

18th Legislative Assembly of the Northwest Territories

“Lessons Learned” Report of the Special Committee on Transition Matters

Chair: Mr. R.J. Simpson

**MEMBERS OF THE SPECIAL COMMITTEE ON
TRANSITION MATTERS**

R.J. Simpson
MLA Hay River North
Chair

Kevin O'Reilly
MLA Frame Lake

Glen Abernethy
MLA Great Slave

Wally Schumann
MLA Hay River South

Kieron Testart
MLA Kam Lake

Shane Thompson
MLA Nahendeh

COMMITTEE STAFF

Tim Mercer
Clerk of the Legislative Assembly



Legislative Assembly
Assemblée législative

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SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Special Committee on Transition Matters is pleased to provide its report, "Lessons Learned".

R.J. Simpson
Chair, Special Committee on
Transition Matters

“LESSONS LEARNED” REPORT OF THE SPECIAL COMMITTEE ON TRANSITION MATTERS

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“LESSONS LEARNED” REPORT OF THE SPECIAL COMMITTEE ON TRANSITION MATTERS

EXECUTIVE SUMMARY

This report represents the work of the Special Committee on Transition Matters, the second of its kind. The title of the report, “Lesson Learned”, reflects the Committee’s shared commitment to make incremental improvements to the unique form of consensus government that exists in the Northwest Territories. Its intention is to offer the best advice and accumulated wisdom of the Members of the 18th Legislative Assembly to those of the 19th.

The terms of reference for this committee were more narrowly defined than those of its predecessor in the 17th Assembly. Most notably, the Committee did not have a mandate to make recommendations as to the priorities of the 19th Assembly. Rather, its focus was on improvements to the “machinery of consensus government”. This included:

- The planning and staging of new Member orientation;
- The process to set and report upon priorities;
- The size, structure and appointment of Cabinet and standing committees;
- The business planning and budget development processes; and
- The conduct of mid-term reviews.

In addition, the Committee set its mind to the role of Caucus in consensus government, as well as potential improvements to the process of enacting legislation.

The Special Committee’s recommendations reflect a number of themes that emerged from its work. These include:

- The need to maintain unity amongst newly-elected and returning Members at the commencement of a new Assembly;
- The desire to set priorities, mandates and budgets earlier in the term of a new Assembly;
- The requirement to evolve the processes of consensus government to reflect the increasingly complex policy making environment in the post-devolution era; and
- Increasing public expectations for accountability, meaningful communication and transparency.

Given the volume of legislation before standing committees in the final months of the 18th Legislative Assembly, the Committee was, unfortunately, unable to conduct public hearings as part of its work. Consequently, the Committee was reluctant to recommend fundamental changes to the way consensus government operates. This was most evident during the Committee's discussions of potential new ways to select the Premier and Cabinet. Potential options, such as the election of the Premier at large or alternatives to the 2-2-2 convention of selecting cabinet, were seen by the Committee as too important to make absent widespread public input. Rather, the Committee recommends that the 19th Legislative Assembly establish an independent committee to consult on, review and make recommendations on these matters.

The Committee's report includes 37 recommendations. These include an orientation program for Members of the 19th Legislative Assembly that will commence on October 8, 2019, just one week after the general election. Other notable recommendations call for the establishment of a Public Accounts Committee, greater resources for standing committees, revised processes for the adoption of the 19th Legislative Assembly's first and subsequent budgets, and changes to the legislation enactment process. The Special Committee recommends against the conduct of a mid-term review of Cabinet performance and appointments and, in its place, calls for the greater use of Caucus and so called "Fire-Side Chats" between the Premier and Regular Members to enhance and maintain relationships and ensure effective accountability.

The Special Committee on Transition Matters commends its final report to the Legislative Assembly for consideration and offers its best wishes to the 19th Legislative Assembly.

1.0 INTRODUCTION

One of the fundamental hallmarks of a liberal democratic society is the peaceful, coordinated and timely transition of power from one group of elected leaders to another following a general election. This year, the 18th Legislative Assembly will be dissolved at midnight on August 31 to make way for a general election on October 1, 2019. Following the return of the writs of election for the Territory's 19 electoral districts, the Members-elect of the 19th Legislative Assembly will convene in Yellowknife to begin the formal transition of power from one Assembly to another.

The transition of power following a general election is unique in the consensus style of government practiced in the NWT. For starters, due to the absence of registered

political parties, it is not immediately clear who will form the executive branch of government, namely the Premier and members of the Executive Council (Cabinet), after polling day. Both the means of selecting Cabinet as well as its size and composition are matters left to each incoming Assembly to decide. The same can be said for the structure and membership of the various standing committees of the Assembly as well as the Legislative Assembly Board of Management.

Previous transition processes have assumed a one third attrition rate following a general election. In other words, the assumption has been that 12 or 13 of the Assembly's 19 Members would be re-elected. Prior to the 2015 general election, this assumption largely reflected reality. The result has been a high degree of consistency from one Assembly to the next in terms of priorities and the so called "machinery of government." The 2015 general election witnessed the unprecedented turnover of nearly 60 per cent as a result of the election of eleven new members. This turnover resulted in the introduction of a number of important new processes, a focus on transparency and accountability and a realignment of committee mandates. Interestingly, it also resulted in the election of the NWT's first two-term premier.

This report reflects the collective work of the 18th Legislative Assembly's Special Committee on Transition Matters – the second of its kind. As with its predecessor from the 17th Assembly, this report makes recommendations that are intended to guide, but not bind or restrict, the decisions of the 19th Legislative Assembly with respect to its priorities, structure and *modus operandi*. Unlike its predecessor, this special committee did not have a mandate to make recommendations as to the key issues for the incoming Assembly. Rather, its terms of reference (Attachment 1) are focused on the following items:

- The timing and staging of new-Member orientation;
- The process for setting and reporting on priorities;
- The size, structure and appointment of Cabinet and standing committees;
- The Business Plan and Budget development processes; and
- The conduct of mid-term reviews of both the Assembly's priorities and the performance of Ministers both individually and collectively.

The members of the special committee are mindful of the limited attention that was paid to the recommendations of their predecessor committee at the commencement of the current Assembly. One of the fundamental tenets of our system of government is that an outgoing Assembly can and should not fetter the discretion of an incoming one. The title of this report, "Lessons Learned," is intended to frame the Committee's

recommendations and discussions as well-intentioned advice to the 19th Assembly, rather than an attempt to reach into and unduly influence its decisions. We will view our work as successful if it causes the elected Members of the 19th Legislative Assembly to reflect upon potential improvements to the operation of consensus government and keep an open mind to new ways of doing business.

The 18th Legislative Assembly encountered its fair share of bumps along the road. Consensus government is far from a perfect adaptation of either the Indigenous or Westminster traditions that form its core. Like all systems of government, it has notable weaknesses. At some future point, the people of the Northwest Territories may choose a radically different approach to how they are governed. Changes of this magnitude are beyond the scope of this committee and, if pursued, must involve broad-based public consultation and participation. As such, the recommendations and observations included in this report present what we feel are incremental but substantive improvements to the current system. We hope that the Members of the 19th Legislative Assembly will find wisdom in the collective experience of its authors and use our advice as a stepping stone to making the 19th Legislative Assembly their own. We wish them every success.

2.0 ORIENTATION

Committee Members reflected upon their experience during orientation in 2015. The eleven newly-elected Members held several days of orientation following the election in isolation from their eight returning colleagues. The purpose for these separate sessions was to focus on the information that newly-elected Members need and that would be redundant for returning Members. It was also felt that newly-elected Members might be less intimidated and more inclined to ask questions if not in the presence of more experienced Members.

2.1 Group Cohesiveness

It was noted that these separate sessions had the effect of creating two distinct groups at the commencement of orientation; the eleven newly-elected Members, and the eight returning ones. When the time came to bring the entire group together, this early separation resulted in some tension between the new and returning Members that did not dissipate until Cabinet was selected. As one committee member noted, “We shouldn’t keep our most experienced players on the bench at the start of an Assembly.” Committee agreed that all Members should start working together as a team from the

start. It was suggested that each newly-elected Member be teamed up with a returning Member to help build stronger and more lasting relationships.

Recommendation:

- 1. That all 19 elected Members of the 19th Assembly work together as a group throughout the orientation and priority setting process.**

2.2 Staff Roles and Responsibilities

Committee discussed the importance of getting a good sense of who the various Legislative Assembly staff are, their roles and the services they can provide to Members. Particular mention was made of the services available from the Law Clerk and the Legislative Library. It was suggested that all staff be invited to introduce themselves to MLAs early in the orientation program.

Recommendation:

- 2. That the orientation program for Members include more detail about the services available to Members including, but not limited to, the services of the Law Clerks and Legislative Library.**

2.3 Ongoing Training Opportunities

Committee members expressed an appreciation for the need to strike a balance between providing newly-elected MLAs with too much or too little information. Members agreed that there was some urgency to “hit the ground running,” but also identified a need for ongoing training after the initial orientation program was complete. The following areas were identified as potential subjects for ongoing training and professional development:

- Records Management
- Media Relations
- Information technology
- Parliamentary procedure
- Research
- Legislative drafting and interpretation

Recommendation:

- 3. That more in depth and ongoing training opportunities be provided to Members following orientation, priority setting and cabinet selection.**

2.4 Financial Overview

The committee debated the merits of providing Members with an overview of the government's financial situation early in the orientation program. Some Members were of the view that such an overview had the tendency to throw cold water on the ideas for new initiatives that candidates heard during the election campaign. Others felt that it was not possible to set realistic priorities without an understanding of the government's financial situation. In the end, committee agreed that an early session on both the government's fiscal operations and status would be of value.

Recommendation:

- 4. That a half-day session on the GNWT's financial policies and status be scheduled early in the orientation program.**

2.5 Advanced Circulation of Orientation Materials

Committee discussed the merits of preparing an "Issues Wiki" that allows Members to drill down as deeply as they like to understand specific issues. It was noted that the Wiki prepared for the 18th Legislative Assembly was not user-friendly and that much of the information was available on departmental websites. Regardless of what format is used to brief newly-elected Members, it was agreed that materials need to be distributed to Members well in advance of their first day of orientation.

Recommendation:

- 5. That orientation and issue briefing materials be provided to Members-elect within a day or two following the election, preferably in electronic format, to allow them an opportunity for advanced preparation.**

2.6 Orientation Program

Committee made considerable adjustments to the orientation program that was used at the commencement of the 18th Legislative Assembly. In addition to keeping all Members together for the duration of orientation, the revised program envisions having Members make a public statement of their individual priorities on the second day of orientation and includes a number of breaks to allow Members to return to their home communities or begin to look for constituency assistants and accommodation in Yellowknife. Additional changes to the orientation program will be highlighted in subsequent sections of this report.

Recommendation:

- 6. That the Orientation Program for the 19th Legislative Assembly, included as Attachment 2 of this report, be adopted.**

3.0 PRIORITY SETTING

Committee spent considerable time reflecting upon the priority setting and mandate development processes employed at the beginning of the 18th Legislative Assembly. It was noted that there is a significant level of consistency between the priorities adopted by the last four Assemblies. Many of these priorities are aspirational and attempt to cover all areas of responsibility of the GNWT. Ideally, each priority should focus on what, specifically, the Assembly hopes to achieve during its term and beyond. The “How,” “How Much,” and “How are we doing?” questions will be answered in subsequent processes such as the Mandate, business plans, budgets and progress reports.

A significant concern related to the amount of time it took to get a mandate in place and the number of mandate commitments that flowed from it. The focus of the 18th Assembly turned quickly from the collective priorities established by Caucus to the more than 200 mandate commitments, many of which were worded in a way that made them challenging to measure.

3.1 Process Convention on Priority Setting and Reporting

Committee reviewed the Process Convention on Priority Setting and Reporting in detail. It was agreed that future Legislative Assemblies should attempt to limit the number and scope of their priorities in an effort to reflect real choices. These priorities should be agreed to by Caucus and form the basis for Cabinet’s mandate document. The priorities should reflect what Members heard during the election campaign, key issues that arise during orientation and the input of northern Indigenous and community leaders.

Once the Caucus priorities have been established, Cabinet should proceed to draft specific mandate commitments to fulfill the Caucus priorities. Again, these should be specific, outcome-based and measurable. Although the Mandate will be a Cabinet document, the importance of consulting with Regular Members was stressed. To this end, it was agreed that Cabinet should consult with the Standing Committee on Priorities and Planning on the mandate document, rather than have these discussion

take place in Caucus. A number of meetings with the committee may be required prior to Cabinet tabling the document in the House. Once tabled, the mandate will be referred to Committee of the Whole for debate. Similar to other tabled documents, however, the Mandate will not be subject to amendment or adoption by the Assembly.

Recommendation

- 7. That the attached revised Process Convention of Priority Setting and Reporting, included as Attachment 3, be adopted by Caucus.**
- 8. That the proposed Priority Setting flow chart and schedule, included as Attachment 3, be adopted by the 19th Legislative Assembly.**

3.2 Consultation on Priorities

Committee discussed the importance of consulting with elected Indigenous government and community leaders in the development of priorities. While the Intergovernmental Council plays an important role in the drafting of revised legislation and other matters in follow up to the 2014 Devolution Agreement, its relationship is primarily with Cabinet and not the Legislative Assembly as a whole. As such, all regional Indigenous governments and organizations, as well as the NWT Association of Communities, should be included in consultations on the Assembly's priorities. As part of the Orientation Program adopted earlier, this consultation with northern leaders has been scheduled for October 17, 2019. Committee recommended that participants be invited to attend these meeting well in advance to allow them to plan to attend.

Recommendation

- 9. That elected Indigenous and community government leaders be invited to a round table discussion on the establishment of the priorities of the 19th Legislative Assembly on October 17, 2019 and that invitations to attend this meeting be sent to invitees at least a month in advance.**

3.3 Mid-term Review of Priorities

The 18th Legislative Assembly conducted a mid-term review of both its priorities and the performance of individual members of Cabinet and Cabinet as a whole. This section deals with the former. The next section of this report will address the latter.

The 18th Legislative Assembly conducted a mid-term review of its priorities and the various mandate commitments. This review took place during the prorogation of the 2nd Session and the resulting changes were reflected in the Commissioner's Opening

Address at the commencement of the 3rd and final session. Committee was of the view that a review of the 19th Legislative Assembly's priorities should be conducted at mid-term. Such a review allows an Assembly to take stock of its accomplishments in a focused manner half way into its term and adjust its high level priorities to reflect macro-level changes that have arisen since the election.

Recommendation

10. That the 19th Legislative Assembly prorogue following the Spring 2021 session to review its priorities in advance of a Commissioner's Opening Address to commence the Third and final session in the Fall of 2021.

3.4 Accountability

Given that Cabinet's mandate will not be formally adopted by the Legislative Assembly, some committee members raised concerns over the ability of the Assembly to hold cabinet to account for the implementation of its mandate. It was noted that in many partisan legislatures, the debate on the Speech from the Throne is considered a matter of confidence in the government. If an amendment to the Speech from the Throne is adopted by the House, it constitutes an expression of loss of confidence in the government and will trigger an election.

The concept of confidence is virtually non-existent in consensus government. Individual Cabinet Members continue to hold confidence until a motion withdrawing that confidence is formally adopted. It is uncertain whether the defeat of Cabinet's budget would constitute a loss of confidence as it has never been tested. Given the 18th Legislative Assembly's experience with the conduct of a mid-term review of Cabinet performance, both collectively and individually, it was agreed that the 19th Legislative Assembly consider and adopt a Consensus Government Process Convention on Expressions of Non-confidence in Cabinet. This convention would clarify what constitutes an expression of non-confidence as well as the consequences of such an expression. It could also provide a mechanism for the Legislative Assembly to defeat the Commissioner's Address if a majority of Members do not feel it lives up to the priorities established by Caucus.

Recommendation:

11. That a Process Convention on the Expression of Non-confidence be developed and presented to the Caucus of the 19th Legislative Assembly.

4.0 STRUCTURE AND SELECTION OF CABINET AND STANDING COMMITTEES

4.1 Cabinet Selection

The selection and structure of Cabinet is decided by each Assembly at the commencement of its term. There is nothing in legislation that determines the size and composition of Cabinet or the process used to recommend the appointment of the Premier and individual Ministers. Since division of the Northwest Territories in 1999, the size and structure of Cabinet has remained consistent. The Territorial Leadership Committee, consisting of all 19 members, meets in public following orientation and the setting of priorities. The Clerk of the Legislative Assembly calls the committee to order and opens the floor to nominations for Speaker of the Legislative Assembly. If only one nomination is received, the Clerk invites the Speaker-elect to assume the chair. If more than one nomination is received, a series of exhaustive secret ballots are held until one candidate attains a majority of votes. At each successive ballot, the name of the nominee with the fewest votes is removed from the ballot for the next round of voting.

Once a Speaker-elect is chosen, s/he opens the floor to nominations for Premier. During the 18th Legislative Assembly, the committee was adjourned for approximately a week following the close of nominations to allow Members to consult with their constituents as to a preferred candidate. When the committee reconvened, each Member is entitled to ask up to three questions of each candidate. When questions and answers are complete, a series of exhaustive secret ballot votes is held until one nominee emerges with a majority of votes and is declared premier-elect.

Since Division, the Cabinet has consisted of six Members, each representing a distinct geographical region of the Territory; two from those constituencies north of Great Slave Lake, two from those south of Great Slave Lake, and two from Yellowknife. This system has come to be known as the 2-2-2 structure. Nominations are accepted for each of the three distinct regions. Each nominee is then called upon to deliver a ten minute speech. No questions and answer period exists for the selection of Cabinet members. Once speeches are concluded, a series of exhaustive secret ballots are held for each of the three regions until two nominees from each attain a majority of support. Overall results are not announced until majorities have been attained in each region. The specific results of each vote are not released.

The first sitting of the Legislative Assembly is normally convened on the day following the Territorial Leadership Committee. On this day, the Speaker, Premier and Cabinet

Members-elect are formally appointed by motion of the House and are sworn in by the Commissioner at the rise of the House the same day.

Committee considered a discussion paper, included as Attachment 4 to this report, laying out the advantages and disadvantages of the above-described process and offering a number of alternative options. The advantages of the existing system include:

- it ensures regional diversity on Cabinet and prevents the domination of one region over another Cabinet;
- it has traditionally provided for an acceptable level of diversity on Cabinet in terms of Indigenous and non-Indigenous Members as well as those representing urban and rural constituencies; and
- is well established and understood by both Member and the public.

The disadvantages include:

- the encouragement of strategic voting for Premier whereby Members from one region who hope to be elected to Cabinet are incentivized to vote for a nominee for Premier from their region to increase their own chances of being elected to Cabinet;
- the region represented by the Premier is automatically overrepresented on Cabinet;
- the Yellowknife region is underrepresented on Cabinet in terms of its percentage of the population of the NWT; and
- there is no guarantee for small-community representation on Cabinet. The Cabinet of the 18th Legislative Assembly was the first since division to have no Members who represent constituencies made up of small and remote communities.

The discussion paper presented a number of options including: a 2-2-2-1 whereby six Members of Cabinet are selected first according the regional system described above or one based upon community size (i.e. Yellowknife, the regional centres of Inuvik, Hay River and Fort Smith and the remaining small community constituencies). The seventh member is selected last and at large and is used to make up for a deficiency of representation flowing from the 2-2-2 selection process such as the absence of women or small community members. Once the seven Member Cabinet is selected, nominations for Premier are accepted. Only those Members already elected to Cabinet are eligible to be nominated for Premier. This system eliminates some of the

disadvantages of the current system but creates the perception that the seventh seat is a “consolation” seat for those who were not elected through the 2-2-2 process.

While each committee member expressed dissatisfaction with the traditional 2-2-2 approach to the selection and structure of Cabinet, committee was unable to recommend a single, preferred option. One Member suggested that the size of Cabinet be reduced to a Premier and five Cabinet members to further counterbalance Cabinet’s voting power in the House. The suggestion of having the Premier elected at large by the voters of the NWT was considered too great a change to recommend without broader public consultation. The committee expressed regret that it was not able to conduct public hearings on its mandate due to the extraordinary amount of legislation before standing committees in the run-up to dissolution of the 18th Assembly. It was suggested that, in the future, similar committees be struck earlier in an Assembly’s term to allow for broad public consultation. If fundamental changes to the size, structure and selection of the Premier and Cabinet are under consideration, it was suggested that an independent, arms-length committee be struck to explore options, conduct public consultations and make recommendations to an Assembly early enough in its term to bring them into force for an upcoming Assembly. This work should be coordinated with the Electoral Boundaries Commission that must be struck during the 19th Assembly.

Recommendation

- 12. That several options for a revised Cabinet selection and appointment process be presented to the 19th Legislative Assembly for consideration.**
- 13. That nominations for Premier take place in advance of the selection process, as was the case with the 18th Legislative Assembly, to allow Members to consult with their constituents and leadership on a preferred candidate.**
- 14. That the 19th Legislative Assembly establish an independent committee to study and make recommendations on the functioning of consensus government, including the preferred selection process for Premier as well as the structure and appointment of Cabinet.**

4.2 Standing Committees

The Member for Kam Lake presented a paper, included as Attachment 5 to this report, calling for the creation of one or more “parliamentary groups” to conduct much of the business currently falling under the mandate of Standing Committee on Priorities and Planning. The parliamentary group would include all Regular Members and would receive funding from the Legislative Assembly to retain political advice and support and

develop policy alternatives. Unlike standing committees, which are required to meet in public, the parliamentary group of Regular Members could conduct its political discussions *in camera*, as does Cabinet. Regular Members who did not demonstrate good behavior and effective collaboration could be subject to discipline by the leader of the parliamentary group. Specifically, the report recommended the following:

- That the Standing Committee on Priorities and Planning be dissolved and a new caucus established with mandatory membership for all Regular Members;
- That the policies and/or legislation governing the Legislative Assembly be amended to provide for fair and effective funding for causes and establish minimum thresholds for caucuses funding; and
- That the Rules of the Legislative Assembly be amended, where appropriate, to give formal standing to the Chair of the Regular Members Caucus, allow for certain discretionary appointments over legislative assignments and increase remuneration of the role commensurate to these new responsibilities.

Committee thanked the Member for Kam Lake for his proposal and expressed some support for the justifications for the recommendations. Members were supportive of the establishment of a formal Public Accounts Committee to focus exclusively on the government's expenditures and oversee the conduct of audits. Others felt that the Member's concerns might be more appropriately addressed through changes to the existing system such as increased funding for committee support and changes to the way Caucus operates. Committee agreed that given the increasing workload of the Assembly and its committees in the more complex, post devolution environment, additional support for standing committees will be required.

Recommendation

- 15. That a Public Accounts Committee, with terms of reference similar to those in other jurisdictions, be formally established in the Rules of the Legislative Assembly.**
- 16. That increased resources be provided by the Legislative Assembly to support the work of standing committees in the 19th Legislative Assembly, including additional funding to retain outside expert advisors, hire additional research, public affairs and clerk staff, and engage the public in more effective ways.**

Committee discussed the means of soliciting interest and recommending appointments with respect to standing committee membership. It was agreed that the use of a striking committee was not effective and that all Regular Members should be involved in

developing a consensus position with respect to standing committee appointments. Committee chairs should continue to be selected by each Committee.

Recommendation

17. That reference to a “Striking Committee” be deleted from the Rules of the Legislative Assembly and that the membership of standing committees be recommended by the Standing Committee on Priorities and Planning.

4.3 Caucus

While not part of its formal mandate, the committee reflected upon the effectiveness of Caucus. Although the Consensus Government Process Convention on the Role of Caucus does allow for the discussion of strategic policy issues in Caucus, some members felt Caucus was not being used for this purpose. Whereas the Caucus is used extensively at the commencement of a term to develop priorities for the Legislative Assembly, once these priorities have been agreed to and Cabinet selected, Caucus becomes largely a forum for administrative matters as opposed to a place where all Members can discuss issues as equals and free from cabinet or committee solidarity.

Recommendation

18. That the 19th Legislative Assembly make greater use of Caucus as a forum to discuss strategic policy issues among all Members of the Legislative Assembly not only at the commencement of a Legislative Assembly but throughout its term.

Committee also discussed several other options to make Caucus a more effective institution including holding more frequent meetings, changing the lay-out of the caucus room and having Caucus co-chaired by a Regular Member and a Member of Cabinet.

4.4 Board of Management

Committee discussed the makeup and the means of recommending appointments to the Legislative Assembly Board of Management. Pursuant to legislation, the Board of Management is chaired by the Speaker and consists of two Regular Members and two Members of Cabinet. Immediately following the selection of Cabinet, the Speaker seeks expressions of interest from Regular Members who may wish to sit on the Board of Management. The Speaker then recommends to Caucus two Regular Members for formal appointment. The recommendation of Cabinet Members to the Board is made by the Premier. The Deputy Speaker, who is called upon to chair meetings of the Board if

the Speaker is absent or unable to attend, may not be one of the Regular Members appointed to the Board. Four alternatives are also appointed; two Regular Members and two members of Cabinet, who are called upon to attend meetings only if necessary to achieve a quorum.

Committee expressed concern that Regular Members have little say as to who represents their interests on the Board of Management. It was felt that the recommendation of Regular members to sit on the Board should be made at the same time as overall committee assignments to ensure that a holistic approach could be taken to the sharing of workload. It was noted that the appointment of the Board of Management must take place on the first sitting day of a newly-elected Assembly pursuant to legislation.

Recommendation

- 19. That all Regular Members be involved in deciding which Regular Members are recommended for appointment to the Legislative Assembly Board of Management.**

5.0 BUDGET AND BUSINESS PLANING

Committee reviewed a discussion paper on potential improvements to the Budget and Business Planning processes. Committee noted that many of the options identified in this paper were focused on making these processes more efficient (i.e. less time consuming) rather than more effective. The options of selecting only certain departments' budgets for detailed review in Committee of the Whole and of conducting concurrent reviews of Business Plans and budgets were not concurred with.

5.1 Consideration and Adoption of 1st Budget

The consideration and adoption of an incoming Legislative Assembly's first budget is a perennial challenge. Even with an early October election, the time available for the drafting and consideration of business plans and the conduct of public consultations is highly compressed, particularly given that so much time in the early months of a new Assembly is occupied with orientation, leadership selection and priority setting. As noted earlier, these challenges are offset by the benefits of getting an earlier start with implementation of the priorities and mandate.

Committee is of the view that future Assemblies are well positioned to adopt a full budget prior to the commencement of their first full fiscal year in office. While this eliminates the need for an interim supply budget, it was felt that the supplementary reserve included in an Assembly's first budget should be increased to allow work to begin on specific mandate items once they have been fully costed, rather than waiting for the second budget.

Recommendation

- 20. That the first budget of the 19th Legislative Assembly be adopted prior to the end of 2019/20 fiscal year pursuant to the process detailed in Table 1.**
- 21. That the Supplementary Reserve included in the 19th Legislative Assembly's 2020/21 budget be substantially increased to allow work to commence on specific mandate commitments in year one of the legislative term.**

5.2 Four-year Business Plans

Given the tight timeframes in the run-up to consideration and adoption of the first budget, it is impractical to draft, consider and adopt detailed business plans prior to the end of the first fiscal year of a new Legislative Assembly. Furthermore, committee expressed dissatisfaction with the consideration of annual business plans as they tend to be repetitive, short-sighted, lacking in sufficient detail and often disconnected from an Assembly's priorities and Cabinet's mandate. Committee is of the view that future Assembly's should adopt four-year business plans in the spring following the adoption of its first budget. In subsequent budget years, departments would prepare and present updates to these four year plans in conjunction with draft estimates. Both the four year plans and the annual updates should be consistent in format and focus on specific measures that are being taken to implement the Priorities and Mandate.

Recommendation

- 22. That the 19th Legislative Assembly adopt four-year business plans to guide the implementation of the Priorities and Mandate and that annual updates to these business plans be presented to standing committees in conjunction with draft Main Estimates.**
- 23. That both the four-year business plans and annual updates be consistent across departments and focused on specific short and long-term measures to implement the Priorities and Mandate of a Legislative Assembly.**

5.3 Consideration and Adoption of Subsequent Budgets

In previous Assemblies, the involvement of standing committees in the budget development process commenced with the consideration of annual business plans in September. Consequently, committees have found themselves reacting to substantial planning, direction and proposed new initiatives on the part of Cabinet in the preceding months. As one of the fundamental characteristics of consensus government is the ability for all Members to have meaningful input into the development of budgets, the committee is of the view that the involvement of standing committees should commence, at a high level, prior to setting of broad direction by Cabinet and the drafting of annual business plans updates. To achieve this, Committee agreed that Cabinet should hold broad and high level consultation with standing committee in the period between the adoption of the old year budget in late March and before the establishment of budget planning targets and direction by Cabinet in June.

Committee was also of the view that the previous practice of having the Minister of Finance conduct pre-budget consultation with the public be re-established. The results of both the pre-budget consultations with standing committee and the public could then be reported back to standing committee in late September and tabled in the Legislative Assembly during the October sitting of the House. This report would then be used to guide the drafting of annual business plan updates and draft main estimates which would be presented to standing committees for consideration in late-November and early December. Consistent with current practice, a final meeting between the Minister of Finance and the Standing Committee on Priorities and Planning would occur in mid-January. This meeting is intended to provide the Minister of Finance a final opportunity to advise standing committee on what changes have been made to the final draft estimates document prior to the budget address in February.

Recommendation

- 24. That the Minister of Finance hold pre-budget consultations with standing committees in May or June of each year and prior to the setting of broad budget direction and targets.**
- 25. That the Minister of Finance conduct annual pre-budget consultations with the public prior to the setting of broad budget direction and targets.**
- 26. That the results of the standing committee and public pre-budget consultations be reported to standing committees in September of each year and tabled in the house during the October sitting.**

27. That the second and subsequent budgets of the 19th Legislative Assembly be drafted, considered and adopted according the process detailed in Table 2.

6.0 MID-TERM REVIEW

In contrast to the mid-term review of Priorities addressed above, the term “mid-term review” generally refers to a political review of Cabinet performance, both individually and collectively. The 18th Legislative Assembly conducted the first mid-term review since Division. During Prorogation of the Second Session, Members met in the Chamber to evaluate the performance of each Minister and the Cabinet as a whole. Following statements by each Minister and a question and answer period, Members proceeded to vote, by secret ballot, on whether the Cabinet and each Minister should continue to hold the confidence of the house. This process resulted in a secret ballot expression of confidence in Cabinet as a whole, the Premier and five of six Ministers. The vote expressed a lack of confidence in one Minister. When the Third Session commenced shortly thereafter, a formal motion was introduced to withdraw the confidence of the House in the Minister in question. The motion did not carry and the Minister retained his appointment to Cabinet.

Committee expressed near-unanimous dissatisfaction with the results of the mid-term review. Some felt the concept itself was ill-advised. Reasons included the negative impact the prescribed process had on relationships, which are fundamental to the effectiveness of consensus government, the existence of other, more effective mechanisms to hold Ministers to account for their performance, a reluctance to act on perceived poor performance either before or after the mid-term review and the amount of time required to conduct it. Others felt the process failed because of unclear expectations as to the implications of a secret ballot vote of non-confidence.

Committee was not prepared to recommend that the 19th Legislative Assembly conduct another mid-term review. Rather, it was felt that the development of a consensus government process convention on expressions of non-confidence would bring some clarity to the landscape regarding ministerial accountability and performance. Further, the committee feels strongly that the effective use of so-called “Fireside Chats” would greatly assist in addressing performance issues with Ministers as they arise. It was agreed that these Fireside Chats should take place regularly throughout a legislative term, be conducted in a room other than the Committee Room, focus on relationships and performance rather than issues and include Ministers where appropriate.

Recommendation

- 28. That the 19th Legislative Assembly not conduct a formal mid-term review of cabinet and Ministerial performance.**
- 29. That the Consensus Government Process Convention on Communications between Cabinet, Ministers, Standing Committees and Regular Members be amended to solidify the requirement to hold a Fireside Chat at least three times a year and that these meeting be conducted outside the Committee Room.**

7.0 INTRODUCTION AND CONSIDERATION OF LEGISLATION

While not part of its terms of reference, the committee reviewed the process for introducing and considering legislation. This discussion was largely informed by the unusually large volume and complexity of legislation that was referred to standing committees in the last year of the 18th Legislative Assembly, the unique challenges resulting from the process of co-drafting legislation with Indigenous governments in the post-devolution era and perceived uncertainty and confusion on the part of the public as to the process for enacting legislation and the respective roles of Cabinet and standing committees.

7.1 Complexity of Legislation

Committee made note of the challenges that standing committees often face when conducting public hearings on legislation. Members of the public are often confused as to the purpose of proposed legislation, particularly those that are more technical or complex, and have difficulty distinguishing the role of standing committees from that of Cabinet. Potential solutions included the drafting of plain language summaries for large or complex pieces of legislation, having departmental staff travel with committees to provide an overview of the bill on behalf of the Minister and answer technical questions that may arise, and the development of effective educational materials with respect to the legislative process. Committee also agreed that more clarity was required with respect to the process for introducing and considering legislation that is the product of co-drafting with Indigenous governments and that committees require additional staff support in terms of procedural, research and public affairs staff including communications. Finally, Committee expressed support for meeting with the Minister responsible for a complex or large bill following public hearings but before public clause-by-clause review in an effort to get answers to any lingering questions that arose from the public hearings and help build consensus around proposed amendments.

Recommendation

- 30. That the Consensus Government Process Convention on Standing Committee Review of Legislative Proposals be expanded to address the entire process for drafting, introducing and enacting of legislation.**
- 31. That the revised process convention include a requirement for the sponsoring Minister to draft a plain language summary of complex or lengthy pieces of legislation when requested to do so my committee.**
- 32. That the revised process convention include a requirement for knowledgeable departmental staff to accompany standing committees on public hearings on complex or lengthy bills when requested to do so by committee, and be prepared to make a brief introduction of the bill's content and answer technical questions from the public and referred by the committee chair.**
- 33. That the revised process convention acknowledge and make provisions for effective standing committee involvement in the drafting and review of legislation that is the product of co-drafting with Indigenous governments.**
- 34. That the revised process convention make allowance for standing committee meetings with the sponsoring Minister following the completion of public hearings and before the public clause-by-clause review of the bill.**
- 35. That public education material be developed by the Office of the Clerk of the Legislative Assembly that describes the process for drafting, introducing and enacting legislation, and highlights the differing roles and authorities of Cabinet and standing committees.**

7.2 Volume of Legislation

It is not unusual for a large volume of legislation to be referred to standing committees in the final year of a Legislative Assembly. Committee agreed that the 18th Legislative Assembly has been no exception to this rule. Sixteen bills, many of which are complex and lengthy, remained before standing committee heading into the final session of the 18th Assembly. Once referred to a standing committee after Second Reading, standing committees have 120 days to study the bill, conduct public hearings, propose amendments and report it back to the House. In most circumstances this 120 days is adequate. However, for unusually complex or large bills, committee agreed that there may be merit in having a longer period of time to report. This is particularly the case when a large volume of legislation is already before a specific standing committee. In evaluating the current approach, Committee discussed the potential benefits of categorizing bills in terms of their length and complexity and establishing different

reporting timeframes for each. It also discussed the potential benefits of placing limits on the number of bills that can be referred to a single committee at one time.

Recommendation

36. That the Consensus Government Process Convention on Standing Committee Review of Legislative Proposals be amended to establish longer reporting timeframes for complex or lengthy bills and place limits on the number of bill that may be referred to a standing committee at one time.

7.3 Regulations

Committee noted that there is currently no process for standing committees to review proposed Regulations prior to their implementation, notwithstanding the fact that important matters of policy are often and increasingly deferred to these subsidiary forms of legislation. It was noted that some jurisdictions have provisions in their rules for standing committee or public review of Regulations in their draft form. It was also noted that the high volume and complexity of many Regulations would overwhelm standing committees if they were all referred for consideration.

During the review of the post-devolution environmental and resource management legislation, Committee received numerous submissions from Indigenous governments, community governments, non-governmental organizations and business for involvement in the development of regulations. Unfortunately, there are very legal requirements for such involvement although the mirror legislation for oil and gas management does contain provisions for the publication of regulations in the Northwest Territories Gazette and that there will be a reasonable opportunity for public comment.

Recommendation

37. That the 19th Legislative Assembly adopt a Consensus Government Process Convention on the consideration of draft Regulations by the public and standing committee.

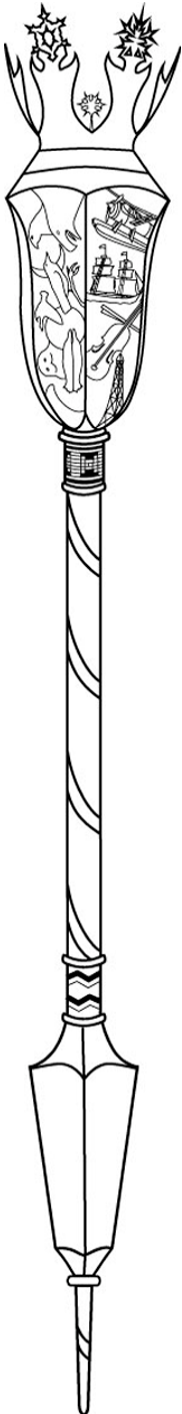
8.0 CONCLUSION

The Committee is well aware that the newly elected Members of the 18th Legislative Assembly paid limited attention to the recommendation of its predecessor Assembly's Transition Committee recommendations. Nothing in this report should be construed as an attempt by Members of the 18th Assembly to reach into and fetter the discretion of

the 19th Assembly. To the contrary, the recommendations included in this report were drafted carefully to provide the members of the next Assembly with the best advice it can offer based on the lessons learned over four years in office. It is the hope of the Committee that the 19th Assembly will review its recommendations in the spirit in which they were offered. Consensus government is a unique and ever-evolving system of parliamentary democracy. We are confident that the next Assembly will identify many areas for improvement that were overlooked by this committee. This is as it should be.

The Committee wishes to extend its very best wishes to all elected Members of the 19th Legislative Assembly. No matter what priorities the next Assembly sets out to achieve, it is our hope that our recommendations and advice will help to improve the underlying practices necessary to facilitate this important work.

The Committee would like to thank all Members who took the time to attend and participate in its various meetings as well as the staff of the Office of the Clerk and the Executive who provided objective and thoughtful research and advice.



18th Legislative Assembly of the Northwest Territories

Terms of Reference

Special Committee on Transition Matters

**SPECIAL COMMITTEE ON
TRANSITION MATTERS**

TERMS OF REFERENCE

PURPOSE

The Legislative Assembly's Process Convention on Priority Setting and Reporting calls for the establishment of a joint Special Committee on Transition Matters. The purpose of this Special Committee is to make recommendations to the next Legislative Assembly on the transition process and the political structure of the 19th Legislative Assembly.

COMPOSITION

The special committee is comprised of six Members of the Legislative Assembly, two selected from among Members of the Executive Council and four selected from among Regular Members. One of the four Regular Members shall be appointed chair of the committee. All Members of the special committee, including the chair, are to be appointed by Motion of the Legislative Assembly.

ACCOUNTABILITY

This Committee is accountable to the Legislative Assembly.

A final report from this committee is to be tabled no later than the first day of the final sitting of the 18th Legislative Assembly.

The Committee shall provide periodic updates to Caucus on its progress and draft recommendations.

DECISION MAKING

Decisions will be made by consensus.

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

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

SCOPE

- 1) This Committee will prepare a report on behalf of the Caucus of the 18th Legislative Assembly with advice for consideration by the Caucus of the 19th Legislative Assembly.
- 2) The Committee's final report should be moderate in tone, factual in approach, and respectful of the authority of the 19th Assembly.
- 3) The Committee's final report should identify, describe, and make recommendations on the following matters:
 - (a) the timing, content and format of the orientation of Members of the 19th Legislative Assembly;
 - (b) a process for setting the priorities of the 19th Legislative Assembly including changes to the Process Convention on Priority Setting and Reporting;
 - (c) the size, structure and selection process for the Executive Council and standing committees of the 19th Legislative Assembly; and
 - (d) whether, how and when to conduct mid-term reviews of the priorities of the 19th Legislative Assembly and the performance of cabinet and standing committees;
- 4) The Committee's final report will be made available for consideration by Members of the 19th Legislative Assembly, but in no way will it fetter the right of the next Assembly to take decisions.
- 5) Any report or other document produced by the Committee is not intended to replace or take precedent over any other transition materials that may be produced by Cabinet, the House, or its Committees.

BUDGET

As a Committee of the House, the budget for the Committee will be drawn from the operational funds of the Legislative Assembly. The Committee will make every effort to conduct its meetings while members are in the capital for other Assembly business.

QUORUM

Quorum for the Committee will be three Members including one Minister.

TIMING

The Committee will come into existence upon adoption of a Motion of the Legislative Assembly and will discontinue upon dissolution of the 18th Legislative Assembly.

The Committee's draft report will be reviewed during a meeting of Caucus in advance of tabling during the last sitting of the Legislative Assembly prior to dissolution in 2019.

OPERATIONS

The Committee:

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

OPERATIONAL SUPPORT

The Committee will be supported by the Clerk of the Legislative Assembly and other officials as required.

Supporting officials will assist the Committee by:

- (a) arranging for and organizing meetings of the Committee;
- (b) coordinating the preparation of information, briefing material and advice required by the Committee to fulfill its terms of reference;
- (c) summarizing Committee decisions and direction;
- (d) maintaining and retaining Committee records; and
- (e) drafting a final report for the Committee's consideration.

Draft - Proposed



19th Legislative Assembly of the Northwest Territories

PROPOSED MEMBERS' ORIENTATION

Tuesday, October 7, 2019 to Friday, October 25, 2019

Monday, October 7, 2019

Travel to Yellowknife

Tuesday, October 8, 2019

Day 1 – All Members-elect

Casual Attire or Traditional Dress All Day (Caucus Room)

8:30 am – 9:00 am	Welcome Breakfast
9:00 am – 10:15 am	Introductions/Icebreaker (Members' Lounge)
10:15 am – 10:30 am	Break
10:30 am – 11:00 am	Introduction to the 18th Assembly Transition Report
11:00 am – 12:00 pm	The MLAs Job Description/Roles and Responsibilities
12:00 pm – 1:30 pm	Lunch and Optional tour of the Legislative Assembly
1:30 pm – 2:30 pm	Setting the Priorities of the 19th Assembly
2:30 pm- 3:15 pm	Adoption of Orientation Program
3:15 pm – 3:30 pm	Break
3:30 pm – 4:30 pm	Consensus Government Principles and Process Conventions
4:30 pm	Adjournment

MEMBERS' ORIENTATION FOR THE 19TH LEGISLATIVE ASSEMBLY

Wednesday, October 9, 2019 *Day 2 – All Members-elect*

Public Round Table Discussion – Priorities for the 19th Legislative Assembly
(Chamber) – *Business Attire or Traditional Dress All Day*

9:00 am – 12:00 pm	Members' Round Table Discussion (what we heard)
12:00 pm – 1:00 pm	Lunch (Members' Lounge)
1:00 pm – 4:00 pm	Members' Round Table Discussion (what we heard)
4:00 pm	Adjournment

Thursday, October 10, 2019 *Day 3 – All Members-elect*

Casual Attire or Traditional Dress All Day (Caucus Room)

8:30 am – 9:30 am	Pay, benefits and services available to you as an MLA
9:30 am – 10:30 am	Consistency Budget, Offices and Assistants
10:30 am – 11:00 am	Break
11:00 am – 11:30 am	Capital Accommodations
11:30 am – 12:00 pm	Administrative Documentation
12:00 pm – 1:00 pm	Lunch/Overview of Swearing-in-Ceremony
1:00 pm – 2:30 pm	GNWT Fiscal Framework
2:30 pm – 3:00 pm	Break
3:00 pm – 4:00 pm	GNWT Fiscal Framework
4:00 pm – 5:00 pm	MLA Code of Conduct and Conflict of Interest
6:00pm – 9:00 pm	Welcome Dinner (Location to be confirmed) - Hosted by the Clerk of the Legislative Assembly - Dress is casual and spouses / partners are welcome

Friday, October 11, 2019 *Day 4 - All Members-elect and family*

Swearing-in Ceremony (Chamber) - *Business Attire or Traditional Dress*

8:30 am – 9:30 am	Meet the Media Breakfast (Great Hall)
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MEMBERS' ORIENTATION FOR THE 19TH LEGISLATIVE ASSEMBLY

9:30 am – 10:30 am	Break/Photos
10:30 am – 12:00 pm	MLA Swearing-in Ceremony
12:00 pm – 1:30 pm	Reception (Great Hall) Hosted by Commissioner
1:30 pm – 4:00 pm	Group and Individual Photos/Free time

Saturday, October 12, 2019 *All Members*

Return to Home Communities

Sunday, October 13, 2019 *All Members*

Home Communities

Monday, October 14, 2019 *All Members*

Home Communities

Tuesday, October 15, 2019 *All Members*

Travel to Yellowknife

Wednesday, October 16, 2019 *Day 5 - All Members*

Casual Attire or Traditional Dress All Day (Caucus Room)

8:30 am – 9:00 am	18 th Assembly Transition Report Recommendations on Territorial Leadership Committee, timing, guidelines and procedures
9:00 am – 10:30 am	Agreement on Territorial Leadership Committee Timing, Guidelines and Procedures
10:30 am – 11:00 am	Break
11:00 am – 12:00 pm	Role of the Public Service

MEMBERS' ORIENTATION FOR THE 19TH LEGISLATIVE ASSEMBLY

*Issue Media Release regarding Timing, Guidelines and Procedures for the Selection of Speaker, Premier and Members of the Executive Council

12:00 pm – 1:30 pm	Lunch
1:30 pm – 3:00 pm	Summary of Members' Round Table – what we heard
3:00 pm – 3:15 pm	Break
3:15 pm – 4:30 pm	Summary of 18 th Assembly Mandate and Transition Reports

Thursday, October 17, 2019

Day 6 – All Members

Meeting with Aboriginal and community government leaders – Casual Attire
(Location to be determined - Yellowknife)

9:00 am – 12:00 pm	Leaders' Round Table Discussion
12:00 pm – 1:00 pm	Lunch
1:00 pm – 4:00 pm	Leaders' Round Table Discussion

Friday, October 18, 2019

Day 7 – All Members

Territorial Leadership Committee - (Chamber) - Business / Traditional Attire
9:00 am – 11:00 am Premier Nominations

Saturday, October 19, 2019

Return to Constituencies

Sunday, October 20, 2019

Constituencies

Monday, October 21, 2019

Travel to Yellowknife

MEMBERS' ORIENTATION FOR THE 19TH LEGISLATIVE ASSEMBLY

Tuesday, October 22, 2019

Day 8 – All Members

Casual Attire or Traditional Dress All Day (Caucus Room)

- | | |
|---------------------|-----------------------------------|
| 8:30 am – 10:00 am | GNWT Key Issues Briefing |
| 10:00 am – 10:15 am | Break |
| 10:15 am – 12:00 pm | GNWT Key Issues Briefing (cont'd) |
| 12:00 pm – 1:00 pm | Lunch |
| 1:00 pm – 3:00 pm | Caucus Priority Setting |
| 3:00 pm – 3:15 pm | Break |
| 3:15 pm – 5:00 pm | Caucus Priority Setting (cont'd) |

Wednesday, October 23, 2019

Day 9 - All Members

Casual Attire or Traditional Dress All Day (Caucus Room)

- | | |
|---------------------|----------------------------------|
| 8:30 am – 10:30 am | Caucus Priority Setting (cont'd) |
| 10:30 am – 10:45 am | Break |
| 10:45 am – 12:00 pm | Caucus Priority Setting (cont'd) |
| 12:00 pm – 1:00 pm | Lunch |
| 1:00 pm – 3:00 pm | Caucus Priority Setting (cont'd) |
| 3:00 pm – 3:15 pm | Break |
| 3:15 pm – 4:00 pm | Caucus Priority Setting (cont'd) |
| 4:00 pm – 5:00 pm | Review of TLC Procedures |

Thursday, October 24, 2019

Day 10 - All Members

Territorial Leadership Committee - (Chamber) - Business / Traditional Attire All Day

- | | |
|--------------------|----------------------|
| 9:00 am – 9:30 am | Selection of Speaker |
| 9:30 am – 10:00 am | Break |

MEMBERS' ORIENTATION FOR THE 19TH LEGISLATIVE ASSEMBLY

10:00 am – 12:00 pm	Selection of the Premier
12:00 pm – 1:00 pm	Lunch – Members' Lounge
1:00 pm – 3:30 pm	Selection of Members of the Executive Council

Friday, October 25, 2019

Day 11 - All Members

Day 1 of Session - (Chamber) – Business / Traditional Attire All Day

9:00 am – 10:30 pm	Meetings of Cabinet–elect and regular members (Cabinet Room and Committee Room “A”)
10:30 am – 12:00 pm	Caucus Meeting – Selection of Caucus Chair; Opening Day Procedures; Appointment of Board of Management; House Business; Members' Code of Conduct; Timing of Second Session (Caucus Room)
12:00pm – 1:00 pm	Lunch (Members Lounge)
1:30pm – 3:00pm	Session – Opening Day Orders (Chamber) <ul style="list-style-type: none">- “Election” of Speaker- Opening Address- Appointment of Premier and Cabinet- Appointment of Board of Management- Appointment of Standing Committee on Priorities and Planning- Adoption of Members Code of Conduct- Tabling of Caucus Statement of Priorities- Motion for Extended Adjournment
3:00 pm – 4:00 pm	Ministers' Swearing-in Ceremony
4:00 pm – 5:00pm	Commissioner's Reception (Great Hall)

PROCESS CONVENTION
Priority Setting and Reporting

Preamble

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

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

Guiding Principles 6, 7, 8, and 10

Authority

This Process Convention is established under the authority of Caucus, the Executive Council and the Standing Committee on Priorities and Planning and may be amended at any time by the agreement of all parties.

Process

Priority Setting

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

Establishing a Mandate

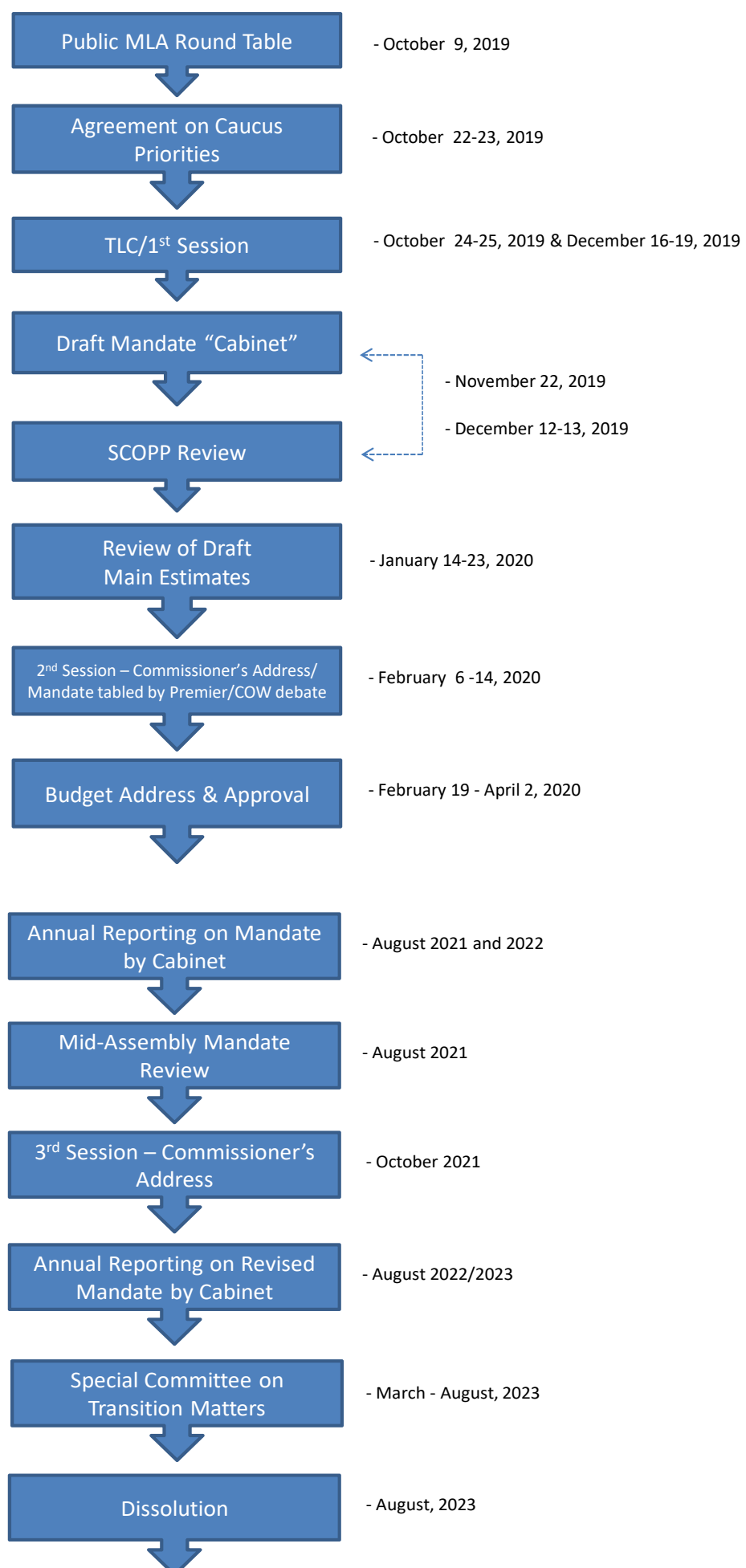
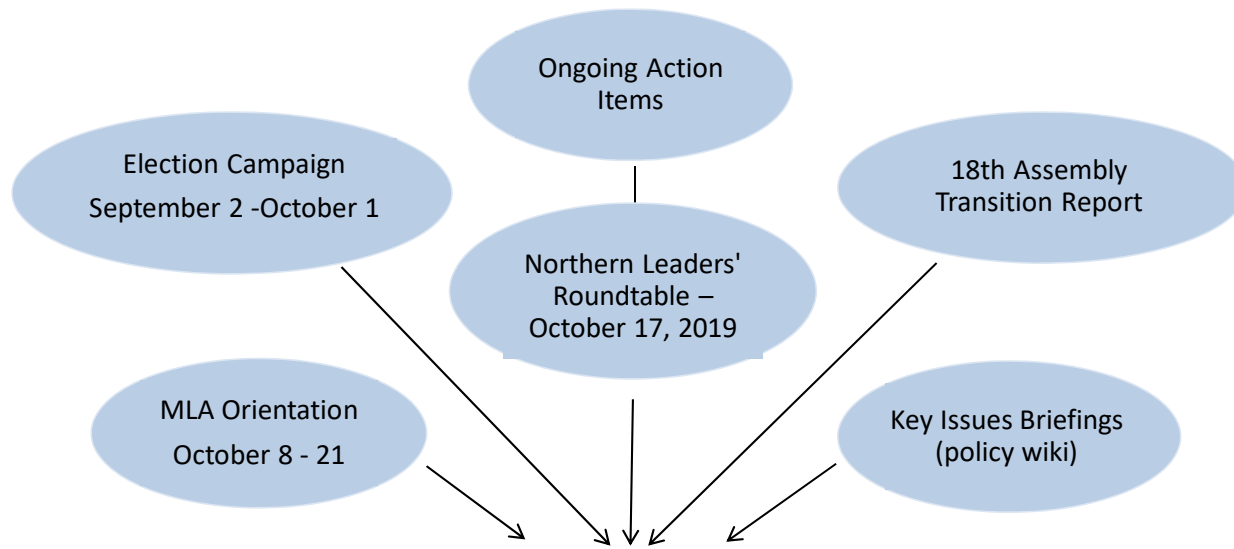
1. Following the conclusion of the Territorial Leadership Committee and the swearing-in of Members of the Executive Council, the Premier shall promptly convene a meeting of the Executive Council to discuss a draft mandate for the forthcoming legislative term. This discussion shall take into account the stated priorities of all Members of the current assembly as well as the Report of the Special Committee on Transition Matters tabled during the last sitting of the previous Assembly.
2. The Premier shall request that the Chair of the Standing Committee on Priorities and Planning (SCOPP) convene a meeting of SCOPP so that the Executive Council may present to it a draft mandate for the forthcoming legislative terms and to solicit feedback from all Regular Members on the draft mandate.
3. The Premier shall schedule a subsequent meeting of the Executive Council to consider feedback from all Members expressed in SCOPP and to discuss possible amendments to the draft mandate.
4. SCOPP and/or the Executive Council may meet as often as is necessary before the Executive Council is satisfied that the draft mandate is sufficiently responsive to the stated priorities of all Members and sufficiently feasible for implementation by government.
5. The mandate shall form the basis for the Commissioner's Address made at the opening of the second session of a Legislative Assembly.
6. The mandate of the Executive Council shall be tabled by the Premier during the second session of the Legislative Assembly following the Commissioner's opening address.
7. Once tabled, the mandate of the Executive Council shall be referred to Committee of the Whole for debate. The Assembly will not be called upon to approve or amend the mandate.

Reporting

1. The Executive Council will be held to account for its progress implementing the mandate through the debate of its budgets, oral questions, meetings of legislative committees, and meetings between the Premier and Regular Members.
2. The Executive Council shall maintain a report on progress on the implementation of the mandate, and provide that report to the SCOPP not less than once every 12 months. The same progress report shall also be made available to the public in a timely manner.
3. At the mid-point of a legislative term, the Legislative Assembly will be prorogued to allow for Caucus to discuss the priorities, the mandate and progress made towards implementation.

4. The 3rd Session of the Legislative Assembly will resume with a Commissioner's Address that will reflect any adjustments to the priorities or the mandate.
5. Not less than four months before the dissolution of an Assembly, the Legislative Assembly should establish, by motion, a joint Special Committee on Transition Matters to prepare a report with recommendations on the transition process and major priorities for consideration by the next Assembly.
6. Prior to the last sitting before dissolution of an Assembly, the Executive Council shall provide to SCOPP a report on the actions undertaken to implement the mandate. This report will be tabled in the final sitting of a Legislative Assembly.
7. The report of a Special Committee on Transition Matters will be tabled in the final sitting of a Legislative Assembly.

Proposed Priority Setting Convention



CABINET MAKING IN THE NWT: ALTERNATIVE APPROACHES

ISSUE

Few parliamentary democracies select their executive leadership solely on the basis of merit. There is an element of politics and balance in all cabinet making. In the Northwest Territories, both before and after Division, cabinet selection has been structured on the basis of geography; East/West and, now, North/South. Is geography really what drives politics in the Territory? Or is this structure an effective cover for the underlying tensions that define politics in the NWT such as race, community size, representation by population and the centralization of power and resources in Yellowknife and other regional centres? If this is the case, is there a more effective way to address these tensions in the structure of cabinet selection and still maximize the appointment of the most qualified and experienced members? This options paper examines some modifications to the way cabinets are structured in the NWT and their effect on this delicate balance.

BACKGROUND

The current North/South/Yellowknife (2-2-2) composition of cabinet was adopted at the commencement of the 14th Legislative Assembly following Division. Prior to Division, the eight member Cabinet was structured along geographic lines as well. Once a Premier was selected, the region from which the Premier came was entitled to another three Cabinet members and the remaining region four members. Neither East nor West was overrepresented on Cabinet by virtue of having a Premier from their region. This ensured a balanced Cabinet and eliminated strategic voting (see Note 1) for the position of premier. Cabinet members from each region were appointed at large. In other words, the four cabinet seats for the Western Arctic were not allocated to any specific region or community. All Western Arctic MLAs were eligible for each of the available cabinet appointments.

Following Division and the NWT Supreme Court ruling on the “Friends of Democracy” case, the size of the new western Legislative Assembly was increased from 14 to 19. After many rounds of consultation, it was agreed that the new Cabinet would be structured along geographic lines as well. Two Cabinet seats were reserved for Yellowknife Members and two each for Members representing constituencies roughly south and north of the capital.

Selecting Region	Seats on Cabinet	# of Ridings in Region	Population 2014	Residents per MLA
North	2 (29%)	6 (32%)	12,432 (28%)	2,072
South	2 (29%)	6 (32%)	10,721 (25%)	1,787
Yellowknife	2 (29%)	7 (36%)	20,470 (47%)	2,924

Unlike the pre-division cabinets, the selection of the premier did not reduce the number of cabinet seats available in that particular geographic region. Currently, the region from which the premier is selected automatically enjoys increased representation on cabinet (see Note 2). This system has remained in place, virtually without change, since Division. A roll call of each cabinet since Division is provided in Table 1. Table 2 provides an analysis of

the representativeness of each cabinet from the perspectives of race, community size and gender.

Advantages of the status quo (2-2-2):

1. Limits the ability of a single region or urban centre to dominate cabinet;
2. Has provided acceptable levels of small and medium community representation on cabinet without guarantees; and
3. Is well understood by Members and the public.

Disadvantages of the status quo (2-2-2):

1. Encourages strategic voting for premier (see Note 1);
2. Does not necessarily result in the “most qualified” cabinet (see Note 3);
3. Region from which the premier is selected automatically gets three seats on cabinet;
4. No guarantee of small community representation on cabinet;
5. Yellowknife constituencies underrepresented on cabinet in terms of population

Options for Discussion:

Cabinet making is a science and an art. No system is perfect and all changes come at a cost. The following options are provided to generate discussion and debate. There are many others. Please note that these are not “either / or” options. Aspects of each can be combined with others.

A) 2-2-2-1: “The Floater”

- 2-2-2 based on current North/South/Yellowknife approach
- Seventh member selected at large from the remaining 12 members. The seventh position, or “floater,” could be used to adjust for a representation deficiency falling out of the 2-2-2, (e.g. no cabinet members from a small community, no women on cabinet) or simply elected from the pool of remaining MLAs.
- Premier selected at the end of the process from amongst the seven appointed cabinet members (premier is still elected by all Members but only those appointed to cabinet under 2-2-2-1 are eligible for nomination)

Advantages:

- Retains existing regional balance
- Reduces strategic voting for premier (see Note 1)
- Allows more flexibility in the composition of cabinet to capture talent and experience
- Allows use of “at large position” to make up for any 2-2-2 deficiencies

Disadvantages:

- Creates the appearance of a “consolation seat” on cabinet
- Limits the pool of eligible nominees for premier

B) A new take on 2-2-2 (Community Size):

- Premier selected first and at large
- 2 members representing predominantly small community constituencies (7)
- 2 members representing regional centres (5)
- 2 members representing Yellowknife (7)

Advantages:

- More closely reflects the factors that define politics in the NWT (Note 4)
- Guarantees small community and regional centre representation on cabinet

Disadvantages:

- Creates possibility that one of the current regions (north or south) is left out of cabinet;
- Yellowknife constituencies underrepresented on cabinet in terms of population;
- Does not necessarily result in the “most qualified” cabinet (see Note 3);

Urban/Rural Character	Seats on Cabinet	# of MLAs	Population 2014	Residents per MLA
Small Communities	2 (29%)	7 (36%)	13,532 (31%)	1,933
Regional Centres	2 (29%)	5 (28%)	9,621 (22%)	1,924
Yellowknife	2 (29%)	7 (36%)	20,470 (47%)	2,924

C) 2-3-2 (Representation by Population)

- Two (2) from the North; Three (3) from Yellowknife; Two (2) from the South
- Premier selected at the end of the process from amongst the seven appointed cabinet members (Premier is still elected by all Members but only those appointed to cabinet under 2-3-2) are eligible for nomination)

Selecting Region	Seats on Cabinet	# of MLAs	Population 2014	Residents per MLA
North	2 (29%)	6 (32%)	12,432 (28%)	2,072
South	2 (29%)	6 (32%)	10,721 (25%)	1,787
Yellowknife	3 (42%)	7 (36%)	20,470 (47%)	2,924

Advantages:

- Addresses Yellowknife’s underrepresentation in terms of population
- Reduces strategic voting for Premier (see Note 1)

Disadvantages:

- Does not necessarily result in the “most qualified” cabinet (see Note 3);
- Relative increase in Yellowknife’s real and perceived power;
- Limits the pool of eligible nominees for Premier;
- No guarantee of small community representation on cabinet;

OBSERVATIONS

- The current 2-2-2 system has been remarkably effective at ensuring aboriginal and small community (with their option of the current Assembly) representation on cabinet despite the absence of structural guarantees.
- One or a combination of the options presented above could improve the overall qualifications and experience of the Members appointed to cabinet and reduce the incidence of strategic voting for the position of Premier.
- Unless the Premier is from Yellowknife, that region is underrepresented on cabinet in terms of its population. Option C addresses this without creating the possibility that one region could ever hold the balance of power on cabinet.
- There do not appear to be structural impediments to the appointment of women to cabinet. Both the 14th and 16th Assemblies had women in cabinet commensurate with the number of women elected to the Assembly (two in the 14th, 15th, 17th, 18th and three in the 16th). The major impediment seems to be the number of women elected to the Assembly who are then eligible for appointment to cabinet.

NOTES

1. In the context of this paper, “strategic voting” refers to the potential motivation that a Member might have to vote for a Premier from his or her own region in order to improve their chances of winning one of the Cabinet seats from that region. In other words, the motivation exists for a Member to cast a vote for Premier based on self-interest as opposed to who they think is best qualified to do the job.
2. It should be emphasized that although the Cabinet selection method currently uses regional categories, a Member, once appointed to Cabinet, is appointed to act on behalf of the territory as a whole. In other words, there are no “Yellowknife”, “North” or “South” members on Cabinet. Cabinet members, once appointed, are expected to put the interests of the territory as a whole before the interests of their respective constituency or region.
3. Very few parliamentary democracies select their Cabinets based purely on merit or qualifications. There is an element of politics and balance in all Cabinet making. The point here is that a less qualified or experienced Member may be appointed to Cabinet over a more qualified or experienced Member based purely on the geographic region they represent.

4. This paper argues that the factors that define the NWT Legislative Assembly from a political point of view are not predominantly geographic. For example, does a resident of Fort Resolution feel a special kinship with a resident of Trout Lake simply because they live “south of Yellowknife?” Can a resident of Paulatuk take comfort that a Cabinet minister from Whati will protect the interests of his or her community at the Cabinet table simply because they both live “north of Yellowknife?” This paper argues that the predominant factors that define politics in the NWT Legislative Assembly are:

- Tension between small communities, regional centres and Yellowknife;
- Race (aboriginal vs. non-aboriginal representation);
- A desire to limit the centralization of power and resources in Yellowknife;
- A desire in more populous constituencies for representation by population.

Table 1: Cabinets Since 2-2-2 Convention

14th Assembly**14-1**

Kakfwi (P)
 Allen (N)
 Steen (N)
 Ootes (YK)
 Handley (YK)
 Antoine (S)
 Groenewegen (S)

14-2

Kakfwi (P)
 Allen (N)
 Steen (N)
 Ootes (YK)
 Handley (YK)
 Antoine (S)
 Miltenberger (S)

15th Assembly**15-1**

Handley (P)
 Roland (N)
 Zoe (N)
 Bell (YK)
 Dent (YK)
 Miltenberger (S)
 M. McLeod (S)

15-2

Handley (P)
 Roland (N)
 Krutko (N)
 Bell (YK)
 Dent (YK)
 Miltenberger (S)
 M. McLeod (S)

15-3

Handley (P)
 Roland (N)
 Krutko (N)
 Bell (YK)
 Dent (YK)
 Menicoche (S)
 M. McLeod (S)

16th Assembly**16-1**

Roland (P)
 Lafferty (N)
 Yakeleya (N)
 Lee (YK)
 R. McLeod (YK)
 Miltenberger (S)
 M. McLeod (S)

16-2

Roland (P)
 Lafferty (N)
 R.C. McLeod (N)
 Lee (YK)
 R. McLeod (YK)
 Miltenberger (S)
 M. McLeod (S)

17th Assembly

R. McLeod (P)
 RC McLeod (N)
 Lafferty (N)
 Abernethy (YK)
 Ramsay (YK)
 Beaulieu (S)
 Miltenberger (S)

18th Assembly

R.R. McLeod (P)

R.C. McLeod (N)

A. Moses (N)

Abernethy (YK)

Cochrane (YK)

Schumann (S)

Sebert (S)

Table 2: Analysis of Post-Division Cabinets

	North	South	Yellowknife	Aboriginal Members	Small Community	Regional Centres	Women
14-1	3	2	2	5 (71%)	3 (43%)	2	1 (14%)
14-2	3	2	2	6 (86%)	3 (43%)	2	0
15-1	2	2	3	5 (71%)	2 (29%)	2	0
15-2	2	2	3	5 (71%)	2 (29%)	2	0
15-3	2	2	3	5 (71%)	3 (43%)	1	0
16-1	3	2	2	6 (86%)	3 (43%)	2	1 (14%)
16-2	3	2	2	6 (86%)	2 (29%)	2	1 (14%)
17-1	2	2	3	5 (71%)	2 (29%)	2	0
18-1	2	2	3	5 (71%)	0 (0%)	4	1 (14%)

Constituencies by Classification

North (6)

Nunakput
Inuvik Boot Lake
Inuvik Twin Lakes
Mackenzie Delta
Sahtu
Monfwi

South (6)

Deh Cho
Hay River North
Hay River South
Tu Nedhe-Wiilideh
Thebacha
Nahendeh

Yellowknife (7)

Frame Lake
Kam Lake
Range Lake
Yellowknife North
YK Centre
YK South
Great Slave

Small Community (7) Reg. Ctrs. (5)

Deh Cho
Mackenzie Delta
Monfwi
Nahendeh
Nunakput
Sahtu
Tu Nedhe-Wiilideh
Hay River North
Hay River South
Inuvik Twin Lakes
Inuvik Boot Lake
Thebacha

Parliamentary Group Model for NWT Consensus System**Presented by MLA Kam Lake****Introduction to Parliamentary Groups**

A parliamentary group, also called a parliamentary caucus or parliamentary party, is a group consisting of members in a legislative assembly such as a parliament or city council. A parliamentary group is sometimes called the *parliamentary wing* of a party, as distinct from its *organisational wing*.¹

In Canada, parliamentary groups are called *caucuses* and generally have independence from the wider party organisations. It is often thought improper for elected MPs to take instructions solely from non-elected party officials, non-partisan legislative staff or from the small subset of the electorate represented by party members and supporters. In any case, the exigencies of government, the need to cooperate with other members of the legislature and the desire to retain the support of the electorate as a whole often preclude strict adherence to the wider party's wishes.

In Westminster systems, caucus can be quite powerful, as it can elect or dismiss the party's parliamentary leader. The caucus also determines some matters of policy, parliamentary tactics, and disciplinary measures against disobedient MPs.

A parliamentary group is typically leader by a parliamentary group leader or chairperson; though some parliamentary groups have two or more *co-leaders* (e.g. Québec Solidaire has two co-leaders²). In some parties, the leader is elected solely by the members of the parliamentary group; in others, some or all the members of the wider party participate in the election. The parliamentary leader is the public face of the party. Parties that are not in government often choose the party's political leader as the chairperson. Parliamentary groups often have one or more whips, whose role is to support the leadership by enforcing party discipline.

De Facto Parliamentary Groups in Consensus Government

In consensus government systems in the NWT and Nunavut there are arguably two parliamentary groups: Caucus and Cabinet. Cabinet or the Executive Council has formal standing in the House through its Ministerial appointments and functions in a manner similar to other Westminster systems in

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Southern Canada. Caucus also functions very similarly to its southern counterparts in that it is used to discuss matters of political importance to members and provides an opportunity for free and frank discussion. Caucus also serves an important function in scheduling sittings of the House and deciding on legislative and corporate matters that affect the institution as a whole.

These bodies, caucus and cabinet, are both functional and effective tools for parliamentary function in the NWT. They serve as organizational management systems for political representatives and allow parliamentary cohesion inside and outside of the legislative assembly.

Members are well informed on the operations and functions of caucus and cabinet, and it does not bear repeating those aspects in this paper. What is important to note is that both of these groups are given formal standing by the Legislative Assembly as an institution and therefore have resources and formal roles in consensus government.

Parliamentary Groups as a Management Tool

Establishing a parliamentary group outside of the existing caucus and cabinet would create a distinct parliamentary group of regular members that operate as their own parliamentary organization, without ties to an external political party or similar group. This group would need to be given formal standing in the legislative assembly and to access funding required to support its members. A parliamentary group established in this way would be free to determine its own organization, including leadership decisions and establishing parliamentary roles (e.g. house leader, whip, critic portfolios, etc.). There would be no burden of transparency on meetings of a parliamentary group, unlike that of a Standing Committee which by convention must have all meetings in public by default.

Using this model the Standing Committee on Priorities and Planning would be replaced by a Regular Members Caucus, a parliamentary group for Regular Members that would act as a deliberative body with explicit decision making role on political matters. Additionally, the caucus would be the primary means of formal communication between the Executive Council and Regular Members in political matters. The caucus, through its officers (see below), would have standing in the House and all caucus deliberations would be protected by parliamentary privilege. Membership would be automatic for all Regular Members but the Caucus would reserve the right to control its membership at all times, without formal motion in the House (which is the current circumstances for SCOPP). Such a caucus would require adequate financial and staffing resources to perform its functions within and outside the Legislative

Assembly ,for example strategic retreats in communities outside the capital and staff persons providing strategic advice, communication services and procedural advice/house planning support.

It should be noted that membership of such a caucus would be voluntary and would in no way limit a member's parliamentary privilege. Support for the decisions of the caucus and continued participation in its work would be ensured through access to the additional resources provided by the caucus to its members. Discipline and more direct measures of ensuring compliance within the caucus would be an exception to the rule and reserved for serious matters involving the membership of the caucus.

Proposed Features of a Caucus Structure

1. Improved Parliamentary Cohesion of Regular Members

The current form of consensus government provides for few incentives to encourage good behaviour on the part of Regular Members as it relates to working effectively in Standing Committees, ensuring good attendance and in working collaboratively with other Regular Members. On occasion Regular Members have failed to act in accordance with previously agreed to political accords on votes in the House or support for committee business that requires political action. Under the current system of organization through the standing committee on priorities and planning there are no consequences for this behaviour, nor for poor attendance or a lack of contributions to the work of the committee. These examples of poor performance can be especially frustrating for Regular Members who are contributing to the collective work of the committee, particularly in discussions of house strategy and voting matters, with many members not feeling able to discuss these matters freely with some of their peers in fear that Cabinet will be inform of what was discussed.

In forming a parliamentary group or caucus, Regular Members will be able to control membership in that group and enforce some form of discipline by controlling access to parliamentary resources and caucus funding. This will ensure cohesion between the Regular Members and create new incentives to work with group in an effective an efficient manner. This will in turn result in better performance outcomes and allow for better discussion free of real and perceived outside political influence.

2. Improved House Strategy

Procedure in consensus government is often understood as a means to an end, rather than the other way around. That means that procedural tactics are rarely used to delay legislation or challenge the government's agenda. A caucus of regular members could make better use of parliamentary procedure

Parliamentary Group Model for NWT Consensus System

Special Committee on Transition Matters

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to delay controversial legislation, to block spending measures, and to debate important issues of public policy. It bears mentioning that all of these tactics are currently available to MLAs through the rules of the legislative assembly but are rarely used due to the organization required to use them effectively. Mandatory attendance in the house, clear leadership roles and some form of party discipline are required to use them effectively. A caucus could make effective use of parliamentary procedure to achieve better outcomes for the collective goals of Regular Members.

An organized caucus could also serve to better support coordinate of house business planning between the government and Speaker's Office, resulting in better outcomes to ensure the smooth functioning of the legislature and that procedural matters are dealt with efficiently and effectively.

3. Teamwork and Morale

Another advantage of establishing a Regular Member caucus is that will create a stronger sense of teamwork and *Esprit de corps* between the Regular Members who form part of the group. The divisions that already exist in the House will become clarified and formalized, with each member clearly understanding what side that they are on and what tools are available to them to pursue the aspirations and objectives of their constituencies. This does not mean that there won't be occasional disagreement between members of the caucus, nor does it mean that Regular Members and Cabinet won't work together on issues of public policy. However, having a clearer sense of identity within the Legislative Assembly and being part of a team with a strong work ethic encourages better morale and better outcomes for Regular Members who work together to achieve common goals.

4. Leadership

The Chair of the Caucus would play a key role in maintaining the proper functioning of the caucus and ensuring its members continue to support its goals and objectives. This role would be an expanded form of what is currently the Chair of Priorities and Planning and should be considered to receive formal standing in the House through changes to the Rules of the Legislative Assembly. Additional powers of appointment should be considered as well, for example House Officers to represent the interests of Caucus and manage its parliamentary business, and representatives to the board of management. This power of appointment could be extended to committee assignments as well should there be interest from the caucus to do so. Having a clear political leader for Regular Members will benefit the collective leadership roles and responsibilities in the Legislative Assembly and creates a clear parallel between the Premier and the new equivalent on the Regular Member side.

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An Official Opposition is Not Party Politics

Caucuses, or parliamentary groups, are longstanding features of Westminster democracies and although prominent features of the legislative branches of political parties, caucuses is a separate parliamentary concept that is not incompatible with consensus government. Political parties are anchored to an ideology and typically supported by an organizational wing external to the parliament or Legislative Assembly. Establishing a parliamentary group in consensus government is a distinct proposition from establishing a political party and does not change the non-partisan nature of politicians in the Consensus System.

Summary of Features

- Relieves the burden of transparency from the political deliberations of Regular Members
- Relieves non-political support staff from conflict or the appearance of conflict in providing political advice to Regular Members.
- Creates clear delineation of roles and responsibilities between Government/Executive Council Members and Regular Members.
- More effective disciplinary procedures to ensure good behaviour and effective collaboration between members.

“LESSONS LEARNED” REPORT OF THE SPECIAL COMMITTEE ON TRANSITION MATTERS

RECOMMENDATIONS

1. That all 19 elected Members of the 19th Assembly work together as a group throughout the orientation and priority setting process.
2. That the orientation program for Members include more detail about the services available to Members including, but not limited to, the services of the Law Clerks and Legislative Library.
3. That more in depth and ongoing training opportunities be provided to Members following orientation, priority setting and cabinet selection.
4. That a half-day session on the GNWT's financial policies and status be scheduled early in the orientation program.
5. That orientation and issue briefing materials be provided to Members-elect within a day or two following the election, preferably in electronic format, to allow them an opportunity for advanced preparation.
6. That the Orientation Program for the 19th Legislative Assembly, included as Attachment 2 of this report, be adopted.
7. That the attached revised Process Convention of Priority Setting and Reporting, included as Attachment 3, be adopted by Caucus.
8. That the proposed Priority Setting flow chart and schedule, included as Attachment 3, be adopted by the 19th Legislative Assembly.
9. That elected Indigenous and community government leaders be invited to a round table discussion on the establishment of the priorities of the 19th Legislative Assembly on October 17, 2019 and that invitations to attend this meeting be sent to invitees at least a month in advance.

10. That the 19th Legislative Assembly prorogue following the Spring 2021 session to review its priorities in advance of a Commissioner's Opening Address to commence the Third and final session in the Fall of 2021.
11. That a Process Convention on the Expression of Non-confidence be developed and presented to the Caucus of the 19th Legislative Assembly.
12. That several options for a revised Cabinet selection and appointment process be presented to the 19th Legislative Assembly for consideration.
13. That nominations for Premier take place in advance of the selection process, as was the case with the 18th Legislative Assembly, to allow Members to consult with their constituents and leadership on a preferred candidate.
14. That the 19th Legislative Assembly establish an independent committee to study and make recommendations on the functioning of consensus government, including the preferred selection process for Premier as well as the structure and appointment of Cabinet.
15. That a Public Accounts Committee, with terms of reference similar to those in other jurisdictions, be formally established in the Rules of the Legislative Assembly.
16. That increased resources be provided by the Legislative Assembly to support the work of standing committees in the 19th Legislative Assembly, including additional funding to retain outside expert advisors, hire additional research, public affairs and clerk staff, and engage the public in more effective ways.
17. That reference to a "Striking Committee" be deleted from the Rules of the Legislative Assembly and that the membership of standing committees be recommended by the Standing Committee on Priorities and Planning.
18. That the 19th Legislative Assembly make greater use of Caucus as a forum to discuss strategic policy issues among all Members of the Legislative Assembly not only at the commencement of a Legislative Assembly but throughout its term.
19. That all Regular Members be involved in deciding which Regular Members are recommended for appointment to the Legislative Assembly Board of Management.

20. That the first budget of the 19th Legislative Assembly be adopted prior to the end of 2019/20 fiscal year pursuant to the process detailed in Table 1.
21. That the Supplementary Reserve included in the 19th Legislative Assembly's 2020/21 budget be substantially increased to allow work to commence on specific mandate commitments in year one of the legislative term.
22. That the 19th Legislative Assembly adopt four-year business plans to guide the implementation of the Priorities and Mandate and that annual updates to these business plans be presented to standing committees in conjunction with draft Main Estimates.
23. That both the four-year business plans and annual updates be consistent across departments and focused on specific short and long-term measures to implement the Priorities and Mandate of a Legislative Assembly.
24. That the Minister of Finance hold pre-budget consultations with standing committees in May or June of each year and prior to the setting of broad budget direction and targets.
25. That the Minister of Finance conduct annual pre-budget consultations with the public prior to the setting of broad budget direction and targets.
26. That the results of the standing committee and public pre-budget consultations be reported to standing committees in September of each year and tabled in the house during the October sitting.
27. That the second and subsequent budgets of the 19th Legislative Assembly be drafted, considered and adopted according the process detailed in Table 2.
28. That the 19th Legislative Assembly not conduct a formal mid-term review of cabinet and Ministerial performance.
29. That the Consensus Government Process Convention on Communications between Cabinet, Ministers, Standing Committees and Regular Members be amended to solidify the requirement to hold a Fireside Chat at least three times a year and that these meeting be conducted outside the Committee Room.

30. That the Consensus Government Process Convention on Standing Committee Review of Legislative Proposals be expanded to address the entire process for drafting, introducing and enacting of legislation.
31. That the revised process convention include a requirement for the sponsoring Minister to draft a plain language summary of complex or lengthy pieces of legislation when requested to do so by committee.
32. That the revised process convention include a requirement for knowledgeable departmental staff to accompany standing committees on public hearings on complex or lengthy bills when requested to do so by committee, and be prepared to make a brief introduction of the bill's content and answer technical questions from the public and referred by the committee chair.
33. That the revised process convention acknowledge and make provisions for effective standing committee involvement in the drafting and review of legislation that is the product of co-drafting with Indigenous governments.
34. That the revised process convention make allowance for standing committee meetings with the sponsoring Minister following the completion of public hearings and before the public clause-by-clause review of the bill.
35. That public education material be developed by the Office of the Clerk of the Legislative Assembly that describes the process for drafting, introducing and enacting legislation and highlights the differing roles and authorities of Cabinet and Standing Committees.
36. That the Consensus Government Process Convention on Standing Committee Review of Legislative Proposals be amended to establish longer reporting timeframes for complex or lengthy bills and place limits on the number of bill that may be referred to a standing committee at one time.
37. That the 19th Legislative Assembly adopt a Consensus Government Process Convention on the consideration of draft Regulations by the public and standing committee.

Table 1: 1st Budget – 19th Assembly



Table 2: 2nd and Subsequent Budgets – 19th Assembly

