

Accountability mechanisms in consensus government

Accountability in a consensus government is very different than in a system with party politics. Unlike a party-based legislature with a majority supporting the government in power, there is no guaranteed outcome for any vote in a consensus government. The government, elected by the Assembly, is accountable to it with every vote. The Premier and Ministers essentially serve as long as the majority of Members retains confidence in them. The defeat of even a budgetary item may, or may not result in a change of “government.”

This document outlines accountability mechanisms – many of them not present in a party system – in consensus government as it operates in the 18th Legislative Assembly of the Northwest Territories.

STRUCTURAL AND POLITICAL ACCOUNTABILITY

- Individual MLAs are accountable to the electorate every four years.
- The Premier, Cabinet Ministers and Speaker are accountable to the Assembly as a whole, which elects them in a meeting of the Territorial Leadership Committee. Traditionally, candidates describe their goals and principles publicly in the House, for which they may be held accountable.

http://www.assembly.gov.nt.ca/sites/default/files/td_1-181.pdf

For the first time, the 18th Assembly developed and adopted a four-year Mandate for the government, which was tabled, debated, amended, and voted on in the House. The Mandate is much like a detailed party platform.

http://www.assembly.gov.nt.ca/sites/default/files/td_29-182.pdf

- The Assembly may revoke Cabinet and the Speaker’s appointments at any time by a majority vote.
- The 18th Assembly opted to do a mid-term review of the Mandate and Ministers’ performance in the Fall of 2017.

http://www.assembly.gov.nt.ca/sites/default/files/motion_25-182_0.pdf

- The process included a review of progress on Mandate commitments by the Standing Committee on Priorities and Planning, and a progress report from Cabinet. Both were tabled:

http://www.assembly.gov.nt.ca/sites/default/files/cr_12-182.pdf

http://www.assembly.gov.nt.ca/sites/default/files/td_389-182.pdf

The process also included questions and answers during a Mid-Term Review Committee meeting in the House, finishing with a vote of confidence or non-confidence in the leadership of Cabinet, and in each Minister.

Transcript: <http://www.assembly.gov.nt.ca/sites/default/files/mtrc171005.pdf>

- The Assembly may “censure” the Premier or a Minister for particular actions or conduct, and determine the form it may take.
- Ministers are partially accountable to the Premier, who may shuffle portfolios or remove responsibilities from a Minister. However, the Premier cannot remove a Minister from cabinet; that may only be done by a vote of the Assembly.

- Functionally, Ministers are partially accountable to Cabinet and the Financial Management Board.
- Chairs of standing committees are elected by committee members, who may vote to replace the chair.
- Currently, standing committees are mandated to review departmental/ministerial activity and performance, and provide advice. This includes in-depth reviews of annual departmental Business Plans, Main Estimates, and Capital Estimates.
- Main Estimates and appropriation acts deliver funding to do the work described in more detail in the annual departmental Business Plans. This funding must be approved by a vote in the House. Budget items may be deleted by motion and vote. Supplementary appropriations are reviewed and voted on in similar fashion.
- Legislation: priorities are set by the government, often with feedback from standing committees. Legislative Proposals are reviewed by standing committees, which provide non-binding advice. Bills are reviewed by standing committees, which may recommend amendments for ministerial acceptance, or propose amendments for debate and vote in the House.

OTHER STRUCTURAL FACTORS

- Size of legislature and Cabinet: currently, Cabinet requires the votes of three regular members to achieve a majority, and two votes for items considered in Committee of the Whole. Changing the number of regular members to Cabinet members affects the balance of power, ease of governing, and degree of accountability. More regular members, fewer Cabinet members, or both, would force broader consensus and greater accountability, but reduce the ease of governing.

ACCOUNTABILITY FOR PERFORMANCE

- Caucus (all Members) determines its priorities at the start of each Assembly; the 18th Assembly also developed a detailed, public mandate much like a party's platform. The Premier and Cabinet may be held accountable for implementation of the Mandate in various ways, with the help of various tools.
 - Ministerial mandate letters developed by the Premier have been published since 2012, and include specific priorities by which performance may be measured. http://www.assembly.gov.nt.ca/sites/default/files/td_23-182.pdf
 - Public reporting on progress in achieving priorities began in November, 2013. In 2016, a website was established by the Executive to report progress on items in the Mandate. <https://www.eia.gov.nt.ca/en/mandates>
<http://www.gov.nt.ca/premier/reporting-mandate>
 - Government lists "Ministers' meetings with outside parties" since July, 2015. <https://engage.eia.gov.nt.ca/en/meeting-registry/>

- Many issues related to the government’s ongoing performance are raised in session as Minister’s Statements, Members’ Statements, in Question Period, or discussed in Committee of the Whole.
- All sessions are recorded and published daily in Hansard: <http://www.assembly.gov.nt.ca/documents-proceedings/hansard>
- Annual departmental Business Plans provide a specific, measurable basis for ministerial and departmental performance, through reviews by the appropriate standing committee. o Advice and recommended adjustments are implemented at the Minister’s/Cabinet’s discretion.
 - Business Plans are made public on the Department of Finance website once Main Estimates are public. <https://www.fin.gov.nt.ca/en/services/budget-andmain-estimates>
 - The Financial Administration Act, effective April 1, 2016, requires a planning and accountability framework for government and public agencies, with prior consultation of the Assembly or a committee. http://www.assembly.gov.nt.ca/sites/default/files/td_52-182.pdf
 - Annual review of Public Accounts by the Standing Committee on Government Operations helps ensure accountability and transparency of the GNWT’s spending and financial affairs. The Committee’s reports are published annually: <http://www.assembly.gov.nt.ca/documents-proceedings/committees>
 - Motions: Motions passed in the House provide non-binding advice to Ministers, the Premier, or government as a whole, and generally require a response within 120 days. Motions can be found here: <http://www.assembly.gov.nt.ca/documentsproceedings/motions> The government’s responses are Tabled Documents.
 - Policy: Consistent with the 18th Assembly’s Guiding Principles and Process Conventions, standing committees are increasingly requesting and/or being asked for feedback on major policy and strategic decisions, such as the Land Use Sustainability Framework.
 - In recent assemblies, the Standing Committee on Priorities and Planning has discussed performance issues informally in “fireside chats” with the Premier, who may deal with the matter informally, shuffle cabinet responsibilities, or take other measures.

STATUTORY OFFICERS

- Conflict of Interest Commissioner: MLAs and the public can file complaints about any Member. The Conflict of Interest Commissioner may investigate and recommend discipline, if any, to the Assembly (via the Speaker) for consideration and/or action.
- Auditor General of Canada: The Auditor General audits the GNWT's annual consolidated financial statements and the public accounts of some of the GNWT’s larger public agencies. The Auditor General also makes recommendations in its departmental and program performance

audits, which are reviewed by the Standing Committee on Government Operations. The process includes a public hearing. The Auditor General's reports are tabled documents, and the results of committee reviews are published as Committee Reports:

<http://www.assembly.gov.nt.ca/documentsproceedings/committees>

- Access to Information and Protection of Privacy Commissioner: Reviews decisions of the government on public access to government records, assesses implications for privacy protection of proposed legislation and government programs, and provides advice to the government and standing committees. The Commissioner's annual report tabled in the Assembly and reviewed by the Standing Committee on Government Operations. The process includes a public hearing and the committee publishes its findings in a report.
- Languages Commissioner: Ensures recognition of official language rights; may initiate investigations and respond to complaints, and make recommendations to Ministers, deputies, and to the Legislative Assembly in certain circumstances. The Commissioner's annual report is tabled in Assembly and reviewed by the Standing Committee on Government Operations. The Committee holds a public hearing and reports its findings, as for the review of other statutory officers' activities.

Accountability mechanisms in consensus government are constantly evolving and improving in response to circumstances, technology, and public demand. The Northwest Territories legislature is recognized worldwide as a leader in its advancement of this innovative form of government for small legislatures.