



**NORTHWEST TERRITORIES  
LEGISLATIVE ASSEMBLY  
TERRITOIRES DU NORD-OUEST  
ASSEMBLÉE LÉGISLATIVE**

**MEETING  
GO 12-20-24**

**STANDING COMMITTEE ON GOVERNMENT OPERATIONS**

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**THURSDAY, MAY 23, 2024**

**DET'ANCHOGH KÚÉ - EAGLE ROOM - YELLOWKNIFE, NT**

**12:00 PM**

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**AGENDA**

1. Prayer
2. Review and Adoption of Agenda
3. Declarations of Conflict of Interest
4. In-Camera Matters:
  - a. Committee Business
5. New Business
6. Deferred Business
7. Date and Time of Next Meeting: Monday, May 27, 2024 at 10:30 A.M.
8. Adjournment



## Detailed Agenda

Item	Recommend
<ol style="list-style-type: none"> <li>1. In-Camera Matters: Committee Business                             <ol style="list-style-type: none"> <li>a. Committee Business                                     <ol style="list-style-type: none"> <li>i. Information &amp; Privacy Commissioner Review Report - <b>Attachment 1</b></li> <li>ii. Official Languages Commissioner Review Report - <b>Attachment 2</b></li> <li>iii. Human Rights Commission Review Report - <b>Attachment 3</b></li> <li>iv. Northwest Territories Ombud Review Report - <b>Attachment 4</b></li> </ol> </li> <li>b. NTPC Project – Terms of Reference - <b>Attachment 5</b></li> <li>c. UNDRIP - Briefing Note - <b>Attachment 6</b></li> </ol> </li> <li>2. New Business</li> <li>3. Deferred Business</li> <li>4. Date and Time of Next Meeting: Monday, May 27, 2024 at 10:30 A.M.</li> <li>5. Adjournment</li> </ol>	<p>Decision                      Decision                      Decision                      Decision</p> <p>Decision</p> <p>Information</p>

Standing Committee on  
Government Operations



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# Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Information and Privacy Commissioner

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

Chair: Mr. Julian Morse

## **MEMBERS OF THE STANDING COMMITTEE ON GOVERNMENT OPERATIONS**

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Julian Morse  
MLA Frame Lake  
Chair

Kate Reid  
MLA Great Slave  
Deputy Chair

Richard Edjericon  
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Denny Rodgers  
MLA Inuvik Boot Lake

Jane Weyallon Armstrong  
MLA Monfwi

### Alternates

Daniel McNeely  
MLA Sahtu

Kieron Testart  
MLA Range Lake

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its *Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Information and Privacy Commissioner* and commends it to the House.

Mr. Julian Morse  
Chair, Standing Committee on Government Operations

## **STANDING COMMITTEE ON GOVERNMENT OPERATIONS**

### **REPORT ON THE REVIEW OF THE 2022-2023 ANNUAL REPORT OF THE NORTHWEST TERRITORIES INFORMATION AND PRIVACY COMMISSIONER**

#### **INTRODUCTION**

The Standing Committee on Government Operations (Committee) has reviewed the 2022-2023 Annual Report of the Northwest Territories Information and Privacy Commissioner (Commissioner).<sup>1</sup> The Committee thanks Ms. Andrew Fox, Information and Privacy Commissioner, for his appearance before the Committee on April 15, 2024.<sup>2</sup>

The *Access to Information and Protection of Privacy Act*<sup>3</sup> (ATIPP) and the *Health Information Act*<sup>4</sup> (HIA) require the Commissioner to prepare an annual report. The Speaker tables the report in the Legislative Assembly. Once tabled, Committee reviews the report.

The Commissioner's 2022-2023 report includes an assessment of the effectiveness of the Act, a report on the Office's activities, and recommendations for consideration by the Legislative Assembly. The Commissioner's work and recommendations are reflected in Committee's observations.

#### **ABOUT THE INFORMATION AND PRIVACY COMMISSIONER**

The Information and Privacy Commissioner is a Statutory Officer of the Legislative Assembly. The Commissioner's primary functions involve:

- Receiving and reviewing complaints about breaches of privacy.
- Receiving and reviewing complaints about the adequacy of public bodies' responses to access to information requests
- Reviewing Privacy Impact Assessments (PIAs), and
- Reviewing and commenting on proposed legislation regarding possible implications for privacy protection or access to government information.

## **OBSERVATIONS**

### **ATIPP**

The Commissioner made three recommendations in the annual report concerning ATIPP. Additional details about each recommendation can be found in the 2022-2023 annual report:

1. That the government consider amending ATIPP to allow a public body to extend the time once for the period required to complete third-party consultation without authorization by the IPC. For subsequent extensions, public bodies should continue to seek authorization from the IPC.
2. That public bodies should review their legal obligations to respond to access to information requests and evaluate their capacity to provide responses within the legislated time periods. They should also ensure, either collectively or individually, that the APO is appropriately resourced so that it can reliably assist public bodies to respond to access to information requests within the legal time periods and to comply with the relevant procedural requirements.
3. That the government should consider amending ATIPP to expressly state the Information and Privacy Commissioner has discretion to extend the time required to complete a review. Such an amendment should include a requirement to give notice of an extension to all parties.

### ***Timely Access to Information***

During the public review on April 15, 2024, the Commissioner spoke about the Government of the Northwest Territories (GNWT) failing to meet the legislated timeframes to respond to information requests. The GNWT's Access and Privacy Office (APO) is responsible for accepting requests from individuals applying for access to information and correction of personal information. Once the APO receives a request, they work with the relevant public body to get the required records. The Commissioner believes that both public bodies and the APO are not sufficiently resourced to respond to access to information requests within the legal time periods.

The Commissioner committed to provide Committee with:

- a. A flow chart or similar tool outlining where the bottlenecks are in the processing of information requests and
- b. Suggestions to resolve the timing issues.

**ATIPP Section 72**

In 2019, *Bill 29: Act to Amend the Access to Information and Protection of Privacy Act*,<sup>5</sup> updated Section 72 to obligate public bodies to identify categories of records that do not contain personal information and can, therefore, be made available to the public without the need for a formal access request under the Act.

Simultaneously, the GNWT committed to increasing openness, transparency, and accountability by embracing “Open Government” movement and publicly released the Open Government Policy<sup>6</sup> in March 2018. During the public review, the Commissioner stated that he does not believe public bodies have done much work to increase public disclosures.

Committee found the Open Government Policy sets out actions to advance the GNWT’s commitment to the principles of Open Government in three areas:

**1. Open Information**

Open Information means that government-held information is released proactively and made available to the public through a variety of means in formats that are accessible and user-friendly. The Proactive Disclosure Directive,<sup>7</sup> signed in July 2023, identifies categories of information and guidance to public bodies on how to maximize the release of information.

Committee believes that the GNWT is not yet proactively disclosing all information and documents outlined in the directive (for example, Committee is not aware of internal audit and evaluation reports being disclosed).

Consequently, Committee is recommending that:

**Recommendation 1**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories ensure that all information and documents identified in the Proactive Disclosure Directive are released and up to date.

**Recommendation 2**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories review and update the Proactive Disclosure Directive to maximize the release of information. Areas of consideration should include (1) recipients of grants and contributions, (2) summaries of briefing notes received by ministers and deputy heads, (3) material prepared for incoming ministers and deputy heads on duties and



functions, (4) public body internal process and procedure documents.

## 2. *Open Data*

Open Data includes the release of datasets, facts, figures, or statistics. Committee notes that, as of May 15, 2024, the webpage for Open Data does not exist, therefore Committee recommends:

### **Recommendation 3**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide an update to on when the Open Data website will be activated and what datasets, facts, figures, and statistics it will include.

## 3. *Open Dialogue*

Open Dialogue means that a range of engagement activities are made available to encourage meaningful engagement of residents, communities, and organizations in government decision-making processes.

Committee acknowledges the 2022 Public Engagement Employee Guide<sup>8</sup> as a strong step in ensuring a common approach and resources to support public engagement. Committee is interested in the success of Open Dialogue and recommends:

### **Recommendation 4**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide to Committee, and publish, all evaluation worksheets/reports from public engagement evaluation since the Public Engagement Employee Guide was released in July 2022.

Committee acknowledges the Commissioner's recommendations concerning the *Access to Information and Protection of Privacy Act* and supports consideration and feedback from the government. Therefore, Committee recommends that:

### **Recommendation 5**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide feedback on the cost, process, and feasibility to implement the Information and Privacy Commissioner's three recommendations.

## HIA

The Commissioner made seven recommendations in the annual report concerning HIA. Additional details about each recommendation can be found in the 2022-2023 annual report:

1. That the Department of Health and Social Services should consider implementing a policy, or the government should consider amending the *Health Information Act*, to require health information custodians to report to the Commissioner regarding the implementation of accepted recommendations.
2. That the GNWT should review the need for privacy-protective policies and procedures to support a specialized emergency response such as the COVID-19 Coordinating Secretariat and ensure it is equipped to operate within the bounds of the *Health Information Act*.
3. That Health Information Custodians should continue to reduce or eliminate the use of fax machines to transmit personal health information.
4. That Health Information Custodians should utilize secure electronic transmission measures when transmitting personal health information.
5. That Health Information Custodians should prioritize implementation of, and compliance with, the Mandatory Training Policy and ensure that appropriate privacy training is provided for new employees, returning employees, and for all employees annually.
6. That Privacy Impact Assessments addressing any new information system or communication technology that involves the collection, use, or disclosure of personal health information should be completed and submitted so that there is a reasonable period for review by the Information and Privacy Commissioner and for any comments to be considered by the Health Information Custodian in the planning stages before implementation.
7. That the government should consider amending Section 89 of the *Health Information Act* to include similar provisions regarding Privacy Impact Assessments as mandated in section 42.1 of ATIPP.

Committee acknowledges the Commissioner's recommendations concerning the *Health Information Act* and supports consideration and feedback from the government. Therefore, Committee is recommending that:

**Recommendation 6**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide feedback on the cost, process, and feasibility to implement the Information and Privacy Commissioner's seven recommendations.

**CONCLUSION**

This concludes the Standing Committee on Government Operations Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Information and Privacy Commissioner.

**Recommendation 7**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to the recommendations contained in this report within 120 days.

**ENDNOTES**

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<sup>1</sup> The 2022-2023 Annual Report is available at: <https://www.ntlegislativeassembly.ca/tables-documents/office-northwest-territories-information-and-privacy-commissioner-2022-2023-annual>

<sup>2</sup> Available at: <https://www.youtube.com/watch?v=WZlkdpfWOeY> (beginning at 55:45). The Legislative Assembly uploads video recordings of public meetings and other special events to its YouTube channel.

<sup>3</sup> The requirements for the annual report are laid out in Section 68 of the Access to Information and Protection of Privacy Act. Available at: <https://www.justice.gov.nt.ca/en/files/legislation/access-to-information-and-protection-of-privacy/access-to-information-and-protection-of-privacy.a.pdf>

<sup>4</sup> The requirement for annual reporting is laid out in Section 173 of the Health Information Act. Available at: <https://www.justice.gov.nt.ca/en/files/legislation/health-information/health-information.a.pdf>

<sup>5</sup> Bill 29 was introduced in the Legislative Assembly in October 2018 and came into force July 2021. The Standing Committee on Government Operation's *Report on the Review of Bill 29: An Act to Amend the Access to Information and Privacy Act* is available at: [https://www.ntlegislativeassembly.ca/sites/default/files/legacy/19-05-28\\_cr\\_16-183\\_report\\_on\\_the\\_review\\_of\\_bill\\_29\\_-\\_act\\_to\\_amend\\_atipp\\_act\\_final.pdf](https://www.ntlegislativeassembly.ca/sites/default/files/legacy/19-05-28_cr_16-183_report_on_the_review_of_bill_29_-_act_to_amend_atipp_act_final.pdf)

<sup>6</sup> The Open Government Policy is available at: [https://www.eia.gov.nt.ca/sites/eia/files/2018-01-08\\_open\\_government\\_policy\\_-\\_signed.pdf](https://www.eia.gov.nt.ca/sites/eia/files/2018-01-08_open_government_policy_-_signed.pdf)

<sup>7</sup> Proactive Disclosure (Open Information) Directive is available at: [https://www.eia.gov.nt.ca/sites/eia/files/proactive\\_disclosure\\_directive\\_-\\_en.pdf](https://www.eia.gov.nt.ca/sites/eia/files/proactive_disclosure_directive_-_en.pdf)

<sup>8</sup> The Public Engagement Employee Guide is available at: [https://www.eia.gov.nt.ca/sites/eia/files/gnwt-public\\_engagement\\_guide.pdf](https://www.eia.gov.nt.ca/sites/eia/files/gnwt-public_engagement_guide.pdf)

Standing Committee on  
Government Operations



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# Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Languages Commissioner

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

Chair: Mr. Julian Morse

## **MEMBERS OF THE STANDING COMMITTEE ON GOVERNMENT OPERATIONS**

---

Julian Morse  
MLA Frame Lake  
Chair

Kate Reid  
MLA Great Slave  
Deputy Chair

Richard Edjericon  
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Robert Hawkins  
MLA Yellowknife Centre

Denny Rodgers  
MLA Inuvik Boot Lake

Jane Weyallon Armstrong  
MLA Monfwi

### Alternates

Daniel McNeely  
MLA Sahtu

Kieron Testart  
MLA Range Lake

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its *Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Languages Commissioner* and commends it to the House.

Mr. Julian Morse  
Chair, Standing Committee on Government Operations

## **STANDING COMMITTEE ON GOVERNMENT OPERATIONS**

### **REPORT ON THE REVIEW OF THE 2022-2023 ANNUAL REPORT OF THE NORTHWEST TERRITORIES LANGUAGES COMMISSIONER**

#### **INTRODUCTION**

The Standing Committee on Government Operations (Committee) has reviewed the 2022-2023 Annual Report of the Northwest Territories Languages Commissioner (Commissioner)<sup>1</sup>. The Committee thanks Ms. Brenda Gauthier, NWT Languages Commissioner for her appearance before the Committee on April 9, 2024.<sup>2</sup>

The *Official Languages Act* requires the Commissioner to prepare an annual report.<sup>3</sup> The Speaker tables the report in the Legislative Assembly. Once tabled, Committee reviews the report. The report must include:

- An assessment of the status of each Official Language.
- An evaluation of the effectiveness and efficiency of the policies and programs of government institutions relating to Official Languages; and
- A report on the activities of the Official Languages Board.

The Commissioner's 2022-2023 report highlights the Office's focus on supporting recent updates to the *Official Languages Act* and public engagement. The Commissioner's work and recommendations are reflected in Committee's observations.

#### **ABOUT THE OFFICE OF THE LANGUAGES COMMISSIONER**

The Office of the Languages Commissioner is established under the *Official Languages Act*. The Act recognizes eleven official languages in the NWT and provides that the public has certain rights with respect to using those languages. The Commissioner is appointed by the Legislative Assembly to investigate complaints, make recommendations, and promote the use of Official Languages.

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## **OBSERVATIONS**

### **Review official languages service delivery**

Section 29(a) of the Official Languages Act allows the Official Languages Board to “review the rights and status of each of the Official Languages, including their use in the administration and delivery of services and communications by government institutions.”<sup>4</sup> The Commissioner has called on the Official Languages Board to action this part of their mandate, with a focus on the nine Indigenous languages.

Committee has previously endorsed the Commissioner’s advocacy in this area.<sup>5</sup> However, Committee notes that as of May 16, 2024, the Official Languages Board does not appear to have any active members,<sup>6</sup> and therefore recommends:

#### **Recommendation 1**

The Standing Committee on Government Operations recommends that the Minister of Education, Culture and Employment ensure all official languages communities are consistently represented on the Official Languages Board.

During the public review, the Languages Commissioner supported Committee’s suggestion that the government should complete a government-wide inventory of Indigenous language speakers working for the Government and whether those speakers are being compensated for providing Indigenous language services. It is therefore recommended that:

#### **Recommendation 2**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide Committee with a list of:

1. All Indigenous language speakers that work for the government.
2. Whether those employees receive the Bilingual Bonus for providing service in their Indigenous language.
3. What government services are being offered in an Indigenous language (and in which communities).

### **Compensate Indigenous language speaking employees**

In the annual report, the Commissioner recommended that the Government of the Northwest Territories research and develop an assessment program for the nine Official Indigenous Languages to ensure that language speakers within the



government are compensated for providing services in their language. In addition, the Commissioner felt that Indigenous language speaking employees are unaware of their eligibility for the Bilingual Bonus. Committee acknowledges the Commissioner's concerns and therefore recommends:

**Recommendation 3**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide feedback on the feasibility of developing an assessment program for the nine Official Indigenous Languages.

**Recommendation 4**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories launch a communications campaign to ensure all employees are aware of the Bilingual Bonus.

**Review Indigenous Languages service offerings**

The Commissioner has called on the government to mirror the Indigenous Languages and Education Secretariat (ILES) to the Francophone Affairs Secretariat. The Commissioner believes the Francophone Affairs Secretariat provides services that are not currently provided by ILES, including:

- Providing advice and support to Government of Northwest Territories (GNWT) institutions.
- Developing orientation programs for French Language Service Coordinators.
- Coordinating French translations services for the GNWT.
- Liaising with the Francophone community.
- Ensuring systematic audits of French language communications and services.

Committee is interested in learning why the same services and opportunities are not provided by ILES as are provided by the Francophone Affairs Secretariat, and therefore recommends:

**Recommendation 5**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a rationale for the different services and opportunities provided for Indigenous language speakers through ILES compared

to French language speakers through the Francophone Affairs Secretariat.

## CONCLUSION

This concludes the Standing Committee on Government Operations *Report on the Review of the 2022-2023 Annual Report of the Official Languages Commissioner*.

### Recommendation 6

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to the recommendations contained in this report within 120 days.

## ENDNOTES

<sup>1</sup> The 2022-2023 Annual Report is available at: <https://www.ntlegislativeassembly.ca/tables-documents/northwest-territories-languages-commissioner-annual-report-2022-2023>

<sup>2</sup> The Legislative Assembly uploads video recordings of public meetings and other special events to its YouTube channel. Available at: <https://www.youtube.com/watch?v=1Bgg3oXu9bk>.

<sup>3</sup> The requirements for the Languages Commissioner's annual report are laid out in Section 27 of the Official Languages Act, available at: <https://www.justice.gov.nt.ca/en/files/legislation/official-languages/official-languages.a.pdf>.

<sup>4</sup> For more information, see Section 29(a) of the *Official Languages Act*, available at: <https://www.justice.gov.nt.ca/en/files/legislation/official-languages/official-languages.a.pdf#page=20>

<sup>5</sup> The Standing Committee on Government Operations Report on the Review of the 2021-2022 Annual Report of the Languages Commissioner, available at: <https://www.ntlegislativeassembly.ca/content/report-review-2021-2022-annual-report-languages-commissioner>.

<sup>6</sup> Information on board membership is available at: <https://boardappointments.exec.gov.nt.ca/en/appointments/appointments-full/>

Standing Committee on  
Government Operations



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# Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Human Rights Commission

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

Chair: Mr. Julian Morse

## **MEMBERS OF THE STANDING COMMITTEE ON GOVERNMENT OPERATIONS**

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Julian Morse  
MLA Frame Lake  
Chair

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Jane Weyallon Armstrong  
MLA Monfwi

### Alternates

Daniel McNeely  
MLA Sahtu

Kieron Testart  
MLA Range Lake

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its *Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Human Rights Commission* and commends it to the House.

Mr. Julian Morse  
Chair, Standing Committee on Government Operations

## **STANDING COMMITTEE ON GOVERNMENT OPERATIONS**

### **REPORT ON THE REVIEW OF THE 2022-2023 ANNUAL REPORT OF THE NORTHWEST TERRITORIES HUMAN RIGHTS COMMISSION**

#### **INTRODUCTION**

The Standing Committee on Government Operations (Committee) has reviewed the 2022-2023 Annual Report of the Northwest Territories Human Rights Commission (Commission)<sup>1</sup>. The Committee thanks Mr. Charles Dent, Chair of the NWT Human Rights Commission and Ms. Nicole MacNeil, Executive Director of the NWT Human Rights Commission for their appearance before the Committee on April 16, 2024.<sup>2</sup>

The *Human Rights Act* requires the Commission to prepare an annual report.<sup>3</sup> The report includes information on the numbers and grounds of complaints filed. The Speaker tables the report in the Legislative Assembly. Once tabled, Committee reviews the report.

The Commission's 2022-2023 report highlights its focus on accessibility and community outreach. The Commission's work and recommendations are reflected in Committee's observations.

Committee has identified two recommendations brought forward from the Human Rights Commission that it wishes to bring attention to and seek additional information from the Government of the Northwest Territories – the first, to legislate accessible design standards; and the second, to prohibit genetic discrimination.

Although the report references other important areas of interest, Committee is hopeful that a more focused approach can lead to positive legislative changes that support the important work of the Human Rights Commission.

#### **ABOUT THE HUMAN RIGHTS COMMISSION**

The NWT Human Rights Commission is arms-length from the Government of the Northwest Territories. It is given legislative authority under the *Human Rights Act*. Most legislation in the Northwest Territories (NWT) has a Cabinet Minister responsible for the Act; however, this is different for the *Human Rights Act*. It says the

Commission is responsible to the Legislative Assembly for the administration of the Act.

The Commission's role is to protect people from discrimination. They promote equality through education, research, and advocacy. The Act makes it illegal to discriminate or harass anyone based on age, disability, race, colour, ancestry, place of origin, sexual orientation, gender identity, family status, social condition, religion, political belief, or pardoned criminal conviction.

## **OBSERVATIONS**

### **Legislating Accessible Design Standards**

For years, the Human Rights Commission has called for the Government of the Northwest Territories (GNWT) to adopt an updated building code with stronger accessibility standards. The government currently relies on the National Building Code as the minimum acceptable standard – but this is not necessarily considered accessible pursuant to the NWT *Human Rights Act*. The Commission has pointed to building standards from the Canadian Safety Association (CSA) as a preferred alternative.

Committee has previously endorsed the Commission's advocacy in this area. Since at least 2018-19 the Commission and Committee have recommended that the GNWT ensure building standards meet requirements set out in the NWT *Human Rights Act*. In GNWT's most recent response to Committee (tabled February 2021), they referenced encouraging examples of increasing accessibility requirements for the built environment.<sup>4</sup> For example, Committee is happy to see the Department of Infrastructure's Fourth Edition of the "Good Building Practices for Northern Facilities" manual includes a process for determining accessibility targets for renovations of existing infrastructure.

Committee acknowledges that the work required to make buildings completely accessible is complex and requires a broad cultural shift towards expecting inclusivity in the built environment. However, Committee also believes that government has a responsibility to take the lead in the way our society approaches design and implementation of inclusive facilities.

Consequently, Committee recommends:

**Recommendation 1**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a progress update on the steps taken to achieve an inclusive built environment.

**Prohibiting Genetic Discrimination**

For several years, the Human Rights Commission has advocated - and Committee endorsed<sup>56</sup> - to add genetic discrimination as a prohibited grounds of discrimination in the NWT *Human Rights Act*. In 2019, Committee moved a motion to amend the *Human Rights Act* to this effect<sup>7</sup>; however, government declined to make the change, citing reluctance to be the first province or territory to adopt such a ground.

Since that time, the federal government has amended its human rights legislation to prohibit discrimination on the ground of genetic characteristics.<sup>8</sup>

**Recommendation 2**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide an update on the government's position to add genetic discrimination to the NWT *Human Rights Act*.

**CONCLUSION**

This concludes the Standing Committee on Government Operations *Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Human Rights Commission*.

**Recommendation 3**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to the recommendations contained in this report within 120 days.



**ENDNOTES**

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<sup>1</sup> The 2022-2023 Annual Report is available at: <https://www.ntlegislativeassembly.ca/tables-documents/northwest-territories-human-rights-commission-annual-report-2022-2023>

<sup>2</sup> Available at: <https://www.youtube.com/live/WZlkdptWOeY?si=xd2fXR3MhixbBHtX>. The Legislative Assembly uploads video recordings of public meetings and other special events to its YouTube channel.

<sup>3</sup> The requirements for the NWT Human Rights Commission's annual report are laid out in Section 21 of the Human Rights Act. Available at: <https://www.justice.gov.nt.ca/en/files/legislation/human-rights/human-rights.a.pdf#page=24>.

<sup>4</sup> See the Government of the Northwest Territories Response to Committee Report 4-19(2): Report on the Review of the 2018-2019 Northwest Territories Human Rights Commission Annual Report. Available at: [https://www.ntassembly.ca/sites/assembly/files/td\\_320-192.pdf](https://www.ntassembly.ca/sites/assembly/files/td_320-192.pdf).

<sup>5</sup> See the discussion in Committee's report from the 18th Assembly on Bill 30: *An Act to Amend the Human Rights Act*. Available at: [https://www.ntassembly.ca/sites/assembly/files/cr\\_15-183.pdf#page=9](https://www.ntassembly.ca/sites/assembly/files/cr_15-183.pdf#page=9).

<sup>6</sup> Report on the Review of the 2020-2021 and 2021-2022 Annual Reports of the Northwest Territories Human Rights Commission. Available at : <https://www.ntlegislativeassembly.ca/content/report-review-2020-2021-and-2021-2022-annual-reports-northwest-territories-human-rights#page=4>.

<sup>7</sup> See Motion 1 in Committee's report from the 18th Assembly on Bill 30: An Act to Amend the Human Rights Act. Available at: [https://www.ntassembly.ca/sites/assembly/files/cr\\_15-183.pdf#page=16](https://www.ntassembly.ca/sites/assembly/files/cr_15-183.pdf#page=16).

<sup>8</sup> See Bill S-201: An Act to prohibit and prevent genetic discrimination, which received assent on May 4, 2017. Available at: <https://www.parl.ca/DocumentViewer/en/42-1/bill/s-201/royal-assent>.

Standing Committee on  
Government Operations



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# Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Ombud

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

Chair: Mr. Julian Morse

## **MEMBERS OF THE STANDING COMMITTEE ON GOVERNMENT OPERATIONS**

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Julian Morse  
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MLA Monfwi

### Alternates

Daniel McNeely  
MLA Sahtu

Kieron Testart  
MLA Range Lake

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its *Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Ombud* and commends it to the House.

Mr. Julian Morse  
Chair, Standing Committee on Government Operations

## **STANDING COMMITTEE ON GOVERNMENT OPERATIONS**

### **REPORT ON THE REVIEW OF THE 2022-2023 ANNUAL REPORT OF THE NORTHWEST TERRITORIES OMBUD**

#### **INTRODUCTION**

The Standing Committee on Government Operations (Committee) has reviewed the 2022-2023 Annual Report of the Northwest Territories Ombud (Ombud)<sup>1</sup> and “Recommendations for Amendments to the *Ombud Act*” Special Report to the Legislative Assembly (Special Report).<sup>2</sup> The Committee thanks Ms. Colette Langlois, Ombud, for her appearance before the Committee on April 9, 2024.<sup>3</sup>

Section 33 of the *Ombud Act* requires the Ombud to prepare an annual report.<sup>4</sup> The Speaker tables the reports in the Legislative Assembly. Once tabled, Committee reviews the reports.

The annual report includes information about the Ombud’s Office, administrative fairness, and their work performed over the previous year such as inquiries and complaints received, public education and outreach, and finances. The Special Report provides an updated list of recommendations to update and amend the *Ombud Act* after *Bill 61, An Act to Amend the Ombud Act* came into force on July 1, 2023.

#### **ABOUT THE NWT OMBUD**

The NWT Ombud is an independent office of the Legislative Assembly tasked with speaking up for fairness in territorial government administration and services. The powers and duties of the Ombud include:

- Investigating complaints from people who feel they have been treated unfairly by territorial authorities.
- Own-initiative investigations to help improve government services.
- Public education on the principles of administrative fairness.

## **OBSERVATIONS**

### **Review of the *Ombud Act***

In the *Response to the Report on the Review of the 2020-2021 Annual Report of the Ombud*,<sup>5</sup> the government committed to a review of the *Ombud Act* in the first two years of the 20<sup>th</sup> Assembly. Committee welcomes this review and is very much looking forward to ways to support this office through legislative and policy changes.

### **Outreach and Public Education**

During the public review on April 9, 2024, the Ombud spoke about the initiatives taken on by the Ombud's Office to increase public education and outreach. The Ombud talked about the positive impact of in-person outreach and the success of the Working Together for Fairness full-day seminar offered to the public service. Committee is impressed at the steps the Ombud has taken to engage with both members of the public and public servants to raise awareness about administrative fairness.

However, the Ombud also expressed concern that the Office lacked capacity to fulfill its mandate. The Office's current compliment of three staff, including the Ombud, manages between 150 and 200 case files per year in addition to initiating own-motion investigations and providing outreach and public education. Committee shares the Ombud's concerns: there is evidence of increases in the volume and complexity of complaints reported, combined with the increased demand for training and outreach.

Committee believes the Ombud's Office should have the capacity and resources it needs to fulfill all aspects of its mandate, and consequently recommends:

#### **Recommendation 1**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories, in consultation with the Ombud, identify and address any shortfalls in budget or resources that may inhibit the Ombud's Office from fulfilling their mandate.

## Ombud's Reports

The Ombud did not make any recommendations in the 2022-2023 Annual Report. Instead, she submitted a Special Report with ten recommendations for amendments to the *Ombud's Act*:

1. That the Ombud's jurisdiction be extended to hamlets, cities, towns, and villages.
2. That the provision restricting the Ombud from investigating human rights matters where there is overlap with administrative fairness be amended or removed.
3. That the Ombud's jurisdiction be extended to complaints about the human rights offices.
4. That references to "judicial review" be removed in section 17, and that consideration be given to instead including wording similar to what is used in other Canadian jurisdictions.
5. That the Ombud's power to obtain information from authorities during an investigation be strengthened and clarified.
6. That the Act be amended to include a new provision assuring public servants and authorities that they can provide information to the Ombud voluntarily.
7. That the definition of "administrative head" be amended to be more inclusive of heads who do not have the title of "Deputy Minister" or "Chief Executive Officer".
8. That a provision be added to protect the confidentiality of evidence obtained in the course of Ombuds processes similar to provisions found in other Canadian legislation.
9. That the wording "and any administrative policies of the Clerk" be removed from subsection 42(2).
10. That the French title "Protecteur du citoyen" be replaced with the title "Ombud".

Committee acknowledges these recommendations and supports consideration and feedback from the GNWT on all of the Ombud's recommendations; therefore:

**Recommendation 2**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide feedback on the cost, process, and feasibility to implement the Ombud's legislative recommendations.

**CONCLUSION**

This concludes the Standing Committee on Government Operations *Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Ombud* and the *Recommendations for Amendments to the Ombud Act Special Report to the Legislative Assembly*.

**Recommendation 3**

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to the recommendations contained in this report within 120 days.

**ENDNOTES**

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<sup>1</sup> The 2022-2023 Annual Report is available at:

[https://www.ntlegislativeassembly.ca/sites/default/files/legacy/td\\_998-192\\_.pdf](https://www.ntlegislativeassembly.ca/sites/default/files/legacy/td_998-192_.pdf)

<sup>2</sup> Available at: [https://www.ntlegislativeassembly.ca/sites/default/files/legacy/td\\_11-201.pdf](https://www.ntlegislativeassembly.ca/sites/default/files/legacy/td_11-201.pdf)

<sup>3</sup> Available at: <https://www.youtube.com/live/WZlkdpTWOeY?si=xd2fXR3MhixbBHtX> (beginning at 39:21). The Legislative Assembly uploads video recordings of public meetings and other special events to its YouTube channel.

<sup>4</sup> Available at: <https://www.justice.gov.nt.ca/en/files/legislation/human-rights/human-rights.a.pdf#page=24>.

<sup>5</sup> See the Government of the Northwest Territories Response to Committee Report 34-19(2): Report on the Review of the 2020-2021 Annual Report of the Ombud. Available at:

<https://www.ntlegislativeassembly.ca/taled-documents/government-northwest-territories-response-committee-report-34-192-report-review-0>



### Standing Committee on Government Operations Committee Project: Review of the Northwest Territories Power Corporation Governance and Service Delivery Model Terms of Reference

## Project Summary

The Northwest Territories Power Corporation (NTPC) is responsible for providing power to customers across the Northwest Territories (NWT). It is a subsidiary of the Northwest Territories Hydro Corporation (NT Hydro), which is 100% owned by the Government of the NWT (GNWT). In addition to providing power, NTPC is the public face of NT Hydro. Its activities are regulated by the NWT Public Utilities Board (PUB).

26 of the 33 communities in the NWT rely on NTPC for electricity. NTPC systems serve approximately 43,000 people in an area of 1.3 million km<sup>2</sup>. Many of the communities NTPC serves are only accessible by air, barge, or winter road. Additionally, NTPC supplies wholesale electricity to two utility companies which, in turn, retail electricity to customers in Yellowknife and the Hay River area. NTPC's facilities include hydroelectric, diesel, and LNG (liquefied natural gas) generation plants, transmission systems, and numerous isolated electrical distribution systems. NTPC also owns and operates alternative energy assets used for the supply of residual heat, solar power, and co-generation.

There are numerous challenges associated with delivering reliable power in the NWT. Moreover, NWT electricity rates are among the highest in Canada.<sup>1</sup> Additionally, many governments, including the GNWT and Government of Canada, are taking steps to reduce reliance on fossil fuels and reduce greenhouse gas emissions (GHGs) which are leading the way for a global energy transition.

Delving into solving the causes of the specific problems experienced in NWT's power sector are beyond the scope of the Standing Committee on Government Operation's ("Committee") mandate; however, it is in the purview of Committee to investigate the

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<sup>1</sup> [NTPC's 2024-25 Corporate Plan](#) specifically lists three reasons for the NWT's high electricity rates:

1. In the past decade, electricity sales have declined by approximately half a percent per year as the result of stagnant/declining population as well as little new industrial activity such as mining.
2. Aging infrastructure is also a challenge, as it is for most other North American electrical utilities – infrastructure is not just aging but is reaching the end of its design life, particularly NTPC's hydroelectric assets.
3. There is a prohibitive cost to deliver power in the North given the use of diesel in remote communities and 100% reliance on diesel for back up generation in all communities. The small scale, isolated and non-integrated systems means that there are limited economies of scale available to NTPC.

extent to which NTPC's governance structure, including operational and funding models, is set up in such a way that will contribute to NTPC's ongoing success so that it can effectively respond to – and solve - problems.

It is the GNWT's intent that NTPC will take on new responsibilities, including assets. Balancing new and expanded responsibilities, while responding to worsening challenges in the power market and managing the NWT energy transition will only be possible if NTPC's governance structure is set up in such a way that it is robust and can adequately respond to each of these factors. Additionally, in 2016, NTPC's Board was dissolved, and replaced with Deputy Ministers, raising further questions regarding the Board's neutrality and independence from the GNWT.

For these reasons, Committee's proposed study is timely and can play an essential role in ensuring that NTPC can better achieve its own stated objectives and goals, distribute essential services to the numerous consumers it represents, and respond to delivering on the priorities of the 20<sup>th</sup> Legislative Assembly and beyond.

## Mandate – Scope of Work

Among other things, Committee's mandate includes:

- Reviewing business plans, budgets, and departmental performance of boards and agencies, including the Public Utilities Board and NTPC.
- Considering issues related to government service delivery.

Committee intends that this project will:

- Compile and review available documentation related to NTPC's governance structure, its functions, relationships internally and with Departments in the GNWT, Corporate Plans, and performance against Corporate Objectives and key performance indicators, as applicable.
- Identify gaps, inconsistencies, inefficiencies, and areas that are working well within the existing governance structure.
- Propose recommendations to the GNWT, NT Hydro, and the NTPC Board, as applicable, for improvements that are within the scope of Committee's mandate.

As such, Committee is proposing the following high-level scope to guide its investigation:

### **In-Scope:**

- Mandate and operational model under applicable legislation:
  - Parts of the *Northwest Territories Hydro Corporation Act*, as applicable.
  - Parts of the *Public Utilities Act*, as applicable.

- Relevant authorities and relationship to other boards, agencies, and similar corporations under purview of the GNWT.
- Review of NTPC Annual Filings – Capital Plans, Financial Reports, structure of decision-making authorities, structure of decision trees and decision logs, NTPC Annual Reports, NTPC Corporate Plans, and GNWT Main Estimates identifying funding, contributions, or other monies allocated to NTPC.
- Assessment of the extent to which the governance, administration, and decision-making structure meets the Mandate of the Public Utilities Board which is premised upon independent decision-making, fair, just, and reasonable rates, and that utility operators provide safe, adequate, and secure services to customers.
- Comparative analysis of relevant case studies, as appropriate.
- Review of work done by previous Assemblies, including legislative changes.
- Research questions including, but not limited to:
  - How is NTPC funded?
  - Where the GNWT is concerned, what kind of funding is provided and how are decisions made with respect to budget for NTPC?
  - Is NTPC's current governance structure enabling it to operate effectively?
  - Will NTPC's governance model be adequate for where NTPC needs to go in the future (i.e., under future climate change and energy transition scenarios).
  - What role is NTPC's governance structure playing in specific infrastructure decisions currently being made in the NWT (e.g., charging stations along the highways, solar in Inuvik, Taltson Hydro Expansion, etc.)? Are there inefficiencies that should be addressed?

### **Out-of-Scope:**

- Proposing changes to overarching legislation.

## Methodology

The scope of work will involve a combination of desk-based research, stakeholder, and Indigenous Government feedback, data analysis, and synthesis of findings to identify challenges and opportunities within NTPC's governance and corporate structure that Committee can act on within the lifetime of the 20<sup>th</sup> Assembly. Based on the findings, recommendations will be included in the report.

The project will be guided by principles of transparency, inclusivity, and respect for Indigenous rights and knowledge.

## Operations - Timelines

The governance and corporate review, and associated work, is expected to span over the next **insert year (2024/25)** with a proposed final report to be presented to the House in **Date 202X**. Specific milestones and deadlines for each phase of the project, including research, stakeholder consultations, data analysis, and report writing will be developed.

Committee briefings will be ongoing throughout the project to ensure that feedback is incorporated into the review process in a timely manner.

Committee will work to establish a fulsome list of stakeholders and relevant subject matter experts to seek further input and information on this topic via interviews, written submissions, and public hearings. Committee may need to balance public and private engagement on this matter with applicable subject matter experts and involved parties who can inform the research questions posed by this study.

It is not anticipated that Committee would travel for this project, however, as engagement begins, there may be a desire to travel if Committee agrees and legislative requirements allow them to do so. Staff have not identified Committee budget implications associated with this project.

## Recommendations and Decisions

Committee plans to bring key observations and findings from the study, and recommendations for Government in a report presented in the House.

## Priorities of the 20<sup>th</sup> Assembly

The 20<sup>th</sup> Assembly has identified four priorities:

- The suitability, accessibility, and affordability of housing.
- A strong economic foundation.
- Access to health care and addressing the effects of trauma; and
- Safe residents and communities.

Successful completion of this project will support a number of the mandate commitments set out by Government.



# Briefing Note

## *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*

### UNDRIP

The United Nations Declaration on the Rights of Indigenous Peoples<sup>1</sup> (Declaration), also referred to as UNDRIP, is a comprehensive international human rights instrument. The Declaration sets out the “minimum standards for the survival, dignity, and well-being of Indigenous Peoples.”<sup>2</sup>

The Declaration is guided by the purpose and principles of the Charter of the United Nations, which recognizes and affirms Indigenous people’s inherent rights. The Declaration reference 46 articles that speak about rights to:

- Land
- Culture and language
- Self-determination
- Non-discriminatory or oppressive practices
- Protection of elders, women, and children
- Survive and develop
- Liberty and freedom
- Participate in any decision that affects Indigenous people

### Federal Legislation

Canada fully endorsed the Declaration in 2016, and in June 2021, passed the *United Nations Declaration on the Rights of Indigenous Peoples Act*,<sup>3</sup> a landmark piece of federal legislation aimed at harmonizing Canada’s laws with the Declaration. The federal Act provides direction for the Government of Canada to implement the declaration in consultation and cooperation with Indigenous Peoples.



## 19<sup>th</sup> Assembly Mandate

In 2019, the Legislative Assembly established a mandate for the Government of the Northwest Territories' (GNWT) directing it to prioritize the work of implementing the Declaration.<sup>4</sup> The GNWT committed to:<sup>5</sup>

1. Work with Indigenous governments to create and implement an action plan that identifies changes required to GNWT legislation and policies to best reflect the principles set out in the Declaration, and
2. Collaborate with the federal government and Indigenous governments to support Canada's efforts to implement the Declaration.

As part of its Mandate, the 19<sup>th</sup> Assembly committed to:

1. Developing a Terms of Reference
2. Establishing a working group with Indigenous governments
3. Completing an implementation plan
4. Reporting on program changes

The Legislative Assembly then set up a Special Committee on Reconciliation and Indigenous Affairs (SCRIA) to seek and encourage discussions on implementing the Declaration within the NWT.<sup>6</sup> SCRIA delivered an [interim "What We Heard" report](#) and a [final report with recommendations](#).

## Bill 85

On March 29, 2023, the GNWT introduced [Bill 85: The United Nations Declaration on the Rights of Indigenous Peoples Implementation Act](#). Bill 85 was a historic piece of legislation. It was the third of its kind within Canada, following similar legislation in British Columbia.<sup>7</sup> The Bill was developed in partnership between the GNWT and Indigenous Governments or Organizations (IGOs) through a working group of officials.<sup>8</sup> The Bill is also linked to a separate Memorandum of Understanding (MOU) that lays out a collaborative approach to implement the Declaration.<sup>9</sup> As of May 2024, the GNWT and 10 of 15 IGOs had signed the MOU.<sup>1</sup>

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<sup>1</sup> The following five Indigenous governments or Organizations have not signed the MOU as of May 2024:

- Akaitcho Dene First Nations
- Dehcho First Nations
- Inuvialuit Regional Corporation
- Nahanni Butte Dene Band
- Salt River First Nation



The Bill describes the process that the GNWT will follow to ensure that future laws, regulations, and policies, procedures, and arrangements of the GNWT are consistent with the human rights set out in the Declaration. It also mandates a process for the GNWT to collaborate with IGOs to ensure existing laws, regulations, policies, procedures, and arrangements are examined to make them consistent with the Declaration over time.

## Standing Committee Review

Bill 85 was referred to the Standing Committee on Government Operations (Committee) for review. Committee tabled the Report on Bill 85: *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*<sup>10</sup> (Report) in September 2023. The Report summarizes Committee's review of Bill 85 and describes Committee's efforts to strengthen the Bill – including thirteen motions to amend the Bill (10 of which were adopted at the clause-by-clause review), and eight recommendations.

Typically, Committee includes a recommendation in each report requesting a response from the government within 120 days. The recommendation is then moved as a motion in the House and Cabinet is required to respond.<sup>11</sup> However, since the 19<sup>th</sup> Assembly dissolved in less than 120 days from when the Report was tabled, Committee did not include that recommendation.

## *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*

The Act was passed into law in October 2023. The goals of the Act are to:

- Confirm that the Declaration is a universal human rights instrument. It is important to the Indigenous Peoples of the Northwest Territories (NWT) and should be part of the process of developing new laws and reviewing and amending existing ones.
- Direct that the laws of the NWT must be interpreted in a manner consistent with the Declaration; and
- Provide a process for the GNWT to work with IGOs in a government-to-government relationship to determine how the Declaration will be implemented in ways that will improve the lives of the people of the NWT.

The Act will:



- Direct the Attorney General of the Northwest Territories to compare the Declaration with any new laws being proposed, including the amendment of existing laws, and provide that analysis in writing through a Statement of Consistency when any new laws or changes to laws are being proposed.
- Create an Action Planning Committee of GNWT and IGO representatives to work together to develop an Action Plan to identify priorities and tasks to advance the implementation of the Declaration in the NWT.
- Confirm that the GNWT can enter into shared decision making agreements with IGOs where an IGO requests when it is possible and beneficial to do so.
- Require public review and reporting on the activities identified in the Act and Action Plan to provide an update on the work being done and make that information available to the public in an annual report.
- Direct the GNWT to make steady progress to ensure the UN Declaration is considered in all decisions about laws and policies affecting Indigenous Peoples.
- Support the implementation of historical and modern treaties in the NWT.

## Next Steps

On February 20, 2024, the Standing Committee on Government Operations of the 20<sup>th</sup> Assembly requested a response to the 19<sup>th</sup> Assembly Committee Report. The Department of Executive and Indigenous Affairs committed to providing a complete response to address the recommendations contained in the report by the end of the May-June sitting.





## Potential Questions

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1 How will NWT UNDRIP legislation help to advance the goals of Indigenous Peoples having autonomy over their lands?

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2 When will the GNWT have the Action Plan

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3 How will the GNWT meaningfully implement the Declaration?

What tangible actions will the GNWT take in the next 3.5 years to implement the Declaration?

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4 Will the GNWT be reviewing their policies against the principles of UNDRIP?

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5 The Dene Nation has stated opposition to the Declaration<sup>12</sup>, what is the GNWT doing to work with Indigenous Governments and Organizations that have not signed the MOU?

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6 Will the GNWT work to remove cede and surrender clauses from existing land claim agreements?

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7 Is the GNWT prepared to fund IGOs to build their capacity on implementing the Declaration?

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8 Will the GNWT make an independent facilitator available to all negotiation tables?

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## Endnotes

<sup>1</sup> United Nations Declaration on the Rights of Indigenous Peoples. Available at :

[https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

<sup>2</sup> United Nations Department of Economic and Social Affairs, Social Inclusion. Available at :

<https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples#:~:text=It%20establishes%20a%20universal%20framework,specific%20situation%20of%20Indigenous%20Peoples>

<sup>3</sup> Canada's United Nations Declaration on the Rights of Indigenous Peoples Act received assent in June 2021.

Available at: <https://www.laws-lois.justice.gc.ca/eng/acts/u-2.2/page-1.html>

<sup>4</sup> In October 2019, Members of the Legislative Assembly set 22 priorities for the Government of the Northwest Territories' Mandate for the 19th Legislative Assembly. One of those priorities was "Implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) within the constitutional framework of Canada to advance Reconciliation." The government committed to work with Indigenous governments to create and implement an action plan that identifies changes required in GNWT legislation and policies to best reflect the principles set out in the Declaration. Available at: [https://www.ntassembly.ca/sites/assembly/files/td\\_12-192.pdf#page=9](https://www.ntassembly.ca/sites/assembly/files/td_12-192.pdf#page=9).

<sup>5</sup> Mandate of the Government of the Northwest Territories (2019-2023). Available at :

<https://www.eia.gov.nt.ca/en/gnwt-mandate-2020-2023/united-nations-declaration-rights-indigenous-peoples-undrip#:~:text=Implementing%20the%20United%20Nations%20Declaration,all%20GNWT%20departments%20and%20agencies>.

<sup>6</sup> For more information, see the Terms of Reference for the Special Committee on Reconciliation and Indigenous Affairs. Available at: [https://www.ntassembly.ca/sites/assembly/files/td\\_211-192.pdf](https://www.ntassembly.ca/sites/assembly/files/td_211-192.pdf).

<sup>7</sup> More information on British Columbia's Declaration on the Rights of Indigenous Peoples Act is available at:

<https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nationsdeclaration-on-the-rights-of-indigenous-peoples>.

<sup>8</sup> For more information, see the "Joint News Release: NWT Council of Leaders working together to implement the United Nations Declaration on the Rights of Indigenous Peoples" released on March 29, 2023. Available at:

[https://www.gov.nt.ca/sites/flagship/files/documents/joint\\_release-nwt\\_council\\_of\\_leaders\\_working\\_together\\_to\\_implement\\_the\\_united\\_nations\\_declaration\\_on\\_the\\_rights\\_of\\_indigenous\\_peoples.pdf](https://www.gov.nt.ca/sites/flagship/files/documents/joint_release-nwt_council_of_leaders_working_together_to_implement_the_united_nations_declaration_on_the_rights_of_indigenous_peoples.pdf)

<sup>9</sup> The Memorandum of Understanding for a Collaborative Approach To Implement the United Nations Declaration on the Rights of Indigenous Peoples in the NWT is available at: <https://www.eia.gov.nt.ca/sites/eia/files/nwtcol-undrip-mou.pdf>

<sup>10</sup> Standing Committee on Government Operations Report on Bill 85: *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*. Available at : <https://www.ntlegislativeassembly.ca/content/report-bill-85%C2%A0-united-nations-declaration-rights-indigenous-peoples-implementation-act>

<sup>11</sup> As required by Rule 9.4(5) of the Rules of the Northwest Territories Legislative Assembly. Available at:

[https://www.ntassembly.ca/sites/assembly/files/td\\_527-192.pdf#page=40](https://www.ntassembly.ca/sites/assembly/files/td_527-192.pdf#page=40)

<sup>12</sup> Some Dene and Indigenous scholars say Article 46 – which asserts that Indigenous peoples cannot take actions that "impair, totally or in part, the territorial integrity or political unity of sovereign and independent states" – dilutes the rest of the Declaration. For more information, see Cabin Radio's article, available at:

<https://cabinradio.ca/124995/news/politics/nwt-introduces-act-to-implement-un-declaration/>