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# Guide to Members' Conduct

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# CONTENTS

- INTRODUCTION ..... 2
- SECTION A - MEMBER'S CODE OF CONDUCT ..... 2
  - Part 1: Statement of Commitment..... 2
  - Part 2: Principles ..... 3
  - Part 3: Effect of the Code of Conduct ..... 3
- UNDERSTANDING THE MEMBERS' CODE OF CONDUCT ..... 3
  - What Does the Code Mean? ..... 4
- HOW THE CODE OF CONDUCT IS ENFORCED ..... 9
- SECTION B - MEMBER'S CONFLICT OF INTERESTS AND DISCLOSURE REQUIREMENTS ..... 9
- CONFLICTS OF INTEREST WHEN YOU ARE NO LONGER A MEMBER..... 10
- SECTION C – HOW THE CODE AND ACT ARE ENFORCED ..... 10
- WHAT IF SOMEONE MAKES A COMPLAINT AGAINST YOU..... 11
  - Legal Advice..... 11
  - Integrity Commissioner Makes a Decision ..... 11
  - Integrity Commissioner Recommends a Penalty ..... 12
  - Integrity Commissioner Refers the Matter to a Sole Adjudicator ..... 12
- QUESTIONS..... 13
- NTLA RESOURCES ..... 13
- OTHER RESOURCES..... 13

## INTRODUCTION

As a Member of the Legislative Assembly, you serve the residents of the Northwest Territories. You pass the laws that apply to them. You shape government policies and programs they use. In exchange, residents expect, and will hold you to, a higher standard when it comes to how you act. Residents may express their opinion on your conduct publicly, either in media or on social media. Your conduct as a Member reflects on all other Members. It also reflects on the Legislative Assembly.

Beyond public expectations, there are laws that apply to your conduct as a Member. Part 3 of the Legislative Assembly and Executive Council Act (discussed more below) contains provisions about avoiding conflicts of interest and annual disclosure of the you and your family's financial affairs. The Legislative Assembly also has a binding Code of Conduct for Members. This means the Code applies and is enforced by law. The Integrity Commissioner provides advice and makes decisions about whether your actions are consistent with the Act and the Code.

When residents have a negative view of how Members act, it can mean they have a negative view on the Assembly itself. This weakens the work you do as a Member of the Assembly.

## SECTION A - MEMBER'S CODE OF CONDUCT

Members of the Legislative Assembly must conduct themselves in a way that instills trust and confidence on the part of the public in their elected officials. The 18<sup>th</sup> Legislative Assembly adopted the Code of Conduct for Members to guide Members as they perform their duties and represent their constituents. The Code applies to all Members.

### Part 1: Statement of Commitment

1. As Members of the Northwest Territories Legislative Assembly, we acknowledge that we have accepted a responsibility to serve the people of the Northwest Territories. We seek wisdom, strength, courage, honesty and compassion from the people of the North, both from those who have built our past and from those who are shaping our future. As legislators elected to govern the Northwest Territories, we will do our utmost to:
  - Hear the voices of all that live in the Northwest Territories;
  - Preserve Indigenous Traditional Knowledge, languages and the traditions of the various cultures and bridge them with new ways to build a better future for people in the Northwest Territories;
  - Provide legislation, policies and services for the good of the people
  - as individuals, families and communities;
  - Promote the equality and equity of all people in the Northwest Territories;
  - Distribute resources fairly and justly; and
  - Respect and honour our land and all its inhabitants.

## Part 2: Principles

2. Members must act lawfully and in a manner that will withstand the closest public scrutiny, upholding the integrity and honour of the Legislative Assembly and its Members. Members shall ensure their conduct does not bring the integrity of their office or of the Legislative Assembly into disrepute.
3. Members must treat members of the public, one another and staff appropriately and without harassment. Members must take all reasonable steps to ensure work environment is free from harassment.
4. Members must carry out their official duties objectively and without consideration of personal or financial interests, and must arrange their personal affairs so as to maintain the trust and confidence of the public.
5. In performing their official duties, Members must use public resources prudently and only for the purposes of which they are intended. Members of the Assembly shall not use, or allow the use of, public property or services for personal gain.
6. Members must give priority to their duties as a Member over all other duties and offices they hold and must dedicate themselves to fulfilling their duty to effectively represent residents of the Northwest Territories.
7. Members must take appropriate steps to protect the confidentiality of any personal information, personal health information, or other confidential information that comes into their possession.
8. This Code is not designed to be exhaustive, and there will be occasions on which Members will find it necessary to adopt more stringent standards of conduct in order to protect the public interest and to enhance public confidence and trust.

## Part 3: Effect of the Code of Conduct

9. The Code of Conduct has a continuing effect except as amended or rescinded by resolution of the Legislative Assembly.

## UNDERSTANDING THE MEMBERS' CODE OF CONDUCT

The Code of Conduct are rules Members must follow pursuant to [section 75](#) of the *Legislative Assembly and Executive Council Act*. There is a [Guide to the Code of Conduct](#) to help you understand how it applies to you. Most of that Guide, which is a tabled document, adopted by the Assembly, is included here.

## What Does the Code Mean?

**Members must act lawfully and in a manner that will withstand the closest public scrutiny, upholding the integrity and honour of the Legislative Assembly and its Members. Members shall ensure their conduct does not bring the integrity of their office or of the Legislative Assembly into disrepute.**

As an elected representative, you hold a position of trust and authority. You are expected to hold yourself to a high standard of conduct. While this expectation is mostly directed at your public behaviour, behaviour in your personal life will also be scrutinized. A Member's integrity is critical to maintaining public confidence, both in you and in the Legislative Assembly.

The Legislative Assembly is not generally interested in your personal or private affairs. However, if knowledge of your personal conduct would likely reduce public trust in the Legislative Assembly, the Assembly may act, especially if your conduct is unlawful.

Excessive public consumption of alcohol, cannabis or other drugs or intoxicants, particularly when it results in behaviour that could lessen the dignity of the Legislative Assembly, is unacceptable. It is a breach of the Code.

Violation of certain laws, such as those involving a breach of trust or abuse of a position of trust, authority, or intimacy, are particularly damaging to the integrity and honour of the Legislative Assembly. This Assembly will consider this when deciding what action, if any, is to be taken under the Assembly's power to regulate its internal affairs and discipline Members.

**Members must treat members of the public, one another, and staff appropriately and without harassment. All Members must take all reasonable steps ensure their work environment is free from harassment.**

Complaints about a Member's conduct that is alleged to be harassment, sexual harassment or discrimination can be made to the Integrity Commissioner. This includes harassment of Assembly or government employees.

Harassment is engaging in vexatious comment or conduct, based on one or more prohibited grounds of discrimination, which the Member knows or ought reasonably to know, is unwelcome by any person.

The following grounds of harassment are prohibited in the Northwest Territories:

- race
- colour
- ancestry
- nationality
- ethnic origin
- place of origin
- creed
- religion
- age
- disability
- sex (including pregnancy)
- sexual orientation
- gender identity or expression
- marital status
- family status
- family affiliation
- political belief
- political association
- social condition
- a conviction that is subject to a pardon or record suspension

Harassment also includes sexual harassment. Sexual harassment is any conduct of a sexual nature, including comments, gestures or physical contact, whether on a one-time or recurring basis, that might reasonably be expected to cause offence or humiliation. Examples of sexual harassment include:

- inappropriate or unwanted physical contact such as touching, patting or pinching;
- inappropriate enquiries or comments about an individual's sex life;
- comments, gestures, or practical jokes of a sexual nature that cause discomfort or embarrassment;
- demands for sexual favours;
- sexual assault.

The [Human Rights Act](#) may not apply to Members in some contexts because of parliamentary privilege. Where the *Human Rights Act* does not apply, the Legislative Assembly, the Integrity Commissioner or a Sole Adjudicator can investigate and respond to allegations of Member misconduct.

The *Human Rights Act* may apply to you in some parts of your personal and professional lives, including in tenancy relationships, employer-employee relationships, and when you are providing services to the public.

**Members must carry out their official duties objectively and without consideration of personal or financial interests and must arrange their personal affairs so as to maintain the trust and confidence of the public.**

This section reflects your obligation to avoid conflicts of interests, to declare conflicts that cannot be avoided, and to ensure your actions reflect a commitment to the public interest, and not your own personal or financial interests. Your specific obligations about conflicts of interest, contracts and financial matters, gifts and benefits, and disclosure are set out in [Part 3](#) of the *Legislative Assembly and Executive Council Act*.

Members must comply with the [Legislative Assembly and Executive Council Act](#) and any other statutes, regulations, Board of Management policies or decisions of the Integrity Commissioner

relating to ethics and conflicts of interest. If you are uncertain about the conflict-of-interest rules, get advice from the Integrity Commissioner.

You must conduct yourself professionally when dealing with staff and contractors. If a personal relationship exists beyond your professional interactions with an employee or contractor of the Assembly, you should disclose the relationship. What is appropriate disclosure depends on the circumstances. If you are unsure whether a relationship should be disclosed, speak to the Integrity Commissioner for advice.

It is inappropriate to use the privileges of your role as a Member to seek special benefits or treatment for friends or family members.

**In performing their official duties, Members must use public resources prudently and only for the purposes for which they are intended. Members of the Assembly shall not use, or allow the use of, public property or services for personal gain.**

You must not use your government-issued credit cards or other public funds for personal expenses or personal benefit. You should not use Legislative Assembly or government property, including Assembly vehicles, for personal purposes.

In accepting or using any allowances or other Assembly resources you may be entitled to, including a housing allowance, you must accurately and completely disclose all relevant information to the entitlement. You must not represent your circumstances in a way that would give you access to benefits you are not entitled to.

Staff resources, including constituency assistants, contractors and Assembly staff, may only be used for purposes related to your duties as a Member of the Assembly. You cannot use public resources for private purposes.

**Members must give priority to their duties as a Member over all other duties and offices they hold and must dedicate themselves to fulfilling their duty to effectively represent residents of the Northwest Territories.**

All Members have accepted a responsibility to serve the people of the Northwest Territories. To fulfill this responsibility, you are expected to attend all sittings of the Legislative Assembly. You are also expected to attend all meetings of caucus and standing committees of which you are a member, unless there are compelling reasons why you cannot attend.

While occasional absences are unavoidable, chronic absences from the Legislative Assembly, caucus or committee meetings without a compelling reason damages the integrity of the Assembly. It reduces how much work gets done. A Member failing to attend committee meetings may result in a lack of quorum. This stops the committee's ability to conduct its work. You are expected to attend the full meeting when a meeting is held. You must let the Chair know in advance if you cannot attend.

The Board of Management has recognized the following reasons for a Member's failure to attend a meeting of a committee:

- The absence is in the course of the Member's duties as a Member or Minister or as the Premier or Speaker;
- The absence is a result of the Member's illness or injury or due to bereavement;
- The absence is due to factors outside a Member's control (i.e., weather, road closure or state of emergency); or
- The absence is due to personal reasons.

The Legislative Assembly also recognizes you may have caregiving obligations, such as caring for an ill or injured dependent. Reasonable absences related to a Member's maternity or parental leave are valid explanations for an absence from the Assembly.

The Legislative Assembly will not normally investigate a Member's personal reasons for absence. However, if a Member is absent for more than six committee meeting days in a calendar year without a valid explanation, that Committee is expected to seek the Member's removal from the Committee to ensure the Committee can carry out its work.



**Members must take appropriate steps to protect the confidentiality of any personal information, personal health information, or other confidential information that comes into their possession.**

As a Member, you will be provided with confidential information. This information may be received from constituents, or as part of your work at the Legislative Assembly.

### **Constituent Information**

The [Access to Information and Protection of Privacy Act](#) and [Health Information Act](#) do not apply to the Legislative Assembly or Members' offices. However, you must understand the importance of protecting confidential information you may receive during your legislative or constituent work.

Constituents and other members of the public may provide you with their personal information when seeking your help. They may not want this information to be shared with other people. You need to obtain their consent to collect, use, or disclose personal information or personal health information. In all your dealings with members of the public, you must determine whether they are sharing their information in confidence or in a public way.

### **Confidential Committee or Government Information**

In consensus government, Members get confidential and sensitive information through their work in caucus, standing committees, or in cabinet. Respecting the confidentiality of this information is critical to the Assembly's ability to conduct its business. Respecting this confidentiality is part of your obligations under the Code of Conduct.

**This Code is not designed to be exhaustive, and there will be occasions on which Members will find it necessary to adopt more stringent standards of conduct in order to protect the public interest and to enhance public confidence and trust.**

As elected representatives of the people of the Northwest Territories, you hold a position of trust and authority. Public confidence in an individual Member and in the Legislative Assembly as an institution requires all Members to hold themselves to a higher standard of conduct. This applies in both their personal and professional lives. The Assembly may need to respond to a Member's conduct, if that conduct undermines that public confidence and trust, even if this Code and all applicable laws have been followed.

## HOW THE CODE OF CONDUCT IS ENFORCED

Any person who believes a Member has broken the Code of Conduct may make a complaint in writing to the Integrity Commissioner. The process set out in [Part 3](#) of the *Legislative Assembly and Executive Council Act* applies to complaints of Code of Conduct violations (see Section C below).

### SECTION B - MEMBER'S CONFLICT OF INTERESTS AND DISCLOSURE REQUIREMENTS

The *Legislative Assembly and Executive Council Act* governs conflict of interest matters for Members. You should refer to [Part 3](#) of the Act, Conflict of Interest, in its entirety.

A conflict exists when you participate in decision-making that directly affects your private business interests or that of your spouse or dependent child. A conflict also exists if you don't do something, when you know not doing it will benefit your private business interests or that of your spouse or dependent child.

[Section 1](#) of the Act [defines who is a spouse](#). Section 73 defines who is a [dependent child](#). Section [74 \(2\)](#) and [\(3\)](#) sets out situations that are not considered a conflict of interest.

[Sections 75 to 79](#) of the *Legislative Assembly and Executive Council Act* imposes the following duties on you:

- comply with the provisions of the Act and the Code of Conduct;
- perform your duties and arrange your private affairs in a manner that maintains public confidence and trust in your integrity, objectivity and impartiality;
- make all reasonable efforts to resolve any conflict of interest that may arise in favour of the public interest;
- don't accept gifts, remuneration or benefits which would erode public confidence;
- arrange your private affairs in compliance with the Act and to avoid conflicts;
- don't use information gained as a Member that is not publicly available to further your own interest or those of your spouse or dependent child;
- don't influence a decision of another person to promote your own interest or those of your spouse or child;
- declare a conflict, the nature of it and withdraw from a meeting without voting or participating in consideration of the matter;
- not to make representations for other persons for remuneration respecting the awarding of contracts or benefits; and
- not to enter into any contracts with the government of NWT.

You have 90 days after the start of the 20th Assembly to arrange your affairs to be consistent with the Act. You must meet, and file a disclosure statement with the Integrity Commissioner each year. In some cases, you may need to file a Supplemental Disclosure Statement.

You can ask the Integrity Commissioner for advice on how to arrange your financial and business affairs to comply with the Act. If you follow the Integrity Commissioner's advice and recommendations, you cannot be found at fault if their advice or recommendations result in a breach.

## CONFLICTS OF INTEREST WHEN YOU ARE NO LONGER A MEMBER

After you leave office, there is a transition period when certain conflict of interest restrictions still applies. The transition period is different if you are the Premier, Speaker or a Minister, or a Regular Member. The transition period is tied to your transition allowance.

Based on your transition period, sections [83 to 86](#) of the *Legislative Assembly and Executive Council Act*, details the restrictions on your activities as a former Member. Further information on any of these matters can be obtained from the Clerk of the Legislative Assembly, the Integrity Commissioner, or the Law Clerk.

### SECTION C – HOW THE CODE AND ACT ARE ENFORCED

The Integrity Commissioner is responsible for investigating complaints. After their investigation, the Integrity Commissioner can:

- dismiss the complaint,
- refer the complaint to mediation,
- recommend a penalty to the Assembly,
- or refer the matter to a Sole Adjudicator for a full inquiry.

The Integrity Commissioner provides a decision to the Speaker with written reasons. The Speaker shares the decision with Members, and tables the report in the Assembly. If the Assembly is not sitting when a decision is received, the Speaker will release the report publicly, and table it at the next sitting day. If the Integrity Commissioner makes a recommendation to the Assembly, it must be accepted or rejected within 15 sitting days.

If the complaint is referred to a Sole Adjudicator, he or she must conduct an inquiry into the complaint and report their findings to the Speaker. Where the Sole Adjudicator finds the Member guilty of contravening the Code and does not dismiss it, for example as being a minor contravention or the result of inadvertence, the Sole Adjudicator can impose financial penalties, including a fine, restitution, compensation, or costs, without requiring the approval of the Legislative Assembly.

The Integrity Commissioner or Sole Adjudicator has the power to recommend a range of punishments to the Legislative Assembly. These punishments include, but are not limited to:

- A reprimand;
- A fine;
- An order to pay restitution or compensation;
- A suspension of the Member's privileges to sit in the Legislative Assembly; or
- A declaration that the Member's seat is vacant.

Members vote to accept or reject a recommended punishment by the Integrity Commissioner or Sole Adjudicator.

The decision on whether a Member should be punished for breaching the Code of Conduct rests with the Assembly. The Code of Conduct does not impinge upon, restrict, or narrow the Assembly's rights and privileges to regulate its internal affairs. The Integrity Commissioner's role is to help the Legislative Assembly exercise this authority.

## **WHAT IF SOMEONE MAKES A COMPLAINT AGAINST YOU**

If someone complains to the Integrity Commissioner that you have broken the Code of Conduct or the conflict-of-interest rules, the Integrity Commissioner will contact you. They will provide you with a copy of the complaint, and a deadline to reply to the complaint. You can ask for more time if you need it. The Integrity Commissioner can also refer the matter to an alternative dispute resolution process, such as mediation.

### **Legal Advice**

You can hire a lawyer of your choice to help you reply to a complaint filed against you. You will receive payment for reasonable legal costs from the point the Integrity Commissioner notifies you of the complaint. The maximum reimbursement is \$325 per hour. You are responsible for additional costs beyond that rate.

If your lawyer is from outside the Territories, travel costs will only be covered if you can show that a satisfactory local lawyer was not available. You require pre-approval from the Board of Management to cover travel and other costs for out of Territories counsel. To get Board approval, speak to the Clerk of the Assembly.

Your lawyer must be a member of the Law Society of the Northwest Territories or have a restricted appearance certificate from them. The Assembly will not cover the cost of a lawyer becoming a member of the Society, or the cost of a restricted appearance certificate.

You are covered for only one lawyer, unless you can show that more than one lawyer is necessary and cost-effective. An example of this is a junior lawyer doing some of the work at a lower rate.

If the complaint goes to a full inquiry, the person making the complaint may also have their legal costs reimbursed. This is a decision made by the Sole Adjudicator. Reimbursement is done on the same terms.

For a full explanation of what is and is not covered in legal expenses, please see the policy set out in the Members' Handbook.

### **Integrity Commissioner Makes a Decision**

The Integrity Commissioner will issue a report with their decision and written reasons to the Speaker. The Speaker will share the report with Members and will then release the report publicly. If the House is sitting, the Speaker will table the report in the Assembly. If the House is not sitting, the Speaker will release the report through a news release, and table the report at the next sitting day.

If the Integrity Commissioner dismisses the complaint, that is the end of the process.

### **Integrity Commissioner Recommends a Penalty**

If the Integrity Commissioner determines a Member broke the Code of Conduct or conflict of interest provisions, they may recommend a penalty to the House. The Speaker will table the report and recommendation. The House then has 15 sitting days to accept or reject the recommendation. This is done by a Member moving a motion to accept or reject the recommendation. Members debate and then vote on the motion.

### **Integrity Commissioner Refers the Matter to a Sole Adjudicator**

If the Integrity Commissioner refers the matter to a Sole Adjudicator, the Board of Management will recommend the Speaker appoint one from a list of approved Adjudicators. The Adjudicator controls the process and decides whether the inquiry will be conducted in public or in private. You cannot refuse to give evidence at the inquiry. The inquiry can take place in various forms but is often set up as a hearing with lawyers calling evidence before the Adjudicator.

Once the Adjudicator makes a decision, they provide a report to the Speaker. The Speaker will share the report with Members and will then release the report publicly. If the House is sitting, the Speaker will table the report in the Assembly. If the House is not sitting, the Speaker will release the report through a news release, and table the report at the next sitting day.

If the Sole Adjudicator decides that a Member broke the Code of Conduct or conflict of interest provisions, they may recommend a penalty to the House. Once their report and recommendation are tabled by the Speaker, the House has 15 sitting days to accept or reject his recommendation. This is done by a Member moving a motion to accept or reject the recommendation, and Members debating and voting on the motion.

## QUESTIONS

If you have any questions about rules respecting your conduct as a Member, feel free to reach out to the Clerk of the Assembly, the Law Clerk, or the Integrity Commissioner. They are all available to assist you.

## NTLA RESOURCES

[Code of Conduct](#)

[Guide to the Code of Conduct](#)

[Motion Adopting the Code of Conduct](#)

[Integrity Commissioner Web Site](#)

- Annual Reports of the Integrity Commissioner
- Members' Public Disclosure Statements

[Part 3 of the \*Legislative Assembly and Executive Council Act\*](#)

Reports of Integrity Commissioner into Complaints

- [TD 162-19\(2\) Complaint Against Archie and Cochrane](#)
- [TD 464-19\(2\) Complaint Against Norn](#)
- [TD 560-19\(2\) Complaint Against Jacobson](#)
- [TD 995-19\(2\) Complaint Against Nokleby](#)
- [TD 1023-19\(2\) Complaint Against Nokleby](#)

Disposition Reports of Sole Adjudicators

- [TD 35-16\(4\) Complaint Against Roland](#)
- [TD 465-19\(2\) Complaint Against Norn](#)

[CR7-18\(2\) You Are Standing for Your People: Report on the Review of Members' Conduct Guidelines](#)

## OTHER RESOURCES

[Commonwealth Parliamentary Association Recommended Benchmarks for Codes of Conduct](#)

[Global Parliamentary Code of Democratic Conduct](#)