

## PROCESS CONVENTION

### **At Pleasure and Confidence**

#### **Application**

The Northwest Territories Premier and Cabinet (Executive Council) are responsible to the House for their actions and for implementing the shared priorities of all Members. Under the *Legislative Assembly and Executive Council Act*, they serve at the pleasure of the House. This means they require the support of a majority of Members of the House to obtain and remain in their positions.

A key element of parliamentary government is that the government must maintain the confidence of the House. Confidence is typically shown through a vote passing government budgets or significant bills. However, confidence in the Northwest Territories consensus government system is typically tied to an individual Member or Members of Cabinet and not the “government” collectively.

A confidence convention is not prescribed in the Northwest Territories. Elements of at pleasure appointments and confidence are found within the *Northwest Territories Act* (Canada), the *Legislative Assembly and Executive Council Act*, and the *Rules of the Northwest Territories Legislative Assembly*. What constitutes a question of confidence can change over time. Confidence is not a matter of parliamentary procedure. The Speaker does not rule on it. Only the House decides matters of confidence.

**Guiding Principles:            2, 7, 8, 9, and 10**

#### **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 agreement of all parties.

#### **General Considerations**

Removing a Member from the Executive Council is not a decision taken lightly. A majority of Members recommend the appointment of Members to the Executive Council and a majority is required to remove them. Members of the Executive Council serve at the pleasure of the House. However, there may be issues with a Cabinet Minister’s performance which warrants removal, or creates “displeasure”.

A successful revocation of a Member or Members from the Executive Council triggers the need for a Territorial Leadership Committee to determine which Member or Members would join the Executive Council in their place. In the Northwest Territories, a successful motion to revoke an appointment of a Member of the Executive Council does not result in the dissolution of the Assembly or a Territorial general election because the Executive Council serves at the pleasure of the Assembly.

## **Motion to Revoke the Appointment of a Member of the Executive Council**

If a Member believes that one or more Ministers have not fulfilled their duties as Members of the Executive Council they can provide Notice of a Motion to revoke their appointment(s) from the Executive Council. This Motion would include the justifications and causes in the preamble clauses and state the intent and direction of the motion in its operative clauses.

If the Motion passes, in that a majority of Members support the motion, then the Member named in the Motion is removed from the Executive Council. The Speaker would then engage with all Members to determine the timing of a Territorial Leadership Committee.

The *Legislative Assembly and Executive Council Act* states that if a vacancy occurs in the office of the Premier the Assembly must choose another of its Members to be Premier. If a vacancy occurs for another Member of Executive Council the Speaker would engage with the Executive Council and the Standing Committee on Accountability and Oversight to determine the timing of a Territorial Leadership Committee. Members would follow the agreed upon guidelines of the Territorial Leadership Committee.

## **Removal of Ministerial Portfolios**

The Assembly collectively decides which Members serve on the Executive Council, but the *Legislative Assembly and Executive Council Act* allows the Premier to assign and reassign Ministerial portfolios. Members of the Executive Council are appointed by the House but Ministerial portfolios are assigned by the Premier. There may be a time when a Premier removes a Minister of their portfolios, however, a Premier cannot remove a Member of the Executive Council, only the House can.

If a Premier has removed the portfolios of a Minister, the Speaker would need to engage with Cabinet and the Standing Committee on Accountability and Oversight to determine if the House should be reconvened in order to:

- deal with a motion of revocation; and if successful;
- determine the timing of a Territorial Leadership Committee.

## **Confidence of Supply**

In other parliaments, a loss of confidence in the governing party may be triggered if a governing party fails to pass an Appropriation Bill. In the consensus model, an Appropriation Bill not passing the House results in a different process not tied to confidence in the Government.

The *Northwest Territories Act* (Canada) dictates that the Commissioner's Recommendation, which is equivalent in the Northwest Territories to a Royal Recommendation in the Parliament of Canada, sets direction for each sitting in terms of approving Appropriation Bills. Members are directed by the Commissioner to pass Appropriation Bills during a sitting. This typically occurs through review and negotiation between Cabinet and the Standing Committee on Accountability and Oversight of an Estimates document in Committee of the Whole. All Members are briefed and have opportunities to seek information and provide feedback on Appropriation Bills.

In the Northwest Territories, Estimates documents are tabled and referred directly to Committee of the Whole for deliberation. Once the Estimates document is reviewed, Committee of the Whole adopts a motion to concur and directs that an Appropriation Bill or Bills based on those Estimates

be introduced right away. Members vote on an Appropriation Bill that reflects the Estimates document agreed to in Committee of the Whole.

However, if an Appropriation Bill does not pass a reading, it is not necessarily a loss of confidence in the Government in the consensus model. If an Estimates document moves out of Committee of the Whole and an Appropriation Bill does not pass, then the Speaker would determine a short period of time for the Executive Council to bring forward a new Estimates document to be considered in Committee of the Whole as Members are required to follow the direction of the Commissioner. Additional events that could or could not occur include, but are not limited to the following:

- Negotiations between Cabinet and the Standing Committee on Accountability and Oversight continuing with a new Estimates Document entering Committee of the Whole until a majority of Members can support it;
- A Member may move a motion to revoke an appointment of a Member or Members of the Executive Council.
- A Member or Members of the Executive Council may step down from their position on the Executive Council as a result of failing to pass an Appropriation budget;
- The Premier may proceed with a Cabinet shuffle;

Ultimately, if an Appropriation Bill does not pass it is not necessarily a question of Confidence in the Government, but may result in the House expressing its displeasure in a Member or Members of the Executive Council. This is because Members of the Executive Council serve at the pleasure of the Assembly. There would be no territorial election and no automatic removal of Members of the Executive Council if a Bill does not pass. Members must still fulfill the direction of the Commissioner and pass an Appropriation Bill.

When an Estimates Document has the support to be reported from Committee of the Whole there should be support of the House to pass an Appropriation Bill through third reading. If an Estimates document does not have the support to be reported from Committee of the Whole, the Speaker would engage with both the Executive Council and the Standing Committee on Accountability and Oversight to determine how many additional sitting days would be required for further deliberation of the Estimates Document.

## **Conclusion**

Given that Executive Council services at pleasure of the House, at any time, if a Member or Members have lost confidence in the ability of a Member or Members of the Executive Council they may choose move a motion of revocation.

There are three points at which Members may halt the advancement of an Appropriation Bill:

- a motion in Committee of the Whole directing that an Appropriation Bill not be brought forward;
- a vote defeating the Bill at second reading; or
- a vote defeating the Bill at third reading.

In each case, Members would need to determine how much additional time and additional sitting days would be required to fulfill the Commissioner's direction to pass an Appropriation Bill that has the concurrence of a majority of Members.

If an Estimates document does not have sufficient support to be reported out of Committee of the Whole, it could remain before Committee of the Whole until negotiations result in enough support to advance an Appropriation Bill that commands the confidence of the majority of the House.



Chair, Caucus

2026-02-20

Date



Chair, Executive Council

2026-02-20

Date



Chair, Standing Committee on  
Accountability and Oversight

2026-02-20

Date