

Northwest Territories Legislative Assembly

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

Chairpersons: Ms. Sandy Lee, MLA
Hon. Jim Antoine, MLA

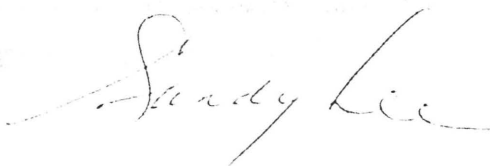
Special Committee on the Implementation of
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November 5, 2001

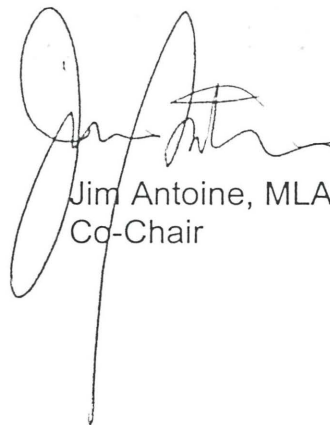
THE HONOURABLE ANTHONY (TONY) WHITFORD, MLA
SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

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



Sandy Lee, MLA
Co-Chair



Jim Antoine, MLA
Co-Chair

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

MEMBERSHIP

Chairpersons

Ms. Sandy Lee, MLA for Range Lake
Honourable Jim Antoine, MLA for Nahendeh

Members of the Committee

Mr. Bill Braden
MLA for Great Slave

Mr. Paul Delorey
MLA for Hay River North

Mr. Leon Lafferty
MLA for North Slave

Committee Staff

Mr. David M. Hamilton, Committee Clerk

Ms. Lois Edge, Committee Co-ordinator

Mr. Corey McLachlan, Assistant Clerk

Introduction

The Special Committee on the Implementation of Self-government and the Sunset Clause is pleased to present this our First Report to update the Legislative Assembly on our activities to date.

Establishment of Special Committee

The Special Committee was established on November 16, 2000 during the Third Session. The Terms of Reference for the Special Committee were presented and adopted by the Legislative Assembly on March 7, 2001. This Assembly's vision, as outlined in "Towards A Better Tomorrow," served as a foundation for the Terms of Reference. Members of the Special Committee committed themselves to the following principles, in carrying out our mandate:

1. the development of a system of governance with leaders working together co-operatively that recognizes and protects the rights of all residents, balancing individual citizen's rights and collective aboriginal rights;
2. to promote aboriginal and other northern leaders working together in support of a common vision and strong sense of identity to ensure a foundation for a better future for all residents;
3. recognizes that aboriginal and public governments have unique, necessary and complementary roles to play in serving people of the territories;
4. that aboriginal people must have greater self-determination over their social, cultural, economic and political destiny; and
5. the need for strong, effective aboriginal and public governments operating cooperatively.

Roles and Responsibilities

The Special Committee has recognized two major aspects to its work. The first being the requirement to address the Sunset Clause and the second relating to the implementation of self-government agreements in the Northwest Territories. With respect to self-government, it is the role of the Special Committee to provide information to the general public, and Aboriginal governments, and to make recommendations to the Legislative Assembly and the Government of the Northwest Territories that reflect new governance partnerships. Our recommendations may include changes to legislation, budgetary processes, policy and practices, or transitional measures to implement self-government.

Responsibilities of the Special Committee will require:

- the evaluation of existing statutes, legislation and negotiated agreements;
- investigation of how public government structures, processes, policies and practices will change;
- determination of immediate and long-term changes to the powers and authority of the GNWT; and
- a review of how the role of the Legislative Assembly will be impacted in the areas of legislation and budget arrangements.

Our first task as Members of the Special Committee requires us to address the Sunset Clause. In a broad sense, the Sunset Clause is related to representation and its relationship to the establishment of aboriginal governments, as well as the responsibility for public government at the territorial level in the north. In preparing to seek public input into this aspect of our work, we felt it was important that Members have a complete understanding of what the Sunset Clause is and what impact it would have on the operation of public government in the Northwest Territories, if it was not addressed.

What is the Sunset Clause?

The Sunset Clause is a clause in Section 2 of the *Legislative Assembly and Executive Council Act* that sets out the general provisions respecting electoral districts in the Northwest Territories. The section states there are nineteen electoral districts and that each electoral district is entitled to return one elected Member to the Legislative Assembly. The Sunset Clause reads, "This Section and Schedule A are repealed on the dissolution of the Fourteenth Legislative Assembly." If this were to occur at the end of the four-year term of this Assembly, there would no longer be any defined electoral districts, Members could not be elected to the Assembly, and the Legislative Assembly would no longer exist.

It is also important to consider that it is the Legislative Assembly that authorizes the financial expenditures of the Government of the Northwest Territories for the provision of programs and services to northern residents.

In the unlikely event that the Legislative Assembly ceased to exist, all Assembly authority would be returned to the federally appointed Commissioner of the Northwest Territories.

Implementation of Self-Government

An ongoing task of the Special Committee is to continually review the implementation of self-government. At present, the Ministry of Aboriginal Affairs, on behalf of the Government of the NWT and in the interests of all NWT residents, is engaged in negotiations, along with the Government of Canada, with seven Aboriginal groups.

The implementation of self-government will see the emergence of new models of governance at the community, regional and territorial levels in the north. These new models of governance will include Aboriginal governments, Aboriginal and Partnership governments, and community governments. These governance arrangements will necessitate inter-governmental relationships between federal, territorial and Aboriginal governments. A territorial government will continue to represent the interests of all residents on territorial-wide matters.

In keeping with its mandate, the Special Committee receives updated information and briefings on the status of negotiations and proposed self-government models from representatives of the Government of the Northwest Territories. We will continue to review this information towards making recommendations to this Assembly concerning self-government implementation.

The Special Committees' mandate is not one that requires an extensive public hearing process. We have made it abundantly clear to all of our Aboriginal Governments that the Special Committee is here to support and compliment and not otherwise overlap or in any way interfere with self-government negotiations and the emergence of intergovernmental relationships in the north.

Our Committee has had a number of meetings since we were established and we have been considering a number of important aspects of our responsibilities. We will continue to look at constitutional issues, the financing of self-government and the impact of related issues on the future operation on the Legislative Assembly and Government.

Attending Assemblies

As Committee Members, we felt compelled to listen to what Aboriginal Governments and leaders had to say and to hear first hand what continues to be important to them in relation to their self-government negotiations. Wherever possible, Special Committee Members made a concerted effort to attend as many summer Assemblies as possible. Over the summer months, Members of the Special Committee and staff attended several Aboriginal Assemblies held in locations throughout the North. I along with my Co-Chair, the Hon. Jim Antoine, attended the majority of these gatherings, and Committee Members, Mr. Bill Braden, Mr. Leon Lafferty, and Mr. Paul Delorey, also attended various events. Special Committee Members visited with the Deh Cho at Kakisa, Dene Nation at Tulita, Akaitcho at Dettah, South Slave Metis Tribal Council in Fort Smith, Dogrib Treaty 11 Tribal Council in Wekweti, North Slave Metis Alliance at Old Fort Rae, and, with the Gwich'in Tribal Council in Inuvik. Our attendance as Members of the Special Committee was welcomed by the host organizations and we were able to hear first hand their questions and concerns. Members were brought up to speed on the progress of respective land claims and self-government negotiations as well as many of the current issues facing Aboriginal communities in the various regions.

At this time, the Special Committee is confident that self-government negotiations continue to progress. During the coming months, Committee Members will continue to observe and consider the impact of self-government implementation on the Legislative Assembly and the Government of the Northwest Territories.

Public Input on the Sunset Clause

The Special Committee is committed to engaging in a dialogue with northern residents concerning the Sunset Clause. Over the next two weeks, an information brochure on the Sunset Clause will be mailed to all residents, an advertisement will be placed in northern newspapers, and radio announcements, in our Official Languages, will advise residents of the information available to them. We look forward to receiving invitations to visit communities and listen to what residents have to say about the Sunset Clause.

At this time, the Special Committee is considering two options for dealing with the Sunset Clause. The first option is to repeal, or cancel, the Sunset Clause. Existing electoral boundaries and elected representation would remain as is, with representatives elected to nineteen electoral districts at the next general election. The second option is to extend the deadline of the clause and allow Members of the next Legislative Assembly to review the number of electoral districts in the North, recognizing that the progress of self-government negotiations may warrant future changes to the current system.

Written submissions dealing with the Sunset Clause are to be received by the Special Committee before December 30, 2001. The Special Committee will consider feedback from residents and make recommendations as to which of these options, or others, northerners prefer for dealing with the Sunset Clause. Based on the feedback and comments from the residents the Committee will make recommendations to the Legislative Assembly during the session in February of 2002. The Special Committee encourages all residents to take the time to read the material that we have put together and look forward to community meetings on the Sunset Clause.

The Special Committee will continue to do its work and look forward to reporting on the Sunset Clause early next year.