

# *Becoming Master in its own House*

## *the Story of the NWT Legislative Assembly*

*Rosemary Cairns*

More than 100 years ago, the Northwest Territories had representative and responsible government. But it was a much different, and much larger, area than the present-day Territories. Within the past 75 years, today's Northwest Territories has moved from a territory administered from Ottawa by senior federal civil servants to a territory on the verge of responsible government whose style may differ somewhat from the Canadian tradition.

The old North-west Territories, which encompassed the northern and central parts of Canada, had achieved responsible government by 1905, when Alberta and Saskatchewan joined Confederation as provinces. A Lieutenant-Governor represented the Crown, but a 22-member Legislative Assembly, led by an Executive Council, set policy and approved the budget.

After the two provinces were created (the Yukon had become a separate territory in 1898), the remaining Northwest Territories went back to the status of a colony run from Ottawa, as it had been in the early 1870's. The seat of government was Ottawa, where an appointed Commissioner was responsible to the federal minister in charge of administering the northern Territories, and residents had no elected representation.

The shape of today's Northwest Territories was set in 1912, when the area south of the 60th parallel to the western shore of Hudson Bay was given to Manitoba and northern boundaries on Hudson and James Bays were added to Ontario and Quebec.

From 1905 until 1918, the appointed Commissioner was also the man in charge of the Royal North-West Mounted Police, whose eight posts in the North handled both police and administrative duties for the government. In 1919, the Deputy Minister of the Interior became commissioner, beginning a practice which lasted until 1963.

The *Northwest Territories Act* of 1905 had provided for a four-member appointed Council to help the Commissioner administer the NWT, but no members were named until 1921, the year in which oil was found at Norman Wells. The federal Department of Justice had challenged the Commissioner's right to enact an ordinance controlling entry into the NWT, saying such legislation could only be enacted by the Commissioner-in-Council.

The NWT Act was amended, and six senior civil servants representing departments which had an interest in the North were appointed to the council. They acted more as an interdepartmental committee than as a legislative body.

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**The Deputy Commissioner of the NWT, Robert S. Pilot, (first row, far left), Speaker Donald Stewart (centre) and members of the Ninth Legislative Assembly.**

By the time the first Northern resident was appointed to the Council in 1947, the Council's original limited legislative authority had been expanded slightly. But it was another four years before significant changes to the style of government in the North began.

In 1951, the first three electoral districts in the NWT were created in the western district (known as Mackenzie) and the Council was expanded to eight members, five appointed and three elected. Both Indian (now known as Dene) and Eskimo (now known as Inuit) residents of the NWT were entitled to vote in these elections. The NTW Act amendments also required Council to hold at least two sessions a year, one of them in the North.

Further amendments to the NWT Act by the federal government increased the Council's legislative and financial powers. By 1955, Council could authorized the Commissioner to make agreements with the federal government, subject to Ottawa's approval, and could use a separate NWT Revenue Account within the federal Consolidated Revenue Fund as long as it did not create a deficit. Again, this power was subject to Ottawa's approval. The amendments also allowed the Commissioner to control some public lands, created a Territorial Court, and repealed major parts of the NWT Act so that territorial ordinances could take their place.

In 1958, the Council received the power to borrow money, subject to federal approval, and in 1960, further amendments declared that general ordinances applied to Inuit and confirmed Council's power to pass game laws affecting Dene and Inuit.

A fourth elected member had been added in 1954, as Council membership rose to nine. The size remained the same until 1966,

when the first electoral districts were created outside the Mackenzie. But in 1960, a significant change began within the Council's appointed membership as the first members from outside the civil service were named. Their presence began to encourage a more independent view of the nature of the Council.

The first formal appearance of an issue which was still preoccupying NWT legislators two decades later — the question of whether the North should be divided into two units — took place in 1961, and led eventually to great strides in the North's political growth.

Elected member Knut Lang of Aklavik introduced the question early in 1961, and it was brought before the House of Commons in 1962 and 1963. Two government bills which would have created the Territories of Mackenzie and Nunassiatq died on the Order Paper when Parliament prorogued in December, 1963. Strong opposition to division had come from many Northern residents.

The year 1964 was eventful both for the Council and for the territorial government. Separate offices for the Government of the NWT were created, the position of Commissioner became a full-time appointment, and the task of building a headquarters staff ready to move North began. A year later, the naming of the Deputy Commissioner became a separate Governor-in-Council appointment and his duties were made full-time. By 1964, four of the five appointees to the nine-member Council were from the private sector; the Deputy Commissioner was the only civil servant.

Later that year, during a session in Frobisher Bay, the Council unanimously favoured a motion calling on the federal government to review the North's political development. As a result, the three-man Advisory Commission on the Development of Government in the Northwest Territories (the Carrothers Commission) was created in June, 1965. The commission's report, presented a year later, was to have significant impact on the Council's development during the next decade.

Late in 1965, the first Inuit member of Council was appointed. The following year, when the Council's elected membership was increased from four to seven as electoral districts were created in the Keewatin, High Arctic and Eastern Arctic, the first Inuit member was elected. For the first time, elected members outnumbered appointed members. In that year, the Commissioner-in-Council was given authority to set qualifications for electors and candidates, and a



In mid 1967 the territorial government moved to Yellowknife. The opening address, similar to the Throne Speech, was delivered by Commissioner Stuart Hodgson. The Assembly continues to meet in a Yellowknife hotel but also meets regularly in other towns across the Territories.

separate consolidated revenue fund for the NWT was set up within the consolidated revenue fund of Canada.

The Carrothers Report recommended that Northern residents should be given a greater degree of self-government, but felt that the Northwest Territories should not be divided at that time. In 1967, the territorial government moved to the new capital of Yellowknife, as the Report had recommended. The first Dene member of Council was appointed following the 1967 election.

After the move to the North, Council's focus broadened to deal with issues which concerned the entire Territories, matching the increased growth and responsibilities of the territorial government. Economic, social and political development all were key concerns for the councillors, and they struggled to make sure Northern residents benefitted from this growth.

In 1970, the NWT Act was amended to increase Council's elected membership to 10 from seven and decrease the appointed membership to four from five. Council's term of office was increased to four years from three, the Commissioner-in-Council was authorized to set members' indemnities and allowances, and the period in which Ottawa could disallow territorial legislation was cut from two years to one.

The Seventh Council, which included the first elected Dene member, two Inuit members (a third was elected in a 1972 by-election) and a Metis member, took office early in 1971. While its members continued to be concerned about the North's economy, they also had concerns about its political development.

Worried by a burgeoning federal bureaucracy which was not accountable to the electorate, the Council began asking the federal government to take another look at development in the Northwest Territories. Aware that the Council did not have the power it needed to discharge its responsibilities properly, its members felt the need for more power.

The first fully-elected Council since 1905 took office in 1975. This Council had the power to elect its own Speaker and to name two elected members to the Executive Committee (a third was added a year later). Choosing to entitle the Executive Committee members "Ministers" and the Council "the Legislative Assembly", this Council began the process of becoming master in its own House.

## Developments Since 1975

The Eighth Assembly continued the tradition of Standing Committees created in 1970 (Finance, Legislation, Rules and Indemnities) and created special committees on such questions as Constitutional Development, which produced papers outlining Council's views on "Priorities for the North" and the "Position of the Legislative Assembly on Constitutional Development in the Northwest Territories." Simultaneous translation of Inuktitut and English was introduced to the House, allowing Inuit members to participate fully in the proceedings, and the Council continued to hold sessions outside Yellowknife. Although the Commissioner and Deputy Commissioner were still seated in the House, their role began to diminish as elected Ministers began to speak for the government.

The Assembly realized that it was "a true legislative body with exclusive authority to legislate within those areas of responsibility given to it by statute" which were substantially those enjoyed by the provinces, although the federal government retained control over natural resources. The Assembly, however, had limited financial

powers: it was required to approve the territorial budget, but it could not make changes in the spending priorities and decisions.

Concerned about both economic and constitutional development, the Assembly often found its initiatives vetoed by the federal government. The Assembly wanted to hold public hearings in Mackenzie Valley communities to discuss the proposed natural gas pipeline; the federal government named the "Berger Inquiry" to do that. The Assembly wanted to carry out its own public review of the status of political, social and economic development in the North, a review which had been recommended by the Carrothers Commission; the Prime Minister named a Special Representative to study constitutional development.

Work done by the Eighth Assembly paved the way for an amendment to the NWT Act which allowed the Commissioner-in-Council to set the Assembly's membership between 15 and 25. An Electoral Boundaries Commission recommended the creation of 22 constituencies, and members were returned from these areas in the general election of October, 1979.

The election of the Ninth Assembly proved to be an even more historic event than that of its predecessor. Native residents of the Northwest Territories held a majority of the seats, and many of them had close connections with the native organizations negotiating land claim or aboriginal rights settlements with the federal government.

Five of the members were chosen to sit on the Executive Committee, and one of those members was chosen as the spokesman for the elected executive members, becoming in effect the government leader. The five (later expanded to seven) were responsible for specific departments: Health and Social Services, Justice and Public Services, Government Services, Education, Energy and Renewable Resources, Aboriginal Rights and Constitutional Development, and Economic Development. In 1980, the first territorial Finance Minister was named, indicating the important role the Assembly was playing in setting and reviewing government spending priorities.

The Standing Committee on Finance reviews the budget each year and reports to the Assembly on it. Priorities for spending are set by the Assembly and are followed by the government. Other Standing Committees review Legislation and Rights and Privileges of members, and a Members Services Board has been established.

Special Committees have reviewed education in the Northwest Territories, constitutional development and the question of division of the Northwest Territories. This year, the Assembly held a plebiscite on the question of division open to all residents who had lived in the Northwest Territories for three years, or more.

The leader of the elected Executive Committee members speaks for the government and so do individual Ministers. The Commissioner and Deputy Commissioner are no longer seated in the Assembly, although the Commissioner is seated during Committee of the Whole.

Sessions of the Assembly are much longer than formerly and at least once a year, sessions are held outside Yellowknife. There is no legislative building, so the Assembly meets in a Yellowknife hotel during its Yellowknife sittings and usually in a school auditorium when sitting in other communities.

The key issues which engage the attention of the Members of the Legislative Assembly, however, are in many ways still the same ones with which the earlier Assembly and Councils struggled.



**The 22 members of the Ninth Legislative Assembly are strong in their support of aboriginal rights. After those rights were removed from the proposed new Canadian Constitution, the members formed a special committee and travelled to Ottawa to urge that the rights be restored to the Constitution. This meeting between the Assembly and the Prime Minister took place during that visit in 1981.**

Constitutional development still is a major concern, but the Assembly's priority is for the settlement of aboriginal claims before "provincial status" for the NWT. The Ninth Assembly's concern for aboriginal rights was demonstrated when it travelled to Ottawa in 1981 as a special 22-member committee to lobby for the restoration of aboriginal rights to the new Canadian Constitution.

Economic development, resource revenue-sharing, wildlife management are all important issues for the Ninth Assembly, as they were for the previous Assembly and Councils. Energy costs and supplies, mega-projects proposed for various parts of the North, an education system which meets Northern needs, and programs to increase the use of native languages are new issues.

No political parties exist within the NWT Legislature, although geography creates certain interest groupings. In the "consensus government" system, the Ministers report to and take direction from the entire Assembly and are installed at the Assembly's pleasure.

During sessions, the House normally sits from 1:00 to 6:00 p.m. Monday to Friday. Extra sittings are held if necessary, sometimes in the morning, sometimes in the evening and sometimes on Saturday.

The Legislative Assembly offices are located in a one-storey building in Yellowknife. Offices and meeting rooms for Members are located here, as are the support staff of the Assembly. A research officer and a public affairs officer are among the support staff reporting to the Clerk and Clerk Assistant. The need for such functions is determined by the Members Services Board.

Since 1979, the staff has formed a separate unit which is responsible exclusively to the Speaker, and the Clerk has been classed at the Deputy Minister level. For many years, the Clerk had been responsible to the federal civil servant in charge of Northern administration, then to the Deputy Commissioner and the Commissioner. Between 1975 and 1979, the Clerk and his staff had looked to the Speaker for direction during sessions, but reported to the Commissioner between sessions. This evolution is yet another mark of the way in which the Legislative Assembly is becoming independent and self-sufficient.