

Ministre des  
Affaires du Nord



Minister of  
Northern Affairs

Ottawa, Canada K1A 0H4

June 8, 2021

The Honourable Eva Aariak, C.M., O.Nu  
Commissioner of Nunavut  
Government of Nunavut  
P.O. Box 2379  
IQALUIT NU X0A 0H0

Dear Commissioner Aariak:

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

In accordance with the principles of responsible government and executive accountability, I hope to provide you with guidance regarding your role as Commissioner and in particular regarding your relationships with the Legislative Assembly, Executive Council and Premier of Nunavut. This framework could also be 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.

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,

A handwritten signature in blue ink, appearing to read "D. Vandal".

Hon. Daniel Vandal, P.C., M.P.

The word "Canada" in a serif font, with a small Canadian flag icon above the letter 'a'.