

PROCESS CONVENTION

Transition Stewardship

Definition

Transition Period: For the purposes of this convention, transition period refers to the period between the dissolution of one Legislative Assembly through to the appointment of Members of the Executive Council for the next Assembly.

Preamble

During a transition period an outgoing Cabinet cannot be held accountable for its decisions in the same manner that Cabinet/Financial Management Board (FMB) can be held responsible before the dissolution of an Assembly.

Further, 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, during a transition period an outgoing Cabinet/FMB 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.

Guiding Principles **1, 3, 4 and 5**

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

Authority

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

Process

- (1) Within the three months immediately preceding the dissolution of a Legislative Assembly and not less than one month before the dissolution, Cabinet/FMB will provide the Standing Committee on Accountability and Oversight with a confidential briefing which will identify any:
 - a) significant intergovernmental, labour, program, or contractual negotiations currently underway which could reasonably be expected to conclude or 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 Accountability and Oversight will, not less than two weeks before the dissolution of a Legislative Assembly, provide Cabinet/FMB written comments on the issues and plans identified in the briefing referred to in paragraph (1) above.
 - (3) The outgoing Cabinet/FMB 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 Accountability and Oversight 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 preempt or fetter the authority of the next Legislative Assembly;
 - d) the implications of deferring the decision to the next Cabinet/FMB or Legislative Assembly; 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 Cabinet and the incoming Standing Committee on Accountability and Oversight:
 - a) those matters brought to the attention of the former Standing Committee on Accountability and Oversight in accordance with paragraph (1) above and any substantive comments offered by the former Standing Committee on Accountability and Oversight in accordance with the paragraph (2) above; and
 - b) any new and significant policy decisions, contractual commitments, or appointments made by the outgoing Cabinet/FMB during the transition period.



 Chair, Caucus

March 2, 2021

 Date



 Chair, Executive Council

March 2, 2021

 Date



 Chair, Standing Committee on

02 MARCH 2021

 Date