CONSENSUS GOVERNMENT IN THE NORTHWEST TERRITORIES

GUIDING PRINCIPLES AND PROCESS CONVENTIONS

17TH LEGISLATIVE ASSEMBLY
Table of Contents

Consensus Government in the NWT – Guiding Principles ..................................................................................................................... 1

Process Conventions:

- The Role of Caucus ........................................................................................................... 3
- Standing Committee Review of Legislative Proposals ........................................................................................................... 6
- Consideration and Enactment of Bills Under the Administration of the Speaker and Board of Management of the Legislative Assembly ........................................................................................................... 8
- Standing Committee Review of Proposed Policy Initiatives and Implementation Plans .......................................................................................... 11
- Transition Stewardship ..................................................................................................... 14
- Territorial Leadership Committee ..................................................................................... 17
- Communications between the Executive Council, Ministers, Standing Committees and Regular Members .......................................................................................... 21
Consensus Government in the NWT

Guiding Principles

1. Consensus government is not defined by the absence of party politics. It is defined by the ability and willingness of all Members of the Legislative Assembly to work together, within their respective roles, for the collective good of the people of the Northwest Territories.

2. Consensus government is a unique combination of the British traditions of ministerial responsibility, cabinet solidarity and legislative accountability and the aboriginal traditions of open dialogue, inclusive decision-making, accommodation, respect and trust.

3. Open and respectful communication between all Members is the most essential feature of consensus government. While it is impossible to reach unanimous agreement on all issues, the opportunity for all Members to have meaningful input into important decisions is fundamental.

4. Effective communication is a “double-edged sword.” For consensus government to work, all Members must agree to respect the confidentiality of information before it is properly made public. Similarly, Members should acknowledge the fact that information was shared in confidence once it has been released.

5. Except under extraordinary circumstances, Members of the Legislative Assembly should be made aware of and have opportunity to discuss significant announcements, changes, consultations or initiatives before they are released to the public or introduced in the Legislative Assembly. Use of the element of surprise is inconsistent with consensus government.

6. The role of the Caucus is fundamental to the effectiveness of consensus government. Caucus provides a venue for all Members to set broad strategic direction for a Legislative Assembly and discuss matters of widespread importance to the Northwest Territories as they arise.

7. The Premier and Cabinet are appointed by the Members of the Legislative Assembly to provide overall leadership and direction in accordance with the broad strategic direction set by the Caucus. Cabinet must have the ability to implement this strategic direction effectively and efficiently but in a way that reflects the concerns of Regular Members and maintains their support.

8. Unlike a party-based parliamentary system, the Regular Members are not a “Cabinet in Waiting.” Their ultimate goal is to support Cabinet in implementing the broad strategic direction set by the Caucus.
9. As with all parliamentary systems of government, a healthy level of tension must exist between Cabinet and Regular Members. While the ultimate goal of the Regular Members is not to defeat or discredit Cabinet, it is their responsibility to review and monitor the leadership and direction of Cabinet and hold it to account.

10. The attendance and participation of all Members of the Legislative Assembly within their respective roles is essential to the effectiveness of consensus government. Formal sessions of the Legislative Assembly and meetings of Caucus, Cabinet and standing and special committees must be a priority for every Member.
PROCESS CONVENTION

The Role of Caucus

Guiding Principle

The role of the Caucus is fundamental to the effectiveness of consensus government. Caucus provides a venue for all Members to set broad strategic direction for a Legislative Assembly and discuss matters of widespread importance to the Northwest Territories as they arise.

Guiding Principles: 1, 3, 4, 5, 6 and 10

General Protocols

1. Caucus is intended to provide a venue where Members can share their views and build consensus on matters that are highly sensitive in nature or of broad and strategic importance to all Members or the Northwest Territories.

2. Caucus is not a decision-making body. Caucus discussions should not limit or replace debate on the floor of the legislature, in Cabinet or Committees. Nothing in this protocol is intended to limit the rights and privileges normally enjoyed by Cabinet, the House or its Members and Committees.

3. The important role that Caucus plays in consensus government depends upon the ability of every Member to express their views in an honest and forthright fashion. Caucus cannot function without an absolute guarantee of confidentiality. No Member other than the Chair or Deputy Chair, when specifically authorized to do so, should comment upon or release information about matters discussed in Caucus.

4. Whenever possible, Caucus direction should be determined through consensus. In those cases where no clear consensus emerges, a vote may be taken. The results of votes are determined by the Chair and are not recorded.

5. Caucus is not intended to replace the formal roles and responsibilities of the House, the Speaker, Ministers, Cabinet, Committees or the Board of Management. Nothing in this protocol should be seen as limiting these roles and responsibilities.

Roles and Responsibilities in the Caucus

1. The Chair and Deputy Chair are selected by the Caucus. These appointments are not formally ratified by the House. The Chair and Deputy Chair are Members who do not serve on Cabinet, as Speaker or as Chair of a Standing Committee of the House. The
election of Chair and Deputy Chair is presided over by the Clerk of the Legislative Assembly. The Chair or Deputy Chair serve at the pleasure of Caucus and may be removed at any time.

2. The Chair is responsible for calling meetings of the Caucus, approving and distributing draft agendas and supporting materials and maintaining order and decorum in meetings. When clearly and specifically authorized to do so, the Chair and Deputy Chair may speak publically on behalf of Caucus.

3. All MLAs serve as equal members of Caucus and are encouraged to participate in discussions free from Cabinet or Committee solidarity. Reference to Members by titles held outside the Caucus is discouraged. On rare occasions, Members may be expected to speak to a matter in an official role held outside the Caucus. For example, the Government House Leader may be called upon to advise Caucus of upcoming government House business or the Speaker may be called upon to advise Caucus of the proposed appointment of a statutory officer.

4. The Speaker of the Legislative Assembly is a member of caucus and is entitled to participate in discussions without the usual restraints that accompany this office.

Caucus Meetings

1. Caucus meets regularly when the House is in Session. Caucus also meets on the afternoon of day preceding the commencement of a legislative sitting. Regular meetings of Caucus take place in the Caucus Room of the Legislative Assembly.

2. At least twice a year the Caucus meets when the House is not in Session. These meetings normally take place outside the capital and are scheduled at the call of the Chair after consulting with all Members. The Chair may call a special meeting of Caucus at any time after consulting with as many Members as possible.

3. Quorum for a Caucus meeting is a majority of sitting MLAs. A Caucus meeting may not commence until a quorum is established. Once a quorum has been established, the meeting is not terminated by the subsequent loss of quorum unless the attention of the Chair is drawn to such loss of quorum.

4. The attendance of all Members at Caucus meetings is essential to the effectiveness of consensus government. Attendance at regular and special Caucus meetings must be a priority for every Member.
5. As Caucus is not a formal decision-making body, minutes or records of decision are not kept. Caucus agendas and supporting information are confidential as is correspondence from the Chair or Secretary to Members.

**Mandate of Caucus**

1. Establishing, evaluating and promoting the Principles of Consensus Government and the consensus government protocols

2. Orientation of a newly-elected Legislative Assembly

3. Setting a vision and goals for a Legislative Assembly and monitoring and evaluating the implementation of the visions and goals.

4. Emergency or strategic issues of immediate concern to all Members

5. Political evolution of the Northwest Territories

6. Members' Code of Conduct and disciplinary matters

7. Appointment of a Commissioner and other key House appointments

8. Meetings with senior federal, provincial and territorial officials

9. Legislation affecting Members directly

10. House planning and scheduling

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Chair, Executive Council

Chair, Standing Committee on Priorities and Planning
PROCESS CONVENTION

Standing Committee Review of Legislative Proposals

Application

This process convention is not intended to govern Appropriation Acts, Supplementary Appropriation Acts, Write-off of Debts Acts, Forgiveness of Debts Acts, Loan Authorization Acts, Miscellaneous Statutes Amendment Acts or any other legislative initiative, e.g. taxation measures, for which legislative proposals are not normally required by Cabinet.

General Principles: 1, 2, 3, 4, 5, and 8

General Considerations

It is in the interests of consensus government that Standing Committees are provided with an opportunity to review legislative proposals and provide advice to the Government in advance of Cabinet decisions.

Legislative proposals are Cabinet documents that must be kept confidential. Cabinet also reserves the right to keep a legislative initiative confidential up to the time that a bill is introduced in the Legislative Assembly.

While Cabinet decisions on legislative proposals are pending, individual Ministers are not in a position to make any commitments regarding the initiative. All advice and other communication from Standing Committees should therefore be addressed to the Government House Leader, who has overall responsibility for the Government’s legislative agenda.

In consideration of the limitations noted above, Standing Committee review of legislative proposals may not be a conclusive exercise in terms of reaching full agreement prior to the introduction of a bill in the Legislative Assembly. The Committee’s advice will guide the government in determining the advisability of proceeding.

Nothing in this process convention precludes Cabinet’s prerogative to introduce bills in the Legislative Assembly or the right of Committees and Regular Members to debate these bills.

Authority

This Process Convention is established under the authority of the Executive Council and the undersigned Standing Committees and may be amended at any time by agreement of the Executive Council and Standing Committees.
Process

1. A legislative proposal is prepared, signed by the Minister responsible and submitted to Cabinet via the Cabinet Secretariat.

2. At the discretion of the Government House Leader or upon request from the sponsoring Minister, a legislative proposal may be reviewed by Cabinet before it is referred to Standing Committee. Regardless, Cabinet will not approve a legislative proposal before comments have been received from a Standing Committee.

3. The legislative proposal is forwarded by the Government House Leader to the Chair of the appropriate Standing Committee. All Ministers are copied on this correspondence. The Standing Committee on Priorities and Planning will also be copied on this correspondence if the legislative proposal is being referred to a different Standing Committee.

4. The Standing Committee reviews the legislative proposal. The Minister and officials may be invited to this meeting to provide additional information. However, it is understood that the legislative proposal is a Cabinet document and that the Minister cannot make changes to the proposal or make any commitments regarding the content of a bill.

5. Standing Committee advice on a legislative proposal is provided in a letter from the Committee Chair to the Government House Leader. The sponsoring Minister is copied on this correspondence.

6. Upon receipt of Standing Committee advice and the completion of an assessment report by central agencies, the Government House Leader will arrange for the legislative proposal to be put before Cabinet for final consideration. The proposal, assessment report and Standing Committee letter goes before Cabinet as a package.

7. The Government House Leader will, prior to the beginning of each sitting of the Legislative Assembly, provide Caucus with a list of bills anticipated for introduction in that sitting.
PROCESS CONVENTION

Consideration and Enactment of Bills Under the Administration of the Speaker and Board of Management of the Legislative Assembly

General Guidelines

This process convention applies to the consideration and enactment of bills that fall under the administration of the Speaker and the Board of Management of the Legislative Assembly. Currently, these would include bills to amend or replace the following statutes:

- Legislative Assembly and Executive Council Act;
- Elections and Plebiscites Act
- Electoral Boundaries Commissions Act;
- Retiring Allowances Act;
- Supplementary Retiring Allowances Act;
- Human Rights Act, Part 3;
- Official Languages Act, Part 2; and
- Access to Information and Protection of Privacy Act, Part 4, Division A.

Nothing in this Process Convention detracts from the financial prerogative of the government as expressed in Section 25 of the Northwest Territories Act.

Guiding Principles: 3, 5 and 6

The Process

1. The need to amend one of the above-noted statutes, or to introduce a new bill, is identified. The need may be identified by any one of the following:

   - The Legislative Assembly, including an MLA, a Standing or Special Committee or Committee of the Whole;
   - The Speaker or the Board of Management;
   - Caucus;
   - The Executive Council;
   - The Independent Commission to Review Members’ Compensation and Benefits;
   - The Conflict of Interest Commissioner;
   - The Chief Electoral Officer;
• The Electoral Boundaries Commission; or
• Any member of the public.

2. Consultation with affected agencies and special interest groups including any of those listed in Step 1.

3. A legislative proposal is drafted by the Clerk of the Legislative Assembly and forwarded to the Speaker for signature and submission to the Board of Management.

4. The Board of Management considers the legislative proposal and will either:
   • Approve it;
   • Approve it subject to amendments;
   • Defer it to another meeting; or
   • Reject it.

5. Depending upon the source and nature of the legislative proposal, the Speaker may elect to brief the full Caucus prior to rejecting a legislative proposal or issuing drafting instructions for a bill.

6. The Clerk of the Legislative Assembly issues drafting instructions to the Department of Justice (Director, Legislation Division) for the preparation of a bill.

7. If required or appropriate, the Board of Management may authorize an early draft of the bill to be circulated to affected Departments, Agencies or special interest groups for comment.

8. The bill is finalized, signed off by the Clerk of the Legislative Assembly and then translated into French by the Department of Justice. The Director, Legislation Division transmits the bill to the Clerk of the Legislative Assembly advising that the bill is ready for the consideration of the Speaker and Board of Management.

9. The Board of Management considers the draft bill and will either:
   • Approve it;
   • Approve it subject to amendments;
   • Defer it to another meeting; or
   • Reject it.

   If approved, the Board will designate one of its members to move (sponsor) the bill in the House and another member to second the bill.

10. The Speaker will provide a clause-by-clause briefing of the draft bill to the full Caucus prior to introduction in the House.
11. The Clerk of the Legislative Assembly prepares standard text for Notice of Motion for 1st Reading, 1st Reading, 2nd Reading and 3rd Reading of the bill in the House.

12. The Clerk of the Legislative Assembly will ensure that the mover (sponsor) of the bill is briefed on the bill and is prepared to speak to the principle of the bill at Second Reading, if necessary.

13. The sponsor of the bill gives Notice of Motion for First Reading of the bill on a date agreed to by the Caucus. First and Second Reading of the bill are given in accordance with the Rules of the Legislative Assembly. Unless otherwise directed by the Caucus, the sponsor of the bill will, as part of the Motion for Second Reading, move that the bill be referred directly to Committee of the Whole for consideration.

14. Committee of the Whole determines when the bill will be considered.

15. The Clerk of the Legislative Assembly ensures that the sponsor of the bill has opening remarks to introduce the bill in Committee of the Whole.

16. Committee of the Whole review: The sponsor of the bill delivers opening remarks. If agreed to by the Committee, the sponsor of the bill will invite witnesses into the House for discussion and clause-by-clause review. The Speaker does not appear before Committee of the Whole to defend the bill. Witnesses will normally include the Clerk of the Legislative Assembly and the Director, Legislation Division, Department of Justice.

17. When Committee of the Whole review is complete, the Bill is reported to the Speaker as ready for Third Reading. The Bill is given Third Reading and Assent in accordance with the Rules of the Legislative Assembly.

18. If the bill has no "coming into force" provision, it is law immediately upon Assent being given by the Commissioner of the Northwest Territories.

Chair, Executive Council  

Chair, Standing Committee on Priorities and Planning
PROCESS CONVENTION

Standing Committee Review of Proposed Policy Initiatives and Implementation Plans

Application

Proposed policy initiatives subject to this Convention are those policies considered for approval by the Commissioner in Executive Council and the signature of the Premier. This would include both the establishment of new policies and substantive amendments to, or rescinding of, existing policies. This Process Convention does not apply to minor administrative amendments, which will not significantly impact established policy commitments.

This Convention also applies to Standing Committee briefings on implementation schedules, communication plans, and implementation tools required to bring a new or substantively amended Commissioner in Executive Council approved policy into force.

Guiding Principles 1, 3, 4, 5 and 7

General Considerations

It is in the interests of consensus government that Standing Committees are provided with an opportunity to review proposed policy initiatives and provide advice to the Government in advance of Cabinet decisions.

These policy initiatives are proposed statements of the government's commitment to the public and must be kept confidential until approved by Cabinet.

One of the guiding principles of consensus government is that Members of the Legislative Assembly should be made aware of and have the opportunity to discuss significant announcements, changes, consultations, or initiatives before they are released to the public.

Authority

This Process Convention is established under the authority of the Executive Council and the undersigned Standing Committees and may be amended at any time by agreement of the Executive Council and Standing Committees.
Process

1. A proposed policy initiative is prepared, signed by the Minister responsible and submitted to Cabinet via the Cabinet Secretariat.

2. Cabinet considers the proposed policy initiative. The only decision made at this time is whether or not the proposed policy initiative should be referred to Standing Committee for review and comment.

3. If approved for referral to Standing Committee, the proposed policy initiative is referred by the Premier to the Chair of the appropriate Standing Committee. The letter of transmission includes an indication of a preferred date for Cabinet consideration of the initiative so that the Standing Committee will have an understanding of the time frame for providing comments. The Minister responsible is copied on this correspondence. The Standing Committee on Priorities and Planning will also be copied on this correspondence if the proposed policy initiative is being referred to a different Standing Committee.

4. The Standing Committee reviews the proposed policy initiative. The Minister and officials may be invited to this meeting to provide additional information. However, it is understood that the proposed policy initiative is a Cabinet document and that any recommendations or advice regarding modifications to the proposed policy initiative, or advice on the proposed policy's implementation, must be provided in the form of a letter from the Standing Committee Chair back to the Premier. The Minister responsible is copied on this correspondence.

5. The Premier, following consultations with the Minister responsible for the original policy initiative, then makes a subsequent submission to Cabinet advising of any concerns raised by Standing Committee and recommending actions for Cabinet's consideration. The proposed policy initiative is received by the Cabinet Secretariat and the Cabinet Secretariat prepares an assessment of the initiative.

6. Cabinet considers the proposed policy initiative, along with Standing Committee comments and Cabinet Secretariat assessment.

7. The Premier advises the Standing Committee Chair of Cabinet's decision with respect to the proposed policy initiative and any relevant implementation plans.

8. When Cabinet decides to establish a new policy apply a policy that had previously not been approved or substantively amend an existing policy in accordance with this Convention, the Minister responsible for implementing the Policy will provide both Cabinet and the appropriate Standing Committee with briefings on the relevant implementation and communication plans, as well as any significant implementation tools (e.g., ministerial policies, eligibility criteria, program guidelines), in advance of the Policy's implementation, application and any substantive public communications.
Jthair, Standing Committee on Priorities and Planning

Chair, Executive Council

Oct. 15, 2010

Date

Chair, Standing Committee on Priorities and Planning

Date
PROCESS CONVENTION

Transition Stewardship

Definition

Transition Period: For the purposes of this convention, transition period refers to the period between the last session of one Legislative Assembly and the first session of the next Assembly.

Preamble

The Executive Council and the Standing Committee on Priorities and Planning recognize that during a transition period an outgoing Executive Council cannot be held accountable for its decisions in the same manner an Executive Council can be held responsible before the dissolution of an Assembly.

The Executive Council and the Standing Committee also recognize that during a transition period the business of government, including legal and intergovernmental commitments and routine matters of administration, still needs to be addressed.

For both these reasons, the Executive Council and the Standing Committee agree that during a transition period an outgoing Executive Council should avoid, whenever possible, making any new and significant policy decisions, contractual commitments, or appointments which were not previously referred for Standing Committee review and comment.

Principles

This process convention will be implemented in accordance with the following Caucus approved guiding principles for Consensus Government in the NWT:

1. Consensus government is not defined by the absence of party politics. It is defined by the ability and willingness of all Members of the Legislative Assembly to work together, within their respective roles, for the collective good of the people of the Northwest Territories.

2. Open and respectful communication between all Members is the most essential feature of consensus government. While it is impossible to reach unanimous agreement on all issues, the opportunity for all Members to have meaningful input into important decisions is fundamental.
3. Effective communication is a “double-edged sword.” For consensus government to work, all Members must agree to respect the confidentiality of information before it is properly made public. Similarly, members should acknowledge the fact that information was shared in confidence once it has been released.

4. Except under extraordinary circumstances, Members of the Legislative Assembly should be made aware of and have opportunity to discuss significant announcements, changes, consultations or initiatives before they are released to the public or introduced in the Legislative Assembly. Use of the element of surprise is inconsistent with consensus government.

Authority

This Process Convention is established under the authority of the Executive Council and the Standing Committee on Priorities and Planning.

Process

(1) Within the three months immediately preceding the dissolution of a Legislative Assembly and not less than one month before the dissolution, the Executive Council will provide the Standing Committee on Priorities and Planning with a confidential briefing which will identify any:

   a) significant intergovernmental, labour, program, or contractual negotiations currently underway which could reasonably be expected to be concluded and may require final approval during the transition period;

   b) significant policy reviews, program assessments, or strategic evaluations currently underway which could reasonably be expected to lead to significant policy decisions during the transition period;

   c) vacancies or pending vacancies that might require appointments during the transition period which have the potential to be controversial; and

   d) planned departmental or agency restructuring.

(2) The Standing Committee on Priorities and Planning will, not less than two weeks before the dissolution of a Legislative Assembly, provide the Executive Council written comments on the issues and plans indentified in the briefing referred to in paragraph (1) above.

(3) The out-going Executive Council will not decide on any new and significant policy decisions, contractual commitments, or appointments during the transition period without first considering:

   a) specific comments received from the Standing Committee on Priorities and Planning in accordance with paragraph (2) above;
b) the principles of "good faith negotiations" and the reasonable expectations of third parties, especially with respect to intergovernmental negotiations; 

c) the extent to which a decision would pre-empt or fetter the authority of the next Legislative Assembly; 

d) the implications of deferring the decision to the next Executive Council; and 

e) the spirit and intent of this process convention.

(4) Following the first sitting of a new Legislative Assembly and before the second sitting of that Assembly, the Secretary to Cabinet and the Clerk of the Legislative Assembly shall, jointly and in confidence, bring to the attention of the incoming Executive Council and the incoming Standing Committee on Priorities and Planning:

a) those matters brought to the former Standing Committee on Priorities and Planning attention in accordance with paragraph (1) above and any substantive comments offered by the former Standing Committee on Priorities and Planning in accordance with the paragraph (2) above; and 

b) any new and significant policy decisions, contractual commitments, or appointments made by the out-going Executive Council during the transition period.

Chair, Executive Council

Date

Chair, Standing Committee on Priorities and Planning

Date
PROCESS CONVENTION

Territorial Leadership Committee

Guiding Principles

1, 2 and 6

General Considerations

The Territorial Leadership Committee (TLC) is the vehicle used by the NWT's consensus style government to recommend the appointment of the Speaker, Premier and Members of the Executive Council to the Legislative Assembly and Commissioner of the Northwest Territories. The Territorial Leadership Committee is a unique meeting of all duly elected MLAs. Its meetings are not governed by the Rules of Legislative Assembly and constitute neither a formal sitting of the House or one of its standing or special committees. Its decisions do not carry the weight of law and are not binding in any way.

The Speaker and Premier are appointed by motion of the Legislative Assembly. The Executive Council is composed of the Premier chosen by the Legislative Assembly and persons appointed to the Executive Council by the Commissioner on the recommendation of the Legislative Assembly. The size and structure of the Executive Council is governed by political convention only. It is up to each Legislative Assembly to determine the size and make-up of its Executive Council and the timing of its appointment. These conventions, known as the "Guidelines and Procedures for Selection of Speaker, Premier and Members of the Executive Council (Guidelines and Procedures)" may be reviewed and revised as often as Caucus sees fit. The most up-to-date Guidelines and Procedures are included in this protocol as Appendix 1.

Authority

This Process Convention is established under the authority of Caucus and may be amended at any time by agreement of the full Caucus.

Protocols

Initial Meeting

1. The first meeting of the Territorial Leadership Committee following a general election is called by the Clerk of the Legislative Assembly following consultation with the full Caucus membership. Until such time as a Speaker-elect and a Caucus Chair have been chosen, the Clerk serves as Chair of the Caucus and the TLC.
2. Prior to the first meeting of the Territorial Leadership Committee, the Clerk will review the existing Guidelines and Procedures with the Caucus. At least two days prior to the initial Territorial Leadership Committee meeting, Caucus will adopt the "Guidelines and Procedures" with or without amendment.

3. Immediately following Caucus adoption of the Guidelines and Procedures, the Clerk will issue a media release advising of the time and location of the Territorial Leadership Committee meeting and the Guidelines and Procedures adopted by Caucus. The most up-to-date version of this media release is included in this protocol as Appendix 2.

4. At the conclusion of the Territorial Leadership Committee meeting, the Clerk will issue a media release advising who has been recommended by the TLC for appointment as Speaker, Premier and Members of the Executive Council.

5. The Clerk will draft formal motions of appointment for the Speaker and Premier-elect and a formal motion to recommend the appointment of Members of the Executive Council. The Clerk will first call upon Members who were nominated for each of the positions in question (where applicable) to move and second the motions. Failing this, the Clerk will seek the advice of the successful candidates for each position as to who should move and second the motions.

6. Immediately following adjournment of the sitting day at which the above-noted motions are adopted, the Speaker will preside over a Swearing-in Ceremony for the Members of the Executive Council. At this ceremony, the Commissioner will be called upon to administer the Oath of Office for Members of the Executive Council.

Subsequent Meetings

1. Following the initial appointment and/or swearing-in of a Speaker, Premier and Member of the Executive Council, vacancies in these offices may occur by reason of resignation, death or revocation of appointment by the Legislative Assembly or the Commissioner on the recommendation of the Legislative Assembly.

2. The only means by which a lack of confidence in the appointment of the Speaker, Premier or one or more Members of the Executive Council may be expressed is by way of the adoption of a formal motion duly moved, seconded and resolved in the Legislative Assembly in accordance with its Rules.

3. If the position of the Speaker or Premier becomes vacant, the Deputy Speaker or the Deputy Premier, as the case may be, exercises the powers and performs the duties of that office until a new Speaker or Premier is appointed by the House. If the vacancy occurs within six months of the scheduled dissolution of a Legislative Assembly, the
Deputy Speaker or Deputy Premier will continue to exercise the powers and perform the duties of that office in an acting capacity until a Speaker and Premier are selected by the next Legislative Assembly.

4. If one or more vacancies occur on the Executive Council within six months of the scheduled dissolution of a Legislative Assembly, the vacancy will not be filled. The ministerial responsibilities of the former Minister will be redistributed by the Premier or the Deputy Premier, as the case may be, to the remaining Members of the Executive Council.

5. If the number of vacancies occurring within six months of the scheduled dissolution of a Legislative Assembly causes the number of Members appointed to the Executive Council to fall below four, Caucus will meet to fill one or more of the vacancies as if they had occurred more than six months prior to the scheduled dissolution (see process outlined below).

6. If the appointment of the Speaker, Premier or a Member of the Executive Council is ended for any reason more than six months prior to the scheduled dissolution of the Legislative Assembly, the Chair of Caucus will, after consulting with all Members, call a meeting of the Caucus. Every effort will be made to schedule this meeting no later than four weeks from the effective date of the vacancy.

7. At the Caucus meeting, the Clerk will review the existing Guidelines and Procedures with the Caucus. Caucus will adopt the “Guidelines and Procedures” with or without amendment.

8. Immediately following Caucus agreement on the Guidelines and Procedures, the Clerk will issue a media release advising of the time and location of the Territorial Leadership Committee meeting and the Guidelines and Procedures adopted by Caucus.

9. Following the establishment of a date for the Caucus meeting, the Speaker will call a meeting of the Territorial Leadership Committee to take place on the first working day following the Caucus meeting. If the Legislative Assembly is in recess and is not scheduled to sit on the day following the Territorial Leadership Committee meeting, the Speaker will recall the House on the first working day following the TLC meeting in accordance with an Extended Adjournment Motion. If a Session of the Legislative Assembly has been prorogued, the Speaker shall request the Commissioner of the Northwest Territories to convene a special Session at the appropriate date and time.

10. At the conclusion of the Territorial Leadership Committee meeting, the Clerk will issue a media release advising who has been recommended by the TLC for appointment as Speaker, Premier or Member of the Executive Council.

11. The Clerk will draft either formal motions of appointment or a formal motion to
recommend the appointment of a Member or Members of the Executive Council. The Clerk will first call upon Members who were nominated for the positions in question (where applicable) to move and second the motion or motions. Failing this, the Clerk will seek the advice of the successful candidates for each position as to who should move and second the motion or motions.

12. If the vacancy in question pertains to the Office of the Speaker, the person appointed assumes the role in the House immediately upon adoption of the motion. If the vacancy in question pertains to the Premier or a Member of the Executive Council, the Speaker will preside over a Swearing-in Ceremony at the adjournment of the sitting day at which the motion is adopted. At this ceremony, the Commissioner will be called upon to administer the Oath of Office for Members of the Executive Council.

Original signed by Floyd Roland

Chair, Executive Council

Original signed by Jane Groenewegen

Clerk of the Legislative Assembly

May 30, 2011

Date

May 30, 2011

Date
PROCESS CONVENTION

Communications between the Executive Council, Ministers, Standing Committees and Regular Members

General Principles:

This process convention will be implemented in accordance with the following Caucus approved guiding principles for Consensus Government in the NWT:

1. Open and respectful communication between all Members is the most essential feature of consensus government. While it is impossible to reach unanimous agreement on all issues, the opportunity for all Members to have meaningful input into important decisions is fundamental.

2. Effective communication is a "double-edged sword." For consensus government to work, all Members must agree to respect the confidentiality of information before it is properly made public. Similarly, members should acknowledge the fact that information was shared in confidence once it has been released.

3. Except under extraordinary circumstances, Members of the Legislative Assembly should be made aware of and have opportunity to discuss significant announcements, changes, consultations or initiatives before they are released to the public or introduced in the Legislative Assembly. Use of the element of surprise is inconsistent with consensus government.

4. The Premier and Cabinet are appointed by the Members of the Legislative Assembly to provide overall leadership and direction in accordance with the broad strategic direction set by the Caucus. Cabinet must have the ability to implement this strategic direction effectively and efficiently but in a way that reflects the concerns of Regular Members and maintain their support.

Application

This process convention is not intended to supersede the existing roles, authorities or privileges of individual members of the Legislative Assembly, Standing Committees, the Executive Council, Ministers or the Speaker.
PROCESS CONVENTION
Communications between the Executive Council, Ministers
Standing Committees and Regular Members

Authority

This process convention is established under the authority of the Executive Council and the Standing Committee on Priorities and Planning and may be amended at any time by the agreement of the Executive Council and the Standing Committee on Priorities and Planning.

Processes

1 Regular Meetings between Premier and Regular Members

a) Formal meetings between the Premier and the Regular Members may be initiated at the request of either party and will be held not less than three times a year. The purpose of these meetings will be to discuss issues of mutual interest and concern and are not meant to replace or exclude other opportunities for the Premier to appear before the Standing Committee on Priorities and Planning.

b) The Clerk of the Legislative Assembly and appropriate senior officials identified by the Premier will identify specific agenda topics and prepare meeting packages. The Clerk (or his or her designate) and an official designated by the Premier will attend the formal meeting to provide procedural advice.

c) Decisions as to whether to invite other Ministers and officials and when to conduct a meeting In Camera will be made by the Premier and Regular Members on a case by case basis.

2 Advance Notice of Public Communications

a) The Premier will provide Regular Members with a weekly listing of planned Government releases and announcements, indicating the planned release date, subject of the release, main Government message to be communicated and type of communication (e.g., news release, media advisory, press conference, publication release, etc.). The listing will empower Regular Members to make better and more informed decisions and seek further information from Ministers on planned announcements of particular interest to them.
b) While the Premier will make best efforts to provide Regular Members with a complete list of upcoming communications each week, there may be times when the Government will need to comment on breaking news or make an unplanned announcement. In these instances, Regular Members will be provided with advance copies of approved news releases two (2) hours before they are issued to the media.

c) Standing Committees and Regular Members will provide the Premier’s Office with copies of proposed news releases two (2) hours before they are issued to the media. This will allow Government to respond to potential requests for interviews and information in a timely fashion.

d) In the event of a civil emergency or natural disaster, the Government has a responsibility to provide residents with accurate and timely information on the situation and Government emergency operations. This will be done in the form of emergency bulletins issued by the Press Secretary. Time is of the essence in emergency communications and Members will receive emergency bulletins at the same time as they are issued to media.

3 Consultations with Standing Committees

a) From time to time, Government may wish to seek considered input from a Standing Committee on a proposed Government initiative, plan or activity. In these instances, the Government may provide a Committee with proposals or draft plans for the Committee’s formal review and comment. Proposals and plans provided under this section are to be considered confidential and will be clearly identified as confidential and not for distribution.

b) When seeking Standing Committee input under this section the Government will identify, with proper regard to both Committee calendars and to operational demands, a reasonable date by which a response is requested. If no written response is received by the identified date the Government may assume the Standing Committee’s consent to proceed. The Government may consider a written request from a Standing Committee to extend the consultation period.

4 Materials Provided to Regular Members or Standing Committees For Information Only

a) As a matter of course, Government will distribute information to Regular Members or Standing Committees for information only. Government will clearly identify materials distributed for information only so as not to confuse the distribution of that information with requests for feedback on confidential
draft materials or proposals as addressed under the consultation section above.

b) Regular Members or Standing Committees may request further information or briefings on materials distributed under this section. Such requests should be made in writing and directed to the appropriate Minister.

5 **Advance Notices and Briefings Offered to Standing Committees**

a) From time to time, Government may wish to provide a Standing Committee with advance notice of a Government initiative or activity. Advance notices issued under this section will be clearly identified as notices and should be distinguished from requests for input addressed under the consultation section above.

b) From time to time, Government may wish to offer a Standing Committee a briefing on a particular subject. Briefings offered under this section will be clearly identified as offers to brief and should be distinguished from requests for input addressed under the consultation section above.

6 **Identifying Confidential Information**

a) When sharing information with a Standing Committee under this Process Convention, Government will clearly identify which materials are, and which materials are not, being provided in confidence. When Government has a plan to eventually publicly release information provided to a Committee in confidence, Government will indicate when such a public release might take place and when the embargo on Standing Committee disclosure imposed under this Process Convention will be lifted.

7 **Government Response to Regular Members' Requests**

a) Ministers will endeavour to ensure that written requests from Regular Members are responded to within five business days from the Minister's receipt of the request. Should more than five days be required to address a Regular Member's request, Minister's will advise the Regular Member that more time is required, the reasons why more time is required and an anticipated response date.

8 **Providing Committee Presentation Materials**

a) The Premier and Members of the Executive Council will provide copies of all presentation decks and related briefing materials to the appropriate standing
committee at least three (3) business days prior to the scheduled date of
delivery. The receipt of these materials will allow Committee Members to
review information in advance and make optimal use of the limited time and
resources available to Ministers and Committees, particularly during sittings of
the Assembly.

b) Occasionally a briefing is either offered or requested with very little or no
advance notice. In such instances, the time requirement will be waived
through mutual agreement of the parties involved.

9 Advance Notice of Ministerial and Standing Committee Travel

a) The Premier will, whenever possible, provide a minimum of two weeks
advance notice to Regular Members of any planned Ministerial travel or visits
to constituencies outside of the capital.

b) The Standing Committees will, whenever possible, provide a minimum of two
weeks advance notice to the Premier’s Office of any planned Committee travel
to constituencies outside of the capital.

c) A monthly calendar of Ministerial travel and planned protocol visits to the NWT
will be prepared by the Premier’s Office, circulated to all Members, and
updated as required.

10 Advance Notice of Protocol Visits

a) A monthly calendar of planned protocol visits to the NWT will be prepared by
the Premier’s and Speaker’s Office and circulated to all Members. Where the
Government or Speaker’s Office receives short notice of protocol visits, notice
will be provided to Members as soon as visit dates are confirmed.

11 Absences During Sittings of the House

a) The Premier will provide a written summary of planned absences of Ministers
that are scheduled to occur during a sitting of the Assembly to the Priorities
and Planning Committee on or before the first sitting day of each sitting.

b) To the greatest extent possible, Ministerial absences during sittings of the
House will be limited to obligatory federal/provincial/territorial meetings.

12 Correspondence addressed to all Regular Members

a) Government correspondence directed to all Regular Members will also be
copied to appropriate staff unless there are compelling reasons not to do so.
13 **Invitations to Participate in Ministerial Travel**

a) When a Minister believes it is appropriate to involve a Regular Member in Ministerial travel, the Minister shall invite the appropriate Standing Committee to nominate one of their Members to join the Minister in that travel.

b) A Regular Member's travel expenses arising out of Ministerial travel will be publicly reported through the Ministerial Travel Report.

14 **In the Absence of an Appropriate Standing Committee**

a) During the period between the Legislative Assembly's official establishment of a Standing Committee on Priorities and Planning and the Legislative Assembly's formal establishment of the Assembly's Committee structure, communications between the Executive Council and Regular Members should be directed through the Standing Committee on Priorities and Planning.

15 **Ongoing Evaluation of Caucus Communications Protocol**

a) Senior officials from the Office of the Clerk, the Premier's Office and the Department of the Executive will meet annually to review the effectiveness of this protocol. Officials may make recommendations to the Premier and the Chair of the Standing Committee on Priorities and Planning to improve this protocol based on their review.

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Chair, Executive Council  
26/09/12

Date

Chair, Standing Committee on Priorities and Planning  
Sept 26, 2012

Date