

**MOTION 1-18(3):
REVOCATION OF APPOINTMENT OF THE HONOURABLE LOUIS SEBERT TO THE
EXECUTIVE COUNCIL**

KEVIN O'REILLY, MLA FRAME LAKE REMARKS

OCTOBER 18, 2017

MR. O'REILLY: Merci, Monsieur le President. I have tried to heed your advice that you gave at the beginning of this session and tried to choose my words very carefully. That is why I have written out my statement today. I have two sets of points I wish to make: firstly, regarding what has led us to this point, namely, the Mid-Term Review; secondly, my position on the leadership and performance of Minister Sebert. I need to address the reason why we are here today considering the revocation of a Minister's appointment to Cabinet.

One of the first orders of business for us as new MLAs was to agree on the need for a Mid-Term Review. The task of developing a process was given to the Rules and Procedures Committee to develop. The committee worked very hard to come up with an evidence-based, depersonalized process that grappled with difficult issues, including Cabinet solidarity, whether to review performance individually and/or collectively, and a number of other matters. We based much of our recommended process on what has been successfully carried out in Nunavut, where there is also a so-called consensus-style government. When we were virtually at the end of developing our report, the Cabinet Member assigned to the committee indicated there would be a minority report. That was the first sign of trouble.

Cabinet has actively resisted any form of Mid-Term Review other than a motion of revocation. Their actions during the Mid-Term Review reinforce the notion of Cabinet solidarity. I had hoped that Cabinet would respect and honour the Mid-Term Review process that was passed in this House, but I was severely disappointed and frustrated. Cabinet has rarely, if ever, worked collaboratively with Regular MLAs or committees. That is why we needed a Mid-Term Review process, to control the executive-style, "take it or leave it" form of governance by Cabinet that has eroded the notion and practice of consensus government. One need look no further than the two previous budgets that drained a very significant amount of energy and resources that should have been devoted to further progress on our mandate. Rarely, if ever, have Ministers sought out my opinions, view, or expertise in developing programs, services, legislation, or regulations.

Yes, I have met with Ministers and have been able to resolve some constituent issues and an occasional policy matter, but Cabinet clearly pushes ahead with its own agenda and priorities. This may sound harsh, but it is how I see this government working or, more accurately, not working together. The Mid-Term Review was supposed to be the halfway checkpoint, but has largely failed and pushed some Regular MLAs to the motion before us today. Consensus government is broken. I honestly don't know how to fix it.

There are obviously some lessons to be learned, but it is still too raw to have a meaningful discussion about the Mid-Term Review. This may need to wait until our transition reports to the next Assembly. We may need to make the vote totals public, better define what a vote of non-confidence means, make better use of other informal means of feedback and appraisal.

On October 4th, I laid out my approach to the Mid-Term Review in this House. I reviewed the campaign speeches made by each of the candidates who eventually became Ministers. I also reviewed the mandate letters relating to the portfolios assigned to each Minister. I used the performance criteria suggested by the Rules and Procedures Committee as follows: effective leadership; responsiveness to issues related to portfolio mandates; ethical conduct; honesty, integrity, impartiality; commitment to transparency and accountability; open, respectful, and considerate communication with fellow MLAs; ensure regular MLAs are informed of and given opportunity to provide meaningful input into important decisions in a timely and respectful manner; inclusiveness; earns the respect and support of NWT residents by engaging the public, municipal governments, business, NGOs, and the voluntary sector, seeking their input and advice; works to build and maintain respectful and effective government-to-government relationships with Indigenous governments; works to build and maintain respectful and effective relations with the federal government; engagement encourages others to give full consideration to different, sometimes opposing points of view to inform decision making.

From my assessment of Cabinet as a whole, I reviewed the progress in our mandate. I developed questions from each of the Ministers based on this preliminary assessment. No Minister met with me or attempted to influence my assessment in any way that I am aware of. Although Minister Sebert received a vote of non-confidence, there were other Ministers in Cabinet who did not perform or offer leadership that made me vote confidence in them. There is nothing personal in how I carried out my performance appraisal of Ministers. This is about getting results for NWT residents and whether we have the right team in place to do this for the remaining two years.

Unfortunately, Cabinet has put Regular MLAs in a difficult and uncomfortable position of having to discuss performance and leadership in this forum. I personally like Minister Sebert, and he is one of the few MLAs who has frequently visited my office, albeit to often chat about current affairs. I believe he brings valuable experience to this Assembly and has made a contribution. I regret that the events of the past few weeks have likely caused the Minister and his family distress, and I am sorry for that.

However, I must assess his progress objectively on mandate items and handling of several important files. I did not support the closure of the court library, and we remain the only jurisdiction in Canada without one. After almost two years, we still do not have the promised public resource centre. The decision on closure was clearly driven by Cabinet's fiscal strategy and did nothing to improve access to justice. Two other decisions to close the court registry in Inuvik and do away with Beaufort Delta legal aid clinic have also contributed to diminished access to justice. I acknowledge the improved legal aid clinics now being offered, but on balance, there has been reduced access to justice largely as a result of Cabinet's fiscal direction.

The handling of the A New Day: Men's Healing Program was not done well and caused needless confusion, frustration, and apathy about our government's approach to this important issue. The final decision to award a five-year contract to one service provider without a public process was the final straw for me.

In the Lands Department, there has not been one word changed in any policy or legislation to prevent further public liabilities from resource development. We have an entire seven-person division in Lands, presumably devoted to security and project assessment policy, but I have not seen one output or any significant participation in initiatives such as the proposed Mineral Resources Act. I have been pressing this issue now for many years, even before I became an MLA, and I now see efforts to actually roll back some of the protection in current legislation. Significant new liabilities or expenditures have been incurred on our post-devolution watch, including Cantung, Mactung, and a major unresolved shortfall at Prairie Creek. This is a collective failure of our government on the promise of devolution, one that I take very seriously.

On the NWT Power Corporation, Regular MLAs have consistently pushed for greater transparency and accountability to little or no avail. The board was summarily removed, and the promised work to examine governance has not materialized. Furthermore, there is nothing in the draft energy strategy to describe the role of the NWT Power Corporation. An energy strategy that does not address the electrical energy provider is almost incomprehensible. This corporation should be doing itself out of its job by building energy self-reliance in our communities and in individual households.

Mr. Speaker, for all these reasons, I cannot support the Minister continuing in his current role. Mahsi, Mr. Speaker.