

**Motion 12-19(2) Revocation of Appointment of the
Honourable Member for Great Slave to the Executive Council**

KEVIN O'REILLY, MLA FRAME LAKE REMARKS

MR. O'REILLY: Merci, Monsieur le President. I have tried to choose my words very carefully. Firstly, I would like to thank the residents of Frame Lake, and indeed all NWT citizens who shared their views with me. I have seriously reviewed and considered them. I take the issue of removal of a Cabinet Minister very seriously. This is not a process or decision that I have taken lightly or quickly.

A couple of points I would like to start with. Firstly, processes and rules at the Legislative Assembly have evolved over many years and have generally served us well. Confidentiality and trust go hand-in-hand and are a necessary part of any government, including consensus government and party politics. It's clear to me that we collectively have not done a very good job in explaining how this Legislative Assembly actually works. I will continue to push for better communications, openness and transparency.

Secondly, the matter of the removal of portfolios and revocation of a Cabinet position are obviously very serious matters that often involve behaviour and performance. This is no different than a performance review or job evaluation which is typically conducted privately between an employer and employee. The difference for the Legislative Assembly, and many other elected bodies, is that removal or revocation is conducted publicly. As I have said before, it is an awkward and uncomfortable process. It is difficult to avoid the appearance of personal clashes driving problems of performance.

I want to assure members of the public that attempts were made to resolve these matters well before we arrived at this point. Many options and strategies were discussed before reaching a conclusion that a motion of revocation should be brought forward.

I was prepared to support a motion of revocation for Minister Nokleby in May of this year but it never came to the floor of the House. I outlined my reasons in a social media posting on May 29, 2020 and left out some of the details in the interest of moving forward. All regular MLAs met privately with the Premier and the Minister to express their views on areas that required improvement in both behaviour and performance on the morning of May 29. I believe it was appropriate and necessary that this was a confidential meeting given the nature of the matters raised. At that meeting with the Premier and the Minister made clear commitments regarding improvements which resulted in the motion of revocation not coming to the floor. We all hoped the problems would be resolved in a constructive fashion.

Last week, the Premier removed the Minister's portfolios. That is a decision of the Premier and she has that authority and power. MLAs vote in the Cabinet Ministers and the Premier but it is the Premier who makes the decisions on portfolio assignments. From everything that I have heard, portfolios assignments have been made in a collaborative and participatory manner by this Premier.

While the Premier made the decision to remove the portfolios from the Minister, this was conveyed in a timely manner to regular MLAs and there was a meeting to discuss this move with all regular MLAs. The Premier explained the decision to do so and there was an opportunity to ask questions. I accept the explanation provided by the Premier and her decisive action followed a considerable series of efforts and measures to improve behavior and performance of the Minister. As this was a confidential meeting I cannot share the details and respect that protocol. Furthermore, I do not believe that the public interest or the privacy of the Minister is served in exposing all of the details to public scrutiny. This is not the practice with other personnel matters in a normal performance appraisal. I believe the examples made public today

are sufficient substantiation of the need for removal of the Minister. I support the Premier's decision to remove the Minister's portfolios. Commitments were made to regular MLAs by the Minister, followed up on by the Premier. When the Premier felt there was insufficient progress and little prospect for change, the Premier took her responsibility seriously and made the decision to remove the Minister's portfolios. I thank the Premier for taking my concerns seriously and taking decisive action.

We must assess performance of Ministers as objectively as we possibly can. This is about getting results for NWT residents and whether we have the right team in place to do this for the remaining part of our term. There is no doubt that the Minister works very hard and is knowledgeable in her fields of study and practice, and I commend her for that. However, government, politics and this Legislative Assembly is not an engineering project. It is about people and relationships, things that I need to constantly be reminded of and have a long way to go myself. There are no questions or issues about the Minister's ethical conduct, honesty, or integrity in my mind. I will not be commenting on the Minister's behaviour but support what the Premier has said publicly on this matter.

I do take issue with a number of problems or failures with the Minister's performance that have come to a head during the current pandemic. I certainly understand and have sympathy with the large load created with the responsibility for two important departments in our government. However, I set very high standards for myself and others in this Assembly.

I will highlight some of the key issues with the Minister's performance. I am a member of the Standing Committee on Economic Development and Environment. We've held 24 meetings in the 19th Assembly over nine months. We have only had the Minister before the Committee two times despite trying to get briefings and information. In the 70 meetings held by the Committee of all regular MLAs, the Minister has only appeared three times. Granted COVID-19 has played a

huge role in how we conduct our business, but Ministers need to get in front of Committees and work with them. Our Standing Committee on Economic Development and Environment has rarely been invited to provide feedback or input on policy or program changes in the two departments managed by the Minister. From my last term and what I have seen in this Assembly at other Standing Committees, strong Ministers work collaboratively with Committees to get ideas, feedback and improved decisions and outcomes. This is supposed to be the way consensus government works. That has clearly not been the case with the Minister in question today.

I have taken issue with the direction and outcomes of the Minister's management of economic supports and recovery during the pandemic. For example, this Assembly passed an interim budget that included the first quarter of operational funds for each department on March 16. Some departments also received all of their grants and contributions funding, including Industry, Tourism and Investment. This was done in anticipation of the economic downturn and to ensure GNWT could quickly respond with financial assistance.

The Support for Entrepreneurs and Economic Development or SEED program is promoted as "one part of the Government of the Northwest Territories' ongoing investment in a diverse, sustainable NWT economy". This is obviously increasingly important as we struggle to assist small business during this pandemic.

The much anticipated SEED guideline for 2020-21 was finally released on May 11, eight weeks after MLAs approved the ITI budget. It took far too long to open up the application process and develop a one-page seven-principle guideline for funding approval. The lack of transparency around allocation of funds within the eight streams of the SEED program is not helpful when small businesses are in dire straits. I first raised concerns with the delays in SEED funding on April 22.

The Minister finally responded in an e-mail dated August 18 with information on the allocation of these funds and how decisions will be made. That's a 16 week wait. This was quite disturbing after many e-mails from me attempting to get this information, which is still not clearly explained on the departmental website. Small business, the public, and MLAs need to have confidence that ITI is going to get SEED money out quickly and in a transparent and accountable fashion.

The Minister has not established an inclusive mechanism with experienced individuals to help small businesses survive the pandemic through effective programs and services. More loans will not cut it unless there are remission or grant provisions. Such a group also needs to be engaged to help plan for economic recovery. Yukon had its Business Advisory Council up and running on March 26 yet ours did not hold its first meeting until June 5. The advice offered on the composition and mandate of the Council from regular MLAs appears to have been largely ignored.

The Minister did not work with regular MLAs or Standing Committees in setting priorities for economic assistance, designing programs or services. In my view, the Minister appears to have invested an inordinate amount of her time early in the pandemic, on sectors of our economy over which we have little to no control. That focus came at the expense of small business, which is a large part of our economy, over which we can and must have considerable impact.

The Minister continues to promote large infrastructure projects as a way to generate benefits for northerners. Following written questions from me in March, shocking results from Slave Geological Province Road contracts over the last five years were tabled in the House in May.

- only 4 of 14 contracts went to northern contractors;
- only 3 of the successful contractors were BIP (Business Incentive Policy) registered;
and

- only 9% of the contracted amounts went to northern companies (\$88,660 out of \$987,282.56).

The pattern continues under her tenure as all four contracts issued in 2020 went to southern companies. The Yellowknives Dene First Nation publicly withdrew their support for the SGP Road on August 1, 2020 given that GNWT contracted another southern company for up to \$20 million worth of work. I note too that the Tlicho Government has raised serious concerns about the failure to deliver northern benefits from the Tlicho All Season Road where southern workers continue to be the majority. The Minister was not able to begin the policy and public engagement work to make meaningful changes to our spending and procurement services to ensure northerners benefit. The responsibility for those matters was transferred from the Minister to the Department of Finance on July 23 and I look forward to speedy progress.

A big part of a successful Minister especially in a consensus government, is open, respectful and considerate communications with fellow MLAs. This helps to ensure regular Members are informed of, and given opportunity to provide meaningful input into important decisions in a timely and respectful manner. It means responding with respect to criticisms and suggestions. MLAs are approached by constituents for help, often as a last resort. We contact Ministers for assistance and information and need timely responses. We also require information to hold Ministers accountable. In short, we need access to timely information to do our jobs as MLAs and normally that is understood and acted on by Ministers.

To further illustrate my concerns with performance, I will provide some details of my direct interactions with the Minister. I have not swamped the Minister with requests for information or responses for assistance with regard to Frame Lake constituents. I have submitted nineteen such requests since the beginning of this Assembly. Six, or nearly one third, have yet to receive a response, with the oldest now over seven months old. Only one of the responses met the five-day target set out in the Communications between the Executive Council, Ministers, Standing Committees and Regular Members Process

Conventions. When I do get responses, it has taken between 3 and 64 days and on average about 17 days. I cannot do my job as an MLA with this Minister when there are no responses or much delayed responses to my information or assistance requests.

My interactions and what I have witnessed with other MLAs, have led me to conclude that the Minister has not developed effective working relationships with Members on both sides of the House.

For all of these reasons, I have lost confidence that the Minister can or will provide the leadership and performance that the NWT needs for economic recovery especially in these critical times. I support this motion. This is about the performance of the Minister and ensuring we have in place the right skills to work with regular MLAs and provide the leadership and focus at this critical time.

Whatever the outcome, as stressful as it has been for us all, we must rise up and work together for the betterment of the NWT. I commit to do my part.

Mahsi, Mr. Speaker.