

10 December 2024

File No. 5758-23

The Honourable Shane Thompson, Speaker
Legislative Assembly of the Northwest Territories
Box 1320, 4570 - 48th Street
Yellowknife, NT X1A 2L9

By email

Dear Mr. Speaker:

Complaint by Mr. Daniel Richards (Deneze Nahehk'o) about Staffing Appeals from hiring decisions by Northwest Territories Power Corporation

[1] This is my report pursuant to section 102(3) and (4) of the *Legislative Assembly and Executive Council Act* about the dismissal of a complaint received on 26 November 2024 from Mr. Daniel Richards (Deneze Nahehk'o).

[2] His complaint was about Minister Caroline Wawzonek's statements in relation to staffing appeals within the Government of Northwest Territories, specifically regarding the Northwest Territories Power Corporation (NTPC).

[3] The complaint had three elements:

1. Minister Wawzonek had incorrectly informed Mr. Richards that he must submit any staffing appeal about positions with the NTPC directly to the NTPC, rather than to the Deputy Minister of Finance pursuant to the Staffing Appeals Regulations applicable to the NWT Public Service.
2. If the staffing appeal went to the Deputy Minister of Finance, there would be a conflict of interest because the Deputy Minister of Finance (Mr. William Mackay) is also on the Board of Directors of the NTPC.

3. Minister Wawzonek has made public statements claiming that the NTPC operates at arm's length from the NWT Government, but the NTPC has included high-ranking government officials, highlighting potential conflicts of interest.

[4] Having looked in to the matter, I responded to Mr. Richard (Deneze Nahehk'o) as follows:

1. While Schedule 1 to the *Public Service Act* makes the NTPC part of the Public Service, section 3 of the Staffing Guidelines for the NWT Public Service makes it clear that the public service's staffing guidelines do not apply to NTPC:

Application

3. The Staffing Guidelines apply to the Government of the Northwest Territories' Departments and Agencies, *except the Northwest Territories Power Corporation*.

Minister Wawzonek correctly advised you that any staffing appeal involving NTPC had to be addressed to the NTPC.

I also understand that NTPC refers staffing appeals to an external staffing review officer who is an external lawyer retained for this purpose, not to the Deputy Minister of Finance.

2. Given that NTPC's staffing appeals do not go to the Deputy Minister of Finance, no conflict of interest is created by Mr. MacKay's being a member of NTPC's Board of Directors.
3. The fact that the NWT Government has appointed some senior officials to the NTPC's Board of Directors does not create a conflict of interest, and does not mean that it does not operate at arm's length from the NWT Government.

Accordingly, I dismissed the complaint pursuant to section 102(2)(a)(iii) of the *Legislative Assembly and Executive Council Act* as not disclosing a conflict of interest under the Act or a breach of the MLA's *Code of Conduct*.

[5] Mr. Richards (Deneze Nahehk'o) subsequently raised an issue about whether the Guidelines' exclusion of NTPC was consistent with the Staffing Appeal Regulations¹ made under the *Public Service Act*, as well as other concerns about the merits of his situation.

1. R-025-2006 as amended.

[6] Having considered the matter further, I responded as follows:

. . . I do not have jurisdiction to determine whether the Staffing Appeal Guidelines are consistent with the Staffing Appeal Regulation; I do not have jurisdiction to determine the merits of any appeal; and I cannot give you legal advice.

My role is to determine whether an MLA or a Minister is in a conflict of interest as defined in the *Legislative Assembly and Executive Council Act* (the “Act”) or has breached the MLAs’ *Code of Conduct* (the “Code”).

Minister Wawzonek’s advice that you should direct your staffing appeal to the NTPC, even if incorrect, does not constitute either a conflict of interest under the Act or a breach of the Code.

In addition, even if NCPC staffing appeals were to go to the Deputy Minister of Finance, the fact that the Deputy Minister is currently a member of NCPC’s Board of Directors does not create a conflict of interest for Minister Wawzonek, and could in any event be readily addressed either by the Deputy Minister’s delegating his function under the Staffing Appeals regulation or by recusing himself from discussions at the NCPC’s Board of Directors.

Accordingly, I am confirming my previous decision dismissing your complaint, and am closing my file.

[7] Although I have dismissed the complaint, steps could usefully be taken to clarify the relationship between the Guidelines and the regulation, as well as information about the process to be used for NTPC staffing appeals.

All of which is respectfully submitted by:



David Phillip Jones, K.C.
NWT Integrity Commissioner

cc: Mr. Glen Rutland, Clerk of the Legislative Assembly to glen_rutland@ntassembly.ca
Mr. Daniel Richards (Deneze Nahehk’o) to droger.plt@proton.me
The Hon. Caroline Wawzonek to [Caroline Wawzonek@gov.nt.ca](mailto:Caroline_Wawzonek@gov.nt.ca)