

Standing Committee on
Rules and Procedures



Report on the Review of the Rules of the Northwest Territories

Legislative Assembly, No. 2

19th Northwest Territories Legislative Assembly

Chair: Mr. Jackie Jacobson

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**STANDING COMMITTEE ON
RULES AND PROCEDURES**

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

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STANDING COMMITTEE ON RULES AND PROCEDURES

REPORT ON THE REVIEW OF THE RULES

INTRODUCTION

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

With the 19th Legislative Assembly coming to end the Committee has reviewed the current Rules of the Northwest Territories Legislative Assembly (the Rules) and is making recommendations to better streamline administrative functions of the parliamentary process of the Northwest Territories. Committee is also making recommendations that the rules be updated to recognize the adoption of the Consensus Government Process Convention on the Introduction and Enactment of Bills Drafted Pursuant to the Intergovernmental Council Legislative Development Protocol.

BACKGROUND

The Process Convention on the Introduction, Consideration and Enactment of Bills

Drafted Pursuant to the Intergovernmental Council Legislative Development Protocol was signed by Premier, Chair of Caucus and Chair of the Standing Committee on Accountability and Oversight on March 6, 2023 and was tabled in the Assembly on March 8, 2023¹.

The Process Convention includes the extension of the referral to standing committee for bills drafted pursuant to the Protocol from 120 to 180 days, the timelines for the consideration of proposed committee amendments and the attendance of IGC representatives in standing committee meetings, in Committee of the Whole and at the formal Assent ceremony following Third Reading of a bill. It is important to note that although The Rules do not address Legislative Proposals, the Process Convention on Standing Committee Review of Legislation does outline the process.

¹ Process Convention on Bills Drafted Pursuant to the intergovernmental Council Legislative Development Protocol - TD# 885-19(2): [Link](#)

The Standing Committee on Rules and Procedures has recommended that the Process Convention on the Introduction, Consideration and Enactment of Bills Drafted Pursuant to the Intergovernmental Council Legislative Development Protocol continue with the 20th Assembly. To help create consistency for the next Assembly:

Recommendation 1

The Standing Committee on Rules and Procedures recommends that the Process Convention on the Introduction, Consideration and Enactment of Bills Drafted Pursuant to the Intergovernmental Council Legislative Development Protocol be renewed in the 20th Assembly to maintain and further develop relationships with Indigenous Governments.

The 20th Assembly should familiarize themselves with the Process Convention and look to enhance this important methodology in the development of land and resources legislation for the Northwest Territories. Examples include the extension of the referral to standing committee for bills drafted pursuant to the Protocol from 120 to 180 days, the timelines for the consideration of proposed committee amendments and the attendance of IGC representatives in standing committee meetings, in Committee of the Whole and at the formal Assent ceremony following Third Reading of a bill. To help promote that integration:

Recommendation 2

The Standing Committee on Rules and Procedures recommends that, when the Process Convention on the Introduction, Consideration and Enactment of Bills Drafted Pursuant to the Intergovernmental Council Legislative Development Protocol is renewed, consideration be given to further integration of the Process Convention into the Rules of the Legislative Assembly.

ADMINISTRATIVE CHANGES TO THE RULES

The Committee is also recommending changes and clarity to help streamline the Rules of the Northwest Territories Legislative Assembly.

Distribution of the Orders of the Day

Rule 1.6(6) requires the Clerk to “distribute the Order Paper for the day to each Member and to the Speaker”. However, by convention it is typically referred as the “Orders of the Day”. This is a change to create consistency in the rule book and provide greater clarity for members during house procures. To ensure consistency:

Recommendation 3

The Standing Committee on Rules and Procedures recommends that Rule 1.6(3) be amended by deleting “Order Paper for the day” and replacing it with “Orders of the Day” and that the title of rule 1.6(6) be amended to read “Distribution of the Orders of the Day”.

Law Clerk’s Responsibilities

Rule 1.6(8)(c) requires the Law Clerk to “review within 15 days from the close of each Session all legislation enacted prior to it’s distribution”. This is part of a statutory requirement of the *Northwest Territories Act* and is not required in the Rules. For simplicity:

Recommendation 4

The Standing Committee on Rules and Procedures recommends that Rule 1.6(8)(c) be deleted.

Raising a Question of Privilege

Rule 1.7(3) requires a Member to raise a question of privilege “immediately after the words are uttered or the events occur”. However, Rule 1.7(6) states that the Speaker will rule whether the matter was “raised at the earliest opportunity”. To ensure consistency:

Recommendation 5

The Standing Committee on Rules and Procedures recommends that Rule 1.7(3) be amended by deleting “immediately after the words are uttered or the events occur that give rise to the question” and replacing it with “at the earliest opportunity”.

Committee Reports Deemed Read

In recent years it has become practice to have long Committee Reports deemed read in their entirety and printed in Hansard. This is often done after an executive summary of the report, including any recommendations, is read in the house. In practice the motion to have the report deemed read has proceeded without notice; however, the Rules do not expressly permit this. To ensure clarity:

Recommendation 6

The Standing Committee on Rules and Procedures recommends that the following be added after Rule 6.1(2)(m): “(n) to have a Committee Report deemed read and printed in Hansard in its entirety.”

First Reading of Bills

Rule 8.2(3) relates to a Bill being deemed read at First Reading; however, the wording in the rules is unclear and does not reflect the practice in the house. To ensure clarity:

Recommendation 7

The Standing Committee on Rules and Procedures recommends that the wording of Rule 8.2(3) be deleted and replaced with “When the Sponsor of a Bill presents it for first reading the Bill will be deemed read for a first time.”

Board of Management

Rule 9.2(5) requires the Board of Management to be established in accordance with the *Legislative Assembly and Executive Council Act*. As the establishment of the Board is required by law it is redundant to also require it in the rules. To ensure consistency:

Recommendation 8

The Standing Committee on Rules and Procedures recommends that Rule 9.2(5) be deleted.

Standing and Special Committees – Number of Members

Rule 9.2(6) sets the maximum number of Members of a standing Committee at six, other than the Standing Committee on Accountability and Oversight. For Committees with six Members, a quorum of four Members is required. During the current Assembly it has, on occasion, been challenging for Committees with six Members to achieve quorum. To help ensure flexibility in the capability of Standing Committee to achieve quorum and set direction:

Recommendation 9

The Standing Committee on Rules and Procedures recommends that Rule 9.3(5) be amended by adding “With the exception of the Standing Committee on Accountability and Oversight, three Members are required for quorum unless the Committee’s terms of reference states otherwise.”

List of Members

Rule 9.3(2) requires the Clerk “distribute to every Members a list of the Members comprising the Committees and the Board of Management”. In practice this list is also made public on the Assembly website. To ensure consistency:

Recommendation 10

The Standing Committee on Rules and Procedures recommends that Rule 9.3(2) be amended by adding “and make the list available publicly” after the words “Board of Management”.

Notice of Meetings

Rule 9.3(6) requires the Clerk to “post notices of all Committee meetings in the Legislative Assembly office and circulate them to all Members”. With the adoption of the communication website Moodle in the current Assembly, Committee Members are advised of meetings by email notifications via the Moodle platform:

Recommendation 11

The Standing Committee on Rules and Procedures recommends that the wording of Rule 9.3(6) be deleted and replaced with “The Clerk shall notify all Regular Members of upcoming meetings and ensure Agendas are available publicly”.

Members May Attend Meetings – Exception

Rule 9.3(11) permits “a Member, who is not a Member of the Executive Council or the Speaker, and who is not a Member of the Committee”, to “attend Standing Committee meetings and may address the Committee after its Members have spoken, according to any limits imposed by the Chair”. Rule 9.3(12) provides an exception to the above rules for “public meetings of Standing Committees or when a Member of the Executive Council has been invited to attend a Standing Committee meeting”. By stating that rule 9.3(11) does not apply for public

meetings or meetings when a Member of Executive Council has been invited, 9.3(12) may be interpreted as preventing a Member who is not a Member of the Committee from attending or speaking in these meetings. To ensure clarity:

Recommendation 12

The Standing Committee on Rules and Procedures recommends that the wording of Rule 93(12) be deleted and replaced with “All Members may attend public meetings of Standing Committees and may speak according to any limits imposed by the Chair.

Reports of Committees – Response to Report

Most Committee reports request a response from Government. Rule 9.4(5) requires a motion to be moved in Committee of the Whole to require a response from Government within 120 days. Consideration of a Committee report and associated recommendations within Committee of the Whole can be a time-consuming process, often with little debate or discussion around Committee’s recommendations. To ensure clarity:

Recommendation 13

The Standing Committee on Rules and Procedures recommends that Rule 9.4 (5) be amended to read: The Government will be required to table a comprehensive response to a Committee report, including all recommendations, within 120 days, or at the earliest opportunity subsequent to the passage of 120 days when:

- a) A report requesting a response is adopted by the Assembly; or
- b) A motion is adopted by Committee of the Whole requesting a response.

Appearance of Witnesses before Standing or Special Committees

Rule 9.6(1) allows Committees to invite witnesses “at the discretion of the Chair”. In practice witnesses are invited with concurrence of the Committee. To ensure consistency:

Recommendation 14

Standing Committee on Rules and Procedures recommends that Rule 9.6(1) be amended by deleting “at the discretion of the Chair” and replacing it with “with concurrence of the Committee”.

Appearance of Witnesses before Committee of the Whole

Rule 9.6(5) requires the adoption of a motion by the Assembly for a witness to appear before Committee of the Whole on matters other than consideration of bills or estimates. It is conceivable that Committee of the Whole could wish to have a witness appear, in a manner like a Standing or Special Committee. Amending the rules to allow Committee of the Whole to have a witness appear without a formal motion in the Assembly is consistent with the process for having witnesses appear before other Committees. To ensure consistency:

Recommendation 15

The Standing Committee on Rules and Procedures recommends that Rule 9.6(5) be amended by deleting “through the adoption of a motion of approval by the Assembly” and replacing it with “with concurrence of Committee of the Whole”.

Point of Privilege

There are several references in the Rules which guides members on the use of a “question of privilege”. However, by convention we typically refer to a “point of privilege” rather than a “question of privilege”. To create consistency:

Recommendation 16

The Standing Committee on Rules and Procedures recommends Rule 1.7(3) be amended by deleting “question of privilege” and replacing it with “point of privilege”.

Recommendation 17

The Standing Committee on Rules and Procedures recommends the Sub-Title for Rule 1.7(3) be amended by deleting “question of privilege” and replacing it with “point of privilege”.

Recommendation 18

The Standing Committee on Rules and Procedures recommends the Sub-Title for Rule 1.7(5) be amended by deleting “question of privilege” and replacing it with “point of privilege”.

Recommendation 19

The Standing Committee on Rules and Procedures recommends the Sub-Title for Rule 1.7(7) be amended by deleting “question of privilege” and replacing it with “point of privilege”.

Recommendation 20

The Standing Committee on Rules and Procedures recommends that Rule 3.1(5) be amended by deleting “question of privilege” and replacing it with “point of privilege”.

Recommendation 21

The Standing Committee on Rules and Procedures recommends that Rule 3.2(3)(b)(iii) be amended by deleting “question of privilege” and replacing it with “point of privilege”.

Recommendation 22

The Standing Committee on Rules and Procedures recommends that Rule 6.1(2)(f) be amended by deleting “question of privilege” and replacing it with “point of privilege”.

CONCLUSION

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