

Standing Committee on  
Rules and Procedures



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# Report on the Review of the Rules of the Northwest Territories Legislative Assembly

19<sup>th</sup> Northwest Territories Legislative Assembly

Deputy Chair: Mr. Simpson

**MEMBERS OF THE STANDING COMMITTEE ON  
RULES AND PROCEDURES**

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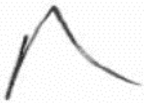
Hon. R.J. Simpson  
MLA Hay River North

May 30, 2023

## SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Rules and Procedures is pleased to provide its Report on the Review of the Rules of the Northwest Territories Legislative Assembly.



Rocky Simpson  
Deputy Chairperson

**STANDING COMMITTEE ON  
RULES AND PROCEDURES**

**REPORT ON THE REVIEW OF THE RULES OF THE NORTHWEST  
TERRITORIES LEGISLATIVE ASSEMBLY**

**Table of Contents**

INTRODUCTION.....	1
STATUTORY OFFICERS' ANNUAL REPORTING.....	2
OTHER CHANGES TO THE RULES .....	3
Regular Member Committee Membership .....	3
Removal of a Member from the Standing Committee on Accountability and Oversight.....	3
Committee Reports – Opinions of dissenting Members .....	4
Committee Review of a Bill – Not Ready to Proceed .....	5
Committee Reports .....	6
Petitions .....	6
Loss of Quorum.....	6
Anticipation.....	7
Strangers .....	7
APPENDIX A	

**STANDING COMMITTEE ON  
RULES AND PROCEDURES**

**REPORT ON THE REVIEW THE RULES OF THE  
NORTHWEST TERRITORIES LEGISLATIVE ASSEMBLY**

**INTRODUCTION**

The Standing Committee on Rules and Procedures (Committee) is pleased to report on its review of the Rules of the Legislative Assembly of the Northwest Territories.

The current Rules of the Northwest Territories Legislative Assembly (the Rules) were adopted December 7, 2021. At that time the rules were revised and reorganized into chapters to allow for revisions without having to repeal and replace the Rules. If carried by this Assembly, the recommendations of this report will be the first rules changes under this new structure.

In 2022 Speaker Frederick Blake twice wrote to Committee regarding the Rules; these letters are available in Appendix A.

In January 2022, the Speaker asked Committee to consider various matters including: Regular Member participation on Standing and Special Committees; Membership on the Standing Committee on Accountability and Oversight; dissenting opinions in Committee Reports; care of infants in the Chamber; the Rule of Anticipation; loss of quorum; petitions; and Committee reporting on the review of Bills.

In September of 2022 Speaker Frederick Blake wrote the Standing Committee on Rules and Procedures (the Committee) regarding changes to the release of reports from Statutory Officers, like the Ombud and Languages Commissioner. In addition, Committee considered changes identified by Members of the Legislative Assembly (MLAs), the Committee, and Office of the Clerk staff.

The *Legislative Assembly Officers Standardization Act* received Assent on October 27, 2020. Under this Act all Statutory Officers' Annual Reports are due to the Speaker on July 1 each year. However, under the current rules, these reports are not released publicly until the Speaker tables them in the Assembly. This

means these reports aren't normally released until October, more than three months after they are received.

At a meeting of the Board of Management in June 2022, an MLA requested to have Statutory Officers reports tabled in the May/June sitting. The MLA believed that the earlier tabling and release of the reports would facilitate quicker review by Committees. The Speaker asked Committee to determine the best approach to make Statutory Officers' Annual Reports available to the public and Standing Committees earlier.

## **STATUTORY OFFICERS' ANNUAL REPORTING**

Committee recognises the importance of Statutory Officers' Annual Reports to public and Standing Committees. Committee also recognizes that timely release of information is a key component of transparency and accountability.

Committee considered the four options identified by the Speaker. Given the importance of these reports and the request made to the Board of Management, Committee does not believe the status quo is a viable option.

Requiring Statutory Officers to produce their reports for tabling in the May/June session represents an additional burden, as their reporting year ends March 31, 2023. Committee felt it was unnecessary to amend legislation when the matter could be addressed through amendments to the Rules. Therefore, Committee recommends:

### **Recommendation 1:**

**The Standing Committee on Rules and Procedures recommends that the following be added after Rule 4.5:**

**4.6 A Statutory Officers' Annual Report received by the Speaker shall be communicated to Members and made publicly available within seven calendar days when the house is not sitting. The Speaker will table the report in the House at the earliest opportunity.**

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## **OTHER CHANGES TO THE RULES**

### **Regular Member Committee Membership**

Standing Committees are established each Assembly and conduct important work on behalf of the Assembly. Other than this Committee, which includes membership from Executive Council, Standing Committees only include Regular Members. The Board of Management, while not a Standing Committee, also conducts important work on behalf of the Assembly and has membership from both the Regular Members and Executive Council.

To ensure an equitable distribution of work among Regular Members, Committee recommends:

#### **Recommendation 2**

**The Standing Committee on Rules and Procedures recommends that the following be added after Rule 9.2(5):**

**9.2(5.1) Each Regular Member shall sit on a minimum of two Committees, in addition to the Standing Committee on Accountability and Oversight. This includes Standing Committees and the Board of Management.**

### **Removal of a Member from the Standing Committee on Accountability and Oversight**

Members are appointed to standing and special committees by way of motion, on notice. Changes to membership on these committees must be made by way of a motion, on notice. The Standing Committee on Accountability and Oversight (AOC) is an exception to this practice. Rule 9.2 (2) provides that the Assembly shall appoint the Standing Committee on Accountability and Oversight all Members except those Members appointed to the Executive Council and the Speaker.

Recognizing that whether by the Rules or by motion, membership on AOC is established by the House, it would be inappropriate for AOC to have the ability to remove a Member. This authority rests solely with the House. However, Members of AOC have highlighted there needs to be some way of controlling or disciplining AOC Members who are disruptive, particularly when the House is not sitting.

Committee is recommending the Rules be amended to provide AOC with the authority to suspend a Member for up to three meetings in certain situations. This would mirror an authority the Board of Management currently has with its Members.

If AOC exercises this authority, by a majority vote of its Members, they must report any suspension to the House, at the first available opportunity during Reports of Standing and Special Committees. This would bring public attention to the Member's conduct which would be a public sanction.

Ultimately if suspension does not address the issue, a motion could be brought forward to remove a Member from AOC. Once removed, a Member could only be reappointed to AOC by a motion of the House.

### **Recommendation 3**

**The Standing Committee on Rules and Procedures recommends that the following be added after Rule 9.3(9):**

**(9.1) If a Member of the Standing Committee on Accountability and Oversight acts in a manner that warrants discipline, which includes but is not limited to:**

- (a) Violating any provision of the *Legislative Assembly and Executive Council Act and its regulations that deal with conduct and responsibilities of Committee Members;***
- (b) Disclosing confidential committee information without committee approval;**
- (c) Attending a meeting under the influence of alcohol, cannabis, or other mind-altering substance; and**
- (d) Being repeatedly absent from meetings without a valid excuse.**

**The Committee may, by majority vote, suspend the Member from the Committee for a period of up to three meetings in duration.**

**(9.2) If a Member has been suspended from the Committee for a period of time, the Chair of the Committee will report the suspension to the House under Reports of Standing and Special Committees.**

**(9.3) The Committee may, at any time, recommend to the House that a Member be removed from or reappointed to the Committee.**

### **Committee Reports – Opinions of dissenting Members**



During both the 18<sup>th</sup> and 19<sup>th</sup> Assemblies, some Committee Reports have included dissenting opinions. The Rules don't address dissenting opinions and how they can or should be incorporated into Committee Reports. Committee recommends:

**Recommendation 4**

**The Standing Committee on Rules and Procedures recommends that the following be added after Rule 9.4(1):**

**(1.1) One or more Member(s) of the Committee, may indicate that they dissent from a particular recommendation or comment.**

**(1.2) A Member or Members who wish to express the reasons for their dissent may do so in an appendix to the report.**

**(1.3) The Chair of a committee will establish a reasonable deadline for any dissenting opinion to be shared with Committee members before the report is presented to the House.**

**Committee Review of a Bill – Not Ready to Proceed**

The Rules provide that bills reported from a Committee shall be received by the Assembly and ordered into Committee of the Whole. This applies even when a Committee reports that a bill should not proceed. As a result, where a Committee recommends that a bill should not proceed, there is no procedural significance to the Assembly.

If a Standing Committee, reports to the House that a Bill 'should not proceed', this Committee believes the Bills' sponsor should be required to move a motion to consider the Bill in Committee of the Whole. Committee believes this strikes a balance between the views of a Standing Committee and the Bill sponsor's desire to advance their legislation. Committee recommends:

**Recommendation 5:**

**The Standing Committee on Rules and Procedures recommends the following be added after Rule 8.3(8):**

**(9) A Bill reported by a Standing or Special Committee as 'should not proceed', shall require a motion be adopted by the House to consider the Bill in Committee of the Whole.**

## Committee Reports

The existing rules contain a typographical error in Rule 9.4(4). Committee recommends:

**Recommendation 6:**

**The Standing Committee on Rules and Procedures recommends that Rule 9.4 (4) be amended by adding the word “not” after the words “Committee of the Whole shall...”**

## Petitions

Petitions are a way the public can communicate directly with elected officials. Rule 4.4 (8) requires that signatures on a petition be handwritten, or electronic signatures obtained from the Legislative Assembly e-petitions site. However, the e-petition option was removed from the Assembly website as the previous provider ceased operations.

Our territory is vast, and our communities are widespread. Organizing petitions across multiple communities can prove difficult; however, this difficulty can be reduced with the use of electronic petitions.

As written, our Rules prevent the use of e-petitions from websites other than the Assembly’s own platform, which is no longer available. To ensure that electronic petitions remain a meaningful way for residents to communicate with this Assembly, Committee recommends:

**Recommendation 7:**

**The Standing Committee on Rules and Procedures recommends that Rule 4.4 (8) be amended by:**

**deleting the words “the Legislative Assembly e-petitions site” and replacing them with the words “an electronic petition site approved by the Speaker.”**

## Loss of Quorum

If quorum is lost during a sitting, the Rules require the Speaker to adjourn the Assembly until the next Sitting day. The Rules do not address whether all

remaining business stands over to the next day. Committee makes the following recommendation:

**Recommendation 8:**

**The Standing Committee on Rules and Procedures recommends that the Rule 2.3(4) be amended by adding “All remaining business shall stand over until the next Sitting day” to the end of the existing rule.**

**Anticipation**

The Rule of Anticipation prevents discussion on matters that are planned for another time on the Orders. While not previously stated in the Rules; it has typically been respected by this Assembly and its Members. For example, the Rule of Anticipation would prevent a Member or Minister from making a statement directly related to a motion that is on the Orders for debate.

Applying the Rule of Anticipation prevents an item on the orders from being pre-empted by unscheduled debate, contributes to efficient use of time in the Assembly and avoids repetition. Committee recommends:

**Recommendation 9:**

**The Standing Committee on Rules and Procedures recommends that the Rule 5.6 (2) be amended by adding the following after Rule 5.6(2)(c) “(d) shall not refer to any matter on the Orders for that day.”**

**Strangers**

As a part of making Assemblies more family-friendly, some legislatures across Canada allow a parent to bring an infant into the Chamber. Committee believes the Northwest Territories Legislative Assembly should continue to make efforts to make this institution more family-friendly and recommends:

**Recommendation 10:**

**The Standing Committee on Rules and Procedures recommends that Rule 1.9 (4) be amended by adding the words “A stranger does not include an infant being cared for by a Member” at the end of the Rule.**

This concludes the Committees report on its review of the Rules of the Legislative Assembly of the Northwest Territories.

## **APPENDIX A**

- Correspondence from Speaker Frederick Blake;

MR. JACKIE JACOBSON  
CHAIR  
STANDING COMMITTEE ON  
RULES AND PROCEDURES

January 27, 2022

### **Referral from Speaker**

I want to thank the Standing Committee on Rules and Procedures for their work on the new reorganized Rules of the Northwest Territories Legislative Assembly. Now that these reorganized Rules have been adopted, I believe it is time to begin consideration of substantive changes to the Rules that can be adopted in advance of the 20th Assembly. In addition to any items that the Committee may identify, I am formally referring the following matters to Committee for their consideration and recommendation:

- Should the Rules be amended to require a Regular Member to sit on a minimum number of Standing or Special Committees?
  - If so, what should be the minimum number?
  - Should membership on the Board of Management be included when looking at the number of Standing and Special Committees a Member sits on?
- Currently, all Regular Members are members of the Standing Committee on Accountability and Oversight by default. There is no mechanism for removing a Member from that Committee. Should the House be able to remove a Member from that Committee?
- In both the 18th and 19th Assemblies, dissenting opinions have been included in some Committee Reports, should this process be formalized and referenced in the Rules?
- As part of making Assemblies more open and family friendly, legislatures across Canada are considering the question of a parent bringing an infant into the Chamber. Should provision for this be included in our Rules?

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- The Rule of Anticipation is currently only part of the guidelines for Oral Questions, and is not referenced in the Rules themselves. Should it be included in the Rules of Debate?
- If quorum is lost during a sitting, the Rules require the Speaker to adjourn the Assembly until the next Sitting day. The Rules do not address whether the Clerk is to read the orders of the day, and whether all remaining business stands over to the next day.
- I understand Committee is already considering the section on Petitions, given the Legislative Assembly's e-petition site is no longer available.
- The Rules currently provide that every bill reported from Committee shall be received by the Assembly and ordered into Committee of the Whole. This applies even if Committee reports that a bill should not proceed. Should this be changed to require a motion to receive and move into Committee of the Whole, a bill that committee has reported as not recommended or ready to proceed?

I have copied all Members in case there are items or questions which they wish the Committee to review. I look forward to the House receiving Committee's report and recommendations on these issues, and thank Committee in advance for their work.



Frederick Blake

- c. Members
- Clerk
- Legislative Coordinator
- Committee Clerk
- Committee Advisor

MR. JACKIE JACOBSON, CHAIR  
STANDING COMMITTEE ON  
RULES AND PROCEDURES

September 12, 2022

### **Statutory Officers' Annual Reports**

Under the *Legislative Assembly Officers Standardization Act*, the submission of Statutory Officers' Annual reports due to the Speaker was changed to July 1st of each year and standardized across all eight statutes. At a June 2, 2022 Board of Management meeting a Member requested to have the reports tabled in the late May/June session. The rationale for the earlier submission was that committees are unable to get the report and start their work until they are tabled during the fall session.

The office of the Clerk committed to consult with each Statutory Officer on this proposed change. They were each asked to provide feedback on the following options:

- Option 1: Change the legislated timelines to June 1st of each year so the report could be tabled prior to the last day of the spring session. The concern with this proposal is that many of our statutory officers have identified that it's been difficult to meet the July 1st date due to translation, audited financials, edits, etc.
- Option 2: Provide committees with a copy of the report before it is tabled in the House. The reports would be shared in confidence only with committee members and not be made public until it is tabled. The concern with this option is that it would limit the work that committee could undertake, and the reports would not be able to be made public.
- Option 3: Change the Rules of the Legislative Assembly to allow tabling of documents between sittings. The advantage to this option is it would get the reports into the Committees' hands sooner (July or August) and also make the reports public so they are less dated by the time they are released. The report would then be formally tabled on the first sitting day of session.
- Option 4: Status Quo. Keep the July 1st date and do not share the reports with committee until they are tabled in the House at the fall sitting.

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The Statutory Officers unanimously agreed with Option 3, which would allow a tabling of their annual report between sittings. Upon review, it was noted that amending the Rules to allow for tabling of documents between sittings may have unintended consequences, where large numbers of documents could be tabled between sittings and new processes would be developed.

Procedural staff identified other options to achieve the goal of Members and Statutory Officers. This could include:

- Amending legislation to require the Speaker to deliver the report to Members and the Clerk upon receipt, or within a set period of time of receipt, and maintain the requirement to table at the first available opportunity.
- Amending legislation to require the Speaker to deliver the report to each Member of the Assembly and the Clerk, and require the Clerk to make the report available to the public, and maintain the requirement to table at the first available opportunity.
- These processes are already used for disposition reports from the Integrity Commissioner and Sole Adjudicator.
- Amend the Rules so that only the Speaker may table (and release) Statutory Officer reports between sittings.

On August 31, 2022, the Board of Management (Board) considered the request and the options put forward. The Board has decided to refer this matter to the Standing Committee on Rules and Procedures to determine the best approach to make Statutory Officers annual reports available to the public and committees earlier.



Frederick Blake  
Speaker

- c. Members,  
Board of Management  
Clerk, Legislative Assembly