

Ministre des Affaires
autochtones et du Nord



Minister of Indigenous and
Northern Affairs

Ottawa, Canada K1A 0H4

MAR 10 2016

The Honourable Nellie Taptaqt Kusugak
Commissioner
Government of Nunavut
PO Box 2379
IQALUIT NU X0A 0H0

Dear Commissioner Kusugak:

I would like to congratulate you on your appointment as the new Commissioner of Nunavut, and take this opportunity to address the role of Commissioner for the Nunavut Territory.

This letter provides guidance regarding the role of Commissioner, in particular, regarding your relationship with the Legislative Assembly, Executive Council and Premier of Nunavut, in accordance with the principles of responsible government and executive accountability. The framework for this relationship with the Legislative Assembly, Executive Council and Premier is found in the applicable provisions of the *Nunavut Act (Canada)*, as supplemented by the *Legislative Assembly and Executive Council Act (Nunavut)*.

The Commissioner of Nunavut is addressed primarily in sections 5 to 10 of the *Nunavut Act*. In particular, section 5 states that the Commissioner will be the chief executive officer for Nunavut and is appointed by the Governor in Council. Subsection 6 (1) requires the Commissioner to act in accordance with any written instructions from the Governor in Council or the Minister. This letter of instruction is issued pursuant to section 6 of the *Nunavut Act*.

The Executive Council is established under the *Nunavut Act*, and its members are appointed by you on the recommendations of the Legislative Assembly. The Assembly will also convey to you its choice of Premier. You will follow the advice of your Premier in assigning departmental executive responsibilities to members of the Executive Council. In order to ensure the accountability of the Executive Council to the Assembly, there shall, at no time, be a majority of the Members of the Assembly appointed to the Executive Council.

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Consistent with Canadian constitutional conventions, you will act by and with the advice of your Premier and the Executive Council in all matters relating to territorial policy and administrative decisions that fall within the competence of your office. There are only a few instances where your Premier alone has the capacity to provide direction.

More particularly, with respect to the making of appointments and regulations, the advice of the Executive Council, the responsible Minister or other person or entity authorized to make the recommendation to you, must be followed.

The Legislative Assembly, as the instrument of representative government for the residents of Nunavut, controls its agenda and timetable. With respect to proroguing sessions of the Assembly, and convening its future sessions, you will accept the Assembly's advice. The *Nunavut Act* also vests in you the authority to dissolve the Assembly at any time prior to the expiry of the Assembly's legal term. In such cases, you are required by the *Nunavut Act* to consult first with the Executive Council. In keeping with constitutional practice, you will act in accordance with the Executive Council's advice in such matters.

It is appropriate that the Commissioner's role continue to evolve in a manner consistent with, and supportive of, responsible government in Nunavut. As a general guide, and having due regard to the constitutional differences between provinces and territories, you will carry out your role as Commissioner in a manner similar in practice to that of a provincial Lieutenant Governor.

Overall, as Commissioner, you hold an important trust as the keeper of constitutional tradition, the embodiment of security for the people and institutions of Nunavut within the Canadian federation, and the symbol of good government. At all times your role requires you to exercise tact and diplomacy. In very rare and exceptional circumstances you may be faced with a situation where it is necessary that you exercise independent discretion. In any such circumstances, you will act in a manner consistent with the principles and conventions of Canada's system of responsible government that have emerged relative to the offices of the Governor General and the provincial Lieutenant Governors. Similar to the conduct required of provincial Lieutenant Governors, it is imperative that you avoid involvement in and pronouncements upon contentious public issues.

In accordance with subsection 6 (2) of the *Nunavut Act*, I ask that you ensure that these instructions are laid before the Legislative Assembly of Nunavut when it is convened, and make them available to the Executive Council of Nunavut.

In closing, I wish to assure you of my trust, support, and good wishes in fulfilling your important role on behalf of the people of Nunavut.

Sincerely,



Hon. Carolyn Bennett, M.D., P.C., M.P.

hosh fural
to meet with
you soon.

Nan'ngariyauyuq Nellie Taptaqut Kusugak
Kamisina
Nunavut Kavamangat
Titiraqarvinga 2379
Iqaluit, NU X0A 0H0

Halu Kamisina

Quviahutigi yumapkit tikkuaqtaunirnut nutaaq Nunavutip Kamisina, naunarumayatkallu havaariyakharnik Kamisinaplutit Nunavut Aviktuqhimani.

Umani titiqami hivunikhaliurutikhangit Kamisinap, tapkualluat, havaqatigi yakhatit Maligaliurvingmi, Hivuliqtit Katimayingit Hivuliqtialu Nunavut, malikhugit hivunikhaliurutit havariyainiklu kavamatkut hivuliqtiuyut kiuyunnautait. Tunngavinga havaqatigiiklutik Maligaliurvingmi, Hivuliqtiit Katimajingit hivuliqtilu naniyaunginarialik uktuutikhat iluanniitut talvani *Nunavut Maligaq* (Kanatami), ikayuqtauvaktut *Maligalirvingmi ukuallu Hivuliqtiit Katimajingit Maligaq (Nunavut)*.

Kamisina Nunavut naunaiktauhimayuuq tapkunani ilanganiitut 5 mit 10 mut talvani *Nunavut Maligaq*. Talvanilluaq, ilangani 5 titiraqhimayuuq Kamisina aulapkaiyu plunillu Nunavunmi tikkuaqtauhimayuuq Quin Kivgaanit Katimayiit. Ilangani 6 (1) piyariaqaqtuuq Kamisina maliqayariaqaqtait titirakhimayut maliktakhani Quin Kivganganit Katimayiit uvaluunniit Ministamit. Una titiraqtauhimayuuq maliktakhainik tuniyauhimayuuq angiktauhimayuuqlu talvani Ilaganni 6 *Nunavut Maligaani*.

Hivuliqtit Katimayingithanaqiyauhimayuuq atani talvani *Nunavut Maligaq*, katimayiuyut tikkuaqtauhimayut ilingnut pitquyauhimayutlu Maligalirvingmit. Maligaliuryuarvium pitquniaqtatitlu nallianik piyumayamingnik Hivuliqtikhamik. Maliktakhatit uqaudjidjuhiit Hivuliqtip tikkuaqhilutik inungnik havagviuyut ministakhainik munaqhiyukhanik ilaayunut Hivuliqtit Katimayingit. Munariyanginik kiudjutauninganiklu Hivuliqtit Katimayingit Maligaliurviup, piqariaqaqtuuq, qakuguluunniit, amigaitqiyauyariaqaqtut Maligaliuqtiuyut Maligaliurvingmit tikkuaqtauhimayut Hivuliqtit Katimayingit.

Maliqatiyariaqaqtut Kanatami maliqayariaqaqtut katimayut, maliqayakhatit uqaudjidjutainik Hivuliptip hapkuatlu Hivuliqtit Katimayingit tamaini pidjutauyut turrangayut aviktuqhimayuni maligat atannguyayut ihumaliuqtaitlu havaktaaktainik havagvikpit. Ilaanniinaqikittunik Hivuliqti avaliittumik tiliurittaaktuq.

Tamnalluaq, pidjutigi plugu tikkuaqhinikkut maliruagakhanutlu, uqaudjidjuhiat Hivuliqtit Katimayingit, munaqhiyuuq Minista uvaluunniit allat inungmit angiqtauyarikhimayumit pitqukpatit, maliktakhatit.

Maligaliurvingmi, kivyauyut kavamatkut nunaqaqtunut Nunavunmi, havakpaktait katimadjutikhat katimavikhainiklu tatqiqhiutainik. Pidjutigiplugit katimavikhainut Maligaliurviup, katimaffffagvikhainikluhivunikhani katimavikhait, angikhunguyatit Maligaliurviup uqaudjidjuhiit. Una *Nunavut Maligaq* kivegariyaulutit atannguyaunirni taimaaktiutikhanut katimayiuyut Maligaliurviup qakuguliqaak hivuani taphuma nungutvikha Maligaliurvup maligatigut aulaningata. Taimaituni, ilvit pitquyauyutit *Nunavut Maligaq* uqaqqatigilraklugit Hivuliqtit Katimayingit. Malikhimmaakhugit maligatigut atuqtauvaktut, maliqaniaktatit ukuat Hivuliqtit Katimayingit uqaudjidjutait atuqtakhaliukhimayut.

Ihuaqtuq Kamisinap havariyakhainik ilauhimmaagluinillu maliqayakhanut, malikhimmaaklutik, kavamanginut Nunavut. Maliktakhaliukhimayunikallatqingukpata malikhimmaaktakhanut hapkunani kanatami aviktuqhimayuni ukiuqtaqtumi aviktuqhimayunilu, havaariyakhatit Kamisinaudjutingni atuqtauyunik adjikuutaavyaktut aKanatami aviktuqhimayunit Lieutenant Governor-mit.

Tamainut, Kamisina, anginiqaqtumik munariyakhaqaqtutit maligakhaliukhimayut tunngavikhanut atuqtauvaktunik, nallaumayunik inungnut havagviuyutlu Nunavunmi Kanatami kavamauyunut, naunaitkutauyunutlu nakuuyut kavamatkut. Havaariyakhatit ihuaqtumik havaktakhariyatit pidjarikhaimaluni ihumagittarnirniklu. Ilaniinnaq qanuriniit pidjutigiplugit piyakhaqarniaqtutit qanuritutit ilvit ihumaliuktukhauyutit ihuariyarnik. Taimaitunut, qanuriliurutikharnik maliktakhatit hivunikhaliurutikhat maliqayakhainiklu Kanatap atuqtakhainik ihuaqtunut kavamatkut tamainit atuqtauyukhanik havagviuyunit Governor General hapkunangallu aviktuqhimayuni Lieutenant Governors. Adjikkutavyainik havaktauyukhanik aviktuqhimayuni Lieutenant Governors, pitquyaukpiaktuq ilautquyaungitutit tuhaqtitauyukhanik aullaranginaqtunik inungnut pidjutinut.

Maliqayakhat ilangani 6 (2) uvani *Nunavut Maligaq*, apiriyagit hapkuat maliktakhaliukhimayut naunaiktauhimayukhat talvani Maligaliurvingmi Nunavut katimaffaliqata, tuniyauyukhatlu takuyakhainik Hivuliqtit Katimayingit Nunavut.

Umiktirutaanut, Naunaiktittumayagit taimaa ukpiriyapkit, ikayuorumayapkit, ihuaqtumiklu havaariyakhatit havadjavatit ilaayunit inuinnit Nunavut.

Pittiarnikkut

Nan'ngariyauyuq Carolyn Bennet, M.D., P.C., M.P.

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L'honorable Nellie Taptaqut Kusugak
Commissaire
Gouvernement du Nunavut
C.P. 2379
Iqaluit (NU) X0A 0H0

Madame la Commissaire,

Je tiens à vous féliciter de votre nomination à titre de nouvelle commissaire du Nunavut, et je profite de l'occasion pour aborder le rôle de commissaire du territoire du Nunavut.

La présente lettre a pour objet de vous orienter dans votre rôle de commissaire, et plus particulièrement dans votre relation avec l'Assemblée législative, le Conseil exécutif et le premier ministre du Nunavut, conformément aux principes du gouvernement responsable et de la reddition de compte du pouvoir exécutif. Le cadre qui régit la relation avec l'Assemblée législative, le Conseil exécutif et le premier ministre du Nunavut est énoncé dans les dispositions applicables de la *Loi sur le Nunavut* (gouvernement du Canada), auxquelles s'ajoute la *Loi sur l'assemblée législative et le conseil exécutif* (gouvernement du Nunavut).

Le rôle du commissaire du Nunavut est surtout traité dans les articles 5 à 10 de la *Loi sur le Nunavut*. Plus particulièrement, l'article 5 précise que le commissaire est l'administrateur général du territoire et qu'il est nommé par le gouverneur en conseil. Le paragraphe 6(1) exige que le commissaire exerce ses attributions conformément aux instructions écrites du gouverneur en conseil ou du ministre. La présente lettre d'instruction est publiée conformément à l'article 6 de la *Loi sur le Nunavut*.

Le conseil exécutif est créé aux termes de la *Loi sur le Nunavut* et vous êtes chargée de nommer ses membres sur recommandation de l'Assemblée législative. Cette dernière vous communiquera également son choix de premier ministre. Vous suivrez les conseils de votre premier ministre pour assigner les responsabilités ministérielles aux membres du Conseil exécutif. Afin de faire en sorte que le Conseil

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lieutenants-gouverneurs, vous devez impérativement éviter de vous prononcer sur des questions litigieuses d'ordre public ou d'y être mêlé.

Aux termes du paragraphe 6(2) de la *Loi sur le Nunavut*, je vous demande de déposer ces instructions devant l'Assemblée législative du Nunavut lorsqu'elle sera convoquée et de les transmettre au Conseil exécutif du Nunavut.

Pour terminer, je tiens à vous dire que vous avez ma confiance et mon soutien, et je vous transmets mes bons vœux dans l'exercice de vos responsabilités importantes au nom du peuple du Nunavut.

Recevez, Madame la Commissaire, mes salutations distinguées.

Original signé par le ministre/Original signed by Minister

L'honorable Carolyn Bennett, M.D., C.P., députée