



Northwest Territories Commissioner

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APR 27 1999

The Honourable James Antoine, M.L.A.  
Premier of the Northwest Territories  
Department of the Executive  
Legislative Assembly Building  
YELLOWKNIFE NT X1A 2L9

Dear Premier Antoine:

I have, this week, received a letter of instructions from the Honourable Jane Stewart, P.C., M.P., Minister of Indian Affairs and Northern Development, copy attached for your consideration.

The letter outlines the future direction and role for the office of the Commissioner of the Northwest Territories and the relationship it will have with your Government and future governments of the Northwest Territories.

The Minister has instructed me to convey her request that the letter be tabled in the Legislative Assembly at your convenience, so that it will become part of the public record.

Yours sincerely,

Daniel J. Marion  
Commissioner

Attachment

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SEND TO: Premier / Min. Sec

PREMIER'S SIGN: \_\_\_\_\_

DIRECTLY & CO: \_\_\_\_\_

BRIEFING NOTE: \_\_\_\_\_

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NWT  
LEGISLATIVE ASSEMBLY  
MAY 11 1999  
Yellowknife, N.W.T.



APR 22 1999

Minister of Indian Affairs  
and Northern Development



Ministre des Affaires  
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

AVR 19 1999  
APR 19 1999

Mr. Daniel J. Marion  
Commissioner  
Government of the Northwest Territories  
P.O. Box 1320  
YELLOWKNIFE NT X1A 2L9

Dear Mr. Marion:

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

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

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. To provide this direction, and thereby to a large degree confirm the practices which have already evolved in the Northwest Territories, I am issuing these instructions to guide you in your continued relationship with the Legislative Assembly and the offices defined in the Northwest Territories' statute, *Legislative Assembly and Executive Council Act (R.S.N.W.T. 1988, c.L-5 as amended from time to time)* as "Premier" (your first minister) and "Executive Council."

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In addition to the instructions set out below, I would also like to make you aware of a document that is in the final stages of preparation entitled: Commissioners of the Territories. Although not to be considered as instructions pursuant to section 5 of the *Northwest Territories Act*, it provides additional guidance on many aspects of the role of Commissioner at a level of detail that cannot be provided in this kind of letter. I am enclosing a preliminary draft of the material for your information.

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

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

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

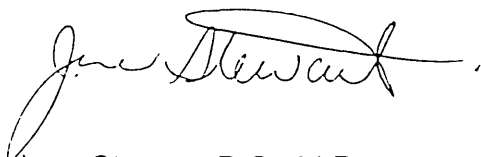
The Legislative Assembly, as the instrument of representative government for the residents of the Northwest Territories, now controls its agenda and timetable. With respect to convening and proroguing sessions of the Legislative Assembly, I wish to confirm that, consistent with present practice, you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

As Commissioner, you hold an important trust as the keeper of constitutional tradition, the embodiment of security for the people and institutions of the Northwest Territories within the Canadian federation, and the symbol of good government in a period of profound change. At all times, your role requires you to exercise tact and diplomacy. On certain occasions, your role may require action to protect peace, order and good government; on very rare occasions, you may be faced with situations where you must exercise discretion independent of your first minister. In any such circumstances, you are instructed to act in a manner consistent with the conventions and traditions that have emerged in Canada relative to the offices of the Governor General and provincial Lieutenant Governors. Because the role of Commissioner is similar to that of a Lieutenant Governor of a province, 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 first minister, and convey my request that this letter be tabled in the Northwest Territories Legislative Assembly to become part of the public record.

In closing, I offer you my most sincere best wishes in your new responsibilities as Commissioner of the Northwest Territories. It promises to be an exciting period in the political development of the territory.

Yours sincerely,

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

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

Encl.

