



Commissioner of the Northwest Territories

June 1, 2005

The Honourable Joseph L. Handley
Premier of the Northwest Territories
PO BOX 1320
YELLOWKNIFE NT X1A 2L9

Dear Premier Handley:

I am forwarding to you a copy of my letter of instruction from my Minister, The Honourable Andy Scott, P.C., M.P., received June 1, 2005.

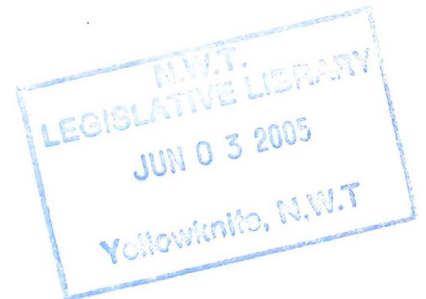
I have read the instructions and will endeavour to follow them in accordance with their direction and the traditions already established.

As well, I look forward to meeting with you to discuss protocol and areas where our office can assist each other in our service to the public.

I understand that these instructions may be tabled in the Legislative Assembly to become part of the public record.

Yours sincerely,

Anthony W.J. Whitford
Commissioner of the Northwest Territories



Ministre des Affaires indiennes et
du Nord canadien et interlocuteur fédéral
auprès des Métis et des Indiens non inscrits

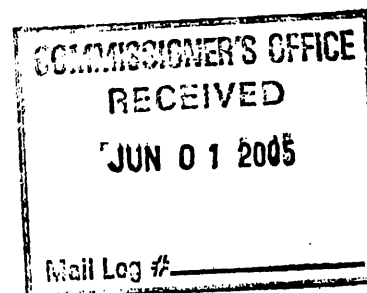


Ottawa, Canada K1A 0H4

Minister of Indian Affairs and
Northern Development and Federal Interlocutor
for Métis and Non-Status Indians

COPY

MAY 27 2005



The Honourable Anthony W.J. Whitford
Commissioner
Government of the Northwest Territories
YELLOWKNIFE NT X1A 2L9

Dear Commissioner Whitford:

I would like to congratulate you on your appointment as the new Commissioner of the Northwest Territories and take this opportunity to clarify the role of Commissioner in the territory.

The Government of Canada is committed to the principles of representative and responsible government in the Northwest Territories. The Government of the Northwest Territories is empowered under federal constitutional authority and is established to represent and serve all its residents consistent with the *Charter of Rights and Freedoms*. The legal framework for its essential structure of government is provided by the *Northwest Territories Act*.

The Office of the Commissioner is dealt with primarily in Sections 3 through 5 of the Act. In particular, Section 3 creates the Office of the Commissioner, while Section 5 requires the Commissioner to "administer the government of the Territories under instructions from time to time given by the Governor in Council or the Minister." Although you are to act in accordance with instructions issued by former Ministers, where there are conflicts, this letter supersedes all previous instructions.

I believe it to be appropriate, at this time, to issue instructions as contemplated under Section 6 of the Act. This letter of instruction provides fundamental guidance as to the way in which the duties attendant to the position of Commissioner are to be carried out in accordance with the principles of responsible government and of executive accountability to the legislature. In addition, it will guide you in your continued relationship with the Legislative Assembly and the offices defined in the Northwest Territories' statute, *Legislative Assembly and Executive Council Act* (R.S.N.W.T. 1988, c.L-5 as amended from time to time), as "Premier" and "Executive Council."

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Canada

The book, *Commissioners of the Territories*, also outlines the role of this distinguished office.

It is appropriate that the Commissioner's role continue to evolve in a manner consistent with, and supportive of, responsible government in the Northwest Territories. The framework for this relationship is to be found in the applicable provisions of the Act and the conventions of responsible government. As a general guide, and having due regard to the constitutional differences between provinces and territories, you shall carry out your role as Commissioner in a manner similar in practice to that of a provincial Lieutenant Governor.

The Council of the Northwest Territories, established by Section 9 of the Act, is the paramount institution for the exercise of executive authority in the Government of the Northwest Territories. Consistent with Canadian constitutional conventions, you shall act by and with the advice of your Premier and the Council in all those matters relating to territorial policy and administrative decisions which fall within the competence of your office. There are only a few instances where your Premier alone has the capacity to provide direction or where the prerogatives you possess, similar to those held by a provincial Lieutenant Governor, may be of relevance.

With respect to the making of appointments and regulations, the advice of the Council, the responsible Minister, or other person or entity authorized to make the recommendation to you, shall be followed.

The Legislative Assembly, as the instrument of representative government for the residents of the Northwest Territories, controls its agenda and timetable. Section 11 of the Act gives you the responsibility to convene sessions of the Assembly. With respect to proroguing sessions of the Assembly, and convening its future sessions, you shall accept the Assembly's advice.

Overall, as Commissioner you hold an important trust as the keeper of constitutional tradition, the embodiment of security for the people and institutions of Northwest Territories within the Canadian federation, and the symbol of good government. At all times your role requires you to exercise tact and diplomacy. On very rare occasions you may be faced with situations where the interests of good government require you to exercise independent discretion. In any such circumstances, you shall act in a manner consistent with the conventions and traditions that have emerged in Canada, relative to the offices of the Governor General and the provincial Lieutenant Governors. Since the role of Commissioner is similar to that of a provincial Lieutenant Governor, it is imperative that in all but the rare occasions referred to above, you avoid involvement in and pronouncements upon contentious public issues.

Please provide a copy of this letter to your Premier. I understand that, consistent with convention, these instructions are tabled in the Northwest Territories Legislative Assembly to become part of the public record.

In closing, I wish to assure you of my trust, support and good wishes in fulfilling your important role on behalf of the people of the Northwest Territories.

Yours sincerely,

A handwritten signature in black ink that reads "Andy Scott". The signature is written in a cursive style with a large, prominent "A" and "S".

The Honourable Andy Scott, PC, MP