



Jadízj ʔedza Nén Xa

Beba ʔełígíth ʔeła
Déłtth'i Kúé

MEETING AOC 174-19-22

STANDING COMMITTEE ON ACCOUNTABILITY AND OVERSIGHT

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WEDNESDAY, FEBRUARY 16, 2022

VIDEOCONFERENCE

2:00 PM

AGENDA

1. Prayer
2. Review and Adoption of Agenda
3. Declarations of Conflict of Interest
4. Public Matters
 - a) Correspondence
 - i. Premier - Amendments to Cabinet Operational Guidelines on Land Withdrawals – 22-02-04
5. In Camera Matters
 - a) Session Planning
 - i. Sessional Work Plan
 - ii. Swearing-In
 - iii. Theme Days
 - iv. Motions
 - b) Main Estimates Wrap-Up Discussion
 - i. Update from Chair/Vice-Chair
 - ii. Discussion of Possible Changes
 - c) Confidential Correspondence
 - i. Minister of Finance – COVID Coordinating Secretariat – November 2021 Variance Report 22-01-28
 - ii. Minister of Executive and Indigenous Affairs = Response to Main Estimates Review – EIA – 22-02-04

6. New Business

a)

7. Deferred Items

8. Date and Time of Next Meeting: Monday February 21, 2022 at 9:00 a.m.

9. Adjournment



February 04, 2022

INFORMATION OR COMMUNICATIONS PUBLIC

MR. KEVIN O'REILLY
CHAIRPERSON
STANDING COMMITTEE ON ACCOUNTABILITY AND OVERSIGHT

Amendments to Cabinet Operational Guidelines on Land Withdrawals

Attached to this letter is a copy of the amended *Cabinet Operational Guidelines on Land Withdrawals* (the Guidelines). The amended Guidelines are being provided to the Standing Committee on Accountability and Oversight for information under Section 4 of the *Process Convention on Communications between Cabinet, Ministers, Standing Committees and Regular Members*.

The Guidelines were first established in 2018 to outline conditions that land withdrawals would generally be considered by Executive Council. In January 2022, Cabinet approved the amendment of the Guidelines to provide direction regarding terms for land withdrawals intended to facilitate final agreements and other initiatives not linked to a specific calendar date. Section 3 now explicitly defines two types of interim land withdrawal based on their expiry conditions:

- those with a conditional expiry (previously referred to as a 'final' land withdrawal); and
- those which expire on a specified date.

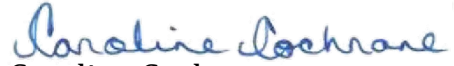
Land withdrawals with a conditional expiry are intended to facilitate anticipated final agreements or the coming-into-force of other instruments not linked to a specific calendar date. Withdrawals that cannot be linked to a condition must be set to expire on a specified date, set for a two to five-year term.

The Guidelines continue to allow for indefinite land withdrawals, which are those without a specified term or expiry date, when they serve a public goal. Indefinite withdrawals are currently in place to prevent the disposition of surface or subsurface land where further dispositions are incompatible with the intended purpose of the land and where other tools to prevent dispositions are not available, such as the Thelon Wildlife Sanctuary designated under the *Wildlife Act*.

The amended Guidelines also include miscellaneous changes intended to improve clarity and to reflect revised definitions when the *Public Land Act* comes into force.

A copy of the amended Guidelines will be included in the Executive Council Submission Handbook, which is publicly available on the GNWT's website.

Please let me know if you have any questions about the amended Guidelines.


Caroline Cochrane
Premier

Attachment

- c. Members of the Legislative Assembly
 - Principal Secretary
 - Secretary to Cabinet/Deputy Minister, Executive and Indigenous Affairs
 - Deputy Minister, Lands
 - Clerk, Standing Committee on Accountability and Oversight
 - Advisor, Standing Committee on Accountability and Oversight
 - Committee Members, Standing Committee on Accountability and Oversight
 - Legislative Coordinator

CABINET OPERATIONAL GUIDELINES

LAND WITHDRAWALS

GUIDELINES STATEMENT

Land withdrawals, established by Order through legislation, may be used by the Government of the Northwest Territories to prevent grants or dispositions of public land in situations where the establishment of new interests would interfere with a significant land management objective or negotiation.

PROVISIONS

1. Criteria for Land Withdrawals

Cabinet may consider recommending the withdrawal of public land, or the renewal or amendment of existing land withdrawals, in circumstances where restricting the grant or disposal of new interests in public land would facilitate a government negotiation or initiative, including:

- a) the selection of land to fulfill the terms of an Aboriginal land, resource or self-government agreement;
- b) the approval of a regional land use plan or amendments to an existing regional land use plan by all parties;
- c) a transfer of land between the Government of the Northwest Territories and the Government of Canada or an Indigenous government;
- d) implementing or planning for the conservation or management of natural or heritage resources or wildlife habitat, including the establishment of a protected area, wildlife reserve or park;
- e) the remediation of public land; or
- f) any other circumstances where restricting the grant or disposal of public land is shown to be in the public interest.

2. Cabinet Submissions

The Minister of Lands is responsible for recommending to Cabinet the establishment, renewal or amendment of land withdrawals.

3. Term

a) Interim land withdrawals

A withdrawal of public land is normally a temporary, interim measure intended to facilitate the completion of a government initiative or objective with a term that directly reflects the objective it facilitates. The expiry of an interim land withdrawal may be conditional on some specified agreement or instrument coming into force, or occur on a specified calendar date.

Conditional expiry: Whenever possible, the expiry of an interim land withdrawal must be linked to the coming-into-force of an agreement or instrument that renders the prevention of new grants or dispositions unnecessary. A specific date for such conditions is not necessary, but the agreement or instrument must be both sufficiently specific and imminently anticipated. Examples include, but are not limited to:

- i. The coming-into-effect of Aboriginal land, resource and self-government agreements, or other agreements meant to fulfil the terms of such, that have been signed or agreed to in principle by negotiating parties;
- ii. The coming-into-force of territorial statutory instruments, such as a regulation establishing a protected area;
- iii. The coming-into-effect of an instrument formalizing the transfer of administration and control to another government; or
- iv. The imminent coming-into-effect of other instrument or agreement that would make the continued prevention of grants or dispositions of public land no longer necessary or desired.

Date expiry: If a specific, imminent agreement or instrument cannot be sufficiently identified, an interim land withdrawal may be set to expire on a specific date. In such cases, interim land withdrawals will be established or renewed for no less than 2 years and no more than 5 years at a time.

b) Indefinite land withdrawals

Cabinet may consider indefinite withdrawals of public land where there is the intention and need to indefinitely prevent grants and dispositions for a specific purpose and alternatives tools to do so have been deemed inappropriate.

4. Interpretation

The establishment of a land withdrawal in and of itself should not be interpreted as a statement regarding rights to the land nor a Government commitment to a particular outcome or matter under negotiation.

5. Review

The Minister of Lands will undertake periodic reviews of existing land withdrawals in consultation with other Ministers to ensure they continue to fulfil the purpose of facilitating a government objective and remain consistent with these Guidelines.



Premier and Chair of the
Executive Council

Dated: February 01, 2022