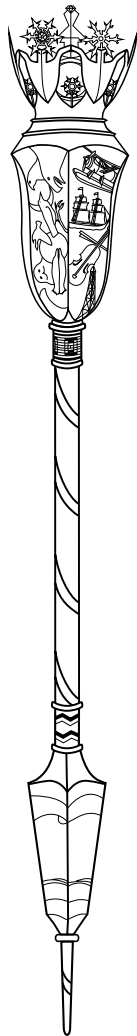


18TH LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
MEMBERS' HANDBOOK



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LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

MEMBERS' HANDBOOK

The Members' Handbook was adopted by the Board of Management as the official record of Board policy and, as such, is provided to all Members of the Legislative Assembly to guide them in the performance of their duties and the fulfillment of their responsibilities as elected representatives in the Legislative Assembly of the Northwest Territories. By working within the framework provided by the Handbook, Members may be confident that they are acting with respect for the Legislative Assembly, their constituents and their fellow Members.

In addition to Board policy, the Handbook references certain statutory and regulatory requirements and the Rules of the Legislative Assembly. These documents also govern aspects of a Member's duties and copies of the relevant legislation, regulations and the Rules will also be provided to Members for further reference.

The Handbook has been designed for ease of use and the loose-leaf format will allow amendments and updates to be easily accommodated.

Members should feel free to contact the Clerk of Legislative Assembly or the appropriate staff members with any questions regarding the Handbook.

Tim Mercer
Clerk of the Legislative Assembly

MEMBERS' HANDBOOK

POLICY UPDATES

The Members' Handbook policies are subject to amendment and updating as required. As policy amendments and updates are adopted by the Board of Management they will be distributed to all holders of a Member's Handbook. It is the responsibility of all holders of a Members' Handbook to ensure that their copy is current.

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PRIVILEGES AS A MEMBER

1. PRIVILEGES AND IMMUNITIES

Parliamentary privilege is part of the constitutional and public law of Canada and the Northwest Territories. Privilege in the parliamentary sense includes all the unique rights and powers enjoyed collectively by the Assembly and individually by its Members and without which Members could not perform their duties. It is also the necessary immunity that the law provides for any person while taking part in the proceedings of the Assembly.

Parliamentary privilege does not place Members above the law. Members enjoy these rights and immunities because the Legislature cannot act or perform its necessary functions without the unimpeded attendance and service of its Members. The individual privileges enjoyed by Members include:

- freedom of speech;
- freedom from arrest in civil actions while the Assembly or its Committees are sitting;
- exemption from jury duty;
- exemption from attendance as a witness at certain proceedings while engaged in parliamentary work; and
- freedom from obstruction, interference, intimidation and molestation. The collective privileges of the Assembly include:
 - the power to discipline its Members, including the right to suspend or expel;
 - the right to punish persons guilty of breaches of privilege or contempt;
 - the right to regulate its own affairs free from interference;
 - the authority to maintain the attendance and service of its Members;
 - the right to institute inquiries and call witnesses and to demand papers;
 - the right to administer oaths to witnesses;
 - the right to set its own code of procedure; and
 - the right to publish papers containing defamatory material.

Members should refer to Sections 12.1 to 16 of the *Legislative Assembly and Executive Council Act* and Section 19 and 20 of the Rules of the Legislative

Assembly for further details on parliamentary privilege.

Members are responsible for bringing any perceived breach of privilege to the Assembly's attention at the earliest opportunity. To constitute a breach of privilege, generally, there must be some improper obstruction to the Member in performing his or her legislative work in either a direct or constructive way, as opposed to a mere expression of public opinion or criticism of the activities of the Member or the House.

Members are entitled to go about their legislative business undisturbed. Assaulting, menacing or insulting any Member on the floor of the House, or while the Member is coming or going from the House, or as result of his or her behaviour during a proceeding in the Legislature, is a breach of privilege.

The speaking or doing of an act must be tied to some legislative business in which the Member is taking part. The privilege of freedom of speech is not absolute and is generally confined within the context of parliamentary proceedings.

RESPONSIBILITIES AS A MEMBER

2. STATUTORY OATH/ AFFIRMATION OF ALLEGIANCE

All Members elected or re-elected to the Legislative Assembly must take and subscribe to an oath of allegiance or make a solemn declaration and affirmation of allegiance before taking their places in the Assembly. The form of the oath is prescribed by the *Legislative Assembly and Executive Council Act* as follows:

Oath of Allegiance

I, (Member's Name) do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors according to the law. So help me God.

Affirmation of Allegiance

I, (Member's Name), do affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors according to the law.

3. STATUTORY OATH/ AFFIRMATION OF OFFICE

All Members elected or re-elected to the Legislative Assembly must also take and subscribe to an oath of office or make a solemn declaration and affirmation of office before taking their places in the Assembly. The form of the oath is prescribed by the **Legislative Assembly and Executive Council Act** as follows:

Oath of Office

I, (Member's Name), do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trust reposed in me as a Member of the Northwest Territories Legislative Assembly. So help me God.

Affirmation of Office

I, (Member's Name), do solemnly and sincerely promise and affirm that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trust reposed in me as a Member of the Northwest Territories Legislative Assembly.

4. MEMBER'S CONDUCT GUIDELINES

All Members of the Legislative Assembly are required to conduct themselves in a manner that instills trust and confidence on the part of the general public in their elected officials. The Member's Code of Conduct was established and adopted by the 12th Assembly to act as a guide for Members as they perform their duties as Members of the Legislative Assembly and represent their constituents in the NWT. Behaviour unbecoming that of an elected leader, and inconsistent with the principle of zero tolerance for violence, is not acceptable.

THE MEMBERS' CONDUCT GUIDELINES ARE AS FOLLOWS:

As a Member elected to the Legislative Assembly of the Northwest Territories, I acknowledge that I have accepted a responsibility to serve the people of the Northwest Territories. I seek wisdom, strength, courage, honesty and caring from the people of the north, both from those who have built our past, and from those who are shaping our future.

As a legislator, elected to govern the Northwest Territories, I will serve to do my utmost

- to hear the voices of all our people,*
- to preserve our traditions and bridge them with new ways to build our future,*
- to provide legislation, policies and services for the good of the people, as individuals, families and communities,*
- to promote the equality of all our people,*
- to distribute resources fairly and justly, and*
- to respect and honour our land and all its inhabitants.*

As a legislator, I will do my best to fulfill my duties to the Legislature, the public, my constituents and my colleagues with integrity and honour.

To my constituents, I owe my best efforts at effective representation, as well as accountability, honesty, fairness and courtesy.

To the Legislature, I owe respect, as well as dedication to my role in ensuring the integrity of our government and in earning, through my actions, the confidence of the people.

To the public, I owe a responsibility to work for the well-being of all residents of the Northwest Territories.

To my colleagues, I owe fairness and respect for our differences, and the duty to work together with goodwill for the common good.

I acknowledge human vulnerabilities, and will strive to bring honour to my role as a representative of our people.

I will not act, nor condone others in acting, in ways that exploit, slander or discriminate against others. I will not act, nor condone others in acting, in ways which are dishonest, or which exploit positions of privilege for personal gain.

As a legislator, I acknowledge a vision and a responsibility to improve the life of our people, and I will strive to act in creative ways to overcome the hardships, which destroy life and hope, and the human frailties, which fall upon us.

So long as I am a Member of the Legislative Assembly, I will be true to these obligations, and will work to preserve the greatness of our land and our people.

5. WORKPLACE HARASSMENT POLICY

The Legislative Assembly of the Northwest Territories is committed to a healthy, harassment-free and non-discriminatory workplace for all Members of the Assembly, employees of the Assembly and Constituency Assistants. All Members are responsible for fostering and maintaining an environment that is free of harassment and discrimination.

Persons who allege harassment or discrimination by a Member are also advised that they may have alternative routes to resolve harassment issues, including policies in place with the Government of the Northwest Territories, remedies available under the *Human Rights Act* and remedies available in either the civil or criminal courts.

5.1 DEFINITIONS

HARASSMENT

For the purposes of this policy, harassment means any improper behaviour by a Member:

- that is directed to and is offensive to any Member, Constituency Assistant, employee of the Legislative Assembly or contractor performing work for the Legislative Assembly; and
- which the Member knew or ought reasonably to have known would be unwelcome.

Harassment includes conduct, comment or display, made on either a one-time or an on-going basis that demeans, belittles or causes personal humiliation or embarrassment to a Member, Constituency Assistant, employee or contractor. Harassment includes sexual harassment.

There may be circumstances where a single incident would not be considered to be harassment but a series of such incidents would constitute harassment.

Harassment may be based upon personal characteristics including race, colour, ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, marital status, family status, family affiliation, political association or social condition, and without regard to whether he or she has had a conviction for which a pardon has been granted.

Harassment includes retaliation against a person for having invoked this policy, for having participated in

procedures under this policy as a witness, or for having otherwise assisted a person who has invoked this policy or participated in these procedures.

SEXUAL HARASSMENT

Sexual harassment means any conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or in a continuous series of incidents that:

- might reasonably be expected to cause offence or humiliation to any Member, constituency assistant, employee or contractor;
- might reasonably be perceived as placing a condition of a sexual nature on employment or the business relationship or on an opportunity for training or promotion;
- might reasonably be perceived as a promise of reward for complying with a sexually oriented request or as a threat, reprisal or denial of opportunity for refusal to comply with a sexually oriented request; and/or
- might reasonably be perceived as creating an intimidating, hostile or negative work environment.

DISCRIMINATION

Discrimination is an act, behaviour or practice, which may be intentional or unintentional, that has the purpose or effect of making an adverse distinction against a person or a group of persons based on a prohibited ground of discrimination under the *Human Rights Act*.

COMPLAINT

A complaint includes a complaint respecting:

- harassment, sexual harassment or discrimination;
- retaliation for the lodging of a complaint;
- breach of an undertaking made in the context of a complaint process as to future conduct.

5.2 EXAMPLES OF HARASSMENT

Harassment can include, but is not limited to, the following:

- Unwelcome remarks, jokes, innuendoes or taunts of a sexual or racial nature, causing embarrassment or offence;
- Display of objectionable materials that are sexually explicit;

- Refusal to work with a person because of gender, racial background or other personal characteristics;
- Insulting gestures, jokes, disparaging written materials based on race or gender;
- Degrading or derogatory remarks;
- Unwelcome sexual advances, propositions, or inquiries and/or comments;
- Persistent, unwanted contact or attention after the end of a consensual relationship;
- Inappropriate physical contact or touching or seeking sexual favours; and
- Verbal or physical abuse or threats.

5.3 LOCALE OF HARASSMENT

This policy applies to any harassment that may occur at, but is not limited to, the Legislative Assembly building, Legislative Assembly social functions, work-related conferences, work-related travel and over the telephone. There is a sufficient connection with the Legislative Assembly for the purposes of this policy if the behaviour interferes, or could reasonably be regarded as being capable of interfering, with the proper functioning of the Legislative Assembly or with a person's dignity or privacy in respect of matters connected with the person's relationship with the Legislative Assembly.

5.4 INTENT

Lack of intent on the part of the harasser is not a defense. The impact of the behaviour on the recipient is of primary importance.

5.5 COMPLAINT PROCEDURE

INFORMING MEMBER

If possible, and if reasonable and appropriate under the circumstances, a person who believes that he or she is being harassed or discriminated against by a Member should tell the Member, either personally or with the assistance of another person, that the Member's behaviour is unwelcome and ask the Member to stop.

DOCUMENTATION

Any person who believes that he or she is being harassed or discriminated against by a Member is encouraged to keep a written record of the date, time and nature of the incident(s), as well as the names of any witnesses.

SUPPORT SERVICES

A person who believes that he or she is being harassed or discriminated against by a Member may contact the Clerk to discuss the situation. The Clerk will give the complainant a copy of this policy and upon request, will assist the person to reach an informal resolution of the matter with the Member.

WRITTEN COMPLAINT

If the behaviour continues after the Member is informed that it is unwelcome, or if direct communication with the Member by the complainant is not reasonable and appropriate, a person who believes that he or she is being harassed or discriminated against by a Member may make a written complaint to the Clerk.

CONSENT TO MEDIATION

Upon receiving a written statement from the complainant, the Clerk will determine whether the complainant consents to mediation.

NOTIFICATION OF MEMBER

Within five working days of receiving a written statement, the Clerk will notify the Member in writing that a complaint has been made, outline the substance of the complaint and provide the Member a copy of this policy. The Clerk will advise the Member whether the complainant has consented to mediation. Where the complainant has consented to mediation, the Clerk will advise the Member that the Member may indicate his or her consent to mediation within ten working days.

APPOINTMENT OF MEDIATOR

Where both parties have consented to mediation, the Clerk will, as soon as is practicable, select an independent mediator who has completed recognized training in mediation and who is agreed to by both parties. The Legislative Assembly will pay the cost of the mediator. If the parties are unable to agree on the selection of a mediator after reasonable effort, the matter will be referred to arbitration.

EXCLUSION FROM MEDIATION

The mediator must exclude from mediation complaints received in the following circumstances:

- Where there is a significant power imbalance between the complainant and the Member;
- Where there is such a significant disparity between the complainant's and the Member's accounts of the events with which the complaint is concerned that mediation would be unworkable; or
- Where the severity of the alleged behaviour or the public interest requires an investigation of the complaint and arbitration.

MEDIATION WITHOUT PREJUDICE

Mediation will be conducted without prejudice.

CONCLUSION OF MEDIATION

The mediation period will be concluded within a period of 20 working days of the appointment of the mediator, unless this period of time is extended by mutual agreement of the parties. If a resolution is achieved as a result of mediation, a written copy of the resolution will be signed by both parties and forwarded to the Clerk. The resolution may include undertakings as to future conduct.

5.6 ARBITRATION

If mediation is not feasible or appropriate, if the mediation process is concluded with no resolution, or if the unwelcome behaviour continues after mediation is concluded, the complainant may request that the matter proceed to arbitration.

APPOINTMENT OF ARBITRATOR

Where the complainant has requested arbitration, the Clerk will, after giving reasonable notice to the Member complained of and the complainant, appoint an independent arbitrator to adjudicate the matter, from a list of eligible persons approved by the Board of Management. The Legislative Assembly will pay the costs for arbitration.

INQUIRY PROCESS

The arbitrator shall conduct the arbitration in private. Both parties must be advised of the right to be represented independently, including by legal counsel. An arbitrator:

- has the powers of a Board under the *Public Inquiries Act*, including the power to engage the services of counsel, experts and other persons referred to in section 10 of that Act; and
- is not subject to technical rules of evidence.

EVIDENCE OF MEMBER

The Member complained of may not refuse to give evidence during the arbitration.

DISPOSITION OF COMPLAINT

At the conclusion of the arbitration, the arbitrator shall submit a disposition report outlining the arbitrator's recommendations for disposition of the complaint, with reasons, to the Board, the Member complained of and the complainant.

ANONYMITY OF COMPLAINANT

Upon the request of the complainant, and where the arbitrator considers it reasonable and appropriate in the circumstances, the arbitrator may protect the anonymity of the complainant in the disposition report. Where the complainant is not identified in the report, no person may disclose the identity of the complainant, except:

- for the purposes of an arbitration under this policy;
- where there is reason to believe that an individual or group is at risk of physical harm; and
- as required by law.

CONSIDERATION OF REPORT BY BOARD OF MANAGEMENT

The Board shall consider a disposition report made under this policy within 30 days of receipt.

DISPOSITION BY BOARD OF MANAGEMENT

The Board may decide to take no further action in the matter, may reprimand the Member or the complainant, or may recommend to the Legislative Assembly any further disciplinary action to be taken against the Member.

5.7 HANDING OF COMPLAINTS

CONFIDENTIAL INFORMATION

Subject to this policy, the Clerk and officers of the Legislative Assembly, mediators and persons employed or engaged in the Office of the Legislative Assembly or by a mediator or arbitrator shall maintain the confidentiality of any confidential information received in the course of the administration of this policy.

DISCLOSURE OF INFORMATION

Confidential information received in the course of the administration of this policy may be disclosed:

- to a Member who is the subject of a complaint;
- to a complainant;
- for the purposes of an inquiry under this policy, unless the information relates to mediation provided for by this policy;
- where there is reason to believe that an individual or group is at risk of physical harm; and
- as required by law.

EXPEDIENCE

All complaints will be dealt with as quickly as practicable.

SUBSEQUENT EVENTS

Events that take place after a complaint has been made may, without the filing of a further complaint but with due notice to the complainant or the Member, be included in a mediation or an arbitration.

5.8 PROTECTION OF MEMBERS' FUNCTION

Nothing in this policy shall be construed so as to prevent or impede the proper exercise of a Member's function as a Member of the Legislative Assembly, including the ordinary and proper representation of members of the public.

5.9 LEGAL COSTS

COMPLAINT SUBSTANTIATED

If the complaint is substantiated, the Legislative Assembly will reimburse the complainant for the costs of legal representation. The Legislative Assembly will not reimburse the Member for any expenses incurred or damages assessed.

COMPLAINT NOT SUBSTANTIATED

If the complaint is not substantiated, the Legislative Assembly will reimburse the Member for his/her costs of representation. The Legislative Assembly will not reimburse the complainant for any portion of expenses incurred in the pursuit of the complaint.

6. CONFLICT OF INTEREST

The *Legislative Assembly and Executive Council Act* governs conflict of interest matters for Members of the Legislative Assembly. It sets out the definition of conflict of interest, the obligations of all Members, the disclosure requirements of Members, the complaint process regarding Members alleged to be in a position of conflict and the role of the Conflict of Interest Commissioner. Members should refer to Part 3 of the *Act*, Conflict of Interest, in its entirety.

As described in Section 74 of the *Act*, a conflict exists when a Member participates in decision-making that would directly affect his or her private business interests or that of a spouse or dependant child. Members should refer to Section 1 of the *Act* for the definition of spouse and Section 73 for the definition of dependant child. Members should also refer to Section 74 (2) and (3) to be familiar with those situations that are not considered to be a conflict of interest.

The following duties are imposed on Members by Sections 75 to 78 of the *Legislative Assembly and Executive Council Act*:

- perform duties and arrange private affairs in a manner that maintains public confidence and trust in the integrity, objectivity and impartiality of the Member;
- refrain from accepting gifts, remuneration or benefits which would erode public confidence;
- arrange his or her private affairs in compliance with the Act and to avoid conflict;
- not use information gained as an elected Member that is not generally available to the public to further your own interest or those of a spouse or child;

- not influence a decision of another person to promote his or her own interest or those of a spouse or child;
- declare a conflict, the nature of it and withdraw from a meeting without voting or participating in consideration of the matter;
- not to make representations for other persons for remuneration respecting the awarding of contracts or benefits;
- not to enter into any contracts with the government of the NWT. Members have 60 days after the start of an Assembly to arrange their affairs so as not to be in contravention of the Act. A disclosure statement must be filed annually with the Conflict of Interest Commissioner in a form established by the Commissioner. In certain circumstances, Members may be required to file a Supplemental Disclosure Statement.

Members are required to meet annually with the Conflict of Interest Commissioner, who provides advice to Members on how to arrange financial and business affairs so as to comply with the *Legislative Assembly and Executive Council Act*. Where a Member complies with the advice and recommendations of the Conflict of Interest Commissioner, no proceedings may be taken against the Member under the Act.

Further duties of the Conflict of Interest Commissioner are described at Section 23.2 of this Handbook.

Members should note that there is an established transition period during which certain conflict of interest restrictions apply to Members leaving office. The transition period is directly tied to the Member's transition allowance. Members should refer to Section 71 of this Handbook for more information on the Transition Allowance.

Based on the transition period, the *Legislative Assembly and Executive Council Act*, Part 3, Sections 83 to 86 provides details on the restrictions governing the actions of former Members, Ministers and Speakers during this period. Further information on any of these matters can be obtained from the Clerk of the Legislative Assembly, the Conflict of Interest Commissioner or the Law Clerk.

7. MEMBERS' COSTS IN CONFLICT OF INTEREST COMPLAINTS

Section 108 of the *Legislative Assembly and Executive Council Act* provides that the reasonable costs of a Member complained of under the conflict of interest portion of the Act shall be reimbursed to the extent and in the circumstances provided for in the policy established by the Board of Management.

Section 106 of the *Legislative Assembly and Executive Council Act* requires a Sole Adjudicator, after conducting an Inquiry, to submit a disposition report to the Speaker. A disposition report may order that the Member pay costs in an amount determined by the Sole Adjudicator.

The Speaker must table the disposition report in the Assembly as soon as practicable.

The Assembly shall consider the disposition report within 15 days of it being tabled, and it may order the imposition of the punishment recommended by the Sole Adjudicator, or it may reject it.

A Member is entitled to retain legal counsel of his or her choice to address any complaint filed against the Member pursuant to Part 3, Conflict of Interest, of the *Legislative Assembly and Executive Council Act*. A Member, subject to the provisions of this policy, is entitled to receive payment for costs incurred at any point after the Member has received notice from the Conflict of Interest Commissioner that a complaint has been received respecting the Member.

Members shall provide a copy of this policy to any counsel prior to the commencement of any agreement to represent the Member.

7.1 HOURLY RATES

Members shall be entitled to reimbursement for the hourly rates of counsel subject to a maximum hourly charge of \$250 per hour.

To the extent that hourly rates charged by counsel for the Member exceed this amount, the Member shall be personally responsible for the payment of the differential.

7.2 OUT OF JURISDICTION COUNSEL

The Member shall be entitled to retain counsel residing outside of the Northwest Territories, but reimbursement for travel and other costs resulting from counsel residing outside of the Northwest Territories shall only be paid if satisfactory Northwest Territories counsel was not available to the Member.

If a Member intends to retain counsel who resides outside of the Northwest Territories, and is seeking costs of counsel to be eligible for reimbursement pursuant to this policy, the Member shall first seek the approval of the Board of Management. In seeking approval for the payment of such costs, the Member should set forth for the Board the reasons and particulars of the proposed agreement to retain such counsel. A Member is free to retain out of jurisdiction counsel without the approval of the Board, but the Member shall be responsible for all additional costs incurred as a result of counsel residing outside of the Northwest Territories.

In circumstances where reimbursement for out of town counsel is approved, travel costs incurred for the purpose of consulting with counsel will only be approved where such consultation could not reasonably occur by other means such as telephone or electronic medium.

Any counsel retained by the Member must be an active member in good standing of the Law Society of the Northwest Territories. Any cost associated with becoming a member of the Law Society of the Northwest Territories shall be the cost of counsel or the Member.

7.3 MORE THAN ONE COUNSEL

Reimbursement will not be available for more than one counsel for the Member unless it can be demonstrated that additional counsel is both necessary and cost effective.

7.4 DISBURSEMENTS

The reasonable disbursements of legal counsel are eligible for reimbursement together with hourly rate charges. Eligible disbursements include:

- long distance telephone charges;
- fax charges;
- courier charges;
- postage charges;
- photocopy charges;
- court filing fees and transcript costs; and

- travel, meals and accommodation where out of town counsel is approved and where travel is necessary for the proper representation of the client.

Costs incurred and normally forming part of the expected overhead of counsel shall not be reimbursed.

7.5 REVIEW AND TAXATION OF LEGAL ACCOUNTS

Upon receipt of a legal account, which may be rendered on an interim basis, the Member shall submit the account for review by the Law Clerk and, if approved on review, the Law Clerk may direct payment by Corporate Services.

All accounts received for legal services shall be submitted to the Law Clerk for review and approval. In the event of any item or cost not being approved by the Law Clerk, he or she shall contact counsel to determine whether the cost or item(s) can be resolved by agreement. Failing agreement, the account shall be set down for taxation by the Clerk of the Supreme Court. Subject to any appeals from taxation, all parties shall be bound by the ruling of the taxing officer.

7.6 ADDITIONAL AND EXTRAORDINARY COSTS

A Member shall be eligible for reimbursement for other costs incurred in answering a complaint, including:

- Costs incurred for the production of documents or copies of documents from financial institutions, registry offices or other officials; and
- Costs incurred for the preparation or provision of expert advice or
- reports. The costs associated with the attendance of witnesses at any inquiry shall be subject to the directions of the Sole Adjudicator.

Notwithstanding any limitation contained in this policy, a Member may receive reimbursement for costs incurred upon application to the Board for that purpose. In making application for payment of additional or extraordinary costs, the Member shall provide to the Board sufficient reasons and background information, which will allow a full and considered review of the costs.

7.7 REPAYMENT OF COSTS BY A MEMBER

If costs have been reimbursed or paid to a Member which are subsequently disallowed or not approved, the Member shall be personally responsible for the repayment of any such costs. Where money is owed to the Government, the Member must reimburse the Government in one of the following ways:

- The Member may provide a personal cheque to Corporate Services for the full amount of the repayment, payable to the Government of the Northwest Territories;
- If the Member does not provide a cheque or otherwise make arrangements satisfactory to the Board of Management for the repayment of funds owing, the full amount of the repayment may be recovered from the Member's indemnity and/or entitlement, to a maximum of ten percent of the gross amount due to the Member at the time of any such set off or recovery. The Board may further seek such other remedies, including seeking judgment against the Member for the full amount owing plus costs.

8. COMPLAINANTS' COSTS IN CONFLICT OF INTEREST COMPLAINTS

Section 108 of the *Legislative Assembly and Executive Council Act* provides that the reasonable costs of a complainant lodging a complaint under the Conflict of Interest portion of the *Act* shall be paid, if an inquiry is directed to be held before a Sole Adjudicator and if the Sole Adjudicator considers that the costs of the complainant should be paid. Reimbursement shall be to the extent and in the circumstances provided by policy established by the Board of Management.

Following the decision of the Sole Adjudicator that costs should be paid, the complainant will be entitled to retain legal counsel of his or her choice. The complainant shall provide a copy of this policy to any counsel prior to the Assembly entering into an agreement with third party counsel.

8.1 HOURLY RATES

Complainants shall be entitled to reimbursement for the hourly rates of counsel subject to a maximum hourly charge of \$250.

To the extent that hourly rates charged by counsel for the complainant exceed the maximum hourly charge, the complainant shall be personally responsible for the payment of the differential.

8.2 OUT OF JURISDICTION COUNSEL

The complainant shall be entitled to retain counsel residing outside of the Northwest Territories, but reimbursement for travel and other costs resulting from counsel residing outside of the Northwest Territories shall only be paid if satisfactory Northwest Territories counsel was not available to the complainant.

If a complainant intends to retain counsel who resides outside of the Northwest Territories, and is seeking costs of the counsel to be eligible for reimbursement pursuant to this policy, the complainant shall first seek the approval of the Board of Management. In seeking approval for the payment of such costs, the complainant should set forth for the Board, the reasons and particulars of the proposed agreement to retain such counsel. A complainant is free to retain out of jurisdiction counsel without the approval of the Board but the complainant shall be responsible for all additional costs incurred as a result of the counsel residing outside of the Northwest Territories.

In circumstances where reimbursement for out of town counsel is approved, travel costs incurred for the purpose of consulting with counsel will only be approved where such consultation could not reasonably occur by other means such as telephone or electronic medium.

Any counsel retained by the complainant must be an active member, in good standing, of the Law Society of the Northwest Territories. Any costs associated with becoming a member of the Law Society of the Northwest Territories shall be the costs of the counsel or of the complainant.

8.3 MORE THAN ONE COUNSEL

Reimbursement will not be available for more than one counsel for the complainant unless it can be demonstrated that additional counsel is both necessary and cost effective.

8.4 DISBURSEMENTS

The reasonable disbursements of legal counsel are eligible for reimbursement together with hourly rate charges. Eligible disbursements include:

- long distance telephone charges;
- fax charges;
- courier charges;
- postage charges;
- photocopy charges;
- court filing fees and transcript costs; and
- travel, meals and accommodation where out of town counsel is approved and where travel is necessary for the proper representation of the client.

Costs incurred and normally forming part of the expected overhead of counsel shall not be reimbursed.

8.5 REVIEW AND TAXATION OF LEGAL ACCOUNTS

Upon receipt of a legal account, which may be rendered on an interim basis, the complainant shall submit the account for review by the Law Clerk and, if approved on review, the Law Clerk may direct payment by Corporate Services.

All accounts received for legal services shall be submitted to the Law Clerk for review and approval. In the event of any item or cost not being approved by the Law Clerk, he or she shall contact counsel to determine whether the cost or item(s) can be resolved by agreement. Failing agreement, the account shall be set down for taxation by the Clerk of the Supreme Court. Subject to any appeals from taxation, all parties shall be bound by the ruling of the taxing officer.

8.6 ADDITIONAL AND EXTRAORDINARY COSTS

A complainant shall be eligible for reimbursement for other costs incurred in laying a complaint, including:

- costs incurred for the production of documents or copies of documents from financial institutions, registry offices or other officials; and
- costs incurred for the preparation or provision of expert advice or
- reports. The costs associated with the attendance of witnesses at any inquiry shall be subject to the directions of the Sole Adjudicator.

Notwithstanding any limitation contained in this policy, a complainant may receive reimbursement for costs incurred upon application to the Board for that purpose. In making application for payment of additional or extraordinary costs, the complainant shall provide to the Board sufficient reasons and background information, which will allow a full and considered review of the costs.

8.7 PUBLIC ACCOUNTABILITY

It is important that Members of the Legislative Assembly carry out their duties with integrity and honour, showing respect to their constituents, their fellow Members and to the Legislative Assembly of the Northwest Territories. It is equally important that Members be seen to be carrying out their duties in this manner. Citizens require public accountability and expect the highest standards from those in positions of power.

As a means of ensuring accountability, the *Legislative Assembly and Executive Council Act*, the *Indemnities, Allowances and Expense Regulations* and this Handbook require that certain information regarding the activities of Members be made public. The Speaker is required to table in the House, and thereby make public, reports detailing Members' pay, allowances and expenses, including Members' reimbursements under the Capital Accommodation Allowance and Constituency Work Expense Allowance. The Speaker is also required to table a report during each sitting of the Legislative Assembly detailing Members' attendance at meetings of the Legislative Assembly and its Committees for the full period prior to that sitting.

In addition to the above-noted reports, any member of the public may, at any time, make a request to the Clerk of the Legislative Assembly to inspect and obtain a copy of any claim for reimbursement made by a Member in the last five years. Unless disclosure of the information contained on the claim poses a threat to the security of the Member or another person, the information will be provided.

Further information on the expenditure report tabled by the Speaker can be found in the relevant sections of this handbook.

LEGISLATIVE ASSEMBLY STRUCTURE

CONSENSUS GOVERNMENT

9. UNDERSTANDING CONSENSUS GOVERNMENT

The term “consensus government” is often quoted but seldom understood. In many ways, the Legislative Assembly of the Northwest Territories operates in a manner very similar to any other parliamentary democracy in the Westminster model. The three branches of government, the Legislative, Executive and the Judiciary, each have their own roles and independent spheres of authority. Ministers are responsible to the Legislative Assembly for the activities of their Departments and are held accountable by the Assembly for their decisions and actions. In many ways, however, the similarities end there.

Consensus government is not decision making by unanimous consent. In fact, unanimous consent on substantive matters of legislation, budget or policy is rare. Similarly, consensus government is not defined simply by the absence of political parties, although this is an important consideration. While there is no hard and fast definition of what consensus government is, the following quote by University of Toronto political scientist Graeme White captures what many believe to be the essence of our unique system:

It is the possibility and frequency of accommodation, cooperation and compromise that defines consensus government.

The following sections describe the key elements of our system of consensus government and how they each interact to achieve this unique dynamic.

10. THE LEGISLATIVE BRANCH

The mandate and jurisdiction of the Legislative Assembly is found in the *Northwest Territories Act (Canada)*, the *Legislative Assembly and Executive Council Act (NWT)*, various parliamentary and NWT conventions, and the Rules of the Legislative Assembly. The Legislative Assembly consists of all 19 MLAs and is the ultimate deliberative and law

making authority in the public government sphere in the NWT. The Legislature meets in public and is accountable to the electorate.

The Legislative Assembly is primarily a law-making body. It makes laws within its sphere of jurisdiction, which includes the spending of public money. While individual Ministers typically propose legislation to the House, it is the Legislative Assembly as a whole that must accept, reject or revise such legislative proposals.

Much of the work of the Legislative Assembly is delegated to Standing and Special Committees, which are extensions of the House itself. Committees are established pursuant to the Rules of the Assembly and are intended to spread the workload between Members and allow Members to gain specialized knowledge in certain program areas. Committees may only exercise the responsibilities delegated to them by the House and must always report back to the House itself.

11. CAUCUS

A second major entity within our Consensus Government structure is the full Caucus. Caucus operates by convention and is made up of all Members of the Legislative Assembly (MLAs).

Caucus plays a prominent role in bringing the interests of all Members together. It is the forum in which Members build consensus regardless of other offices held. For example, the Speaker, who by tradition does not participate in discussions or debates in the Legislative Assembly, participates freely in Caucus discussions.

A Caucus is defined as an in camera meeting of a group of MLAs who share a common interest. The single word “Caucus” or “Full Caucus” refers to all nineteen Members meeting together outside the formal confines of the Chamber, Standing Committee or Cabinet.

There is no formal mandate for Caucus. Its responsibilities and purpose have evolved over time to meet the needs of all Members and to support the consensus government structure.

11.1 CAUCUS CONVENTIONS

The Chairperson of Caucus is a Regular Member elected by all Caucus members. The proceedings and discussions of Caucus are private and confidential. Caucus proceedings and discussions shall not be disclosed except with the agreement of Caucus. There are no formal records of Caucus discussions

and attendance is not recorded. Members of Caucus participate as individual Members in a free and open exchange of ideas. It is a private forum in the consensus government structure where Members meet as equals and do not carry the responsibilities of other offices they might hold.

The Clerk of the Legislative Assembly provides support to Caucus. Any additional staff or support is provided through the Clerk.

11.2 ROLE OF CAUCUS

Caucus is a forum for discussing issues of interest to all Members in cases where Cabinet has not established a government position, or it is inappropriate for Cabinet to establish a government position in the absence of consensus from all Members.

Examples of items discussed in Caucus include the broad vision and goals for the Government prior to public debate, recommendations to the Assembly on key appointments, disciplinary or personal issues regarding Members or the timing of legislative sessions.

Caucus is a forum to solve problems or discuss issues that affect all Members. It is not intended to replace or supersede the respective roles of the Legislature, Cabinet or Standing Committees.

Where Cabinet has established a position or proposal on a matter of public policy, these are reviewed by the appropriate Committee of the Legislative Assembly or by the House in formal sitting.

Caucus does not have formal decision-making authority. However, once a consensus on action is reached, the appropriate branch within the NWT consensus government structure will take action to implement the decision. For example, Cabinet could introduce enabling legislation or the Legislative Assembly could consider a motion to initiate action by others.

12. EXECUTIVE BRANCH

The third major entity within the Consensus Government Structure is the Executive Branch of Government, composed of the Executive Council or Cabinet, and the bureaucracy or employees of the Public Service. The mandate and responsibilities of the Cabinet are governed by the *Legislative Assembly*

and Executive Council Act, parliamentary and NWT conventions, and occasionally in letters of instruction from the Federal Government. In general, the Cabinet is responsible for the overall management and direction of the Executive Branch of Government, including matters of policy.

The Executive Branch of Government is the term used to refer to the Executive Council and the public service of the Northwest Territories. Within a parliamentary democracy, it is one of the three distinct and independent branches of government (the other two being the Legislative Branch and the Judiciary).

The Executive Branch has been described as the business arm of government. It is responsible for the delivery of programs and services, for enforcing the laws made by the Legislative Assembly and for implementing the activities that will achieve the vision that all MLAs have for the Northwest Territories.

The Executive Branch, through the Executive Council and individual Ministers, is appointed on the recommendation of and accountable to the Legislative Assembly.

The Executive Council (also known as Cabinet) is composed of all persons appointed by the Legislative Assembly to be Executive Council Members (Ministers). The Executive Council is appointed by the Commissioner of the Northwest Territories on the recommendation of the Legislative Assembly. It is chaired by the Premier.

12.1 PREMIER

The current convention is that all Members of the Legislative Assembly choose the Premier. The Premier assigns portfolios to Members of the Executive Council. These assignments include responsibility for departments, corporations and agencies of the Government of the Northwest Territories, and for offices and committees of the Executive Council. This practice is established by convention only and any Assembly could choose to vary it.

- The Premier has:
- the authority for the overall management and direction of the Executive Branch of Government; and
- the right to take disciplinary action which he/she deems necessary with respect to the conduct of the Ministers.

The Premier is:

- the spokesperson for the Executive branch of the Government of the Northwest Territories;
- the Chairperson of the Executive Council (Cabinet); and
- the Minister responsible for the Department of the Executive and any other departments that he or she deems appropriate.

12.2 FINANCIAL MANAGEMENT BOARD

The Financial Management Board is chaired by the Minister of Finance. All other members of the Board are Ministers. The Financial Management Board is responsible for the financial management and administration of the government. The Board has certain decision-making authorities as specified in the *Financial Administration Act*.

PRESIDING OFFICERS OF THE LEGISLATIVE ASSEMBLY

13. SPEAKER

The Speaker of the Legislative Assembly is the representative of the House in its powers, proceedings and dignity.

The duties of the Speaker fall into three categories:

- the Speaker acts as the spokesperson for the Legislative Assembly in its dealings with the Commissioner and authorities or persons outside the Legislature;
- the Speaker presides over House proceedings and maintains order in the conduct of its business; and
- the Speaker has responsibility for the administration of the House and the Office of the Legislative Assembly.

In order to fulfill the duties and mandate of the position, the Speaker must have the confidence and support of all Members.

13.1 ELECTION OF THE SPEAKER

At the beginning of an Assembly when the House first meets and before any business can be conducted, the House must elect a Speaker. The election is presided over by the Clerk.

If the Speaker's office is vacated for any reason, such as death or resignation, a new Speaker is elected as soon as possible. The Deputy Speaker assumes the Speaker's responsibilities until a replacement is appointed.

13.2 THE SPEAKER AS PRESIDING OFFICER

As Presiding Officer, the Speaker's principal duty is to apply and interpret the practices and traditions of the House and to maintain order during debate. To do this, the Speaker relies on the Rules of the Legislative Assembly and other recognized procedural authorities.

The Speaker's actions must always be, and be seen to be, impartial. For this reason the Speaker never participates in debate except to cast the deciding vote if a tie should occur. Even when casting a deciding vote, the Speaker normally votes in accordance with well-established traditions as opposed to his own conscience.

13.3 THE SPEAKER AS DEPARTMENT HEAD

The Speaker is Chairperson of the Board of Management. The Speaker and the Board have responsibility for the overall management and administration of the Office of the Legislative Assembly. The roles and responsibilities of the Board of Management are outlined later in this handbook.

14. DEPUTY SPEAKER AND CHAIR OF COMMITTEE OF THE WHOLE

Early in the first Session of a new Legislative Assembly, a Deputy Speaker is appointed by motion. The Deputy Speaker may assume the duties of Speaker during the Speaker's absence. The Member elected as Deputy Speaker also serves as Chairperson of Committee of the Whole. The Deputy Speaker acts as the Chairperson of the Board of Management in the absence or incapacity of the Speaker, or if the Speaker's position is vacant.

14.1 DEPUTY SPEAKER'S DUTIES AS CHAIRPERSON OF COMMITTEE OF THE WHOLE

When the Assembly resolves into Committee of the Whole, the Speaker leaves the Chair, and the Chairperson of Committee of the Whole takes his or her place at the Clerk's Table and presides over the proceedings.

When in the Chair, the Chairperson maintains order and decorum in the same manner as the Speaker when the House is in formal Session. The Chairperson ensures that business is conducted in accordance with the Rules and established practices of the Assembly.

Some of these Rules and practices are relaxed somewhat in Committee of the Whole. For example, Members may move about the Chamber more freely; Members are not required to stand when speaking; Members may be permitted to speak more than once to an issue but not for more than ten minutes at a time; no seconder for a motion is required.

Following a resolution that the Committee rise and report progress, the Chairperson awaits the return of the Speaker. Returning to his or her regular seat in the Chamber, the Chairperson reports to the Assembly on Committee resolutions adopted, progress on the consideration of Bills and all other business transacted in Committee of the Whole.

15. DEPUTY CHAIRPERSONS OF COMMITTEE OF THE WHOLE

The Legislature also appoints two Members to act as Deputy Chairpersons of Committee of the Whole. One of the Deputy Chairpersons takes the Chair when the Chairperson is absent from the House. The Deputy Chairperson performs the same function in Committee of the Whole as the Chairperson normally does.

BOARD OF MANAGEMENT

16. BOARD STRUCTURE

The Board of Management is a body corporate established under the *Legislative Assembly and Executive Council Act*. The existence of the Board reflects the right and privilege of the House to govern its internal affairs.

The Board of Management is composed of:

- the Speaker (who acts as Chairperson);
- two Minister; and
- two Members, other than the Speaker or the Deputy Speaker. The Clerk acts as Secretary to the Board.

Initial appointments to the Board of Management, as well as alternate appointments, are made by resolution of the Legislative Assembly at its first Session. The term of office for Board members and alternates is the duration of the Legislative Assembly or sooner if the appointment is revoked by the Legislative Assembly. Should a vacancy on the Board of Management occur, the Board may appoint an alternate or interim member until such time as a resolution adopted by the Assembly fills the vacancy.

In the event the Speaker is unavailable or unable to act, or the position is vacant, the Deputy Speaker shall act as Chairperson of the Board of Management until the Speaker returns to his or her duties or a new Speaker is appointed. If both the Speaker and the Deputy Speaker are absent or unable to act as Chairperson, the members of the Board may choose an acting Chairperson from among their members to perform the duties of Chair until either the Speaker or the Deputy Speaker are able to fulfill their duties.

16.1 RESPONSIBILITIES AND AUTHORITIES

The Board is responsible for the overall management and administration of the Legislative Assembly including the provision of services to Members and the establishment of policies regarding their conduct. The Board of Management is independent of the Executive Council and is accountable to individual Members and the House. Its powers are laid out in the *Legislative Assembly and Executive Council Act*. Its responsibilities include, but are not limited to:

- compiling and preparing the annual budgetary estimates for the Legislative Assembly and transmitting these to the Minister of Finance for inclusion in the Estimates in accordance with the *Financial Administration Act*;
- providing services to Members that it considers appropriate;
- administering the indemnities, allowances, reimbursements and benefits to which Members are entitled;
- providing for the management and administration of the Office of the Legislative Assembly;

- establishing regulations and policies for all services to be provided to Members;
- management and administration of the Members' pension plans in accordance with the *Legislative Assembly Retiring Allowances Act* and the *Supplementary Retiring Allowances Act*;
- ensuring that the cultures and traditions of the NWT and the dignity of the Legislative Assembly are reflected in the décor and the dress in the Legislative Assembly; and
- providing for any other financial or administrative matter that the Board considers necessary in respect of the Legislative Assembly or the Office of the Legislative Assembly.

In exercising its powers and authorities, the Board of Management may direct that any regulation, order or directive made under the Financial Administration Act or any regulation, order or policy made under the Public Service Act is inapplicable to, or is varied in respect of, the Office of the Legislative Assembly or any of its officers or employees.

Section 42 of the *Legislative Assembly and Executive Council Act* requires the Speaker, as soon as is reasonably practicable in each fiscal year, to table any policies made by the Board of Management in the previous fiscal year in respect of Members' indemnities or allowances or the expenses for which Members may be reimbursed. The Speaker may also table any other policies when he or she feels it is appropriate to do so.

In accordance with Regulation and this Handbook, the Speaker is also required to table any regulations made or amended under the Act as soon as reasonably practicable.

16.2 BOARD MEETINGS

Meetings of the Board are held regularly and in public. Meetings are normally held at the Legislative Assembly but may be held at other locations within or outside the Territory at the Board's discretion. The Secretary will notify all Members a week in advance of the meeting and post a notice of the meeting in three prominent locations in the Legislative Assembly building and on the Assembly's website. A public service announcement will also be issued three days before the meeting.

Meeting agendas and supporting documentation will be distributed to Board Members no later than two days prior to a meeting of the Board. Copies of the agendas for meetings of the Board are public but documents prepared in support of specific agenda items are confidential unless otherwise directed by the Chairperson or the Board.

Members of the Legislative Assembly wishing to have a matter considered by the Board should notify the Chairperson or Secretary to the Board, in writing, at least five business days in advance of the meeting. Wherever possible, Members should provide background information in support of the matter to the Secretary at the time of notice.

The Chairperson and at least one Minister who is a Member of the Board and one Member of the Board who is not a Minister constitute a quorum. All members of the Board are entitled to one vote and the Chair votes only in the event of a tie vote. Alternate members of the Board are invited by the Chair to attend meetings and vote only when required to establish a quorum or when the Chair feels the attendance and participation of alternate Members would be beneficial.

The Chairperson may call an emergency meeting of the Board when a situation arises that requires immediate action. In such circumstances, the notice of meeting shall be posted as far in advance as possible, in the Legislative Assembly building and on the Assembly's web site. If time allows, a public service announcement will also be made. Agendas and supporting documentation for emergency meetings will be provided to Board Members as far in advance of the meeting as possible.

The Board may direct that a meeting or a portion of a meeting be held *in camera* under the following circumstances:

- when the matter deals with a private and personal concern of a Member;
- when the matter is a personnel issue;
- when the Board is considering the budgetary requirements of the Legislative Assembly;
- when the Board is receiving legal advice from its counsel;
- when the Board is discussing the terms and conditions of a contract prior to its final execution;

- when the Board is considering the qualifications and suitability of persons for various appointments prior to a final recommendation;
- when the Board is considering draft legislation, regulation or policy prior to introduction in the Legislative Assembly for final approval;
- when the Board considers any matter that may pose a threat to the security of any person or property or the security of the precincts of the Legislative Assembly.

Where a meeting or portion of a meeting is held *in camera*, the reason will be recorded by the Secretary and noted in its record of proceedings. The reason will be given to a Member or members of the public upon request.

16.3 DISCIPLINE

It is the responsibility of the Chairperson to ensure that all Members are fulfilling their Board obligations by:

- attending meetings regularly and on time;
- preparing for meetings by reviewing all agenda materials in advance; and
- participating in meetings in a productive way.

Actions which warrant the discipline of the Board include, but are not limited to:

- violating any provision of the *Legislative Assembly and Executive Council Act* and its regulations or any provision of this Handbook that deals with the conduct and responsibilities of Members of the Legislative Assembly;
- disclosing confidential information without Board approval;
- attending a meeting under the influence of alcohol or other mind-altering substance; and
- being absent from meetings without a valid excuse. If a Member acts in a way as to warrant discipline, the Board may suspend the Member from the Board for a period up to three days in duration. If a Member has been suspended from the Board for a period of time, the Speaker will report said suspension to the House under Reports of Committees. The Board may, at any time, recommend to the House that a Member be removed from the Board of Management.

16.4 RECORD OF PROCEEDINGS.

A decision of the Board of Management will be in the form of a Record of Decision. Once approved by the Chairperson and countersigned by the Secretary to the Board of Management, Records of Decision will be distributed to all Members within five days. However, where a Record of Decision arises from an *in camera* meeting or portion of a meeting, the Record of Decision will be kept confidential unless otherwise directed by the Board. The Secretary to the Board will maintain all Board records, including agendas and supporting materials, meeting attendance and Records of Decision.

Any person may, upon request to the Secretary, inspect and obtain a copy of any Record of Decision of the Board of Management made within the previous five years, other than those arising from an *in camera* meeting of the Board. All records of the Board of Management, other than Agendas and Records of Decision arising from public meetings, are confidential unless otherwise directed by the Board.

Confidentiality respecting *in camera* proceedings and confidential documents must be maintained by all Members, Officers and employees of the Legislative Assembly in accordance with the Rules of the Legislative Assembly, parliamentary practices and traditions, and in keeping with the privileges enjoyed by all Members individually and the Legislative Assembly collectively. The unauthorized disclosure of confidential Board information may constitute a breach of privilege and may be subject to the discipline of the House.

OFFICERS OF THE LEGISLATIVE ASSEMBLY

The permanent officers of the Legislative Assembly are the:

- Clerk;
- Law Clerk; and
- Sergeant-at-Arms.

17. CLERK OF THE LEGISLATIVE ASSEMBLY

The Clerk is appointed by the Commissioner on the recommendation of the Board of Management and by motion of the Legislative Assembly. The Clerk is the chief permanent officer of the Legislative Assembly and exercises responsibilities in two major areas; parliamentary procedure and management.

17.1 PROCEDURAL DUTIES

The Clerk is the chief advisor to the Speaker, Deputy Speaker, Committee Chairpersons and all Members on matters concerning the privileges, rules, practices and procedures of the Assembly, and coordinates the provision of procedural services by other officers of the Assembly.

Specific duties include:

- presiding over the election of the Speaker at the opening of a new Legislature or when a vacancy in that office occurs;
- responsibility for conducting and recording all recorded votes of the Assembly;
- ensuring the custody of all records and other documents of the Assembly;
- preparing and distributing the Orders of the Day for each sitting day;
- ensuring that Hansard is prepared and distributed as directed by the Speaker;
- responsibility for all legislation, once it is introduced in the House, as it proceeds through all its stages and proceedings, and the certification of all Bills after passage; and
- assisting Members in drafting Private Member's Bills, motions and points of order and privilege pursuant to the Rules.

17.2 MANAGEMENT DUTIES

- responsibility for the administration of services and payments to Members in accordance with legislation, regulations and Board policy;
- direction and control of all of the officers and staff employed in the Office of the Legislative Assembly;
- assigning Clerks and support staff to various Standing and Special Committees;
- directing the preparation of the Assembly's annual budget estimates for presentation to the Board of Management; and
- serving as Secretary to the Board of Management.

The Speaker and the Clerk of the Assembly have the power, duties and functions of a Minister and Deputy Minister with respect to the management and administration of the Legislative Assembly as described in the Public Service Act and the Financial Administration Act.

18. LAW CLERK

The Law Clerk is presently a contract position with the Assembly. The Law Clerk is appointed by the Speaker on the recommendation of the Board of Management.

The duties of the Law Clerk include the following:

- legal advisor to the Assembly, the Speaker, the Clerk and to Members individually on a confidential basis;
- advising Members on the interpretation of legislation or any other questions of a legal nature concerning their work in the Legislature;
- responsible for the content and form of all Bills and amendments before the House;
- assisting Members in drafting amendments to Public (government) Bills;
- reviewing all legislation under consideration, prior to certification;
- legal counsel to Standing and Special Committees as directed by the Clerk; and
- legal counsel to the Board of Management and the MLA pension plans. The relationship between the Law Clerk and a Member is that of solicitor-client, and solicitor-client confidentiality applies to any legal matter discussed with the Law Clerk.

19. SERGEANT-AT-ARMS

The Sergeant-at-Arms is appointed by the Speaker of the Legislative Assembly and is responsible to the Speaker for the following:

- security of the legislative precinct and the Members of the Legislative Assembly at all times;
- administration of the Page Program;
- security and safekeeping of the Mace and the furniture and fittings of the Chamber at all times; and
- leading the Speaker's Procession into and out of the Chamber at the opening and closing of each sitting day.

STATUTORY OFFICERS

20. OFFICE OF THE CHIEF ELECTORAL OFFICER

20.1 ELECTIONS AND PLEBISCITES ACT

The *Elections and Plebiscites Act* provides the framework for the conduct and administration of elections for Members of the Legislative Assembly. The Office of the Chief Electoral Officer of the Northwest Territories is an independent office of the Legislative Assembly.

Elections NWT conducts and administers general elections, by-elections and plebiscites in the Northwest Territories according to legislation enacted by the Legislative Assembly. Its principal mandate is to educate, inform and empower all eligible electors and candidates in the Northwest Territories to exercise their democratic rights outlined in the *Canadian Charter of Rights and Freedoms*, so that they may participate fully in the election process.

20.2 DUTIES OF THE CHIEF ELECTORAL OFFICER

The Commissioner, on the recommendation of the Legislative Assembly, appoints the Chief Electoral Officer. The Chief Electoral Officer is independent of the Executive Council and the Legislative Assembly. Financial resources for the office are provided from the Legislative Assembly appropriations. The Chief Electoral Officer's duties are provided for within the framework of the *Act*. The main duties are to:

- exercise general direction and supervision over the administrative conduct of an election and enforce on the part of all election officers fairness, impartiality and compliance with the *Act*;
- design a program for the dissemination to the electors of information pertaining to an election; and
- perform all other duties assigned by the *Act*. The Chief Electoral Officer is required to submit a

report to the Assembly within six months after a general election that outlines the conduct of the general election and may make recommendations for amendments to the *Act* that the Chief Electoral Officer feels would improve the administration of the *Act*.

During non-election years, eligible electors have the opportunity to provide new information to the Office of the Chief Electoral Officer or to update or correct existing information on the Register of Territorial Electors to ensure that their names appear on the list of electors for the electoral district in which they reside. Personal information provided to the Office of the Chief Electoral Officer is kept confidential and used only for election purposes.

Upon request, the Chief Electoral Officer also assists and provides advice to Aboriginal and Community Governments on electoral matters under their jurisdiction. Joint partnerships exist with a number of municipalities for the development and enhancement of the Register of Territorial Electors. The Chief Electoral Officer provides assistance and support to the Northwest Territories Electoral Boundaries Commission.

21. OFFICE OF THE LANGUAGES COMMISSIONER

21.1 OFFICIAL LANGUAGES ACT

In October 2003, the Northwest Territories Legislative Assembly passed amendments to the *Official Languages Act* establishing English, French, Cree, Chipewyan, Tlicho, Gwich'in, North Slavey, South Slavey, Inuktitut, Inuinnaqtun and Inuvialuktun as official languages of the NWT.

This *Act* applies to institutions of the NWT, Legislative Assembly and of the Government of the NWT (departments, agencies, boards, etc.). It does not apply to municipal councils, the Federal Government or private businesses. The *Official Languages Act* also provides for the appointment of a Languages Commissioner.

The Languages Commissioner of the NWT is appointed by the Commissioner, on the recommendation of the Legislative Assembly, for a four-year term. The Languages Commissioner holds an Ombudsperson-like role and is independent of the government. The resources for the office are provided from Legislative Assembly appropriations, and the Languages Commissioner must appear before the Board of Management to defend his/her budget.

The independence of the office is demonstrated by the fact that the Languages Commissioner reports to the Legislative Assembly and not to a Minister. The Languages Commissioner's independence assures all parties that, when a complaint is made against a government institution, there is a process available for an impartial review.

21.2 DUTIES OF THE LANGUAGES COMMISSIONER

The Languages Commissioner's duty is to ensure that institutions of the Legislative Assembly and of the Government of the NWT respect the spirit, intent and provisions of the NWT *Official Languages Act* and the provisions of any other *Act* or regulation relating to the status or use of official languages. In carrying out these duties, the Languages Commissioner may initiate investigations or may investigate matters after receiving a complaint from any person or group. The Languages Commissioner must hear all legitimate complaints where an institution of the government or of the Legislative Assembly is alleged to have failed to comply with its obligations relating to official languages.

The Languages Commissioner does not issue decisions or orders. He or she cannot force a government institution to act, or cease to act, in a certain way. He or she is limited to reporting findings and making recommendations, although there is an onus on government to respond to the recommendations. The Languages Commissioner can also appear on behalf of any person or as a party in court proceedings relating to the *Official Languages Act*. Amendments to the *Official Languages Act* passed in October 2003, confined the role of the Languages Commissioner's Office to that of monitoring compliance to the *Official Languages Act*. Responsibility for reviewing the rights and status of the NWT's Official Languages and for reviewing the maintenance, promotion and preservation of aboriginal languages has been transferred to the Official Languages Board and the Aboriginal Languages Revitalization Board respectively.

The Languages Commissioner, along with the Government of the Northwest Territories, provides information to the public on matters relating to official languages.

Each year, the Languages Commissioner must submit a report to the Legislative Assembly relating to the conduct of the office and the discharge of his or her duties during the preceding year. The report

includes recommendations for amendments to the *Official Languages Act*. A Standing Committee of the Legislative Assembly is responsible for reviewing the annual reports and any other reports of the Languages Commissioner.

22. OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

22.1 ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT

The *Access to Information and Protection of Privacy Act* was passed in 1994 and came into force December 31, 1996.

The *Act* was created to promote, uphold and protect access to the information that government creates and receives and to protect the privacy rights of individuals. The *Act* gives members of the public a legal right to access information held by GNWT public bodies. It also sets out specific conditions regarding refusal of access. These are aimed primarily at protecting individual privacy rights and the ability of elected representatives to research and develop policy. For example, access will not be given to cabinet documents, information that would unreasonably invade a third party's personal privacy or information that could harm a police investigation.

The *Act* also restricts the collection and use of personal information by public bodies, and provides conditions for the disclosure of personal information. As well, the *Act* allows individuals to access and correct personal information about themselves.

The Information and Privacy Commissioner is appointed by the Commissioner, on the recommendation of the Legislative Assembly, for a term of five years. The Information and Privacy Commissioner is independent of the government, and resources for the office are provided from Legislative Assembly appropriations. The Information and Privacy Commissioner reports directly to the Legislative Assembly. The independence of the office is essential for it to maintain its credibility and ability to provide an impartial review of the government's compliance with the *Act*.

The role of the Information and Privacy Commissioner is to provide an independent review of discretionary decisions made by public bodies under the *Act*. A person who disagrees with the decision of a public body relating to access to information, or the correction of personal information, may ask the Commissioner to review the decision. The Commissioner will review the decision and make a report with recommendations. The public body is not required to follow the Commissioner's recommendations and its decision can be appealed to the NWT Supreme Court.

Each year, the Information and Privacy Commissioner must submit a report to the Assembly on his or her activities during the previous year and provide an assessment of the effectiveness of the *Act*. The Commissioner also may receive representations about the operation of the *Act*, and provide the government with comments on legislative schemes or government programs in so far as they affect either the ability to access information or the distribution of private personal information by a government body.

23. OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER

23.1 LEGISLATIVE ASSEMBLY AND EXECUTIVE COUNCIL ACT

The Conflict of Interest provisions of the *Legislative Assembly and Executive Council Act* were designed to create a regime in which NWT residents know what is expected of Members of the Legislative Assembly and where to voice concerns. The *Act* provides for a stronger and more accessible Conflict of Interest Commissioner's office than previously existed, and sets out a defined procedure for dealing with conflict of interest investigations.

23.2 DUTIES OF THE CONFLICT OF INTEREST COMMISSIONER

The Conflict of Interest Commissioner is appointed by the Commissioner on the recommendation of the Legislative Assembly for a term of four years. The Conflict of Interest Commissioner is independent from government, and resources for the office are provided from Legislative Assembly appropriations. The Commissioner is required to submit an annual report to the Assembly on his or her activities during the previous year.

The Conflict of Interest Commissioner provides advice to Members on how to arrange their business and financial affairs to comply with the *Act*. Where a Member complies with the advice and recommendations, no proceeding may be taken against the Member under the *Act*. The Commissioner also conducts investigations into conflict of interest complaints against Members. After conducting an investigation into a complaint, the Commissioner may dismiss the complaint or direct that an inquiry be held before a Sole Adjudicator.

As well, either the Speaker or the Premier may request the Conflict of Interest Commissioner to provide them with confidential advice and recommendations on any matter respecting conflicts of interests of Regular Members or Members of Cabinet, respectively.

Finally, the Commissioner maintains a public disclosure registry, which is available for examination by the public and has various specific authorities. For example, the Commissioner may approve the provisions of a trust entered into by the Speaker or a Minister, may authorize Members, former Members and corporations to accept contracts with the government that would otherwise be prohibited and may grant Members time extensions in order to carry out requirements necessary under the *Act*.

24. OFFICE OF THE HUMAN RIGHTS COMMISSIONER

24.1 HUMAN RIGHTS ACT

The *Human Rights Act* came into force on July 1, 2004. The *Act* was established to recognize that in the Northwest Territories every individual is free and equal in dignity and rights, without regard to his or her race, colour, ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, marital status, family status, family affiliation, political association or social condition and without regard to whether he or she has had a conviction for which a pardon has been granted. It also recognizes the vital importance of promoting respect for and observance of human rights in the Northwest Territories, including the rights and freedoms protected under the *Canadian Charter of Rights and Freedoms*, and under international human rights instruments.

24.2 HUMAN RIGHTS COMMISSION

The Commission, comprised of three to five Members, is appointed by the Commissioner on the recommendation of the Legislative Assembly. The Director and Deputy Director of Human Rights, reporting to the Commission, are also appointed by the Commissioner, on the recommendation of the Legislative Assembly.

The Commission is completely independent of Government, and resources for the office are provided from the Legislative Assembly's appropriation.

The Director of Human Rights is responsible for the managerial and administrative aspects of the Commission's office and administration of the *Act*. He or she maintains a public registrar of complaints and provides the Commission with a written report on the status and disposition of complaints, every three months. The Director may investigate, dismiss or refer complaints to an Adjudication Panel, which is also appointed by the Commissioner on the recommendation of the Legislative Assembly.

24.3 DUTIES OF THE HUMAN RIGHTS COMMISSION

The Commission has been established to promote understanding of the legislation, develop educational programs for the public, conduct research and monitor compliance with the *Act*. The Commission must also table an annual report detailing the complaints filed or initiated under the *Act* as well as the general activities of the Commission.

The Adjudication Panel, comprised of at least three persons, is appointed by the Commissioner of the Northwest Territories, on the recommendation of the Legislative Assembly, pursuant to Section 48 of the *Human Rights Act*. The panel is responsible for considering complaints referred to it by the Director of Human Rights, and for hearing any appeals of the Director's decision regarding the dismissal of a complaint.

25. OFFICE OF THE EQUAL PAY COMMISSIONER

25.1 PUBLIC SERVICE ACT

The *Public Service Act* was amended in June of 2003 to create the Office of the Equal Pay Commissioner.

The *Act* provides that public service employees must not, on the basis of sex, be paid a lower rate than other employees who perform work of equal value. The *Act* also sets out an appeal process and outlines what is and is not a contravention of the *Act*.

25.2 DUTIES OF THE EQUAL PAY COMMISSIONER

The Equal Pay Commissioner is appointed by the Commissioner of the Northwest Territories on the recommendation of the Legislative Assembly. The Equal Pay Commissioner holds office during good behavior for a term of four years.

The Equal Pay Commissioner shall, by July 1st of each year, prepare and submit to the Speaker a report on the Activities of the Office of the Equal Pay Commissioner during the preceding year. The Speaker shall lay this report before the Legislative Assembly as soon as possible.

The Equal Pay Commissioner shall receive complaints, conduct investigations and assist parties in resolving complaints. He or she shall also promote awareness and understanding of the right to equal pay for work of equal value.

STANDING AND SPECIAL COMMITTEES

26. STANDING AND SPECIAL COMMITTEES

Standing and Special Committees are an essential component of any modern parliamentary democracy. They allow the Assembly as a whole to refer complex matters to a smaller group of Members for detailed study and analysis. In our unique consensus system of government, Committees may act as a sounding board for the Executive Council prior to proceeding with legislative, budgetary or policy initiatives. Committees also allow for public input into important matters of public policy, including the consideration of proposed legislation and budgets, and they allow Members to develop expertise in certain specific areas.

Committees are creatures and extensions of the House itself. Committees may only exercise those duties delegated to them by the House and must report their findings to the House only. The Legislative Assembly has three types of Committees:

- Committee of the Whole;
- Standing Committees; and
- Special Committees.

27. AUTHORITY

Committees of the Legislative Assembly are established pursuant to Section 44 of the *Legislative Assembly and Executive Council Act* and the direction of the House. As such, a Committee possesses no authority except that which it derives by delegation from the Assembly.

Terms of reference are established for each Standing Committee created, however, the Assembly may also refer any other matter, not covered by the terms of reference, to a Standing Committee by passing a resolution in the House. Committees can provide the public with an opportunity to make representations on certain matters.

Committees are also authorized by the Rules of the Legislative Assembly to call for persons and documents and to examine witnesses.

All Committees are required to report to the Assembly, in accordance with the Rules and the direction of the House. Members should refer specifically to the Rules of the Legislative Assembly for further information on Committees.

28. COMMITTEE OF THE WHOLE

This Committee consists of all Members of the Assembly. It is the Assembly itself in a less formal gathering, presided over by a Chairperson, rather than the Speaker, and Committee of the Whole conducts its business according to more flexible rules of procedure. In the absence of the Chairperson (Deputy Speaker), there are two Deputy Chairpersons available to take the Chair. The Committee of the Whole may consider only those matters referred to it by the Assembly.

29. STANDING COMMITTEES

The Legislative Assembly establishes Standing Committees early in the life of each Legislature.

In accordance with the Rules of the Legislative Assembly, at the commencement of each new Legislature, a Striking Committee consisting of three Members, is appointed, whose duty it is to prepare and report, with all convenient speed, lists of Members to compose the Standing Committees. The Striking Committee assigns Committee membership based on a Member's interests, ability and experience. When appropriate, and in accordance with the Rules, alternate Members will also be appointed to Committees.

Standing Committees may meet in public, *in camera* and/or hold public hearings on issues of significance or to review proposed legislation. Standing Committees may review Government plans or proposals at the early stage of their development. Through the Committees' reports, tabled in the Legislative Assembly, the Committees provide input in order to assist the Government in moving forward with its proposals.

29.1 COMMITTEE SUPPORT

At a minimum, a Committee Clerk and a Legislative Assembly Analyst are assigned to each Standing Committee by the Clerk.

The Committee Clerk's administrative responsibilities include, but are not limited, to:

- facilitating a record of proceedings, in accordance with established policy and any further direction of the Committee;
- recording decisions of the Committee;
- advising the Chairpersons and Members on procedural, budgetary, administrative and public information matters;
- preparing agendas, notifications and correspondence in consultation with the Chairperson; and
- facilitating all necessary meeting arrangements, including the provision of the Law Clerk's services where required and the scheduling of witnesses before the Committee.

The responsibilities of the Legislative Assembly Analyst include, but are not limited to:

- highlighting and clarifying central issues before the Committee, including legislative, budgetary and policy matters;
- obtaining background information and documents on issues before the Committee, including inter-jurisdictional research;
- providing briefings and analysis of items, issues and documents before the Committee and in accordance with the direction of the Committee; and
- preparing drafts and final versions of Committee reports as directed by the Committee.

Committee staff assists in the drafting of motions as required to facilitate the conduct of Committee business and at the direction of the Committee.

Members' concerns respecting staff services to a Committee should be brought to the attention of the Clerk of the Legislative Assembly, the Deputy Clerk or the Director of Research Services by the Committee Chair.

30. MANDATES OF THE STANDING COMMITTEES

Each Committee has the responsibility for examining its own procedures to ensure that the work of the Committee is carried out in an efficient, economic and effective manner. It is important to the work of the Committee that Members attend regularly and on time.

The structure of the Committee system is determined by and tailored to the needs of each Legislature.

31. SPECIAL COMMITTEES

Special Committees are appointed by the Legislature to deal with specific matters not assigned to a Standing Committee. A Special Committee is automatically dissolved when it makes its final report or at a time designated by the Assembly when the Committee is initially formed. Special Committees receive similar administrative and professional services as provided to the Standing Committees.

32. SELECTION AND DUTIES OF CHAIRPERSONS

The Member first named to a Committee will call the first meeting of the Committee.

The selection of a Chairperson will be the first order of business and is presided over by the Committee Clerk. The selection occurs via nominations and election by secret ballot. Any Member of the Committee is eligible to be nominated and Members are permitted to nominate themselves. The selection of a Chairperson may be followed by the selection of a Deputy Chairperson in the same manner.

If a vacancy occurs, the same method is used to select a new Chairperson or Deputy

Chairperson. Chairpersons and Deputy Chairpersons are accountable to the Members of the Committee and may be removed from either position by motion of the Committee.

33. ATTENDANCE AT MEETINGS

Quorum for all Committees is a majority of Committee Members. Members are contacted in advance of a meeting and must commit to attend for the duration of the meeting. If a Member is unable to attend for the full duration of the meeting, and quorum for that meeting cannot be achieved, an alternate is contacted to attend for the full duration in their place. Alternates are called for a Committee meeting as required on a rotational basis.

It is the responsibility of the Chair to ensure that all Members are fulfilling their Committee obligations by:

- attending regularly and on time;
- preparing for meetings; and
- participating in meetings in a productive way.

Actions which warrant the discipline of the Committee include, but are not limited to:

- violating the Members' Conduct Guidelines;
- attending a meeting under the influence of alcohol or other mind-altering substances; and
- being absent from meetings without a valid excuse. If a Member acts in a way as to warrant discipline, the Committee may suspend the Member from the Committee for a period of up to three days in duration. If a Member has been suspended from the Committee he or

she will be reported as absent and the Chair of the Committee will report said suspension to the House under Reports of Committees.

Pursuant to Section 2 of the *Indemnities, Allowances and Expense Regulations*, the Chair of the Committee, or at the request of the Chair, the Clerk of the Committee, shall record a Member's absence at a meeting of the Committee, noting the reason for the absence.

The Board of Management sets out the following possible explanations for a Member's failure to attend a meeting of the committee;

- the absence is in the course of the Member's duties as a Member or Minister or as the Premier or Speaker;
- the absence is a result of the Member's illness or injury or due to bereavement; or
- the absence is due to personal reasons. If a Member is absent for six meeting days in a calendar year without a valid explanation, the Committee shall recommend to the House that the Member be removed from the Committee.
- the absence is due to factors outside a Member's control (i.e. weather, road closure or state of emergency)

34. TABLING OF SUMMARY OF MEMBERS' ABSENCES

The *Indemnities, Allowances and Expense Regulations* direct the Speaker of the Legislative Assembly to table a report noting each Member's failure to attend formal sittings of the House and meetings of Committees of the Legislative Assembly and the Board of Management. The report identifies each meeting at which a Member was absent and the reason for the absence. The report is prepared by the Clerk of the Legislative Assembly and tabled by the Speaker during each sitting of the Legislative Assembly.

Each report covers the period beginning the day after prorogation of the most recent session and ends on the day prior to the first day of the sitting during which the report will be tabled. The last report tabled prior to dissolution of the Assembly will include the entire record for that Assembly, beginning on the day after the most recent general election and ending on the day prior to the last day of sitting. Members should refer to the *Indemnities, Allowances and Expense Regulations*, Section 5, for further details.

The tabled report will also list the additional, optional meetings a Member has attended during the reporting period. The Summary of Members' Absences Report, once tabled, will appear in a prominent and easily accessible place on the Legislative Assembly's web site.

35. CONFIDENTIALITY

Confidentiality respecting Committee proceedings and documents must be maintained in accordance with the Rules of the Legislative Assembly, parliamentary practices and traditions, and in keeping with the privileges enjoyed by all Members individually and the Legislative Assembly collectively.

The disclosure of confidential Committee information is a breach of privilege and confidence and may be subject to the discipline of the House.

36. BUDGET

Estimated Committee expenditures are budgeted, and each Committee is responsible for approving and monitoring expenditures over the course of each fiscal year. Committee approvals must be secured for all but the most routine expenditures associated with Committee meetings.

Budget status reports are generated and supplied to the Chairperson of each Committee and are placed on the agenda at the direction of the Chairperson or the request of a Committee Member or Members.

The expenditure authority of a Committee in a fiscal year is limited to the amount allocated by the Board of Management. If unforeseen events or Committee activity lead to an actual or potential over-expenditure in any fiscal year, the Committee must apply immediately to the Board of Management to address the over-expenditure or to request additional funding.

37. COMMITTEE TRAVEL

Aside from Members' travel to attend Committee meetings in the capital, travel by the Committee, or a Member or Members of a Committee must be approved by motion of the Committee.

Eligible Committee travel includes only that which will:

- provide a tangible benefit to the work of the committee in fulfilling its mandate;
- enhance the skills and capabilities of Members to improve their contributions to the work of the Committee through greater insight and understanding of complex issues directly related to the Committee’s mandate; and
- be undertaken in the most cost effective and efficient manner available. Eligible Committee travel costs outside the capital include reasonable transportation and accommodation expenses, and meal and incidental expenses at approved Federal Treasury Board rates.

Any member of a Committee who undertakes approved travel on behalf of the Committee, at Committee expense, may be required to submit a written report to the Committee outlining the results and direct benefits of such travel. The report must be provided to the Committee at the earliest opportunity following the completion of the travel.

The approval by the Committee of any travel is subject to the availability of funds in the Committee’s budget.

38. LANGUAGE SERVICES

The provisions of the Legislative Assembly’s Language Services Policy apply to the proceedings of Committees of the Assembly. Only those services deemed to be “essential” will be routinely provided. Members should refer to Section 134 of this Handbook for details of the policy.

Interpretation services for witnesses appearing before a Committee will be provided upon reasonable advance notice and subject to approval by the Committee.

39. RECORD OF PROCEEDING

The following Legislative Assembly Committee meetings will be recorded:

- where a Minister is present,
- public hearings on reports of the Auditor General and other Statutory Officers,
- public meetings for the purpose of examining bills, and
- other matters where witnesses appear before a committee of the Assembly.

All recordings will be in audio format and may be subject to technical limitations imposed by some remote locations.

In camera proceedings of a Committee will not be recorded unless directed by the Committee.

Transcription of the audio recordings will be identified on a case-by-case basis, as determined by the Deputy Clerk and Director of Research, in consultation with the appropriate Committee Chair.

Audiotapes of committee meetings that are not transcribed are considered full retention records and are treated in the same manner as other committee records.

HOUSE PROCEDURES

THE LEGISLATURE

40. LIFE OF A LEGISLATURE

Pursuant to Section 39 of the *Elections and Plebiscites Act* the date fixed for a general election in the Northwest Territories is the first Monday in October, every four years.

After a general election, it is the duty of the Commissioner of the Northwest Territories to convene the first session of a new Legislative Assembly. As set out in the *Legislative Assembly and Executive Council Act*, Section 3.1, this must be done within 45 days from the date fixed for the return of the writs for the general election. At the date and time stated by the Commissioner, all Members of the Legislative Assembly are required to be at their seats in the Chamber

The life of a Legislature ends with dissolution. Members of the Legislative Assembly at the time of dissolution are deemed to remain Members up until the date set for the general election, however, all Committees cease to exist and all business of the Assembly dissolves. The Premier, Ministers and the Speaker, however, continue to perform their duties until replacements are selected after the next general election. Dissolution is followed by the calling of a general election, thereby beginning a new Legislature.

41. SESSIONS

The work of the Legislative Assembly is organized in blocks or Sessions over the four- year period of the Assembly. The period of time between one Session and the next is known as a recess. A Session is concluded with the Commissioner indicating that it will be prorogued. Prorogation terminates all pending or unfinished business of the Assembly that is outstanding on the Order Paper.

42. SITTINGS

During a session the normal daily sittings of the Assembly are from 1:30 to 6:00 p.m. on Mondays through Thursdays and from 10:00 a.m. to 2:00 p.m. on Fridays. These hours may be amended by motion of the House.

PROCEDURE IN THE ASSEMBLY

43. PARLIAMENTARY PROCEDURE

Parliamentary procedure governs how the Assembly conducts its business. It is a combination of two elements:

- Rules of the Legislative Assembly, which consists of rules, practices and procedures governing such matters as the Assembly's order of business, format for debates, conduct of Members, how time is allocated; and
- the usage and precedents of the Assembly as developed over time through interpretation, Speaker's ruling and parliamentary tradition.

The Rules of the Legislative Assembly cover most matters that come before the Assembly and are always consulted first. In a situation not covered by the Rules, the Speaker refers to past practices of the Assembly to determine whether the situation has an applicable precedent. In the absence of such precedent the Speaker considers precedents in Canadian and other Commonwealth parliaments.

The authorities most often consulted in these cases are *House of Commons Procedures and Practice*, *Beauchesne's Parliamentary Rules and Forms of the House of Commons of Canada*, both of which cover practice in the Canadian House of Commons and *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, which is the authority for United Kingdom practices. However, the main authority for transacting business in the

Assembly is always its own Rules. Other sources are consulted in the order above only when the Rules or past practices of this Assembly cannot resolve the issue.

All Members receive two copies of the Rules of the Legislative Assembly of the Northwest Territories. The Rules can be amended by Motion of the House and individual amendments are distributed to all Members as they occur.

Reference copies of all three authorities outlined above are available in the Legislative Library.

Any Member who wishes further information or clarification regarding the Rules of the Legislative Assembly should contact the Clerk.

44. POINTS OF ORDER

A Member may bring any divergence from the Rules or practices of the Assembly to the Speaker's immediate attention. In those cases, the Member interrupts debate by rising and saying "On a point of order, Madam/Mr. Speaker," and then proceeds to state, as concisely as possible, the point in question and the pertinent authority. The Speaker may then permit debate strictly relevant to the point of order and rule on it either at that time or at a later date.

45. PRIVILEGE

Privilege in the parliamentary sense is all the rights and powers, other than the power to legislate, enjoyed collectively by the Assembly and individually by its Members and without which they could not perform their duties.

Please refer to Section 1 of this Handbook for further information on privilege.

45.1 RAISING A POINT OF PRIVILEGE

Members should bring any perceived breach of privilege to the Assembly's attention at the earliest opportunity by rising in the House. Members should refer to Rule 19 in the Rules of the Legislative Assembly for the procedure when raising a point of privilege.

46. PERSONAL MATTER

Members, with the approval of the Speaker, may explain a matter, which, although not a breach of privilege, concerns them in their capacity as Members. The most common matters raised by Members are to explain that they have been misquoted or misunderstood, or to deny published accusations against them.

Members should refer to Rule 20, Rules of the Legislative Assembly, for the procedure regarding the raising of a personal matter.

DOCUMENTS OF THE ASSEMBLY

Documents of the Legislative Assembly include all of the legislative papers and records of the House generated during sittings of the Assembly, and may include Orders of the Day, Motions, Tabled Documents, Reports of Standing and Special Committees, Petitions, Hansard, Tabled Documents, Written Questions and Ministers' Statements.

The Clerk of the Legislative Assembly is responsible for the safekeeping of all documents of the Assembly.

47. ORDERS OF THE DAY

The official daily agenda for the Assembly is called "Orders of the Day". It lists all the items of business that may be considered by the Assembly on a particular day. Copies are placed at each Member's desk before the beginning of each sitting day.

Before the House adjourns each day, the Clerk of the Legislative Assembly reads out the Orders for the next sitting day. Business that has not been completed during a sitting day is carried forward to the next day's agenda in accordance with the Rules and practices of the House.

48. MOTIONS

A motion is a formal proposal made by a Member in accordance with certain well-established rules. It is a proposal that the Assembly do something, order something to be done or express an opinion with regard to a matter. All formal motions require 48 hours notice and must be seconded and in writing.

Once the Member has read the motion and the Speaker has ruled it in order, it may be debated, amended, superseded, adopted, defeated or withdrawn as the Assembly may decide.

When a motion is adopted it becomes either a resolution or an order of the Assembly. It becomes an order when the Assembly requires one of its Committee, its Members or any other person to do something. It becomes a resolution when it declares the opinion of the Assembly or affirms a fact or principle.

For further information on motions, amendments and notices of motion, Members should refer to the Rules of the Legislative Assembly, Rules 44 to 59.

The Speaker has the unquestioned authority to rule any motion out of order, or to modify it with respect to form so it is not objectionable or contrary to the Rules and practices of the Assembly.

49. TABLED DOCUMENTS

The act of a Minister or Member providing or laying a document before the Assembly is called tabling. A document may be required to be tabled in the House by an act or order of the Assembly or may be of public interest. All tabled documents are recorded by the Clerk as received and are available to the general public.

Members should refer to Rule 43 of the Rules of the Legislative Assembly.

50. REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee reports are the official written accounts of proceedings of Standing and Special Committees. A report from a Standing or Special Committee may be adopted by the Assembly, referred to Committee of the Whole or referred back to the Committee that presented it.

All Committee documents belong to the Assembly after a Committee has reported and are disposed of according to the instructions of the Speaker, acting on order of the Assembly.

Reports made in the Assembly are available to the public, and copies may be obtained upon request to the Legislative Assembly Office during Sessions, and to the Legislative Library after a Session is concluded.

Members should refer to Rule 93 of the Rules of the Legislative Assembly.

51. PETITIONS

A petition is a request to the Assembly to address certain concerns, if it is within its jurisdiction to do so. A petition should not be a list of grievances.

Any Member may present a petition to the Assembly either personally, or by filing it with the Clerk. The Clerk forwards all petitions to the Speaker or the Minister responsible and the Speaker or Minister must provide a response within 60 days. All responses are tabled in the Assembly.

The Member presenting the petition must ensure that it is not objectionable in form and content and must sign the petition statement. It is not necessary that the Member support the petition, but the Member should agree that it is a proper matter to be brought before the Assembly.

Members should refer to Rule 42 of Rules of the Legislative Assembly for more detailed information on petitions.

52. HANSARD

Hansard is the name given to the daily printed report of the proceedings of the Legislative Assembly. The collection of Hansard in the Legislative Library dates back to 1951, the first time a Session of the Northwest Territories Council was held in the Northwest Territories.

When Members of the Legislative Assembly make a speech, ask a question or participate in any way in the daily proceedings in the Chamber, a built-in microphone picks up the comments. The Member's words are recorded in the Hansard office and a transcriber begins the process of producing the verbatim written record called Hansard.

Hansard services are set out in the Rules of the Legislative Assembly, Rule 103. The Rules provide that an unedited transcript shall be produced daily and a copy given to each Member. Members have until 10:00 a.m. on the sitting day following receipt of the unedited transcript to make corrections as to grammar, obvious errors in transcription and other minor errors in form, as set out in Rule 103(4)(a). Corrections may not affect the substance of the transcript, which shall remain an accurate and, as far as possible, exact report of what was said.

Under the authority of the Speaker, the corrected transcript is compiled, edited, printed and distributed and becomes Hansard, the near verbatim report of the Legislative Assembly and the Committee of the Whole.

Hansard is also available on the Legislative Assembly's website at www.assembly.gov.nt.ca. The unedited version is available on the website the morning after each sitting day. Once the edited version of Hansard is complete, it replaces the unedited version.

Members should refer to the Rules of the Legislative Assembly, Rule 103 for further information regarding Hansard.

53. BILLS

A bill is draft legislation for consideration by the Assembly. Once a bill has been considered and passed and has received assent, it becomes an *Act*.

There are two types of bills, a Government Public Bill and Private Member's Public Bill.

The Government Public Bill is introduced by a Minister and reflects the policy direction of the government, and is the most common type of bill. It may propose an entirely new act or amend or repeal an existing act. A Private Member's Public Bill is a bill that seeks to establish a new act or amend an existing act, but is introduced by a Member who is not on Cabinet.

Any regular Member may introduce a bill to establish an act or to amend any public act as long as the rules regarding money bills, as described below (Section 53.1), are adhered to. Such bills do not necessarily reflect the policy direction of the government.

53.1 MONEY BILL

If a bill involves the expenditure of public funds or the imposition of a charge or tax upon the citizens, it must be recommended to the Assembly by the Commissioner. As only Ministers may obtain this recommendation, an ordinary Member cannot introduce a money bill.

As the government is ultimately responsible for the control and management of public funds, only the Executive Council (Ministers) can initiate financial measures.

53.2 HOW A BILL BECOMES LAW

No bill can become law until it has received the approval of the Assembly and the assent of the Commissioner. It is important that the Assembly has opportunities to consider all bills, both in general principle and in detail. For this reason, all bills must pass through a number of stages.

53.3 INTRODUCTION AND FIRST READING

After having given 48 hours notice, a Minister will move “that the bill be introduced and read for the first time”. No debate is permitted at this stage. The motion is voted on and if passed, the bill is returned to the Orders of the Day for Second Reading. Once a bill has received First Reading, it can be distributed to the public.

53.4 SECOND READING

At this stage the principle of the bill is considered, and the general application and desirability of the bill come under debate. Once the bill has been fully considered and approved in principle, it is referred to a Committee.

If referred to a Standing or Special Committee, the Committee may review the bill publicly and must examine the bill clause by clause and report back to the Assembly for further consideration in Committee of the Whole. A bill may be amended in Committee if the Minister concurs with the amendment. If so, the bill is reprinted as amended before the Committee reports the bill back to the Assembly.

53.5 COMMITTEE OF THE WHOLE STAGE

The bill is considered in detail and reviewed clause by clause in Committee of the Whole. Each clause must be considered and may be amended. Once the Committee approves the bill, it is reported back to the House and is ready for Third Reading.

53.6 THIRD READING

The purpose of Third Reading is to review the bill in its final form, which incorporates any changes that may have been made at the Committee level. A bill may be referred back to a Committee, or through the use of a specific motion, be considered read a third time on a specific future date.

53.7 ASSENT

Once a bill has successfully passed through all of the stages outlined above, it requires assent to make it an **Act**. Assent is given by the Commissioner.

53.8 COMING INTO FORCE

After assent, a bill will come into force on the day of assent, or if the bill includes a Commencement Clause, either on a specific day or days to be fixed by order of the Commissioner.

REMUNERATION AND BENEFITS

REMUNERATION

54. BASIC INDEMNITY

Pursuant to Section 17 of the *Legislative Assembly and Executive Council Act*, all Members are entitled to an annual indemnity or salary of \$103,851. This indemnity is paid in 26 bi-weekly installments with deductions for income tax, Canada Pension Plan and the various benefit plans that Members select. No deduction is made for employment insurance since Members do not qualify for that benefit.

55. INDEMNITIES FOR EXTRA DUTIES

A further indemnity is paid to a Member holding an office in addition to that of MLA. These amounts, payable each fiscal year, are paid on a bi-weekly basis and are subject to the same deductions as the basic indemnity:

Speaker	\$42,053
Premier	\$73,482
Minister	\$51,709
Deputy Speaker	\$6,804
Deputy Chair Committee of the Whole	\$4,083
Chair of the Standing Committee on Priorities and Planning	\$9,043
Chair of Standing Committee on Rules and Procedures	\$3,014
Chair of Other Standing Committees	\$6,029
Chair of Special Committee	\$3,014
Chair of Caucus	\$3,014

56. ANNUAL INCREASES

The *Legislative Assembly and Executive Council Act* provides that a Member's Basic Indemnity and Indemnity for Extra Duties are automatically adjusted each year by the percentage increase or decrease in the Consumer Price Index between the previous calendar year and the calendar year before that.

57. TABLING OF REPORTS

Section 35 of the *Legislative Assembly and Executive Council Act* directs that each year the Speaker table a report including the details of all indemnities, allowances and expenses paid to each Member in the previous fiscal year.

Section 21 of the *Act* further directs the Speaker to table a report setting out any amendments to Members' basic indemnities after adjustments are made on April 1 each year, in accordance with percentage increases or decreases in the Consumer Price Index.

BENEFITS

58. ELIGIBILITY

Members of the Legislative Assembly, and in some cases a Member's spouse and dependent children, are eligible for the benefits outlined below. It should be noted that Members are not employees of the Government of the Northwest Territories.

Failure to complete required documentation can adversely affect a Member's eligibility for benefits. The following Legislative Assembly staff can provide Members with assistance and information on benefits:

Pension Plan - Director, Corporate Services

*Dental Plan - Human Resources
Client Service Manager*

Public Service Health Care Plan

*(PSHCP) - Human Resources
Client Service Manager*

Public Service Management

*Insurance Plan (PSMIP) - Human Resources
Client Service Manager*

*Travel Accident Insurance - Human Resources
Client Service Manager*

*Long Term Disability Insurance (LTD) - Human
Resources Client Service Manager*

59. REGISTERED PENSION PLAN

The Legislative Assembly of the Northwest Territories provides a contributory pension plan for its elected Members. The plan is registered under the Canada *Income Tax Act*. The *Legislative Assembly Retiring Allowances Act* sets out the provisions of the basic MLA Pension Plan, in which all Members participate. Members are required to join this "Registered Plan" as soon as they are elected. Pension forms will be provided to each Member for completion.

Members contribute 6.5% of their pensionable income, which is calculated as all taxable income less the Northern Allowance. The right to receive benefits vests with the Member after four years of service, or the completion of one full term of office, whichever comes first.

For service after 1991, Members will receive, upon reaching pensionable age, two percent of the average of their four best years' taxable income multiplied by the number of years of service, to a maximum of 30 years. Pensionable age is the earliest of 60 years, 30 years of service or the sum of age plus years of service equal to 80.

A Member who ceases to be a Member may elect to begin receiving a pension at any time. For service after 1991, the amount of the pension will be reduced in proportion to the number of months remaining until the Member reaches pensionable age.

The pension provided under this plan is indexed to increase with the cost of living.

60. SUPPLEMENTARY PENSION PLAN

An optional pension plan, the "Supplementary Plan" was re-introduced in 2001 during the 14th Assembly. The plan is administered under the *Supplementary Retiring Allowances Act*. Members are given the option to vest into the plan within 60 days of being sworn-in as a Member of each successive Legislative Assembly of which they become a Member. Those Members that chose to vest into the plan must contribute an additional 2.5 % of pensionable income. The plan is not registered with Canada Customs Revenue Agency as a pension plan and its benefits are not subject to federal legislation limiting pension benefits (although there are other broader tax implications with this plan).

The pension plans also provide a death benefit for a Member's surviving spouse, dependent children or other designated beneficiary. The amount of the benefit depends on length of service, family status and whether or not the pension has started.

61. DENTAL PLAN

The dental plan provides basic dental coverage for Members and their dependants. The government pays the full premium. Coverage begins six months after a Member is elected.

Qualifying dental expenses can be reimbursed up to 100% subject to a yearly maximum, with a deductible each fiscal year of \$25 for individuals and \$50 for family coverage. The plan provides for a maximum of \$1,000 (excluding orthodontic) per benefit year, per dependant. Members should note that the benefit year is from April 1 to March 31 the following year.

There is also an orthodontic component, allowing for reimbursement of 50% of qualifying orthodontic expenses for children less than 19 years of age, to a maximum of \$3,000 per child, per lifetime.

62. PUBLIC SERVICE HEALTH CARE PLAN (PSHCP)

All Members can choose to participate in the PSHCP. The cost of the insurance depends upon the level of coverage chosen. The Extended Health Care Benefit and Level 1 of the Hospital Benefit is provided to Members at no cost.

The plan covers many expenses not covered under the NWT Health Care Plan. The Extended Health Care Benefit includes prescription drugs, a vision care benefit and an emergency travel benefit. Each Member will be provided with a booklet listing eligible expenses, maximum limits and any restrictions which may apply.

The Hospital Benefit is available in three levels with adjusted premiums. This Benefit provides reimbursement for reasonable and customary charges, up to a maximum limit, for the cost of semi-private or private hospital accommodation. Members who choose to be covered for Level 2 or 3 of the Benefit are required to pay a monthly contribution for the additional coverage.

Starting April 1, 2006, if both the Member and his or her spouse are eligible for PSHCP coverage in their own right, and both elect for family coverage, each can cover the other as well as their eligible dependants. This means that by coordinating coverage plan members may receive up to 100% of the expenses incurred. Both plan members will be subject to the annual deductible.

Under the Public Service Health Care Plan the benefit year is January 1 to December 31.

63. PUBLIC SERVICE MANAGEMENT INSURANCE PLAN (PSMIP)

All Members can choose to participate in the PSMIP. The cost of this insurance is dependent on the Member's age, gender and remuneration and is paid through payroll deduction.

This insurance contains four basic elements/options as follows:

- basic life insurance equal to two years' salary;
- supplementary life insurance equal to one years' salary;
- accidental death and dismemberment coverage is available with a maximum of 10 units at \$25,000 each (maximum benefit is \$250,000 on loss of life); and
- dependants' insurance - \$5,000 on life of a spouse and \$2,500 on life of each child. These amounts are doubled if accidental death occurs.

64. TRAVEL ACCIDENT INSURANCE

This policy provides around the clock coverage for Members against accidental death or dismemberment with a policy limit of \$200,000.

The coverage provided includes injury caused by an accident sustained while the insured person is riding as a passenger (but not as a pilot, operator or member of the crew) in or on any aircraft having a valid air-worthiness certificate. This coverage is provided at no cost to the Member and is administered by the Department of Finance.

A schedule of the portion of the principal sum payable on various losses may be obtained from the Risk Management and Insurance Section of the Department of Finance.

65. LONG TERM DISABILITY (LTD)

Coverage in the Long Term Disability plan is optional, but all Members can choose to participate. The cost of the plan is dependent on the Member's remuneration and is paid through a payroll deduction.

A Member who becomes totally disabled will receive a gross annual benefit of 70% of his or her insured annual salary at the end of a 13-week waiting period. The benefit will be reduced by the

amount of any other disability income the Member receives for the same disability or a subsequent one. The net benefit will be increased annually by the increase in the cost of living, to a maximum of 3%. Insurance coverage typically extends for a maximum of up to two years.

66. INCOME TAX

A Member's annual indemnities and the Northern Allowance are taxable.

Reimbursements made for receipted constituency and capital accommodation expenses, the allowance for expenses and the daily meal and incidental allowances paid at Federal Treasury Board rates for travel by a Member are not taxable.

Members are required to complete a TD1 form at the beginning of each term, which may be amended at any time. TD1 forms are available from Corporate Services.

APPENDIX A: ADDITIONAL SPEAKER AND MINISTERIAL BENEFITS

1.0 BLIND TRUST

Where the Conflict of Interest Commissioner advises the Speaker or a Minister to establish a blind trust during their term of office as referred to in section 82 of the *Legislative & Executive Council Act (LAEC Act)*, the Speaker or Minister are eligible to be reimbursed for expenses as set out in 12.4.(2) of the Indemnities, Allowances and Expense Regulations.

This includes reasonable costs to establish, administer and maintain a trust, costs of any commissions paid for converting, transferring or selling assets, costs for removing a Speaker or Minister's name from a registry, costs of any accounting, administrative, financial or legal services required due to complex arrangements, and costs to dissolve a trust.

Members are responsible for the payment of invoices. Claims for reimbursement are to be submitted to Corporate Services. These claims should include a detailed breakdown of the charges levied, including number of hours charged and the applicable hourly rate.

2.0 MEDICAL TRAVEL, HEALTH, DENTAL AND LIFE INSURANCE BENEFITS

The Speaker and Ministers are entitled to receive the same medical travel, health, dental and life insurance benefits available to senior managers in the public service. Eligibility for these benefits ceases when the Speaker or Minister no longer hold office, as per sections 45 and 66 of the *LAEC Act*

3.0 ENTERTAINMENT ALLOWANCE

The Speaker and Ministers are eligible to receive an annual \$1,500 non-accountable allowance for duty related entertainment expenses. This allowance is paid in advance in two installments. Arrangements can be made through Corporate Services to have these payments direct deposited to a Member's bank account. Eligibility for this allowance ceases when the Speaker or Minister no longer hold office, as per sections 45 and 66 of the *LAEC Act*

ALLOWANCES, ENTITLEMENTS AND SERVICES

ALLOWANCES

67. PLACE OF RESIDENCE

A Member is considered to live in the community in which they regularly or customarily are engaged in the normal routines of life when not attending a Session of the Legislative Assembly, a meeting of one of its Committees, of which they are a member, a meeting of the Executive Council, a committee of the Executive Council of which they are a member, or of the Financial Management Board, on constituency business in another community within the Member's constituency, on business related to the Member's Ministerial or Executive Council responsibilities, or any other "Business as a Member" as defined in Section 22 of the *Legislative Assembly and Executive Council Act*.

As a general guideline, and to assist Assembly staff in assessment of expense claims, a Member should spend a minimum of fifty percent of his or her time in his or her home community, when not required to be elsewhere for the reasons set out in the paragraph above.

In determining a Member's place of residence, the following factors will be taken into consideration:

- the place where the Member lived in the year prior to his or her election;
- the amount of time the Member spends in the community when not attending to Business as a Member;
- the usual residence of the Member's spouse and/or dependent children;
- the community where the Member's spouse is employed;
- the community where the Member's dependent children are enrolled in school;
- the location of an owned residence or a residence rented for one or more years;
- location of the Member's personal possessions (clothing, furniture, pets);
- location of the Member's active business ties;
- the Member's personal mailing address;
- the Member's participation and involvement in church, community, recreational, service and social clubs;
- the Member's address as indicated on various official documents including, but not limited to income tax filings, property tax assessment, utility bills (e.g. telephone, power, water, fuel, cable/satellite television, internet service), vehicle, boat or snowmobile registration, driver's licence or health care card, passport, voters' list and bank statements.
- letters and affidavits of persons residing in the community that are able to confirm the Member's place of residence for the past year.

Each Member, who does not ordinarily reside in the capital, must swear a statutory declaration, in a form approved by the Board of Management, before the Law Clerk, indicating the place where the Member ordinarily resides when they are not attending Sessions of the Legislative Assembly, meetings of its Committees, meetings of the Executive Council, its committees, or the Financial Management Board, on business related to the Member's Ministerial or Executive Council responsibilities, or other "Business as a Member" as defined in Section 22 of the *Legislative Assembly and Executive Council Act*. Members are required to swear a Statutory Declaration of Residence within 60 days of being sworn in as a Member. If a Member fails to swear a statutory declaration within 60 days of being sworn in, the Member will be deemed to reside in Yellowknife effective the date of his or her swearing-in.

The statutory declaration is used to establish the Member's place of ordinary and usual residence and

his or her entitlement to certain monetary allowances. Members who knowingly file a false statutory declaration expose themselves to the disciplinary powers of the Legislative Assembly, a potential complaint to the Conflict of Interest Commissioner or criminal conviction. The statutory declaration must include the community, civic address or legal description of the Member's place of ordinary residence. A mailing address is not acceptable. A member wishing to establish a secondary residence in the capital, as provided for in section 16.1 of the *Legislative Assembly and Executive Council Act*, must have ordinarily resided outside the capital for one year prior to election or establishment of a secondary residence. A member eligible to establish a secondary residence in the capital must swear a statutory declaration that provides information for both the member's principal residence and secondary residence. In that case, the secondary residence will be considered to be the Member's ordinary residence. The statutory declaration must be accompanied by documentation that supports the Member's sworn place or places of residence.

Examples of acceptable supporting documentation include:

- copy of certificate of title for a home owned by the Member or a Residential Lease Agreement for an apartment rented by the Member for at least one year prior to the Member's election;
- copy of community authority tax assessment for owned home;
- copy of telephone, internet, power, water, cable/satellite television, fuel, property tax bills supporting sworn place of residence for the previous year;
- copy of income tax filing for the previous year;
- copy of vehicle, boat or snowmobile registration;
- copy of driver's license, health care registration or other federal or territorial identification cards;
- copy of Canadian Passport with "Bearer's Permanent Residence" section completed;
- bank statements;
- documents confirming employment in place of residence prior to election including employment contract, record of employment, pay cheque or letter from employer;
- letters or affidavits from persons who reside in the Member's place of residence and are able to confirm the Member's residence in that community for the year preceding the Member's election.

The statutory declaration form will authorize the Legislative Assembly to verify the information provided

by the Member in his or her statutory declaration, if necessary.

After administering an oath and witnessing and signing a Member's Statutory Declaration of Residence, the Law Clerk shall, without delay, forward the original statutory declaration to the Clerk of the Legislative Assembly. The Clerk's Office will work with the Member to collect all documentation to support the Member's Statutory Declaration of Residence.

The Speaker shall, as soon as possible, table the original statutory declaration in the Legislative Assembly.

The Clerk shall maintain a record that will include a copy of all sworn statutory declarations, all supporting documentation, the date that the statutory declaration was sworn, the date it was received in the Office of the Clerk and the date it was tabled in the Legislative Assembly.

The Statutory Declarations of Residence sworn by each Member will be subject to a risk assessment conducted by the Clerk's Office. The risk assessment form will evaluate each Member's statutory declaration on the following four criteria:

- location and duration of owned or rented accommodation in community of residence;
- documentation provided by the Member in support of statutory declaration of residence;
- size of the family unit residing with the Member at the sworn place of residence; and
- verifiable community activity in sworn place of residence during the previous year.

Based upon a Member's overall score on each of these four criteria, Members will be assigned one of three rating categories by the Clerk of the Legislative Assembly.

Members with a "high" rating will be allowed to access all benefits and allowances to which they may be entitled, and will be re-evaluated annually thereafter to establish continued eligibility.

Members with a "medium" rating will be allowed to access benefits and allowances to which they may be entitled, but will be re-evaluated on a quarterly basis to establish continued eligibility for the allowances and benefits.

Members with a "low" rating will be allowed to access benefits and allowances to which they may be entitled, but will be re-evaluated on a monthly basis to establish continued eligibility for the allowances and benefits.

Any Member may appeal the Clerk's rating to the Board of Management for review. Requests to Members in the "low" rating category to provide information and supporting documentation for re-assessment must be provided to the Clerk's Office within 30 days from the beginning of each month. Members in the "medium"

and "high" rating categories must provide information and supporting documentation to the Clerk's Office within 60 days of the re-assessment date. Members may request more time from the Clerk to submit their residency information and documentation.

Failure to provide the Clerk with information and supporting documentation to carry out the re-evaluations as set out above will result in the Member being deemed to reside in Yellowknife for the purpose of calculating the allowances and benefits to which the Member is entitled. This determination will be applied retroactive to the last submission of supporting documentation and the Clerk shall, without delay, recover all overpayments during that period from the Member's future indemnities and reimbursements. If a Member subsequently provides the Clerk with the required supporting documentation, the Clerk shall, without delay, reimburse the Member for any recoveries made.

Every six months the Clerk will review the residency assessments of Members in a "low" rating category to determine the risk factors associated with the Member's residency declaration. The Clerk may then bring a recommendation to the Board of Management to move the Member to a higher rating category, or to undertake a higher level residency risk assessment, up to and including an evaluation of where the Member spends their time when not on business as a Member.

A Member who moves from the place indicated on their sworn Statutory Declaration of Residence is obliged to swear a new statutory declaration before the Law Clerk without delay and provide supporting documentation for evaluation by the Clerk of the Legislative Assembly.

If, at any time, the Clerk of the Legislative Assembly is of the view that the supporting documentation is inconsistent with, or does not support a Member's sworn Statutory Declaration of Residence, the Clerk will, without delay, prepare a report to the Board of Management laying out his or her concerns. The report will include the most recent evaluation of the Member's Statutory Declaration of Residence and all supporting documentation provided to the Clerk to that point. The Clerk will provide a copy of the report to the Member in advance of the meeting of the Board at which the report will be considered.

After considering the report and hearing from the Member, the Board of Management may: reject the Member's Statutory Declaration of Residence and deem him or her to be a resident of Yellowknife for the purpose of calculating the allowances and benefits to which the Member is entitled; accept the Members' Statutory Declaration of Residence; accept the Members' Statutory Declaration of Residence conditional upon the provision of supporting documentation by a specified time; make a complaint to the Conflict of Interest Commissioner; or, refer the matter to the RCMP for investigation. The Speaker may also refer a Member's statutory declaration to the

Conflict of Interest Commissioner for opinion at any time should he or she deem such a referral necessary.

As set out in the *Indemnities, Allowances and Expense Regulations*, the Speaker is required to table in the Legislative Assembly all statutory declarations sworn by Members at the earliest possible opportunity. All Statutory Declarations of Residence tabled by the Speaker will be included in a prominent and easily accessible place on the Legislative Assembly's internet web site without delay.

68. COMMUTING DISTANCE

A Member lives within commuting distance of a place if a Member's ordinary place of residence is no more than 80 kilometers away from that place and it is possible to travel from the Member's residence to that place by road. For further clarity, a Member's ordinary place of residence is that place indicated on the Member's sworn Statutory Declaration of Residence.

69. NORTHERN ALLOWANCE

Every Member of the Legislative Assembly is eligible for a Northern Allowance, pursuant to Section 20 of the *Legislative Assembly and Executive Council Act*. This allowance is based on the Member's place of ordinary residence as indicated on his or her Statutory Declaration of Residence. The amount of this allowance is tied to Article 41 of the Collective Agreement between the Government of the Northwest Territories and the Union of Northern Workers. The allowance is included in the Member's bi-weekly indemnity.

Until such time as a Member has sworn a Statutory Declaration of Residence, in accordance with Section 67 of this Handbook, all Members will be paid the Northern Allowance based upon the Yellowknife rate. Once a Statutory Declaration of Residence has been sworn, in accordance with Section 67 of this Handbook, the Member will be paid the Northern Allowance, retroactively to polling day, and based on the rate assigned to their community of residence.

70. ALLOWANCE FOR EXPENSES

Every Member of the Legislative Assembly will receive a non-taxable, non-accountable allowance of \$7,484 intended to cover meals, local transportation costs and other incidental expenses incurred while in their community of ordinary residence and while discharging their duties as a Member. The allowance is also intended to cover all meals and similar hospitality, including transportation, whether within or outside the constituency. Hospitality, as defined in the Financial Administration Manual, is food, entertainment and

other benefits provided to the recipient at no cost or less than full cost, including, but not limited to, such items as tickets to sports and performance events. With the exception of those instances specifically referenced in this Handbook, claims for local transportation, meals and similar hospitality will not be reimbursed.

Members who do not live within commuting distance of the capital are eligible for an additional non-taxable, non-accountable allowance of \$7,484 to cover meals, transportation and incidental expenses incurred while in the capital on constituency business or business as a Member. This allowance is also intended to cover the purchase of basic household expenses associated with maintaining a temporary residence in the capital. This allowance will not be paid to Members until they have sworn a Statutory Declaration of Residence in accordance with Section 67 of this Handbook. Once a Statutory Declaration of Residence has been sworn, eligible Members will be paid the additional allowance retroactive to polling day.

As a non-accountable allowance, no proof of expenses is required for payment. The allowance will be paid directly to Members on a monthly basis. The Allowance for Expenses will be automatically adjusted each year by the percentage increase or decrease in the Consumer Price Index between the previous calendar year and the calendar year before that.

71. TRANSITION ALLOWANCE

Members of the Legislative Assembly are entitled to a Transition Allowance when they resign as Members of the Legislative Assembly or when the Assembly they are serving in is dissolved or ended by the passage of time, and the Member does not become a Member of the subsequent Legislative Assembly.

For a Member who is not a Speaker or a Minister, the transition allowance is equal to one-twelfth of the annual indemnity for each consecutive year of service, but cannot exceed the basic indemnity at the time of eligibility. This allowance will be calculated pro rata for any period of service less than a year. Service prior to December 7, 1999 is ineligible for the Transition Allowance.

For a Member who is a former Speaker or Minister, the Transition Allowance is equal to his or her annual indemnity at the time of eligibility.

In all cases the limit of the transition allowance is cumulative and may not be exceeded where a Member received a transitional allowance and subsequently, after a break in service, again becomes a Member of the Legislative Assembly. The length of time to which the transition allowance relates is defined in the Legislative Assembly and Executive

Council Act as the transition period (Section 83(1)) and certain restrictions apply to the activities of former Members during this period. For further information, Members should refer to Part 3, Conflict of Interest, Legislative Assembly and Executive Council Act and to Section 6 of this Handbook, Conflict of Interest

A Member entitled to a Transition Allowance has the option of receiving one lump sum payment immediately upon entitlement, two payments within one year of leaving office, or allowing the payment to be spread over the number of months equal to the Member's years of service. For example, if a Member has served eight years, the Member may elect to receive the allowance over eight months. In the case of a former Speaker or Minister the payment may be spread out over 12 months. The Member is not entitled to other indemnities, allowances and benefits normally available to Members during this period.

71.1 RETRAINING ASSISTANCE PROGRAM FOR NON-RETURNING MEMBERS

The Retraining Assistance Program for Non-Returning Members provides assistance to former Members in their transition from public to private life. To be eligible for this benefit, a former Member must have served at least one complete term and have left office either through retirement or defeat. A former Member is entitled to \$1,000 in program funding for each year of service, up to a maximum of \$12,000.

The former Member must apply to access the program within one year of leaving office and, if the application is approved, can access the funding over a two year period commencing on the approval of their application. The retraining assistance program may be accessed only once in the lifetime of a Member.

If a former Member's conduct is such that it brings discredit to their office or to the Legislative Assembly, no benefit from this policy shall accrue to the former Member.

The program funding is to be used to reimburse or pay for the following:

- Consulting services for starting a new business;
- Financial, employment, or retirement counselling and planning;
- Courses and training directly related to future employment, and
- Return travel costs from a former Member's home community to the point of the service provider

The purchase of assets or services, or payment of legal and registration fees for business purposes are not eligible expenses under this program.

Former members will be responsible for submitting a program profile to the Board of Management for approval, prior to the commencement of the program and release of funding. The program profile must include the cost of consulting, or counselling and planning services, educational courses or training program fees, information on the assistance or support to be provided to the former member and a detailed schedule. The Legislative Assembly will pay the service provider directly, or reimburse the former Member upon submission of receipts.

CAPITAL ACCOMMODATION ALLOWANCE

72. CAPITAL ACCOMMODATION ALLOWANCE

Members who do not live within commuting distance of the capital are eligible for reimbursement for either actual rent for rental accommodation in the capital or the actual cost of hotel accommodation in the capital. In both cases, certain other authorized expenses incurred by the Member while in the capital on business as a Member will also be reimbursed.

The following expenses are an example of what may be reimbursed under this allowance where a Member chooses to rent accommodation:

- utilities (e.g. power, heat, water, sewage);
- cable television;
- monthly telephone connection charges (does not include long distance charges);
- internet service;
- parking that is used in conjunction with the accommodation;
- cost of furniture purchased or rented for use in accommodation; and
- tenant's all-risk insurance related to the accommodation.

Where a Member chooses to use hotel accommodation, expenses for parking used in conjunction with the hotel may be reimbursed.

A Member may choose to rent accommodation on a yearly or monthly basis, or to rent hotel accommodation from time to time when in Yellowknife. Expenses for hotel accommodation will be reimbursed from the Capital

Accommodation Allowance only for the period of time in which the Member is in the capital on Business as a Member.

No reimbursement for expenses will be made under the Capital Accommodation Allowance until the Member has sworn a Statutory Declaration of Residence in accordance with Section 67 of this manual. The Legislative Assembly may reimburse Members for accommodation expenses incurred while in the capital on Business as a Member for the period following their election and prior to having sworn a Statutory Declaration of Residence. All reimbursements made during this time will be made from the Member's Capital Accommodation Allowance and will be recovered from the Member's indemnities and allowances if an acceptable Statutory Declaration of Residence is not filed within 60 days of the Member's swearing-in date.

The maximum amount a Member may be reimbursed under the Capital Accommodation Allowance is set out in Section 6 of the *Indemnities, Allowances and Expense Regulations*. Members become personally responsible for any expenses incurred in excess of this amount. The Board of Management is authorized to review the allowance from time to time and make any increases or decreases deemed necessary.

Amounts paid under the Capital Accommodation Allowance are fully accountable and expenses will be reimbursed only upon the production of receipts, invoices or other satisfactory documentation. Expenses will only be reimbursed if they relate to rental or hotel accommodation. Expenses relating to accommodation that is owned by a Member or the spouse or relative of a Member will not be reimbursed (refer to Section 74 of this Handbook, Financial Interest, for further details).

Members are encouraged to lease furnished apartments, however, with the approval of the Board of Management, Members may use residual room in their Capital Accommodation Allowance to purchase furniture for their rental accommodation. Furniture will be purchased by the Legislative Assembly and the cost will be charged to the Member's Capital Accommodation Allowance in equal parts over a period not greater than the Member's remaining term in the current Legislative Assembly. The furniture is the property of the Legislative Assembly. Corporate Services will work with each Member to factor a cost of living contingency when calculating residual allowance to consider reasonable rent or lease fee increases. Should expenses exceed the allowable allowance due to increases in rent or lease costs the member can request the Board of Management approve these additional costs. Members should refer to Section 106 of this Handbook for further details on

the disposal of furniture and other equipment.

Members are not permitted to sublet any portion of a rental accommodation that is partially or wholly reimbursed from the Member's Capital Accommodation Allowance.

Members should note that each agreement for rental or hotel accommodation is between the Member and the landlord or hotel. The Legislative Assembly is not a party to any such agreement and any obligations entered into are the responsibility of the Member. Any damage to hotel or rental property is the responsibility of the Member and not the Legislative Assembly.

A Member may request that an expense be paid directly to the person to whom payment is owed. Where an expense is normally pre-paid, the Member can claim reimbursement or request direct payment at the time the payment is due. In either case, the appropriate supporting documentation (a receipt, invoice, copy of the rental agreement, etc.) must be provided to Corporate Services before the claim or request will be processed.

72.1 RELOCATION COSTS

Members who establish secondary residences may be reimbursed for relocation costs from their principal residence to their secondary residence, and back to their principal residence when they cease to hold office. The reimbursement amounts are the same as those provided to senior managers in the public service. This entitlement is pursuant to s. 12.1 of the *Indemnities, Allowances and Expenses Regulations*.

73. RENTAL ACCOMMODATION ARRANGEMENTS

Upon written request, Corporate Services will pay rental accommodation directly to the landlord on a monthly basis. A copy of the lease must be filed with Corporate Services and it is the obligation of the Member to notify Corporate Services immediately if the lease is amended or terminated.

A Member may also request that the amount required for a damage deposit be advanced from his or her Capital Accommodation Allowance. The Member must file a copy of the rental agreement with Corporate Services and complete the Request for Damage Deposit form. The Member may request that the amount be paid to the Member or directly to the landlord. The damage deposit will be recovered through deductions from the Member's indemnity taken in equal payments over the following six months.

Members are encouraged to include a one-month termination clause in all rental accommodation agreements. When the resignation, death or expulsion of a Member occurs, reimbursement under the Capital Accommodation Allowance would be made for the rental or hotel accommodation, and any other authorized expenses, for the month following the month in which the eligibility ceases, if the Member were obligated to make those payment under a lease or other contract. This provision does not include reimbursement in cases where the Member has expended his or her Capital Accommodation Allowance or has had a change in his or her residency status.

If a Member who has established a secondary residence later sells or gives up the lease on his or her principal residence, the Member's eligibility for the Capital Accommodation Allowance ends 30 days after the sale of the principal residence or the day the lease ends, whichever applies. This is pursuant to section 12.2 of the *Indemnities and Allowances Regulations*.

Pursuant to section 12.21 of the *Indemnities and Allowances Regulations*, in an election year, eligibility for reimbursement under the Capital Accommodation Allowance ceases on the day the Assembly is dissolved. However, the Legislative Assembly will reimburse Members for the lease cost and allow the Member to continue to access their rental accommodation during the campaign period on the condition that it is not used for election campaign purposes and the amount of the reimbursement is not greater than 1/12 of the annual Capital Accommodation Allowance. Effective polling day, those Members who are reelected or acclaimed, are again eligible for reimbursement under the Capital Accommodation Allowance, provided they swear a Statutory Declaration of Residence in accordance with the provisions of Section 67 of this Handbook. The Legislative Assembly will not reimburse those Members who do not seek reelection for Capital Accommodation Allowance beyond polling day. Members who are not reelected will be reimbursed the costs of their rental accommodation for a maximum of 60 days following polling day to allow them adequate time to terminate their lease and remove their personal property. The maximum reimbursement during this period will not exceed 1/6th of the annual Capital Accommodation Allowance.

74. FINANCIAL INTEREST

Under the *Legislative Assembly and Executive Council Act* and the *Indemnities, Allowances and Expense Regulations*, Members will not be reimbursed for any accommodation expenses when certain persons have a financial interest in the rental or hotel accommodation agreement for which a Member is seeking reimbursement.

If any Member, or the spouse or relative of any Member, has a financial interest in the agreement, or in a corporation that has a financial interest in the agreement, expenses incurred under the agreement will not be reimbursed. This applies if the Member knew, or ought reasonably to have known, of the existence of that person's interest. An interest in a corporation that provides a public utility or cable television or that is listed on a Canadian stock exchange is not deemed to be a financial interest.

The definition of "spouse" under the Legislative Assembly and Executive Council Act includes persons who are cohabiting outside of marriage. Refer to Section 1 of the Legislative Assembly and Executive Council Act for the definition of "spouse".

Under Section 8 of the *Indemnities, Allowances and Expense Regulations*, a 'relative' of a Member is:

- a child, grandchild, brother, sister, parent or grandparent of the Member or of the Member's spouse;
- and the spouse of any of the above persons. Section 8 of the *Regulations* sets out the circumstances in which a person will be considered to have a financial interest in an agreement. The term "financial interest" encompasses both a direct interest and a beneficial interest in the agreement.

Example: Mr. A, a Member of the Legislative Assembly, stays in a motel in the capital, owned by his father-in-law, Mr. B. Mr. B, as Mr. A's father-in-law, is a relative of a Member and has a direct interest in the motel accommodation contract. Mr. A's claim for reimbursement of his accommodation expenses will be denied.

Example: Ms. C, a Member of the Legislative Assembly, rents an apartment in a building managed by Mr. D, but owned by Ms. E. Mr. D enters the rental contract on behalf of Ms. E. Mr. D is no relation to Ms. C and is not a Member of the Legislative Assembly. Ms. E, on the other hand, is the spouse of a Member of the Legislative Assembly. Ms. C is aware of

the fact that Ms. E is the owner of the apartment building. Although not a signatory to the contract, Ms. E, the spouse of a Member, has a beneficial interest in the rental contract. Ms. C's claim for reimbursement of her rental expenses will be denied. If Ms. C did not know and could not have reasonably been expected to know that Ms. E was the owner of the apartment building, her claim for reimbursement of rental expenses would be allowed.

The term "financial interest in the contract or arrangement" also includes a beneficial interest in real property (land and buildings) where the real property is the subject matter of the contract or arrangement.

Example: Mr. F is the owner of a house in the capital. He is also the brother of Mr.

G. Mr. G is a Member of the Legislative Assembly. Mr. F rents the house to Mr. H, who is neither a Member of the Legislative Assembly, nor related to a Member of the Legislative Assembly. Mr. H, in turn, rents the house to Mr. G. Although Mr. F is not a party to the rental contract and does not have a beneficial interest in the contract, he does have an interest in the house which is the subject matter of the rental contract. As a result, Mr. G's claim for reimbursement of rental expenses will be denied.

The term 'financial interest in a corporation' includes both an interest in shares and an interest in the debt of a corporation, other than a public corporation or a corporation that provides a public utility or cable television service.

Example: Mr. I, a Member of the Legislative Assembly, has transferred his shares in a real estate development company, Realco, to a blind trust. Realco owns a hotel in the capital. Mr. I stays at the hotel owned by Realco when he is in the capital. Mr. I, a Member of the Legislative Assembly, holds a beneficial interest in the shares of a corporation that has a financial interest in the hotel accommodation contract. As a result, Mr. I's claim for reimbursement of hotel accommodation expenses will be denied.

Example: Mr. J, a Member of the Legislative Assembly, has rented furniture for his apartment in the capital from a local furniture rental company, Furnitureco. Mr. K, who is Mr. J's son, has recently invested in Furnitureco through a bond. Mr. K, a relative of a Member of the Legislative Assembly, has an interest in the debt of a corporation that has a financial interest in the furniture rental contract. As a result, Mr. J's claim for reimbursement of furniture rental expenses will be denied.

In order to avoid the risk of being denied reimbursement for an accommodation expense, Members should seek advice from the Clerk or Law Clerk if there is any doubt as to whether a spouse or relative of any Member has a financial interest in an accommodation agreement.

75. EXPENDITURE MANAGEMENT

Members will receive a monthly expenditure management statement showing the expenses that have been charged against his or her Capital Accommodation Allowance to date and commitments made to the fiscal year end. Interim statements will be provided upon reasonable request and Members may contact Corporate Services at any time to request the current balance in his or her Capital Accommodation Allowance.

A Member who exceeds his or her Capital Accommodation Allowance at any time, in any fiscal year, will be personally responsible for the excess expenditures. Where money is owed to the Legislative Assembly, the Member must reimburse the Assembly by issuing a personal cheque payable to the Government of the Northwest Territories or the full amount of the expenditure will be recovered from the Member's indemnity or set off against any other entitlements due to the Member.

76. TABLING OF REPORT

Each fiscal year, the Speaker must table in the House a detailed report identifying the total amounts paid to each Member in the previous fiscal year from the Capital Accommodation Allowance. The report will detail the types of expenses reimbursed and the amounts paid.

TRAVEL EXPENSE

77. TRAVEL ON BUSINESS AS A MEMBER

As set out in Section 22 of the *Legislative Assembly and Executive Council Act*, a Member is deemed to be on business as a Member when he or she travels to a place to:

- attend a sitting of the Legislative Assembly;
- attend a meeting of a Standing or Special committee of the Legislative Assembly, of which he or she is a member;
- attend a meeting of the Board of Management, of which he or she is a member;
- attend a general meeting for all Members of the Legislative Assembly; or
- perform an assignment given to the Member by the Legislative Assembly or the Speaker.

In addition to the forms of business referred to above:

- a member of the Executive Council is on business as a member where he or she is in, or travels to, a place to attend a meeting of the Executive Council, or to attend a meeting of a committee of the Executive Council, of which he or she is a member; and
- a member of the Financial Management Board is on business as a member where he or she is in, or travels to, a place to attend a meeting of the Financial Management Board.

Subsection 27(1) of the *Legislative Assembly and Executive Council Act* provides that a Member will be reimbursed for the actual and reasonable costs incurred during travel between the Member's residence and the place he or she must attend to conduct business as a Member. A Member is not eligible for reimbursement of travel expenses if the meeting is held in his or her community of residence.

Arrangements for air travel when a Member travels on business as a Member are generally made and paid for directly by the staff of the Legislative Assembly and arranged in the most cost-effective and economical manner. Air travel must be by the most direct route to and from the travel location, unless Legislative Assembly staff approves an alternate route.

Where continuous travel is scheduled to exceed eleven hours, the Member may be permitted to travel business class if authorized in advance on the Travel Authorization.

Ministers and the Speaker of the Legislative Assembly may travel business class when total in-flight duty travel time exceeds four hours. Regular Members require Board of Management or Speaker approval to travel by business class when total in-flight duty travel time exceeds four hours.

A Member who travels using his or her own transportation will be reimbursed the lesser amount of the following:

- the prevailing higher tier Federal Treasury Board rate per kilometre for Government of Canada employees. This rate remains the same regardless of the kind of vehicle used (i.e. snowmobile, car, boat or airplane, which is owned or rented by the Member); or
- the cost of the most economical return airfare. Air travel will be by scheduled air service. Aircraft charters will only be used when more economical travel is not available or is impractical. Legislative Assembly staff will arrange all air charters.

78. AIR CHARTERS

If circumstances arise whereby a charter is immediately necessary and cannot be arranged by Legislative Assembly staff, satisfactory written substantiation outlining the circumstances must be provided to Corporate Services before a claim for reimbursement or request for direct payment will be processed. A Member arranging an aircraft charter must determine which aircraft charter company is the most economical and practical and look for opportunities to share charters in order to reduce costs.

If a Member does share a charter there are a number of restrictions that must be followed.

Incidental passenger(s) and goods may join a charter arranged by a Member provided that:

- the air carrier agrees to carry the incidental passenger(s) and goods in accordance with the incidental traffic rules contained in the carrier's tariff;
- the incidental passenger(s) or shipper agrees in writing to pay the carrier directly for their portion of the costs, provided that the trip is not in the public interest or for government business purposes.
- in the case where a trip is considered not to be in the public interest or for government business purposes, a taxable benefit is deemed to accrue to either the incidental party or the Member who authorized the travel. If the Member stands to

personally benefit by authorizing the travel (e.g., the passenger is a friend or relative) a taxable benefit will accrue to the Member; otherwise the taxable benefit will be deemed to accrue to the incidental passenger; in either case GST would have to be paid on the assessed value of the trip;

- where the travel of the incidental passenger is for government business or in the public interest, no costs are payable by the passenger, nor will there be a taxable benefit deemed to be created for the Member authorizing the travel. However, a Grant-in-kind and GST implications must be considered and the Member must pay the GST on the value of the Grant-in-kind;
- the carrier agrees to collect payment from any separate parties responsible for the costs of incidental passenger(s) or goods; and
- the Legislative Assembly assumes no additional liability. Where calculating a taxable benefit, the equivalent regular commercial economy airfare for a regularly scheduled flight to the same destination is used. If a regularly scheduled flight does not exist, the average cost per seat of a charter flight shall be used.

In cases where arrangements have not been made in advance to have a passenger join a charter, a government employee or a Minister must authorize the travel.

The Legislative Assembly will not bill other parties on a Member's behalf for shared aircraft charters. If this does occur the Member will be held personally responsible for all charges associated with the charter. Due to significant liability issues, it is important that Members follow the above instructions when arranging aircraft charters.

These restrictions do not apply to a Member's Constituency Assistant if they are traveling with the Member to assist him or her with constituency business. Similarly, these restrictions do not apply to a Member's spouse, if the spouse is accompanying the Member on constituency business, there is no additional cost for the spouse to join the charter and the spouse travels to and from the destination with the Member.

Members will not be reimbursed for expenses if they serve as a pilot, operator or member of the crew of a privately owned aircraft that is not owned or rented by the Member.

Members should note that restrictions regarding air charters apply equally to travel while on business as a Member and to constituency travel and should refer to Section 108 of this Handbook for further details.

79. CHANGES TO TRAVEL ARRANGEMENTS

A Member who wishes to upgrade the class of travel, or change or cancel non-refundable reservations must have a compelling reason to do so and may be personally responsible for any additional charges associated with these changes. Members are also personally responsible for any additional costs incurred for including personal business with travel as a Member. The Clerk of the Legislative Assembly is authorized to determine whether a compelling reason exists to allow travel changes. The Clerk's decision may be appealed to the Board of Management.

Section 35 of the *Legislative Assembly and Executive Council Act* authorizes the Speaker to table annual reports in the Legislative Assembly regarding expenditures made on behalf of Members. Travel expenses, including details of out of territory travel, upgrade, cancellation and change fees are included in this report.

80. ACCOMMODATION

If a Member is traveling from their community of residence to Yellowknife on business as a Member, accommodation expenses will be reimbursed under the Capital Accommodation Allowance (refer to Section 72 of this Handbook). Meals and other incidental expenses are reimbursed under the Allowance for Expenses (refer to Section 70 of this Handbook).

A Member traveling from their community of residence to a place other than the capital on business as a Member will be reimbursed the actual and reasonable cost of hotel accommodation and will be eligible for an allowance to cover meals and incidental expenses at the current Federal Treasury Board Rate.

Where a Member travels to a place for business that is also the location of his or her principal residence, the Member is not eligible for reimbursement for accommodation costs if the principal residence is available for his or her use.

A Member may also be reimbursed for non-commercial overnight accommodation while travelling on business as a Member, in the amount set by the Treasury Board of Canada as the daily rate payable in the Northwest Territories. Members must produce a receipt in order to be reimbursed. A claim for reimbursement under this section is allowed, notwithstanding the provisions of the *Legislative Assembly and Executive Council Act* regarding financial interest by family members.

In the majority of cases, staff will make the hotel arrangements for Members while traveling on business as a Member. Members are reminded that, as with the Capital Accommodation Allowance, they will not be reimbursed for the cost of accommodation at a facility owned by their family, their spouse's family, an MLA or the family of a fellow MLA (refer to Section 74 of this Handbook).

81. LAUNDRY EXPENSE

The following expense may be reimbursed for Member's travel away from their ordinary residence and the Capital on committee, Board of Management or constituency business:

- laundry expenses after two consecutive days of travel;
- further laundry expenses after five additional days of travel and every five days thereafter;
- dry-cleaning expenses after five days of travel and every five days thereafter; and
- pressing expenses as reasonable due to the length of the trip.

Expenses will only be reimbursed upon production of receipts and for what would reasonably be assumed to be the clothing required for the duration of the trip.

82. COMBINING PERSONAL BUSINESS WITH DUTY TRAVEL

Any additional costs incurred for including personal business with travel authorized under the *Legislative Assembly and Executive Council Act*, or its *Regulations*, will be the personal responsibility of the Member

SESSIONAL TRAVEL

83. SESSIONAL TRAVEL BY SPOUSE/DESIGNATE

During a sitting of the Legislative Assembly, each Member is entitled, under Section 27(2) of the *Legislative Assembly and Executive Council Act*, to be reimbursed for the actual and reasonable cost of return transportation for the Member's spouse, or another person designated by the Member, between the place of the sitting and the Member's ordinary residence, providing that both the Member and the spouse, or other designated person, are both at the place where the sitting is being held at the same time for at least one entire sitting day.

84. TWO WEEKEND TRAVEL ENTITLEMENT

Where a Member is required to attend a sitting or meetings of a committee of the Legislative Assembly over a continuous period that includes at least two weekends, the Member is entitled to be reimbursed for the actual and reasonable cost of return transportation for either the Member, the Member's spouse, or a person designated by the Member, to travel between the Member's ordinary residence and the place of the sitting or the meetings. This entitlement allows for one trip for every second weekend that falls within the continuous period of sittings or meetings. The period is considered continuous if the sessional and committee meeting schedule requires the Member to be at the sitting or meeting place regardless of whether the Member attends a sitting or meeting each day during that period.

The entitlement may also be used for travel by a Member's Constituency Assistant between the place of the sitting or meetings and a community within the Member's constituency other than the place in which the Member lives.

This entitlement is pursuant to Section 28 of the *Legislative Assembly and Executive Council Act* and Section 14.2 of the *Indemnities, Allowances and Expense Regulations*. Members are not permitted to accrue this travel entitlement. An entitlement that is not used expires when next the Member becomes entitled to the reimbursement.

85. HOME TRAVEL

This entitlement, authorized under Section 28.1 of the *Legislative Assembly and Executive Council Act*, entitles Members deemed to reside outside commuting distance of the capital to reimbursement for return transportation between the capital and their place of residence for a maximum of five trips per year. Travel must originate in the place where the Member lives or in the capital where the Member is on business. Travel can only be taken by the Member when on business, or by a family member who lives in the Member's ordinary residence and can only be taken when the Member is in the capital on business as a Member. Family members are defined in this section as a spouse, a partner or a dependent of the Member.

In the fiscal year in which a general election is held, Members will be reimbursed for two trips in the months leading up to an election and for three trips in the months following an election. Adjustments to allowable trips, not exceeding the maximum allowed, will be made if the dates of an election are significantly changed.

The Member must complete the appropriate forms indicating whether the Sessional travel is a taxable or non-taxable benefit. If the trip is classified as a taxable benefit, the cost of the air travel will be reflected in the Member's tax filings with the Canada Customs and Revenue Agency. For further details, Members should refer to Section 86 of this Handbook, Taxable Benefit.

86. TAXABLE BENEFIT

Travel by Members at public expense to perform their duties is not a taxable benefit. Similarly, travel by a spouse, family member or person designated by the Member to attend a parliamentary function is not a taxable benefit.

"Parliamentary functions" are defined as duties and activities directly related to the position of the Member of the Legislative Assembly and include swearing-in ceremonies, the opening of a new Session, prorogation, the dissolution of a Legislative Assembly or attendance at a function hosted by the Speaker or Commissioner and to which the spouse is invited. It does not include constituency business or business related to the private business or personal interests of any person.

Where the "two weekend travel" or "home travel" entitlement is taken by a Member's spouse, family member or by a person designated by the Member, the payment or reimbursement of the travel

expenses will be administered as a taxable benefit to the Member and the cost of the air travel will be reflected in the Member's tax filings with the Canada Customs and Revenue Agency.

If a spouse, family member or designate is traveling primarily to attend or participate in a parliamentary function with the Member, the Member may notify Corporate Services that the entitlement should not be treated as a taxable benefit. The Member must provide evidence of the duties carried out by the spouse, family member or person designated by the Member, and, in the absence of documentary evidence, a Statutory Declaration by the Member will be required.

87. TRAVEL BY OTHER PERSONS

Except in those circumstances expressly permitted in legislation, regulation or this Handbook, Members are not entitled to reimbursement for any expense associated with the attendance of a spouse, or any other individual other than the Member's Constituency Assistant, on travel with a Member on either constituency business or business as a Member. Members will be responsible for all costs incurred by a traveling companion, including any extra registration and meal costs when a spouse or other person attends a conference or meeting with a Member.

CONSTITUENCY WORK EXPENSE ALLOWANCE

88. ALLOWABLE EXPENSES

Section 1 of the *Legislative Assembly and Executive Council Act* defines "constituency work" as any work directly connected with a Member's responsibility as a Member in relation to the ordinary and proper representation of members of the public. It does not include work performed in the course of his or her attendance at a sitting or general meeting of the Legislative Assembly, work performed as a member of a committee of the Legislative Assembly or of the Board of Management, or work performed in the course of an assignment given by the Legislative Assembly or the Speaker.

A "constituency meeting" is defined in this Handbook as a meeting that is organized and attended by the Member for the purpose of consulting with his or her constituents, is open to all constituents without fee, is located in a

community within the Member's constituency, takes place at a venue booked by the Member or his or her Constituency Assistant and is advertised within the community where the meeting will take place. Please refer to Members' Handbook, Section 107.1 Constituency Meeting Expense for details on the constituency meeting expense allowance.

Section 10 of the *Indemnities, Allowances and Expense Regulations* sets out the maximum Constituency Work Expense Allowance available with respect to each constituency and Section 11 of the *Regulations* sets out the types of expenses that may be reimbursed.

Some of the allowable expenses are outlined below, but Members are encouraged to refer to Section 11 of the *Indemnities, Allowance and Expense Regulations* for a detailed list of items which may be reimbursed under this allowance. Corporate Services should be consulted prior to a Member making a purchase from the Constituency Work Expense Allowance as they can provide assistance with purchase procedures and will obtain competitive prices upon request.

89. RESTRICTIONS APPLICABLE TO CONSTITUENCY WORK EXPENSE

Items that are specifically ineligible for reimbursement under the Constituency Work Expense Allowance are:

- anything that uses or includes any word, initial, colour or device that identifies a political party;
- artwork, including paintings, prints, sculptures, carvings and crafts, unless they are purchased as items to mark special occasions or presentation items (refer to definitions of special occasion and presentation items below);
- sponsorship of individuals or groups;
- raffle tickets;
- donations or gifts to local organizations or individuals including the purchase of items at charity auctions or similar fundraising events; and
- travel outside of Canada. In the year of a general election, the Board of Management may place additional restrictions on items for which Members may be reimbursed from their Constituency Work Expense Allowances.

90. ADVERTISING

Advertising by Members in newspapers, radio, television and on social media can be for the following purposes only:

- to communicate a Member's office location and contact information;
- to allow recruitment for Constituency Assistants;
- to communicate upcoming sittings of the Legislative Assembly;
- to communicate the assistance and services the member is able to provide to all constituents;
- to communicate details of constituency meetings (see definition above), including posters not exceeding 11" x 17" in size;
- to issue congratulatory messages or festive greetings to constituents or groups of constituents;
- to publicize community events;
- to recognize historic or commemorative community events;
- to highlight national and international days. All information contained within the advertisement must comply with the above list.

All advertisements shall include the green Territorial Shield, as well as the Member's contact information (Legislative Assembly owned phone number and address). Two or more Members who represent the same community may share advertising costs when issuing sessional or congratulatory messages, festive greetings, or announcing constituency meetings to constituents or groups of constituents.

These restrictions do not apply to Members' newsletters or individual internet web pages. Advertising may be placed in newspaper, radio, television and on social media originating outside the NWT if the Member can demonstrate that the advertisement will also be circulated within his or her constituency.

90.1 SIGNAGE

Members may purchase signage to be used at events at which the member is present. Signage must:

- be pre-approved by Corporate Services;
- comply with advertising policies;
- be mobile or temporary.

Examples of acceptable signage are banners or sandwich boards, but not billboards. There are no restrictions on size, materials or design.

91. NEWSLETTERS AND PRINTED MATERIAL

Members may be reimbursed from the Constituency Work Expense Allowance for the production and delivery of newsletters and other printed material for distribution to constituents. Members may pay not-for-profit groups up to \$1000 per community to deliver Christmas cards, Newsletters and other printed material, unless delivered via Canada Post.

Members may also be reimbursed for the cost of purchasing information to be included in the Member's newsletter, up to a maximum value of \$200 per item.

92. PROMOTIONAL ITEMS

Members may access their Constituency Work Expense Allowance to purchase promotional items intended to facilitate communication between the Member and his or her constituents, that fall within the following categories: mouse pads; calendars; refrigerator magnets; office note pads; beverage containers (coffee mugs, glasses, water bottles, thermos bottles); pens; key chains; hats; calculators; CD holders; tote bags; USB keys and picnic kits.

All promotional items shall include the green Territorial Shield (official symbol for all Members of the Legislative Assembly), as well as the Member's contact information embossed on the surface of the item itself. The contact information may include the Member's name, constituency, constituency logo, and Legislative Assembly owned telephone number(s), including the toll-free Legislative Assembly telephone number, e-mail address, mailing address or internet website address. Promotional items shall not exceed \$20 per item if manufactured outside of the Northwest Territories and \$30 per item if manufactured within the Northwest Territories. Members should note that the cost of embossing is included in the above monetary limits.

A Member may purchase promotional items which do not fall into the above-listed categories and do not include contact information only if the item is valued under \$5.

Promotional items may not be delivered by groups unless the item is valued under \$5 and has the green Territorial Shield. The spirit and intent of promotional items is that a Member hands these out personally to constituents, or is present at the event where they are being handed out (i.e. constituency meetings, community events)

A Member shall not use more than 15% of his or her Constituency Work Expense Allowance for the purchase of any of the promotional items listed in this section.

Members may also purchase, from their Constituency Work Expense Allowance, items carried by the office of Public Affairs and Communications but only if these items have the green Territorial Shield and meet the \$20 and \$30 purchase limit for promotional items. Please refer to Section 122 of the Handbook for further details regarding promotional items maintained by the office of the Public Affairs and Communications Advisor.

93. SPECIAL OCCASION ITEMS

Members may purchase and be reimbursed for items to present to constituents to mark special occasions. Special occasions constitute a significant event or achievement in the constituent's life. Special occasions must clearly fall within one of the following categories:

- 50th wedding anniversary and every fifth anniversary thereafter;
- 80th birthday and every fifth birthday thereafter;
- graduation from high school and post-secondary educational or training programs lasting more than one year and which result in a professional designation, university degree, college diploma, trade certification or ticket.
- territorial, national or international award presented to an individual constituent by a credible and recognized institution;
- territorial, national or international athletic championship or award won by or presented to an individual constituent by a credible and recognized athletic organization;
- award presented to a constituent who is being recognized by their community for their achievements;
- death of a constituent;
- retirement after 20 years or more of employment in the Northwest Territories.

Special occasion items are limited to \$250 per item and must be appropriate to the accomplishment being recognized. These items are not intended to defer costs, should hold no monetary value to the recipient and are intended to be purely symbolic in nature. Allowable items would include wreaths, flowers, plaques, certificates, scrolls, backpacks and briefcases.

The item must be accompanied by a card or letter from the Member recognizing the special occasion. It is not necessary that the Member present the item to the constituent personally.

A Member may not present these items to a relative, as defined in Section 8 (5) of the *Indemnities, Allowances and Expense Regulations*. A Member may not maintain an inventory of such items.

94. PRESENTATION ITEMS

Presentation items are limited to \$300 per item, and are presented to groups of constituents, or organizations within the Member's constituency, to commemorate significant events, such as the opening of a school or other prominent facility in the Member's constituency or a community, territorial, national or international award or achievement. Presentation items may also be presented to visiting territorial, national and international dignitaries as a matter of protocol.

Items of this nature should allow for permanent display in a public place within the Member's constituency (e.g. plaques or framed photographs). They are not intended to defer costs for a group or organization, should hold little or no monetary value to the recipients, serve no practical purpose and should be symbolic in nature. The item must be accompanied by a card or letter from the Member recognizing the nature of the occasion. Presentation items must be presented to recipients directly by the Member or the Member's Constituency Assistant.

Members may not maintain an inventory of such items.

94.1 FLAGS

The Legislative Assembly will provide, on request, up to 5 full-sized territorial flags per year per Member, which Members may present to groups of constituents, or organizations within the Member's constituency. Members may not carry over the balance of flags from one fiscal year to the next and Public Affairs and Communications will bear the costs of these flags. In an election year, same proportion as determined in Constituency Tours and Home Travel are applied.

95. CONTRIBUTION TO A COMMUNITY FEAST OR EVENT

A community feast is defined as an event that takes place within a Member's constituency or community that is not organized by the Member, is open to all constituents, is free of charge or requires participants to pay only a nominal fee for participation. The Member or the Member's Constituency Assistant must attend the event. The maximum contribution to a community feast or event is \$500.

96. EXPENSES RELATED TO CONSTITUENCY MEETINGS

Members may be reimbursed for expenses incurred to rent a facility for a constituency meeting, as defined above. Associated costs, including the bulk purchase of food, non-alcoholic beverages, other supplies for a constituency meeting and advertising (refer to Section 90) would also be allowable expenses.

96.1 MEETING WITH ELECTED OFFICIALS

Members may be reimbursed under the Constituency Work Expense Allowance for meal expenses, not including alcoholic beverages, related to meetings with a group of two elected leaders from a Member's constituency, either in the constituency or in the capital.

97. RESOURCE EXPENSES

Members may also be reimbursed for costs associated with research and writing services, interpretation and translation services and other relevant professional services. Newspaper and magazine subscriptions would also be eligible under this allowance. As well, registration fees for conferences and courses would be allowable, providing such conferences or courses do not relate to a degree or diploma program. Registration fees for conferences or courses attended by Constituency Assistants are an allowable expense as long as the event occurs in the Member's constituency or in the capital.

98. COMPUTER HARDWARE AND SOFTWARE

Computer hardware (desktops, laptops and tablets) and software supplied to a Member by the Legislative Assembly will be purchased through the Technology Service Centre (TSC) by Corporate Services. Only government owned computer hardware and software will be allowed access to the government network and will be supported by the TSC. Computer hardware or software purchased by a Member from his or her Constituency Work Expense Allowance that does not meet the most current standards of the TSC will not be connected to the Government's network and will not be entitled to technical support from the TSC. Members should contact the TSC directly for advice prior to purchasing computer equipment to ensure the most current standards are being met.

99. MEMBERSHIP IN COMMUNITY ORGANIZATIONS

Members may be reimbursed from the Constituency Work Expense Allowance for membership fees in community or other organizations if the organization, or a chapter of the organization, is located within the Member's constituency and membership in the organization would assist the Member in the fulfillment of his or her duties. Membership fees in service organizations, such as the Legion, Elks or Rotary, are not allowable expenses.

100. VEHICLE LEASE OR RENTAL

A Member wishing to use their Constituency Work Expense Allowance to lease a vehicle for constituency travel, outside of their home community or the capital, must keep accurate records of the actual use of the vehicle for constituency travel and for personal travel. A claim for reimbursement for a vehicle lease and insurance will only be processed when the Member advises, on the approved form, the percentage of the vehicle use that is constituency related and that which is personal.

Members should note that a vehicle lease will not be considered a constituency work expense and the lease expense will not be reimbursed if a benefit accrues to the Member as a result of the lease. Costs associated with the lease or rental of a vehicle for use by the Member within his or her community of residence will not be reimbursed.

101. DOOR PRIZES

Members may provide door prizes at events organized by the Member or at events sponsored by others, provided that the door prize meets the definition of a promotional item as set out in this Handbook.

102. FINANCIAL INTEREST

Members will not be reimbursed for a constituency work expense when certain persons have a financial interest in the contract or other arrangement under which the expense was incurred, unless the reimbursement is specifically approved by the Board of Management in advance of the expenditure being incurred.

If any Member, or the spouse or relative of any Member, has a financial interest in the arrangement, or in a corporation that has a financial interest in the arrangement, expenses incurred under the arrangement will not be reimbursed. This applies if the Member knew, or ought reasonably to have known, of the existence of that person's interest.

The definition of "spouse" under the *Legislative Assembly and Executive Council Act* includes persons who are cohabiting outside marriage. Refer to Section 1 of the *Act* for the full definition of "Spouse".

Under Section 8 of the *Indemnities, Allowances and Expense Regulations*, a "relative" of a Member includes:

- a child, grandchild, brother, sister, parent or grandparent of the Member or of the Member's spouse; and
- the spouse of any of the above persons. Section 12 of the *Regulations* sets out the circumstances in which a person will be considered to have a financial interest in a contract or arrangement. The term "financial interest" encompasses both a direct interest and a beneficial interest in the contract or arrangement.

Example: Mr. C, a Member of the Legislative Assembly, rents a facility from Ms. D for the purpose of holding a constituency meeting. Ms. D is no relation to Mr. C and is not a Member of the Legislative Assembly. However, Mr. C is aware that Ms. D holds the property on trust for Ms. E. Ms. E is the daughter of a Member of the Legislative Assembly. Ms. E, a relative of a Member of the Legislative

Assembly, has a beneficial interest in the contract pursuant to which the expense was incurred. As a result, Mr. C's claim for reimbursement will be denied, unless approval of the Board of Management has been obtained.

The term "financial interest in a corporation" encompasses both an interest in shares and an interest in the debt of a corporation, other than a public corporation or a corporation that provides a public utility.

Example: Ms. F purchases her constituency office supplies from a local office supply company, Officeco. Ms. G, also a Member of the Legislative Assembly, holds a minor interest in the shares of Officeco. Ms. F is completely unaware and has no way of knowing that Ms. G has an interest in the shares of Officeco. Ms. F's claim for reimbursement of her office supply expenses will be allowed. If, on the other hand, Ms. F was aware or should have been aware of Ms. G's interest in the shares of Officeco, her claim for reimbursement of office supply expenses would be denied, unless approval of the Board of Management had been obtained.

Example: Mr. H, a Member of the Legislative Assembly, leases a vehicle that he uses for constituency purposes from car rental company, Carco. Carco is 100% owned by Mr. H's friend, Mr. I. At a time when Mr. I was experiencing financial difficulty, Mr. H made a loan to Carco in exchange for a promissory note. The loan is still outstanding. Mr. H, a Member of the Legislative Assembly, has a financial interest in a corporation that has a financial interest in the leasing contract. As a result, Mr. H's claim for vehicle leasing expenses will be denied, unless approval of the Board of Management is obtained.

Members should seek advice from the Clerk or Law Clerk if there is any doubt as to whether a spouse or relative of any Member has a financial interest in an agreement relating to constituency work. Otherwise, Members may risk being denied reimbursement for the constituency work expenses.

103. EXPENDITURE MANAGEMENT

Each Member will receive a monthly expenditure management statement showing the constituency work expenses that have been charged against his or her Constituency Work Expense Allowance during the previous month, commitments made to year-end and year-to-date details. Interim statements will be provided upon reasonable request. Members may contact Corporate Services at any time to request the current balance in their accounts. Each Member is responsible for administering his or her Constituency Work Expense Allowance and ensuring it is not exceeded.

A Member who exceeds his or her constituency work expense allowance at any time will be personally responsible for the excess expenditures. Where money is owed to the Legislative Assembly, the Member must reimburse the Assembly by personal cheque in the full amount or the over-expenditure will be recovered from the Member's indemnity or set off against any other entitlement due to the Member.

104. EXPENSE CLAIMS

Claims for constituency work expenses are made to Corporate Services and must be supported by original receipts. If the original receipt or invoice is not available, a Member must submit a statutory declaration stating that the expense was incurred or is due and explaining the reason for the absence of the receipt or invoice.

Alternatively, a Member may request that an expense be paid directly to the person or organization to whom the payment is owed. A request for direct payment must be supported by an invoice, contract or other acceptable documentation. If the expense is one that is normally prepaid, a Member may claim reimbursement or request direct payment, at the time the payment is due.

Claims must be submitted before the year-end cutoff date set by the Financial Management Board Secretariat for the year in which the expense was incurred. However, in certain circumstances, a Member may request payment for an old-year invoice, provided that expenses are allowable under the *Regulations* and this Handbook, and that the Member had adequate funds in his or her constituency budget to cover the expense in the appropriate fiscal year. Requests for the payment of old-year invoices not exceeding \$1,000 may be approved by the Clerk of the Legislative Assembly. Requests for the payment of old-year invoices in excess of \$1,000 must be

approved by the Board of Management. An old-year charge that is not accrued and approved by the Clerk or the Board of Management will be charged to a Member's new-year budget.

105. TABLING AND INSPECTION OF CONSTITUENCY EXPENSES

Section 35(c) of the *Legislative Assembly and Executive Council Act* requires the Speaker to table, in each fiscal year, a detailed report for each Member showing the total amount paid under the Member's Constituency Work Expense Allowance, a breakdown of the types of expenses for which reimbursement was paid and the amount that was paid. The itemizing of expenses will include, but is not limited to, the following expenses:

- travel and transportation including details on travel outside the Northwest Territories, upgrade, change and cancellation fees;
- materials and supplies including detail on the amounts spent on promotional items, special occasion items and presentation items;
- purchased services including details on contributions to community feasts and events;
- contract services;
- fees and payments;
- computer hardware and software; and
- Constituency Assistants. Under Section 20 of the *Indemnities, Expense and Allowances Regulations*, any person may inspect and obtain a copy of a claim for reimbursement or the documentation relating to a direct payment that was made under a Member's Constituency Work Expense Allowance within the previous five years. The Clerk, as soon as is reasonably practical after receiving such a request, will notify the relevant Member.

Before allowing a person access to constituency work expense claims or documentation, the Clerk will strike out any private information on the documents that is unrelated to the claim. As well, a Member may apply to the Board of Management for a direction that certain information not be made available for inspection or copying if it would reasonably be expected to pose a threat to the security of any person.

106. PROPERTY INVENTORY AND DISPOSAL

Each Member is required to account annually for all property that has been provided to him or her by the Legislative Assembly or for which the Member has been reimbursed from his or her Constituency Work Expense Allowance. Corporate Services will maintain an inventory of each Member's property and will update it as required.

A Member who purchases an item of non-consumable property through his or her Constituency Work Expense Allowance must complete a Constituency Inventory Declaration form and provide it to Corporate Services without delay.

Lost or stolen items must be reported immediately to Corporate Services. In the case of an item presumed stolen, the Member is also required to report the incident immediately to the appropriate law enforcement agency. In addition, Members are required to complete a Statutory Declaration stating that the item has been lost or stolen, a description of any efforts made to retrieve the item, RCMP report number and confirmation that the item, if found, will be returned to the Legislative Assembly.

If a Member wishes to dispose of or have removed from his or her inventory, for any reason, items under the purchase value of \$150, they must do so by notifying Corporate Services. In order to write-off and dispose of items exceeding \$150 in value Members will need to request the approval of the Board of Management. Reasons for disposal or deletion of an item may include breakage or obsolescence or that the Member no longer has use for the item. The following process should be followed:

- Member to contact Corporate Services to determine the value of the item for disposal. If the item for disposal is up to \$150, direction will be provided to the Member for the return or disposal of the item. If the item exceeds \$150 in value the Member will compose a letter addressed to the Board of Management and forward to the Clerk of the Legislative Assembly requesting the Clerk place the matter before the Board of Management for decision.
- The request must identify the item to be disposed of or deleted from the Member's inventory as well as the reason for the request. Corporate Services is available to help prepare the submission on request.

- Once the Board of Management has approved a request for disposal or deletion, the Member must either return the item to the Legislative Assembly or dispose of it according to the direction of the Clerk. An item that has been returned or disposed of will be removed from the Member's inventory.

A Member may not purchase any property provided by the Legislative Assembly or reimbursed through the Member's Constituency Work Expense Allowance except under the circumstances listed below.

If a Member is defeated in an election or does not seek re-election, the Member may purchase computer equipment and other items purchased through the Constituency Work Expense Allowance, as well as furniture purchased with the Capital Accommodation Expense Allowance, provided that such items were purchased not less than one year prior to the election. The cost of these inventory items will be determined using the policy for Capital Cost Allowance of the Canada Customs and Revenue Agency (CCRA).

If a Member does not seek re-election, at the end of the Member's term of office, items that are not returned or removed from a Member's inventory will be charged to the Member at the CCRA calculated cost.

CONSTITUENCY TRAVEL AND MEETING EXPENSE

107. FIVE CONSTITUENCY TOURS

All Members representing constituencies that include more than one community will be reimbursed for up to five trips to each community each fiscal year. Members will also be reimbursed under this entitlement for a total of 15 nights' accommodation, per community, per fiscal year, as well as the accompanying daily costs as they relate to transportation, meals and incidentals. In the fiscal year in which a general election is held, Members will be reimbursed for two trips to each community in the months leading up to the election with a total of six nights accommodation and three trips in the months following the election with a total of nine

nights accommodation. Adjustments to allowable trips, not exceeding the maximum allowed, will be made if the dates of an election are significantly changed. All costs associated with these trips will be paid from the appropriation of the Legislative Assembly and it is the intention to cover the costs for the Member only.

Members representing multi-community constituencies who do not live within their constituency are entitled to five trips to each community each year. Members who live within their constituencies are not entitled to reimbursement for trips to their home community. Constituency tour funds can also be used by a member to attend spiritual and cultural gatherings not held in a community but within their constituency, and each of these trips will be counted as a community trip.

Travel arrangements for these trips must be made by Corporate Services. Travel and other costs will be reimbursed on the same basis as other types of travel (i.e. most economical fare and Treasury Board Rates). Visits to a Member's community that are not paid for by the Legislative Assembly do not affect the Member's entitlement under this section. Where a Member is required to pay a portion of the costs of a chartered aircraft into a community in his or her constituency or any portion of his or her expenses while in the community, the trip will be deducted from the Member's annual entitlement.

107.1 CONSTITUENCY MEETING EXPENSE

Each Member of the Legislative Assembly will be reimbursed for a maximum cost of \$1,500 per year, per community, for each community within their constituency, for the purpose of constituency meeting expenses. Members will have access to a global budget for these meetings without restrictions on per community expenses. Allowable expenses may include facility rental, meals or the bulk purchase of food, nonalcoholic beverages, interpretation and translation services if required, and other items necessary for a constituency meeting. Members may access these funds through the Corporate Services Department. Members should refer to the definition of constituency meeting set out in Section 88 of this Handbook and to the *Indemnities, Allowances and Expense Regulations*, Section 11 for more information.

108. OTHER CONSTITUENCY TRAVEL

A Member's travel for constituency business, in addition to the five funded tours per year, may be reimbursed from his or her Constituency Work Expense Allowance. Travel arrangements for all constituency travel must be made by Corporate Services. Clerk approval is required for all out-of-territory travel for constituency business. Usually this type of travel is an add-on to other Legislative Assembly business.

Travel costs for persons other than a Member, or the Member's Constituency Assistant, will not be reimbursed unless the Member can provide written substantiation to Corporate Services that the person is traveling to perform constituency work on the Member's behalf.

Where a Member or other person travels for constituency business using his or her own transportation, the Member may choose to be reimbursed, or direct that payment be made to the person owed, by either:

- the prevailing higher tier Federal Treasury Board rate per kilometer for Government of Canada employees (this rate remains the same regardless of the kind of vehicle used); or
- the actual cost of fuel (receipts required). Members should note that restrictions regarding air charters apply equally to their travel on business as a Member and to constituency travel, and should refer to Section 78 of this Handbook for further details.

108.1 ACCOMMODATION

Members travelling on constituency business may be reimbursed under their Constituency Work Expense Allowance for meals and commercial accommodation for the Member or other designated person.

A Member may also be reimbursed under the Allowance for non-commercial overnight accommodation while travelling on constituency business, in the amount set by the Treasury Board of Canada as the daily rate payable in the Northwest Territories. Members must produce a receipt in

order to be reimbursed. A claim for reimbursement under this section is allowed, notwithstanding the provisions of the *Legislative Assembly and Executive Council Act* regarding financial interest by family members.

Accommodation costs for persons other than a Member, or the Member's Constituency Assistant, will not be reimbursed unless the Member can provide written substantiation to Corporate Services that the person is travelling to perform constituency work on the Member's behalf.

CONSTITUENCY OFFICE SPACE

109. CONSTITUENCY OFFICES

The Legislative Assembly will pay the costs of leasing constituency office space to enable Members to provide access and services to their constituents.

With the approval of the Board of Management, a Member may choose to have office space in more than one community within his or her constituency where the need can be justified. A Member must not make any commitment towards a rental or lease agreement without prior approval of the Board. The procedure to obtain Board of Management approval requires that the Member:

- locate office space in the community or communities that will serve his or her needs and negotiate with the landlord for a monthly rental rate;
- submit a Request for Constituency Office Approval to the Board of Management. The request must include information regarding the size of the office in square meters; and
- provide supporting documentation from the landlord, which details the total monthly cost of the office. The monthly charges must include all expenses related to the lease, including any of the following expenses that may apply:
 - parking;
 - alarm systems;
 - janitorial services;
 - utilities;
 - security; and
 - telephone lines.

Separate invoices for any office expenses will not be considered for payment by the Legislative Assembly.

Following Board approval, a contract will be prepared between the Legislative Assembly and the landlord. The lease agreement will be between the Legislative Assembly and the landlord, and payments will be made directly to the landlord. No payments will be made directly to the Member.

Arrangements for the hook-up of constituency fax lines, telephone lines and telephone directory advertising must be requested through Corporate Services and will be charged to the Member's Constituency Work Expense Allowance.

Any damage caused by the Member to the rental property may be the responsibility of the Member. Each lease will have a 30-day cancellation clause. A Member who wishes to terminate a lease agreement must notify Corporate Services immediately. Corporate Services will formally notify the landlord.

During an election period, a Member's access to his or her constituency office will be denied from the date of dissolution of the Assembly. A Member who is re-elected will regain access after her or she is sworn as a Member.

Members representing constituencies in Yellowknife are not entitled to a second constituency office in addition to the one provided in the Legislative Assembly Building.

110. FINANCIAL INTEREST

The Board of Management will not approve a request to lease office space where any Member, or the spouse or relative of any Member, has a financial interest in the lease, or in a corporation that has a financial interest in the lease, unless the Member wishing to lease the space supplies detailed rationale and substantiation for the lease and the Board is satisfied that no alternate space is reasonably available.

Members should refer to Section 1 of the *Legislative Assembly and Executive Council Act* for the definition of "spouse" and Section 12 of the *Indemnities, Allowances and Expense Regulations* for the definition of "relative" and the meaning of "financial interest".

111. EQUIPMENT AND FURNITURE

A personal computer system and a fax machine/copier/printer will be supplied to each Member.

It is the Member's choice whether the computer is kept in the Member's constituency office or elsewhere. In addition, the following standard office equipment/furniture will be provided upon request to each Member for each constituency office. To acquire this equipment, a Member must submit a request on the approved form to Corporate Services.

- double pedestal desk or modular desk unit with utility table computer access (1)
- two-drawer lateral filing cabinets (2)
- waste paper basket (1)
- telephone answering equipment or voice mail where available
- swivel-tilt chair (1)
- side chairs (2)

A rental request may be submitted for furnished space. In this case, only the furniture and equipment not provided by the landlord will be supplied.

The office equipment and furniture are the property of the Legislative Assembly and generally may not be retained by the Member at the expiry of his or her term of office. For exceptions and further information regarding property inventory and disposal, please refer to Section 106 of this Handbook.

Members may purchase additional items or upgrade the standard equipment and furniture through their Constituency Work Expense Allowances, however, all inventory items must be purchased through Corporate Services, who will ensure that the items are supplied, whenever possible, from an approved Northern business and reasonable steps are taken to obtain the best value possible. Any additional equipment or furniture purchased by a Member through the Constituency Work Expense Allowance must be added to the Member's inventory.

112. CONSTITUENCY ASSISTANT

Members are permitted to hire individuals, businesses or corporations to assist them in the performance of their constituency duties and to be reimbursed for this expense from their Constituency Work Expense allowance. A Member may hire an individual as a Constituency Assistant term employee, and/or may engage an individual, business or corporation to perform duties under a short-term service contract.

Members may hire more than one Constituency Assistant and enter into more than one service contract at any time.

Members must note that a Constituency Assistant is not an employee of the Legislative Assembly or the Government of the Northwest Territories. The Member is the employer and, as such, enters into a personal employment contract with the employee. As well, a service contract is an agreement between a Member and the person(s) being contracted. The Legislative Assembly is not a party to any such agreement and any obligations entered into are the responsibility of the Member.

Members are personally liable for wages owed to Constituency Assistants and amounts owing under service contracts if there are insufficient funds in their Constituency Work Expense Allowances. Section 16 of the *Indemnities, Allowances and Expense Regulations* requires that the salary and deductions relating to a Constituency Assistant, and amounts payable under a service contract, be paid directly to the person to whom the payment is owed.

It is the responsibility of each Member to be familiar with the applicable legislation, including the *Labour Standards Act* and the *Human Rights Act*, as well as the Board of Management Workplace Harassment Policy found at Section 5 of this Handbook.

112.1 ELIGIBILITY

The *Indemnities, Allowances and Expense Regulations* provide that the following persons are not eligible to serve as constituency assistants or to enter into service contracts with a Member unless specifically approved by the Board of Management:

- another Member; or
- the spouse or a relative of the Member;
- the spouse or a relative of another Member A Member may not enter into a service contract if any of the above persons has a financial interest in a corporation that has a financial interest in the service contract, unless specifically approved by the Board of Management.

Please refer to Section 1 of the *Legislative Assembly and Executive Council Act* for the definition of "spouse" and Section 12 of the *Indemnities, Allowances and Expense Regulations* for the definition of "relative". Section 12 of the *Regulations* sets out the circumstances in which a person will be considered to have a financial interest in a contract or other arrangement. Members should seek advice from the Clerk or Law Clerk if there is any doubt on this issue

112.2 TERM EMPLOYEE

Constituency Assistants are term employees, hired on an on-going basis for a term not to exceed the life of the current Legislative Assembly. The hours of work may be set or flexible.

Deductions for Income Tax, Canada Pension Plan and Employment Insurance will be made from the Constituency Assistant's pay and from the Member's Constituency Work Expense Allowance. Workers' Compensation deductions and any other appropriate deductions will also be made from the Member's Constituency Work Expense Allowance.

112.3 TERMS OF EMPLOYMENT

The personal employment contract between the Member and his or her Constituency Assistant must specify the terms of the employment including the duties, hourly rate of pay and benefits to be provided. Other employee benefits offered, such as vacation leave or pay, additional statutory holiday pay, sick leave or bonuses must be stated in each contract. Members should also be aware that the Board of Management may restrict the payment of a bonus in an election year.

Corporate services staff are available to assist Members in identifying terms of employment, duties, rates of pay and benefits for prospective Constituency Assistants.

Constituency Assistants are required to take and subscribe to an oath of office in a form set out below.

112.4 OATH/AFFIRMATION OF OFFICE

Oath of Office

I, (Constituency Assistant's Name), do swear that I will faithfully discharge my duties as a Constituency Assistant to the M.L.A. for (Name of Constituency) of the Legislative Assembly of the Northwest Territories and will observe and comply with the laws of Canada and the Northwest Territories, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a Constituency Assistant to the M.L.A. for (Name of Constituency) of the Legislative Assembly. So help me God.

Affirmation of Office

I, (Constituency Assistant's Name), do so promise and affirm that I will faithfully discharge my duties as a Constituency Assistant

to the M.L.A. for (Name of Constituency) of the Legislative Assembly of the Northwest Territories and will observe and comply with the laws of Canada and the Northwest Territories, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a Constituency Assistant to the

M.L.A. for (Name of Constituency) of the Legislative Assembly.

112.5 RECRUITMENT

Members are responsible for interviewing and selecting their Constituency Assistants and for negotiating the hourly rate of pay, vacation entitlements and sick leave benefits, if any. Upon request, Corporate Services will assist Members with interviewing and selecting candidates and will also provide sample contracts.

The process for appointing a Constituency Assistant is as follows:

- the Member notifies Corporate Services that he or she has identified a candidate to hire as a Constituency Assistant;
- Corporate Services provides the necessary documentation to the Member, including a copy of an employment contract;
- the Member, after negotiating with the individual, completes the contract and has the individual sign it;
- the original signed contract must be returned to Corporate Services; and
- the Member must ensure that the Constituency Assistant takes an oath of office in a form approved by the Clerk of the Legislative Assembly.

112.6 ATTENDANCE

Corporate Services will arrange to have the Constituency Assistant paid directly and deduct the amount paid from the Member's Constituency Work Expense Allowance. Payment will be made at the direction of the Member on the basis of the attendance form, signed by the Member and the Constituency Assistant, and submitted every second Friday to Corporate Services. Payday will be on the Friday two weeks following the submission of attendance forms.

112.7 TERMINATION

To comply with the *Labour Standards Act*, in most cases, 14 days notice, or pay in lieu of notice, is required to terminate the Constituency Assistant contract after 90 days of employment. In the case of a general election, notice should be given to the Constituency Assistant 14 days prior to the writs being issued. Where a Member ceases to be a Member at any other time, he or she will be required to pay the Constituency Assistant for the next 14 days if no advance notice was given. Notice of the termination of a Constituency Assistant must be given in writing and a copy provided to Corporate Services. Corporate Services will make arrangements with the Member and the Constituency Assistant for the payment of any vacation pay or other benefits to which the employee is entitled.

112.8 DELEGATION OF AUTHORITY

A Member may authorize his or her Constituency Assistant to incur specific operating costs inherent in the operation and maintenance of a constituency office by completing an authorization form and filing it with Corporate Services.

If the Member fails to delegate this authority in this manner, Corporate Services cannot honour any invoices submitted by the Constituency Assistant for payment or reimbursement.

112.9 SERVICE CONTRACT

A service contract is used to hire an individual, business or corporation on a onetime basis to undertake a specific project related to constituency matters.

Members may request the preparation of one or more service contracts by completing and submitting the approved form to Corporate Services. The request must include detail of the work to be undertaken, the amount to be paid and the time period in which the project is to be completed.

Corporate Services will pay amounts owing under the service contract directly to the person owed and deduct the amount paid from the Member's Constituency Work Expense Allowance. The accumulated dollar value of any contracts must not exceed the funds available in the Member's Constituency Work Expense Allowance. In accordance with the Financial Administration Manual, payments will be made 20 or 30 calendar days (depending on the contractor's status under the Business Incentive Policy) after receipt of an invoice or receipt of goods or services, whichever is later.

The person or organization that receives the service contract is responsible for paying income tax and benefits on behalf of any other persons who perform the work. The Member is not required to make payments for Employment Insurance, Canada Pension Plan or Workers' Compensation.

If the contracted services are to be performed by an individual, particular care must be taken to ensure that an employer/employee relationship does not exist or come into being. A significant factor is the degree of control exercised by the Member over how, when and where the work is completed and who provides tools and equipment to perform the work. Lengthy, continuing or recurring work suggests that an employment relationship has been created. In that case, the Member may be required to pay Employment Insurance, Workers' Compensation and Canada Pension Plan payments. The employee may also be eligible for other employee benefits such as vacation, statutory holiday pay and sick leave. Corporate Services is available to advise and assist Members in relation to service contracts.

TELECOMMUNICATIONS

113. TELEPHONE SERVICE

Telephones are supplied in Members' and Constituency Assistants' offices in the Legislative Assembly building and in the Members' constituency offices. These telephones must be set up and administered through Corporate Services in order to be included in the government accounting system.

Members may also purchase personal mobile devices (i.e. iPhone, Blackberry, iPad, or other tablets). All purchases must be made through Corporate Services and are eligible for reimbursement through the Member's Constituency Work Expense Allowance. Only government owned personal devices will be allowed access to the government network and will be supported by the Technical Service Centre.

Telephone charges originating from the telephones of the Member and his or her Constituency Assistant, and relating to the Member's role as an MLA are eligible expenses under the Constituency Work Expense Allowance. It is the responsibility of the Member to report telephone charges that are not deemed to be related to the Member's role as an MLA to Corporate Services and these charges will be the responsibility of the Member.

MEMBERS' SERVICES

114. OFFICE SPACE AND SERVICES

All Members are entitled to working space within the Legislative Assembly building and to the services of secretarial support staff to assist them in carrying out their duties.

Each regular Member is assigned one Member's office, located on the second floor of the Legislative Assembly building. Each regular Member is also assigned a second office, directly across the hall from the Member's office, for use by a Constituency Assistant. The Sergeant-At-Arms may permit Ministers, Members and Legislative Assembly staff to use vacant offices at his or her discretion for purposes related to the work of the Legislative Assembly.

The allocation of offices to regular Members is determined by seniority in the Assembly, at the beginning of each Assembly. If two or more Members have the same seniority, lots are drawn for first choice. Members wishing to move offices must first consult with, and seek the approval of, the Sergeant-At-Arms.

114.1 MAIL AND SECRETARIAL SUPPORT

The Members' Receptionist is available to assist regular Members with typing, photocopying, sending and receiving faxes and sorting mail. Upon request, he or she will assist Members in creating a filing system.

At the Member's direction, mail can be held at the Legislative Assembly, forwarded to the Member's constituency office or forwarded to the Member's home. Members' instructions must be provided in writing. Under no circumstances should any person other than the Member, the Member's Constituency Assistant, the Members' Receptionist or someone legitimately acting on their behalf, open, interfere with, view or access Members' Mail.

The cost of outgoing mail is charged to each Member's Constituency Work Expense Allowance.

114.2 OFFICE EQUIPMENT AND LETTERHEAD

Each Member's office comes equipped with a desk, cabinet, filing drawers, shelves, three chairs and a coat closet.

A personal computer system, fax machine and copier are supplied to each Member by the Legislative Assembly. It is the choice of each Member whether he or she keeps these items in their Legislative Assembly office or elsewhere.

Members may purchase additional equipment and supplies through their Constituency Work Expense Allowances.

Standard Legislative Assembly letterhead is supplied by the Legislative Assembly. A Member may request personalized letterhead through Corporate Services. A sample of the letterhead will be required from the Member. The costs for the design and printing of personalized letterhead will be deducted from the Member's Constituency Work Expense Allowance.

114.3 E-MAIL

Each Member and their Constituency Assistant will be assigned an e-mail address through the GNWT email system upon request. Members and their Constituency Assistants are subject to the Electronic Mail and Internet Use Guidelines of the GNWT.

114.4 COMPUTER EQUIPMENT

Each Member will receive a personal computer system based on the most current standards established by the GNWT Technology Service Centre. Members wishing to purchase additional computer equipment should refer to Section 94 of this Handbook.

If a piece of a Member's initial computer equipment provided by the Legislative Assembly fails, Corporate Services will attempt to arrange a temporary replacement. Costs for the repair of this initial equipment will be paid by the Legislative Assembly. If the equipment cannot be repaired, Corporate Services will provide replacement equipment. Replacement costs will be paid by the Legislative Assembly. The cost of repair or replacement of additional computer equipment purchased by the Member must be paid from the Member's Constituency Work Expense Allowance.

115. PAGE PROGRAM

Pages play a key role in the effective operation of the Legislative Assembly when the House is in Session. They assist in the delivery and collection of House documents, carry messages to and from Members and assist in the preparation of the Chamber for House business.

Pages are students from the Northwest Territories chosen from grades eight and nine. Pages are required to provide completed application forms, indicating why they wish to be selected, a copy of their latest school transcript, a recommendation from their school and both scholastic and personal references.

Four students from each constituency in the Northwest Territories will be selected to serve as Pages each year. The Sergeant-at-Arms is responsible for the selection, scheduling and supervision of Pages. The Legislative Assembly assumes all costs associated with the Page program, including scheduling, travel, accommodation, meals and supervision while in the capital. The Sergeant-at-Arms has the discretion to remove a Page from their duties and to send them home immediately for poor behavior or failure to carry out their duties in a manner acceptable to the Sergeant-at-Arms.

PUBLIC RELATIONS AND COMMUNICATIONS

116. MEDIA RELATIONS

It is essential that elected officials have the opportunity and the ability to communicate effectively with their constituents and the general public at all times. The media play an important role in assisting with this communication function. Members are frequently approached by the media, either in person or by telephone, to answer questions, provide opinions or information. Accredited media at the Legislative Assembly wear identification badges, and their conduct is governed by certain rules and guidelines established by the Speaker and the Sergeant-at-Arms. The Public Affairs and Communications Advisor is available to assist Members in dealing with the media.

117. PRESS RELEASES AND PRESS CONFERENCES

Members may request assistance from the Public Affairs and Communications Advisor in drafting and editing a press release. When the Member is satisfied with the text of a press release, the Public Affairs and Communications Advisor distributes the release electronically to all northern and select southern media. Copies are also distributed to all Members of the Legislative Assembly. Members are responsible for the content of their press releases. Staff of the Legislative Assembly are not authorized to speak on behalf of individual MLAs.

Members may hold press conferences in the Legislative Assembly's media briefing room. The media briefing room should be booked through the Speaker's Office. The Public Affairs and Communications Advisor may assist with administrative arrangements upon request.

118. MEMBERS' NEWSLETTERS

The Public Affairs and Communications Advisor is available, upon request, to provide editing and production advice with regard to Member's newsletters.

119. ADVERTISEMENTS

The Public Affairs and Communications Advisor is available to provide editing advice with regard to a Member's advertisements. All ads must comply with Section 90, and must be approved by Corporate Services prior to publication.

120. NEWS ITEMS

The Public Affairs and Communications Advisor monitors the media and can provide transcripts of CBC North and CJCD radio reports to interested Members, upon request.

121. PUBLIC INFORMATION MATERIAL AND TOURS

A range of printed material focusing on the history, role and activities of the Legislative Assembly is available through the office of the Public Affairs and Communications Advisor. The material is designed to increase public understanding and awareness of the unique form of government in the Northwest Territories and the physical building that houses it. Material is available for both adults and children and a number of copies are available from the Public Affairs and Communications Advisor at no cost.

The Public Affairs and Communications Advisor conducts daily guided tours of the Assembly building. Arrangements can be made, upon request, for special group tours. During the summer months of June, July and August, guided tours of the Legislative Assembly are given weekdays at 10:30 a.m., 1:30 p.m. and 3:30 p.m., and on Sundays at 1:30 p.m.

During the remaining months of the year tours are scheduled as follows:

- During Session tours are available Mondays through Thursdays at 10:00 a.m. only;
- Other times, tours are available at 10:30 a.m. on weekdays.

122. PROMOTIONAL ITEMS

The Public Affairs and Communications Advisor maintains a supply of Legislative Assembly promotional items, which Members may purchase for distribution. These promotional items must include at least one official symbol of the Legislative Assembly.

Further information on Members' promotional items can be found at Section 92 of this Handbook.

123. BUSINESS CARDS

The Public Affairs and Communications Advisor is available to provide editing advice with regards to a Member's business card. All cards must comply with the NWT Visual Identity Program, and must be approved for purchase by Corporate Services prior to publication.

Members may use a coloured version of the Territorial Shield on their business cards. Business cards may be either the green and cream version or the “northern lights” version. Members are prohibited from using their photo on their business cards and are advised to review the NWT Visual identity Program when designing their cards.

124. CALENDARS/CHRISTMAS CARDS

The Public Affairs and Communications Advisor is available, upon request to provide advice to Members in the production of Christmas cards or calendars. A variety of options for cards and calendars are available from the selection of promotional items provided by the Public Affairs and Communications Advisor. Members should be aware that the production of cards and calendars generally takes at least four weeks. Any requests for assistance must be received by November 10 of each year.

The cost of Christmas cards or calendars is deducted from the Member’s Constituency Work Expense Allowance.

125. PHOTOGRAPHS

Upon reasonable advance notice, the Public Affairs and Communications Advisor is available to take photographs of Members during Committee activities, meetings with guests or constituents in the Legislative Assembly building. The digital photo file will be made available to Members within a reasonable time. Members using photos received from the Public Affairs department in his or her newsletter, other printed material or on an internet website must ensure that all images used are credited to the Legislative Assembly and may only be used in relation to the Members business as a Member

126. AUDIO/VIDEO TRANSCRIPTS

Members can request audio and video transcripts of the House proceedings from the Public Affairs and Communications Advisor.

127. INTERNET WEBSITE

Members are encouraged to visit the Assembly’s website at www.assembly.gov.nt.ca. The website contains a variety of information about the Assembly and its business, including information about Members, online access to Hansard, bills and amendments, Orders of the Day, status of bills, Legislative Library catalogue, tabled documents, Committee Reports, Assembly news releases and educational information for children and adult visitors to the Legislative Assembly. The site also contains live and archival streamed audio/video of the Assembly’s proceedings.

Members can provide a written biography to the Public Affairs and Communications Advisor to be posted on the Assembly’s website. A Member may update or make changes to the text of the biography by sending an electronic file containing the new information to the public affairs office. Members may add a link to their personal websites on their Member’s biography.

Members’ wanting a website for MLA and/or Legislative Assembly business will have website domain names provided to them by Corporate Services and these websites will need to comply with the election guidelines. Members’ websites are independent of the Legislative Assembly website and the Assembly is not responsible for content of these websites.

RESEARCH SERVICES

128. RESEARCH SERVICES

Research Services provides research and analysis services to Members and Committees of the Legislative Assembly, the Speaker and the Clerk.

Work prepared by research staff is confidential, objective and impartial. Research staff will not present personal opinions or canvas support for Members’ activities.

Research reports are prepared according to the instructions of the requesting Member or Committee. Reports are not intended to reflect the opinion of research staff. Committee reports will adhere to the rules, practices and parliamentary precedents of the House.

128.1 RESEARCH SERVICES FOR MEMBERS

Research services are available to all Members. Members may request information or analysis of any topic of interest to them in their role as Members. Regular briefings may also be requested on issues Members want monitored and analyzed on an ongoing basis.

Services for Cabinet Ministers are limited to matters outside the mandate of their assigned departments. Requests must directly relate to the Minister's duties as a Member on behalf of his or her constituency.

CONFIDENTIALITY

Research services and any material subsequently generated are confidential. The identity of the person making a request, and Members' areas of interest, are kept confidential at all times. All Members' projects are kept in a secure area.

When more than one Member requests similar research, similar reports may be issued. However, Members will not be informed of other Members who have requested similar information.

Distribution of a Member's project is at the discretion of the Member for whom it was produced. A Member who intends to table or otherwise make research information public is encouraged to discuss this with the Director. If a research project is distributed by a Member, the identity of the research staff must be kept confidential.

MAKING A REQUEST

Research requests should be submitted to the Director in the approved form, verbally or by email. The scope of the request should be clearly defined. Research staff will assist with drafting research requests if required.

Requests must be made directly by the Member. Research staff are not mandated to accept assignments from executive assistants, departmental officials, other staff or constituents. Requests submitted by Constituency Assistants on behalf of a Member may be accepted at the discretion of the Director.

The Director will assign research projects to research staff on the basis of workload, expertise and familiarity with the subject matter, taking into consideration the preferences of the Member.

PRIORITY

Research staff may not be able to begin a project that is very time consuming while the House or Committees are sitting. Extensive, long term projects require the approval of the Director.

Projects are handled on a first come, first served basis. Research staff should be advised of deadlines and other relevant information when a request is made. Where a Member submits several requests, the Member must prioritize the requests. The Director is ultimately responsible for ensuring balance and fairness to all Members.

SCOPE OF SERVICES

Research staff can assist Members by:

- obtaining background information and documents on a subject, including interjurisdictional research;
- preparing briefing notes or other analyses of an issue;
- editing correspondence or other written material prepared by the Member, where the correspondence or material relates to research information or analysis provided; and
- providing background information and/or assisting with the drafting of Members' Statements, Questions and speaking notes for debates in the House.
- assist Members in drafting speaking notes for constituency events. Projects are prepared according to the specifications of the requesting Member.

128. 2 RESEARCH SERVICES FOR COMMITTEES

The Director of Research Services will assign a Legislative Assembly Analyst to each Standing Committee. In some circumstances additional research staff may also work with the Committee.

The Committee Analyst will work closely with the Committee Chair and Members to identify research needs and reporting formats.

SCOPE OF SERVICES

Research staff can assist Committees by:

- attending Committee meetings;
- providing policy advice;
- highlighting and clarifying central issues before the Committee, including legislative, budgetary and policy matters;
- obtaining background information and documents on issues before the Committee, including interjurisdictional research;
- preparing briefing notes and other analyses of Bills, Business Plans, the Main Estimates and other issues before the Committee;
- delivering oral briefings to the Committee;
- summarizing submissions made to the Committee and drafting reports as directed by the Committee;
- working with the Committee Clerk to assist the Chair in preparing for meetings based on facilitated discussion
- carrying out other research duties as identified by the Committee.

The Committee must approve a research request made by the Chair or a Member of a Committee.

CONFIDENTIALITY

Research services provided to a Committee are confidential to that Committee, subject to the direction of the Committee or the House.

EXTERNAL RESOURCES

Occasionally Committees may require the assistance of additional expertise in a specific discipline to assist with the review of a subject. When this occurs, the Committee Analyst and Committee Clerk will arrange for external assistance, as directed and approved by the Committee, and will ensure that working relationships are coordinated.

RESTRICTIONS

The efforts of research staff to obtain information from persons or organizations outside the GNWT that is not within the public domain or that would not be expected to be provided upon request to a member of the public, will be limited to advising the person or organization of the request and asking them to provide whatever information they wish to make available in response to the request. In such cases,

research staff will clearly identify themselves as staff of the Legislative Assembly, and will advise the person or organization that the source of the request is a Member or a Committee of the Legislative Assembly.

Research staff will not act as liaison between a Member and any person or organization or act as representative for a Member in any context.

In an election year research services may be impacted during the pre-election period and Members should refer to the Election Year Guidelines for more detailed information.

CONCERNS

Questions or concerns respecting this policy, the quality or delivery of research services or the role of research staff should be brought to the attention of the Director of Research Services or the Clerk of the Legislative Assembly.

129. LEGISLATIVE LIBRARY

The Legislative Library provides confidential information and reference services to meet the needs of Members of the Legislative Assembly, their staff, the Executive Council, and support staff of the Legislative Assembly. The Library also serves employees of the Government of the Northwest Territories, media, researchers and the general public.

The Legislative Library maintains a collection of materials including books, government publications, reports, periodicals and newspapers to meet current and anticipated research and informational needs of the Legislative Assembly. The collection also includes materials such as NWT Hansard; House of Commons and Senate debates, bills and Committee transcripts; Northwest Territories statutes and regulations; federal government statutes and regulations; information sources such as almanacs and directories; and material on northern and aboriginal issues. Tabled documents and other sessional materials are also available through the library.

After registering with the library, Members and their staff may borrow materials for up to three weeks, with the option of extension. If requested materials are not available in the collection, arrangements may be made to borrow from other institutions through interlibrary loan. Reference materials may not be removed from the library unless permission is granted by the Director of the Legislative Library and Information Management.

The library subscribes to all northern newspapers and a variety of daily Canadian newspapers and periodicals. Current issues are not circulated and must not be removed from the library. A newspaper-clipping file is maintained by the Library and Members may request that files be kept for specific topics.

The Legislative Library provides the following services to Members and their staff:

- answers to information requests;
- providing books, reports, newspapers and periodical articles;
- interlibrary loan services;
- Hansard searches;
- distribution of tabled documents and other sessional materials from
- both current and previous sessions; • online computer searches; and
- use of public computer with Internet access available in the library for Members and their staff.

All requests for information and borrowing transactions are considered confidential. Members should note that requests for information requiring in-depth research and analysis should be forwarded to the Director of Research Services.

The Legislative Library's collection may be accessed through the Legislative Assembly's website. A checklist of government publications received by the Library is also available on the website: www.assembly.nt.ca

130. ADMINISTRATIVE SERVICES

Corporate Services staff provide various administrative services in order to assist Members. Many of the services provided are referenced in other sections of this manual, particularly with respect to Members indemnities, benefits, entitlements and allowances.

130.1 TRAVEL ARRANGEMENTS

Corporate Services is responsible for making all sessional and Committee travel arrangements for Members and, if the Member chooses, travel and accommodation arrangements may also be made for travel related to constituency business. A Member can request that travel arrangements for constituency travel be made through a travel agency of his or her choice.

Travel arrangements made through Corporate Services are GST exempt and are paid for using a government credit card.

130.2 SERVICE CONTRACTS

Upon request, Corporate Services will assist Members in the preparation of service contracts. For these purposes, a service contract is between the Member and the person(s) being contracted, not between the Legislative Assembly and the person(s) being contracted. Refer to Section 112.9 of this Handbook for further details.

130.3 GOVERNMENT CREDIT CARD/ PURCHASE ORDER

All goods and services amounting to \$5,000 or less must be purchased using Government Credit Card (GCC) and/or a Purchase Order (PO)

The GCC is the preferred procurement method for items that a Member requires to directly fulfill his or her duties, e.g. goods, communication services. It may not be used for reimbursable expenses such as meals and incidentals purchased on duty travel.

The PO is an alternate method for purchasing goods and simply describes services that are available. It can be used where it is not possible or appropriate to use the GCC.

Both methods of procurement are subject to the provisions of Directive 3304 of the GNWT Financial Administration Manual.

All goods and services that exceed \$5,000 and are subject to Directive 3302 of the Financial Administration Manual, Government Contracts - Tenders and Proposals.

A member wishing to purchase goods or services in the amount of \$5,000 or less must request Corporate Services in writing (email). The request must include the vendor's name, the amount to be spent and a description of what he/she want to purchase.

130.4 GOVERNMENT TRAVEL CREDIT CARD

Each Member will be assigned a credit card from the Government's approved travel credit card company – RBC Visa One Card. The card is solely for the purpose of purchasing duty travel transportation and accommodation.

They may only be used for the purchase of the following duty travel items:

- scheduled and chartered air transportation;
- any type of regularly scheduled transportation;
- accommodations; and
- rental vehicles and the operation of rental vehicles. A Government travel credit card must not be used to pay for meals, telephone calls, room service, or any other goods or services that are not included within the basic room rate. The duty traveler shall pay separately for such items, using his or her own funds.

130.5 DIRECT DEPOSIT

Direct deposit services are mandatory for all Members and Government of the Northwest Territories employees with respect to their bi-weekly indemnity.

Members must complete the Direct Deposit form and submit it to Corporate Services along with a sample cheque marked "VOID" for the account in which the payments will be deposited. A copy of the form can be obtained from the Government of the Northwest Territories website at www.hr.gov.nt.ca or by contacting Corporate Services.

Members should note that Human Resources requires three weeks notice to make any changes to a Member's banking information.

131. LEGAL SERVICES

The Legislative Assembly has a Law Clerk and a Deputy Law Clerk under contract to provide legal services to Members and to the Legislative Assembly upon request.

The Legislative Assembly will pay for up to 10 hours of legal services for each Member in each fiscal year. Members may purchase additional services from their Constituency Work Expense Allowance.

Legal services that are paid by the Legislative Assembly will be provided by the Law Clerk or Deputy Law Clerk, unless the Clerk approves alternate legal counsel. Where the costs are paid from a Member's Constituency Work Expense Allowance, the Member may obtain legal services from the counsel of his or her choice.

131.1 SCOPE OF SERVICES

Legal services provided to Members must be of a general, constituency-wide nature or be directly related to the Member's responsibilities as a Member in relation to the ordinary and proper representation of members of the public.

Any costs associated with the provision of advice for specific and personal concerns of a Member, a constituent or any other person will not be paid by the Legislative Assembly and may not be reimbursed from the Member's constituency work expense allowance.

The Law Clerk and Deputy Law Clerk will not undertake any work that is of a non-legal nature. The Office of the Clerk is available to provide assistance to Members in all areas other than issues that have direct legal implications.

131.2 LEGAL SERVICES DURING SESSION

The Law Clerk and Deputy Law Clerk are available to provide legal services to Members while they are in attendance at the Legislative Assembly while the House is sitting on a first come, first served basis. Legal services that are carried out during Session will not be deducted from the 10 hours of services paid by the Legislative Assembly or from the Member's Constituency Work Expense Allowance.

131.3 APPROVAL FOR PROJECTS

Legal service projects that are anticipated to exceed five hours should be approved in advance by the Clerk unless the Member is paying for the service using his or her Constituency Work Expense Allowance. On occasion, a Member may not wish the nature of the project to be disclosed, and where this applies, the Law Clerk will deal with the request for approval on behalf of the Member, bearing in mind the importance of the solicitor-client relationship.

PRIVATE MEMBERS’ PUBLIC BILLS

132. DRAFTING OF PRIVATE MEMBERS’ PUBLIC BILLS

Requests for assistance with drafting a Private Member’s Public Bill (PMPB) must be submitted in writing to the Clerk. All requests will be kept confidential.

The Clerk and the Member requesting drafting assistance will consider the time and costs involved, and the Clerk will provide the Member with advice as to process, cost implications and personnel to be involved to accomplish the Member’s request.

To avoid conflict with the responsibilities of the Law Clerk to the Legislative Assembly, the Law Clerk will not draft PMPB. The Clerk may request the assistance of the Director, Legislation Division of the Department of Justice to assist with the drafting of PMPB and private member amendments to bills. Such assistance will be provided to the Clerk on a confidential basis.

132.1 BOARD APPROVAL

The approval of the Board of Management is required if the drafting of the PMPB requires the engagement of outside legal counsel and if the Legislative Assembly is requested to pay the cost. The Clerk will prepare a proposal for the Board of Management detailing the time and cost implications. Details of the purpose of the PMPB will not be disclosed to the Board of Management

The Board of Management may refuse any request if the cost is not within the appropriation of the Legislative Assembly or if, in the opinion of the Board, the cost of the project is otherwise too significant.

A Member may access their Constituency Work Expense Allowance to engage outside legal counsel to draft a PMPB.

132.2 ALTERNATE DRAFTING SERVICES

A Member may also purchase services from outside legal counsel for the drafting of a PMPB from his or her Constituency Work Expense Allowance.

MEMBER’S ASSISTANCE PLAN

133. MEMBER’S ASSISTANCE PLAN

The job of MLA brings with it new pressures and stress for Members and their families. Removal from traditional community support and increased public scrutiny, responsibility and time pressures can all have a personal effect on Members and their families. The Board of Management recognizes that some Members may need additional support and therefore, offers to all Members the Members’ Assistance Plan (M.A.P.). The Members’ Assistance Plan is confidential, based on the needs of Members and voluntary.

133.1 USING THE PLAN

Members and their immediate families (spouses or dependent children) can use the plan.

The plan can be accessed at any time during the life of the Assembly.

The costs of services provided through the plan are paid by the Legislative Assembly.

A Member can access trained counselors for his or herself or a family member by calling the 24-hour toll free number: 1-800-387-4765. Calls are accepted from anywhere in the NWT. Callers will be connected to a qualified counselor where they will be asked a few questions and referred to a designated counselor for the Shepell.fgi Employee and Family Assistance Program.

Within 48 hours, a counselor will contact the individual to set up an appointment. The appointment will be scheduled within 3 to 5 working days or, in cases deemed to be an emergency, contact is made by a trained counselor as quickly as possible.

All communication and records are kept strictly confidential. Information can only be released with verbal or written consent of the individual or by a court order. In cases where children are at risk of harm, counselors are required to notify appropriate authorities.

Should the Member or family member not feel comfortable using the services provided by the Governments’ Employee and Family Assistance Program, the Member should contact the Clerk.

The Clerk will refer the Member to a qualified counselor who will be engaged by the Legislative Assembly to ensure the Member receives the appropriate assistance or is further referred.

133.2 AREAS COVERED BY THE PLAN

The Members' Assistance Plan assists Members and their immediate families with personal difficulties such as:

- couple and family relationships;
- stress;
- grieving;
- substance abuse;
- gambling;
- depression;
- violent behaviour;
- suicidal feelings;
- parental or personal anger; and
- family violence. The plan is not limited to these issues.

133.3 CONFIDENTIALITY

All information regarding Members accessing the plan is kept in the strictest confidence. Information regarding the identity of Members who have accessed the plan or the reasons for access will not be released to anyone, including the Board of Management.

OFFICIAL LANGUAGES SERVICES

134. OFFICIAL LANGUAGES SERVICES

The *Official Languages Act* of the Northwest Territories guarantees Members the right to use any official language in the debates and other proceedings of the Legislative Assembly. As set out in the *Act* the official languages of the Northwest Territories are Chipewyan, Cree, Tlicho, English, French, Gwich'in, Inuktitut, Inuvialuktun, Inuinnaqtun, North Slavey and South Slavey.

134.1 CLASSIFICATION OF OFFICIAL LANGUAGES SERVICES

At the outset of each Legislature, the Office of the Clerk will consult with each Member to determine service level requirements.

ESSENTIAL

An Official Language will be designated as "essential" if:

- a Member indicates that he or she has limited or no ability in English and requires the use of another Official Language; or
- a Member indicates that he or she has some fluency in English but prefers to use another Official Language where possible. If a language is deemed to be essential, simultaneous interpretation services will be made available for all sittings of the House and all Committee meetings at which the Member is scheduled to attend.

PROVISIONAL

An official language will be designated as provisional if a Member indicates that he or she is fluent in English but desires to use another official language at times during Assembly proceedings.

In such instances, interpretation services will be provided when reasonable advance notice is given to the Office of the Clerk that such language services are desired. The contact for such requests is the Principal Clerk – Operations, and in his or her absence the Principal Clerk – Committees. Members should endeavour to provide at least four hours notice if they wish to have provision al interpretation services available during a House or Committee proceeding. Every effort will be made to find a qualified interpreter.

NON-ESSENTIAL

An Official Language will be designated as "non-essential" if no Member indicates the ability to use the language during Assembly proceedings.

In such instances, interpretation services in this language will not be made available as a matter of routine procedure.

134.2 TRANSLATION OF DOCUMENTS

Written translation services, where reasonable and practicable, will be provided for designated documents in all of the essential languages, as well as upon reasonable request for documents in any of the provisional and non-essential languages.

Designated documents include, but are not limited to, the Orders of the Day, bills or bill summaries, amendments to bills, motions and committee reports.

134.3 BROADCAST SERVICES

The Office of the Clerk will endeavour to provide public broadcast coverage of House proceedings in as many official languages as practicable. The broadcast coverage will be provided on a rotational basis and will attempt to achieve equality of status and equal right and privileges for all official languages.

Section 7(3) of the *Official Languages Act* provides that copies of the sound recordings of the public debates of the Legislative Assembly, in their original and interpreted versions, shall be provided to any person on reasonable request.

LEGISLATIVE ASSEMBLY BUILDING

135. LEGISLATIVE ASSEMBLY BUILDING

In order to preserve the privacy and security of people and property within the Legislative Assembly building, there are restrictions on access to various areas within the building. Security personnel are located in the Great Hall to monitor access to the building. The Speaker of the Legislative Assembly is the ultimate authority on all matters relating to the use of the Legislative Assembly building and may supersede any portion of this Handbook relating to building use at his or her discretion.

Only Members of the Legislative Assembly and House Officers have access to the Chamber when the House is in session. Access to the Chamber when the House is not in session occurs only with the express permission of the Speaker of the Legislative Assembly, Clerk, or Sergeant-at-Arms. Permission must be received prior to entering the Chamber.

135.1 STAFF

All staff that work within the Legislative Assembly Building shall be issued, and must wear at all times, a permanent security pass which identifies their authorization and clearance to proceed to designated non-public areas of the building unescorted.

135.2 VISITORS

Visitors wishing to view areas of the building open to the public or participate in a tour of the Legislative Assembly are not required to acquire a pass from security personnel.

A person visiting the office of a Member, Minister or staff in the Legislative Assembly building is required to inform security personnel and acquire a visitor's pass. Visitors, while in the Legislative Assembly building, are required to display their Visitor Pass on their person at all times and be accompanied by the person or staff of the person they are visiting at all times.

135.3 OFFSITE DEPARTMENTS

Each offsite department is allocated a maximum of six permanent security passes for employees requiring frequent access to the building. These passes are assigned by the Deputy Minister of each department and allow the bearer to proceed to the secure areas of the building unescorted.

135.4 ACCESS TO OFFICES

Other than in an emergency situation, access to an office by anyone other than the occupant is only permitted by invitation or prior permission of the occupant.

135.5 MEMBERS' LOUNGE

No one other than Members and Office of the Clerk staff, in the performance of their duties, are allowed in the Members' Lounge during Session.

135.6 AFTER HOURS ACCESS TO OFFICES

Members, staff, Constituency Assistants and invited guests entering the building after working hours are required to sign in and out at the security desk.

All occupants must vacate the Legislative Assembly building between the hours of 10:00 p.m. and 6:00 a.m., Monday to Friday. On weekends and statutory holidays the building must be vacated from 6 p.m. to 8:00 a.m.

To allow time for the security officers to perform final patrols and to secure the building, all occupants must vacate the building one half hour prior to the published closing time.

135.7 ALCOHOL

The consumption of alcohol is prohibited at all times in the Legislative Assembly building.

135.8 SMOKE FREE WORKPLACE

Smoking is not allowed in any area of the Legislative Assembly building.

Three smoking areas have been designated for the exterior of the building; either side of the concrete plaza on the far side of the flagpoles, and on the far side of the building sign in the front of the building, and a building occupants area located at the rear delivery entrance. Each area is identified by a green line, which forms the non-smoking boundary.

Members and employees found smoking in the building will be subject to the penalties and provisions of the City of Yellowknife smoking by-law or other sanctions as determined by the Speaker or the Sergeant-at-Arms.

135.9 USE OF THE MEDIA AND MEETING ROOMS

A Member who requires the media room or a room for meeting with constituents or other work relating to the Legislative Assembly, may book the room through the Speaker's Executive Assistant. The Speaker retains the prerogative to reassign or cancel bookings without notice.

There are three meeting rooms available:

- Committee Room A (Includes recording and interpretive services);
- Committee Room B; and
- Caucus Room (Includes recording and interpretive services). The services a Member may request include catering, audio/visual set-up, recording and interpretation services. At the time of booking the Member should indicate which services he or she will require. Costs for services will be deducted from the Member's Constituency Work Expense Allowance.

Meeting rooms are booked in the following priority:

- Committees;
- Caucus;
- Cabinet.

No other groups may use the meeting rooms during session. However, at other times during the year, the Executive may book Committee Room A, Committee Room B, the Media Room, or the Caucus Room through the Speaker's Executive Assistant.

Entrance onto the floor of the Chamber at any time requires the express written consent of the Speaker of the Legislative Assembly, the Clerk or the Sergeant-at-Arms.

No other groups may use the meeting rooms during session.

135.10 PUBLIC USE OF THE LEGISLATIVE ASSEMBLY BUILDING

One of the main objectives when the first permanent home of the Legislative Assembly of the Northwest Territories was envisioned was that of openness and accessibility to the people of, and visitors to, the Northwest Territories. When the Legislative Assembly building was designed, it was envisioned as the Peoples' Meeting Place and in this spirit the Great Hall may be used for non-partisan public meetings, displays and events.

135.11 THE GREAT HALL

Groups may book the Great Hall for public meetings, displays and events at no charge. Bookings are made through the Speaker's Executive Assistant and approved by the Speaker.

Public events are restricted to the Great Hall and require the support of a Member and confirmation by the Office of the Speaker. Government departments wishing to use the Great Hall must have the support of their Minister.

The Legislative Assembly building will not compete with other facilities in the City of Yellowknife for functions.

Activities planned within the building must be consistent with the principles outlined in the Code of Conduct adopted by the Legislative Assembly in December 1993.

135.12 LIMITATIONS

The Legislative Assembly will allow public displays and events within the building, subject to the following limitations:

- all displays or events shall be sponsored by government or non-profit organizations only, and shall be non-partisan in nature;
- the sale of merchandise will not be permitted;
- events which solicit funds will not be permitted;
- all individuals and organizations interested in using the Legislative Assembly for a display or event should submit a formal written request outlining their requirements to the Speaker at least 10 working days prior to the date of the event/display;
- the request should contain the dates and times requested, the amount of display space required, the purpose of the function, and the reason why the display or event cannot be held in a private facility;
- a formal letter will be provided by the Speaker within 5 days confirming approval/denial of request;
- all events within the building must comply with the hours of operation stated earlier, unless otherwise authorized by the Office of the Speaker or Sergeant-at-Arms;
- events scheduled in the Great Hall during session must be completed one hour before session begins or begin one –half hour after session ends;
- the use of space within the Legislative Assembly will be considered on a first come first served basis;
- display space will be allotted for a maximum of 10 consecutive working days. Displays may include photographs, video, written material or sample items. Displays may be staffed although freestanding displays are preferred;
- Setup of all display equipment and material shall be the responsibility of the organizer;
- the organizer will be responsible for any extra security or janitorial costs that may be necessary due to the display/event;
- the Legislative Assembly will not be held liable for the loss or damage of any of the exhibitor's property; and

- the exhibitor will be liable for damage to Legislative Assembly property. All approved event/display organizers must sign the Terms of Use for the Great Hall signifying their agreement to these limitations.

The Sergeant-at-Arms will inform the applicant, at least five working days prior to the requested event/display date, as to whether the request has been accepted or denied.

Requests are considered by the Legislative Assembly based on:

- their interest to visitors and residents;
- whether or not they put the Legislative Assembly in a competitive position with private facilities; and
- whether or not they would be suitable with the image of the Legislative Assembly. The Speaker of the Legislative Assembly has full and final authority over public use of the Legislative Assembly. The Speaker may deny requests for use of the Building at his discretion.

135.13 CATERED EVENTS

Catered events in the Legislative Assembly building must be arranged through the Speaker's Executive Assistant. The Speaker's Executive Assistant will make arrangements with the in-house caterer. Costs of catering will be the responsibility of the individual or group making the booking. Arrangements with food vendors outside the Legislative Assembly must be made through the catering service provider.

Catering is also available for public events in the Great Hall. Event organizers are responsible for making their own arrangements with the in-house catering service provider.

135.14 SPEAKER'S PREROGATIVE

The Speaker may cancel any events or displays without notice, based on operational requirements. The Speaker reserves the right to refuse any material that is deemed inappropriate for display in/ or around the Legislative Assembly building.

135.15 CAFETERIA SERVICES

Members are frequently required to work long hours in a day without lengthy breaks, particularly during Session or Committee meetings. Having a cafeteria on-site allows Members to eat regularly and in a healthy way, despite erratic working hours.

The cafeteria is open to all Members, staff and the general public.

The cafeteria makes available a full range of meal and snack services during sittings of the Legislative Assembly. When the House is not sitting, the cafeteria provides lunch and snack service.

During Session, the cafeteria is open from 8:00 a.m. to 6:00 p.m. Monday through Friday.

At all other times during the year, the cafeteria is open from 8:00 a.m. to 5:00 p.m. Monday through Friday. The Sergeant-at-Arms may approve modified summer hours for the cafeteria at his discretion.

135.16 SPECIALTY SERVICES

Members requiring catering service for a meeting with constituents being held in the Legislative Assembly are asked to make arrangements by forwarding detailed requirements to the Leg_bookings@gov.nt.ca email account.

The proprietor of the cafeteria has the exclusive catering rights for the Legislative Assembly. Members wishing to use an outside caterer for larger meetings are also asked to make arrangements through the in-house catering service provider.

Member's requests for catering which are not eligible for reimbursement under the Constituency Work Expense Allowance will be billed directly to the Member. If a Member fails to meet that obligation, any outstanding amounts due will be recovered through the Member's indemnity or other outstanding expenses or allowances.

LEGISLATIVE ASSEMBLY VEHICLES

136. USE OF VEHICLES

The Legislative Assembly maintains a fleet of vehicles to provide transportation for staff while conducting business on behalf of the Assembly. Members and Ministers may use the vehicles when they are available, but will be charged an hourly rate. The hourly rate is set by the Office of the Clerk and will be reviewed from time to time. The rate is currently \$5 per hour with a minimum charge of \$5.

136.1 RESTRICTIONS ON USE

Members having constituency duties while in Yellowknife are reminded that rental vehicles are readily available and may be charged against their Constituency Work Expense Allowance.

Vehicles are to be used for Legislative Assembly business only. Vehicles are not to be used, or seen to be used, for personal purposes.

Vehicles must be signed out and in at the security desk. Members or staff signing out the vehicle must hold at least a valid class 5 driver's license issued by the Motor Vehicles Branch of the NWT. The Sergeant-at-Arms or security personnel have the right to see the license before a vehicle is signed out.

All personal belongings and garbage must be removed from the vehicle at the conclusion of each trip.

The Tracker (Plate # LA1), the Toyota Hybrid (Plate # LA2) and the Minivan (Plate # LA3) are provided with the parking meter and loading zone permit on the windshield.

The Assembly will not pay traffic fines or towing charges incurred by a user of the vehicle. Payment of these is the responsibilities of the user.

Smoking is not allowed in any of the Assembly vehicles.

136.2 USE OF VEHICLE OUTSIDE OF YELLOWKNIFE OR AFTER HOURS

Prior arrangements must be made with the Sergeant-at-Arms or Clerk if a vehicle is required for overnight use or for journeys outside of Yellowknife City Limits. The Sergeant-at-Arms will ensure the vehicle is properly equipped with highway survival equipment for trips outside the city.

The Clerk or the Sergeant-at-Arms must approve the use of vehicles after business hours.

136.3 ACCIDENTS

If an accident occurs the user must, as soon as reasonably practical, contact the Sergeant-at-Arms and complete an accident report form, found in the vehicle logbook in the glove compartment.

If there is an injury of any kind or damage estimated at over \$1,000 to the vehicle or another vehicle or property, the RCMP must be notified immediately.

If there is damage to a Legislative Assembly vehicle, the user may be held liable for the costs to repair the vehicle.

136.4 ALLOCATION OF VEHICLES

A vehicle may be reserved in advance. Otherwise, vehicles will be allotted on a first come, first served basis. Operational requirements of the Legislative Assembly may limit the availability of vehicles.

LEGISLATIVE ASSEMBLY PARKING

137. PARKING

Vehicles may be parked in the short term parking zone located directly in front of the Legislative Assembly building for up to 30 minutes. This short term parking area is monitored during normal business hours Monday to Friday. After 30 minutes the vehicle may be ticketed or towed at the owner's expense.

The Legislative Assembly has spaces designated for contractors working in the building and disabled parking. Vehicles parked in spaces designated as such that do not display valid parking tags are liable to be ticketed and towed. As well, any vehicles parked in the designated fire lanes may also be ticketed and towed at the owner's expense.

137.1 LEGISLATIVE ASSEMBLY PARKING LOT

The Legislative Assembly has two parking lots. The main parking lot has 13 reserved and powered parking spaces and 42 public, non-powered parking spaces. The secondary parking lot has 21 reserved and powered parking spaces.

Parking spaces without power outlets are not assigned and are available for the general use of Legislative Assembly and Executive employees, guests and the general public, free of charge.

Allocation of spaces with power outlets is as follows:

- Members receive first consideration at the beginning of an Assembly only;
- the remainder of the spaces are allocated on a first come, first served basis to Assembly staff.

Those who wish a parking space with an power outlet must fill out a parking application form supplied by the Sergeant-at-Arms and submit it to the Sergeant-at-Arms. If necessary, the Sergeant-at-Arms will maintain a waiting list.

When parking spaces with power outlets become available, current holders of parking spaces with

power outlets will have first opportunity on preferred spaces; newcomers will be allotted the remaining spaces.

Individuals assigned parking spaces with power outlets will be charged a flat monthly rate. Deductions for parking spaces are made from the annual indemnity on a bi-weekly basis and extend year round.

If a renter relinquishes his or her parking space with an electrical outlet and reapplies at a later date, his or her name will be placed at the end of the waiting list.

Any unauthorized vehicles parked in a reserved stall may be ticketed and towed at the renter's request.

Any individuals with reserved parking spaces must leave a spare set of keys with the Sergeant-at-Arms when their vehicles are expected to be parked for a period in excess of one week. Vehicles may be moved by the Sergeant-At-Arms for operational requirements such as snow and dust removal, public events or road repairs.

EMERGENCY PROCEDURES

138. EMERGENCY RESPONSE

Reference the "Legislative Assembly Emergency Response Plan".

INTERPARLIAMENTARY RELATIONS

141. COMMONWEALTH PARLIAMENTARY ASSOCIATION

The Commonwealth Parliamentary Association (CPA) is an association of Commonwealth Parliamentarians who, irrespective of race, religion, or culture, are united by community of interest, respect for the law and the rights and freedoms of individual citizens, and by pursuit of the positive ideals of parliamentary democracy.

In providing the sole means of regular consultation between Commonwealth Parliamentarians, the Association seeks to promote understanding and cooperation among them and also to promote the study of, and respect for, parliamentary institutions throughout the Commonwealth.

Within the Commonwealth Parliamentary Association organizational framework, Canada is one region, which is made up of fourteen Branches: the federal Branch, ten provincial Branches and three territorial Branches.

141.1 CPA CONFERENCES

The Commonwealth Parliamentary Association hosts annual conferences and seminars including:

- CPA General Conference and Small Countries Conference: An annual meeting of representatives of all branches to debate matters of parliamentary significance and topics of immediate concern in the Commonwealth and the world - Speaker or designate and one member are authorized to attend;
- Canadian Region Annual Conference: Annual meeting of all fourteen Canadian Branches - Speaker or designate and two members are authorized to attend;
- Canadian Region Seminar: Members may attend the fall seminar to study and compare parliamentary procedures and operations with other provinces and territories - Speaker or designate and one member are authorized to attend;
- Presiding Officers' Conference: Annual professional development seminar for Presiding Officers of all Canadian jurisdictions - Speaker or designate and one other presiding officer are authorized to attend;
- Canadian Women's Parliament - two members are authorized to attend.

141.2 NORTHWEST TERRITORIES BRANCH

The NWT Branch is an autonomous member of the Commonwealth Parliamentary Association and is composed of all Members of the Legislative Assembly.

141.3 EXECUTIVE COMMITTEE

There is an Executive Committee of the NWT Branch comprised of five Members of the Legislative Assembly. The Speaker is the President of the Branch and the Chairman of the Executive Committee. The Premier is the Vice-President of the Branch, and the remaining four members of the Board of Management constitute the Executive Committee.

The Clerk of the Legislative Assembly is the Secretary to the Executive Committee.

141.4 BUDGET

Through the annual estimates of the Office of the Legislative Assembly, the Assembly votes a sum of money sufficient to provide for membership fees to the Commonwealth Parliamentary Association in London and Ottawa, the operation of the NWT Branch and Members' attendance at CPA events.

141.5 TRAVEL

Members are selected by the Executive Committee of the NWT Branch of the CPA to travel to CPA meetings and seminars. In the absence of a decision by the Executive Committee, Members may be assigned to attend a meeting or seminar by the Speaker. Registration fees for Members and staff will be paid by the NWT Branch of CPA.

Approved travel expenses incurred on behalf of Members will be arranged and paid for by the Legislative Assembly. All travel must be undertaken in the most cost effective and economical manner. Members will also receive the daily meal and incidental expense allowance, when these are not included in the cost of registration or provided by the hosts, at the rate set by the Federal Treasury Board.

For non-international CPA functions, spouses' or designates' registration, travel, accommodation and other costs are the personal responsibility of the Member. If the Member's spouse or designate are invited to attend an international CPA function the cost of a Business Class ticket can be converted to two economy/coach class tickets to cover the cost of the person accompanying the Member. All other costs such as registration, additional travel cost(s) etc. are the sole responsibility of the Member.

Members should refer to Section 77 of this Handbook regarding situations involving continuous air travel in excess of eleven hours. A Member will be entitled to a Business Class ticket for attendance at an International CPA function.

141.6 PUBLICATIONS

Every member of the Commonwealth Parliamentary Association is entitled to receive copies of the journals The Parliamentarian and Canadian Parliamentary Review, both published four times a year. These journals inform Members about the Activities of the various CPA branches throughout Canada and the Commonwealth.



Northwest
Territories Legislative Assembly