

SEP 18 1998

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sept 25 1998

Minister of Indian Affairs
and Northern Development



Ministre des Affaires
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

SEP 10 1998

Mrs. Helen Maksagak
Commissioner
Government of the Northwest Territories
P.O. Box 1320
YELLOWKNIFE NT X1A 2L9

Dear Mrs. Maksagak:

The Government of Canada, consistent with the aspirations of the people of the North, supports the evolution of strong public governments in the territories accountable to their citizens. The Northwest Territories is poised to enter a major new phase with the imminent creation of Nunavut. I believe it to be appropriate at this time, and in recognition of the existence of responsible government in the Northwest Territories, to issue instructions as contemplated under section 5 of the *Northwest Territories Act*. Although you are to act in accordance with instructions issued by former Ministers, where there are conflicts, this letter is to be read as superseding all previous instructions.

Letters of instruction to your predecessors have generally addressed topics of immediate concern to the day, but have not provided fundamental guidance as to the way in which the duties attendant to the position of Commissioner are to be carried out in accordance with the principles of responsible government and of executive accountability to the Legislature. To provide this direction, and thereby to a large degree confirm the practices which have already evolved in the Northwest Territories, I am issuing these instructions to guide you in your continued relationship with the Legislative Assembly and the offices defined in the Northwest Territories' statute, *Legislative Assembly and Executive Council Act* (R.S.N.W.T. 1988, c.L-5 as amended from time to time) as "Premier" (your first minister) and "Executive Council."

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Canada

It is appropriate that the Commissioner's role continue to evolve in a manner consistent with, and supportive of, responsible government in the Northwest Territories. As a general guide, and having due regard to the constitutional differences between territories and provinces, you are to carry out your role as Commissioner in a manner similar in practice to that of a provincial Lieutenant Governor.

The Executive Council is now the paramount institution for the exercise of executive authority in the Government of the Northwest Territories. Consistent with Canadian constitutional conventions as they apply in the Northwest Territories and to elucidate ministerial instructions issued to Commissioner Parker in 1985, you are to act by, and with, the advice and consent of your first minister and Executive Council in all those matters relating to territorial policy and administrative decisions which fall within your competence as Chief Executive Officer. There are only a few exceptions where your first minister alone has the capacity to provide direction, or where you possess personal prerogatives similar to those held by provincial Lieutenant Governors.

With respect to the making of appointments and regulations, the advice of the Executive Council, the responsible Minister or other person or entity authorized to make the recommendation to you is to be followed. With respect to the members of the Executive Council, appointments are to be made in a manner consistent with Canadian constitutional conventions as these are followed in the Northwest Territories. Specifically, the advice of the first minister is to be accepted on the assignment of departmental executive responsibilities to members of the Executive Council.

The Legislative Assembly, as the instrument of representative government for the residents of the Northwest Territories, now controls its agenda and timetable. With respect to convening and proroguing sessions of the Legislative Assembly, I wish to confirm that, consistent with present practice, you are to accept the advice of the Legislative Assembly in these matters.

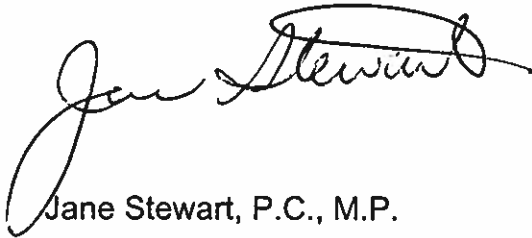
As Commissioner, you hold an important trust as the keeper of constitutional tradition, the embodiment of security for the people and institutions of the Northwest Territories within the Canadian federation, and the symbol of good government in a period of profound change. At all times, your role requires you to exercise tact and diplomacy. On certain occasions, your role may require

action to protect peace, order and good government; on very rare occasions, you may be faced with situations where you must exercise discretion independent of your first minister. In any such circumstances, you are instructed to act in a manner consistent with the conventions and traditions that have emerged in Canada relative to the offices of the Governor General and provincial Lieutenant Governors.

Please provide a copy of this letter to your first minister, and convey my request that this letter be tabled in the Northwest Territories Legislative Assembly to become part of the public record.

In closing, I wish to thank you for your contribution to the continued evolution of government in the Northwest Territories. I am sure the Government of the Northwest Territories shares my views in this regard.

Yours sincerely,

A handwritten signature in cursive script that reads "Jane Stewart". The signature is written in black ink and is positioned above the printed name.

Jane Stewart, P.C., M.P.

