



Cabinet Operational Guidelines During a Transition Period

- 2015-09-17 Government Activities During a Transition Period
- 2015-09-17 Disclosure of Information During a Transition Period
- 2015-09-17 Government Advertising During a Transition Period
- 2015-09-17 Procurement Activities During a Transition Period

Cabinet Operational Guidelines During a Transition Period

Table of Contents

- 1.0 Government Activities During a Transition Period
- 2.0 Disclosure of Information During a Transition Period
- 3.0 Government Advertising During a Transition Period
- 4.0 Procurement Activities During a Transition Period

GOVERNMENT ACTIVITIES DURING A TRANSITION PERIOD

CABINET OPERATIONAL GUIDELINES

GUIDELINES STATEMENT

In a parliamentary democracy, government is expected to adhere to the principle of restraint during a transition period.

The reason for restraint is that, upon dissolution, there are no members of the Legislative Assembly to hold the executive to account, and this is the essence of responsible government. Restraint should therefore be exercised by the government during the 28 day campaign period as well as during the approximate three week period required for the return of the writs, orientation, and the appointment of a new executive council.

During transitions, routine matters of public administration still need to be carried out by the government. At the same time, an out-going executive council should avoid, whenever possible, authorizing activities which could reasonably be viewed as promoting decisions of the out-going Executive Council or presuming upon matters not yet decided by the in-coming Executive Council. This is generally known as the 'caretaker convention'.

This Guideline is intended to assist Ministers and their departments in deciding what activities may or may not be appropriate during a transition period.

DEFINITIONS

Transition Period: The period between the dissolution of one Legislative Assembly through to the appointment of members of the Executive Council for the next Assembly.

GENERAL PRINCIPLES

The following general principles should be considered before the government undertakes any action during a transition period:

- the duties of a minister must continue to be fulfilled

**CABINET OPERATIONAL GUIDELINES
GOVERNMENT ACTIVITIES DURING A TRANSITION PERIOD**

- in fulfilling one's duties, ministerial decisions should be restricted to matters that are routine, necessary, non-controversial, emergency, or reversible by the next minister, and/or identified in advance through the *Process Convention on Transition Stewardship*
- decisions should be deferred on matters such as appointments, policies, new spending or other initiatives, announcements, negotiations, non-routine contracts, or grants and contributions, unless previously indicated through the *Process Convention on Transition Stewardship*, or in the event of an emergency or major unforeseen event
- there is a need to weigh, on a case-by-case basis, the necessity of any decision or action taken by a minister against the potential public response to that decision or action, as well as the overall public interest in action or inaction

DUTIES AND RESPONSIBILITIES

Members of the Executive Council are advised to be mindful that any activities undertaken as a minister during a transition period will be subject to public scrutiny.

At the same time, the public is advised that ministerial responsibilities continue through the transition period. Ministers have a duty to carry out their responsibilities until their appointment is revoked to enable the appointment of a new executive council. This ensures the stability of government through a transition period.

Deputy Ministers exercise a special responsibility during a transition period. This includes staying in contact with the Minister and advising the Minister on what activities may or may not be appropriate in respect of the principle of restraint. When advising their Minister, Deputy Ministers should consult the Secretary to Cabinet, who, where necessary, may consult the Ethics Counsellor.

In the event of an emergency or major unforeseen event, a minister, in consultation with the Premier, Secretary to Cabinet, and the Minister's Deputy Minister, may need to take a decision and/or address the public in order to serve the public interest. An emergency is defined as a present or imminent event that is affecting or could affect the health, safety, or welfare of people or is damaging or could damage property.

GUIDELINES

Activities by government that respect the principle of restraint:

**CABINET OPERATIONAL GUIDELINES
GOVERNMENT ACTIVITIES DURING A TRANSITION PERIOD**

- holding meetings of the Executive Council, Financial Management Board, and Committees-of-Cabinet
- taking routine and necessary decisions, including regulatory decisions
- ministers accepting an invitation to bring greetings to visitors and dignitaries or to attend a regularly scheduled public event, where the presence of a minister would normally be expected as a matter of protocol
- intergovernmental letters of congratulation, as would normally be expected as a matter of protocol
- having speeches to be given by a minister as a minister (not as a candidate) reviewed in advance by the Director of Cabinet Communications, the Office of the Premier, in order to ensure that public statements respect the principle of restraint
- public servants participating in ongoing intergovernmental negotiations
- public servants participating in ongoing contractual negotiations
- mass communication of government information primarily concerned with health, safety, or eligibility for programs and services

Activities by government that offend the principle of restraint:

- ministers participating as ministers in public events, where the minister is not invited or expected to perform any official duty
- addresses by ministers, in their capacity as ministers, to community or special interest groups or associations, that are unscheduled or scheduled after the beginning of the transition period
- using for partisan or campaign purposes any government resources available by way of a minister's portfolio (this includes confidential information, office space, equipment, communication devices, staff, or services)
- ministers asking exempt staff to undertake any non-government work, especially for campaign or partisan purposes or using public resources for non-government work

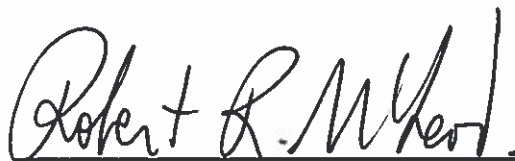
**CABINET OPERATIONAL GUIDELINES
GOVERNMENT ACTIVITIES DURING A TRANSITION PERIOD**

- ministers posting to social media any statements related to one's ministerial role or activities
- providing any unauthorized or confidential government information to any candidates or campaign staff (or any other person), including other Ministers and former members of the recently dissolved Legislative Assembly
- ministers pronouncing on any policy positions on behalf of the government, other than those already approved by the Cabinet and previously made public

PUBLIC ENGAGEMENT

In order to be consistent with the principles of restraint and good public administration during a transition period:

- public and stakeholder consultations, planning sessions, or surveys should not begin or continue to be held or deployed (excluding routine surveys conducted by the Bureau of Statistics)
- ministers should not be directly involved in public engagement by government; moreover, public engagement by government should never be a forum for election campaigning
- public servants should continue to meet with, answer questions from, and provide information to other governments, non-governmental organizations, private associations, or individuals in accordance with the general practices of government as would be the case when operating outside of a transition period. At the same time, public servants should not make any commitments to any particular course of action, decision, or policy position



Premier and Chairman of the
Executive Council

DISCLOSURE OF INFORMATION DURING A TRANSITION PERIOD

CABINET OPERATIONAL GUIDELINES

GUIDELINES STATEMENT

The Guiding Principles of Consensus Government, the Process Conventions informing the relationship between the Executive Council and the Standing Committees, and the *Access to Information and Protection of Privacy Act* all address the sharing of information amongst and between the Executive Council, Standing Committees, Ministers, Regular Members and the public. The Executive Council recognizes that during a transition period government will continue to share information, but the Executive Council also recognizes the importance of ensuring that during a transition period no Minister, former Regular Member or candidate is granted inappropriate access to information which could be used to further his or her electoral advantage.

DEFINITIONS

The following terms apply to these Guidelines:

Candidate: A candidate in an election for public office, including Ministers and former MLAs standing for re-election. For the purposes of these Guidelines, the term candidate includes members of the public working on behalf of a candidate's campaign team.

Transition Period: The period between the dissolution of one Legislative Assembly through to the appointment of members of the Executive Council for the next Assembly.

GUIDELINES

1. Public Access

The public has a right to access information held by Government of the Northwest Territories departments, boards and agencies (i.e., public bodies).

This right of access is limited only by the need to protect personal privacy as well as a few specific exceptions set out in territorial and federal legislation. The right is not and cannot be limited by an individual's decision to stand for election.

2. Information Requests from Candidates

During a transition period, a candidate's request for information directed to a Minister should be redirected by the Minister to the appropriate deputy minister(s).

A candidate's request for information should be handled by public servants as would a similar request made by any member of the public.

A candidate's request for a private meeting with public servants to discuss established government programs, services and other public matters should be handled as would a similar request from any member of the public.

3. Invitations To Meetings

A candidate's invitation to a public servant to attend a campaign meeting in the public servant's official capacity should be declined.

A request from an Aboriginal, municipal or federal government, or a non-government organization for public servants to participate, in an official capacity, in a private meeting scheduled to take place during a transition period should be handled as would a similar request to participate in a private meeting outside of a transition period.

A public servant should exercise discretion when invited to attend, in an official capacity, public meetings held during a transition period. Though staff may have reason to expect that there may be attempts to "politicize" public meetings during a transition period, public servants have an obligation to serve the public and should not necessarily decline invitations that would normally be accepted outside a transition period.

4. Other Considerations

Public servants shall not advise other candidates about requests for information by one candidate.

During the transition period, public servants shall not extend to former MLAs or Ministers, other than their own Minister, any greater access to departmental information than they would extend to other candidates or the general public.

**CABINET OPERATIONAL GUIDELINES
DISCLOSURE OF INFORMATION DURING A TRANSITION PERIOD**

During the transition period, public servants should not extend to former public service colleagues any greater access to departmental information than they would extend to candidates or the general public.

Though candidates and the general public have the right to access information readily available to a public body, they do not have the right to ask that research be undertaken on their behalf.

5. Other Elections

These Guidelines on the disclosure of information during a transition period should also guide ministerial and public servant decisions on the disclosure of information to candidates during a territorial by-election, a federal election, an NWT municipal election, and an NWT Aboriginal government election.

6. Public Servant Participation

Public servants should ensure that any personal involvement in political activities complies with the political activity provisions of the *Public Service Act* and the *Code of Conduct for Employees of the Government of the Northwest Territories*.

7. Interpretation

During a transition period, questions regarding these Guidelines should be referred to the Secretary to Cabinet.



Premier and Chairman of the
Executive Council

GOVERNMENT ADVERTISING DURING A TRANSITION PERIOD

CABINET OPERATIONAL GUIDELINES

GUIDELINES STATEMENT

The Executive Council recognizes that, though the routine business of government must continue during a transition period, government advertising activities could possibly provide incumbent ministers with an unreasonable electoral advantage during a transition period. For this reason, ministers and their departments will curtail publicly funded advertising during the transition period and limit advertising to:

- the issuance of a public notices for legal purposes;
- informing the public of essential government services or advising the public of any emergency related to health, safety or the environment;
- posting employment or staffing notices.

DEFINITIONS

The following terms apply to these Guidelines:

Advertising: Any message conveyed in the NWT, Canada or internationally by the Government of the NWT for placement in media, including but not limited to newspapers, television, radio, billboards, cinema and on mobile devices, Internet and any other digital medium.

Emergency: A present or imminent event that is affecting or could affect the health, safety or welfare of people or is damaging or could damage property.

Publication: Anything made public by print (in a newspaper, magazine, poster, brochure, document, letter or digital media).

Transition Period: The period between the dissolution of one Legislative Assembly through to the appointment of members of the Executive Council for the next Assembly.

GUIDELINES

The Guidelines provide specific direction on allowable or prohibited forms of advertising during the transition period.

1. Advertising (General)

Advertising of policies will be discontinued during the transition period, except in cases of an emergency.

This restriction does not apply to advertising required to continue the administration of ongoing public programs or to advertising required to ensure the health and safety of the public.

2. Employment Postings

Advertising for job postings is permitted during the transition period.

3. Tenders

Advertising tenders and requests for proposals should, where operational demands permit, not be undertaken during the transition period.

4. Legal Advertising

Routine legal notices may be advertised during the transition period.

5. Goodwill Advertising

Advertising that promotes special causes, events or declarations, or offers congratulations from the government or individual ministers to individuals or groups is prohibited during the transition period.

6. Brochures and Publications

Brochures and publications already in place and available to the public may continue to be available to the public. No new publications are to be published during the transition period.

Distribution of publications and brochures is limited to meeting direct requests from the public. No mass distribution or mailing should be undertaken during the transition period unless primarily concerned with health, safety, or eligibility for programs and services.

7. Signs

Signage is restricted to those necessary for identification or public safety during the transition period.

Existing signage that promotes government programs or activities should be removed or covered for the duration of the transition period.

8. Internet Advertising

During the transition period, no new promotional material, including ministerial press releases and other materials with the Minister's name attached shall be posted on a GNWT website.

9. Promotional Giveaways

Distribution of departmental promotional giveaways will be discontinued during the transition period.



Premier and Chairman of the
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PROCUREMENT ACTIVITIES DURING A TRANSITION PERIOD

CABINET OPERATIONAL GUIDELINES

GUIDELINES STATEMENT

There are restrictions on procurement activities during a transition period.

During a transition period, departments are to curtail publicly funded advertising except for the following:

- the issuance of public notices for legal purposes;
- posting employment or staffing notices;
- informing the public of essential government services; or
- to advise the public of any emergency related to health, safety or the environment

DEFINITIONS

Transition Period: The period between the dissolution of one Legislative Assembly through to the appointment of members of the Executive Council for the next Assembly.

GUIDELINES

1. Advertising tenders and requests for proposal should, where operational demands permit, not be undertaken during a transition period. This includes advertising on the GNWT Contracts Opportunities webpage.
2. Deputy Ministers may approve Sole Source Procurements in accordance with FAM guidelines and Contract Regulations.
3. The Procurement Shared Services division of PWS should be contacted to schedule upcoming procurement requirements, to ensure adequate time to prepare the procurement event, advertise and award.
4. Departments should consider scheduling procurements after the first session of the next Legislative Assembly following a general election.
5. The Procurement Shared Services division of PWS should be contacted to discuss how to access goods or services during a transition period under existing Standing Offer Agreements or Supply Services Agreements.

**CABINET OPERATIONAL GUIDLEINES
PROCUREMENT ACTIVITIES DURING A TRANSITION PERIOD**

6. In advance of a transition period, the Procurement Shared Services division of PWS shall communicate specific cut-off dates relative to a general election.
7. If public servants have any questions about procurement in advance of or during a transition period, they should contact their departmental policy staff or the Secretary to Cabinet.



Premier and Chairman of the
Executive Council

Appendix A

Procurement Planning Table: 2015 Transition Period

	Initiation Cut-Off Date (RS to PSS)	Advertising Cut-Off Date
Tenders		
Air Charters	October 5, 2015	October 5, 2015
Goods/Services Under \$250,000	September 18, 2015	September 23, 2015
Goods/Services Over \$250,000	September 3, 2015	September 8, 2015
RFP's/RFQ's		
Goods/Services Short Form RFP	September 10, 2015	September 15, 2015
Goods/Services Over \$250,000	August 25, 2015	September 8, 2015