1) do not apply to Deputy Ministers, unless the regulations expressly so provide. R.S.N.W.T. 1988, c.124(Supp.), s.27.

(2) À moins qu'un règlement ne le prévoit expressément, les sous-ministres ne sont pas visés par les règlements pris en application du paragraphe (1). L.R.T.N.-O. 1988, ch. 124 (Suppl.), art. 27; L.T.N.-O. 1995, ch. 11, art. 45. Sous-mini:

Saving and Transitional

Dispositions transitoires

Employees located in Nunavut

50. (1) An employee who, on March 31, 1999, is employed in a position in the public service located at a place that will be in Nunavut upon its establishment, ceases to be employed in the public service on the expiration of March 31, 1999.

50. (1) Cesse d'être employé dans la fonction publique, à l'expiration du 31 mars 1999, le fonctionnaire employé dans la fonction publique, le 31 mars 1999, dont le poste est basé à un endroit qui fera partie du Nunavut au moment de la création de ce dernier. Employé b au Nunavut

Severance

(2) An employee referred to in subsection (1) is

(2) Le fonctionnaire visé au paragraphe (1) n'a Conditions

PUBLIC SERVICE ACT

LOI SUR LA FONCTION PUBLIQUE

CONSOLIDATION OF PUBLIC SERVICE REGULATIONS
R.R.N.W.T. 1990, c.P-28

CODIFICATION ADMINISTRATIVE
DU RÈGLEMENT SUR LA
FONCTION PUBLIQUE
R.R.T.N.-O. 1990, ch. P-28

AS AMENDED BY

R.R.N.W.T. 1990, c.P-28(Suppl.)
In force September 15, 1992;
SI-013-92

MODIFIÉ PAR

R.R.T.N.-O. 1990, ch. P-28 (Suppl.)
En vigueur le 15 septembre 1992
TR-013-92

This consolidation is not an official statement of the law. It is an office consolidation prepared by Legislation Division, Department of Justice, for convenience of reference only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette*.

Copies of this consolidation and other Government of the Northwest Territories publications can be obtained at the following address:

Canarctic Graphics
5102-50th Street
P.O. Box 2758
Yellowknife NT X1A 2R1
Telephone: (867) 873-5924
Fax: (867) 920-4371

La présente codification administrative ne constitue pas le texte officiel de la loi; elle n'est établie qu'à titre documentaire par les Affaires législatives du ministère de la Justice. Seuls les règlements contenus dans les *Règlements révisés des Territoires du Nord-Ouest (1990)* et dans les parutions mensuelles de la Partie II de la *Gazette des Territoires du Nord-Ouest* ont force de loi.

On peut également obtenir des copies de la présente codification et d'autres publications du gouvernement des Territoires du Nord-Ouest en communiquant avec :

Canarctic Graphics
5102, 50^e Rue
C.P. 2758
Yellowknife NT X1A 2R1
Téléphone : (867) 873-5924
Télécopieur : (867) 920-4371

(c) he or she makes unauthorized use of information acquired as a result of his or her employment in the public service or of property or facilities owned by Her Majesty in the right of Canada or the Government of the Northwest Territories.

49. For the purposes of subsection 34(4) of the Act, the category of restricted employees includes

- (a) deputy ministers;
- (b) heads of secretariats of the Executive Council;
- (c) assistant deputy ministers;
- (d) directors;
- (e) regional directors;
- (f) assistant directors;
- (g) assistant regional directors;
- (h) chief executive officers of corporations or agencies of the Government of the Northwest Territories;
- (i) regional superintendents;
- (j) division directors;
- (k) executive branch staff, other than secretarial staff, clerical staff, or executive assistants to elected Ministers; and
- (l) staff of the Department of Personnel, other than secretarial or clerical staff.

50. (1) For the purposes of this section, the category of restricted employees includes all persons referred to in section 49 and

- (a) superintendents of education;
- (b) area superintendents of education;
- (c) assistant superintendents of education; and
- (d) supervisors of schools.

(2) An employee in the category of restricted employees may not hold the office of mayor of a municipality.

51. (1) The prescribed oath referred to in section 38 of the *Public Service Act* is set out in Form 1 of the Schedule.

(2) This section applies to Deputy Ministers.
R.R.N.W.T. 1990, c.P-28(Supp.), s.2.

renseignements qu'il a obtenus dans le cadre de son emploi dans la fonction publique ou des biens ou des établissements appartenant à Sa Majesté du Chef du Canada ou le gouvernement des Territoires du Nord-Ouest.

49. Pour les fins de l'article 34(4) de la Loi, la catégorie des fonctionnaires d'une catégorie spéciale comprend :

- a) les sous-ministres
- b) les chefs des secrétariats du conseil exécutif;
- c) les sous-ministres adjoints;
- d) les directeurs;
- e) les directeurs régionaux;
- f) les directeurs-adjoints;
- g) les directeurs-adjoints régionaux;
- h) les premiers dirigeants de sociétés ou d'organismes du gouvernement des Territoires du Nord-Ouest;
- i) les surintendants régionaux;
- j) les chefs de divisions;
- k) le personnel exécutif à l'exception du personnel de bureau, du personnel de secrétariat ou des adjoints exécutifs des ministres élus;
- l) le personnel du service du personnel, à l'exception du personnel de secrétariat ou de bureau.

50. (1) Pour les fins du présent article, la catégorie des fonctionnaires d'une catégorie spéciale comprend :

- a) le surintendant de l'éducation;
- b) les surintendants régionaux de l'éducation;
- c) les surintendants-adjoints de l'éducation;
- d) les directeurs d'écoles.

(2) Il est interdit aux fonctionnaires de la catégorie spéciale d'occuper le poste de maire d'une municipalité.

51. (1) Le serment réglementaire, mentionné à l'article 38 de la *Loi sur la fonction publique*, est énoncé à la formule 1 de l'annexe.

(2) Le présent article s'applique aux sous-ministres. R.R.T.N.-O. 1990, ch. P-28 (Suppl.), art. 2.

Appendix B

The following attachment entitled "Ministerial Direction" was developed with input from previous ministerial staff. In the past it has proven to be a useful tool in helping new staff work out specific details with respect to office protocol and procedures.

- times and places for meetings with departmental staff?
- meetings with public delegations?
- How does the Minister wish to deal with his signature book when he/she is travelling?
- Who arranges meetings with whom; the Secretary or the Executive Assistant?
- Which meetings should the Executive Assistant attend?
- What role should the Executive Assistant play at meetings presided over by the Minister?
- What level of hospitality should be extended?
- What are the Minister's catering preferences?
- How accessible does the Minister want to be?
- What is the Minister's preference with respect to briefing notes?
- Who arranges the Minister's travel? What are the Minister's preferences regarding type of air travel, hotel preference?
- To what extent is the Executive Assistant expected to accompany the Minister or stand in for him/her?
- What are the usual travel patterns for the Minister (fall federal-provincial meetings, constituency travel, home travel)?
- Who does the Minister prefer to include on charters if there are empty seats; press members, family, departmental staff?
- Does the Minister want travel briefing notes and who should prepare them; the Executive Assistant, departmental staff?
- Does the Minister want the Executive Assistant to see incoming mail before he/she does?
- Does the Minister want to see all incoming mail or just priority items?
- Who should draft responses to correspondence?
- Is there a standard correspondence format which the Minister prefers?

- Should the Executive Assistant refer queries from the press to the Deputy Minister or to the Press Secretary?
- What are the Minister's media likes and dislikes?
- Does the Minister have an overall media strategy?
- Who are the Minister's important constituents?
- What are the major issues in the Minister's constituency?
- What dealings are the Executive Assistant and the Secretary to have with the Minister's constituency assistant?
- Does the Executive Assistant write/edit the constituency newsletter?
- Should the Executive Assistant meet with constituents and handle constituency problems on the Minister's behalf?
- What dealings are the Executive Assistant and the Secretary to have with regional departmental staff in a Minister's constituency?
- What level of translation does the Minister prefer and which correspondence will require it?
- What office dress code does the Minister prefer, business suit/dress, casual, native dress and when?
- What type of event does the Minister prefer to host (buffet supper v formal banquet)?
- What degree of press coverage does the Minister prefer (flamboyant publicity v low profile)?

(5) Legislative Assembly Sessions

- Who should coordinate the development of the Minister's departmental briefing book?
- What is the Minister's preferred style of briefing notes?
- What is the Executive Assistant's relationship with the Minister's department(s) in providing answers to questions raised in the Assembly?

- Will the Minister provide time in lieu of overtime?
- What are the Minister's requirements for office computerization?
- What are the Minister's preferences for replacement staff when the Secretary or Executive Assistant are on leave (stand-in from Minister's department or casual employee)?
- Do ministerial staff and the Minister want to be called at home after hours and on weekends for matters related to the constituency, portfolios and his Executive office?
- Does the Minister wish to hire a Youth Assistant/student during the summer months by utilizing funds from the department?
- Does the Minister expect ministerial staff to defend his/her positions and opinions while they are attending private social functions?
- Will the Minister be sympathetic and understanding when personal or family commitments occasionally take ministerial staff away from their duties?

Guidelines

1. "Ministerial Executive Assistants" are persons appointed to assist Ministers in their duties.
2. Ministerial Executive Assistants are appointed at pleasure for a term period not to exceed the term of office of their Minister. At pleasure means that the employment can be terminated at any time without cause and without notice.
3. Ministerial Executive Assistants may be hired without competition and seconded upon recommendation of the applicable hiring Minister.
4. Ministerial Executive Assistants appointed from outside the Public Service will be given thirty (30) days' salary in lieu of notice on termination.
5. Ministerial Executive Assistants seconded from within the Territorial Public Service will be offered a position within the Territorial Public Service on termination with a salary level at least equivalent to their salary prior to appointment, plus increases or increments they would have received had they remained in their former position.
6. The terms and conditions of employment for GNWT excluded employees apply to Ministerial Executive Assistants except where there is conflict with these guidelines.
7. Ministerial Executive Assistants are employed in a confidential capacity.
8. Ministerial Executive Assistants are paid at pay range 18. Ministers may set the salary level of their Executive Assistants within the designated pay range. Executive assistants are subject to 5 days mandatory leave without pay.
9. Ministerial Executive Assistants may receive up to two (2) performance related salary increases per year provided they are not at or above (present incumbent only status) the maximum level of the established pay range. This is based on the recommendation of their Minister.
10. The remuneration which Ministerial Executive Assistants receive, and the employers cost of benefits are paid from the Executive Department appropriation and charged against the Ministers Office Activity under the applicable Minister's cost centre.

- i) the name of the employing department/agency and the candidate's current position number;
 - ii) the location of the candidate's current position;
 - iii) the period of secondment;
 - iv) details of the requirement for relocation assistance if applicable.
5. The Secretary to Cabinet will initiate the necessary reference checks and issue the applicable letter of offer indicating that the appointment is subject to Cabinet ratification based on the outcome of the reference check process.
6. If the reference check shows that a candidate is not suitable for appointment, the Secretary to Cabinet will immediately advise the hiring Minister accordingly.
7. If the reference check confirms that the candidate is suitable, the Secretary to Cabinet will initiate proforma Cabinet ratification of the direct appointment.
8. Upon receipt of Cabinet ratification, the Secretary to Cabinet will:
 - a) confirm the appointment and prepare and finalize the secondment agreement if applicable;
 - b) initiate the documentation process including a briefing to explain the benefits package;
 - c) arrange for removal into Yellowknife if applicable.
9. Ministers will brief their Ministerial Executive Assistants as to their specific duties and responsibilities.
10. The Secretary to Cabinet will:
 - a) initiate an orientation briefing and staff introduction for new Ministerial Executive Assistants;
 - b) initiate operational briefings for Ministerial Executive Assistants on an ongoing basis.

Ministerial Administrative
Procedures

Section: 10
Title: Ministerial Executive
Assistants

Appendix A

1999-2000

* EXCLUDED EMPLOYEES

PAY							
RANGE	STEP1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	
18	60,547	62,107	63,706	65,325	67,002	68,718	

Ministerial Administrative
Procedures

Section: 10
Title: Ministerial Executive
Assistants

MINISTERIAL DIRECTION

December 1995

The roles and responsibilities of ministerial staff (Executive Assistants and Secretaries) differ from one Minister to another. Individual Ministers usually have their own particular method of dealing with the day-to-day operation of their ministerial offices. For this reason it is essential that ministerial staff take time upon initial appointment to sit down with their respective Ministers to work out specific details with respect to office protocol and procedures. Ministerial staff might wish to discuss the following questions with their Minister

1. Role and Responsibilities

- What should the Executive Assistant's role be:

That of:

- Administration Officer
 - Chief of Staff
 - Complaints Bureau
 - Subject Specialist
 - Policy Advisor
 - Speech Writer/Press Aide
 - A mix of the above
- What specific responsibilities are to be assigned to the Executive Assistant?
These will be derived from the role which is agreed upon.
 - What are the Secretary's role and responsibilities?

2. Authority

- What can the Executive Assistant/Secretary/Deputy Minister/other Ministers sign for the Minister?
- Can the Executive Assistant speak on the Ministers behalf at meetings, and to the press?

- Does the Minister want to see all incoming mail or just priority items?
- Who should draft responses to correspondence?
- Is there a standard correspondence format which the Minister prefers?
- Does the Minister wish to have a formal acknowledgment process put into place?
- Who should direct items to the department for a draft response?
- Should the Executive Assistant vet all outgoing correspondence?
- How budget-conscious does your Minister want to be?
- Who will monitor the Minister's office finances? constituency finances?
- Who should have access to the Minister's private telephone line?
- Does he/she want his incoming calls screened?
- Does the Minister want an unlisted home phone number?

4. Public Relations

- Who arranges or commits the Minister to attend public meetings and engagements?
- Does the Minister prefer a written speech or just notes?
- Who should draft speeches: the Executive Assistant, departmental staff, the Press Secretary, the Minister, or a combination of all?
- Who should edit speeches?
- Can the Executive Assistant give speeches on the Ministers behalf?
- Who arranges press conferences for the Minister?
- What role should the Executive Assistant play in relation to the Press Secretary.?

- > Who should coordinate the development of the Ministers departmental briefing book?
- > What is the Minister's preferred style of briefing notes?
- > What is the Executive Assistant's relationship with the Minister's department in providing answers to questions raised in the Assembly?
- > Does the Minister want "issue briefings" in preparation for debates?
- > Should the Executive Assistant vet the unedited Hansard?

6. Executive Council/Committee and Financial Management Board Meetings

- > Should the Executive Assistant be involved in preparing submissions and what type (appointments to boards, grant applications)?
- > Should the Executive Assistant vet submissions for political implications only?
- > Does the Minister wish to have someone in the office all the time while he/she is attending Executive meetings?
- > Should the Executive Assistant obtain a verbal summary of decisions from the Minister after the meetings?
- > Departmental Responsibilities
- > Does the Minister want the Executive Assistant to deal with his/her respective Deputy(s) to ensure that effective communications are maintained between the Ministers office and his/her departments?
- > Does the Minister want the Executive Assistant to follow up on items referred to departments without being instructed to do so by the Minister?
- > What involvement does the Minister want the Executive Assistant to have in issues related to departmental management/organization? (Can the Executive Assistant give direction in certain areas?)

8. Miscellaneous Issues

- > Will the Minister give direction with respect to hours and working conditions for his ministerial staff?

Guidelines

1. Annual budgets for Ministers' offices are allocated on an equalization basis regardless of the number of portfolios held and the complexity of the individual portfolios.
2. The salary and wages budget for the Premier's office contains funds to cover salary and benefit costs for the Premier, and a staff of 5 including:
 - 1 Executive Secretary
 - 1 Executive Assistant
 - 1 Principal Secretary
 - 1 Secretarial support position
3. The salary and wages budget for each Minister's office contains funds to cover salary and benefit costs for the Minister and a staff of 2 including:
 - 1 Executive Secretary
 - 1 Executive Assistant
4. The operations and maintenance budget contains funds to cover expenditures under the following categories:
 - a) Compensation and Benefits
 - b) Other O & M (Operational)
 - Duty Travel
 - Materials and Supplies
 - Purchased Services
 - Contract Services
 - Fees and Payments
 - Computer Hardware and Software
 - c) Other O & M (Ministerial Benefits)
 - Home Travel
 - Duplicate Residence
5. Ministers are expected to operate their offices within assigned annual budget limits in order to avoid public criticism for exceeding the level of Executive appropriation which was approved by the Legislative Assembly.
6. Ministers duty travel relating specifically to a ministerial portfolio will be charged to the home department.

7. Ministerial duty travel budgets maintained in the Department of the Executive are intended for non-portfolio Cabinet related travel.
8. If department/agency officials travel on a ministerial charter and it is agreed in advance that proportionate costs will be borne by applicable departments/agencies Ministers may charge costs back to the applicable departments/agencies .

Procedures

1. At the beginning of each fiscal year the Secretary to Cabinet will develop applicable ministerial budgets for the Premier's approval.
2. Upon the Premier's approval, the Secretary to Cabinet will provide each Minister with his/her applicable O&M budget allocation along with a description as to how the amounts were calculated and areas in which they may be used. With the exception of Home Travel, budgets have historically been calculated by dividing the total allocation for minister's offices by the number of ministers.
3. At the end of each month Ministers will be provided with a monthly O&M Expenditure Report showing the total expenses which have been charged to each category during the month and the free balance to date.
4. In the event that a dispute arises with respect to the calculation, allocation or the utilization of ministerial budgets, the Director of Corporate Services will refer the matter to the Secretary to Cabinet.
5. In cases where the Secretary to Cabinet is unable to resolve the problem, he/she will refer the matter to the Premier along with a recommended course of action.

Attachment

Appendix A - Sample Monthly Expenditure Report

Ministerial Administrative
Procedures

Section: 24
Title: Ministerial Budgets

Contacts

For further information contact:

- | | |
|---------------------------------|----------|
| 1. Secretary to Cabinet | 873-7100 |
| 2. Director, Corporate Services | 873-7148 |

CONFLICT OF INTEREST

Political Activity

INTRODUCTION

APPLICATION

DEFINITIONS

GUIDELINES

PROCEDURES

AUTHORITIES AND REFERENCES

CONFLICT OF INTEREST

Political Activity

top

INTRODUCTION

1. The *Public Service Act* contains provisions for political activity. Employees have a duty to abide by these provisions.
2. Departments have a duty to ensure that the Government remains above reproach. This involves ensuring that public service employees follow the political activity guidelines.

top

APPLICATION

3. These guidelines and procedures apply to all employees of the Government in all departments, boards and agencies.

top

DEFINITIONS

4. Restricted Employees are:

- (a) deputy heads;
- (b) heads of secretariats of the Executive Council;
- (c) assistant deputy ministers;
- (d) directors;
- (e) assistant directors;
- (f) chief executive officers of corporations or agencies of the Government;
- (g) regional superintendents;
- (h) executive branch staff, except secretarial staff, clerical staff or executive assistants to Executive Members;

- (i) superintendents of education;
- (j) assistant superintendents of education; and
- (k) supervisors of schools.

5. **Unrestricted Employees** are those employees, including teachers, who do not fit into the definition of restricted employees.

6. **Candidate** is defined in the *NWT Elections Act* or the *Canada Elections Act* as applicable.

7. **Official Agent** is defined in the *NWT Elections Act* or the *Canada Elections Act* as applicable.

8. **Political Party** is a registered political party or an unregistered political party functioning in the Northwest Territories to achieve political aims.

9. **Territorial Association** is the Northwest Territorial association of a political party.

sep.

GUIDELINES

10. In accordance with Section 34 of the *Public Service Act*, all employees are prohibited from the following activities:

- * (a) Serving as an official agent or an executive officer of a Northwest Territorial political party, Northwest Territorial riding or Northwest Territorial association;
- (b) Personally soliciting funds for a Northwest Territorial political party or candidate;
- (c) Engaging in any political activity for or on behalf of a Northwest Territorial or Federal political party or candidate during working hours or while on duty travel;
- (d) Using premises, supplies, equipment or services belonging to the Government for purposes of any political activity unless the premises are leased residential premises;
- (e) Displaying or distributing Federal or Northwest Territorial campaign literature or other promotional material in any office or premises belonging to the Government unless the premises are leased residential premises;
- (f) Publicly criticizing the policies or positions of the Government unless on an approved leave of absence as described in this directive if:
 - the employee acquired information on the policies or positions by virtue of the employee's position; or
 - the issue directly relates to the duties of the employee.
- (g) Being a candidate in a provincial, territorial or federal election unless on a leave of absence granted pursuant to section 34 of the *Public Service Act*;
- (h) Serving as an elected representative in the Legislative Assembly of the Northwest Territories or any province or in the Parliament of Canada.

11. In addition to the prohibitions outlined above, restricted employees are prohibited from the following political activities:

- (a) Speaking in public or expressing views in writing for distribution to the public on any matter that forms part of the platform of a territorial or federal political party including criticisms of candidates, positions or policies;
- (b) Attending any meeting of a Northwest Territorial or Federal party, riding or association as a voting

delegate;

(c) Serving as an executive officer of a Federal party, riding or association;

(d) Campaigning on behalf or otherwise actively working in support of a Northwest Territorial or Federal political party or candidate;

(e) Holding the office of mayor of a municipality.

12. Employees are not in violation of paragraphs 10 and 11 above, merely because they attend political meetings, are members of a political party, or contribute money to any political candidate or party.

13. Unrestricted employees may engage in the following political activities:

(a) Canvass door-to-door and by telephone after working hours in both Northwest Territorial and Federal elections;

(b) Wear campaign buttons including the right to wear them on Government premises in both Northwest Territorial and Federal elections;

(c) Work in campaign offices in Northwest Territorial elections;

(d) Speak at public rallies and meetings in a Northwest Territorial or Federal election, but the employee must respect the limitations imposed by this directive;

(e) Serve as an executive officer of a Federal political party or riding association;

(f) Endorse or criticize Federal Government policies or positions; and

(g) Endorse or criticize the platform of any Federal political party or candidate.

14. The Chairman of the Financial Management Board (FMB) shall grant an unrestricted employee a leave of absence without pay to seek nomination as a candidate and to be a candidate for election upon written application.

15. The Chairman of the FMB shall grant a restricted employee a leave of absence without pay to seek nomination as a candidate and to be a candidate for election if the Chairman of the FMB is satisfied that the absence will not seriously interfere with the operation of the public service.

192

PROCEDURES

16. A leave of absence must be obtained from the Chairman of the FMB before an employee can seek nomination as a candidate in a federal or territorial election. An employee must apply in writing for this leave to the Deputy Head.

17. The leave of absence without pay shall begin prior to an employee's declaration of candidacy and end on the day the results of the election are officially declared or an earlier date as may be requested by an employee who has ceased to be a candidate.

18. The Deputy Head forwards the leave application to the Secretary of the FMB and a brief is prepared for consideration by the Chairman of the FMB.

19. Once the leave is approved by the Chairman of the FMB, the Labour Relations and Compensation (LR&C) Division of the Financial Management Board Secretariat arranges to publish a notice that the employee was granted a leave of absence in the "Northwest Territories Gazette" and a widely distributed Northwest Territories newspaper as follows:

(a) LR&C submits a written request to the Department of Justice to publish a notice in the "Northwest Territories Gazette"; and

(b) LR&C prepares and submits a notice to the appropriate newspapers.

20. An employee who is declared elected as a Member of the Legislative Assembly of the Northwest Territories or of the House of Commons of Canada ceases to be an employee.

21. All allegations regarding violations of Section 34 of the *Public Service Act* are directed to the Chairman of the FMB.

22. If, as a result of an investigation, the Chairman of the FMB is convinced that an employee has contravened Section 34 of the *Public Service Act*, the Chairman takes appropriate disciplinary action.

166

AUTHORITIES AND REFERENCES

Canada Elections Act

NWT Public Service Act

Section 34, Political Partisanship

NWT Elections Act

Section 1, Definitions

Section 168 (2.1), Maximum Contribution

Section 179 (1), Return Respecting Election Contributions and Expenses

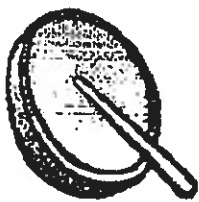
Public Service Regulations

Section 49, General

Last Revision:

January 1, 1997

Last Updated Tuesday, October 24 2000 09:55
Send technical questions to [WebMaster](#)
Copyright © 1997 Government of the Northwest Territories



Drum

In ancient times, the Netsilik Inuit held drum duels where couples would gather in the snow ceremonial house. The husband would dance and drum while the wife sang a song composed by her husband.

GOVERNMENT OF THE NORTHWEST TERRITORIES

31 Jan 2000 - Premier Appoints Chief of Staff ...

Select News Release

Back to This Week

31 Jan 2000 - Premier Appoints Chief of Staff

00-023

YELLOWKNIFE (January 31) – Premier Stephen Kakfwi today appointed Lynda Sorensen as his Chief of Staff.

In her new role, Ms. Sorensen will provide for the smooth administrative operation of the Premier's Office, and Executive Council political offices. She will oversee the quick response to MLA requests, the Premier's scheduling and coordinate Mr. Kakfwi's Intergovernmental Affairs and Premier's duties.

Ms. Sorensen has worked closely with Mr. Kakfwi since joining him in 1985 as an Executive Consultant during his term as President of the Dene Nation. She has worked as his Executive Assistant since his first appointment as a Cabinet Minister in 1987.

Ms. Sorensen has lived in the North since 1970. She was the Director of Nursing for the Stanton Regional Hospital in the early 1970s. From 1975 to 1979 she was well known for her comments and articles in radio, newspaper and cable television as a consumer advocate for the people of the Northwest Territories.

Ms. Sorensen was elected to the Legislative Assembly in the fall of 1979 and again in 1983. She represented the Yellowknife constituency of Yellowknife South until she resigned in 1984 to run in the federal election. She and her husband, Art, have three children: Ernestine, Jodi and Ridd.

For more information, contact:

Judy Langford
Press Secretary
Department of the Executive
Tel: (867) 669-2302



HOME



FEEDBACK



DIRECTORY



SEARCH

March 21, 2000

NORTHWEST TERRITORIES HANSARD

Page 195

response back from the Minister. That was the process we were using, Mr. Kakfwil. So if that is the process that we are going to use, I would like to continue on with that process.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Mr. Kakfwil.

HON. STEPHEN KAKFWIL: Mr. Chairman, the Member offered some comments and his view of some of the activities we are engaged in. It sounded like a whole series of rather negative views on just about everything. I did not hear any questions. I thank him for his comments. If there is something specific I could try to answer, I would do that.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Minister. Mr. Miltenberger, can you be more specific in regards to questions to the Minister and make it a little clearer so he can have a chance to respond, instead of making it general?

MR. MILTENBERGER: Thank you, Mr. Chairman. I will ask the Premier a specific question. In light of the difficult circumstances in maintaining programs and services, how does he justify the significant increase in staff, the 18 percent forced growth to the Executive at a time when we should be leading by example in terms of being prudent and keeping the dollars with the people and the programs where they are needed? Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Miltenberger. The Minister responsible for the Department of the Executive, Mr. Kakfwil.

HON. STEPHEN KAKFWIL: Thank you, Mr. Chairman. It is true that there are some changes in the Department of the Executive, some new positions, some new functions that are being put in place. One of them, dealing with regional operations, as the Member pointed out, was in fact set up by the previous Cabinet. It was simply not funded. So we are just carrying on with that initiative. The Member would be very aware, with his long memory, that it happened in the previous Cabinet; and that it was a good initiative that I think he personally supported.

The regions in the Northwest Territories are changing with division. The old Fort Smith region that some of us fondly remember is no longer able to be a reality.

The Inuvik region is also changing, not at the demand of this government, but of the aboriginal and community leaders in that part of the Territory. What is emerging are new realities for us that we have to grapple with as a government. There is a Beaufort Delta region that is emerging. A Sahtu region that is defined in land claim legislation. There is a Deh Cho region, which is accepted as a political fact. A Dogrib region is also becoming a legislative reality in the very near future.

These are the realities the Executive and this government have to grapple with. It requires central planning. It requires a capacity to be able to look at how we can enhance recognition of these realities in the way we operate as a government.

The functions within the Executive that were set up by the previous Cabinet are something this Assembly and this government should continue to support. It is what the communities and regions are asking us to do. We have to find a way to ensure the way we operate reflects what the Deh Cho,

the Dogrib, the Sahtu, and the Beaufort Delta want, as well as make an effort to support what people in the southern part of the Territory want as well. That capitalizes that part of it.

There is the call by all governments, the federal government, our government and aboriginal governments, to set up an intergovernmental forum. This function has to be provided by the Department of the Executive. We cannot do it within existing resources. It is a major initiative that demands full time attention by a core group.

In keeping with the high priority that has been placed on this by the previous government and Legislature, as well as this government and this Legislature, we have set up a secretariat to provide support to our government on how to engage in an intergovernmental forum.

We have created an additional Cabinet position that was asked for by the Legislature. We have complied with that wish of this Legislature. With my insistence, we have enhanced the executive assistant position that is tied to my office and created a chief of staff. This is to ensure we begin a concerted effort to ensure that all Ministers' staff and offices are coordinated in the best way possible to ensure the Cabinet, Ministers' offices and staff operate as a unit. It is an opportunity to enhance the operation of the Executive. We have done that. It has been a very welcomed development by all of the Ministers, as well as by the staff that service each individual minister, the executive assistants and the executive secretaries.

We have asked the Executive to provide an additional executive assistant to my office simply because I retain the portfolio of Resources, Wildlife and Economic Development. That requires a full time, executive assistant to help me deal with the responsibilities that comes with that portfolio. We have brought in a secretary to provide support to the office of the principle secretary. These are all things that we require in order to operate in a unit when there are incredible demands put on the Premier and the Ministers.

There is a tremendous amount of activity and there are exciting opportunities that none of us can afford to miss. The excuse that we simply do not have the time or the resources to respond quickly to opportunities that presented themselves to us is just not going to fly.

We have to be ready. We have to be prepared. As Members know, it has been non-stop since we have been elected. There have been workshops and sessions.

We are into our second session already. There have been no breaks. There have been no free days for most of us. The opportunities are tremendous.

We have just come back from a week in Ottawa. The federal government has indicated a keen interest in what is happening here for the first time in many years. They have also indicated a very strong commitment to work with us to make some things happen.

Members should take comfort in knowing we are not alone and we should not continue to express our fears and think we are talking into the dark. There is some real possibility that exciting things can happen with the federal and aboriginal governments partnering with us.

previous government, we now agree we need the staff that were directly appointed by the previous Cabinet to look at regional and community affairs and the operations, because the regions are asking us to do this, and it is in keeping with the recommendation to support and accept the changing political landscape out there in the regions. Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Minister. General comments, Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. We have heard concerns on the growth within the Executive. We know there are many pressures facing us as a government and there is a need to do some reinvestment in areas, so we can make sure that we meet the objectives that we have set for ourselves.

We know it is a high priority of the 13th Assembly as well as the 14th Assembly when we speak on the issue of aboriginal governments and their involvement with the Government of the Northwest Territories. We know there is a need to do some expansion.

The question that comes to bear is, for example, we went from the end days of the 13th Assembly down to six Ministers after division. There was discussion of going up to the seventh Minister so there could be a fair distribution of the workload in the Cabinet offices. What we have seen here, in a sense, for the time being at least, the Premier has elected to hold his portfolio of Resources, Wildlife and Economic Development and with that, an extra position. We know that there has been work going on upstairs to try and accommodate the growth of the Cabinet Members.

A concern that I have is there are areas where, yes, we are going to reinvest. Until we know our fiscal situation, we have to be very prudent about where we are going to spend our dollars.

The Minister has provided information, as the committee requested, in identification of new positions and associated costs. I thank the Premier for getting that information to us. But there are a number of areas we have to look at. As I said earlier in my comments to the interim appropriation as a whole, in approving the interim appropriation, we are in fact settling the stage for the business plan as a whole. Although we are combining areas in the Executive that have grown from the Cabinet Secretariat and the Ministerial offices, we are looking at over \$500,000 or a third of the budget.

So that adds up to almost \$1.5 million or higher for the year. That is a significant increase of expenditures in the Executive. How do we balance that? That is a difficult question to go with. We know that demands are out there and no previous governments seemed able to find dollars. For example, the Constitutional Working Group, which did not have an actual line item, but seemed to find the dollars by coming back to the government for supplementary appropriations, and so on.

Early in the life of the 13th Assembly, regional director positions were removed or were no longer considered a vital part of government and maybe that is something that has to be revisited along with a lot of other decisions that were made.

The ideal is to be prudent. It is a situation where all the positions put forward are vital to ensure the effective operation of the Cabinet and Cabinet Secretariat. With the information provided by the Premier's office, the executive assistant, executive secretary and chief of staff, the executive assistant

has been a revised position to the chief of staff and the dollars associated with that.

The dollars identified, are they the total cost of the area? Or is it a situation where positions have been revised and the dollar amount identified is to top up the existing salary that was there? Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Roland. The Minister responsible for the Executive, Mr. KakFM.

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. The Member had offered comments on the need to balance the workload, which were the reasons for adding an additional Cabinet position, which is true. We appreciate that. It is true that as the Premier, I have retained the portfolio for Resources, Wildlife and Economic Development. It is a big workload. In the previous Cabinet in which I served, I was responsible for Resources, Wildlife and Economic Development and Justice as well. The workload has not changed much. However, the support is stronger now and we appreciate that.

It is a four-year commitment, so Members will know that portfolio assignments will change from time to time as time allows. I think it has been the right decision as we have some new Ministers.

As I said earlier, there was very little time for new Ministers to get briefed on the operations and the mandates of the departments. We have had no time for them to absorb the details and grasp the issues that are before them in their respective portfolios. We took note from Mr. Millerberg, when he served notice at the end of the last session, that all Ministers should be well prepared to answer all questions that come their way. In the course of this session, again, that was only a couple of weeks ago.

So we have this very hectic schedule that we are working with and I believe it has been well managed. We are working long hours as a Cabinet. It has been a very enjoyable experience to date. We are getting our work done. We are finding that we are able to meet the demands for work, as well as plan and prepare strategically for issues that we have to deal with. So far, as some of the Ministers have commented, we have done very well in our initial foray into engaging the federal government.

We talked about our issues and we are finding the future of the North. We have been very happy with that, and the workload will continue to be shared. Portfolios will be reassigned in the course of the very productive four years coming up. Thank you.

- Applause

CHAIRMAN (Mr. Krutko): General comments, Mr. Roland.

MR. ROLAND: The specific issue that I had raised earlier, is this interim appropriation as a full salary complement to the new additions or, in some cases, is it a top up to existing salaries? Thank you.

CHAIRMAN (Mr. Krutko): Mr. Minister.

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. The new positions are new dollars that are being requested. In the case of the chief of staff, that required an enhancement, so that is the only one that we have enhanced in this request. Thank you.

concentrated in provide for a more strategic approach. This reorganization will result in cost savings while providing more coordinated and more effective program delivery.

The budget also includes increases for strategic investments in government-wide initiatives identified as important to this government.

A major initiative requiring funding through the main estimates will be the Staff Retention Policy. This policy, announced on May 5, 2000, supports our strategy of strengthening the public service. The Staff Retention Policy is a critical initiative put in place to allow the GNWT to meet its commitment to retaining valued employees who provide skills, experience and corporate knowledge to the organization. The Staff Retention Policy will allow for retraining and redeployment of staff, thereby improving job satisfaction and security. The initiative has received support from the Union of Northern Workers and was viewed as a positive step towards maintaining a good relationship between government and labour.

A key component of this strategy is the Staff Training and Development Fund. An initial investment of \$250,000 has been earmarked for this fund. The department's corporate human resource services division will administer the fund on behalf of the government. Corporate human resource services, in conjunction with FMBS labour relations division, is in the process of developing detailed procedures for the application of the Staff Retention Policy and the use of the Staff Training and Development Fund. Because this is a critical initiative of this government, designed to increase our effectiveness and ensure our capacity for the continued delivery of programs and services, our main estimates include a requirement for this additional \$250,000.

Another major initiative of this government will be participation in the Intergovernmental Forum. As I have indicated, this Inparite forum will address matters regarding the devolution of lands and resources, the sharing of resource revenues, the Mackenzie Valley gas pipeline and other issues as they may arise. An investment of \$545,000 is included in the main estimates to fund the GNWT's participation in the Intergovernmental Forum. This initiative will be coordinated by the department's Intergovernmental Forum Secretariat.

As well, the federal government and the GNWT have agreed to share the costs required to adequately fund aboriginal government participation in these discussions. The GNWT has committed to funding \$333,000, which is one third of the year 2000-2001 cost of \$1 million. This funding requirement has not been included in this budget, but will be requested as supplemental funding later this year.

Finally, the budget includes a \$179,000 increase to provide additional support to the Premier's office for the increased responsibilities assigned to the chief of staff and the addition of an executive secretary to the principal secretary.

Main Estimate Reductions

Mr. Chairman, the department has identified some areas where economizing measures can be taken to help offset a portion of the additional financial requirements we have identified.

During the review of the department's interim appropriation, it was clear that the department would have to look within to find some additional resources. At that time I offered to reduce the

department's interim appropriation request by \$100,000 as an interim measure. In recognition that this was only a start towards identifying savings, I directed my deputy minister to review the organizational structure of the department and to identify areas where further economizing measures could be taken.

Based on a thorough review of the functions of the Executive, the department has identified a total of \$220,000 in reductions to the original target that was presented to this committee in March of this year. This represents an additional \$126,000 over the amount offered up during the review of the interim appropriations.

\$115,000 has been reduced from the department's submission through the streamlining of administrative support functions in the cabinet secretariat and the Minister's office.

As well, in order to implement our strategy of communicating and coordinating the implementation of the government's agenda, we have taken a more strategic approach to the communications function within the Executive. By shifting our focus toward proactive communications, designed to positively shape public opinion rather than to react to the negative, we realigned the responsibilities of the department's communicators. By integrating the public affairs program of the Premier's office into the Executive's communications division, the department has eliminated one position while achieving the delivery of an enhanced communications function with no loss of service. Total savings in this area amount to \$81,000.

Finally, the decision to house the Intergovernmental Forum in existing government office space rather than new office space has resulted in a \$30,000 savings in minor capital expenditures and the avoidance of additional lease costs.

The main estimates we are about to review together contain the resources required to ensure that the government's goals, set forth in Towards a Better Tomorrow and incorporated into the department's strategies, are successfully carried out.

Thank you, Mr. Chairman.

- Applause

CHAIRMAN (Mr. Krutko): Thank you, Mr. Premier. Does the committee reviewing the department's estimates have any comments? Mr. Braden.

MR. BRADEN: Thank you, Mr. Chairman. The Standing Committee on Governance and Economic Development met with the Premier and departmental staff to review the 2000-2001 business plan and 2000-2001 main estimates on Thursday, June 1, 2000. The committee noted a \$1,962,000, or 24 percent increase in total operations, or Operations and maintenance expenditures between their 1999-2000 main estimates and the 2000-2001 draft main estimates. Committee members also noted an increase of two positions, for an overall increase of three percent in staff since the presentation of the 1999-2000 main estimates.

Change in Vision Statement

The committee noted that since the previous business plan, the Department of the Executive has made changes in direction within its business plans. The vision statement has changed to:

out there have an inherent distrust of government and politicians. I have never shared that view at all, and I have been through many more years in public service than the Member has.

The people that I served and the public that I have engaged in have had disappointing periods in our history of our government, but I can never say that there has been and that there is an inherent distrust of politicians and government in our public. I do not think I am so naive and oblivious to it that I have missed that.

I think it may very well be that as we sit in office, the public may grow weary of us. They may feel that we are not delivering on the things that we said we were going to, but that is not distrust. That is disappointment. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kakwi, Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Mr. Chairman, we have heard much of accountability in this Legislative Assembly, and it started right from day one, as 14th Assembly Members came together and spoke of what their goals were and aspirations. I guess with some concern, I raise this and I hear the Premier when he spoke and answered in some response about trying to be more positive and work together. I agree we cannot always be negative and looking for the bad things. However, a couple of the responses I have heard today are concerning me.

One, the Premier just stated accountability, and this is the way I look at it. Accountability comes once every four years. And he enjoys that, he said. It seems that is the way things are being pushed to go to the Caucus route, where there are in-camera meetings where no one can be held accountable for what is being said or what is being planned. Public accountability for each Member does come once every four years, Mr. Chairman, but public accountability also comes through this forum, this Legislative Assembly.

Through questions and answers, through motions put through the House to try and achieve something. Yes, we need to talk in Caucus to suggest some ideas and so on, but I think unless we are going to open that forum up to the public, then we need to focus on what work is being done through this forum.

Mr. Chairman, the Premier made much about being principled and I pulled this out from his speech to Members when he was running for the position of Premier:

"These are the kinds of people I want to see on cabinet. Strong people, people that do not owe anybody anything out there. People that are not going to be patronizing friends. People who are going to work for the interest of everyone, who will be committed to being accountable and being strong Members of a team."

As well, Mr. Chairman, the closing speech says:

"I want to work so that we have a good future. We do that through making sure this government is a good government. We make sure this government is accountable."

Mr. Chairman, that raises concern. Because there are a number of things that happened, and I have tried to take a

balanced approach of not being overly negative, but at the same time, as the Premier had asked, sometimes we need to put Cabinet on the back. I said I would gladly do that when we have something to go with. I think Members have pointed out some of the good work that has been done to date. One of the principles of a democracy is the fact that we have a forum to discuss things, put things to those who put their names forward to the high office of Cabinet. However, what I hear here today is concerning the Premier of the Northwest Territories suggesting that accountability comes once every four years. He talked about being principled and about patronizing.

I was going to save this question until later, but I feel now is the time to address it, since we are talking about these issues. The Premier previously had an executive assistant. Now that person has moved up to the chief of staff. If that does not go in the area of patronizing, I do not know what is.

I want to work for the benefit of the people of the Northwest Territories. I believe that is what the Premier wants to do as well. I believe that is what all Members want to do. It is time to put it clearly, this is the only forum that I am aware of, besides committee systems, which from time to time are bringing in the public for public review of what is being put forward in bills and legislation, not to go behind closed doors and discuss the issues of the Northwest Territories and the large issues that are before us like self-government.

The area of a Public Service Commission, affirmative action, these are working documents that we need to give to the staff to give them direction. So, Mr. Chairman, for the record, I would like the Premier to state what his definition of accountability is. Thank you.

CHAIRMAN (Mr. Delorey): Thank you Mr. Roland. Before we go to the Minister, I would like to recognize on behalf of Mr. Miltenberger, a couple of Fort Smith residents in the audience, Ethel Chaireux and Tracey Bird. Welcome to the Assembly.

- Applause

Mr. Premier.

HON. STEPHEN KAKFWI: Thank you. I am going to ask for a dictionary so I could give them something that is universally accepted as a definition of accountability. I think some Members are taking great fun in quoting me. That is accountability. The more I say, the more I am accountable for, which is right.

The Financial Administration Act and some of the policies and guidelines of government require us to be accountable, to sit here in standing committees and the committee of the whole to account for the money we have asked to get approved, so we could spend it.

Cabinet Ministers are accountable to Members of the Legislature and the public for how we spend the money. There is an element of time. We say we are going to do things in a certain timeframe. We are accountable for whether we meet that or not. Why are there construction delays and carry-overs from year to year? Because the system is place right now, for accountability. There is also accountability if you have ten things to do and you have only spent enough time to do one thing. You should be called to task for it. That is accountability as well. There is a limit to the amount of money you have and

June 30, 2000

NORTHWEST TERRITORIES HANSARD

Page 389

the time and so you need to measure how effective you really are.

You know, if the Legislature wants us to do 30 things and there is only enough time and money and resources to do ten things well, then we are accountable. Is doing ten of those things, the ten most important things and doing them well okay? Or are we to be turfed out because we did not do the other 20? I would say that is a question that would probably be decided later.

We know that, and I think the Member is inherently inclined towards being positive all the time, though he is critical. I would say it is difficult for him to be negative. Because I think part of being a leader and a representative of people is people have to expect you to feel positive. If it is raining, then you have to tell people you absolutely believe the sun is going to come out. They are not going to follow you, and they are not going to want to support you if you just keep saying everything is doom and gloom. If you have nothing positive to say, then people shun you. That is accountability.

You need to be accountable for the attitude that you carry and you project. Not only in this Legislature, but in the public, and in the way you conduct yourself. Being a team player, making sure that the interests of the Legislature are respected, as well playing your part. You know there is accountability in that.

The fact that Cabinet is expected to work as a team, I am sure everybody in the Legislature is expected to do the same. So being effective is difficult to measure. There is accountability for that as well. The ways in which we can be accountable, as asked for by the committees, will be worked on by this government. We will bring your suggestions forward to the discussion in Inuvik in September on accountability. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Premier, Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Mr. Chairman, in the area of human resources, government has announced the Staff Retention Policy that they put in place. I stated that I have some concerns with how this policy will overlap with an existing policy, which is the Affirmative Action Policy, which has been in place for some time.

What my concern is, because of the different intents for the Staff Retention Policy, which does not really open up doors for people under affirmative action, it sort of shuts it. Because of the differences between the two policies, where you are protecting people within but not allowing people from outside to get jobs within the government, especially using the Affirmative Action Policy, which was a tool to allow the public service to be reflective of the political makeup of the Northwest Territories.

So I would like to ask, has the department looked at how this new Staff Retention Policy is going to work in-line with the affirmative action, or is there going to be a joint policy so we meet the criteria of both policies? Now we have two policies, before we had the affirmative action, now we have added another policy. So can the Minister state what are they doing to ensure that the Affirmative Action Policy is still going to be adhered to and not overlooked by this new policy?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko, Mr. Premier.

HON. STEPHEN KAKFWI: Thank you Mr. Chairman. I am going to ask Liz Snider to respond to that specific question. I just want to make a comment in regard to appointments made by this Cabinet, made by myself as a Premier.

When I was elected, when we sat down as a Cabinet for the first time, the Ministers and I agreed that appointments such as the principle secretary to cabinet, who would be the deputy minister, secretary to cabinet, including the appointments of executive assistants down to executive secretaries, would be done together. It was new. It is the first time that this type of thing was done by agreement.

It is the prerogative of the Premier to appoint all senior managers in government, deputy ministers, principle secretary, secretary to cabinet, chief of staff now that is created. In this case, I have shared that responsibility and that decision with the Cabinet. In turn, they have shared with me the people that they have asked to take on the jobs of being their executive assistants and executive secretaries.

So I want that to be on the record, because the Member made a comment about that, and he should know better. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kakwi, Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. I guess in terms of the Member's question, the employees of the Government of the Northwest Territories are really the workers that carry out the direction of this Legislative Assembly and of Cabinet. They are very critical to the success of those actions actually being implemented.

What we were hoping to do with the Staff Retention Policy was to lock inward, first at the employees that we already have and to show them that they are valuable members of our team. In the event of a person finding that the employment they have at a certain point in time is no longer there, we were hoping to find them other sources of employment within the government.

In terms of the Affirmative Action Policy, we do not see it necessarily as a conflict when you are looking at employees from within the government. If you had a number of employees that were affected, the Affirmative Action Policy comes first and the affirmative action employees would be considered in advance of other employees if they were looking at a job.

The other thing about the Staff Retention Policy is that it looks at our employees, including our affirmative action employees, and says to them we would like to keep them in the government and provide them with training in order to do that. There has been some talk about employees leaving the Government of the NWT and taking jobs elsewhere. I guess we are hoping that this will keep employees with us, including the affirmative action employees.

Overall, we see the corporate human resources as a framework, and there are a number of policies underneath that framework, and one of them is the Affirmative Action Policy, one is the Staff Retention Policy. There are requirements for training and all sorts of other things that come under that framework as well. We look at ways that those policies can work together.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider, Mr. Krutko.

6:30 A.M. - CBC Radio
Wednesday, October 25, 2000

People are starting to raise questions about the role of a senior territorial government official in the federal election campaign. The chief of staff for the Government of the Northwest Territories is working on the Liberal campaign in the Western Arctic and that has some people examining the conflict of interest rules.

More On GNWT Chief Of Staff's Federal Election Campaigning
CBC Special Report, October 25, 2000, 7:40 a.m.

CBC: Can a person work for one level of government and campaign for another? That's the question being raised about the territorial cabinet's chief of staff. Long-time Liberal Lynda Sorensen was appointed to the role earlier this year, but she's also working on the Liberal election campaign. Thebacha MLA Michael Miltenberger says that raises too many questions about conflict of interest.

MILTENBERGER: It's a significant conflict. It raises all sorts of questions about objectivity, the effect it has on cabinet and, in fact, the reality is cabinet, the day when the election is over, has to be prepared to work with whoever is elected. If it isn't a Liberal, where does that leave us? We are in a compromised position. The political message is that not only are the elected politicians able to be involved in politics, but our most senior staff, which are supposed to be non-political and provide service and take direction from the legislature and executive, are going to obviously have the right to be

involved in their own political ambitions and situations. So it begs a whole pile of questions in terms of service. So I think it's an issue. It's unfortunate that it came up. I am a Liberal, a voting Liberal, but it causes me concern and it's going to raise some hard questions that shouldn't have to be made.

CBC: The Government of the Northwest Territories says it's not a conflict of interest as long as Sorenson follows certain rules. Certain senior public service positions are considered restricted. Those people cannot take part in a campaign. Principal secretary John Bayly says Sorensen's job is a political appointment, not a restricted position.

BAYLY: You don't find even the chief of staff named as a position in the regulations or the relevant terms of the Public Service Act, but to make doubly sure, it's also provided for in contract with reference to the exemption section because the job is chiefly a political job. In fact, you might say it's exclusively a political job of advising the premier. For that reason, she falls into that category that I mentioned before. So the closest analogy would be a senior executive assistant.

I think you have to see the government as having both political staff to give political advice, which is very much involved in the various political processes, and administrative or public service staff which is not allowed to do that because it gives a fairly different kind of advice and it's a disadvantage if it's encumbered with political

connections and so forth. She falls into the former class and the government needs both kinds of advice. It has to see that advice for what it is and from where it comes from and it makes it easier, in fact, for it not to get confused about what kind of advice it's getting.

CBC: That was principal secretary John Bayly.

WILSON

SORENSEN SAYS INVOLVEMENT NOT A CONFLICT

by Richard Gleeson
Northern News Services

Premier Stephen Kakfwi's chief of staff is coming under fire for her involvement in the federal election campaign.

Lynda Sorensen should not be chairing the campaign to re-elect Western Arctic Liberal candidate Ethel Blondin-Andrew, said Thebeacha M.L.A. Michael Miltenberger.

"The job of senior civil servants is to take direction from the executive, not be out there running political campaigns," said Miltenberger.

Sorensen said she was mindful of protecting her right to continue her political involvement when she negotiated a contract to be chief of staff, a position she started last January.

At the time, said Sorensen, he knew Prime Minister Jean Chretien was going to appoint her to the Liberal's national campaign committee.

"I have been told my contract provides me with an exemption from political restrictions that apply to deputy ministers and that's

"The job of senior civil servants is to take direction from the executive, not to be out there running political campaigns."

what I go by," said Sorensen.

The exemption was agreed to by cabinet, said Sorensen. The former M.L.A. and Liberal candidate (1984) said she has protected her ability to be involved politically long before the contract was signed.

"I went to work 16 years ago for Mr. Kakfwi with the understanding that I would submerge my own personal political ambitions because I would be an executive assistant to him," Sorensen said.

"I would become a behind-the-scenes person to him, but in order to do that I would have to continue to do that because that's virtually who I am."

The rules limiting the political involvement of GNWT

employees are spelled out in the Northwest Territories Public Service Act and the government's human resources manual.

Both set out limitations that must be abided by all GNWT employees and another stricter set of rules that applies to senior staffers classified as "restricted" employees.

Restricted staffers include deputy ministers on down to assistant directors and as well as cabinet staff, except executive assistants, secretaries and clerks, are also considered restricted.

Restricted employees can not attend any meeting of a political party as a voting delegate, serve on the executive of a riding association or campaign on behalf of a candidate.

Sorensen is an executive member of the Western Arctic Liberal association and will be a central figure in Blondin-Andrew's election campaign. Principal secretary to cabinet, John Bayly, said though the name of Sorensen's position changed, her duties did not.

"She is, in effect, the premier's executive assistant," said Bayly. Miltenberger said a chief of staff is far more.

"To me it's an unreachable stretch ... nobody will accept that a simple executive assistant is the same as a chief of staff," he said.

"I don't think anybody's going to buy that."

Miltenberger said he will be questioning Kakfwi and cabinet about the issue during the fall session, which begins Tuesday.



Lynda Sorensen: exemption was agreed to by cabinet.

BIG RED MACHINE

Candidate: Ethel Blondin-Andrew

President: Ted Blondin, Rae: land claims manager, Dogrib Treaty 11 Council

Vice-president: Ernest Pokiak, Tuktoyaktuk mayor of Tuktoyaktuk

Campaign Chair: Lynda Sorensen, Yellowknife, current chief of staff

GNWT: executive assistant to Premier Stephen Kakfwi

Yellowknife file
27, 2000
2004

Public Service (Amendment) c.12(1st) 1983

CHAPTER 12

AN ORDINANCE TO AMEND
THE PUBLIC SERVICE ORDINANCE

(Assented to March 10, 1983)

The Commissioner of the Northwest Territories, by and with the advice and consent of the Council of the said Territories, enacts as follows:

1. The *Public Service Ordinance* is amended by deleting section 33 and substituting the following:

33.(1) Subject to this section, an employee, including a teacher as defined in the *Education Ordinance*, shall not

**Political activity restricted

- (a) personally solicit funds for a territorial or federal political party or candidate;
- (b) during working hours, engage in any political activity for or on behalf of a territorial or federal political party or a candidate;
- (c) use the premises, air charters, supplies, equipment or services belonging to the Government of the Northwest Territories for purposes of any political activity unless the premises are leased residential premises;
- (d) display or distribute federal or territorial campaign literature or other promotional material in any office or premises belonging to the Government of the Northwest Territories unless the premises are leased residential premises;
- (e) publicly criticize the policies of the Government of the Northwest Territories unless on a leave of absence granted pursuant to subsection (4);
- (f) be a candidate in a provincial, territorial or federal election except where leave is granted pursuant to subsection (4); or
- (g) serve as an official agent for or executive officer of a territorial political party, territorial riding or territorial association.

(2) In addition to the prohibitions contained in subsection (1), an employee in a restricted classification as designated in the regulations shall not

Restricted employees

- (a) be a candidate in a provincial, territorial or federal election unless he resigns from the Public Service prior to becoming an official candidate;
- (b) speak in public or express views in writing for

c.12(1st) 1983 Public Service (Amendment)

- distribution to the public on any matter that forms part of the platform of a territorial or federal political party including any criticism of candidates, positions or policies;
- (c) attend any meeting of a territorial or federal political party as a voting delegate;
 - (d) serve as executive officer of a federal political party, riding or association; or
 - (e) campaign on behalf or otherwise actively work in support of a territorial or federal political party or candidate.
- Acceptable activities (3) A person does not contravene subsections (1) or (2) by reason only that he
- (a) attends political meetings;
 - (b) is a member of a political party; or
 - (c) contributes money to any political candidate or party.
- Leave of absence (4) Notwithstanding any other Ordinance, the Commissioner shall grant to an employee, other than a restricted employee as designated in the regulations, a leave of absence without pay to seek nomination as a candidate and to be a candidate for election for a period ending on the day on which the results of the election are officially declared, or on such earlier day as requested by an employee if he has ceased to be a candidate, provided that the employee makes written application to the Commissioner.
- Restriction (5) A leave of absence granted pursuant to subsection (4) must be taken by the employee or a teacher as defined in the *Education Ordinance* on becoming an official candidate.
- Notice (6) Forthwith upon granting any leave of absence under subsection (4), the Commissioner shall cause notice of his action to be published in the *Northwest Territories Gazette* and in a widely distributed N.W.T. newspaper available to the public.
- Effect of election (7) An employee who is declared elected as a member of the Council of the Territories or of the Parliament of Canada or of the legislature of a province thereupon ceases to be an employee.
- Discipline (8) A contravention of subsection (1) or (2) shall be deemed to be sufficient cause for such disciplinary measures as the Commissioner deems appropriate.

Public Service (Amendment) c.12(1st) 1983

- (9) The Commissioner may make regulations
 - (a) prescribing the classification of employees into restricted or non-restricted categories, and
 - (b) concerning any other matter related to this section.

Regulations

- (10) For the purpose of this section
 - (a) "candidate" means a candidate as defined in the *Elections Ordinance* or *Canada Elections Act* (Canada) as applicable;
 - (b) "official agent" means an official agent as defined in the *Elections Ordinance* or *Canada Elections Act* (Canada) as applicable;
 - (c) "political party" means a registered political party as defined in the *Canada Elections Act* (Canada) or an unregistered party functioning in the Territories to achieve political aims;
 - (d) "territorial association" means the territorial association of a political party;
 - (e) "policy" means a government commitment to the public to follow an action or course of action in pursuit of approved objectives; and
 - (f) "employee" means an employee as defined in this Ordinance or a teacher as defined in the *Education Ordinance*.

Interpretation

2. This Ordinance shall come into force on a day to be fixed by order of the Commissioner.

Printed by
Territorial Printer, Northwest Territories
Yellowknife, N.W.T./1983©

29(2) Licensed hours in banquet rooms operating under a dining room or dining lounge licence may be extended to 2:00 a.m. with prior written permission from the Board, and where extension is for a dance type function a meal is not mandatory in order to consume liquor.

PUBLIC TRUSTEE ORDINANCE

R-032-83
11/05/83
Commissioner
Yellowknife

The Commissioner of the Northwest Territories, pursuant to section 31 of the *Public Trustee Ordinance*, orders that the *Public Trustee Regulations*, R.R.N.W.T. 1980, Reg. 229, as amended by instruments numbered R-035-81, R-073-81 and R-051-82, are further amended by repealing section 7 and substituting the following:

"7. Pursuant to section 31 of the Ordinance, the interest payable in respect of estates which have monies in the common fund shall be at the rate of 7% per annum commencing November 1, 1982."

ALL-TERRAIN VEHICLES ORDINANCE

R-033-83
10/05/83
Commissioner
Yellowknife

The Commissioner of the Northwest Territories, pursuant to section 6 of the *All-terrain Vehicles Ordinance*, and every enabling power, orders as follows:

1. The *Fort Providence Snowmobile Regulations* as established by instrument numbered R-045-82 are amended by repealing section 9 and substituting the following:

"9.(1) No person shall operate a snowmobile between the hours of 12.00 midnight and 7.00 a.m., except in an emergency or in going to or from his place of work.

(2) This section does not apply to law enforcement officers."

PUBLIC SERVICE ORDINANCE

R-034-83
19/05/83
Commissioner
Yellowknife

The Commissioner of the Northwest Territories, pursuant to subsection 33(9) of the *Public Service Ordinance*, and every enabling power, orders as follows:

N.W.T. LEGISLATIVE LIBRARY

1. The *Public Service Regulations*, R.R.N.W.T. 1980, Reg. 226, are amended by adding immediately after section 49, the following section:

"50. For the purposes of section 33 of the Ordinance, the category of restricted employees includes

- (a) deputy ministers.
- (b) heads of secretariats of the Executive Committee,
- (c) assistant deputy ministers.
- (d) directors.
- (e) regional directors.
- (f) assistant directors.
- (g) assistant regional directors.
- (h) chief executive officers of corporations or agencies of the Government of the Northwest Territories.
- (i) regional superintendents.
- (j) division chiefs.
- (k) executive branch staff, other than secretarial staff, clerical staff, or executive assistants to elected Executive Members, and
- (l) staff of the Department of Personnel, other than secretarial or clerical staff."

2. Section 50 of these regulations shall come into force on the 1st day of June, 1983.

VEHICLES ORDINANCE

R-035-83

18/05/83

Commissioner
Yellowknife

The Commissioner of the Northwest Territories, pursuant to section 3 of the *Vehicles Ordinance*, orders that the *Vehicles Exemption Order (Norman Wells Project)* is hereby established:

"EXEMPTION - VEHICLES ORDINANCE

1. This order may be cited as the *Vehicles Exemption Order (Norman Wells Project)*.

2. Parts I and III of the *Vehicles Ordinance* do not apply in respect of any Northern-Loram Joint Venture vehicle that by its nature cannot meet the equipment standards set out in the Ordinance and is used for transporting fill on behalf of Esso Resources Canada Limited between the Norman Wells rock quarry and the Mackenzie River in the Territories."

Code of Conduct and Ethics

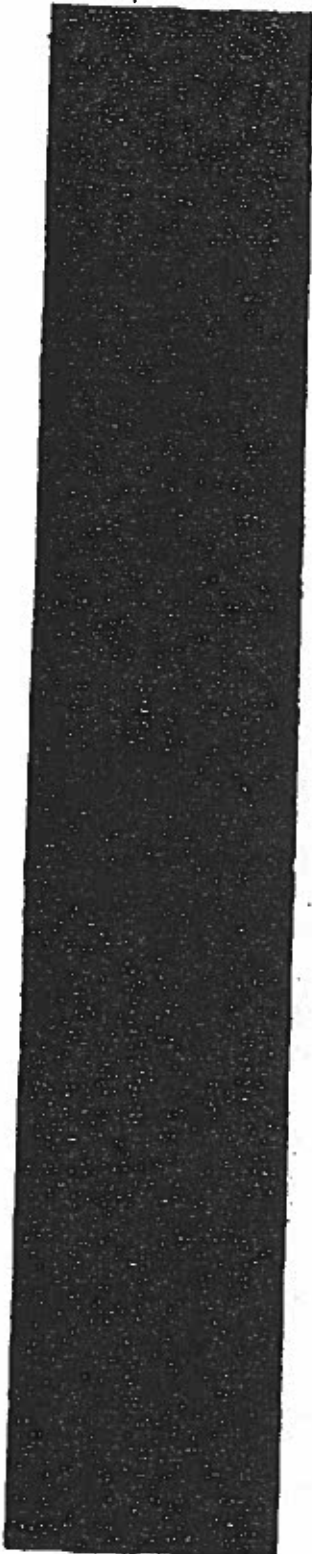
Public Service of Alberta

PART 1

Definitions

1 For purposes of this Code, unless the context otherwise requires,

- (a) "Code" means this Code of Conduct and Ethics for the Public Service of Alberta, as amended from time to time;
- (b) "employee" includes individuals appointed pursuant to the Public Service Act, Senior Officials, wage staff and persons employed on a contractual basis;
- (c) "minor child" refers to a child under the age of majority;
- (d) the "private interest" of an employee does not include an interest;
 - (i) in a matter that is of general application, or
 - (ii) that affects a person as one of a broad class of the public, or
 - (iii) that affects the compensation or benefits of an employee, or
 - (iv) an interest that is trivial;
- (e) "relative" includes spouse, children, step-children, legal dependents, parents, siblings, in-law, grandparents, grandchildren, nieces, nephews, aunts, uncles and first cousins;
- (f) "Senior Official" means an individual appointed pursuant to O.C. 188/1997, as amended from time to time, and whose appointment is made pursuant to the Public Service Act;



participate in volunteer
as listed in section 10(1)
employees who are
basis with any organiza-
Head or designate their
where a conflict of interest
disqualify themselves
ment decision which

Private Assets
ness or financial interest
o's spouse or minor
affected or may be
ons made in which the
s of their employment,
business or financial
gnate.

interest situation exists
d or designate shall
of the situation. Op-
ing the use of a blind
ployment action
yee to termination of

require financial
positions where, in the
gnate, conflict could

(4) Information which is disclosed to the Deputy Head or designate under this section shall be maintained on a confidential basis by the Deputy Head or designate.

14 Acceptance of Gifts

(1) Employees shall not accept fees, gifts or other benefits that are connected directly or indirectly with the performance of their public service duties, from any individual, organization or corporation, other than:

- (a) the normal exchange of gifts between friends;
- (b) the normal exchange of hospitality between persons doing business together;
- (c) tokens exchanged as part of protocol;
- (d) the normal presentation of gifts to persons participating in public functions.

15 Political Activity

(1) There is no restriction upon participation in political activity by employees except that:

- (a) They must not participate directly in soliciting contributions.
- (b) Senior Officials and those employees who occupy positions in the executive manager classes of the management compensation plan may not seek nomination as a candidate in a federal or provincial election, nor hold office in a political party or constituency association. They may become candidates in a municipal election with the prior approval of their Deputy Head or Executive Council

as appropriate, who will consider the general principles of the Code when reviewing such a request.

- (c) Employees who run as candidates in a provincial or federal election must take a leave of absence without pay commencing on the day after the writ for the election is issued or on the day that their candidacy is publicly announced, whichever is later. The restriction of soliciting contributions shall not apply to such employees once the leave of absence commences.
- (2) Employees who are elected to federal or provincial office shall resign their employment effective the day of the election.
- (3) Employees who seek election and are not elected, are entitled to return to the same or similar employment, effective the day after the election.
- (4) Employees who are candidates for municipal office shall, if elected, be subject to the provisions of this Code regarding outside employment.

16 Public Statements

- (1) Employees who speak or write publicly shall ensure that they do not release information in contravention of the oath of office set out in section 20 of the Public Service Act.
- (2) The responsibility for maintaining the confidentiality of information or documents includes the responsibility for ensuring that such information or documents are not directly or indirectly made available to unauthorized persons.
- (3) Employees must adhere to the requirements of the Freedom of Information and Protection of Privacy Act.

17 Trade Knowledge and

- (1) Any product or technical course of their employment in Alberta is the property of the Government of Alberta.
- (2) An employee shall not disclose such product or technical information to the Deputy Head or Chief Executive Officer.

PART 5

**Crown Lands, Minerals and
18 Dealings in Crown Lands**

- (1) For the purposes of this section, an employee is authorized to bid for Crown land if:
 - (a) in all cases other than those where the employee is authorized to bid for Crown land, the employee is authorized to bid for Crown land only if the employee is authorized to bid for Crown land in the employee's Deputy Head or Chief Executive Officer's name;
 - (b) the employee has disclosed the details of their conflict of interest to the Deputy Head or Chief Executive Officer and the interest shall be reviewed only if:
 - (i) it is consistent with the objectives, and

Chap. C-5.1

Loi sur la Fonction publique

27 Repealed: 1992, c.87, s.1.
1992, c.87, s.1.

27.1(1) No person who is a deputy head or an employee shall

(a) directly or indirectly use the authority or official influence inherent in the person's position as a deputy head or an employee to control, modify or otherwise influence the political activities of another person,

(b) engage in any form of political activity during working hours, or

(c) at any time engage in a political activity in a manner or to an extent that could result in a perception that the person is not fulfilling the duties and responsibilities of the person's position impartially or effectively or that otherwise could cause the person not to be in compliance with the oath taken under section 22.

27.1(2) No person shall, in any manner,

(a) compel a deputy head or an employee to take part in a political activity or contribute money to the funds of a candidate in any election or of a political party,

(b) threaten or discriminate against a deputy head or an employee because the deputy head or employee refused to engage in any political activity or contribute money to the funds of a candidate in any election or of a political party, or

27 Abrogé : 1992, c.87, art.1.
1992, c.87, art.1.

27.1(1) Nul administrateur général ou employé ne peut

a) utiliser directement ou indirectement la situation d'autorité ou l'influence officielle inhérente à son poste à titre d'administrateur général ou d'employé pour contrôler, modifier ou autrement influencer les activités politiques d'une autre personne,

b) s'engager dans un genre d'activité politique quel qu'il soit pendant les heures de travail, ou

c) en aucun temps s'engager dans une activité politique d'une manière ou dans une mesure qui pourrait avoir comme conséquence de donner l'impression que l'administrateur général ou l'employé ne remplit pas les fonctions et responsabilités de son poste impartialement ou efficacement ou qui pourrait autrement faire que l'administrateur général ou l'employé ne se conformerait pas au serment prêté en vertu de l'article 22.

27.1(2) Nul ne peut, de quelque manière que ce soit,

a) contraindre un administrateur général ou un employé à participer à une activité politique ou à donner une somme d'argent à la caisse d'un candidat à une élection ou d'un parti politique,

b) menacer un administrateur général ou un employé ou établir une discrimination contre un administrateur général ou un employé en raison du refus de l'administrateur général ou de l'employé de s'engager dans une activité politique ou de donner une somme d'argent à la caisse d'un candidat à une élection ou d'un parti politique, ou

Civil Service Act

Chap. C-5.1

(c) subject to section 27.4, threaten or discriminate against a deputy head or an employee because the deputy head or employee engaged in political activity or contributed money to the funds of a candidate in any election or of a political party.

1994, c.62, s.1.

27.2(1) In this section

"central agency" means a portion of the public service of the Province prescribed by regulation for the purposes of this definition:

"politically restricted employee" means a person, other than a deputy head in the Premier's Office, who is

- (a) a deputy head,
- (b) an employee who occupies a position that is classified in the senior executive group or who has responsibilities equivalent to those of positions classified in the senior executive group,
- (c) an employee whose duties and responsibilities as an employee include providing advice, opinions, proposals, recommendations, analyses or policy options to the Premier, a Minister, Executive Council, a member of Executive Council, a committee of or a member of a committee of Executive Council or a deputy head,
- (d) an employee whose duties and responsibilities as an employee include providing legal advice or other legal services to the Premier, a Minister, Executive Council, a member of Executive Council, a committee of or a member of a committee of Executive Council, a deputy head or any other employee, or
- (e) an employee of a central agency who participates in decision making in relation to, or

c) sous réserve de l'article 27.4, menacer un employé ou un administrateur général ou établir une discrimination contre un employé ou un administrateur général en raison du fait que l'administrateur général ou l'employé s'est engagé dans une activité politique ou a donné une somme d'argent à la caisse d'un candidat à une élection ou d'un parti politique.

1994, c.62, art.1.

27.2(1) Dans le présent article

«employé limité dans son activité politique» désigne une personne, autre que l'administrateur général au Cabinet du Premier ministre, qui est

- a) un administrateur général,
- b) un employé qui occupe un poste classifié dans le groupe administratif senior ou qui a des responsabilités équivalentes à celles des postes classifiés dans le groupe administratif senior,
- c) un employé dont les fonctions et responsabilités à titre d'employé comprennent la fourniture d'avis, d'opinions, de propositions, de recommandations, d'analyses ou de choix de politiques au Premier ministre, à un ministre, au Conseil exécutif ou à un membre du Conseil exécutif, à un comité du Conseil exécutif ou à un membre d'un comité du Conseil exécutif ou à un administrateur général,
- d) un employé dont les fonctions et responsabilités à titre d'employé comprennent la fourniture d'avis juridiques ou d'autres services juridiques au Premier ministre, à un ministre, au Conseil exécutif, à un membre du Conseil exécutif, à un comité du Conseil exécutif ou à un membre d'un comité du Conseil exécutif, à un administrateur général ou à un autre employé, ou
- e) un employé d'un organisme central qui participe à la prise de décision relativement à la formulation des politiques du gouvernement pro-

Chap. C-5.1

Loi sur la Fonction publique

otherwise actively contributes to the formulation of policies of the provincial government.

vincial, ou qui y contribue activement d'une autre manière.

«organisme central» désigne une partie de la Fonction publique de la province prescrite par règlement aux fins de la présente définition.

27.2(2) If an employee and the deputy head of the portion of the Civil Service in which the employee works do not agree as to whether or not the employee is a politically restricted employee as described in paragraphs (a) to (c) of the definition "politically restricted employee" in subsection (1), the determination of the deputy head shall prevail and be final.

27.2(2) Si un employé et l'administrateur général de la partie de la Fonction publique dans laquelle l'employé travaille ne s'entendent pas sur la question de savoir si l'employé est un employé limité dans son activité politique au sens de ce qui est mentionné aux alinéas a) à c) de la définition «employé limité dans son activité politique» au paragraphe (1), la décision de l'administrateur général a priorité et est définitive.

27.2(3) Subject to subsection (5), no politically restricted employee shall

27.2(3) Sous réserve du paragraphe (5), nul employé limité dans son activité politique ne peut

(a) work for, on behalf of or against

a) travailler pour ou contre ou représenter

(i) a candidate for election as a member of the House of Commons of Canada or a member of the Legislative Assembly, or

(i) un candidat à une élection comme membre de la Chambre des communes du Canada ou membre de l'Assemblée législative, ou

(ii) a registered political party, or

(ii) un parti politique enregistré, ou

(b) be a candidate for election as a member described in subparagraph (a)(i).

b) être candidat à une élection d'un membre visé au sous-alinéa a)(i).

27.2(4) Subject to subsection (5), a politically restricted employee who intends to work for, on behalf of or against a candidate or a registered political party or to be a candidate, as described in paragraph (3)(a) or (b), shall resign from his or her position effective on or before commencing the work or publicly announcing an intention to run, as the case may be.

27.2(4) Sous réserve du paragraphe (5), un employé limité dans son activité politique qui a l'intention de travailler pour ou contre un candidat ou comme représentant d'un candidat ou pour ou contre un parti politique enregistré ou comme représentant d'un parti politique enregistré, ou de se porter candidat tel que le mentionne l'alinéa (3)a) ou b), doit démissionner de son poste et cette démission prend effet avant ou au moment de commencer ce travail ou d'annoncer publiquement sa candidature, selon le cas.

27.2(5) A politically restricted employee does not violate subsection (3) and is not required to resign under subsection (4) by reason only of attending a political meeting, contributing money for the

27.2(5) Un employé limité dans son activité politique ne contrevient pas au paragraphe (3) et n'est pas requis de démissionner en vertu du paragraphe (4) pour l'unique raison qu'il assiste à une réunion

Civil Service Act

Chap. C-5.1

funds of a candidate for election as a member described in subparagraph (3)(a)(i) or contributing money for the funds of a registered political party.
1994, c.62, s.1.

politique, qu'il donne une somme d'argent à la caisse d'un candidat à une élection comme membre visé au sous-alinéa (3)a(i) ou qu'il donne une somme d'argent à la caisse d'un parti politique enregistré.
1994, c.62, art.1.

27.3(1) This section applies to employees who are not politically restricted employees as described in, or by reason of the operation of, section 27.2.

27.3(1) Le présent article s'applique aux employés qui ne sont pas des employés limités dans leur activité politique au sens ou en vertu de l'application de l'article 27.2.

27.3(2) An employee who intends to run as a candidate in a federal or provincial election shall, before publicly announcing an intention to run and before filing nomination papers with the returning officer, apply to the employee's deputy head for, and obtain, a leave of absence without pay.

27.3(2) Un employé qui a l'intention de se présenter comme candidat à une élection fédérale ou provinciale doit, avant d'annoncer publiquement son intention de se présenter et avant de remplir sa déclaration de candidature auprès du directeur de scrutin, faire une demande de congé sans traitement à son administrateur général et obtenir ce congé.

27.3(3) A deputy head may grant a leave of absence without pay to an employee applying under subsection (2) for the purpose of seeking nomination as a candidate and of being a candidate in a federal or provincial election.

27.3(3) Un administrateur général peut accorder un congé sans traitement à un employé qui le demande en vertu du paragraphe (2) aux fins de se faire déclarer candidat et d'être candidat à une élection fédérale ou provinciale.

27.3(4) A leave of absence under this section

27.3(4) Un congé en vertu du présent article

(a) shall commence no later than the day on which the employee files the nomination papers with the returning officer, and

a) doit débiter au plus tard le jour où l'employé dépose sa déclaration de candidature auprès du directeur du scrutin, et

(b) subject to subsections (8), (9) and (10), shall terminate on the fourteenth day after the day on which the results of the election to which the leave relates are officially declared.

b) sous réserve des paragraphes (8), (9) et (10), doit prendre fin le quatorzième jour qui suit le jour où les résultats de l'élection à laquelle se rapporte le congé sont officiellement annoncés.

27.3(5) The time period during which a leave of absence under this section is taken shall not count as service.

27.3(5) La période pendant laquelle un congé en vertu du présent article est pris ne peut compter comme une période de service.

27.3(6) The taking of a leave of absence under this section shall not be considered to be a break in service.

27.3(6) Un congé pris en vertu du présent article ne constitue pas un bris de service.

Chap. C-5.1

Loi sur la Fonction publique

27.3(7) Subject to subsections (8), (9) and (10), an employee who takes a leave of absence under this section may return on the original termination day established under paragraph (4)(b) to the same position held by the employee before the leave commenced.

27.3(7) Sous réserve des paragraphes (8), (9) et (10), un employé qui prend un congé en vertu du présent article peut, le jour établi initialement en vertu de l'alinéa (4)b), retourner dans le même poste que l'employé occupait avant que le congé ne débute.

27.3(8) If an employee takes a leave of absence under this section, is not nominated as or ceases to be a candidate before the election occurs and notifies the deputy head in writing at least fourteen days before the leave terminates that he or she wishes both to terminate the leave and return to the employee's position earlier than the original termination day, the employee may return to the position on

27.3(8) Si un employé prend un congé en vertu du présent article, qu'il n'est pas déclaré candidat ou qu'il se désiste avant que l'élection n'ait lieu et avise l'administrateur général par écrit au moins quatorze jours avant que le congé ne prenne fin de son intention à la fois de mettre fin à son congé et de retourner dans son poste plus tôt que le jour où le congé devait initialement prendre fin, l'employé peut retourner dans son poste

(a) the fourteenth day after the day on which the notice is given, or

a) le quatorzième jour qui suit le jour où l'avis est donné, ou

(b) another day preceding the original termination day, if the deputy head and the employee agree on such a day.

b) un autre jour avant le jour où le congé devait initialement prendre fin, si l'administrateur général et l'employé s'entendent pour le jour.

27.3(9) If an employee takes a leave of absence under this section, runs in the election as a candidate and is not officially declared elected, the employee may return to the employee's position on a day that is between the day of the declaration and the original termination day, if the deputy head and the employee agree on such a day.

27.3(9) Si un employé prend un congé en vertu du présent article, qu'il participe à l'élection comme candidat mais n'est pas déclaré officiellement élu, l'employé peut retourner dans son poste le jour qui se trouve entre le jour de la déclaration et le jour où le congé devait prendre fin initialement, si l'administrateur général et l'employé s'entendent pour le jour.

27.3(10) If an employee takes a leave of absence under this section and is officially declared elected in the election to the House of Commons of Canada or to the Legislative Assembly, the employee's leave terminates and the employee ceases to be an employee on the day of the declaration.

27.3(10) Si un employé prend un congé en vertu du présent article et qu'il est officiellement déclaré élu à l'élection à la Chambre des communes du Canada ou à l'Assemblée législative, le congé de l'employé prend fin et l'employé cesse d'être un employé le jour où il est déclaré élu.

1994, c.62, s.1.

1994, c.62, art.1.

27.4 A deputy head or an employee who violates or fails to comply with a provision of section 27.1, 27.2 or 27.3 shall be dismissed from the Civil Service.

27.4 L'administrateur général ou l'employé qui contrevient ou omet de se conformer à une disposition de l'article 27.1, 27.2 ou 27.3 doit être congédié de la Fonction publique.

1994, c.62, s.1.

1994, c.62, art.1.

Political Activities

166 (1) Except as otherwise provided by this Act, every employee, other than a deputy head, may engage in political activity in a federal or Yukon election. (As amended by SY 1987, c. 5, s. 82; SY 1992, c. 10, s. 96)

(2) This section applies whether or not a writ for the holding of the election has been issued. (As amended by SY 1987, c. 5, s. 82; SY 1992, c. 10, s. 96)

Limits to election activities

167. (1) No deputy head shall solicit funds for a political party or a candidate for election as a member of the House of Commons or the Legislative Assembly.
(as amended by SY 1997, c.19, s.1)

(1.1) No employee shall solicit funds for a political party or candidate for election if

(a) the employee uses his or her position in the public service to influence any person to contribute funds to a political party or candidate for election;

(b) the employee would be unable to retain impartiality in relation to the performance of his or her public service duties and responsibilities;

(c) the solicitation of funds by the employee would undermine his or her ability to properly discharge his or her responsibilities or the public's trust in the public service would be undermined.

((1.1) added by SY 1997, c.19 s. 2)

(2) No person may engage in a political activity if in doing so he

(a) reveals any information that he has obtained or which comes to his knowledge solely by virtue of his employment or position in the public service, or

(b) publicly criticizes or opposes any government policy which he has been instrumental in formulating while an employee.

(3) No employee shall so conduct himself or herself during his or her working hours so as to promote or oppose a political party, or a candidate or person who is seeking nomination as a candidate in an election, whether or not a writ for the holding of the elections has been issued. (Added by SY 1987, c. 5, s. 83)

Managerial or confidential exclusions

168. A deputy head shall not

(a) seek nomination as a candidate, or be a candidate, or support or work on behalf of any political party or candidate, in any federal, Yukon, or municipal election, or

(b) contribute funds to a candidate or political party in a federal, Yukon, or municipal election. (As amended by SY 1987, c. 5, s. 84 and 85; SY 1992, c. 10, s. 97))

CHAPTER 2

CABINET AND CAUCUS EMPLOYEES ACT

CHAPTER 2

(STATUTES OF THE YUKON, 1988)

CABINET AND CAUCUS EMPLOYEES ACT

(Assented to May 18, 1988)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Purpose of Act

1. The purpose of this Act is to authorize the Government Leader and the leader in the Legislature of each opposition party to employ persons at the expense of the Government of the Yukon to assist members of the Executive Council and of the caucus of the government party and of each opposition party in the attainment of their objects.

PART 1**EMPLOYEES FOR EXECUTIVE COUNCIL MEMBERS****Establishment of positions**

2.(1) The Commissioner in Executive Council may establish positions to be occupied by persons employed to assist members of the Executive Council by performing executive, administrative, clerical, research, or advisory functions.

(2) The positions shall be classified and shall have pay scales assigned to them in conformity with the same criteria that would be applied if the positions were established in the public service under the Public Service Act.

Appointment of employees

3. The Government Leader has the authority to appoint persons to and dismiss them from positions established under section 2; the persons appointed to those positions are accountable to and serve at the pleasure of the Government Leader but shall work under the direction of the member of the Executive Council to whom the Government Leader assigns them.

Contracts of employment

4. Subject to regulations under section 5, the Government Leader may

- (a) make the contract of employment with and determine the duties, remuneration, benefits, and conditions of employment for persons employed under this Part;
- (b) make and determine the terms of contracts of employment under which persons are employed under this Part otherwise than by appointment to a position.

CABINET AND CAUCUS EMPLOYEES ACT

CHAPTER 2

CHAPTER

Regulations

- 5. The Commissioner in Executive Council may make regulations
 - (a) in relation to the duties of persons employed under this Part;
 - (b) in relation to the remuneration to be paid to persons employed under this Part and their other benefits and conditions of employment;
 - (c) generally, for the implementation of this Part.

PART 2

EMPLOYEES FOR PARTY CAUCUSES

Establishment of positions

- 6.(1) The Members Services Board of the Legislature may
 - (a) establish positions to be allocated to the parties and to be occupied by persons employed to assist members of the Legislature by performing executive, administrative, clerical, research, or advisory functions, and
 - (b) from money appropriated for the purpose, allocate money to the parties for employing such persons otherwise than by appointing them to positions.

(2) The positions shall be classified and shall have pay scales assigned to them in conformity with the same criteria that would be applied if the positions were established in the public service under the Public Service Act.

Appointment of employees

7. The leader of the party has the authority to appoint persons to and dismiss them from the positions which are established under section 6 and allocated to the party; the persons appointed to those positions are accountable to and serve during the pleasure of the leader of the party.

Contracts of employment

8.(1) Subject to policies established by the Members Services Board under section 9, the leader of each party may make the contract of employment with and determine the duties, remuneration, benefits, and conditions of employment for persons appointed to a position by the leader under this Part.

(2) Subject to there being an allocation of money by the Members Services Board under section 9, the leader of each party may make and determine the terms of contracts of employment under which persons are employed under this Part otherwise than by appointment to a position.

Policies of Members Services Board

- 9. The Members Services Board may
 - (a) allocate positions established under this Part,
 - (b) allocate the money appropriated for the purposes of this Part;

Status of

10. (School Act they occupy

(2) / within the Act.

Contract : 11.(1)

(2) § Portability

12.(1) position u

(2) / ing their em their emp under the benefits.

(3) / Act within their emp them duri benefits.

Definitior 13.1 and "part

CHAPTER 2

CABINET AND CAUCUS EMPLOYEES ACT

- (c) establish policies concerning the remuneration to be paid to persons employed in positions under this Part and their other benefits and conditions of employment.

PART 3

MISCELLANEOUS PROVISIONS

Status of employees

10. (1) The Public Service Act, the Public Service Staff Relations Act, and Part 6 of the School Act do not apply to persons employed in positions under this Act, nor to the positions they occupy.

(2) A person may not simultaneously be employed under this Act and be an employee within the meaning of the Public Service Act or a teacher within the meaning of the School Act.

Contract administration

11.(1) For the purposes of the Financial Administration Act,

- (a) a person who this Act authorizes to make a contract shall be deemed to be a public officer with authority to enter into the contract,
- (b) the deputy head shall
 - (i) in the case of contracts under Part 1, be the deputy head responsible for the Executive Council Office, and
 - (ii) in the case of contracts under Part 2, be the Clerk of the Legislative Assembly.

(2) Subsection (1) applies notwithstanding the Financial Administration Act.

Portability of benefits

12.(1) For the purposes of the Public Servants Superannuation Act, employment in a position under this Act shall be deemed to be employment in the public service.

(2) A person who is appointed to a position under this Act within three months of leaving their employment under the Public Service Act or the School Act may retain and use during their employment under this Act the benefits that accrued to them during their employment under the Public Service Act or the School Act instead of taking a pay-out of the value of those benefits.

(3) A person who is appointed to a position under the Public Service Act or the School Act within three months of leaving their employment under this Act may retain and use during their employment under the Public Service Act or the School Act the benefits that accrued to them during their employment under this Act instead of taking a pay-out of the value of those benefits.

Definitions

13. In this Act, the expressions "Government Leader", "leader of a party", "member", and "party" each have the same meaning as in the Legislative Assembly Act.

→CABINET←AND←CAUCUS←EMPLOYEES←ACT←

CHAPTER 2

(Assented to May 18, 1988)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Purpose of Act

1. The purpose of this Act is to authorize the Government Leader and the leader in the Legislature of each opposition party to employ persons at the expense of the Government of the Yukon to assist members of the Executive Council and of the caucus of the government party and of each opposition party in the attainment of their objects.

PART 1

EMPLOYEES FOR EXECUTIVE COUNCIL MEMBERS

Establishment of positions

2.(1) The Commissioner in Executive Council may establish positions to be occupied by persons employed to assist members of the Executive Council by performing executive, administrative, clerical, research, or advisory functions.

(2) The positions shall be classified and shall have pay scales assigned to them in conformity with the same criteria that would be applied if the positions were established in the public service under the Public Service Act.

Appointment of employees

3. The Government Leader has the authority to appoint persons to and dismiss them from positions established under section 2; the persons appointed to those positions are accountable to and serve at the pleasure of the Government Leader but shall work under the direction of the member of the Executive Council to whom the Government Leader assigns them.

Contracts of employment

4. Subject to regulations under section 5, the Government Leader may

(a) make the contract of employment with and determine the duties, remuneration, benefits, and conditions of employment for persons employed under this Part;

(b) make and determine the terms of contracts of employment under which persons are employed under this Part otherwise than by appointment to a position.

Regulations

5. The Commissioner in Executive Council may make regulations

(a) in relation to the duties of persons employed under this Part;

(b) in relation to the remuneration to be paid to persons employed under this Part and their other benefits and conditions of employment;





(c) generally, for the implementation of this Part.

PART 2 EMPLOYEES FOR PARTY CAUCUSES

Establishment of positions

6.(1) The Members Services Board of the Legislature may

(a) establish positions to be allocated to the parties and to be occupied by persons employed to assist members of the Legislature by performing executive, administrative, clerical, research, or advisory functions, and

(b) from money appropriated for the purpose, allocate money to the parties for employing such persons otherwise than by appointing them to positions.

(2) The positions shall be classified and shall have pay scales assigned to them in conformity with the same criteria that would be applied if the positions were established in the public service under the Public Service Act.

Appointment of employees

7. The leader of the party has the authority to appoint persons to and dismiss them from the positions which are established under section 6 and allocated to the party; the persons appointed to those positions are accountable to and serve during the pleasure of the leader of the party.

Contracts of employment

8.(1) Subject to policies established by the Members Services Board under section 9, the leader of each party may make the contract of employment with and determine the duties, remuneration, benefits, and conditions of employment for persons appointed to a position by the leader under this Part.

(2) Subject to there being an allocation of money by the Members Services Board under section 9, the leader of each party may make and determine the terms of contracts of employment under which persons are employed under this Part otherwise than by appointment to a position.

Policies of Members Services Board

9. The Members Services Board may

(a) allocate positions established under this Part,

(b) allocate the money appropriated for the purposes of this Part;

(c) establish policies concerning the remuneration to be paid to persons employed in positions under this Part and their other benefits and conditions of employment.

PART 3
MISCELLANEOUS PROVISIONS

Status of employees

10. (1) The Public Service Act, the Public Service Staff Relations Act, and Part 6 of the School Act do not apply to persons employed in positions under this Act, nor to the positions they occupy.





(2) A person may not simultaneously be employed under this Act and be an employee within the meaning of the Public Service Act or a teacher within the meaning of the School Act.

Contract administration

11.(1) For the purposes of the Financial Administration Act,

(a) a person who this Act authorizes to make a contract shall be deemed to be a public officer with authority to enter into the contract,

(b) the deputy head shall

(i) in the case of contracts under Part 1, be the deputy head responsible for the Executive Council Office, and

(ii) in the case of contracts under Part 2, be the Clerk of the Legislative Assembly.

(2) Subsection (1) applies notwithstanding the Financial Administration Act.

Portability of benefits

12.(1) For the purposes of the Public Servants Superannuation Act, employment in a position under this Act shall be deemed to be employment in the public service.

(2) A person who is appointed to a position under this Act within three months of leaving their employment under the Public Service Act or the School Act may retain and use during their employment under this Act the benefits that accrued to them during their employment under the Public Service Act or the School Act instead of taking a pay-out of the value of those benefits.

(3) A person who is appointed to a position under the Public Service Act or the School Act within three months of leaving their employment under this Act may retain and use during their employment under the Public Service Act or the School Act the benefits that accrued to them during their employment under this Act instead of taking a pay-out of the value of those benefits.

Definitions

13. In this Act, the expressions "Government Leader", "leader of a party", "member", and "party" each have the same meaning as in the Legislative Assembly Act.

9th Assembly, 10th Session, Mar. 10/83

- 962 -

19.

CHAIRMAN (Mr. Pudluk): Clause 10. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed.

CHAIRMAN (Mr. Pudluk): Clause 11. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 12. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): The bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Bill 20-83(1) is ready for third reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Mr. McCallum, do you wish to go now to Bill 21-83(1)?

HON. ARNOLD McCALLUM: That is correct, sir.

Bill 21-83(1), Public Service Ordinance

CHAIRMAN (Mr. Pudluk): Bill 21-83(1), An Ordinance to Amend the Public Service Ordinance.
Mr. Braden.

HON. GEORGE BRADEN: Thank you, Mr. Chairman. The government has a number of amendments to propose to this bill. I apologize that they are being made at this late date. However, after having held a number of meetings with Mr. MacQuarrie and his committee, the most recent one finishing up yesterday at 1:00 o'clock, we were not able to place before the committee a clean bill that contained the suggested changes, so at this time I would defer to Mr. MacQuarrie to hear the report of his committee. As we go through the bill, I believe I will have about nine amendments that I would like to make. Thank you.

CHAIRMAN (Mr. Pudluk): Is this House ready to go clause by clause?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Pudluk): Mr. MacQuarrie.

Comments From The Standing Committee On Legislation

MR. MacQUARRIE: Thank you, Mr. Chairman. The standing committee on legislation reviewed this bill and there was quite a bit of discussion generated by it. There was input from both the HWT Public Service Association and the Northwest Territories Teachers' Association who had concerns about it. They did not actually have representatives at the standing committee meeting, but indicated their concerns by other means. As a result of some of that input and the discussions that were held in committee, a number of changes were recommended to the government. These are reflected in the amendments which the Minister will propose, although there are one or two that are government initiatives. However, generally, if the amendments are to be included, the standing committee accepts the bill and recommends it to the committee of the whole.

CHAIRMAN (Mr. Pudluk): Clause by clause. Agreed?

CHAIRMAN (Mr. Pudluk): Clause 1, political activity restricted. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, I am not quite sure how you want me to proceed with this. I have a number of amendments to clause 1. Has everybody got a copy of these? Could I start with section 33(1) and do that one, then if it is agreed by the committee, we move on to (2), (3) and (4)?

Motion To Amend Subsection 33(1), Clause 1, Bill 21-83(1)

Mr. Chairman, I would move that clause 1 of Bill 21-83(1) be amended as follows; that the words "including a teacher as defined in the Education Ordinance", be added immediately after the word "employee", in the introductory clause of subsection 33(1).

CHAIRMAN (Mr. Pudluk): To the amendment. Are you ready for the question? Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, with these new amendments, would it be possible to have an explanation of why these amendments were made? If you are in a community and you only have a couple of teachers in the community, and if they cannot be under the restricted clause, it can be pretty unfair in a smaller place where there may be a population of just 300 or 400 people or under that. I wonder if it is fair to say that in enabling the teachers to be on the unrestricted list, that that would be unfair in smaller communities.

CHAIRMAN (Mr. Pudluk): Mr. Braden.

Positions Classified Restricted Or Unrestricted

HON. GEORGE BRADEN: Well, Mr. Chairman, that could be the case in a small community -- that teachers could exercise an extraordinary measure of influence. However, I guess one of the problems that the government has is that it is difficult in a law, and indeed in a regulation, to take into account the wide range of circumstances that could exist in any community in the Northwest Territories. You could have a community where the teachers are very strong and very influential. On the other hand, you could have a community of 300 or 400 people where the teachers are not influential or strong. It is a difficult subject to address. I know it is one that has been brought to the attention of this committee before in our debate in Frobisher Bay, but the government feels that by and large, most teachers would be in the unrestricted category. However, what we are doing at this time between the Department of Justice and the Department of Personnel is to attempt to come up with the way in which we should classify positions as to whether they are restricted or unrestricted.

This does not really address Ms Cournoyea's question directly. I recognize her concern; it has been brought to my attention not only by herself, but I do not really see any way in law at this stage where we can make the unilateral decision that all teachers should be in the restricted category. I would hope that further on down the line in the process, we would be able through either regulations or personnel directives to urge our employees to exercise their rights or privileges as they are guaranteed, but to exercise discretion in how they behave politically during an election campaign.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment. Mr. MacQuarrie.

MR. MACQUARRIE: Yes, I would like to say that this was not an amendment that was proposed by the standing committee. As I read it, I do not think Ms Cournoyea should have that concern, because this is saying that subject to this section, an employee shall not do such and such. It appears to me that the purpose of this amendment is specifically to make sure that teachers are considered to be employees under this and therefore it is a means that the government is using to absolutely make sure that teachers are considered to be employees and to absolutely make sure that teachers will have the restrictions that are included in this section. At least that is the way I read it.

CHAIRMAN (Mr. Pudluk): Thank you. Ms Cournoyea.

MS COURNOYEA: There are categories on a chart for restricted and unrestricted. If a community has a teaching principal, would the principal be categorized as a teacher, or would he be moved into the restricted list as a principal, under another category?

HON. GEORGE BRADEN: Well, Mr. Speaker, I do not want to make a commitment that the principal would be in a restricted category -- I think it is a bit premature at this time -- but that is a possibility, that a principal could be designated as a restricted employee. But I want to indicate that I am not prepared to make a commitment to that.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment.

AN HON. MEMBER: Question.

Motion To Amend Subsection 33(1), Clause 1, Bill 21-83(1), Carried

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour, please raise your hands. Down. Opposed? The amendment is carried.

---Carried

Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, there are a few more amendments to clause 1 that I would like to propose. Moving on to paragraph 33(1)(a), there was concern expressed by some organizations and Mr. MacQuarrie's committee concerning soliciting of funds. The concern was expressed in two ways. For example, if a civil servant is on the executive of a federal political party, which is allowed, there are going to be times when that individual must in some way, shape or form deal with party finances. A second concern was expressed about a civil servant who was working for a candidate and who may, in a situation where they are promoting a particular party or candidate, receive a purely unsolicited donation; that is to say, they did not request that donation.

Motion To Amend Paragraph 33(1)(a), Clause 1, Bill 21-83(1), Carried

What we feel, by introducing this amendment that I will read in a minute, is that we will place emphasis on the direct role of an individual in soliciting funds. So what I am going to move, Mr. Chairman, is that the word "personally" be added before the word "solicit" in paragraph 33(1)(a).

CHAIRMAN (Mr. Pudluk): Your amendment is in order. To the amendment. Mr. MacQuarrie.

MR. MacQUARRIE: Just to say that this was an amendment recommended by the standing committee, and we certainly support it.

CHAIRMAN (Mr. Pudluk): Thank you. Are you ready for the question?

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? The amendment is carried.

---Carried

Mr. Braden.

Motion To Amend Paragraph 33(1)(b), Clause 1, Bill 21-83(1), Carried

HON. GEORGE BRADEN: Mr. Chairman, in paragraph 33(1)(b), the standing committee requested the following amendment for purposes of clarification: the words "or a candidate" be added after the words "political party" in paragraph 33(1)(b). It is purely for clarification, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. MacQuarrie.

MR. MacQUARRIE: As Mr. Braden pointed out, it was the committee that recommended this. It was simply felt that the way it read that he could not do this "on behalf of a territorial or federal political party", that the intention was certainly that if he was running as an independent candidate as well, then the work could still not be done. That is what gave rise to this amendment. The standing committee supports it, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment. Are you ready for the question?

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? The amendment is carried.

---Carried

Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, I would like to move another amendment. It is in paragraph 33(1)(g). After consultation with the standing committee, concern was expressed that a civil servant may act as the official agent under the present draft that you have in front of you. After discussion the government agreed that the committee had a good point, that we really should not be allowing our civil servants to be in the situation where they are official agents of a candidate, because that involves -- at least at our level, in our elections -- a great deal of responsibility and being representative of a candidate.

Motion To Amend Paragraph 33(1)(g), Clause 1, Bill 21-83(1), Carried

So I would move, Mr. Chairman, that the words "an official agent for or" be added immediately after the words "serve as" in paragraph 33(1)(g).

CHAIRMAN (Mr. Pudluk): Thank you. Your amendment is in order. Mr. MacQuarrie.

MR. MacQUARRIE: As the chairman of the standing committee I will say that that was requested by motion by the committee, and then as an individual Member I would have to say, "But personally I do not support that amendment."

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. To the amendment.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour, please raise your hands. Down. Opposed? The amendment is carried.

---Carried

Let us take 15 minutes for coffee.

---SHORT RECESS

CHAIRMAN (Mr. Pudluk): The Chair recognizes a quorum now. Clause 1 as amended. Mr. Braden.

Motion To Amend Subsection 33(5), Clause 1, Bill 21-83(1), Withdrawn

HON. GEORGE BRADEN: Mr. Chairman, we have no amendments to subsections (2), (3) or (4). We have an amendment, though, for subsection (5), and one of the reasons we felt we had to make an amendment here is because of the nomination process. You could have a situation potentially where a candidate could be nominated by a party two or three months before the issue of the writ of election, and if that individual was a territorial civil servant, under the present wording, he or she would remain to be the party candidate for a two or three or four month period until the official writ for the election was issued. This in our view would put both the employee and the employer in a very difficult situation, and obviously the public would not care for it too much, so we are recommending that subsection 33(5) be amended as follows: "A leave of absence granted pursuant to subsection (4) must be taken by the employee on becoming an official candidate."

CHAIRMAN (Mr. Pudluk): To the amendment. Honourable Member for Deh Cho.

MR. SIBBESTON: Mr. Chairman, you might have a bit of a technical problem here, because you are referring only to an employee, and earlier on you had referred to an employee and a teacher.

CHAIRMAN (Mr. Pudluk): Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, can I withdraw my amendment and put another one in?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Pudluk): Is this House agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Proceed, Mr. Braden.

Motion To Amend Subsection 33(5), Clause 1, Bill 21-83(1), Carried

HON. GEORGE BRADEN: I thank the Member for Deh Cho for his input. I would move that subsection 33(5) be amended to read as follows: "A leave of absence granted pursuant to subsection (4) must be taken by the employee or a teacher as defined in the Education Ordinance on becoming an official candidate."

CHAIRMAN (Mr. Pudluk): Your amendment is in order. To the amendment. Mr. MacQuarrie.

MR. MACQUARRIE: Just to say again that this was an amendment that was recommended by the committee after discussion of the concern that Mr. Braden outlined, and the committee supports the amendment.

CHAIRMAN (Mr. Pudluk): Thank you. Are you ready for the question?

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? The amendment is carried.

---Carried

Mr. Braden.

Motion To Amend Subsection 33(6), Clause 1, Bill 21-83(1)

HON. GEORGE BRADEN: With respect to subsection 33(6), Mr. MacQuarrie's committee indicated that publishing the list in the Gazette is fine, but who reads the Gazette? Lawyers, officials of the government, consultants and so on -- Ms Cournoyea indicates that she reads the Gazette. However, the committee felt that this was not sufficient, so we are proposing an amendment, and the amendment reads that the words "and in a widely distributed newspaper available to the public" be added immediately after the word "Gazette" in subsection 33(6).

CHAIRMAN (Mr. Pudluk): Your amendment is in order. To the amendment. Mrs. Sorensen.

MRS. SORENSEN: I wonder if I could have an explanation of why it needs to be widely advertised that this person has taken a leave. Would that not be a form of advertising his or her candidacy on the part of the government? I can see advertising it in the Gazette, there may be some legal reason, but could I have an explanation to that, please?

CHAIRMAN (Mr. Pudluk): Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, the argument put forth is that the Gazette is not widely read in the Northwest Territories and is probably not widely available to our average resident. I suppose some argument could be made that this constitutes some form of advertising; however, we are dealing with a statute here and Commissioner's actions resulting from a law. After having discussed this with the Executive this morning they felt that in respect of candidates from Baffin who have taken a leave of absence, the Commissioner would place a small ad in Nunatsiaq News indicating that here are the territorial civil servants who are on leave of absence and it would be done shortly after the close of nominations.

Similarly in Mr. Butters' region, the Drum would be used to advertise candidates who are government employees who are on leave of absence. As I would see it, this would be a one-time only advertisement in a few newspapers indicating that in accordance with the Public Service Ordinance, subsections 33(4), (5) and (6), that a leave has been granted to these individuals, and that that would be the end of it. We do not want this to be seen as advertising. It is, as I said, the committee felt that it would be good to inform the members of the territorial public which civil servants have chosen to take a leave of absence to run.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment. Mrs. Sorensen.

MRS. SORENSEN: I realize that it says in the ordinance that the leave of absence should be published in the Northwest Territories Gazette but I do not know why. I do not understand why even that is necessary.

CHAIRMAN (Mr. Pudluk): Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, the government felt that it would be appropriate to make public what the government has done pursuant to a law or statute in its consideration of employees who are seeking public office and who are seeking a leave of absence without pay to run for public office.

CHAIRMAN (Mr. Pudluk): Thank you. Honourable Member for Deh Cho.

MR. SIBBESTON: Mr. Chairman, I wonder if I might make a suggestion as to improving the wording in this regard. The present words that are suggested by Mr. Braden state: "and in a widely distributed newspaper available to the public". I feel that the Edmonton Journal or the Globe and Mail could be considered as widely distributed newspapers and available to the public and I think a better wording might be, "and in a widely published and distributed newspaper in the Northwest Territories", so that it could be made clear that it is a newspaper that is published and distributed in the Northwest Territories.

CHAIRMAN (Mr. Pudluk): Mr. Braden.

Amendment To Motion To Amend Subsection 33(6), Clause 1, Bill 21-83(1), Carried

HON. GEORGE BRADEN: Mr. Chairman, if the Member is prepared to move an amendment to read perhaps: "and in a widely distributed NWT newspaper available to the public" I am sure we would have no problem to that amendment, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Honourable Member for Deh Cho.

MR. SIBBESTON: I will move an amendment.

CHAIRMAN (Mr. Pudluk): Amendment to the amendment.

MR. SIBBESTON: Could Mr. Braden state it again?

CHAIRMAN (Mr. Pudluk): Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, the amendment to the amendment as proposed by my colleague would read: "and in a widely distributed NWT newspaper available to the public", which would seem to address his concern that we do not advertise in the Globe and Mail and the Edmonton Journal.

CHAIRMAN (Mr. Pudluk): Honourable Member for Deh Cho, is that what your amendment to the amendment would read?

MR. SIBBESTON: Yes, that is precisely what I had in mind.

---Laughter

CHAIRMAN (Mr. Pudluk): Okay. To the amendment to the amendment. All those in favour? Down. Opposed? The amendment to the amendment is carried.

---Carried

To the amendment.

SOME HON. MEMBERS: Question.

Motion To Amend Subsection 33(6), Clause 1, Bill 21-83(1), Carried As Amended

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? The amendment is carried as amended.

---Carried

Do you have a further amendment Mr. Braden?

HON. GEORGE BRADEN: Mr. Chairman, the next amendment is in subsection 33(8). As you will note, Mr. Chairman, a contravention of anything in subsection (1) or (2) shall be deemed sufficient cause for dismissal. After a consultation with representatives from the unions and Mr. MacQuarrie's committee, I felt that dismissal was perhaps an inappropriate term to use, in that there will be some offences or there will be some contravention to this particular portion of the ordinance which would require perhaps a letter of reprimand. There will be other things done contrary to this ordinance which would perhaps require a suspension with no pay and then, obviously, there are things that will be done that contravene this amendment or this part of the ordinance which will require outright dismissal.

Motion To Amend Subsection 33(8), Clause 1, Bill 21-83(1), Carried

So on the basis of the representations made to me, I discussed them with my colleagues this morning and we felt that perhaps it would be more appropriate to provide for some flexibility in this particular clause and what we will have to do is to change the heading on the left-hand side of the page to "discipline" and to amend subsection 33(8) to read: "such disciplinary measures as the Commissioner deems appropriate" to replace the word "dismissal". So I would move that, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Your amendment is in order. To the amendment. Mr. MacQuarrie.

MR. MACQUARRIE: This matter was one that was discussed quite thoroughly in committee and generally it was felt that there would be different levels of infraction and that certainly not all of them would merit outright dismissal, so the committee did urge that there be some consideration to a different approach and that perhaps the word "discipline" would be included. This is the wording that the Executive Committee has come back with and I cannot really speak for all Members as to whether they would agree with the way it is worded, but we did want to see some change in the word "dismissal".

CHAIRMAN (Mr. Pudluk): Are you ready for the question?

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Pudluk): All those in favour? Down. Opposed? The amendment is carried.

---Carried

Mr. Braden, do you have anything further?

HON. GEORGE BRADEN: Throughout this ordinance, Mr. Chairman, there are references to certain terms which cause some measure of confusion or concern on the part of either the union or Mr. MacQuarrie's committee. So what we have done is to propose that we add an interpretation subsection (10) under clause 1, so I would assume that we would have to have on the left-hand side of the page "interpretation". The amendment is quite long. How do you want me to go through it? Do you want me to go through each term or should I read the whole section?

CHAIRMAN (Mr. Pudluk): I think you will have to move it as a whole, I do not think you can do it in pieces.

Motion To Add Subsection 33(10) To Clause 1, Bill 21-83(1)

HON. GEORGE BRADEN: I would move, then, Mr. Chairman, that a new subsection (10) be added and it would read: "Interpretation, (10) For the purposes of this section:

- (a) 'candidate' means a candidate as defined in the Elections Ordinance or Canada Elections Act (Canada) as applicable;
- (b) 'official agent' means an official agent as defined in the Elections Ordinance or Canada Elections Act (Canada) as applicable;
- (c) 'political party' means a registered political party as defined in the Canada Elections Act (Canada) or an unregistered party functioning in the Territories to achieve political aims;
- (d) 'territorial association' means the territorial association of a political party;
- (e) 'policy' means a government commitment to the public to follow an action or course of action in pursuit of approved objectives; and
- (f) 'employee' means an employee defined in this ordinance or a teacher as defined in the Education Ordinance."

That, Mr. Chairman, is the substance of the amendment to include a subsection (10). Could I speak to that amendment if it is in order, please?

CHAIRMAN (Mr. Pudluk): Your amendment is in order. Before you speak to your amendment, the Chair would like to recognize in the gallery Chief Joe Rabesca of the Rae-Edzo band council.

---Applause

Thank you. To the amendment, Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, again based on some input from individuals or rather representatives of organizations in Mr. MacQuarrie's committee, we felt that it was necessary to define for the purposes of this section what is meant by candidate; what is meant by official agent; political parties; territorial association. I think those are pretty straightforward for our purposes.

In respect of (e), if Members would refer back to 33(1)(e), where there is reference to the fact that employees shall not publicly criticize the policies of the Government of the Northwest Territories. Now, this particular clause or provision caused some concern because people felt it was too general; it was too vague; it could be abused; it was subject to a lot of misunderstanding and misinterpretation. So for our purposes, the Executive Committee is prepared to define policy as noted in (e) of the interpretation section, and that is pretty straightforward because we are talking about recognized, signed, sealed and delivered policies of the Government of the Northwest Territories.

We feel that that will go part way to clarifying what kind of restrictions will be placed on employees in so far as what they are able to go out and publicly criticize.

With respect to (f), I apologize that that was not on the form handed to you, but we felt it necessary to put that in for clarification purposes. So I think these are all fairly straightforward and subject to what Mr. MacQuarrie says, I move that we adopt subsection (10).

CHAIRMAN (Mr. Pudluk): Thank you. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. This section was not specifically recommended by the committee, but a need for something like this was seen as a result of discussions in the committee. So once again, I cannot speak for the committee in saying that all of these definitions are acceptable, but certainly from my own point of view they are, Mr. Chairman.

Motion To Add Subsection 33(10), Clause 1, Bill 21-83(1), Carried

CHAIRMAN (Mr. Pudluk): Are you ready for the question? Question has been called. All those in favour? Down. Opposed? The amendment is carried.

---Carried

Clause 1, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): The bill as a whole. Mr. MacQuarrie.

MR. MacQUARRIE: Just before we pass away from it, I would like to say that this has certainly been an area that has been very important to me and I am pleased to see that the government has proceeded with it. I am very grateful for that and I think that there will be a lot of public servants who are, as well.

SOME HON. MEMBERS: Hear, hear!

---Applause

CHAIRMAN (Mr. Pudluk): Mr. Braden.

HON. GEORGE BRADEN: I would just like to thank all the Members of this House and Mr. MacQuarrie's committee because I have been working on this for the better part of three years. It is a bit of a relief to me to get it done this far, though I recognize there is a lot more work that has to be done. I have given a commitment to Mr. MacQuarrie and his committee and to the representatives of the unions that we will work with them in the development of regulations and the application of this particular amendment to the public services organization. So once again, Mr. Chairman, thank you to all the Members of this committee for helping me get this through.

SOME HON. MEMBERS: Hear, hear!

---Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Patterson.

Election Promise Fulfilment For Many MLAs

HON. DENNIS PATTERSON: If I might just add my voice to the chorus of approval for this particular bill, Mr. Chairman. It was an election promise I made, so I am very happy to see it become realized and I know other Members included this as part of their platform. I must admit when the subject was first discussed in 1981 in Frobisher Bay, I was very concerned that we might not be able to get the necessary consensus to bring a bill forward, but I am delighted that it has been achieved through the good co-operation between the government and particularly our Leader of the Elected Executive and the chairman of this standing committee on legislation. I think it is a good example of consensus government in operation. I think we have come a long way since Frobisher Bay and I am also very pleased. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Honourable Member for Deh Cho.

MR. SIBBESTON: Mr. Chairman, I just want to say that despite what some of the Members say here that there were some Members on our committee and on the Executive Committee who wanted to pass a law that forbade civil servants to be candidates absolutely, and it was I that insisted that they be given an opportunity and be permitted to...

SOME HON. MEMBERS: Hey!

HON. ARNOLD McCALLUM: Oh, come on, hey, what is this?

HON. DENNIS PATTERSON: Your election campaign has started already, eh?

HON. ARNOLD McCALLUM: Who was against it? Not I.

CHAIRMAN (Mr. Pudluk): Mr. Butters.

HON. TOM BUTTERS: Well, I have heard enough of election speeches, but I think that the important thing was mentioned by a few Members, that many of the recommendations that the Members of this committee and this House have made to the Executive do get fulfilled. I think if you look at the record of the Executive Committee over the last three and a half years you will find out that all those reasonable requests have been carried out and fulfilled, and it takes a lot of work as the honourable Leader of the Elected Executive has just indicated, so I think that we might as well pat our own backs on occasion.

MR. MacQUARRIE: Absolutely.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Pudluk): Bill 21-83(1) as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Now this bill is ready for third reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 14-83(1), Home Owners' Property Tax Rebate Ordinance

CHAIRMAN (Mr. Pudluk): Bill 14-83(1), An Ordinance to Amend the Home Owners' Property Tax Rebate Ordinance. Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, the government does not wish to proceed with this bill.

---Applause

Bill 17-83(1), Landlord And Tenant Ordinance

CHAIRMAN (Mr. Pudluk): Thank you. How about Bill 17-83(1)? Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, this amendment was originally introduced some months ago to Mr. MacQuarrie and it has kind of ground its way through the process. However, about a month and a half ago, we did receive some further input on proposals for change to the Landlord and Tenant Ordinance, which I personally am quite interested in. I think to look further into amending the ordinance, given this input, we can go a long way to recognizing the concerns that have been expressed by tenants. So I just want to indicate at this time that I have had discussions with the chairman of the standing committee on legislation and I have indicated to him that I would be not proceeding with this amendment; that I want to give the whole ordinance a lot more thought, and to introduce something hopefully in May, if that is possible. So I will be moving when we get to third reading that this bill be deleted. I am told I do not have to make a motion now. So what do I do? Does the committee agree to withdraw this motion?

CHAIRMAN (Mr. Pudluk): Does this House agree?

Third Reading Of Bill 21-83(1): Public Service Ordinance

HON. GEORGE BRADEN: Mr. Speaker, I move, seconded by the honourable Member for Inuvik, that Bill 21-83(1), as amended, An Ordinance to Amend the Public Service Ordinance, be read for the third time.

MR. SPEAKER: Are you ready for the question? All those in favour? Bill 21-83(1), as amended, has had third reading.

---Carried-

---Applause

Does that, then, conclude the third reading of bills for today? I understand that Bills 14-83(1) and 17-83(1) have died in committee. That, then, concludes third reading of bills. Mr. Clerk, would you ascertain if the Commissioner is available for assent?

ITEM NO. 17: ASSENT TO BILLS

COMMISSIONER PARKER: Please be seated. Mr. Speaker, Members of the House. As Commissioner of the Northwest Territories I assent to Bills 16-83(1), 18-83(1), 20-83(1) and 21-83(1). Mr. Speaker, I am pleased to accept the recommendation of this House and confirm the appointment of Mr. David Hamilton as Clerk of the Legislative Assembly, effective March 10, 1983.

---Applause

Mr. Speaker, if I may be permitted, I would wish to add my own congratulations to Mr. Hamilton on this appointment and I believe you have made a very wise choice. I would also, since we are close to recess, take the liberty of recognizing the good service of all of the staff which have been serving this House and, perhaps...

---Applause

...and, perhaps, in particular, it would be appropriate to mention the two Clerk Assistants, who have come in rather at the last minute and, from all indications, have been of excellent service to you.

SOME HON. MEMBERS: Hear, hear!

---Applause

MR. SPEAKER: To add to what the Commissioner said, I would like to take this opportunity to have, in the record, my appreciation and this House's appreciation to Susan Baldwin who assisted at the table, and was on loan from the House of Commons in Ottawa and also Jim Fennell who also acted as one of the Clerk Assistants at this session and who was seconded from the the Housing Corporation.

---Applause

This appears to conclude the business at this time. Are there any announcements from the floor? Mr. Evaluarjuk.

MR. EVALUARJUK: (Translation) Mr. Speaker, I would like to make a brief statement. It is not a reply; it is just a short comment or a statement. Mr. Speaker, I just want to thank you, first of all. When I left on January 29th it seemed to be a long time before the end of this session. But it is the end again and I would like to thank you very much. Also, I would like to thank the interpreters too.

SOME HON. MEMBERS: Hear, hear!

---Applause

MR. EVALUARJUK: (Translation) Also, this is the last time that I am going to be here for a long time for a long session. I would like to briefly state that from 1975 to 1980, between that period, there were some very unhappy happenings going on; my relatives dying in my community when

