

## **PROCESS CONVENTION**

### **Communications between Cabinet, Ministers, Standing Committees and Regular Members**

#### **Application**

This process convention does not replace or limit the existing roles, authorities or privileges of individual Members of the Legislative Assembly, Standing Committees, the Executive Council, Ministers or the Speaker.

**Guiding Principles:**       **3, 4, 5, 6 and 8**

#### **Authority**

This Process Convention is established under the authority of Caucus, the Executive Council and the Standing Committee on Accountability and Oversight. It may be amended by the agreement of all parties.

#### **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. These meetings are to discuss issues of mutual interest and concern. They are not meant to replace or exclude other opportunities for the Premier to appear before the Standing Committee on Accountability and Oversight.
- b) The Clerk of the Legislative Assembly and the Chief of Staff (or their respective designates) will identify agenda topics, and attend the formal meetings as observers. Additional observers may be invited to provide input or advice if requested by Members.
- c) Decisions as to whether to invite other Ministers and officials will be requested by either the Premier and/or Regular Members on a case by case basis. Officials may be invited to provide input or advice if requested by Members.

##### **2 Advance Notice of Media Communications**

- a) The Premier's Office will provide Regular Members with a weekly listing of planned government news releases and media advisories. The list should include the planned release date, subject of the release and main message being communicated. The listing will help inform Regular Members and allow them to seek further information from Ministers on planned announcements of interest to them.
- b) Materials prepared for distribution at media events and not otherwise distributed to the public will be shared in advance with Regular Members.
- c) There may be times when the Government will need to comment on breaking news or make an unplanned announcement. In these instances, best efforts will be made to provide Regular Members with advance copies of approved news releases two hours before they are publicly released.

- d) Government boards and agencies, such as the WSCC and NTHSSA conduct their own media relations. Each responsible Minister will make best efforts to advise Regular Members in advance, when they are aware of releases being issued by boards and agencies.
- e) The Government may redistribute news releases issued by other governments or external organizations concerning events or initiatives the GNWT is involved in. As such releases are being redistributed, and are publicly available, they will not be provided in advance to Regular Members.
- f) Standing Committees and Regular Members will provide the Premier's Office with copies of proposed news releases two hours before they are issued to the media. This will allow the Government to respond to potential requests for interviews and information in a timely fashion.
- g) In the event of a civil emergency or natural disaster, the Government must 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. Members will receive emergency bulletins at the same time as they are issued to media.
- h) MLAs representing communities or regions affected by an emergency will receive summary operational reports as information becomes available. Other MLAs may receive these reports on request. Reports will include the current status of the situation, GNWT departments responding and current public messaging. Reports will be provided by the responsible Minister for situations involving one department or the Minister of Municipal and Community Affairs for situations involving multiple departments. Unless otherwise marked, reports are for the information of Members only. All requests for additional information should be directed to the appropriate Minister.

### **3 Consultations with Standing Committees**

- a) Cabinet may seek input from a Standing Committee on a proposed Government initiative, policy, plan, activity or discussion paper. When it does, Cabinet may provide a Committee with proposals, draft plans or discussion papers for review and comment. Proposals, plans and discussion papers provided under this section are to be treated as confidential unless otherwise marked. Input received from Standing Committee will also be considered strictly confidential unless stated otherwise.
- b) When seeking Standing Committee input, Cabinet will identify, a reasonable date by which a response is requested. If no written response is received by the identified date Cabinet may assume the Standing Committee's consent to proceed. A Standing Committee may seek Cabinet's agreement to extend the consultation period. A reasonable request for an extension should not be denied.
- c) Written input provided by a Standing Committee under the signature of the Chair or Deputy Chair reflects the views of the Committee. While individual Members may reserve the right to disagree with Committee's input, only the Committee itself can amend written input previously provided.

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

- a) Ministers may distribute information to Regular Members or Standing Committees for information only. Ministers will clearly identify materials distributed for information to clearly distinguish it from information with requests for feedback.
- 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) Ministers 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.
- b) Ministers 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.

#### **6 Public Briefings and Meetings with Standing Committees**

- a) Where Ministers offer or agree to a request to brief a Standing Committee, the briefing will be held in public. If confidential matters are expected to be discussed, or if they arise during the briefing, the Minister or any member of the committee may request that the meeting or a portion of it be held *in camera*.
- b) The decision to hold all or a portion of a briefing *in camera* rests with the Standing Committee. Committees recognize that Ministers may be limited in terms of what information can be shared in public.
- c) For the purposes of this protocol, confidential matters include:
  - i. the draft business plan or budget of a department or public agency prior to their introduction in the Legislative Assembly;
  - ii. a legislative proposal or bill prior to its formal introduction in the Legislative Assembly;
  - iii. a proposed policy initiative that requires Committee input;
  - iv. a personnel matter relating to an employee or statutory officer;
  - v. any other matter, where the committee or the Minister identifies the matter as one which is, or would likely be, protected by privacy and data protection laws.
- d) A motion to hold all or a portion of a committee meeting *in camera* shall include the nature of the item to be discussed as well as the rationale for discussing the matter *in camera*.

## **7 Technical Briefings**

- a) A technical briefing may be offered or requested to provide detailed information on a specific program, initiative or proposal.
- b) Technical briefings are provided by senior government officials and technical experts. Ministers do not attend technical briefings,
- c) Standing Committees may request technical briefings on specific programs, initiatives or proposals.

## **8 Identifying Confidential Information**

- a) By virtue of parliamentary privilege, Standing Committees may request any information they require, regardless of any confidentiality to conduct their parliamentary business. All information requested by Standing Committee should be shared and marked whether it is being provided confidentially.
- b) Ministers should make every reasonable effort to ensure that information shared with Committee can be made publicly available. Ministers should work to balance the information requested by Committees through an understanding of Committees role in providing transparency, oversight, and accountability. However, all of the following should typically be marked public:
  - i. Information committed to be shared or provided during a public hearing of a Standing Committee;
  - ii. Public information arising from commitments made during Committee of the Whole;
  - iii. Information on existing departmental programming ; and/or
  - iv. When the information is not sensitive or already publicly available.
- c) When sharing information with a Standing Committee, Cabinet should clearly mark information being provided in confidence. When Cabinet has a plan to publicly release information provided to a Committee in confidence, it will indicate when such a public release might take place and that the information is no longer confidential once disclosed.
- d) If information provided to a Standing Committee in confidence is published, Cabinet may be required to speak publicly on that information to address public concerns or media inquiries. In such circumstances, Cabinet will make every reasonable effort to provide advance notice to Standing Committees.

## **9 Tracking and Reporting on Regular Members' Requests**

- a) Members will provide written requests for information or to support a constituent. Given the unique and nuanced nature of the types of requests provided by Members, Ministerial Offices will work to ensure that the appropriate categories and timelines are applied to each of the requests.
  - i. Constituent Casework (five business days)
  - ii. Multi-Departmental, Multi-Agency or Policy inquiries/requests (ten business days)
- b) The Ministers Office should work with the Member to ensure that there is an understanding of what is being requested before actioning a formal Bring Forward to the Department/Agency (BF).
- c) Ministers will endeavour to ensure that written requests from Regular Members are responded to within the appropriate timeline from the Minister's receipt of the request.
- d) Written requests should be sent to Ministers via e-mail or letter, text messages and/or social messaging will not be considered a written request. Should more than the assigned days be required to address a Regular Member's request, Ministers will advise the Regular Member that more time is required, the reasons why more time is required and an anticipated response date.
- e) To ensure accountability and tracking, ministerial staff should be included in correspondence. When e-mailing the Minister, carbon copy (cc) the Ministers Executive Administrative Coordinator and the Ministerial Special Advisor.
- f) Detailed and lengthy inquiries about government policies and programs that are complex in nature may best be handled through other means such as Oral and Written Questions in the House, Committee briefings and the review of Legislative Proposals, Business Plans and Budgets.

## **10 Providing Committee Presentation Materials**

- a) Ministers will provide copies of presentation decks and related briefing materials to the appropriate standing committee at least three (3) business days before delivery. This ensures Committee Members can review information in advance and make best use of the limited time and resources available to Ministers and Committees.
- b) Occasionally a briefing is either offered or requested with little or no advance notice. In such instances, the time requirement can be waived through mutual agreement of the parties involved.

## **11 Advance Notice of Ministerial and Standing Committee Travel**

- a) Executive Council Offices will, whenever possible, provide a minimum of two weeks advance notice to the representative Regular Members of any planned Ministerial travel or visits to constituencies outside of the capital.

- b) Ministers will, whenever possible, provide a minimum of two weeks advance notice of public meetings being held by their departments in a Member's constituency.
- c) Standing Committees will, when possible, provide a minimum of two weeks advance notice to the Premier's Office of planned Committee travel to constituencies outside of the capital.
- d) An advisory listing weekly Ministerial activities will be prepared and circulated to all Members by the Premier's Office.

## **12 Updates for Council of Leaders and the Intergovernmental Council of the Northwest Territories**

- a) Recognizing the Government is a member of the Territorial Council of Leaders and the Intergovernmental Council, and the Executive advances policies and legislation that affect the entire Northwest Territories through these forums, the Premier's Office will provide written updates to all Members regarding the activities of these forums following the meetings.
- b) These updates will include what initiatives are being advanced by the Government at these tables, concerns raised during discussions, and anticipated timelines for completion of initiatives.

## **13 Advance Notice of Protocol Visits**

- a) The Premier will advise Regular Members in writing of planned protocol visits to the NWT organized by the GNWT, as soon as details of proposed visits are confirmed. The Premier will also inquire with any dignitaries if Regular Members can be invited to meet during their visit.

## **14 Absences During Sitzings 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 Caucus before the first sitting day of each sitting.
- b) Ministerial absences during sittings of the House should be limited to obligatory federal/provincial/territorial (FPT) meetings.

## **15 Correspondence addressed to all Regular Members**

- a) Government correspondence directed to all Regular Members will also be copied to the Speaker and the Clerk of the Legislative Assembly.

## **16 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 its Members to join the Minister in that travel.
- b) A Regular Member's travel expenses arising out of Ministerial travel will be paid by the Minister's Department and publicly reported through the Ministerial Travel Report.

- c) Regular Members accompanying Ministers on trips will be identified in the weekly Ministerial travel and activities advisory distributed to media.

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

- a) During the period between the Legislative Assembly's official establishment of a Standing Committee on Accountability and Oversight 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 Accountability and Oversight.

---

Chair, Caucus	Date
---------------	------

---

Chair, Executive Council	Date
--------------------------	------

---

Chair, Standing Committee on Accountability and Oversight	Date
--	------