

# **14<sup>th</sup> Legislative Assembly of the Northwest Territories**

## **Special Committee on the Implementation of Self- Government and the Sunset Clause**

### **Progress Report**

**Co-Chairs:** Hon. Jim Antoine, MLA  
Ms. Sandy Lee, MLA



Special Committee on the Implementation of  
Self-Government and the Sunset Clause


OCT 29 2002

THE HONOURABLE ANTHONY (TONY) WHITFORD, MLA  
SPEAKER OF THE LEGISLATIVE ASSEMBLY

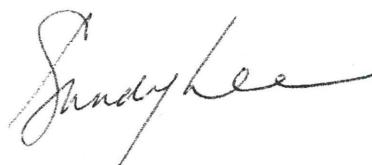
Mr. Speaker:

Your Special Committee on the Implementation of Self-Government and the Sunset Clause has the honour of presenting its Progress Report, and commends it to the House.

Signed,



Hon Jim Antoine, MLA  
Co-Chair



Ms. Sandy Lee, MLA  
Co-Chair





**SPECIAL COMMITTEE ON THE IMPLEMENTATION OF  
SELF-GOVERNMENT AND THE SUNSET CLAUSE**

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**Committee Members**

Hon. Jim Antoine  
MLA, Nahendeh  
Co-Chair

Sandy Lee  
MLA, Range Lake  
Co-Chair

Bill Braden  
MLA, Great Slave

Paul Delorey  
MLA, Hay River North

Leon Lafferty  
MLA, North Slave

**Alternate Members**

Michael McLeod  
MLA, Deh Cho

Steven Nitah  
MLA, Tu Nedhe

Hon. Vince Steen  
MLA, Nunakput

**Committee Staff**

David M. Hamilton  
Committee Clerk

Andrew Stewart  
Assistant Clerk



## **Progress Report**

### **Mandate:**

The Committee is pleased to report that following the completion of its report on the Sunset Clause, it has moved to the second phase of its mandate relating to the implementation of Self-government.

The Committee's mandate (see ANNEX A) requires it to examine a range of the potential issues and trends arising from the implementation of self-government that are likely to have implications for the Legislative Assembly and for the Government of the Northwest Territories. However, the Committee recognizes, and its mandate requires, that interference with negotiations must be avoided. The Committee will respect this requirement and will focus on general trends and issues rather than on the particular details of agreements.

As the momentum towards completion of self-government negotiations continues, there is an ongoing need to prepare for and carry out implementation planning. Implementation of self-government can be anticipated to bring changes to the nature of governance in the NWT. In order to have a smooth and successful transition it will be necessary to identify matters that can be incorporated into the Legislative Assembly's planning cycle.

### **Meetings to date:**

The Committee held planning meetings in August and in September. A preliminary work plan and schedule have been prepared and are attached as ANNEX B.

### **Overview:**

For more than 20 years the Assembly and GNWT have supported the negotiation of self-government agreements. As we approach the implementation stage for some of these agreements, and even though many details still have to be worked out, the overall emerging governance picture is becoming clearer.

The negotiated documents to date are long and often complex and will potentially result in numerous changes in the legislative and policy sectors and in the practical and operational delivery of programs and services. Changing roles and responsibilities can best be accommodated by careful planning, as was the case during the historic creation of Nunavut. Unlike the creation of Nunavut, however, the implementation of self-government in the NWT will not result in separate territories. It will challenge all governments in the NWT to find ways to work closely together for the benefit of all residents.



New relationships within the NWT as well as changing relationships with the Government of Canada can be expected. Citizens of the NWT must be able to rely on uninterrupted program and service delivery and clear accountability as we go forward. The Committee is hopeful that its work will contribute to processes for ensuring smooth and successful transitions as self-government agreements come into effect in various regions of the NWT.

The Committee also realizes the importance of self-government to many stakeholders in the NWT and to the Canadian public in general. In addition there is an international audience that closely watches the unfolding of new political models in the Canadian North. The Committee will seek input from stakeholders and the public through a consultation process which will be developed in the coming months.

### **General Approach:**

In order to bring some order to the broad range of issues anticipated within the scope of the work of the Committee, the preliminary work plan calls for a technical analysis of potential institutional and structural issues which might affect changes in the jurisdiction, institutions and procedures of the Legislative Assembly and GNWT.

To complement this technical analysis, the Committee will also look at potential practical or operational issues relating to the delivery of programs and services, intergovernmental relations and so on.

The Committee intends to make recommendations to the Assembly to address short, medium and longer-term issues. Given that most implementation activities in relation to self-government will likely occur after the term of the current Assembly, these recommendations may also be taken into account by future Assemblies and governments.

### **Conclusion:**

The Committee is committed to fulfilling this second phase of its mandate in a manner that contributes to the implementation of self-government and to the evolution of governance in the Northwest Territories for the benefit of all residents.



## ANNEX A

### **TERMS OF REFERENCE FOR THE SPECIAL COMMITTEE ON THE IMPLEMENTATION OF SELF-GOVERNMENT AND THE SUNSET CLAUSE**

WHEREAS, the Legislative Assembly has established the Special Committee on the Implementation of Self-Government and the Sunset Clause;

AND WHEREAS, the Special Committee requires the approval of the Legislative Assembly of its Terms of Reference;

AND WHEREAS, the Special Committee has given consideration as to its Terms of Reference:

NOW THEREFORE I MOVE, seconded by the Member for Nahendeh, that the following provisions be adopted as the terms of reference for the Special Committee on the Implementation of Self-Government and the Sunset Clause:

1. The Special Committee in undertaking its review, adopts the following as operating principles as articulated by the 14<sup>th</sup> Legislative Assembly in "Towards A Better Tomorrow":
  - a) The Special Committee is committed to the development of a system of Government in the Northwest Territories that recognizes and protects the rights of all residents, balancing individual citizens' rights and collective aboriginal rights;
  - b) The Special Committee recognizes that aboriginal and other northern leaders working together in support of a common vision and strong sense of identity is the foundation for a better future for all residents;
  - c) The Special Committee holds that aboriginal people must have greater self-determination over their social, cultural, economic and political destiny;
  - d) The Special Committee recognizes that aboriginal and public governments have unique, necessary and complementary roles to play in serving territorial residents; and
  - e) The Special Committee recognizes the need for strong, effective aboriginal and public governments operating cooperatively;
2. The Special Committee is further committed to;
  - a) providing information to aboriginal governments and seeking their input on issues related to the achievement of its mandate; and
  - b) an open and public process that provides opportunities for stakeholder groups, elected bodies and the general public to receive information and input their views on issues related to the achievement of its mandate;

3. The Special Committee shall:
  - a) In relation to the Sunset Clause:
    - i) Provide information to Northwest Territories residents concerning the intent and effect of Section 2 of the *Legislative Assembly and Executive Council Act* (the Sunset Clause), as to the need to address section 2 before the next election and to solicit input and options; and
    - ii) Make recommendations to the Legislative Assembly concerning the Sunset Clause.
  - b) In relation to the Implementation of Self-government:
    - i) Consider how the Legislative Assembly may be impacted by the implementation of self-government in the areas of legislation and appropriations;
    - ii) Review the models for implementing self-government in the Northwest Territories currently being negotiated;
    - iii) Review the impact implementing self-government agreements will have on the Legislative Assembly operating structures and procedures;
    - iv) Review legislative initiatives that would implement self-government agreements;
    - v) Make recommendations as to how existing and future legislation, policies and practices of the Legislative Assembly might be amended or developed to reflect the concurrency of jurisdiction between Aboriginal and partnership governments and the Government of the Northwest Territories;
    - vi) Make recommendations on ways in which the budgetary process might be modified in form and process so as to reflect the duality of interests resulting from the implementation of self-government agreements;
    - vii) Make recommendations on transitional measures, which could be introduced to prepare for the implementation of self-government agreements:
  - c) Consider how self-government may impact the Government of the NWT with respect to the functions of policy, programs, services, financing and administration over the immediate and long term:
    - i) Evaluate the impact self-government will have on the authorities contained in the *Northwest Territories Act* and Territorial Statutes (legislation);
    - ii) Investigate and advise on the impact self-government will have on the public governing structure of the Legislative Assembly and Government of the Northwest Territories and its powers, functions, programs, services and finances; and
    - iii) Make recommendations on transitional measures, which could be implemented to prepare for the implementation of self-government agreements.
4. The Special Committee in carrying out its terms of reference will use best efforts to ensure that its discussions and activities support, complement and otherwise not overlap with or in any way interfere with self-government negotiations or discussions taking place at the Intergovernmental Forum;

5. The Special Committee shall establish processes for providing information to and affording the residents an opportunity to make their views known;
6. The Special Committee shall have access to such persons, papers and records as necessary to the conduct of its business;
7. The Special Committee shall be provided through appropriations with adequate funds to carry out its terms of reference and assigned responsibilities;
8. The Special Committee is authorized to employ such staff and or consultants and contractors as may be necessary to carry out its responsibilities;
9. The Special Committee may consider other matters referred to it by the Legislative Assembly; and
10. The Special Committee may make recommendations it considers desirable through interim and final reports.





**ANNEX B**

**PRELIMINARY WORK PLAN AND SCHEDULE**

<b>Tasks</b>	<b>Target Dates</b>
1. Short progress report with work plan & schedule tabled in Assembly	October, 2002
2. Draft Technical Report prepared for consideration by Committee	November 22, 2002
3. Committee meets to discuss Draft Technical Report	November 27-28, 2002
4. Press Release to update public on plans for consultations	November 29, 2002
5. Draft Operational Report prepared for consideration by Committee	January 8, 2003
6. Committee meets to discuss Draft Operational Report	January 22-23, 2003
7. Interim report(s) on Technical and Operational Matters tabled in Assembly	February 11, 2003
8. Committee conducts consultations	March-April-May 02, 2003
9. Draft Final Report prepared for consideration by Committee	May 06, 2003
10. Committee meets to finalize Final Report	May 14-15, 2003
11. Final Report tabled in Assembly	June 4, 2003

