



18th Legislative Assembly of the Northwest Territories

Standing Committee on Rules and Procedures

You Are Standing for Your People:
Report on the Review of
Members' Conduct Guidelines

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**STANDING COMMITTEE ON
RULES AND PROCEDURES**

**YOU ARE STANDING FOR YOUR PEOPLE:
REPORT ON THE REVIEW OF
MEMBERS' CONDUCT GUIDELINES**

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STANDING COMMITTEE ON RULES AND PROCEDURES

YOU ARE STANDING FOR YOUR PEOPLE: REPORT ON THE REVIEW OF MEMBERS' CONDUCT GUIDELINES

INTRODUCTION

It is a priority of the 18th Legislative Assembly to promote and ensure, to the greatest extent possible, a high standard of personal and public conduct for current and future Members. To that end, Motion 6-18(1) was passed on December 17, 2015:

WHEREAS the Members of the 18th Legislative Assembly are mindful that it is an honour and a privilege to serve the people of the Northwest Territories as legislators;

AND WHEREAS the trust and confidence the people have placed in conferring this office upon us demands the highest standard of conduct, integrity and honour;

AND WHEREAS Members are resolved to do our utmost to hear the voices of all our people; preserve our traditions and bridge them with new ways to build our future; provide legislation, policies and services for the good of the people as individuals, families and communities; promote the equality of all our people; distribute resources fairly and justly; and respect and honour our land and all its inhabitants;

AND WHEREAS Members recognize that we owe to this legislature respect as well as dedication to ensuring the integrity of our government and to earning the confidence of the people;

AND WHEREAS Members recognize that we owe to our constituents our best efforts at effective representation as well as accountability, honesty, fairness and courtesy;

AND WHEREAS Members recognize that we owe to the public a responsibility to work for the well-being of all residents of the Northwest Territories;

AND WHEREAS Members recognize that we owe to our colleagues fairness and respect for differences, and the duty to work together with goodwill for the common good;

AND WHEREAS, Members are resolved not to act, nor condone others to act, in ways which are dishonest or which exploit, slander or discriminate against others;

AND WHEREAS Members acknowledge a vision and a responsibility to improve the lives of our people and to act in creative ways to overcome the hardships which destroy life and hope and the human frailties which fall upon us;

AND WHEREAS Members are resolved to respect and abide by the laws of Canada and the Northwest Territories and will not act in ways which will violate these laws;

AND WHEREAS paragraph 75(a) of the Legislative Assembly and Executive Council Act provides that each Member shall perform his or her duties of office and arrange his or her private affairs in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the Member;

AND WHEREAS past Assemblies have seen fit to adopt principles to guide Members' conduct;

NOW THEREFORE I MOVE, seconded by the honourable Member for Nahendeh, that this 18th Legislative Assembly formally adopts the Members' Conduct Guidelines as appended and which forms part of this resolution;

AND FURTHER, that each Member of the Legislative Assembly shall sign a copy of the Members' Conduct Guidelines before the Clerk of the Legislative Assembly, who shall make all signed copies available to the public through the Legislative Library and by posting signed copies on the Assembly website;

AND FURTHERMORE, that this Assembly refer the Members' Conduct Guidelines to the Standing Committee on Rules and Procedures for a comprehensive and public review, including a thorough examination of conduct guidelines from other jurisdictions, both parliamentary and non-parliamentary organizations, all relevant legislation, and the Rules of the Legislative Assembly of the Northwest Territories, and that the Standing Committee report back to this Assembly during the fall sitting of 2016.

The Committee notes that the referral motion directs a review of Members' Conduct Guidelines as part of a broader framework governing Members' behaviour. The purpose of this report is to recommend ways to strengthen that matrix, and through it, public confidence in the Legislative Assembly. The Committee held public hearings in

Inuvik on November 29, 2016; Hay River on December 1st, and Yellowknife on December 6th, preceded by an interim report presented on October 25, 2016. The Committee also solicited written submissions. Eight were received and posted on the Committee's webpage. The Committee heard repeatedly that Members of the Legislative Assembly must set and live up to the highest standards of conduct, and be accountable and available to their constituents.

Members' conduct and eligibility for office are regulated by a matrix of laws and the Rules of the Legislative Assembly. These include Canada's Charter of Rights and Freedoms and the Northwest Territories *Elections and Plebiscites Act*, as well as the *Legislative Assembly and Executive Council Act*, the Assembly's Oath of Office, Members' Conduct Guidelines, Rules of the Legislative Assembly, standards set by the Assembly's Board of Management, and authorities established through parliamentary privilege. While this sounds complicated, the various rules apply through the linear course of candidacy, membership in the Assembly, and after a Member's term ends. This report generally follows that chronology.

Eligibility for Office in the Northwest Territories Legislative Assembly

Canada's Charter of Rights and Freedoms provides that every citizen has the right to vote in elections for members of the House of Commons or Legislative Assembly and to "be qualified for membership therein." The right to run for office may only be limited in ways justifiable in a free and democratic society. Court decisions to date show that such restrictions, when challenged, are carefully scrutinized to determine if they are absolutely necessary to ensuring confidence in the electoral process.

Within those parameters, provinces and territories set qualifications for candidates running for election. In the Northwest Territories (NWT), the *Elections and Plebiscites Act* and the *Legislative Assembly and Executive Council Act* define who is an eligible candidate for election and who may serve in the Legislative Assembly.

Generally, a person is eligible to be a candidate if he/she is a Canadian citizen, is at least 18 years old, and has been a resident of the Northwest Territories for at least 12 months.

Current legislation disqualifies candidates or Members convicted and imprisoned as a result of a criminal offence; the disqualification ends when the term of incarceration ends. The disqualification does not include offences that do not result in jail sentences. Such matters fall to the Legislative Assembly's rules, conduct guidelines, and use of parliamentary privilege to discipline or expel its Members.

The *Elections and Plebiscites Act* also includes a five-year prohibition of anyone convicted of a major election offence from being elected or sitting as a Member, voting, or holding office appointed by the Commissioner or Legislative Assembly. These offences include such conduct as voting more than once, intentional miscounts,

knowingly making false statements about a candidate's character, attempting to intimidate or compel a person not to run for election, and others. This prohibition is consistent with other Canadian jurisdictions, including elections for Parliament. It is a very significant prohibition, as it is a mechanism to ensure both the integrity of elections and public confidence in them. The five-year prohibition takes into account the typical four-year election cycle and the seriousness of violations of the public trust in elections.

The majority of public submissions to the Committee argued that these restrictions set too low a bar for candidates for the Legislative Assembly, too low a bar for leadership of our territory. People accurately pointed out that in our system of consensus government there is almost no screening of candidates as is carried out by parties in other jurisdictions. In the Northwest Territories, anyone who meets the basic qualifications for candidacy must also present a nomination paper signed by 15 electors resident of the district. Our minimal requirements for candidacy make our elections very open compared to other jurisdictions, but can also result in candidates who would likely be screened out as unsuitable by parties in other jurisdictions.

For example, the Liberal Party's national rules for the selection of candidates require them to sign and comply with a code of conduct, to answer a lengthy questionnaire, provide a credit check, documentation of criminal record (if any), and consent to extensive background checks. All candidates are subject to party approval.

A potential solution for this deficit in the NWT was offered at the Committee's hearing in Hay River, where a recommendation was made for an independent special committee to screen candidates, using set guidelines. A complementary option is for Elections NWT to require potential candidates to file information similar to what Canadian political parties require for candidates.

Another practice used by political parties is to require candidates to endorse a code of conduct covering the election period to the day a successful candidate takes his or her oath of office. This gap was identified as problematic in submissions to the Committee, and Members agree. Implementation of these ideas would require amendments to the *Elections and Plebiscites Act*.

Recommendation 1

The Standing Committee on Rules and Procedures recommends that the *Elections and Plebiscites Act* be amended to provide that, during the election period, candidates declare compliance with a code of conduct including the duties to abide by the laws of the NWT and Canada; to conduct his/herself with honesty, integrity, and respect for others; and, to refrain from actions that would upon election create, or be perceived to create, a conflict of interest as set out in section 74 of the *Legislative Assembly and Executive Council Act*.

Some presenters to the Committee pointed to jobs with higher standards, including requirements for criminal record checks, than those for candidates for our legislature. Others argued that anyone with a criminal record (and who had not been pardoned) should be denied the right to run for office for two to five years. Some suggested that only persons who had committed very serious criminal offenses should be subject to such a restriction, particularly those guilty of violent crimes. It was also recommended that persons convicted of criminal offenses involving violence or threats of violence against a person over whom the offender was in a position of "trust, authority, or intimacy" should be ineligible for office five years after completing their period of incarceration.

This advice was given with references to epidemic levels of family violence in the NWT and its northern neighbours, and high rates of crime in general. Some of this violence is the sad, long-term by-product of the past 200 years of our history, a history of colonization, devastating outbreaks of influenza and tuberculosis, sickness and alcohol addiction, suppression of culture and language, and residential schools rife with physical, sexual, and mental abuse. Healing has been held back by rapid changes in northern cultures, the historically transient nature of much of the non-aboriginal population, lack of jobs in many communities, poor housing, and low educational achievement.

Our territory's history is also one of transcendence, of harmony with the land and its lessons, and of determination to reassert Indigenous peoples' rights and cultures. Visionary leaders have emerged and made remarkable contributions to a stronger, healthier NWT. For the past forty years, a strong movement has grown to overcome addictions and mental health conditions born of a turbulent past and today's social challenges. Today's statistics show that this healing remains a work in progress across our society.

In a typical year, police in the NWT report more than 19,000 alleged Criminal Code violations (excluding traffic). While there are multiple violations alleged of some individuals, this is a large number for a population of 44,000. This figure includes approximately 2,500 reported assaults, about 200 of them sexual assaults. The rate of reported family violence is almost eight times the national average, exceeded in Canada only by Nunavut's. Notably, the numbers of official, reported sexual assault allegations in the NWT is artificially low due to 30 percent of complaints being judged as "unfounded" by RCMP, according to a recent investigation by The Globe and Mail covering the period from 2010 through 2014. The national average is 19 percent. The rate in Terrace, BC, a northern community comparable in size and demography to Yellowknife, is 12 percent.

Given the rates of violent crime in the NWT, what is the probability of being a victim at some point in one's life? A five-year research project led by the YWCA found that intimate-partner violence "is pervasive and normalized" in the NWT. A map showing numbers of incidents reveals that intimate-partner violence is common in most of our

communities and municipalities. In a 2007 survey by the NWT Bureau of Statistics, 88 percent of respondents across the NWT were either very worried or somewhat worried about family violence in their community. The YWCA's 2016 report, Hush Hush No More, documents the devastating impacts of this violence and the consequences of silence, and provides practical recommendations for change.

The NWT's Chief Coroner has repeatedly called attention to the number of homicides involving domestic violence. Most recently, in December 2016, Cathy Menard informed CBC News that four of five homicides in 2015 involved family or intimate partner violence. "Whether I'm talking about homicides or suicides, family and domestic violence is part of a lot of our cases," Ms. Menard told the CBC.

In Canada, seven of ten victims of family violence in 2014 were women and girls, according to Statistics Canada's General Social Survey, which also found that approximately three-quarters of all incidents of domestic violence are not reported. These are grave indicators of crisis in our society.

The YWCA and others suggest that the Legislative Assembly should lead "a departure from silence and a strong normative statement about leadership. We want family violence to become socially unacceptable. We want extended families to step in to stop violence and support their family members toward change, not silence or denial." This is a clear call for help, a call for healing, a call for a healthier society in which families can prosper.

Committee members agree that violence, particularly family violence, is far too common in the NWT. Domestic violence causes family breakdowns and undermines communities; it is a tremendous burden on the victims and even offenders. Family and intimate-partner violence is a fundamental violation of trust – the trust between people who most depend on each other. The damage to children who are direct victims or witness this violence is well-known and cyclical. Children from violent homes have higher risks of alcohol and drug abuse, post-traumatic stress disorder, and adult criminality. The damage often spans multiple generations, becoming a 'fact of life' for far too many people.

On another level, family violence perpetuates and compounds historical wrongs, deepens societal inequities, and taxes our health and justice systems. Every Member elected to the Legislative Assembly hears a great deal about these issues from constituents and in carrying out their duties as Regular Members and Ministers, and must make decisions for the common good.

During the Committee's hearings, members of the public reminded us that there have been Members of the Legislative Assembly who had committed crimes. There is currently no impediment in law to anyone who has served his or her sentence to becoming a candidate, and this is generally the case across Canada. Some presenters to the Committee also noted that a truly rehabilitated offender might be capable of

exemplary leadership, and if they became a candidate, their transformation should be assessed by the voters.

Once in office, an elected Member is subject to the Members' Conduct Guidelines which require him/her, in part, to:

Hear the voices of all our people...promote the equality of all our people...respect our land and all its inhabitants...To the legislature, I owe respect as well as dedication to my role in ensuring the integrity of our government and in earning, through my actions, the confidence of the people...To the public, I owe a responsibility to work for the well-being of all residents of the Northwest Territories...I will respect and abide by the laws of Canada and the Northwest Territories and I will not act in ways which violate these laws.

These guidelines clearly cover Criminal Code offenses, which include family violence and threats of violence. All Members of the 18th Assembly signed these guidelines upon taking office, and unanimously agree that these standards must be met.

The Committee heard that candidates for the Assembly should be held to similar standards. Such a proposal must pass legal muster as a justifiable limit on an individual's Charter right to "be qualified for membership" in the Legislative Assembly. The Committee proposes to meet this threshold by adding a reasonable and narrow qualification for candidacy for a five-year period, consistent with the length of current restrictions on those convicted of major offenses under the *Elections and Plebiscites Act*.

Recommendation 2

The Standing Committee on Rules and Procedures recommends that the *Elections and Plebiscites Act* be amended to include a five-year limit on eligibility for candidacy for anyone convicted of an offence of violence or threats of violence under the Criminal Code of Canada and who has not received a pardon or record suspension; and,

Where the offence was committed against a person over whom the accused was determined by the presiding judge to be in a position of trust, authority, or intimacy; and,

If applicable, that the limitation not apply to offences committed before the coming-into-force date of this amendment; and,

That a consequential amendment of section 6 of the *Legislative Assembly and Executive Council Act* ensure consistency of qualification of sitting Members and candidates.

The Committee does not propose to retroactively apply the recommended limitation. While the limit may not deter any criminal offences, Committee members feel strongly that no limit should be placed on the candidacy of a person as a result of offences committed before such a provision becomes law. Our report is focused on improving accountability into the future.

It was suggested during the Committee's hearings that a restriction of the type proposed may be discriminatory to Indigenous peoples due to their over-representation in the justice system. There is no doubt that a disproportionate number of offenders in the NWT are of Indigenous descent; it is another tragic consequence of northern history, outlined above. There are also allegations of racial bias in the justice system. However, no presenter at the Committee's hearings provided evidence showing that rates of domestic violence convictions are disproportionately higher among individuals of any ethnicity. No such statistics are readily available in the NWT or Canada. Domestic violence is an issue in our society as a whole, and particularly in the NWT. It is the Committee's opinion that its proposed qualification for candidacy does not discriminate against anyone on the basis of ethnicity.

It is well-known that crimes involving domestic violence are heavily gender-weighted; those charged are predominantly male. According to RCMP G Division statistics provided to the Coalition on Family Violence, men were charged in 1,897 of 2,316, or 82 percent of cases involving domestic violence from 2008 through 2012. (Note that these are the number of charges, not the number of individuals charged.) However, this rate suggests that men are more likely to be affected by the Committee's proposed qualification for candidacy than women.

This is by no means evidence that the proposal is discriminatory; it is simply a fact that the offenses in question are most often committed by men. Similarly, it is a fact that far fewer women than men run for territorial office; that only ten of 60 candidates in the 2015 election were women; that the typical elected Legislative Assembly is comprised of two women among the 19 members. From these facts, one cannot conclude that the electoral process is discriminatory against women, although it may be for various reasons. The Committee is confident that its recommended qualification on candidacy would not result in an under-representation of men in the NWT electoral process.

Oath of Office

Sworn oaths of office obligate Members to a standard of conduct. The Legislative Assembly's oaths of office for Members and Ministers are set out in Schedule B of the *Legislative Assembly and Executive Council Act*. For example:

I, (Member's name), do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trust reposed in me as a Member of the Northwest Territories Legislative Assembly. So help me God.

Members' and Ministers' oaths are sworn before the Commissioner with due ceremony and gravity, generally with close family present, in a televised proceeding in the Chamber. This is an excellent practice that attracts considerable public attention; it can be better used to promote a high standard of conduct.

The Committee recommends that a more substantial oath of office be adopted to increase Members' focus and public attention to matters of conduct by linking the oath to additional duties, standards, and statutory requirements set out elsewhere. Newfoundland and Labrador's Oath of Office is a good example, featuring specific links to the province's *Elections Act* and the Assembly's Code of Conduct. It is easily adapted for use in our system.

Recommendation 3

The Standing Committee on Rules and Procedures recommends that the Legislative Assembly's Oath of Office be revised in Schedule B of the Legislative Assembly and Executive Council Act as follows:

I, (Member's name) do swear (or affirm) that:

- a) I am fully qualified to hold the office of Member for the district of _____ to which I have been elected;**
- b) I have not knowingly contravened the *Elections and Plebiscites Act* respecting any matter in relation to my election;**
- c) I will faithfully, to the best of my ability, perform the duties and responsibilities of my office and will not allow any direct or indirect monetary or other personal or private interest to influence my conduct or affect my duties in public matters;**
- d) I hereby affirm, subscribe to, and agree to follow the Members' Conduct Guidelines (or Members' Code of Conduct, if applicable) adopted by the Legislative Assembly. (In the case where the oath is sworn, add "So help me God.")**

Members' Conduct Guidelines

The Legislative Assembly established the Members' Conduct Guidelines during the 12th Assembly. Subsequent assemblies have each formally adopted them (except the 15th). The Members' Conduct Guidelines were amended in the first days of the 18th Assembly for greater emphasis on effective representation, to reaffirm Members' duty to arrange their private matters so as to maintain the trust and confidence of the public, and to include a pledge to abide by the laws of the land.

For the first time, Members of the 18th Assembly formally signed copies of the Members' Conduct Guidelines before the Clerk. These signed copies are publicly available and posted on the Assembly's website. (See Appendix A)

Despite the high standards set out for Members' conduct, most are broadly described and aspirational in nature. Some standards could be improved. For example, few would object to the intent of the requirement that:

I will not act, nor condone others to act in ways which exploit, slander, or discriminate against others. I will not act, nor condone others to act in ways which are dishonest or which exploit positions of privilege for personal gain.

However, it is unclear what action this provision requires of a Member with respect to misconduct by others. If this aspect of the provision is to remain, it should provide more specific guidance to Members. The Committee sees no inherent conflict in a code of conduct containing both aspirational and prescriptive conduct.

Several people at the Committee's public hearings advised that attendance should be specifically addressed in the Members' Conduct Guidelines or code of conduct; it was suggested that Members should be accountable for their attendance during their terms. Certainly chronic absence is undesirable and represents an impediment to fully-effective consensus government. The current Guidelines state:

To my constituents, I owe my best efforts at effective representation as well as accountability, honesty, fairness, and courtesy. To the legislature, I owe respect as well as dedication to my role in ensuring the integrity of our government.

This standard leaves attendance to each Member's judgment with respect to its relationship to his/her "best efforts at effective representation" and "dedication". If the Members' Conduct Guidelines are revised, amendment of this section could be considered – but with the understanding that specific rules are set out in legislation. The *Legislative Assembly and Executive Council Act* regulations require Members' attendance to be recorded and regularly tabled in the Assembly by the Speaker for the information of constituents and the general public. These records are posted on the Assembly's website under both Tabled Documents and Members' Accountability-

Absences. However, there is currently no penalty for absences of any type. The rules respecting Members' absences are included in the Members' Handbook, adopted by the Assembly's Board of Management as its record of official policy. If it is the collective will of Members to change these rules, the matter is best addressed through the Board of Management.

The term Members' Conduct "Guidelines" implies that the conduct described may be optional. Guidelines also imply a lack of enforceability, which is misleading: the Legislative Assembly has full authority to regulate its internal affairs and discipline Members for misconduct or other inappropriate behaviour. Implementation of Recommendation 3 would also improve the enforceability of the Members' Conduct Guidelines (or the more appropriately titled Code of Conduct) by adding the duty to follow them to the *Legislative Assembly and Executive Council Act*.

Recommendation 4

The Standing Committee on Rules and Procedures recommends that the Members' Conduct Guidelines serve as the basis for a new Members' Code of Conduct including more specific and enforceable provisions; and, that the new code be presented to the Assembly for consideration and adoption.

In the event of breaches of the current guidelines, a wide range of sanctions and penalties are available, right up to imprisonment and loss of seat in the Assembly. However, it is difficult to enforce a code of conduct without an established system to deal with complaints or a designated body to investigate them. The Committee outlined several options in its interim report. Three models of enforcement were considered:

- Internal regulation by the Assembly;
- External regulation by a judicial body; and,
- Creation of an independent commissioner who reports to a parliamentary committee.

The Committee considered the likely efficiency, expense, and consequences of these methods in service of our small legislature, where complaints, we trust, will be few in number. It is nevertheless essential that any and all complaints be addressed promptly, fairly, and with integrity. The system of handling complaints must not itself be a barrier to making a complaint, for a Member or a member of the public.

Our current accountability system features an independent Conflict of Interest Commissioner who is a statutory officer of the Legislative Assembly. His/her authority, set out in the *Legislative Assembly and Executive Council Act*, is weighted toward financial matters, contracts, and private interests, though it also covers gifts and favours, nepotism, and outside activities. In addition, the *Act* establishes an

overarching requirement for a Member to “perform his or her duties of office and arrange his or her private affairs in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the member.” Thus the Conflict of Interest Commissioner already has authority related to some provisions of the current Members' Conduct Guidelines.

The qualifications and skills required of the Conflict of Interest Commissioner are very much akin to those of an ethics commissioner, who could be tasked with oversight of a Members' Code of Conduct or even our current Members' Conduct Guidelines. Notably, investigation of alleged conflict-of-interest by Members is currently triggered by complaints, which may be made by a Member or any other person. The Committee notes that other provincial assemblies have statutory officers whose duties include oversight of both conflict-of-interest matters and their code of conduct. Newfoundland and Labrador's Commissioner of Legislative Standards is one such example.

The Committee was urged to recommend broad new powers for a combined Ethics and Conflict of Interest Commissioner, including the ability to conduct “regular, unannounced audits of the activities of the people under his/her jurisdiction. This would include audits of bank accounts including during post-office-holding cooling-off periods, to track suspicious transactions.” This degree of Commissioner-as-police-investigator is not necessary, represents a serious challenge to his/her neutrality, and is not what the Committee envisions.

Recommendation 5

The Standing Committee on Rules and Procedures recommends that the *Legislative Assembly and Executive Council Act* be amended to expand the duties of the Conflict of Interest Commissioner to include oversight of the Members' Conduct Guidelines or Code of Conduct; that the Commissioner be empowered to receive and investigate complaints from a Member or any other person respecting breaches of prescribed conduct, and to recommend sanctions or penalties, as appropriate, to the Speaker; and, that the newly-constituted commissioner be known as the Ethics Commissioner.

Fostering a Culture of Ethical Conduct

An effective system of regulating Members' conduct encourages integrity at all levels. If another Member knows of an alleged breach of conduct, he/she has a duty to raise the matter, in an official complaint if necessary. Similarly, members of the public with reason to suspect misconduct have a civic duty to register an official complaint that could trigger investigation.

The Committee believes that adoption of its recommendations would represent positive steps toward fostering a culture of ethical conduct. Committee members plan to promote understanding of the contents of this report through conventional and social media, and in the Assembly itself. Discussion of this report is a valuable first step.

These will be recurring opportunities if the Committee's recommendations are adopted, as changes to both the *Elections and Plebiscites Act* and the *Legislative Assembly and Executive Council Act* would be necessary. The Assembly's public review of a proposed new and improved Code of Conduct is also likely to attract wide interest.

If and when the changes outlined in this report are adopted, the Committee recommends that the Legislative Assembly promote them in the media and ensure that information is easily located on its website, with useful links under the "Members' Accountability" section. These should include a link to the description of Conflict of Interest Commissioner's (or the recommended Ethics Commissioner's) duties, now under "Statutory Officers." Clear instructions should be provided on how to register a complaint about a conflict of interest or a breach of the Members' Code of Conduct, or Conduct Guidelines, as the case may be.

Members now review their circumstances and statutory declarations annually with the Conflict of Interest Commissioner. These meetings also serve as an annual reminder of each Member's obligations. If the proposed Ethics Commissioner is created, annual meetings will afford an opportunity to reinforce understanding of the Members' Code of Conduct, and to discuss any questions a Member might have.

It is vital that all Members set high standards for themselves, act in accordance with the high standards we adopt, and act as role models for both our colleagues and successors. A culture is built on strong practice and repetition; we must lead by example. Our words must be consistent with our deeds. As the title of our report states, "you are standing for your people."

Other Matters Raised by the Public

Conflict of Interest

A number of public submissions were received about conflict of interest, including extensive recommendations for amending provisions pertaining to Cabinet Ministers, Cabinet staff, and senior government officials. The latter three categories lie well beyond Members' conduct as referred to this Committee, and would require changes to the *Legislative Assembly and Executive Council Act* as well as other legislation and policy.

It was also suggested that the wording should be strengthened in the *Legislative Assembly and Executive Council Act* (and the Members' Conduct Guidelines) respecting Members' duty to "arrange (emphasis added) his or her private affairs in

such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the Member.”

The Committee is persuaded that there is merit in a public review of current conflict-of-interest provisions, particularly given new powers vested in our government as a result of devolution.

Recommendation 6

The Standing Committee on Rules and Procedures recommends that conflict-of-interest provisions of the *Legislative Assembly and Executive Council Act* and other relevant legislation and policy be the subject of a public review before the end of the 18th Assembly.

Recall Legislation

Several people urged the Committee to recommend recall legislation that would provide for on-going accountability to the electorate during a Member's entire term. Typically, such legislation requires a very strongly-endorsed petition that a sitting Member has lost support of his/her constituents, at which time the seat would be declared vacant and subject to a by-election.

Since it was adopted in British Columbia in 1995, no other province or territory has passed recall legislation. The hurdle to unseat an elected Member is necessarily high, and no recall petition can be submitted in the first 18 months of a BC Member's term. Since 1995, 26 recall petitions have been approved by the Chief Electoral Officer, but none succeeded. In one instance, the Member resigned.

A private Member's bill providing for a system of recall was attempted in our Legislative Assembly in 1995, prior to division of the territory. The bill was defeated on second reading.

The Standing Committee on Rules and Procedures believes that recall legislation may increase accountability of Members, but it is a significant undertaking outside the scope of Members' conduct as outlined in the referral motion to the Committee. Members thank all those who raised this issue, which underscored their messages that standards of conduct for candidates and Members' must be very high.

Members' Residency

The Committee heard multiple suggestions that candidates for MLA should be residents of their ridings, and/or that they should live in their riding once elected. As noted earlier, restrictions on candidacy must be consistent with rights guaranteed in the Charter of Rights and Freedoms. The Committee believes that residency is a matter for the

electorate to consider before casting their ballots; however, this question is outside the scope of the Committee's mandate to review the Members' Conduct Guidelines and associated legislation.

Lobbyist Registry

The Committee appreciates the comments we received about an improved record of lobbying of Cabinet members. This is timely, as Cabinet is consulting with communities on accountability and transparency. Committee members note this recommendation for an informative lobbyist registry to put it firmly on the public record, but this topic is again outside the Committee's mandate with respect to Members' conduct.

CONCLUSION

The Committee thanks everyone who contributed their time and effort to our review of the Members' Conduct Guidelines and associated legislation. Your feedback was of great help in our deliberations. Your specific advice, as well as the spirit and intent behind it, is much appreciated. Members thank Mr. Lawrence Norbert for suggesting the title of this report, which is derived from his original in Gwich'in.

Members of the Committee carefully studied all submissions and the relevant experience of other jurisdictions before making the recommendations in this report. These were not easy deliberations, but all members conducted them with open minds and the best interests of the NWT at heart.

The Committee believes the Assembly's consideration of the recommendations in this report will be a very important moment in the history of our consensus government. We recognize that many of the issues in this report are challenging – a fact that should not frighten us as legislators. This is what we were elected to do.

The work the Committee has done responds to the very first motion of referral to a Standing Committee by the 18th Legislative Assembly. These issues were top-of-mind following our election. The thoughtful and constructive advice we received from the public helps to illustrate why that was the case. The Committee thus felt some urgency to complete its task in sufficient time for the Assembly to implement any necessary changes during our term in office, in time for the election of the 19th Assembly. At the same time, there was a real need to enable meaningful discussion of some very complex issues. In response, the Committee presented its interim report before public hearings were held, and released a discussion paper featuring some key questions.

With this report, the Committee has fulfilled the duty it was assigned, and turns to the full Assembly to take the next steps we believe are necessary. We are asking all Members to support changes that will strengthen our consensus system of governance. We are asking all Members to break new ground in Canadian legislation to meet the needs of our northern society and legislature.

APPENDIX A

Legislative Assembly of the Northwest Territories Members' Conduct Guidelines

As a Member elected to the Legislative Assembly of the Northwest Territories, I acknowledge that I have accepted a responsibility to serve the people of the Northwest Territories. I seek wisdom, strength, courage, honesty, and caring from the people of the North, both from those who have built our past and from those who are shaping our future.



As a legislator elected to govern the Northwest Territories, I will serve to do my utmost to:

- Hear the voices of all our people;
- Preserve our traditions and bridge them with new ways to build our future;
- Provide legislation, policies, and services for the good of the people as individuals, families, and communities;
- Promote the equality of all our people;
- Distribute resources fairly and justly; and
- Respect and honour our land and all its inhabitants.

As a legislator, I will do my best to fulfill my duties to the legislature, the public, my constituents, and my colleagues with integrity and honour.



To the legislature, I owe respect as well as dedication to my role in ensuring the integrity of our government and in earning, through my actions, the confidence of the people.

To the public, I owe a responsibility to work for the well-being of all residents of the Northwest Territories.

To my constituents, I owe my best efforts at effective representation as well as accountability, honesty, fairness, and courtesy.

To my colleagues, I owe fairness and respect for our differences and the duty to work together with goodwill for the common good.

I acknowledge human vulnerabilities and will strive to bring honour to my role as a representative of our people.



I will perform the duties of my office with integrity, objectivity and impartiality and I will arrange my private matters so as to maintain the trust and confidence of the public.

I will respect and abide by the laws of Canada and the Northwest Territories and I will not act in ways which violate these laws.

I will not act, nor condone others to act in ways which are dishonest, or which exploit, slander, or discriminate against others.

As a legislator, I acknowledge a vision and a responsibility to improve the life of our people and I will strive to act in creative ways to overcome the hardships which destroy life and hope, and the human frailties which fall upon us.

So long as I am a Member of the Legislative Assembly, I will be true to these obligations, and will work to preserve the greatness of our land and our people.

APPENDIX A

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