

KEVIN O'REILLY MLA FRAME LAKE

**POINT OF PRIVILEGE
ACTIONS BY MLA STEVE NORN**

November 22, 2021

MS. MARTSELOS: Thank you, Mr. Speaker. Mr. Speaker, I rise on a point of privilege under rule 20(1).

Since the Assembly last adjourned on June 4th, 2021, a number of incidents have occurred that undermined the dignity, integrity, and efficient functioning of the Legislative Assembly. Each of these incidents arise from the conduct of the Member for Tu Nedhe-Willideh....

...**MR. O'REILLY:** Merci, Monsieur le President. I want to thank the Member for Thebacha for raising a point of privilege because if she did not I was going to do it Mr. Speaker. Given that this is a very serious matter, I support your decision to allow debate on this point of privilege. I will not deal with any matters that are within the scope and terms of reference for the sole adjudicator appointed to hear a complaint about a breach of conduct by the same Member.

In my view, there have been three breaches of privilege since the House last sat, and I would like to speak to each of these as separate incidents.

Firstly, there's the matter of a threatening message or text sent by the MLA for Tu Nedhe-Willideh at 6:43 p.m. on Sunday, October the 3rd, 2021. The message was sent to an internal chat board for Caucus Members and read as follows: "I just wanted to say F-you for making my loved ones cry. You squeezed my heart. Whoever backed this, I'm coming for you."

This message is now a matter of public record having been raised in the public hearing in front of the sole adjudicator. I was very concerned when I received and viewed the text on the evening of October 3rd, the night before the commencement of the public hearing by the sole adjudicator. Mr. Speaker, I was so concerned for my personal safety and that of my family that I made a complaint to the commanding officer of RCMP G-Division here in Yellowknife the next day. I want to thank the commanding officer for his immediate response as he literally called me within minutes of the receipt of my complaint by email to check on my safety and that of my family. I was contacted by an investigating officer on October 7th and immediately attended an interview. I informed you, Mr. Speaker, and my fellow Yellowknife MLAs of my complaint to the RCMP shortly after I was interviewed.

Mr. Speaker, the intention of the message from the Member for Tu Nedhe-Willideh remains unclear, but I was very concerned for the safety of my family and myself knowing that the Member for Tu Nedhe-Willideh lives in Yellowknife, has been a Member of the RCMP, and has likely received firearms training.

Mr. Speaker, there's never, to my knowledge, been a public explanation or apology from the Member for Tu Nedhe-Willideh for this message. On the face of it, I believe this message is a breach of my privilege under Rule 20(1)(v) whereby Members have "freedom from obstruction and intimidation in relation to their duties as elected representatives." I ask that you, Mr. Speaker, find the action for the Tu Nedhe-Willideh, in sending that message, to be a breach of my privilege.

Secondly, the Member for Tu Nedhe-Willideh and his legal counsel held a news conference on Thursday, November 18th, 2021, in which the legal counsel said the following in connection with this decision this House must make about the report and the recommendation of the sole adjudicator, and I want to quote, Mr. Speaker, the words of the MLA's legal counsel: "Members of the Legislative Assembly, consider the precedent that you are being asked to set. We know that politicians across the country, around the world, have made similar errors to Mr. Norn and they've often suffered sanctions. But once this remedy recommended by the southern expert is imposed, if that is the conclusion, be afraid. Be very afraid. Anybody familiar with the north and its history and the very human conduct of elected representatives under the watchful eye of the people of the Northwest Territories, the gathered media in the very small towns and cities and hamlets and communities of the Northwest Territories, be careful what you wish for, because the moment you give the power to each other to dismiss one another, you not rotting of the Northwest Territories, but you give only add to the undermining of the already rotting democracy of the Northwest Territories but you give more power to the bureaucracy. This is bureaucracy driven, and if you give in to the temptation of accepting the recommendation of the adjudicator, and that's all it is, don't sleep well at night. Because it may not be tomorrow, it may be next year or next session, but some of you are going to cross the threshold and the mere threat of going through what Mr. Norn just experienced and is experiencing will undermine your ability to do your good job and Mr. Norn is exemplary in the execution of his duties and his protection of democracy, not just from the bureaucrats that run your Legislative Assembly but their southern colleagues brought in to the exclusion of your northern colleagues", end of quote, Mr. Speaker.

Mr. Speaker, I'm all for freedom of speech but I view these words by the legal counsel for the MLA for Tu Nedhe-Willideh as an attempt to intimidate me in my role as a Member and that must make a decision on the report and recommendation of the sole adjudicator. While it is possible that these words could be interpreted as a cautionary note with respect to the seriousness of the issues before the House, I did not take these words in that vein. The overall thrust of the news conference and the comments made by the Member and his legal counsel were denigrating and dismissive of a process for addressing the conduct of Members, which this House has established as an appropriate process. I viewed this news conference as a clear attempt to intimidate me and other Members as we embark on the difficult journey of considering the sole adjudicator's report.

Again, on the face of it, I ask you to find that there has been what appears to be a breach of privilege under Rule 20(10)(v) whereby Members should have "freedom from obstruction and intimidation in relation to their duties as elected representatives."

I ask that you, Mr. Speaker, find the action of the legal counsel for the Member for Tu Nedhe-Willideh in holding the news conference and saying what he did constitute a breach of my privilege.

I do not wish to speak to what an appropriate remedy may be as that is a decision for this House to contemplate should you agree that there is a prima facie case of the breach of privilege of the Members.

Thirdly, and lastly, Mr. Speaker, I believe the privilege of the House has been breached by the Member for Tu Nedhe-Willideh as set out in Rule 20(1)(i) where this House has "the power to maintain order and to discipline for breaches of privilege and for contempt of the House. Contempt of the House may include disobedience to its orders, misconduct before it, affronts against its dignity and authority, and any act or omission which impedes or obstructs the House or its Members in the performance of their duties."

As discussed by the Caucus chair and the MLA for Yellowknife North, I'm aware that the Member for Tu Nedhe-Willideh sent threatening messages, made threatening calls to our staff at the Legislative Assembly. These incidents were disclosed to Members at an in-camera discussion held during a Caucus meeting on December 13th, 2021 in relation to the findings of the recent workplace assessment. In no way can we allow, tolerate, acquiesce, or condone such behaviour and I view this as an extremely serious breach of the privileges of the House whereby our work has been impeded and obstructed, not to mention the impact on our staff.

Mr. Speaker, I ask that, on the face of it, you find these threats to the staff of the Legislative Assembly by the Member for Tu Nedhe-Willideh constitute a breach of the privileges of the House under Rule 20(1)(i).

Mr. Speaker, the last matter you must consider in terms of these points of privilege is whether they have been raised at the earliest opportunity. Given that the House last sat on June 4th, 2021, and a point of privilege has been raised as the first order of business today, I believe you can very safely find, as required in Rule 20(5)(b) that "the matter has been raised at the earliest opportunity".

I would also recommend that you take all of the submissions today under advisement but render a full and timely decision.

Mr. Speaker, I regret very much having to raise these matters publically as I would much rather get back to working for my constituents and a better Northwest Territories. Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Frame Lake. Are there others who wish to speak to the point of privilege. I see none. Oh, Member for Range Lake.

HON. CAROLINE COCHRANE: Thank you, Mr. Speaker. Mr. Speaker, the events that have caused us to be here today having this debate are unfortunate. I do not speak to the matter of the Member's conduct as it relates to the point of privilege lightly. However, I must stand and speak out about what has occurred and the impact it has on Members, including myself.

Mr. Speaker, we are a consensus government in the Northwest Territories and we must operate in a productive and professional environment. Will we agree at every step? Certainly not. Will some of these debates and discussions be passionate? Certainly, they will be. However, Members agreed when they were sworn in to abide by the code of conduct and carry out our duties in a manner that will withstand public scrutiny in the course of our work, even in challenging times. As Members of the Legislative Assembly, we are also afforded privileges so that we can carry out our work. Therefore, would we expect threats from one of our Members of Caucus as part of this work? Certainly not.

The last point is what we're talking about today and why we must take action.

Mr. Speaker, earlier this fall the Member for Tu Nedhe-Willideh sent Members of this House, including two members of our staff, a message using unparliamentary language that I will not repeat and indicated that "whoever backed this, I'm coming for you." This was in reference to his hearing with the sole adjudicator that was about to start, and the proceeding complaints by the chair of Caucus in relation to his conduct.

When I heard these words, Mr. Speaker, I was immediately concerned. I did have to think of my own and my family's safety. Like many women who have experienced violence at the hands of men, I thought about what he would do to me if I did what I felt was right.

Mr. Speaker, we agreed as a Caucus to bring forward the complaint in relation to the Member regarding his failure to uphold our code of conduct for a specific and factual reason. It was not politically motivated despite what the Member may believe. The complaint was made because the Member had failed in his duty to uphold the code that we are all bound by. The words he sent us indicate that the following processes we all agreed to, by asking him to ensure he upholds the code of conduct, we would face retribution from the Member.

Without getting into the details of the previous complaint, our code of conduct under principle 3 states Members must treat members of the public, one another, and staff appropriately and without harassment. Members must take all reasonable steps to ensure the work environment is free from harassment.

The words "coming for you" is surely a threat of retribution and, in my opinion, harassment against every Member of the Legislative Assembly that received this message.

As a woman I find the threat particularly troubling. Threats of violence, whether physical, verbal, or emotional, are faced by women every day. The Legislative Assembly are political leaders, no matter which gender, should be able to safely fulfill our duties. As leaders, we must act like it and we must treat each other professionally in order to lead on behalf of the people that elected us.

Mr. Speaker, every Member of this House has individual and collective privileges as set out in the rules of the Legislative Assembly. One of the individual privileges is to be free from obstruction and intimidation in relation to our duties as elected representatives. The Member's statement to his Caucus colleagues is unacceptable according to our

code of conduct and I believe it is unacceptable according to the privileges that Members of this Legislative Assembly are afforded. Thank you, Mr. Speaker.