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The Honourable Jackson Lafferty, Speaker

Legislative Assembly of the Northwest Territories

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YELLOWKNIFE, NORTHWEST TERRITORIES**Wednesday, June 5, 2019****Members Present**

Hon. Glen Abernethy, Mr. Beaulieu, Mr. Blake, Hon. Caroline Cochrane, Ms. Green, Hon. Jackson Lafferty, Hon. Robert McLeod, Mr. McNeely, Hon. Alfred Moses, Mr. Nadli, Mr. Nakimayak, Mr. O'Reilly, Hon. Wally Schumann, Hon. Louis Sebert, Mr. Simpson, Mr. Testart, Mr. Thompson, Mr. Vanthuyne

The House met at 1:31 p.m.

Prayer

---Prayer

SPEAKER (Hon. Jackson Lafferty): Member for Tu Nedhe-Wiilideh.

MR. BEAULIEU: Mr. Speaker, I seek unanimous consent to have item 5, recognition of visitors in the gallery; item 6, acknowledgements; and item 20, consideration in Committee of the Whole of bills and other matters, dealt with as the next matters on the orders of the day. Masi cho, Mr. Speaker.

MR. SPEAKER: Masi. The Member is seeking unanimous consent to have item 5, recognition of visitors in the gallery; item 6, acknowledgements; and item 20, consideration in Committee of the Whole of bills and other matters dealt with, as the matters on the Orders of the Day as the next item. Are there any nays? There are no nays.

---Unanimous consent granted

Those three items are moved up right after the prayer. The first item we'll recognize is item 5, recognition of visitors in the gallery. Member for Range Lake.

Recognition of Visitors in the Gallery

HON. CAROLINE COCHRANE: Mr. Speaker, I'm very pleased to advise the House that a ceremony was held this morning in the Great Hall to celebrate eight individuals who have made tremendous contributions to education in the Northwest Territories. Please join me in recognizing this illustrious group in the gallery today, the 2019 inductees into the Education Hall of Fame: Ms. Sheila Cook from Hay River; Sheila Kindred from Fort Smith; Eileen Erasmus from Yellowknife; Steve Nicoll from Fort Simpson; Michelle Brown from Fort Smith; Claudia Parker from Yellowknife; Brenda Johnson from Yellowknife; and Gayle Strikes With A Gun from Yellowknife. It was an honour to have you all today. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Once again, congratulations to all the inductees. It's such an honour to have you

here, as well, to be in the presence of the Legislative Assembly Members, masi. Member for Hay River North.

MR. SIMPSON: Thank you, Mr. Speaker, and I would also like to recognize Ms. Sheila Cook, who earlier today was inducted into the NWT Education Hall of Fame and received an award. It goes on her mantle with some of the other awards she's won including Citizen of the Year, and so on. She's always contributing to the community, and I just wanted to let her know how much she's appreciated, and welcome her to the gallery. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Member for Great Slave.

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. I'd like to recognize a resident of the Great Slave riding in the Gallery today. Brenda Johnson was inducted into the 2019 Education Hall of Fame earlier today. I'd like to take this opportunity to congratulate her, thank her for all she's done for the youth and the residents of the Northwest Territories, and welcome her to the gallery. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. Member for Kam Lake.

MR. TESTART: Thank you, Mr. Speaker. I'd like to recognize a resident of the Kam Lake riding, Ms. Claudia Parker, who was also inducted into the Education Hall of Fame today. Thank you for being with us today.

MR. SPEAKER: Masi. Member for Hay River South.

HON. WALLY SCHUMANN: Thank you, Mr. Speaker. I'd like to recognize Ms. Sheila Cook today on her award, and her daughter Tracy, who is attending with her. I have a message from my son C.J. He says, "She's the best teacher ever." Thank you, Mr. Speaker.

MR. SPEAKER: They're all the best teachers in the building. Masi. Again, masi for making a big difference. This is a great day for all of us. Member for Nahendeh.

MR. THOMPSON: Thank you, Mr. Speaker. I'd like to recognize Steve Nicoll, and I will be doing an

acknowledgement later today. He is an amazing teacher, and I have to thank him as a parent. He taught all my children and he survived, so I give him credit to that. I give him kudos to that as well. My new CA, Charles Blondin, who is a political student at University of Alberta and he's already into politics, so he's helping me out, making me look good. As well, I'd like to welcome Sheila Cook and recognize her. I was a neighbour of hers, and I'd like to recognize her for the award, as well as Tracy, Tracy Cook. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Member for Inuvik Boot Lake.

HON. ALFRED MOSES: Thank you, Mr. Speaker. Once again, I would like to welcome to the House my parents, Winston and Martha Moses. Thanks for being here today and for all the support. Also, at this time, I would like to recognize all the education leaders for all the work that you do, and the lives that you've changed, and the support that you give our communities and our children. Mahsi cho, quyanainni, merci beaucoup, thank you. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. Member for Thebacha.

HON. LOUIS SEBERT: Thank you, Mr. Speaker. I'd like to recognize two constituents, Michelle Brown and Sheila Kindred, 2019 Education Hall of Fame inductees. Thank you.

MR. SPEAKER: Masi. Member for Sahtu.

MR. MCNEELY: Thank you, Mr. Speaker. I, also, would like to recognize Gayle Strikes With A Gun. She's originally from Alberta, but she was our principal in Fort Good Hope from the year 2000 to 2003. Congratulations on your recent award. Masi.

MR. SPEAKER: From Peigan Reserve, but now she's a family member of the Northwest Territories. Member for Yellowknife Centre.

MS. GREEN: Thank you, Mr. Speaker. I rise to congratulate a resident of Yellowknife Centre, Gayle Strikes With A Gun, for her induction into the Education Hall of Fame, and to introduce her son Darrell and her father Mark, who have joined her here today. I would also like to introduce two Pages from Yellowknife Centre who are working for us this week, Sam and Alex Heyck, and I'd like to thank them and all the Pages for their service. Mahsi.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. Member for Tu Nedhe-Wiilideh.

MR. BEAULIEU: Marsi cho, Mr. Speaker. I'd like to recognize constituents of mine, Eileen and Guy Erasmus from Ndilo. Thank you.

MR. SPEAKER: Masi. Member for Nunakput.

MR. NAKIMAYAK: Thank you, Mr. Speaker. I would also like to recognize Mr. Winston Moses and his wife Martha. They went to residential school with my father, and apparently they were pretty good curlers back in the day. Everyone else from the Education Hall of Fame, I'd like to welcome everyone to the gallery today. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. Member for Frame Lake.

MR. O'REILLY: Merci, Monsieur le President. I'd like to recognize a couple of Pages from Frame Lake who have been here with us for this sitting, Carter Kasteel and Zakiya Yalahow. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. I'd also like to recognize Mr. Curtis Brown as well, originally from Behchoko. He used to be the administrator out there, and he learned from his experience and moved down to Fort Smith. I'd also like to recognize Guy Erasmus. Guy's family, late mom, was originally from Behchoko, as well. I'd like to thank them for coming and being here with us. Masi. Again, congratulations. Item 6, acknowledgements. Member for Tu Nedhe-Wiilideh.

Acknowledgements

ACKNOWLEDGEMENT 22-18(3):

EILEEN ERASMUS – NWT EDUCATION HALL OF FAME INDUCTEE

MR. BEAULIEU: Thank you, Mr. Speaker. I would like to acknowledge Eileen Erasmus. Eileen has dedicated nearly 20 years to the K'alemi Dene School and to education in the Northwest Territories. She has taught almost every grade and has been an integral part of the growth of K'alemi Dene School. Eileen has demonstrated a consistent commitment to her students, and they know this and can feel it. Former students describe her as an amazing individual, who has been a strong role model for the next generation. On behalf of the people from Ndilo, thank you, Eileen.

MR. SPEAKER: Masi. Acknowledgements. Member for Kam Lake.

ACKNOWLEDGEMENT 23-18(3):

CLAUDIA PARKER – NWT EDUCATION HALL OF FAME INDUCTEE

MR. TESTART: Mr. Speaker, I rise today to acknowledge Claudia Parker and her induction earlier today into the Education Hall of Fame. Claudia has always strived for the best for the

students and staff of her schools. Those who know Claudia share that she is grounded by her compassion and dedication to her students, staff, and her community. I hope that Members of the House will join me in recognizing the dedicated service that Ms. Parker has given to our territory. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Acknowledgements. Member for Nahendeh.

ACKNOWLEDGEMENT 24-18(3):
STEVE NICOLL – NWT EDUCATION HALL OF
FAME INDUCTEE

MR. THOMPSON: Thank you, Mr. Speaker. I would like to recognize Mr. Steve Nicoll for being inducted into the Education Hall of Fame. Steven has been a teacher at Liidlii Kue Regional High School in Fort Simpson since 2002. He has a passion for hands-on learning and outdoor education and has regularly taken students out on the land to learn survival skills and the traditional cultural way with the support of elders and community.

Along with being a role model to many, Steven is well-respected within the community of Fort Simpson. He is a man who lives by the Dene law, "Share what we have," and a person who leads by example. Steve puts in an endless amount of time into preparing lessons for students in order to provide the best environment for them to learn and excel. As well, he is an amazing volunteer as a firefighter and cadet corps. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Acknowledgements. Member for Yellowknife Centre.

ACKNOWLEDGEMENT 25-18(3):
GAYLE STRIKES WITH A GUN – NWT
EDUCATION HALL OF FAME INDUCTEE

MS. GREEN: Mr. Speaker, I rise today to acknowledge the induction of a Yellowknife Centre constituent into the NWT Education Hall of Fame. Gayle Strikes With A Gun's remarkable career has taken her from Fort Good Hope as a teacher, to Norman Wells as Sahtu District Education Superintendent, the Beaufort Delta as Assistant Superintendent, and on to the position that she now holds as Indigenous Language and Culture Coordinator. Throughout, she has charted a path of inclusion and student motivation across the realms of culture, academics, and physical education, in the classroom and through afterschool programming. Please join me in saluting Gayle Strikes with a Gun. Mahsi.

MR. SPEAKER: Masi. Acknowledgements. Item 20, consideration in Committee of the Whole of bills and other matters: Bill 38, Protected Areas Act;

Committee Report 18-18(3), Standing Committee on Economic Development and Environment Report on Bill 38, Protected Areas Act; Minister's Statement 151-18(3), New Federal Infrastructure Agreement; Minister's Statement 158-18(3), Developments in Early Childhood Programs and Services; and Tabled Document 442-18(3), 2030 NWT Climate Change Strategic Framework 2019-2023 Action Plan, with the Member for Hay River North in the chair.

**Consideration in Committee of the Whole
of Bills and Other Matters**

CHAIRPERSON (Mr. Simpson): I now call Committee of the Whole to order. For those who are used to our proceedings proceeding in an orderly fashion, we are switching things up a little bit today, and that is because we have some important business to take care of in Committee of the Whole, and because many of us, myself included, are heading down to Hay River for the Track and Field Championships opening ceremonies tonight. Just a little bit of an explanation for those who might be confused. What is the wish of committee? Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chairman. Committee wishes to consider Bill 38, Protected Areas Act, and Committee Report 18-18(3), Standing Committee Review on Bill 38, Protected Areas Act. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Beaulieu. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Is my understanding that the committee wishes to consider the bill prior to the report? Is that correct, Mr. Beaulieu?

MR. BEAULIEU: Thank you, Mr. Chairman. I may have read this backwards. We will consider the committee report first. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Beaulieu. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We will begin with consideration of Committee Report 18-18(3). I will turn to the chair of the standing committee that developed the report for opening comments. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. I am not sure that there is going to be a lot to add, from myself, at least, today with regard to the report. Yesterday was when we read the report into the

record and asked to have it moved into Committee of the Whole. I think, for the most part, the report speaks for itself. It is fairly extensive in terms of capturing what the process was.

Mr. Chair, the Standing Committee on Economic Development and Environment concluded its review of Bill 38, Protected Areas Act, on June 3, 2019, with a public clause-by-clause review held here at the Legislative Assembly building. This was followed by public hearings on the bill held in eight communities earlier this spring.

The committee received 20 public submissions on the bill and carried 30 motions to amend the bill during clause-by-clause review. These motions were a result of close collaboration between the committee and the Minister and resulted in a much-improved bill. The committee thanks the Minister for his ongoing cooperation.

I would be remiss if I didn't add at this point in time that the committee was concerned originally as to what kind of time and resources that we might have to be able to focus on the Protected Areas Act during this particular sitting. It was through some common understanding and, again, collaboration, cooperation, and compromise, quite frankly, with the Minister and his department, that we would take the Forest Act, Bill 44, and have it removed and move it to the 19th Assembly for further consideration and public consultation so that it, in itself, could be improved.

By doing that, Mr. Chair, that allowed the committee to free up a little bit of resources. I won't use "free" too freely, because, quite frankly, we still have a considerable amount of work on our plate, but it allowed us to put some considerable resources and some important time towards moving the Protected Areas Act into the May-June sitting.

With the efforts that were made by committee, as well as the Minister and his staff, we were able to get to where we are today, and I want to just express my thanks and gratitude to everyone involved. I am happy to see that we have reached this point in time, and I look forward to us moving the amendments and improving the bill later on.

Mr. Chair, individual Members may have additional comments or questions as we proceed with consideration of the bill. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Vanthuyne. I will open the floor to general comments on the committee report. First, I have Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I first want to acknowledge the hard work of the Standing Committee on Economic Development and Environment and on the part of the sponsoring

Minister to collaborate on improvements of the bill. Thirty-four motions were moved that were concurred with by the Minister in the committee review stage and did result in a bill that is now more connected with the co-management regime that exists in the Northwest Territories and has far more public-facing information than the original version of the bill. I think that those are laudable improvements.

I am in an interesting position as the co-writer of a dissenting opinion with my colleague the honourable Member for Frame Lake. This is typically not something that you see all that often, at least in my time in this Assembly. I think that that is largely a result of the accelerated time frame and the urgency that we heard loud and clear from the public on moving Bill 38 forward. I don't take issue with that.

The two outstanding issues that were identified in the dissenting opinion are important issues. They are issues that are informed by the committee's consultations with the public, by the Indigenous co-drafters of the legislation. I will not go into the exacting detail, because that is contained in the dissenting opinion that was read into the record, but, given the seriousness of those concerns and that this bill is one of many that represents a step forward in the government's efforts to reconcile with Indigenous peoples and nations and build a truly world-class regulatory regime that takes into account co-management principles, I feel that it's very important that those principles are reflected in the bill and that we are allowing Indigenous governments to speak in their own words on the kind of improvements that they want to see in the bill, given that they were so close in co-drafting it.

I think that is not at cross-purposes with public government and public governance in the Northwest Territories. We have made this commitment to do this in this area of public policy, and we need to live up to that. The amendment that I am speaking of in particular is just to create a clear legal pathway for the devolution agreement and the intergovernmental agreement to play out in a cohesive and integrated way in the bill and in no way impacts the government's prerogative to exercise its authority to draft regulations.

However, this is a very critical concept and, as a result, a dissenting opinion was required. I look forward to continuing to debate these issues. Of course, during the committee review stage, the motions that came out of the dissenting opinion resulted in a tie, and the chair was required to break that tie to allow for more debate to happen here on the floor. I look forward to that debate because these are critical issues, and I think the issues that my colleague and I have brought forward are worthy of consideration by this House

in a fair and open mind in how we proceed. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Next, we have Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Yes, I guess I, too, would like to offer a number of thank yous to the chair of our committee, who I think steered the ship along a course that involved a lot of meetings that were sometimes taking place over weekends, over evenings, and managed to keep us all on course. It's sometimes an unruly mob that he has to deal with. I also want to acknowledge the work of the Minister and his staff because, while we were meeting, they were also meeting, talking about some of the changes and ideas that we had suggested, so I think this was very much a collaborative process. I want to recognize the hard work that everybody put into this bill. We may not agree on a few remaining items, but it is still a bill that I think we can all be very proud of, and I think it is world-class.

I do want to say that we had 26 written submissions. There was obviously a high degree of public interest in this bill. We had some very sophisticated submissions from Indigenous governments, co-management bodies, NGOs, and some individuals, as well, always some very thoughtful ideas, in many cases actually suggested wording changes. I want to recognize all of the hard work that everybody put into their submissions on the bill, as well.

I think another thing I want to recognize is that there were 30 amendments made to this bill. I have been here only for three-and-a-half years. That is more changes to a bill than I have ever seen in any other legislation that has come forward, but I think it's a reflection of the hard work that everybody did to try to make this the best possible legislation.

It is an important piece of legislation. This is the first post-devolution bill that is coming before this Assembly. This represents a new era, a new way of doing things, a new way of us looking after our own resources. I think the value that standing committee brought to this process, and I tried to discuss a little bit about that yesterday in my Member's statement, and I cannot speak on behalf of all of committee, but it certainly, from my perspective, tried to bring a lens of a number of items or criteria that I used in reviewing the bill. I wanted to make sure that co-management was fully recognized and implemented into the bill; that there was strong accountability set up; that there was a greater transparency and opportunities for the public to be involved throughout the various stages of identifying, reviewing, and managing protected areas. Also, access to information was an important

thing that I think we have all agreed to improve with this bill.

I am going to reserve any comments that I have on specific sections, Mr. Chair, to when we come to the clause-by-clause, but, as I said, this is a bill that I think we can all be very proud of. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Next, Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. I, too, want to recognize the chair of SCEDE and the Members, the staff, the department, and the Minister's office for everyone's collaboration to expedite this to where we are today, recognizing there are a number of candidates, a number of areas of interest, that can immediately and in the long term comply with their initiatives under this bill.

In my recent trips to my home community in Fort Good Hope, I witnessed the discussions or negotiations going on to set out a protected area upstream from Fort Good Hope and the Rampart River delta area, an area unique to a number of wildlife and a good habitat area to preserve, create a conservation economy in legacy of this generation for the next. In speaking with the president of the Yamoga Land Corporation, he had mentioned:

"Our community has been working on this designation for over 20 years. It is now time for the Legislative Assembly of the Northwest Territories to take the necessary steps. I urge you to expedite the passage of Bill 38 so that Ts'ude niline Tu'eyeta can be established as one of the first territorial protected areas under this new legislation."

So I look forward, and I recognize everybody's efforts in expediting this. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. McNeely. Next, we have Mr. Nakimayak.

MR. NAKIMAYAK: Thank you, Mr. Chair. I would like to recognize the committee's hard work during the travel and also the department with their experts on this, Mr. Chair. I believe Bill 38, as it stands, stands strong, and it's a great example of including Indigenous governments and working with Indigenous governments in the Northwest Territories and setting a good example for developing policy not just in Canada but maybe co-leading projects like this when it comes to protected areas or areas of interest in our waters, in Canadian waters and international waters. I think collaboration and cooperation during this process was some of the best you can see, and, Mr. Chair, I think committee has done some great work and had some great input.

Sometimes, when we travel on bills, we don't travel at the best times. We travel to communities where sometimes harvesters and the people who are actually the ones I would say who have the knowledge of the land rather than some of us sitting outside, who live among the caribou, live in the ecosystem that we are very much building a bill on right here today are the ones who we need to seek input from. I think, looking forward, there may be better practices that we can take on in the next Assembly and moving forward so that we capture the essence of what we are really doing. Looking at the Northwest Territories, Mr. Chair, there are a lot of Indigenous groups in the territories, and they have a lot to say, and I think we need to respect that. This is a document that, for the most part, has done that in a great manner.

Mr. Chair, I look forward to the discussion. We had a discussion during Committee of the Whole earlier this week, and we voiced our concerns. Mr. Chair, I think the bill is ready to go the way it stands right now, and I am a strong believer of that. I come from an Indigenous government. Actually, you know, today, it is Inuvialuit Day, and we are looking at the collaboration and cooperation that has gone on between Inuvialuit. You know, I could only speak for myself, Mr. Chair. I cannot speak for anyone else. The Government of Northwest Territories has a good working relationship, a very progressive one, from managing wildlife to the environment, and as well infrastructure. Infrastructure projects. Housing is one huge one that we are starting to get a handle on, and I believe that the relationship is improving, likely to a point where it has never been before, and I hope that with all Indigenous governments that these relationships continue to improve when we develop bills such as this Mr. Chair.

Once again, I would like to commend the committee for their work and the Minister and his office for their expertise. It is good to keep each other in check, and I think we have done that to the point where we could move forward with this. That is all I have to share now. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Nakimayak. Anything further from committee in the way of general comments? Mr. Nadli.

MR. NADLI: Thank you, Mr. Chair. I, too, wanted to commend the committee, but also at the same time the department that drafted and put forth this piece of legislation, which could be in some ways unprecedented since devolution gave responsibility of lands and water to the Tlicho Government from the federal government. I think this is a rather ground-breaking initiative in advancing, at least, the idea of environment and conservation initiatives that have been going on for some time. I think it brings the reality a step closer to realizing some key initiatives that have been long put forth by

Indigenous governments or First Nations People in the NWT.

You know, just to name a few, like the Thaidene Nene has been an initiative that has been ongoing. You know, the most recent one, of course, in the Deh Cho was the federal government's involvement with the advancement of Edehzhie or Horn River or Horn Plateau protected area, and those initiatives are something that people had committed and worked a long time on those processes. You know, I just put it out there that things have to sometimes work in partnership or collaboration, but at the same time we also have to understand things work in parallel, too, as well. In a lot of ways, I think there is an almost tripartite processes with bodies and groups. It is also a bilateral processes that recognizes the idea of land claims. Regions that have settled their land claims or have their rights protected are in 6 and 35 of the constitution.

At the same time, there are some regions that haven't a settled a land claim that still retain the asserted title to their treaty and Aboriginal rights of their region. That, again, is entrusted in section 35 of the constitution, so these are key things that I think are elements that we need to be aware of. At the same time, things move forward and this piece of legislation has been worked on for some time. I'd like to see it through and advance, and so I will be supporting the passage of this legislation. Mahsi.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Nadli. Further comments on the committee report itself? Seeing none, we can proceed to the next phase. Usually, the way these things work is that there are recommendations contained within the reports. This report has five recommendations. I assume the chair will be moving motions related to each of those recommendations, so I will turn now to Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. Yes, as you heard yesterday, we did read in the report, and it came with five recommendations yesterday and, as is regular practice, we would typically take those recommendations and move them as motions. They aren't necessarily directed to the principle of the bill. These particular ones have to do more so with process matters, collaboration, co-management, and even reporting. Without further ado, Mr. Chair, I will move the motions. Thank you, Mr. Chair.

COMMITTEE MOTION 144-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE REVIEW OF BILL 38: PROTECTED
AREAS ACT - TECHNICAL WORKING GROUPS
FOR DEVELOPMENT OF LEGISLATION,
CARRIED

Mr. Chair, I move that this Assembly recommends that, when employing a technical working group for the development of future legislation, the Government of the Northwest Territories include co-management bodies in the process to resolve any conflicts between a provision of that act and a provision found in the Land Resources or Self-Government Agreement. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Vanthuyne. There is a motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I can live without the recommendation as it reads, but I think the real issue here is trying to prevent a conflict from happening in the first place. I think it is fair to say that everybody recognizes that the paramountcy of the land rights agreements, and that is recognized in this legislation, as well, but the trick is in ensuring that the resource management, the environmental legislation, that that's brought forward, really incorporates and recognizes the co-management regime that has evolved here in the Northwest Territories. I think that the real issue here is not so much dealing with conflict that may arise. The trick is to avoid the conflict in the first place by careful drafting consideration in building in the co-management bodies, and I think that by necessity means that the co-management bodies need to be at the table and the development of some aspects of these pieces of legislation. They have evolved into very sophisticated bodies. They have their own processes and procedures, lots of great on-the-ground experience that, I think, needs to be captured sometimes by those that are drafting legislation. I think it just brings added value. It is not about slowing down the process, but it is building on what we have already agreed to.

While I can live with the recommendation as drafted, I think the real trick is in preventing that kind of conflict from arising and making sure that co-management is properly incorporated and recognized in the legislation that we do develop through this co-development, co-drafting process. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. All those in favour? All those opposed? Motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 145-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE REVIEW OF BILL 38: PROTECTED
AREAS ACT - COLLABORATION WITH
MANAGEMENT BOARDS ON PROTECTED
AREAS REPORTING, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this Assembly recommends that any prior reports on protected areas should be developed in collaboration with the management boards established under this act. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Vanthuyne. There is a motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Under section 97 of the bill, it says that:

"The Minister shall table a report to the Legislative Assembly at least every five years with respect to status of candidate protected areas, state of protected areas established under the act, and the overall state of the protected areas network in the Northwest Territories."

So that is a reporting requirement on the part of the Minister every five years. I think the intent of committee here was to just make sure that that is a collaborative effort moving forward, and that the management boards that are actually established for each of the protected areas would have some involvement in preparation of the report and evaluating the state of the protected system network moving forward, so I think it is a helpful recommendation. I am sure the department would probably do this anyway, but it was an observation on the part of the committee that this would help improve reporting and collaboration moving forward, which I am sure is the intent of everyone. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. All those in favour. All those opposed. The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 146-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE REVIEW OF BILL 38: PROTECTED
AREAS ACT - COORDINATION OF REPORTS,
CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this Assembly recommends that any required reports should be coordinated with reports required under other legislation, notably the Mackenzie Valley Resources Management Act and the State of the Environment Report pursuant to Bill 39, Environmental Rights Act, if and when it is passed. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Vanthuyne. There is a motion on the floor. It is in order. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I respect my colleague as chair, of course. I guess what this motion is trying to do is suggest or ensure that there is some coordination of reporting around state of the environment that is already taking place under part 6 of the Mackenzie Valley Resources Management Act, and that is generally facilitated by the Cumulative Impact Monitoring Program staff who actually work within ENR these days. There are going to be reporting requirements, as I just outlined in speaking to the last recommendation, under this bill every five years. There is also to be some annual reporting that may happen under Bill 39, Environmental Rights Act, so the suggestion here is that, when that reporting is done, it's good that that is coordinated in some way to avoid overlap and duplication. I think it's a good recommendation and look forward to the response from our Cabinet colleagues. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. All those in favour. All those opposed. The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 147-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE REVIEW OF BILL 38: PROTECTED
AREAS ACT - CONVENING REGULAR
MEETINGS WITH STAKEHOLDERS, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this Assembly recommends that the Minister convene regular meetings with Indigenous governments or their designated representatives, protected areas management boards, and relevant co-management bodies for the purpose of promoting cooperative and collaborative working relationships for the effective management of protected areas. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Vanthuyne. There is a motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I think the idea, I know the idea here is that we heard the Minister of Lands make a statement earlier in this sitting, as well, about a land use planning forum that happens, I think, every couple of years, where different land use planning boards, bodies, come to together to talk about their lessons learned, how they can share their experience moving forward. There is already an NWT board forum where the co-management bodies in the Northwest Territories get together to talk about how they can collaborate, maybe joint training, working together on issues. I think the suggestion here is that it would be a good idea for something, a similar sort of forum, for those bodies and organizations that are working on protected areas so that they can come together on a regular basis to learn from each other and share their experience and improve the way that they all work moving forward. I think it's a good recommendation, as well. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. All those in favour. All those opposed. The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 148-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE REVIEW OF BILL 38: PROTECTED
AREAS ACT - PROCESS FOR DEVELOPMENT
OF REGULATIONS, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. Finally, I move that this Assembly recommends that the Minister develop a process for engaging Indigenous governments in the development of regulations under this and other devolution-related legislation. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Vanthuyne. There is a motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I think it's fair to say that all of committee agreed with this recommendation. We all have maybe some different ways we want to go at this. We are going to deal with that when we get to the clause-by-clause review of the bill, but we heard very strong evidence from the Indigenous governments

themselves that they want to have a clear role moving forward in development of regulations, similar to the process that was used in actually developing the bill itself. I support the recommendation. I support co-management. This is coming directly from the Indigenous governments themselves. We may deal with this in terms of some amendments when we get to clause by clause, but I stand by this recommendation, and I look forward to a formal response from the Minister. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. To the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. As we discussed in our report, there was an effort to put something similar in law around this, the co-drafting process, so that there would be a clear pathway for engagement of Indigenous governments in the Northwest Territories. When we undertook our standing committee hearing of the bill, the Minister indicated at the time that this discussion would play out at the intergovernmental council. The only concern I have around that is many of the Indigenous governments that were invited to participate in the co-drafting exercise are not signatories to the devolution agreement and are not members of the intergovernmental council. Given that they had an opportunity to have a seat at the table for the co-drafting process, I think it's prudent to continue that process moving on. So giving the Minister the authority to develop a protocol and that is clearly laid out in law just gives certainty to our Indigenous partners that there will be something moving forward. I certainly don't think I heard anything from our consultations that the relationship as it relates to these bills was flawed. I think everyone had very good things to say about a strong working relationship with the GNWT on co-drafting. There were some process issues, but they can work those out. The real priority for me is to ensure that these things continue, so I support this motion.

Again, this is a recommendation to government. It may be moved by the House and accepted by the House, but it's not adopted by the government necessarily, so the government will take its time to respond to these recommendations. I would like to see more certainty. Although I appreciate this motion, we need to go a bit further because that is what we heard and that is our role as lawmakers, to ensure the laws reflect the will of the people. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. All those in favour. All those opposed. The motion is carried.

---Carried

Well, that is it for the recommendations. Does committee agree that this concludes our consideration of Committee Report 18-18(3)?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. This concludes our consideration of the report. We have next agreed to consider Bill 38, Protected Areas Act. It can be found in your big grey binders. I would like to welcome to the floor, in his first official duties on the floor as deputy law clerk, Mr. Toby Kruger. If committee is all ready, I will ask the Minister responsible for Bill 38 to introduce it. Minister McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I am pleased to introduce Bill 38, Protected Areas Act. The bill sets out the processes for establishing a protected area in the Northwest Territories. The bill lays out the process to nominate the candidate area, how establishment agreements with Indigenous governments or organizations will be entered into for management of a protected area, regulation-making authorities, and prohibited and acceptable activities in a protected area.

Environment and Natural Resources has developed the bill through a partnership process with a technical working group that is comprised of Indigenous governments and organizations and renewable resource boards. Valuable input was also received from a stakeholder advisory group, public engagement, consultation with Indigenous governments and organizations, and other GNWT departments. The department appreciates all comments and recommendations provided through the Standing Committee on Economic Development and Environment review process, and the department is confident that the bill has become stronger with their amendment.

That concludes my opening remarks, Mr. Chair. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. Does the chair of the Standing Committee on Economic Development and Environment have any opening remarks? Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. No further remarks. I appreciate the Minister's comments, and we look forward to going through the bill clause-by-clause. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. I understand the Minister has witnesses he wishes to

bring into the Chamber. Sergeant-at-Arms, please escort the witnesses into the Chamber. Minister, would you please introduce your witnesses for the record.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I have with me, to my left, Mr. Robert Jenkins, who is the assistant deputy minister of Environment and Climate Change. To my right, I have Ms. Kelly McLaughlin, who is legislative counsel with the Department of Justice. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Welcome to the witnesses. I will now open the floor to general comments on the bill, if there are any. Please restrict comments more to the bill, not so much to committee travel and things like that. Do we have any general comments on bill 38? Everything has been said, I guess.

All right, committee, we will move into a clause-by-clause review of the bill. We will defer the bill and title until after consideration of the clauses. We have 101 clauses, so if committee is okay with it, I will move the clauses in groups of approximately 10. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Please turn to page 9 of the bill. I will call out the clauses. If committee agrees, please respond accordingly. Clauses 1 through 9.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Mr. Thompson.

MR. THOMPSON: A question for clarification here. When I look through the definition here, I don't see the Deh Cho Interim Measures Agreement or the Deh Cho land use planning process here. Can the Minister explain where that part of this is? Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. The act will refer to land use planning boards and bodies throughout, so that would capture any bodies associated with that in the Deh Cho. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Thompson.

MR. THOMPSON: Thank you. I just wanted to clarify because I didn't see it in the bill. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Clauses 1 through 9. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Clause 10. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Yes, I have some questions. I would like to start with of our witnesses, if I can. I would like to know, and this is with regard to the nomination process for identifying potential protected areas, I would like to know from the Minister's staff: what sort of time frame was required for this nomination process under the old Protected Areas Strategy? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. In terms of time frames that we have, with respect to nomination, there are none laid out explicitly in the bill, but it is expected that they would be done without delay. I can't speak, unfortunately, to the time frames that were used during the Protected Areas Strategy. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Okay. Can I get some understanding of how the nomination process worked under the old Protected Areas Strategy? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. It is my understanding that there was a collaborative process that worked towards nomination of areas. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Okay. The Protected Areas Strategy, of course, was not a legislated process in any way, and what we are trying to do here is codify this process in a fairly prescriptive manner. Can the Minister tell us how long he would expect that the nomination process would take place under this bill? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. We would have timely decisions made. Again, they are listed. We did accept standing committee's motion to add a clause that an area nominated shall be considered by the Minister without delay. There is a process where that would be nominated, either by an Indigenous government or by the GNWT, and there is quite a process that would move forward between bringing forward a nominated area to

Executive Council for their approval as a candidate area, and some of those pieces include the area being reviewed against the purpose of the act. The GNWT must discharge its duty to consult. We would need a description of the boundary sufficient for interim protection. That must be completed. We would need consent from any private land owners, and we would need to make sure that adequate interim surface and subsurface protection public land must be in place. Obviously, Mr. Chair, we would expect that this would take an amount of time into the months to be undertaken. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I think the heard the word "months." Okay, that's helpful to understand. I just want to turn to 10-6 under the current bill that is before us. It says: "The Minister may, in the Minister's discretion, reject a nomination made under this section." Can someone explain to me what sort of circumstances might lead to the Minister rejecting a nomination? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. The act, as written, does ensure that the Minister will make transparent and accountable decisions on whether a nominated area can be considered by Executive Council for approval as a candidate area. The act was revised for the committee process to state that the Minister shall consider an area for approval, and those decisions regarding a nomination must always be made in accordance with the act and in good faith. There could be a multitude of situations where the Minister may have to reject, to use his discretion or her discretion, to reject a nomination. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Can I ask whether the department has thought about what sort of criteria the Minister would use in exercising his or her discretion then in deciding whether to accept a nomination or not? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. We did, through this process, have some thinking around possible scenarios that could warrant rejection, but it was simply not possible to have an exclusion list that could, within the act, that could reflect all the possible scenarios that could arise.

In the future as we move into implementation of this act, more guidance to the Minister could be made through the development of regulations to prescribe eligibility criteria, and such criteria that those would be based on learned experience through implementation of this important piece of legislation, and we feel that this would be an appropriate and responsible path forward. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I see that the Minister can prescribe eligibility criteria. Does the Minister or his staff have any thought about how long it might take to develop that list? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. It is one of the areas that we would have to look at. There is some regulatory work that we would need to do in the near future, but it is a process that would need to be discussed, nothing yet to be determined. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I'm sorry; I am going to put the law clerk a little bit on the spot here, if I may. I have a legal question, then. Even though there are, sort of, a checklist of items that the Minister shall consider under section 10(2) of the act, and they include, you know, that the area is made up exclusively of public land, and that there is consent given if there is private land there, that the area has to meet the purpose of this act and any prescribed eligibility criteria. Would it be fair to say that, under 10(6), the Minister still has discretion above and beyond those items that are listed to make a decision to reject an area? Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. I will direct this to our law clerk. Mr. Law Clerk.

LAW CLERK (Mr. Kruger): Thanks, Mr. O'Reilly. The way that I would interpret this is that, under section 10(2), there are certain mandatory criteria that need to be considered by the Minister, a certain floor of criteria that need to be considered, if you will. Then, under 10(6), the Minister may take matters into consideration and exercise his or her discretion beyond the matter stipulated in section 10(2).

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Just one more question, if I could, of the law clerk. Under 10(6), it says that the Minister may, in the Minister's discretion, reject a nomination made under this section. Is it fair to say that the Minister has total and unfettered discretion, then, to decide whether to accept a nomination or not? Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Law Clerk.

LAW CLERK (Mr. Kruger): There are general rules as to the exercise of Ministerial discretion that would need to be followed. Certainly the Minister would be required to exercise discretion in good faith, in accordance with the purpose of the act, not frivolously, those sorts of things, but those are more general principles that reply to Ministerial discretion generally, and are not necessarily bound to just exercise of discretion under this act.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. That is my understanding of 10(6), that really the Minister can exercise a lot of discretion in deciding whether to accept an area or not for nomination. The Minister, under the act, though, also has a lot of discretion in accepting whether an area that has been nominated gets into the candidate phase and is actually formally established as a protected area. The Minister also has discretion about changing the boundaries of a protected area or even deregistering it, basically, doing away with a protected area. Those are found in other sections of the act. I am just concerned that the Minister has a lot of discretion under 10(6), and as I understood it, this was really sort of to be a conformity check to get it into the candidate process, where there could be full public debate and discussion.

I think I have made my points, Mr. Chair. If I can, can I move on to proposed motions to amend the bill at this point?

CHAIRPERSON (Mr. Simpson): Mr. O'Reilly, your time is expiring, and if you wish to raise your hand to move a motion, that is within your rights. Mr. O'Reilly.

COMMITTEE MOTION 149-18(3):
BILL 38: PROTECTED AREAS ACT – MOTION TO
AMEND S. 10(2), DEFEATED

MR. O'REILLY: Thanks, Mr. Chair. I move that subclause 10(2) of Bill 38 be amended by deleting paragraph (b) and substituting the following:

(b) if the Minister is satisfied that the area meets the purpose of this act, unless,

(i) in the case of a nomination by an Indigenous government or organization, the nominating party has no asserted or established Aboriginal right or title in the area nominated;

(ii) the nomination covers all of the public land within an area of asserted or established Aboriginal right or title;

(iii) the nomination is frivolous, vexatious, or malicious;

(iv) the nomination is solely within municipal boundaries; or

(v) the nomination does not meet any prescribed eligibility criteria.

Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. There is a motion to amend on the floor. The motion is in order. To the motion to amend. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I think, through the questions that I had of the Minister and his staff, I was trying to get to a point where we would better understand how this nomination process is really supposed to work.

I don't want to relive what was written in the dissenting opinion that we read into the House yesterday, but as I understood, the nomination process is supposed to happen quickly and is basically like a checklist. If the supplied information is provided, it should be just a straight conformity check that, once the supplied information is put together, a decision is made on forwarding that area into the candidate review phase. That is where the Minister has discretion, at the end of the day, to decide whether to establish an area, but also give it some interim protection and that the public can have a say in that, in how the boundaries might be set, in who might manage it, and all of that stuff would be negotiated through an establishment agreement.

The nomination phase is really meant to happen quickly, confidentially, and as long as the basic information is submitted, the Minister is supposed to make a decision. I don't understand why there is this unfettered discretion, in my view, in section 10(6), where the Minister may, at the Minister's discretion, reject a nomination area under this section.

In working with the Minister on the committee, we were provided a list of circumstances under which the Minister might decide to reject a nomination. That is what this list is in the amendment, the list that we were provided by the Minister and his staff. These were the reasons why the Minister might not

want to accept a nomination. What I have done here is just to incorporate the list that the Minister gave us as the reasons why the Minister could still reject an area for nomination, so it becomes like a conformity check.

I also think of this as like somebody applying for a job. Do you meet the basic requirements? If you do, you get screened in, and you get an interview. That interview is what the candidate area process is all about. That is where everybody has a chance to look at it, decide whether the candidate is good or not, and you have a chance to talk to them, interact with them, you can double-check references, and so on. If everything checks out, they get the job; the area gets established as a protected area.

I think of this nomination process as sort of the basic requirements of something moving forward, a simple conformity check, and if it meets those basic things, it just gets forwarded on to the candidate review process. That is the way that I have understood this to work and its intention, and I think that my effort here is to try to clarify the Minister's authority over that process, to make for an efficient process and make for a fair process. That is what the intention is here. That is all I am trying to do, Mr. Chair, and I look forward to the discussion and debate. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. To the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I am proud to support this motion for a second time. I just wanted to clarify, at least, where I am coming from on this. Ministerial discretion is an important feature of all governments, and it is really required for the good function of government as well. That doesn't mean that it can't be guided by very clear criteria.

In this case, when this question was raised by the committee, the Minister's office came back with some very specific examples of where the concerns came out if discretion was completely taken away. As a result, we got a better understanding of where the government's concerns are, and that is what is enumerated in this amendment through subclauses (i) through (iv).

Further, number (v), it reads: "The nomination does not meet any prescribed eligibility criteria." The eligibility criteria will be set by regulations. The Minister still has broad powers. They just need to be spelled out, transparent, and available for nominating parties to see. That's what we're really talking about here. The Minister can prescribe any criteria, including things like mineral values. Mira could be one of its eligibility criteria. Any number of pre-assessments and values taken, those could all be part of eligibility criteria. The Minister still has a great deal of flexibility to exercise discretion under

this, but it's just a reverse onus. Instead of the Minister just making a decision and writing it down, the criteria needs to be spelled out clearly.

We're also only talking about the nomination phase, and this is a closed process. The public doesn't know that these nominations are occurring. It is a nomination by Indigenous government or the public government, and that's it. For this period, the only time the public is going to become aware of it is when the candidate phase starts. That's really where you're going to work out whether or not this protected area should be finalized. This just ensures that we get to the public process as quickly as possible, and the reasons; and the Minister's discretion is guided along a path that really spells out what could kibosh a nomination. If that candidate phase, the public weighs in at that point and issues significant concerns around how this thing is working, well, it could be adjusted because that's what determines the establishment.

This doesn't impact the ability of the Minister to effectively use that discretion. It just guides it in the way that's very purpose-specific to both the act, the principle of the act, the principle of the bill, the principle of the nomination period, and I think it's a useful improvement. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. To the motion. Mr. Nakimayak.

MR. NAKIMAYAK: Thank you, Mr. Chair. It feels like we're hitting rewind here for a second time. We went through these motions in committee last week and they were voted down. Today, they're brought up again.

Mr. Chair, this imposes on government-to-government relations, especially with Indigenous governments in my area. Just in my home town alone, there's a national park and there's a marine protected area. That was developed with the community and co-managed between Inuvialuit and the Sahtu, and the territorial and the federal governments. All of these mechanisms are working and they're in place.

To take away the Minister's discretion on this, I think anybody could come from outside the territory and develop an area of interest, and to me, that's kind of scary from what's already working. The biggest thing for me is it imposes on the very things that we do. We're stewards of the land, as Inuvialuit. For other Indigenous people, I see that they are, and this proposed motion would take that away. For that reason, Mr. Chair, I'm not going to support that motion. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Nakimayak. Next, we have Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chairman. I think there are a lot of additions on the recommendations that are not necessary. I believe that I would be satisfied that the Minister has discretion for the simple reason that, if the Minister has discretion, then this House has a discretion. This House here, we are elected Members. We are put in here by our Indigenous governments, the people we represent. We represent Indigenous people. We represent non-Indigenous people. Things like vexatious, frivolous, malicious, I don't think those type of words need to be put inside an act. I think that this is too descriptive.

I like the idea that the Minister has a discretion, that we're able as elected Members by the people of the Northwest Territories. I'm elected by people from the Akaicho and I'd like the opportunity to sit in front of a Minister, whether it's this Minister or another Minister or a different MLA, have an opportunity to sit down with the Minister and discuss these things about the Minister's discretion. This will be necessary if we thought the Minister would go rogue.

As the clerk said, the Minister has certain rules to follow when he's exercising discretion. Some of those rules are including all Cabinet Members and a decision.

I feel that the way the act is written now, it's not too descriptive. It doesn't pin us into a corner, that these areas, where the Indigenous governments make under the (i) in the case of a nomination by an Indigenous government or other organization has no asserted or established Aboriginal right or title in a nominated area. Well, the Indigenous governments think they own title to all the land in the NWT, and that's why there are negotiations. That's why some of these lands had been negotiated. That's why there was a settlement in the Gwich'in. There was a settlement in Inuvialuit, and the Sahtu, and now, we're looking forward to settlement with Dehcho and Akaicho. I feel that this restricts that, so I would be voting against this motion. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Beaulieu. Next, we have Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chairman. I don't have much more to add other than, first of all, I do want to say that I appreciate the efforts of the Minister's office in working with the committee in what we came to; that is outlined in the current version. Originally, there was, in fact, a lot less, call it, prescribed eligibility, and there was a lot more Minister's discretion in the original version, so we did come to some compromise. I want to appreciate the efforts that the committee and the department put in getting to the version you see.

However, that said, I also do recognize that the Minister did share with us some of the other outstanding concerns, and what the committee is trying to do. Sorry, not the committee in this instance, what the Member is trying to do, is outline some of those concerns. We can see here in the current version it says, if the Minister is satisfied that the area meets the purpose of this act and any prescribed eligibility criteria, what the Member is trying to do is give a little bit more definition to those prescribed eligibility criteria. It's based on essentially hearing from the department and what their concerns were. In this regard, I will be in support of this amendment. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. Nadli.

MR. NADLI: Thank you, Mr. Chair. I think I have an understanding of the protected areas initiative, and having worked on it from a community perspective for some time, understanding the PAS, in some communities, believing the process, and committed that there was a positive outcome. My understanding of the process is that it used to be in my time, maybe it would be about 10 years ago, a seven-step process. About 10 years ago, some communities were trying to advance areas within their traditional lands. In the interim of a land claim settlement, they took the steps to involve both levels of government. It could be the federal government. It could be representatives from the GNWT solely, of course, led by the First Nations government. Sometimes, in instances for funding resources, bringing along third party NGOs. As an example, Ducks Unlimited has a common vision with Indigenous people to take on conservation initiatives. Out of memory, there were a lot of candidate protected areas that were waiting approval by governments, and that was 10 years ago.

I think with the proposed amendment, it brings some clarity in terms of the possibility of perhaps Canada's protected areas sitting on somebody's shelf and collecting dust or else perhaps maybe bringing upon negotiations between First Nations, industry, and government. I think it's good to be clear, and I think, with the proposed amendments, it brings the level of clarity in terms of the idea of perhaps, you know, yes, we could make a decision on a timely basis, but I think, with the proposed amendment, it brings the level of clarity in terms of how decision-making should happen. So, with that, I will be supporting the amendment. Mahsi.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Nadli. To the motion. Mr. Thompson.

MR. THOMPSON: Yes, thank you, Mr. Chair. I know, in my riding right now, I have a community that is looking at trying to get an area protected.

They have gone through hoops, and Mr. Nadli is well aware of it and the challenges to move forward. People want clarity. They want to be able to understand exactly what it is, and so, at this point in time, I think we need to be respectful of that. I think this motion does help that.

As for the process, this is part of the process. It is. It was brought to committee. I sat back, and I listened to the committee. It did not pass committee, but it was moved back here. This is what the process is. The motion was defeated there but was brought here so people can speak and debate on it, so I want to make that clear so people understand where it is.

I have reached out to my leadership and told them what was being proposed, and I have not heard anything except that, moving forward with this, they have asked me to support this bill, so I am going to be supporting this bill. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Thompson. To the motion. Minister McLeod.

HON. ROBERT MCLEOD: [Microphone turned off] ... get a chance to before. I do want to acknowledge the work that went on between committee and the department. We had 34 amendments that were proposed by committee. We accepted 30 of them. There were four we did not accept. Again, they were defeated, and they were brought down to the floor of the Assembly to have further debate on it, which is the right of this Assembly, and I respect that.

The act as written already ensures that the Minister will make transparent and accountable decisions on whether a nominated area can be considered by Executive Council for approval as a candidate area. The act now states that a Minister shall consider an area for approval as a candidate protected area, and those decisions regarding nomination must always be made in accordance with the act and in good faith. If the Minister rejects a nomination, they must provide written reason for that rejection to any nominating Indigenous government or organization.

The proposed list of exclusions was assembled in a matter of hours by departmental staff as examples for committee and by no means was put forward as an exhaustive list. It is simply not possible to have an exclusion list within the act that can reflect all possible scenarios. In the future, as we move into implementation, more guidance to the Minister can be made through the development of regulations to prescribe eligibility criteria. Such criteria shall be based on learned experience for implementation of this important piece of legislation. This is an appropriate and responsible path forward.

An example of a nomination that could not be rejected if this provision was accepted is a nomination made by one Indigenous government or organization that is not supported by another Indigenous government or organization with asserted or established rights in that nominated area, so, for that reason, we will not be supporting the motion. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. To the motion. Seeing no one further, I will allow the mover of the motion to close debate. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Yes, I appreciate the comments that have been made by everybody, and I would like to respond to some of them in closing here.

There is nothing in this proposed amendment that takes away from the process that is already set out in the bill. What this does, as some of my colleagues have said, is to clarify how the Minister makes a decision on a nominated area. There is nothing in here that will allow other interests to establish protected areas as the honourable Member for Nunakput indicated. There is nothing in here that would allow for NGOs or anybody else to nominate areas. The bill retains that Indigenous governments and the GNWT are the only parties that can nominate areas, and this amendment does not change that in any way. I don't believe this in any way interferes with the government-to-government relationship. This just clarifies how the Minister is going to exercise his or her discretion in deciding whether a nominated area moves forward.

I think I also heard that this might interfere in some way with the ability of Regular MLAs to talk to the Minister about this. I do not see that happening, at all. Of course, MLAs can talk to Ministers at any time. I don't think this paints anyone into a corner. It just clarifies how the Minister is going to exercise his or her discretion.

I agree with my colleagues in that people do want clarity, they want certainty, and they want to know that the nomination process is going to move quickly and that it is a check list and that an area is going to move into the candidate phase, where it has interim protection, and everybody can participate in that, the review of a candidate area.

Once a nominated area is actually accepted, you know, if you look at what section 11.1 says, the Executive Council on the recommendation of the Minister may approve a nominated protected area provided that a bunch of conditions are met, so that is another stop here where the Minister has, working with his Cabinet colleagues, total discretion over whether an area is accepted or not, and that is after the nomination phase. That is another check

stop in here, and there are others in the bill where the Minister has discretion over an area moving forward and whether it's change or deregistered and so on.

This is about just ensuring that there is a clear, efficient process for accepting a nominated area and getting it into the candidate phase, where everybody can have a say on it, even other Indigenous governments that may not agree with an area being nominated.

I know that the Minister said that his staff prepared a list quickly in response to committee concerns around the discretion in 10.6. That is what we did, was incorporate those into this amendment. Of course, the Minister still has the ability to bring forward eligibility criteria and regulations, and I look forward to those, seeing what those regulations say in the future.

This is not about taking away anybody's authority. This is about providing clarity and making sure that the nomination process happens quickly and that full consideration of a protected area gets moved into the candidate phase as quickly as we can, and that is where everybody can have a say.

Mr. Chair, I would request a recorded vote. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. The Member has requested a recorded vote. All those in favour, please rise.

RECORDED VOTE

CLERK OF THE HOUSE (Mr. Rutland): The Member for Frame Lake, the Member for Yellowknife Centre, the Member for Deh Cho, the Member for Yellowknife North, the Member for Kam Lake, the Member for Nahendeh.

CHAIRPERSON (Mr. Simpson): All those opposed, please rise.

CLERK OF THE HOUSE (Mr. Rutland): The Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Mackenzie Delta, the Member for Sahtu, the Member for Tu Nedhe-Willideh.

CHAIRPERSON (Mr. Simpson): All those abstaining, please rise. The results of the recorded vote are: six in favour, 10 opposed, zero abstentions. The motion is defeated. I will call clause 10 again. Clause 10. Mr. O'Reilly.

COMMITTEE MOTION 150-18(3): BILL 38: PROTECTED AREAS ACT – MOTION TO AMEND S. 10(6), DEFEATED

MR. O'REILLY: Thank you, Mr. Chair. I have another amendment I would like to propose. I move that subclause 10(6) of bill 38 be deleted and the following substituted: "(6) The Minister shall make a decision to accept or reject the nomination within 90 days of receiving the nomination," and the Minister shall provide written reasons or a rejection to any nominating Indigenous governments or organizations.

Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. There is a motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Yes, I will keep this quite brief. I know our time is getting tight.

The effect of this motion is to remove the Minister's unfettered discretion as it currently reads in 10(6) and also put in a timeline for making a decision of 90 days. We heard one of the Minister's staff talk about how they accepted a decision to be made within months, and I think this just makes sure that we have a timely process by inserting a time frame for doing that. This is becoming common practice in a lot of decision-making, or sorry, a lot of legislation, including the Access to Information, the Protection of Privacy Act, where there are a number of timelines that are set out. There are a bunch of timelines set out as well in the Mackenzie Valley Resource Management Act, so this is just about ensuring a timely decision is made and that the Minister's unfettered discretion is removed. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I think the idea of legislative timelines is a very good idea, or by regulation, but timelines provide certainty and clarity to the public and to interested parties in this.

In this case, this bill, again, is a bill created for use by governments and not by the public, so it is imperative that we get this nomination period over with as soon as possible so the public process can start and people can be aware of what decisions are being proposed for the shared land of the Northwest Territories.

I think putting a timeline just provides that kind of certainty, and we get beat up all the time as a government for not having regulations that have clarity and certainty, so any attempts to improve that is fine.

That being said, I support this motion in principle, but not in substance, unfortunately, because it really needs to be paired with the preceding motion that was moved by the honourable Member for Frame Lake. This removes the Minister's discretion without creating clear caveats to how that discretion will be guided, so we are in a situation here where there is not enough discretion. I feel like, working together, this would make the bill much stronger, but one of these motions, this motion on its own, I think, is problematic for those reasons. Therefore, although I support it in principle, I will not be supporting the amendment. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. To the motion. Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chairman. Again, the way the legislation is written, if you go to what is being proposed in the act right now, in order for the Minister to reject the nominated area, he or she would have to put it in writing. It doesn't have to be put in writing to accept a nominating committee, so in effect, following this legislation would say that, once the nomination is made and the Minister does not reject it, it is accepted.

This actually puts more restrictions. The new recommendation actually puts more restriction in. Number one, it makes it within 90 days. Number two, it has both accepted and rejected the clause. This clause here, the Minister will only need to act if he is rejecting the nomination. This act here, we will have to put it in writing whether the Minister is accepting or rejecting the nomination, so this one here is less restrictive and would be better for the Indigenous government. If they were to recommend an area that they wish to nominate as a protected area, the Minister would then have to, in order to reject it, have to put it in writing. If the Minister does not write to the Indigenous government, then, by this act, he is actually accepting the nomination area. This has less restriction than what is being proposed, so I will not support the amendment. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. I, too, appreciate the intention of what the mover is presenting here, but I clearly think that the department and the Minister and committee have come a long way. This was originally a clause that really was very limited; a nominated area could sit in the nomination phase for an extended period of time.

I think clause 1.10.1.1, an area nominated under this section shall be considered by the Minister without delay. We went back and forth to even get to that point and felt that that was fairly reasonable.

I think that, when you are discussing the opportunity to nominate an area with an Indigenous government, there is a period of negotiation that goes on. We all know how difficult it can be, and in terms of trying to find time frames for governments to get together to have these reasonable negotiations. I think putting a time constraint on them would either put them in too much a pressure situation to try to find terms, and/or they would end up just saying, "Forget it" and leave it be. That defeats the purpose of the whole entire act, which is to support protected areas.

For those reasons, I won't be supporting the amendment. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Vanthuyne. To the motion. Mr. Nakimayak.

MR. NAKIMAYAK: Thank you, Mr. Chair. I agree with the previous speakers. It is too restrictive. Ninety days, you know, some protected areas take years and years to develop, and sometimes, some land claims are signed and some are not, so there is still a lot of workings that are outside of all of this that are not captured with this amendment. It would be far too restrictive.

You know, sometimes when you rush things like this, it is hard to get hold of an Indigenous government because they are negotiating a lot with Ottawa and other areas, and sometimes advocating for the wildlife. We always want the best outcome when we look at a possible or an area of interest to become eventually a protected area.

I think we are rushing too much. I have always said, even in other forums, you know, everyone comes to our territory and tries to lock up all of this land for conservation areas, not understanding the whole ecosystem of the people who actually live there, and this is an example of that.

For that reason, I am not going to support that, Mr. Chair. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Nakimayak. To the motion. Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. I can't see myself supporting this motion and the previous one, as well. When I consider the existence of what we have already, we made significant progress in two candidate areas and two areas, one off the land claim settlement area and one within, so you have two examples of a system that is in front of us. It is working, and the staff are proceeding on it as we speak. Now, we are trying to change the system that is working, so I can't see what we are really trying to achieve by placing timelines and restricting the Minister's office from authority to move forward when, in fact, we have two resulting areas that

prove that the system is in place, and it is producing results. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. McNeely. Mr. Nadli.

MR. NADLI: Thank you, Mr. Chair. My first real job was doing mapping, doing traditional land use and occupancy mapping with elders and traditional harvesters and storytellers and people, my people, who basically made the land their home. Their land was basically their life.

I have, perhaps, a fairly good understanding of the PAS movement since its inception, how it was drafted out, how it was processed, and so I have observed some of the evolution of the whole initiative. In some ways, I have seen a lot of its failures, and I have seen some of its successes in some respects. At the same time, I think that we have come a long way. The way that I understand this, reminding myself, is that we have Indigenous colleagues who played a hand in working the draft, in terms of laying the foundation of, at least, the spirit and principle of the draft legislation.

A lot of the drafting of the wording, if there was anybody who dotted their i's and crossed their t's, it was working groups who involved governments and Indigenous leaders. There is a presumption that someone did their due diligence and that what we have before us is their efforts. I think that we have done all that we can, but there has to be a level of assurances.

As I have said, one community that I know of worked very hard on protected areas initiatives and waited for approval for at least 10 years, and they are still waiting. I am hoping that what we have crafted together, collaboratively with First Nations and governments, will change that and that will at least lay the foundation for the landscape and environmental and ecological initiatives, so that the land that we want protected will become part of the process, and we will see it through.

I am not prepared to support this amended motion. Mahsi.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Nadli. To the motion. Minister McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. We appreciate the input from all of the Members, first and foremost.

ENR is committed to making timely decisions under this act. We have concurred to the motion, and I think that the Member from Yellowknife North spoke to it, adding subclause 10(1). This requires a decision to be made without delay.

Further, the proposed amendment implies that the Minister makes the final decision to accept a nomination. This is not in alignment with section 11(1) of the bill. This section makes the Executive Council the final decision-maker on a nomination on the recommendation of a Minister.

Legislating a 90-day deadline to make a decision and provide a response to the nominating Indigenous government would be challenging. In most cases, this would not be a sufficient period of time to meet processes and, if needed, put interim protection in place. For example, the Minister or Executive Council may want to carry out certain assessments and studies prior to making a decision, and this time frame would not allow for that work.

With that being said, Mr. Chair, we will be voting against the amendment. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. Anything further? To the motion. I will allow the mover to close debate. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I recognize that the clock is ticking. I do feel compelled to respond to some of the things that I heard.

I think that I heard the honourable Member for Nunakput say that this amendment is an example of people trying to lock up areas. I want to assure everyone in this Assembly that that is not why I am here. I have lived here for 35 years, almost. I worked for Indigenous governments when I first arrived. I have never said that I speak on behalf of Indigenous governments. I am here to make sure that our government honours the agreements and Indigenous rights as they have already been established. That is why I am here, so I don't accept the honourable Member's imputing motives to me.

This motion is really about creating certainty and timely decisions. It doesn't stop the process in any way. What this does, in fact, is make sure that an area moves outside of the nomination process, that a decision is made, and if it is made to accept it as a nominated area, it gets interim protection. That is an important thing moving forward, that an area will get timely interim protection, and it could go into a process where establishment agreements can be negotiated, everybody can look at the mineral potential, how to set boundaries, how the area would be managed, and so on. It is to get it out of that nomination phase, the phase that my colleague, the honourable Member for Deh Cho, has said has taken years in some cases under the Protected Areas Strategy. This is to try to prevent that from happening.

This is about ensuring a timely decision is made. This does not replace the decision-making authority

of the Executive Council, on recommendation of the Minister under 11(1) of the bill, in any stretch of the imagination. This is about ensuring that the Minister makes a timely decision on a nominated area.

I remain in favour of it, and I, Mr. Chair, would request a recorded vote.

RECORDED VOTE

CHAIRPERSON (Mr. Simpson): The Member has requested a recorded vote. All those in favour, please rise.

DEPUTY CLERK OF THE HOUSE (Mr. Rutland): The Member for Frame Lake.

CHAIRPERSON (Mr. Simpson): All those opposed, please rise.

DEPUTY CLERK OF THE HOUSE (Mr. Rutland): The Member for Yellowknife Centre, the Member for Deh Cho, the Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Mackenzie Delta, the Member for Sahtu, the Member for Yellowknife North, the Member for Kam Lake, the Member for Tu Nedhe-Willideh, the Member for Nahendeh.

CHAIRPERSON (Mr. Simpson): All those abstaining, please rise. The results of the recorded vote are: one in favour, 15 opposed, zero abstentions.

---Defeated

To clause 10. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee.

---Clauses 10 to 97 inclusive, approved

Clause 98. Mr. Testart. I almost missed it.

COMMITTEE MOTION 151-18(3):
BILL 38: PROTECTED AREAS ACT – MOTION TO
AMEND S. 98, DEFEATED

MR. TESTART: Thank you, Mr. Chair. I move that Bill 38 be amended by adding the following after subclause 98(2):

(3) The Minister shall give notice of any proposed new or amended regulations to be made under this section to Indigenous governments or organizations in the Northwest Territories and relevant renewable resource boards and land use planning boards or

bodies, at least 30 days before those regulations are made, and shall

(a) provide an opportunity for those Indigenous governments or organizations, renewable resource boards, and land use planning boards or bodies to present their views to the Minister; and

(b) consider, fully and impartially, any views presented under paragraph (a).

Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. There is a motion on the floor. The motion is still being distributed. Do all Members have a copy of the motion? The motion is in order. To the motion. Mr. Testart.

MR. TESTART: Okay, thank you, Mr. Chair. This motion is one of two, but I will just speak to this one. It is an amendment, a motion to amend the bill. This is a notice in consideration of new or amended regulation.

What this says is, if the Minister is going to implement new regulations, 30 days before they are made, those regulations are shared with Indigenous governments, renewable resource boards, and land use planning bodies or boards, and those groups are allowed to present their views to the Minister, and the Minister should consider them. It does not require the Minister to consider them. It does not require the Minister to delay implementation of regulations if there is no feedback provided. It just requires formal notice within 30 days. That, I think, is a very reasonable compromise from what the Indigenous organizations, the IGOs, were asking for, which was full co-drafting of regulations, so no regulation-making authority without their explicit cooperation and consent.

That is not what is being proposed here. It's a much more modest proposal that just requires that everyone who co-drafted the legislation is left in the loop when regulations are made. You know, I anticipate a lot of debate, and we will hear people speaking, my honourable colleagues saying that this limits the Minister's ability to act, that this impedes the relationship with Indigenous governments, more that we have heard today. I want to be very clear that Indigenous governments have asked for a similar provision to this, and, again, in no way does this put any limitation on what the Minister can put into regulations. It is a notice period, and it is a very reasonable and modest proposal.

Again, what we heard and what struck me most about this process, because I was somewhat hesitant to embrace co-drafting until I saw it work, I believe in the supremacy of this institution, the supremacy of parliaments as they are

representative of a people. However, the devolution agreement has opened up my eyes to something very important, that for many years Indigenous people have not felt like they are participants in the laws of the land. They had their own traditions and laws dating back to time immemorial, and the laws of Ottawa or the laws of Yellowknife or the laws of Edmonton or whatever provincial capital are not necessarily the laws of Indigenous peoples.

Having an opportunity to bring them to the table to cooperatively develop this legislation I think was one of the most powerful moves that the GNWT has made in the post-devolution era and in the era of reconciliation, and it speaks much louder to those principles than I think any provincial or federal government has done before. I want to see this process continue because no one criticized it. They criticized some of the products of the process, but everyone said: this process must remain; it must be strengthened.

We have asked the Minister about how he intends to deal with regulations. I don't think the Minister is blind to these concerns. All we have is a commitment to go back to the intergovernmental council and do a post-mortem, a lessons learned, and then come up with something. We do not know if that is going to be formal process, an informal process, a policy direction. We are not sure what it is. That kind of uncertainty for a mechanism that has been developed in good faith between government-to-government relationships, that really speak to the core value of reconciliation and has realized reconciliation, we have to keep going with that. We cannot risk it to chance.

The other problem is the intergovernmental council does not represent all of the co-drafters who put Bill 38 together, so, to ensure that their interests, as well -- and they all spoke to the process being very conciliatory. We had people, Indigenous organizations, who have taken the GNWT to court on multiple occasions say: this is working; this is a good process, and we are very happy with it.

Seeing that sea change, it's important to, I think, everyone who is taking reconciliation seriously, so I do commend the government for doing that, but I think we should open up a pathway in law that clearly respects those principles. Again, this amendment does not limit the government's ability to make regulations. It is a duty of notice and nothing more than that, and I think it shows respect for our Indigenous co-drafters, respect for our constitutionally entrenched co-management boards and bodies, and is an improvement that shows we are walking the walk and not just talking the talk when it comes to reconciliation. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I don't want to rehash what's in the dissenting opinion, but we did receive written submissions from the following Indigenous governments, specifically asking for an opportunity to be involved in the co-drafting of regulations under this bill and others in some cases: Dehcho First Nations, Dene Nation, Gwich'in Land Use Planning Board, Gwich'in Renewable Resources Board, K'atlodeeche First Nation, North Slave Metis Alliance, Northwest Territory Metis Nation, Sahtu Renewable Resources Board, Sahtu Secretariat Incorporated, Tlicho Government, Wek'eezhii Renewable Resources Board.

They all suggested, and in some cases very specific, wording that they wanted to see included in this section of the bill to ensure that they were involved in the co-drafting process of regulations moving forward, so, when we talked about this at committee, there were no other ideas about how to do this. The only idea that came forward was what is offered here, which is not even full consultation. This is at least an effort to provide notice. Even if there were to be developed a consultation process in the future, which I hope there would be, this would not take away from that in any way. This sets the floor. I think that it's a reasonable compromise, and I look forward to hearing what the Minister has to say about this.

We have yet to hear a clear and unambiguous commitment from the the Minister moving forward on how the Indigenous governments are going to be involved in the development of the regulations. If I had that clear commitment from the Minister, we wouldn't need to do this, I don't think. I think then our government would be living up to and honouring the devolution agreement, Indigenous rights, reconciliation, and so on, but we don't have that clear and unambiguous commitment from the Minister.

Now, we did hear evidence from the Sahtu Secretariat Incorporated that the Minister of Industry, Tourism and Investment has actually developed draft language for some kind of an agreement moving forward for how Indigenous governments would be involved in the development of regulations under the post-devolution legislation that his department has proposed, the Mineral Resources Act and the amendments to the two petroleum bills, as well. So I find it curious that we have one department, from the evidence that we have before us from Sahtu Secretariat Incorporated, saying, "We are prepared to enter into some kind of are agreement and arrangement moving forward where Indigenous governments are going to be involved in making regulations," but we have a different Minister, Environment and Natural

Resources, who has said so far that there will be a pre-consultation assessment and that, in this lessons learned process, there will be discussion of how Indigenous governments may be involved in regulation-making move forward. That is not the same sort of commitment we are hearing that the ITI Minister has made, so there seems to be a bit of a disconnect there.

I would hope that we can start to at least set the floor for how Indigenous governments, co-management bodies are going to be engaged and involved moving forward. This does not preclude or take away from any agreement that they may reach on full consultation, but this sets a minimum floor of a duty to provide notice. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. To the motion. Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. In recognition of the clock here, also, that is ticking away, I will just mention in the pre-devolution area over the years and the post-devolution area, we are at a milestone developing this post legislation here which really, really reflects a system that is and has been through the engagement session.

Now, to tweak what is existing, I think that this is kind of where we are at, when I look and hear some of the comments being made. It may not be the perfect system here on the post-devolution side of things, but it gives us identification for where room for improvement can be sought.

In the case of the Sahtu secretariat, what is really stopping that organization from going back to the IGC and saying, "Okay, right here, this is my recommendation on improvements to the existing system so that it is more effective"? We can say, "Okay, here is notification." What is notification? "I haven't been notified," or "I want you to notify my co-management structure within the Sahtu land claim." Could that be a phone call? Could that be an e-mail? Could that be a fax? There are a number of identification ways to ensure that, but to legislate that, I think, gets to the point where it doesn't give a lot of flexibility to the government to move in that area of reconciliation, which I think is the overall goal. Otherwise, we won't have an area of pre-devolution and a strengthening process of administration moving forward in a post-devolution area. This is kind of a timely process as we are going through modernization of land claims.

I just summarized all that up here. I am satisfied with the current system, the status quo, and I don't see myself supporting this motion. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. McNeely. To the motion. Mr. Nakimayak.

MR. NAKIMAYAK: Thank you, Mr. Chair. As I look at this, as I did the other day, I look at the amendment on (3) where it says, "The Minister shall give notice of any proposed or new amended regulations to be made under this section to Indigenous governments or organizations."

Mr. Chair, I believe NGOs do great work. I work a lot with them nationally and internationally. To me, this is very dangerous. Land claims groups have fought and sweat for years, for generations, in negotiating their land claims and to see the possibility of NGOs having the same power as land claims groups that are not even signed yet, to me, that is dangerous, and it is encroaching on the rights of Indigenous people, where this bill is proposing to work with Indigenous people. For me, I do not accept that.

Mr. Chair, I am just going to use an example with the Arctic Council. All of the Arctic states are voters at the Arctic Council, and NGOs and other non-Arctic states are observers at the Arctic Council. That model works effectively, and that is based on consensus government. Here we are with a consensus government. I think that we need to follow suit and continue that.

To me, Mr. Chair, this has too much control, and it is sort of a slap for all of the hard work that Indigenous governments are working towards for their own self-determination today. I will say this and similar things to the next proposed motion, but for those reasons, Mr. Chair, I will not support this amendment. Thank you.

CHAIRPERSON (Mr. Simpson): To the motion. I will allow the mover to close debate. Committee, we are on a tight timeline, so if you want to speak, please get your hand up quickly. Minister McLeod.

HON. ROBERT MCLEOD: I do respect the timeline, but I also respect the process. This is an important piece of legislation, and we should be able to do due diligence.

The absence of any explicit reference to engaging or collaborating with Indigenous governments or organizations in the development of regulations for the Protected Areas Act should not be taken as a lack of commitment by the GNWT to meet its obligations to consult with IGOs, IGOs, IGOs and its commitment to collaborating with Indigenous governments and organizations.

The Intergovernmental Council has undertaken a lessons-learned process on the development of post-devolution legislation and where common processes could be developed around land, water, and resources legislation. Any approach to regulation development needs careful consideration, and consistency will be one of the

issues discussed. The approach is part of the consideration in the evolving relationship between the GNWT and Indigenous governments and organizations. Approaches to regulation development must be consistent with lands and natural resources legislation, not better in respect of jurisdictions, including the authority of the Legislative Assembly, will be a key consideration.

As a result, we do not support adding requirements related to this matter in the public Protected Areas Act without further consideration. Such discussions are already occurring with the Indigenous governments at the Intergovernmental Council. As mentioned, discussions regarding common process with respect to land, water, and resources legislation is occurring at the Intergovernmental Council. Indigenous governments and organizations who are not members of the IGC will be engaged by the GNWT. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. To the motion. Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chairman. This is a very difficult situation for me. I agree with the Minister that some of these things shouldn't have to be spelled out and shouldn't have to be described in an act for the most part. My issue with this is the Intergovernmental Council, not that I have an issue with the Intergovernmental Council; I have an issue with the lack of membership on the Intergovernmental Council. Although all of our Indigenous groups were given the opportunity to sign a devolution agreement, not all have.

In Dehcho and Akaitcho, we have selected groups that have signed to the Intergovernmental Council and are sitting on the Intergovernmental Council. We are trying to find a way to capture the rest of the Indigenous governments or Indigenous organizations, as it says, I guess, throughout the bill, referring to both the government and the organizations.

Leaving this amendment out essentially leaves out most members of Akaitcho, as one of the community governments has signed onto the Intergovernmental Council, and it also leaves out the Dehcho. Again, this is, of course, certainly not an issue for me, but it is an issue for my colleagues in here. In the Dehcho, two of the communities have signed on, but not all.

This, left as is, unfortunately doesn't really clearly indicate that we are going to include organizations or the governments who have not signed a devolution agreement. I am really quite torn as to what to do with this clause, and I am in favour of reduced words, reduced legislation, that gives the opportunities and the mobility needed inside of the acts in order for us to use our discretion or the

Minister to use his discretion, which does include all Members of the Assembly.

Unfortunately, unless it is described, the discretion will exclude people that I represent. It is a difficult thing. It really needs to be put in here that all Indigenous governments, whether they are on the Intergovernmental Council or not, need to be consulted when writing regulations. For that reason, I have to support the add-on to this. I feel like it is described. I know the Minister's intention is good, and I know that the government's intention is good, and it is to reach out to all organizations. Unfortunately, at this point, it appears as though the only place they are reaching to is through the Intergovernmental Council, which, you know, most of the people representing the organizations are on the council. Unfortunately, that is not the case for me. For myself and for the members of Deh Cho and Nahendeh, we do not have representation there when these regulations are being drafted. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Beaulieu. To the motion. Mr. Nadli.

MR. NADLI: Thank you, Mr. Chair. My view of the legislation is that it has almost taken the form of provincial light powers and authority of lands and waters, and the jurisdiction, of course, of within the Canadian federation, but I also understand, you know, the region that I come from called the Deh Cho, have not ceded, surrendered, and extinguished, or asserted Aboriginal title, and there are still ongoing negotiations. Those treaties were bilateral in nature between First Nations and the Government of Canada or Canada back in 1921, and so that was a bilateral process from what I understand, and so a lot of the current, our land claims, are trilateral in nature, where you have First Nations, governments, and the GNWT.

My understanding is that a lot of the treaty and Aboriginal rights that haven't been resolved, that are outstanding, that are not settled yet, their rights are entrenched in the Canadian Constitution, and with the same perspective from land claim groups. Their rights are entrenched in the Canadian Constitution. You know, those rights that we talk about, lands and waters or lands, First Nations, are paramount in a lot of respects to the initiatives that we are seeing through at this point. A lot of them, those initiatives were born from First Nations initiating discussions in terms of trying to reach certainty on the ownership and jurisdiction and their sovereignty of their lands and waters.

You know, what has been proposed as an amendment is giving a level of certainty. Yes, we need to be assured that there will be, if a candidate area has been proposed, governments will respond in a given time. You know, it is not going to get lost

in the shuffle. That proposal is not going to sit in somebody's closet, or somebody's desk, I should say, and collect dust, but it is going to be acted upon, and that First Nations governments will be involved.

My understanding is that a lot of efforts have been made between Indigenous governments or Aboriginal governments, and with the current department, ENR, advancing this whole legislation towards that today, and of course, committee doing their due diligence, and so I think I would probably more likely gain favour of the amendment that it gives certainty. Because we all seek certainty, and it has to be explicit in terms of how we work with First Nations.

For a long time, treaties and agreements that sometimes were brokered between governments and First Nations were well-intended, but sometimes those are verbal understandings. We understand, we have known for a long time that it remains contentious in terms of how it could be interpreted, so if it is written down explicitly, then the more clarity of the legislation.

I will stand in favour of the amendment.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Nadli. To the motion. Mr. Thompson.

MR. THOMPSON: I will try to be quick with this one here. I struggle with this because I have one community that is part of the Intergovernmental Council, but then I have five communities that aren't. Again, it is looking at how we can work together to work with this.

If the Intergovernmental Council included the people who weren't part of the Tlicho and the Deh Cho, and they included as to the process, I think we could be working together, and it would be a positive step. Unfortunately, we have people who have not signed on to devolution, so people are saying, "You have to make decisions that are good for the people." I respect the Minister, and I think he is doing a really good job and he is working with the department, but again, the communities have said, you know, this would be a good, I guess, an amendment that would allow them to have a voice.

For that, I will be supporting the amendment. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Thompson. To the motion. I will wait until any Members decide whether they want to speak or not. Seeing nothing, I will allow Mr. Testart to close debate on this item. Mr. Testart, please close debate on this motion.

MR. TESTART: May I ask a point of clarification of the law clerk?

CHAIRPERSON (Mr. Simpson): Absolutely. Go ahead.

MR. TESTART: Thank you. Mr. Law clerk, an issue has been raised around "Indigenous governments or organizations." Could you provide a legal definition of that, please, as it relates to the bill? Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Law clerk.

LAW CLERK (Mr. Kruger): Thank you, Mr. Chair. The phrase, "Indigenous governments or organizations" is not a defined phrase in the bill. However, it is a phrase that is used throughout the bill, including in section 10(3), which is the nomination section, and specifically now that section says, "An Indigenous government or organization may nominate to the Minister an area to be considered for approval as a candidate protected area," so it is not a new phrase that appears for the first time in this motion.

In my view, the word "Indigenous" modifies both government and the organizations, and as such, an organization standing alone would unlikely to be captured by the intent of that phrase.

In my view, the phraseology is likely attributable to the various levels of self-government that have been achieved by Indigenous groups in the Northwest Territories, and the phrase I do not think would be restricted to those parties of the Intergovernmental Council. However, as I said, it would not apply to organizations that are not Indigenous. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Further, Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. Just turning to where we started with this amendment was to mirror language in the Mackenzie Valley Resource Management Act, which has a duty of consultation on governments to consult with Indigenous governments before any regulations are made. We canvassed that with the Minister, with the sponsoring Minister, and it was quite clear that went too far, and there were concerns around precedent.

I don't think the MVRMA has set universal precedent for federal legislation, but I digress. I am happy to accept that rationale.

This does not have the same burden. From the onset, I tried to be very clear in speaking to this motion. It is a duty of notice, 30 days, whenever regulations are changed or to be made. I think my concern, and the concern of my colleague who helped author the dissenting opinion, is a piecemeal and inconsistent approach to how we manage co-drafting, and not just when the

legislation comes forward, but when it needs amendment or when regulations are produced. This is an opportunity to set a clear standard of engagement in regulation-making authority as it relates to co-management of land and resources across the concert of bills that are before the House and in future bills going forward.

I appreciate that the Minister is giving us assurances that they are going to work it out at the IGC. That is an important process. That needs to play out, but we have to deal with this bill today. We do not have the opportunity to wait and see if legislative amendments are required. What we heard, quite clearly, is that certainty is what our Indigenous partner governments are looking for. It is not just governments that are coming forward to provide written submissions on a piece of public legislation. They are co-authors of these bills. I think that they have a right to feel like they should be continuing along in the process.

Members have raised their concerns around this amendment, and one of these is around the phrase "Indigenous governments or organizations." The law clerk has provided my understanding of the phrase. It is a phrase that appears in the bill and was discussed at committee. I think that Members raising this, perhaps, are strangers to the facts of this bill and are, perhaps, attempting to make this amendment something that it is not. I believe in free and informed debate, and I think that that debate should be on the motions before us and what we think the motions are.

This motion, again, clearly stated, is a notice period required to all Indigenous governments or organizations in the Northwest Territories, whether or not they are part of the Intergovernmental Council. It is a broad and encompassing relationship piece, and again, it is a duty of notice. It is not a limitation on the government's ability to draft or pass regulations. It just ensures that everyone is in the same loop when important changes are being made. I do not think that it is an unreasonable compromise from the committee's original position, which was full-blown legal consultation on any regulation. This is a huge step back from that, and that is not what is being asked for today.

I hope that we all understand clearly what this amendment represents and not what we think it represents and that we can decide our votes based on the facts and not on politics. Thank you, Mr. Chair. I request a recorded vote.

RECORDED VOTE

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. The Member has requested a recorded vote. All those in favour, please rise.

DEPUTY CLERK OF THE HOUSE (Mr. Rutland): The Member for Kam Lake, the Member for Tu Nedhe-Wiilideh, the Member for Nahendeh, the Member for Frame Lake, the Member for Yellowknife Centre, the Member for Deh Cho, the Member for Yellowknife North.

CHAIRPERSON (Mr. Simpson): All those opposed, please rise.

DEPUTY CLERK OF THE HOUSE (Mr. Rutland): The Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Mackenzie Delta, the Member for Sahtu.

CHAIRPERSON (Mr. Simpson): All those abstaining, please rise. The results of the recorded vote are: 7 in favour, 9 opposed, zero abstentions.

---Defeated

Clause 98. Mr. Testart.

COMMITTEE MOTION 152-18(3):
BILL 38: PROTECTED AREAS ACT - MOTION
NO. 2 TO AMEND S. 98,
DEFEATED

MR. TESTART: Thank you, Mr. Chair. I move that Bill 38 be amended by adding the following after subclause 98(2):

"(3) The Minister may enter into one or more agreements with Indigenous governments or organizations in the Northwest Territories and with relevant renewable resource boards and land use planning boards or bodies, as to how the Commissioner in Executive Council will engage with those parties in exercising the regulation-making powers under this section."

Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. There is a motion on the floor. The motion is being distributed. Once I receive a copy, I can determine whether or not it is in order. The motion is in order. To the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. This motion is about giving the Minister a new power to enter into an agreement with Indigenous governments in the Northwest Territories, and potentially with resource boards and land use boards, that are relevant to the particular regulations.

To enter into a formal agreement on how those regulations are going to work if the Minister chooses to do so. It is not a requirement for the Minister to do so. It does not put any restrictions on

the Minister's authority. It is a new option for the Minister that, should the Intergovernmental Council come forward with a new model for co-drafting regulations, the Minister has a power in the law that will neatly fit into that agreement.

This could be in the act, Mr. Chair, and never be used, and it would not impact the operations of the act at all. However, I would hope that it would be used, because, again, this is something that the Minister has committed to work on and the government has committed to work on through the Intergovernmental Council, regardless of the disposition of any other motions raised today. We know that that is going to happen, and I think that what will emerge will be some sort of protocol, whether formal or informal. This allows that protocol to be clearly codified through the legislation, and I would expect we would see similar clauses like this in other resource bills that have been co-drafted.

This is, again, to respect the uniqueness of the co-drafting process, to respect the intentions of the Indigenous governments and the constitutionally-entrenched boards that have appeared before the committee and provided very clear indication that they still wanted to be part of this process. Some of what we have heard is that there were concerns in the co-drafting stage that they agreed that we would address later in regulation. During the co-drafting, the GNWT was very clear that not everything could be resolved today, but let's get the laws passed, and then we can work it out. That expectation is present. It is not a hypothetical. There have been very clear commitments. We heard today that the Minister of Industry, Tourism and Investment has brought forward a terms of reference for regulation-making authority under the Mineral Resource Act.

Things are happening, but it is unclear how they are going to happen. We still don't have clear certainty on how this is going to work, and it is important that we know, because, again, these bills are too important in signalling a new relationship for government-to-government relationships, not just for us, but as a model for the entire country. I think that we need to do whatever we can to put these government-to-government features into law, to clearly identify the legal framework that the Intergovernmental Council partners and Indigenous governments who are working collaboratively with the GNWT can exercise their opportunities to build that stronger relationship. Again, this is solely permissive. This is to give the Minister an additional power to make that relationship a reality.

Again, if the Minister didn't want to use that, he doesn't have to. It is not compelling anything. All it is, is giving the Minister a new tool in the toolbox to ensure that the co-drafting of regulations, if it is chosen to be done, is clearly set up in the

legislation, and I think that that is a much more reasonable compromise, again, than requiring a full-blown section 35 consultation on any regulation-making. That is not what is being proposed here. This is a permissive clause, it is a new power, and I am looking forward to hearing what the Minister has to say about it, but I don't see this as particularly problematic. I hope to hear what other Members have to think.

To be very clear, this is a permissive new feature for the Minister to use; it is not a restriction, and it has nothing to do with non-government organizations or outside-the-territory groups, before anyone raises that concern. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. I just want to take a moment here to welcome all of the visitors that we have up in the gallery. It is rare that we have so many observers taking in our proceedings. It is clear that there is a lot of public interest in this bill. I just want to welcome everyone.

---Applause

To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. What I want to do is just read a sentence from a letter received from the Sahtu Secretariat Incorporated. This is a letter dated May 3, 2019:

"Therefore, the SSI maintains that the Sahtu Dene and Metis must have a substantial role in the development of regulations under the bills in a manner consistent with the operation of the working group with respect to the development of the bills. It is not enough for the GNWT to simply consult with the SSI about the draft regulations."

This is the part I really want everybody to pay attention to:

"To that end, the SSI and other Indigenous governments and organizations are developing a proposed agreement for the GNWT with respect to the establishment of a body similar to the working group, that would be activated from time to time to develop the regulations under the bills."

There, we have it in writing. There is something going on already with regard to developing an agreement. That is great. I am very pleased to hear that. I think it goes a little bit further than what I heard the Minister say with regard to how ENR is approaching this, but this is great. All this clause does is provide the Minister with the option, the ability, to enter into that kind of an agreement. It's not mandatory. It does not require the Minister do this. It just says that the Minister would have the option of doing it moving forward. I think this is an honest effort on the part of at least a couple of

MLAs, and hopefully more will support this, to encourage the good working relationship that has already been developed moving forward and that people would get into an agreement and figure out how they are going to do this moving forward in developing regulations.

So I think this has been offered in a very constructive fashion. It does not take away from anybody's authority. Nobody is required to do anything. It just gives the Minister the option to continue this good working relationship going forward. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. To the motion. Minister McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. As I said before, I made some comments before, but one of the things I want to point out, one point I wanted to make, is we are trying to pass an amendment here to give us direction to do something that we are already doing. We have a respectful arrangement and collaboration with our Aboriginal partners. We have bilateral meetings with them. Whether they signed on to the intergovernmental council or not, whether they signed on to devolution or not, we have respectful dialogue with them. We do not always agree with each other, but that makes the partnership a lot stronger. I find it disrespectful that we would want to have a piece of legislation to tell us how we should interact with our Aboriginal partners. We have been partners with the Aboriginal governments for a long time, and they will continue to work on that close partnership long after we are all done in the Assembly, and it happened long before us. I just want to say that we have a respectful arrangement with our Aboriginal partners, and that relationship will continue. We do not need to legislate our agreements with them. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. Part of our correspondence came through personal presentations, written presentations. I read out for the record one of the presentations that was sent to our chair of SCEDE on May 6th from the Sahtu Renewable Resource Board. At the bottom of the first page, it says in bold:

"ENR Legislative Development Process: While the SRRB, the Sahtu Renewable Resource Board, participated in ENR's technical working group for developing bills 38 and 44, this participation was not granted to SRRB until February 13, 2018."

I am not too sure of the timeframe of the notification of scheduling and so on, but the principle being they were sitting at the technical working group, so,

as far as I can interpret this, they were notified and they participated. So that just gives me an example of the consultation through the engagement of the working group to produce their input. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. Nakimayak.

MR. NAKIMAYAK: Yes, thank you, Mr. Chair. I appreciate the amendment. Like previous speakers, Mr. Chair, I am just going by examples here. The Inuvialuit Game Council and other parts of Inuvialuit have agreements with the Government of the Northwest Territories in our government-to-government relations. Also, there are impact benefit agreements that are confidential and should remain confidential. Earlier on on this bill, there is talk about a public registry. Things like that should remain confidential for Indigenous groups to negotiate with the Government of the Northwest Territories. I am looking at this. I think it's the fifth line down, and it says, what gets me:

"The Minister may enter into one or more agreements with Indigenous governments or organizations in the Northwest Territories and with relevant renewable resource boards and land use planning boards or bodies, as to how the Commissioner in Executive Council will engage with those parties in exercising the regulation-making powers under this section."

Mr. Chair, Indigenous governments are making regulations with the government. We cannot go all the way. We know that. There is a time and point where the governments and Indigenous governments must lash off so that we can continue making regulations and law, and this is where we sit today.

This has potential to give less power to those Indigenous governments that are advocating not just here in our country but around the globe on wildlife, on ivory, on seal. This has a possibility to impact our rights as Indigenous people to advocate for what we believe in and to protect our way of life. I think this is far too much, and it does not give any room for the governments to move. When there are no margins and we are restricted, it could possibly have a negative impacts for us as we sit around the table at the international maritime organization looking at regulations on marine shipping, on heavy fuel oils, on plastics and that.

So I think we need to respect what's in the document. For those reasons, Mr. Chair, I am not going to support this amendment. Thank you.

CHAIRPERSON (Mr. Simpson): To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chairman. Again, I certainly appreciate the mover's intentions, and one might think that by me supporting the previous amendment that the presenter put forward that not supporting this one might seem odd, but the previous one was clearly a case where I felt that the Minister would give notice about a change in regulation, allow the opportunity to hear from the governments on that regulation, and then may consider it if he or she so wishes.

In this instance, as the presenter has suggested, really this gives the Minister another layer of power if he shall so choose. However, the concern is, with me, on "the Minister may enter into one or more agreements" sets a particular expectation from any reader of this particular law to say that they will expect that the Minister will go down this road. I feel that that might even put some possible undue pressure on the Minister if that were to happen.

This act is layered throughout the whole entire act with the opportunity for engagement, and I would argue or suggest that the act in its entirety in fact is about the coming together of governments in the interest of developing protected areas. So, while I appreciate that a number of Indigenous governments and stakeholders identified the need to be further involved in regulation-making and I fully appreciate that, I still think that this act unto itself will allow for numerous opportunities for the government to be engaged, and they will certainly let it be known what their thoughts and feelings are on how regulations should pan out at the opportune times of when they consult as it relates to this act. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Vanthuyne. To the motion. I will allow the mover to close debate. Mr. Testart, to the motion.

MR. TESTART: If I could just ask a point of clarification of our law clerk.

CHAIRPERSON (Mr. Simpson): Of course. You don't need to ask me. If you can ask it, you can just go ahead and ask it. Mr. Testart.

MR. TESTART: Mr. Law Clerk, looking at the full amendment and the effects it would have in the legislation, does this in any way restrict section 35 rights of Indigenous peoples, or impact the beneficiaries land claim agreements in the Northwest Territories? Thank you.

LAW CLERK (Mr. Kruger): Thank you, Mr. Chair. That is quite a large question. What I can say is that the intent of the wording here is just that, which is that the Minister may or may not enter into agreements with Indigenous governments. As to how the Commissioner and the Executive Council will engage with those parties, "engage" is

obviously a different word than "consult." I believe that was likely intentional by the drafter so as not to import the baggage. I don't mean that pejoratively, but there is a large connotation that comes along with the word "consult." With that, that answers your question. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Testart.

MR. TESTART: Yes, yes, thank you. Thank you to my colleague who just handed me a piece of paper. Mr. Chair, again, we've had a spirited debate around this. Some comments are based on what correspondence was received by committee members during the committee review, some have been based on concerns raised around this, and some have been based on information that's not represented in this amendment.

I want to address the Minister's comments. The Minister said that we have these arrangements and these agreements, or these relationships in place, and we don't need to legislate those; and yet, we have an intergovernmental council that is legislated. An intergovernmental agreement is a legal agreement that council would set up to manage the relationship between devolution partners. There's no real need for a new body according to that logic. We have bilaterals. We've heard members from land claim organizations speak to the strong bilateral relationships between their organizations and the GNWT, and yet, we have an intergovernmental council. We chose to do something new. This legislation is an opportunity to do new things as well.

This is something, I'm not making this up. It's not the honourable Member for Frame Lake writing a dissenting opinion and deciding, let's go our own way. We presented the supporting evidence from the committee hearings. We presented the supporting evidence that we heard directly from Indigenous people. This was something that was asked for, and I think the previous amendment was a stronger one than this, but on this one, at the very least, again, it creates a clear legal path for how we want to move forward on co-drafting. Whatever process emerges from the intergovernmental council and the bilateral conversations that occur, great. Come up with something everyone can agree with, and then move forward with this new power.

The Members who have raised the concern that this creates an anticipation that the Minister will use this power, well, the Minister is creating that expectation, and his colleagues in Cabinet are creating that expectation, by going out and putting out terms of references. This expectation already exists. It started as soon as the technical working group was assembled, and the expectation has been repeated time and time again in written

submissions, in public appearances, and that's been collected in committee's report. The submissions we received from the public are some 200 pages. This bill had a great deal of public interest, and more importantly, a great deal of interaction of both the government who drafted the bill, and Indigenous partner governments, and the committee who reviewed the bill and Indigenous partner governments. Every aspect of this institution, its executive branch, its legislative branch, has been working in partnership in respective functions on Bill 38. These are just improvements we found, and I feel very strongly that we have been given very clear indication that something like this is exactly what the expectations are that are out there. Yes, there can be another process that's identified, and perhaps that will be superior, but it would have been nice to know that going ahead. It would have been nice knowing more information about the co-drafting process. I commented a number of times that I had learned more in three weeks than I had in three years on co-drafting because most of that process was almost a tightly guarded secret.

It is nice to see this process play out, but, with incomplete information on how we're going forward, we're doing our best to put the aspirations of our partner governments into legislation.

I fully expected that this motion will not carry, but I think it was important to put these concerns out there, and for the Indigenous governments who came forward and requested more direct engagement in statute. Their rights and the relationship that exists is properly defined in these very important pieces of legislation. I think this motion is also for them to know that their concerns are not lost on deaf ears, and we've heard them loud and clear, and we are attempting to address that in a meaningful, tangible way; not just with words, but with real action, and that's what this motion represents. A recorded vote. Thank you, Mr. Chair.

RECORDED VOTE

CHAIRPERSON (Mr. Simpson): The Member has requested a recorded vote. All those in favour, please rise.

DEPUTY CLERK OF THE HOUSE (Mr. Rutland): The Member for Kam Lake, the Member for Tu Nedhe-Wiilideh, the Member for Nahendeh, the Member for Frame Lake, the Member for Yellowknife Centre.

CHAIRPERSON (Mr. Simpson): All those opposed, please rise.

DEPUTY CLERK OF THE HOUSE (Mr. Rutland): The Member for Deh Cho, the Member for

Nunakput the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Hay River South, the Member for Thebacha, the Member for Mackenzie Delta, the Member for Sahtu, the Member for Yellowknife North.

CHAIRPERSON (Mr. Simpson): All those abstaining, please rise. The results of the recorded vote are: five in favour, 11 opposed, zero abstentions. The motion is defeated.

---Defeated

Clause 98. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Clauses 99 to 101. Does committee agree? Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I have some questions with regard to the coming into force date of this legislation. I would like to know whether it's the intention of the Minister to bring this bill into force without delay? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. Minister.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. Our intention is for the act to come into force at the earliest opportunity. Implementing this act, needless to say, is a high priority for the government of the Northwest Territories and the people who are affected by it. The Department of ENR is actively working with Indigenous governments and organizations, and have advanced three candidate areas under the act: the Dinaga Wek'ehodi Wek'eezhii, Thaidene Nene, and Tu'yeta west of Fort Good Hope in the Sahtu region. Bringing the act in force is a critical step towards establishing these candidate areas.

Section 101 of Bill 38 states that the act or any provision of the act comes into force on the day to be fixed by order of the Commissioner, and it is our intent to bring the act into force at the earliest opportunity. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Just so I understand this completely, is the Minister of the opinion or the view that any specific regulations are required to bring this act into force? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. Yes, there will be some work, minor regulatory work required for general regulations on forms and for laboratories, designation of laboratories. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Does the department have any idea how long that regulation is going to require for forms and laboratories? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. Our intent is that we would have these regulations come into force within the life of this Assembly. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I understand that there are forms prescribed in here, or the ability to prescribe forms, largely around the inspection, sort of warden functions and labs. That's where they'd be designated as well. Would there be the opportunity, then, to move forward with bringing into force other sections of the act immediately upon it or shortly after assent? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. Yes, we feel that there is the ability to bring in sections very quickly in the future. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Can I just get it clarified by the Minister then: so the intention is to bring all the other parts or sections of the act into force other than those that require forms or labs, and that that will happen shortly after assent? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. Yes, we feel that we could bring all the provisions of the act. If there are any that are relevant to the statement of forms or designation laboratories that couldn't be bringing right away, we would have to wait until the work is done, but otherwise we would like to bring it into force very quickly. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. At the risk of driving everybody crazy, can the Minister repeat that commitment? I just want to get it very clear on the record because there is a lot of interest in moving forward, particularly with Thaidene Nene. I had heard that there might be federal ministers coming up to make a formal launch in July around the federal part of that, so can the Minister commit that all the other sections of the act are going to be brought into forces as soon as possible? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Minister. Mr. Jenkins.

MR. JENKINS: Thank you, Mr. Chair. Yes, it is our intent to bring this in very quickly, as the Minister stated. We are actively working on Dinaga Wek'ehodi, TDN, and Tu'yeyeta in the Sahtu region. We need to bring this action into force to be able to move forward with the establishment agreements and those in to establish those areas. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly. Nothing further from Mr. O'Reilly. Clauses 99 to 101. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you. Committee, please turn to page 8. We will have a look at the preamble. To the preamble. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We will return to the bill number and title. Bill 38, Protected Areas Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Does committee agree that Bill 38, Protected Areas Act, is now ready for a third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Bill 38, Protected Areas Act, is now ready for a third reading. Does committee agree that this concludes our consideration of Bill 38?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. This concludes consideration of the bill. Thank you to the Minister, and thank you to the witnesses who have been sitting patiently for hours. Sergeant-at-Arms, please escort the witnesses

from the Chamber. What is the wish of committee? Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chairman. I move that the Chair rise and report progress.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Beaulieu. The motion is in order and non-debatable. All those in favour? All those opposed? The motion is carried.

---Carried

I will rise and report progress.

MR. SPEAKER: May I have the report, Member for Hay River North?

MR. SIMPSON: Thank you, Mr. Speaker. I seek unanimous consent to move order 21, report of Committee of the Whole, up on the order papers and consider it immediately. Thank you, Mr. Speaker.

MR. SPEAKER: The Member is seeking unanimous consent to move Item 21 after consideration of Committee of the Whole.

---Unanimous consent granted

Member for Hay River North.

Report of Committee of the Whole

MR. SIMPSON: Thank you. Mr. Speaker, your committee has been considering Committee Report 18-18(3), Standing Committee on Economic Development and Environment Report on the Review of Bill 38: Protected Areas Act, and Bill 38, Protected Areas Act, and would like to report progress; and that Committee Report 18-18(3) is concluded, with five motions adopted; and that Bill 38, Protected Areas Act, is ready for third reading; and Mr. Speaker, I move that the report of the Committee of the Whole be concurred with.

MR. SPEAKER: Masi. Do I have a seconder? Member for Inuvik Twin Lakes. The motion is in order. All those in favour? All those opposed?

---Carried

Masi. Colleagues, with the three items that we have just wrapped up, the next item is Ministers' statements. The goal is go through Ministers' statements, and we will take a break after that. Deputy Premier.

Ministers' Statements

MINISTER'S STATEMENT 202-18(3):
CELEBRATING INUVIALUIT DAY

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. Thirty-five years ago today, the Committee for Original People's Entitlement, or COPE, signed the Inuvialuit Final Agreement with the Government of Canada on behalf of the Inuvialuit of the Western Arctic. The Inuvialuit Final Agreement was the first comprehensive land claim agreement north of the 60th parallel, and only the second of its kind in Canada. In many ways, this agreement led the way for the future negotiation of land, resources, and self-government agreements in this territory, and perhaps in Canada.

The IFA was negotiated to help preserve Inuvialuit cultural identity and values within a changing northern society and to enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society. It was also intended to help protect and preserve the Arctic wildlife, environment, and biological productivity.

Under the agreement, Inuvialuit received ownership of over 90,000 square kilometres of land, including almost 13,000 square kilometres of subsurface ownership. In addition to lands, the Inuvialuit received \$152 million in capital transfer payments from the Government of Canada. The IFA also provides the Inuvialuit with certain wildlife harvesting rights in the ISR, including the exclusive right to harvest game on Inuvialuit lands and the exclusive right to harvest furbearers.

Perhaps just as importantly, the IFA also gave Inuvialuit a guaranteed right to have a say in important decisions in the region. The agreement provided for the creation of the Inuvialuit Regional Corporation, established the Inuvialuit Game Council, and ensured Inuvialuit participation on co-management boards, including the Fisheries Joint Management Committee, Wildlife Management Advisory Council, Wildlife Management Advisory Council (North Slope), Environmental Impact Screening Committee, and the Environmental Impact Review Board.

Economically, the IFA established the Inuvialuit Development Corporation to help ensure Inuvialuit had an adequate level of self-reliance and a solid economic base to allow them to participate fully in the northern Canadian economy.

Today, the Inuvialuit Regional Corporation continues to be an important partner with the Government of the Northwest Territories in working on behalf of all residents. The IRC was the first Indigenous government to join with our government in signing the Devolution Agreement-in-Principle in January 2011, continuing their role as trend-setters for Indigenous rights in the Northwest Territories. Their support and participation in the negotiation of the final agreement was invaluable to our

government, and they continue to be strong supporters and allies in its ongoing implementation.

Our government is currently engaged, along with the IRC, in negotiations with the Government of Canada on a co-management regime for offshore oil and gas resources. Negotiation of co-management is one of the remaining commitments under the Devolution Agreement and will help ensure that Northerners are able to both have a say in the development of these resources and to benefit from them economically.

The Inuvialuit have also joined us in the science-based review of the federal moratorium on oil and gas development in the Arctic Ocean. Together, we recognize the enormous economic potential of this untapped resource, and we look forward to the day when our residents can benefit from its safe and responsible development.

Mr. Speaker, I know that there are many events planned back home to mark today's anniversary. While we cannot be there to take part ourselves, I would like to invite all Members of the Legislative Assembly to join me in congratulating all Inuvialuit on this important anniversary, and I look forward to another 35 years and more of successful partnership between our governments. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Congratulations on Inuvialuit Day from all of us here at the Legislative Assembly. Ministers' statements. Minister of Infrastructure.

MINISTER'S STATEMENT 203-18(3): UPDATE ON ENERGY INITIATIVES

HON. WALLY SCHUMANN: Mr. Speaker, the Government of the Northwest Territories committed in our mandate to advance a number of renewable and alternative energy solutions to reduce our reliance on fossil fuels and lower the cost of living. One of those commitments included implementing a new Northwest Territories Energy Strategy, which we achieved in April 2018 when we tabled the 2030 Energy Strategy: A Path to More Affordable, Secure and Sustainable Energy in the Northwest Territories. This strategy defines our long-term vision and approach for transitioning to a lower carbon economy.

Mr. Speaker, I am pleased to provide Members with an update today on the progress that we have made, as we mark our first year of implementing the Energy Strategy, and to share with you what we have planned.

In 2018-2019, the Government of the Northwest Territories and its partners invested over \$21 million in energy actions and initiatives, an unprecedented investment in energy in the Northwest Territories.

We were also successful in obtaining federal funding for a large number of energy initiatives.

For example, under the Low Carbon Economy Leadership Fund, the Government of the Northwest Territories secured \$31.2 million over four years, for programs such as the Greenhouse Gas Grant Program for Buildings and Industry, the Greenhouse Gas Grant Program for Governments, and additional funding to support the Arctic Energy Alliance.

Under the Investing in Canada Infrastructure Program, we secured \$30 million for the Inuvik Wind Project, \$15 million for a new generator in Sachs Harbour, and \$10.7 million for upgrades to the Snare Forks hydropower generator.

In January, our government announced with the federal government a commitment for approximately \$1.6 million to advance the Taltson Hydro Expansion Project, including for engagement with our Indigenous government partners. We were also pleased with a commitment for an additional \$18 million in the most recent federal budget and look forward to advancing the next steps of this transformative project.

Mr. Speaker, during the upcoming year, the Government of the Northwest Territories plans to invest up to \$64 million to continue the implementation of the 2030 Energy Strategy. This includes \$2.74 million in core funding to the Arctic Energy Alliance and an additional \$2.84 million to roll out enhanced programs and services for the Arctic Energy Alliance to better meet the needs of the public.

Already this fiscal year, the Government of the Northwest Territories has launched programs under the Low Carbon Economy Leadership Fund, including the \$8 million Greenhouse Gas Grant Program for Buildings and Industry and \$2.4 million to continue supporting the Greenhouse Gas Program for Governments.

Our government is committed to continuing to address the cost of living and reduce greenhouse gas emissions in the Northwest Territories. We will be investing up to \$18 million in the Inuvik Wind Project, as well as \$7.4 million to begin the Sachs Harbour wind-diesel project. We will also spend up to \$1 million to engage communities, invest in engineering design, and set the stage to connect Whati, Fort Providence, and Kakisa to renewable hydropower within the next few years.

We are also leading by example. This year, we have allocated \$4.2 million to complete efficiency overhauls on two of our own vessels, the MV Lafferty ferry near Fort Simpson and the Jock McNiven tug operated by Marine Transportation

Services, in order to reduce the amount of fuel needed for operations. We are also introducing an electric vehicle rebate program through the Arctic Energy Alliance, so that the public can help do its part in reducing greenhouse gas emissions.

The Department of Infrastructure will also partner with the Northwest Territories Housing Corporation to invest up to \$2.9 million to construct a biomass district heating system at Sissons Court in Yellowknife. This initiative will help lower the cost of heating of 45 public housing units and will offer significant greenhouse gas reductions.

Mr. Speaker, the 2030 Energy Strategy was developed to help address the cost of living in the Northwest Territories, by investing in programs and services that support energy efficiency and conservation, and the deployment of alternative and renewable energy. These investments also benefit our territory by reducing our reliance on fossil fuels and help us to meet national greenhouse gas emission reduction commitments under the Paris Agreement and the Pan-Canadian Framework on Clean Growth and Climate Change.

The increased support of our government and from federal partners in energy solutions have contributed to the Government of the Northwest Territories' goal to stabilize or decrease energy costs for communities, businesses, and industry across the Northwest Territories. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. Minister of Municipal and Community Affairs.

MINISTER'S STATEMENT 204-18(3):
2019 NORTHWEST TERRITORIES TRACK AND
FIELD CHAMPIONSHIPS

HON. ALFRED MOSES: Mr. Speaker, I rise today to recognize the athletes, coaches, chaperones, and most importantly, all of the volunteers who are making their way to Hay River for the annual Northwest Territories Track and Field Championships.

At 1:00 p.m. today, events will have commenced, making this the 29th Anniversary of one of the Northwest Territories' premier sporting events. I, along with some of my colleagues from the House, will be in attendance for the opening ceremonies tonight.

Approximately 30 teams and 1,150 athletes will embark on vying for the Championship Banner. 28 of those teams are from schools in 13 different communities from every region.

Mr. Speaker, this event is a massive undertaking that could not be done without the tremendous

volunteer and community support of Hay River and the surrounding region. Hay River continues to show that they can support and host these types of events. I applaud you all. Special recognition goes to Tim Borchuk, JJ Hirst, and Rachel Yee for leading this year's event.

Mr. Speaker, events like the Track and Field Championships encourage our youth to lead healthy and active lifestyles, which improve physical and mental well-being and, ultimately, the well-being of our communities.

I want to thank Members of this Assembly and those who have preceded us in supporting great sport, physical activity, and recreation events across the Northwest Territories.

Mr. Speaker, I would like to wish the best of luck to all of the athletes and coaches and that all participants will share in friendly, challenging, and rewarding competitions and that the youth will benefit for years to come from the experiences and friendships that they will find at the Northwest Territories Track and Field Championships. Mahsi cho, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. Minister of Health and Social Services.

MINISTER'S STATEMENT 205-18(3):
CHILD AND FAMILY SERVICES QUALITY
IMPROVEMENT PLAN

HON. GLEN ABERNETHY: Mr. Speaker, one of this government's top priorities is the safety and well-being of children and youth receiving Child and Family Services. This includes making sure that we maintain a child's connectedness to family, community, and culture.

We have learned from our experiences, through internal and external audits, through engagement with Indigenous governments, and through feedback from stakeholders, that we need to better manage, resource, structure, and sustain changes implemented under Building Stronger Families.

We know that the improvements we were making under Building Stronger Families were the right approaches; the issue was how we were doing it. This is why I directed the Department to develop a two-year quality improvement plan that highlights how we will be taking action to address the issues identified through our own internal audits, the 2018 Auditor General of Canada's report, and recommendations from Indigenous governments, Child and Family Services Staff, Foster Family Coalition of the Northwest Territories, and key stakeholders.

Later today, I will table the response to the Standing Committee on Government Operations' Review of the 2018 Report of the Auditor General of Canada on the Northwest Territories Child and Family Services. The recommendations from this report have also informed the Quality Improvement Plan.

The Quality Improvement Plan, which will be released this summer, is the accumulation of everything that we have learned from our experiences and engagement with all of our key stakeholders. It is a living document that will focus our efforts on 10 priority areas for making the improvements that our child and family services system requires. As we take action in these priority areas, the plan's flexibility will help us make sure that we are on the right path, are adjusting our approach when needed, and are considering all options for success.

In May, Department of Health and Social Services and authority staff held a face-to-face meetings with Indigenous governments to go over the draft quality improvement plan. The meeting was fruitful, and we are in the process of re-prioritizing, refining, and adding new action items to the plan as a result of feedback received from the Indigenous governments.

Although the plan is still being finalized with respect to the actions that we want to achieve, the department has already begun work in implementing a significant portion of the action items. To date, approximately a quarter of the action items in the plan have already been completed, while other items have been initiated and are ongoing.

For example, we piloted forensic interviewing training with fifteen child and family services staff in April. This training was aimed at improving skills and confidence of front-line staff in conducting child protection investigations and in interviewing children or youth alleged to have experienced some form of abuse or neglect. The training was recorded and will be shared with all regions for future training. In February and May of this year, we also provided refresher training on the four established Structured Decision Making Tools to CFS managers, supervisors, and some senior staff, and delivered this training to front-line staff in the Sahtu and Beaufort-Delta regions.

Mr. Speaker, last November, we implemented a new guardianship standard that requires the completion of a home assessment for anyone applying for guardianship under the Children's Law Act. The standard was sent to all child and family services staff and informs them on the screening requirements and supports they need to provide to

potential guardians taking on the responsibility for caring for a child.

New investments by our government allow us to acquire 21 new positions to assist in addressing capacity and staffing challenges across the Northwest Territories. A territorial-wide recruitment for child and family services staff is in place to fill these positions and address vacancies. Increased staffing will improve the ability of children and family services to meet our responsibilities by reducing caseloads and will enhance our capacity to provide better support for children, youth, and their families.

Mr. Speaker, improving the quality of the child and family services system, as with all systems, is an ongoing process and not a single event. It will take time, and we may need to adjust, rework, and add action items in order to ensure the safety and well-being of children and youth in our care. This is why transparency and partnership are foundational to the quality improvement approach that we are taking to address the changes the CFS system that are required.

We will report regularly on how we are doing by publicly releasing regular updates on the Quality Improvement Plan. We will continue to work closely with stakeholders, Indigenous governments, all of our staff, and those accessing our services, to ensure that we remain on the right track towards improving the child and family services system.

Mr. Speaker, I am confident the partnerships we are forming and the quality improvement steps we are taking will change the narrative of the NWT Child and Family Services system to a place of improved practices and outcomes for children, youth, and their families. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. Minister of Finance.

MINISTER'S STATEMENT 206-18(3):
NORTHWEST TERRITORIES CARBON TAX
IMPLEMENTATION

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I rise today to update the House and Northwest Territories residents on the implementation of the NWT Carbon Tax.

The Government of the Northwest Territories committed to implementation of carbon pricing as part of the Pan-Canadian Framework on Clean Growth and Climate Change. Provinces and territories were provided with the option of implementing their own approach to carbon pricing or having the federal backstop approach implemented in their jurisdictions.

In the NWT, we decided to pursue our own made-in-the-North approach, recognizing our unique environment and the requirement for a level of consistency with the federal approach. We released our planned approach in July of 2018, including the offsets to mitigate the impact of carbon pricing on the cost of living and doing business in the NWT.

Mr. Speaker, as a reminder, our approach included an NWT Carbon Tax on fuels that will begin at rates equivalent to \$20 per tonne of greenhouse gas emissions and increase annually to \$50 per tonne. Revenues from the NWT Carbon Tax will be used to mitigate the impact and address climate change by:

- exempting aviation fuel;
- providing a 100-percent rebate on the carbon tax on heating fuel for residents and small business;
- introducing a rebate of the carbon tax on community electricity production to mitigate the impact on electricity rates;
- implementing a new cost-of-living offset benefit that will be provided to all residents to offset the impact of the carbon tax on consumer goods and services;
- providing a rebate program for large emitters, that will provide a level of consistency in the treatment of those industries, as is provided under the federal system and is being provided for residents and small businesses in the NWT; and
- making investments in energy initiatives that further reduce greenhouse gas emissions.

Mr. Speaker, Bills 42 and 43 were introduced in the February session and proposed changes to the Petroleum Products Tax Act and the Income Tax Act that would facilitate implementation of the NWT Carbon Tax and offset programs.

This legislation is currently being reviewed by the Standing Committee on Government Operations. Given the time needed to review the legislation and our legislative calendar, we expect that the legislation will be ready for consideration for third reading in the August session.

The original intent was to implement the NWT Carbon Tax on July 1, 2019. The GNWT now intends to implement the NWT Carbon Tax on September 1, 2019.

Mr. Speaker, at this time, I seek unanimous consent to waive Rule 34(6) so that all Ministers' statements filed with the clerk can be delivered today. Thank you, Mr. Speaker.

---Unanimous consent granted

HON. ROBERT MCLEOD: This delay was unintended and in no way should be considered as a lowering of the government's commitment to implementing the NWT Carbon Tax. Carbon pricing will be introduced in the NWT either utilizing our own approach or having the federal backstop imposed upon us. We believe our approach has significant advantages for our businesses and residents, including in the way we have approached rebating the carbon tax on heating fuel, protecting electricity rates, and providing the cost-of-living offset benefit to all residents of the NWT.

We have reached out to the Government of Canada, the Premier has spoken with Minister Morneau as the federal intergovernmental Minister, and I will be speaking with Minister McKenna tomorrow. They are aware of our legislative process and the challenges all legislatures face when nearing the end of their term in office to fulfill their mandates. There is no plan on the part of the federal government to implement the federal backstop on July 1st. We would thank them for their understanding.

Mr. Speaker, addressing climate change is a key priority item for the 18th Legislative Assembly. The 2030 NWT Climate Change Strategic Framework and the 2030 NWT Energy Strategy and all their related actions and introducing carbon pricing all represent significant action this government is taking on this priority. The federal government has been an important partner in these initiatives.

Mr. Speaker while there is still much more to be done, I believe this Assembly is providing a strong foundation for continued action on this important issue. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. Colleagues, at this time, I am going to call for a short break.

---SHORT RECESS

MR. SPEAKER: Members, we left off after Ministers' statements. Item 3, Members' statements. Item 4, returns to oral questions. Item 7, oral questions. Item 8, written questions. Item 9, returns to written questions. Item 10, replies to the Commissioner's opening address. Item 11, petitions. Item 12, reports of standing and special committees. Member for Kam Lake.

Reports of Standing and Special Committees

COMMITTEE REPORT 19-18(3): REVIEW OF THE 2017-2018 PUBLIC ACCOUNTS OF THE GOVERNMENT OF THE NORTHWEST TERRITORIES

MR. TESTART: Thank you, Mr. Speaker.

Mr. Speaker, the Standing Committee on Government Operations is pleased to present its report on the review of the 2017-2018 Public Accounts of the Government of the Northwest Territories, which took place in Yellowknife, Northwest Territories, from April 10 to 11, 2019.

Members of the standing committee would like to take the opportunity to thank Assistant Auditor General Mr. Terry DeJong, Mr. David Irving, principal, and Ms. Michelle Smith, director, from the Office of the Auditor General (OAG), who travelled from Ottawa and Edmonton to assist the standing committee with its review. The committee wishes to acknowledge the constant support of the OAG's staff, without whose able assistance, these reviews would not be possible.

The standing committee also wishes to thank Mr. Jamie Koe, Comptroller General, and officials from his office in the Department of Finance for their appearance before the committee. The committee takes this opportunity to commend the Comptroller General for his work over the course of the 18th Legislative Assembly and wish him well in his future endeavours.

Summary of Committee Findings

One: Significance of a Clean Audit Opinion

The committee notes that the consolidated 2017-2018 Public Accounts of the Government of the Northwest Territories received a clean audit opinion from the Auditor General and commends the Government of the Northwest Territories for this achievement.

Two: Timeliness of the Public Accounts

Both the interim and consolidated 2017-2018 Public Accounts were completed in time to meet applicable statutory deadlines. In this final review of the public accounts for the 18th Legislative Assembly, the standing committee would like to acknowledge the continued improvements made by the Government of the Northwest Territories, its boards, and other entities in the timely completion of the public accounts, under the leadership of the Department of Finance. The committee appreciates the commitment of Cabinet Ministers and the dedication of the public service that has resulted in

this progress and commends the government for this achievement.

Three: Accountability and Transparency

The committee acknowledges the good work that has been done by the Department of Finance to improve its public financial reporting, including the production of An Overview of the Public Accounts and annual financial highlights. The committee encourages the GNWT to continue to strive to improve its public financial reporting. Accordingly, committee makes the following recommendations:

Recommendation 1

The Standing Committee on Government Operations recommends that the Department of Finance annually table a consolidated budget that shows anticipated revenues and expenditures for the larger government reporting entity, consistent with the information that will be reported at fiscal year-end in Section I of the Public Accounts: Consolidated Financial Statements.

Recommendation 2

The Standing Committee on Government Operations recommends that the Department of Finance undertake an analysis of best practices for public governments with respect to public financial reporting and table its findings in the 19th Legislative Assembly prior to the review of the 2018-2019 Public Accounts. The committee further recommends that this report identify how the findings will inform any future changes to be made by the GNWT with respect to its public financial reporting.

Four: Public-Private Partnerships

Committee acknowledges the improvements that have been made in how public-private partnership projects are reported in the public accounts but believes there is room for further improvement. While awaiting the completion of national accounting standards for P3 projects, the committee encourages the Department of Finance to continue to work with the Office of the Auditor General to improve its financial reporting for P3 projects.

Five: Environmental Liabilities

The committee was advised that the Department of Finance is looking at ways to make its inventory of contaminated sites available online. The committee recommended last year that the department model its site on the Treasury Board of Canada's Federal Contaminated Sites Inventory. The committee makes the following recommendations as the committee's work proceeds:

Recommendation 3

The Standing Committee on Government Operations recommends that the Department of Finance provide the standing committee with the opportunity to review and provide comment on the platform and content used for the public disclosure of contaminated sites prior to the finalization of this work.

Six: Fiscal Responsibility Policy 15.03

The committee thanks the Department of Finance for its positive response to last year's recommendation requesting additional information indicating where, in the public accounts, the figures can be found that are used to report on the Fiscal Responsibility Policy. This information is important to the committee because it enables an interested reader to independently verify the government's calculations.

Seven: Borrowing and the "Debt Wall"

While the available borrowing capacity at the end of 2018 was greater than anticipated in the borrowing plan, the overall trend shows a decline, from \$536.3 million in 2016 to \$395.9 million in 2018. Continued fiscal vigilance, designed to ensure that the GNWT does not hit the debt wall, is likely to feature prominently in the Finance Minister's fiscal strategy during the upcoming 19th Legislative Assembly.

Eight: Protection of Privacy and Disclosure of Information

The committee appreciates the steps taken by the Department of Finance to report Student Loan Remissions on a separate schedule in the Public Accounts from Bad Debt Write-offs and Forgiveness. The committee regrets that further agreement could not be reached to protect the personal information of students receiving student loan remissions. Further legislative amendments may be needed to resolve this outstanding matter.

In conclusion, the committee proposes Recommendation 4:

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to this report within 120 days.

The committee looks forward to this response. This concludes the Report of the Standing Committee on the Review of the 2017-2018 Public Accounts of the Government of the Northwest Territories.

Mr. Speaker, I move, seconded by the honourable Member for Tu Nedhe-Wiilideh that Committee Report 19-18(3) be deemed read and printed in Hansard in its entirety.

Thank you, Mr. Speaker.

MR. SPEAKER: The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Review of the GNWT Public Accounts for 2017-2018

Introduction

The Legislative Assembly of the Northwest Territories' Standing Committee on Government Operations ("SCOGO" or "the committee") has a mandate to review and report on the Government of the Northwest Territories' public accounts. This review helps ensure that issues related to public spending the GNWT's fiscal management practices are publicly examined and scrutinized to promote government accountability.

In the course of its review, the committee makes recommendations to the government to improve financial management reporting and practices. The Standing Committee on Government Operations is pleased to present this report on its review and looks forward to receiving the government's response.

About the Public Accounts

The public accounts are the financial statements of the Government of the Northwest Territories (GNWT), which are prepared annually according to Canadian public sector accounting standards (PSAS). They are also prepared in accordance with requirements contained in the federal Northwest Territories Act and the GNWT's Financial

Administration Act (FAA).

The public accounts are produced in four sections:

Section I contains the consolidated financial statements, reporting the combined results of operations for all GNWT departments, revolving funds, public agencies, territorial corporations and other related entities that are considered part of the government reporting entity. This information is audited by the Auditor General. Section I also contains an unaudited Financial Statement Discussion and Analysis, which provides a management analysis by the GNWT of information reported in the public accounts.

Section II presents the non-consolidated, unaudited financial statements for GNWT departments only,

including the revolving funds and special purpose funds they administer. It also includes the financial statements for the Legislative Assembly and its statutory offices.

Sections III and IV contain the supplementary financial statements of boards and other entities.

The Significance of a Clean Audit Opinion

In an unqualified or "clean" report, the auditor concludes that the government's financial statements present its financial results fairly, in all material respects. This indicates that the government complied with Canadian public sector accounting standards and statutory requirements. It also demonstrates that any changes in accounting policies, and the impact of those changes, have been adequately determined and reported.

A clean opinion does not necessarily tell the reader that the government is in good economic health. Its purpose is to provide assurance that Government's financial report is complete and transparent and has not misrepresented any important facts.

The committee notes that the consolidated 2017-2018 Public Accounts received a clean audit opinion from the Auditor General and commends the Government of the Northwest Territories for this achievement.

Timeliness of the Public Accounts

Section 36 of the FAA requires that the interim public accounts be completed by September 30 following the end of the fiscal year in question, and tabled at the earliest opportunity. The interim public accounts contain the financial information of GNWT departments that later form Section II of the public accounts.

Section 35 of the FAA requires that the consolidated public accounts be completed by December 31 following the end of the fiscal year in question, and tabled no later than the fifth day of next sitting of the Legislative Assembly. This section of the act also permits the Minister of Finance to publicly release the public accounts before they are tabled.

Deadlines for the 2017-2018 Public Accounts

The interim Public Accounts were provided to SCOGO by the Minister of Finance on August 29, 2018 and tabled in the Legislative Assembly on October 11, 2018 [TD 218-18(3)].

The consolidated Public Accounts were:

- Signed off by the Minister of Finance on October 18, 2018;
- Provided to SCOGO and released to the public

on October 31, 2018; and

- Tabled in the Legislative Assembly on November 1, 2018 [TD 295-18(3)].

Both the interim and consolidated final 2017-2018 Public Accounts were completed in time to meet applicable statutory deadlines. The 2017-2018 Interim Public Accounts were completed a full month prior to their statutory deadline and were provided to the Committee two weeks earlier than in the previous year. The consolidated Public Accounts were completed and transmitted to committee approximately a week earlier than in the previous year, and tabled in the Legislative Assembly in the fall sitting of the same calendar year, as compared with the previous year when they were tabled in the spring sitting of the following year.

Timeliness of the Financial Statements for Individual Entities Consolidated in the Public Accounts

Section 31 of the FAA requires that the public boards, agencies and councils forming the government reporting entity (GRE) have their public accounts audited annually. The fiscal year end for some of these entities differs from the GNWT's and falls on either June 30 or September 30, depending upon the legislation governing each entity. Section 32 of the FAA provides that, on the request of the public entity, the Minister of Finance may allow an extension to the deadline for completion of its financial statements, not exceeding 60 days.

In the Financial Statement Discussion and Analysis part of Section I of the public accounts, the GNWT includes a list of the entities consolidated within the public accounts, along with the dates they completed their financial statements. This list, titled Completion of Entities Consolidated Within the Public Accounts, identifies the fiscal year-end for each entity, any revised due date resulting from the entity's request for an extension, and the actual completion date of the entity's financial statements for the year in question. This list was originally included in the public accounts at the request of the standing committee and committee thanks the GNWT for its continued inclusion of this information.

The committee reviewed the compliance of public agencies in the government reporting entity with their respective deadlines. Again this year, there were 22 audited entities consolidated in the public accounts. Of these, 20 entities completed their financial statements on time:

- four entities (Aurora College; the NWT Health and Social Services Authority; the NWT Business Development and Investment

Corporation (BDIC); and the NWT Housing Corporation) requested extensions and met their extended deadlines;

- two entities failed to meet their original deadlines and failed to seek extensions:
- the Dehcho Divisional Education Council was only two days late; and
- the NWT Human Rights Commission was almost two weeks late.

In its discussion with OAG staff, committee was interested to learn that late receipt of the GNWT's public accounts has the potential to adversely impact the OAG's ability to meet its own deadline for completion of the audit. For the 2017-2018 fiscal year, OAG staff related that, even though both the Northwest Territories Health and Social Services Authority (NTHSSA) and the Northwest Territories Housing Corporation were compliant with the FAA and met their extended deadline, the timing of the receipt of their financial statements left the GNWT with limited time to consolidate these entities and the OAG limited time to finalize their audit.

Committee appreciates that the 60-day extension provided for in the FAA may be necessary to ensure compliance by some entities, but cautions that the full 60 days should only be used by the entities under the most exceptional circumstances. Committee encourages the Minister to carefully consider any requests for extension and to grant additional time only to the extent it is absolutely necessary.

With respect to the compliance of entities consolidated in the public accounts, committee discussed this matter with the Comptroller General, during last year's review. This resulted in a recommendation that the Comptroller General consider, and report back to the standing committee on, the utility of entering into service agreements or memoranda of understanding with GNWT boards, agencies, or other entities requiring support or assistance to complete their year-end financial reporting as required under the FAA.

This year, the Comptroller General reported that, while the department had not found it necessary to enter into formal service arrangements with any of the smaller entities, they did find that providing smaller entities with reminders of their obligations under the FAA produced positive results.

Committee believes that the results speak for themselves and that they show a notable improvement over last year's results. Committee urges the Office of the Comptroller General to continue the work it is doing to ensure that smaller government entities are completing their public

accounts in a timely manner and, when necessary, seeking appropriate extensions from the Minister as required by the FAA.

Finally, committee is aware that the Department of Finance has been working to complete the translation of government annual reports in French and ensure that those of the territorial corporations are completed annually moving forward. Committee notes the OAG's observation that, while significant progress has been made, the government is not there yet.

In this final review of the public accounts for the 18th Legislative Assembly, the standing committee would like to acknowledge the continued improvements made by the Government of the Northwest Territories, its boards, and other entities in the timely completion of the public accounts, under the leadership of the Department of Finance. Committee appreciates the commitment of the Cabinet Ministers and the dedication of the public service that has resulted in this progress and commends the government for this achievement.

NOTABLE AUDIT SUBJECT AREAS

Accountability and Transparency

A commitment to improving accountability and transparency is one of the key priorities of the 18th Legislative Assembly, and a fundamental component of the Government of the Northwest Territories' Mandate. To serve a useful purpose, public information must be clear, concise, and easily understood by the average, non-expert reader.

The public accounts are the definitive source of information for the public on the GNWT's fiscal performance. However, they are prepared for a very specific purpose, according to federal and territorial legislation and following standards set by the Public Sector Accounting Board. As a result, these documents are not always easily understood by non-expert readers.

In previous reviews, the standing committee urged the Department of Finance to find ways to make the information contained in the public accounts as clear as possible for interested readers lacking expertise in finance or accounting. Finance responded positively by producing a document, available online, titled "The Public Accounts: An Overview." It sets out the process for the development of the public accounts and describes the contents of each section. This is supplemented by a document titled Annual GNWT Financial Highlights of the Public Accounts which highlights the results contained in the public accounts for a given fiscal year. Committee commends the department for making these materials available to

the public and urges their continued production in future years.

While this is a step forward, there is more the GNWT could be doing to improve its public financial reporting for the non-expert reader. The CD Howe Institute, a respected Canadian not-for-profit institute providing independent research that promotes sound public policy, annually publishes a report rating the fiscal accountability of Canada's federal, provincial and territorial governments.

In its 2018 rating of the fiscal accountability of senior governments, CD Howe downgraded the GNWT's financial reporting for the 2017-2018 fiscal year from a C to a D+. This put the NWT second from the bottom of all provinces and territories and the federal government, with only Prince Edward Island graded lower. In commenting on the performance of the NWT and PEI, CD Howe's report notes that:

"Their budgets contain multiple revenue and spending figures that no non-expert could possibly reconcile with the headline figures in their public accounts. They publish their accounts relatively late, and do not provide straightforward comparisons between their budgets and delete results."

CD Howe has proposed the following policy solutions to improve the transparency of public financial reporting in Canada:

- Public accounts should reflect public sector accounting standards;
- Budgets should match public accounts;
- Estimates should match budgets, in presentation and timing;
- Key numbers must be accessible and recognizable;
- Budgets should appear before the fiscal year starts; and
- Year-end results must be timely.

This is the seventh annual review since the Standing Committee on Government Operations reinstated the review of the public accounts. In each of these reviews, the GNWT has received a clean audit opinion from the Auditor General, which verifies that the public accounts are being prepared according to public sector accounting standards. As well, past committee reports have traced the improvements made by the GNWT in completing the public accounts in a timely manner. In other words, committee recognizes that not all of the CD Howe Institute recommendations are relevant. Nonetheless, committee feels that the work of the

Institute may be of value to the GNWT in improving its financial reporting.

Producing budgets that match the public accounts, for example, is one area where there is room for improvement. CD Howe sets out the ideal it argues that legislators should be pushing for, noting that:

"Budgets are the core statement of a government's fiscal priorities. Budget votes are votes of confidence. They typically get extensive legislative debate, wide media coverage and attention from the interested public.

"The audited financial statements in the public accounts are the definitive report of the government's annual finances. They are the official record of what a government raised and spent. Ideally, they present a consolidated annual statement of all revenue and expenses, with the difference between revenue and expenses representing the change in the government's net worth over the year.

"Comparing total revenue and total expenditure in a government's budget and in its public accounts totals should be straightforward. If it is, the reader will easily be able to answer such basic questions as how close last year's results were to last year's plans or what kind of increases or decreases this year's budget implies relative to last year's results. If the comparison is unclear, answering such basic questions is hard; even a smart and motivated but non-expert reader may find it impossible."

At present, the figures set out in the GNWT's budget address and main estimates do not match the figures in the consolidated public accounts [Section I]. Instead, they match the non-consolidated statements [Section II], which are not audited. For 2018, this leaves a gap of \$237.3 million between the total revenues reported in the consolidated public accounts as compared with what is reported in the main estimates. For expenses, the difference is \$245.0 million. It also leaves the public without a clear picture of what the overall budget estimates are for the larger government reporting entity, as compared with GNWT departments alone.

Committee discussed with the OAG and the GNWT's Comptroller General, the challenges of reconciling the GNWT's budget and main estimates with its year-end accounting. Committee was pleased to hear that the OAG was supportive of and had, in fact, encouraged the GNWT to develop consolidated budgets comparable to the consolidated financial statements contained in Section 1 of the public accounts. The Comptroller General indicated that there had been some discussion about this in the Department of Finance and offered the opinion that the earliest they would

be able to table such a document would be in the May-June sitting of the Legislative Assembly. Accordingly, the committee makes the following recommendation:

Recommendation 1

The Standing Committee on Government Operations recommends that the Department of Finance annually table a consolidated budget that shows anticipated revenues and expenditures for the larger government reporting entity, consistent with the information that will be reported at fiscal year-end in Section I of the Public Accounts: Consolidated Financial Statements.

While committee has found the work of the CD Howe institute helpful for its suggestions as to how the GNWT might improve its public financial reporting, committee recognizes that there are other organizations and research institutes doing work in this area, such as the World Bank, Commonwealth Parliamentary Association, United Nations and others, whose findings may be of assistance to the GNWT in future.

Accordingly, committee makes the following recommendation:

Recommendation 2

The Standing Committee on Government Operations recommends that the Department of Finance undertake an analysis of best practices for public governments with respect to public financial reporting and table its findings in the 19th Legislative Assembly prior to the review of the 2018-2019 Public Accounts. Committee further recommends that this report identify how the findings will inform any future changes to be made by the GNWT with respect to its public financial reporting.

The standing committee again thanks the Department of Finance for its positive response to the committee's recommendations to improve public communications related to the public accounts and commends the department for its achievements, to date, in this area.

Public-Private Partnerships

Public-private partnerships, known as P3s, are a long-term approach to procuring public infrastructure where the private sector assumes a significant share of the risks associated with financing, design, construction and long-term maintenance of the constructed facility, in return for a share of the rewards derived from its ongoing operation. The P3 approach tends to be used for large-scale, high-dollar-cost projects which, by their nature, are of interest to Members of the Legislative Assembly and the public. The GNWT's involvement

in P3 projects is guided by the GNWT's P3 Management Framework and P3 policy.

In its report last year, committee noted that, at the end of 2015, the Canadian Public Sector Accounting Board (PSAB) approved a proposal to develop a national public sector accounting standard specific to public-private partnerships. According to the PSAB website, an exposure draft, for circulation amongst PSAB members, was to have been completed in the first quarter of 2019.

While awaiting the outcome of this initiative, the Office of the Auditor General has been working with the GNWT's Department of Finance on the accounting treatment of P3s in the public accounts. As a result, the manner of reporting P3 projects in the public accounts continues to evolve from year to year.

In 2016-2017, the GNWT began including a section on P3s under the Financial Statement Discussion and Analysis part of Section I (p. 39). This information provides the reader with background information on the nature and purpose of each P3 project, in a narrative that is easily understood by the average reader. The projects reported on are the Mackenzie Valley Fibre Link, Stanton Hospital Renewal, and the Tlicho all-season road.

In 2016-17, note 14 (long term debt) identified loans to the builders of the Stanton renewal and Mackenzie Valley Fibre Link projects. Last year, on the advice of the OAG, committee recommended that the GNWT consider bringing together all of its information about P3 projects under one note in the consolidated public accounts, until such time as the new PSAB standards are put in place. This year, the information on long-term debt associated with P3 projects has been moved to a separate note 15, which reports the liabilities under public-private partnerships.

In 2018, the liabilities associated with P3 projects, as reported in note 15, totalled \$166.5 million. This represents a total increase of \$24.4 million (17.2 percent) over the previous year. The \$166.5 million total (2017 - \$142.1 million) is comprised of liability amounting to \$86.6 million (2017 - \$51.2 million) for the Stanton Renewal project and \$79.9 million (2017 - \$90.9 million) for the Mackenzie Valley Fibre Link project.

In addition to this information, information on P3 projects can be found in the following places in the public accounts:

Note 2(u) [Section I, p. 13] provides a summary of the significant accounting policies related to P3s. The essence of the accounting approach is that, where government is determined to bear the risks and rewards of an asset under construction, the

capital asset (classified as a work-in-progress) and the corresponding liability are recorded based on the percentage of completion. Where government does not bear the risks and rewards of the asset until substantial completion, the future associated agreement is disclosed.

This section also notes that, for P3 projects: the capital, operating and service costs, over the life of the agreement, must exceed \$50,000; the agreement must extend over the initial capital construction phase; there is appropriate risk-sharing between the government and its private sector partners; and there must be a clear net benefit to government as compared with standard procurement processes.

Note 19 [Section I, p. 34] provides information on the future annual payments the GNWT is required to make with regard to P3-related contractual obligations, excluding the financing portion disclosed in note 15. Note 19 shows future operational payments on P3 projects from 2019 to 2048 totalling \$414.0 million and P3 construction costs totalling \$76.0 million for the fiscal year ending March 31, 2019.

Finally, Schedule A, the Consolidated Schedule of Tangible Capital Assets [Section I, p. 40] identifies, under infrastructure, capitalized costs for the Mackenzie Valley Fibre Link totalling \$95.0 million for 2018 (2017 - \$66.2 million). It also reports work-in-progress costs of \$238.7 million (2017 - \$146.2 million) for the Stanton Renewal project and \$0 (2017 - \$28.8 million) for the Mackenzie Valley Fibre Link project.

Committee is pleased to see the progress that has been made on reporting P3s in the public accounts, but notes that the Office of the Auditor General feels there is still room for further improvement to consolidate the information on P3s to a single note in the public accounts.

Committee is confident that the GNWT will adhere to the new PSAB standard on P3s once it is released and encourages the Office of the Comptroller General to continue working with the OAG in preparation for the introduction of this new standard.

Environmental Liabilities

The accounting treatment of environmental liabilities by public sector bodies is set out in the PSAB's standard PS 3260 – Liability for Contaminated Sites. Under this standard, the GNWT is responsible for recording estimates in its financial statements for the further evaluation or remediation of all known contaminated sites for which it is legally responsible.

Environmental liabilities arise when contamination exceeds established environmental standards. Estimated remediation costs are recorded in the year in which they become known. Where no financial liability has been recognized, this is because the contamination is determined unlikely to affect public health or safety, cause damage, or impair the surrounding environment. These sites continue to be monitored as part of the GNWT's ongoing environmental protection program. Where new information becomes available indicating greater concerns about a given site, the remediation costs would be recorded at that time.

As reported under Note 11, Section I for the government reporting entity as a whole, environmental liabilities of \$62.5 million plus asset retirement obligations of \$7.6 million totalled \$70.0 million (2017 – \$72.3 million) and included 281 identified sites (2017 – 279) as potentially requiring environmental remediation. Per Note 11, Section II, environmental liabilities for government departments only totalled \$50.6 million (2017 – \$53.7 m) and included 246 sites (2017 – 245 sites).

Included in the 281 sites are 79 sites (2017 – 80 sites) for which no financial liability has been recognized because the contamination is determined unlikely to affect public health or safety, cause damage, or impair the surrounding environment. These sites will continue to be monitored for changes as part of the GNWT's ongoing environmental protection program.

There were two sites (2017 – six sites) closed during the fiscal year that were either remediated, or no longer meet the criteria required to record a liability for contaminated sites, in accordance with Canadian public sector accounting standards (PSAS).

Giant Mine is included as one of the sites and has been formally designated as contaminated under the NWT Environmental Protection Act. In 2005, the GNWT recorded a liability for its share of the remediation, the remaining balance of which is \$2.7 million [2017 - \$2.7 million]. During the review, Committee asked the Comptroller General why there has been no reduction in this liability from the previous year and when the GNWT expects to be able to discharge this obligation. Committee was advised that work done on the Giant Mine Reclamation in 2017-2018 was covered from within the Department of Environment and Natural Resources appropriation. As indicated in Note 11, Section II, there are six other abandoned, non-operating mine sites that the GNWT and Canada will be jointly remediating, on a cost-sharing allocation similar to that used for Giant Mine.

Last year, Committee recommended that the GNWT make the its inventory of contaminated sites

available online, modeled upon, and with a level of disclosure comparable to, the Federal Contaminated Sites Inventory maintained by the Treasury Board of Canada Secretariat. Finance replied that it "will work with ENR, as well as the GNWT contaminated site committee to discuss the possibility of expanding the current disclosure of these sites on a GNWT website" and that the "Comptroller General will report back to Committee during the review of the 2017-18 Public Accounts."

At this year's review, the Comptroller General advised Committee that the GNWT has looked at a number of models, including that used by the federal government and the Government of Yukon. He noted that the federal site requires specialized software the GNWT does not have. He also indicated his optimism that the new Information Systems Shared Services group would be able to offer the department the support necessary to make progress on this file. The Comptroller General further noted that there is work to be done to ensure that that property values are not negatively affected and to ensure that the level of disclosure appropriately balances the need for transparency while protecting the privacy of individuals.

Committee makes the following recommendation:

Recommendation 3

The Standing Committee on Government Operations recommends that the Department of Finance provide the standing committee with the opportunity to review and provide comment on the platform and content used for the public disclosure of contaminated sites prior to the finalization of this work.

Fiscal Responsibility Policy 15.03

The GNWT's Fiscal Responsibility Policy (FRP) was first established, in 2005, as a policy of the Financial Management Board and later re-issued as a Cabinet-approved policy. The purpose of the FRP is to ensure that the GNWT plans for and achieves sufficient operating surpluses to finance annual infrastructure investments and meets debt servicing payments on any amounts borrowed. This requires the government to adhere to the following parameters that are set out in the policy:

Affordable debt (including debt associated with P3 projects): Non-consolidated debt servicing payments (defined as principal repayments together with debt interest plus any incidental costs associated with administration of the debt) shall not exceed 5 percent of total non-consolidated annual revenues; and Infrastructure financing (excluding P3 projects): Government will restrict infrastructure investments, as follows:

A minimum of 50 percent from the operating surpluses generated within the non-consolidated (Section II) public accounts; and

A maximum of 50 percent from government debt.

As a result of pressure by the standing committee, Finance now reports annually, in the Financial Statement and Analysis part of Section 1 of the public accounts (p. 34), on how the GNWT has performed with respect to the numerical parameters set under the FRP.

The GNWT concludes that it has met the parameters of the FRP for the 2017-2018 fiscal year. With respect to affordable debt, Figure 2 reveals that debt servicing costs of \$28 million, as compared with non-consolidated revenues of \$1.840 billion, meant that the GNWT's debt servicing payments amounted to 1.54 percent of total revenues, still well below the 5 percent threshold but higher than the previous year's 0.59 percent.

With respect to infrastructure financing, the FRP requires the government to generate an annual non-consolidated operating surplus to fund infrastructure development because, at a minimum, 50 percent of infrastructure costs must come from the operating surpluses generated within the non-consolidated (Section II) public accounts. Committee notes that the language in the report has been simplified and the references to surplus cash have been contextualized.

The report indicates that "total operating cash required under the FRP was \$141 million, while the government was able to generate operating cash of \$222 million during the year." This section of the report concludes by noting that the cash required for infrastructure expenditures, which doesn't include out-of-scope P3 projects, totalled \$225 million, requiring the GNWT to borrow only \$3 million for capital acquisitions in 2018.

Committee takes note of the fact that the information provided in figure 2, presented on p. 34 of Section I, now includes annotations indicating where, in the public accounts, the figures can be found. This is important to committee because it enables an interested reader to independently verify the government's calculations. Committee thanks the Department of Finance for its positive response to last year's recommendation requesting this additional information.

Borrowing and the "Debt Wall"

Part 8 of the Financial Administration Act governs borrowing and debt management by the GNWT. There are two key constraints placed upon the GNWT with respect to borrowing.

First, section 108 of the FAA requires that the government prepare an appropriation bill that sets limits for short- and long-term borrowing and includes information on all existing and projected borrowing for the fiscal year. Short-term debt is defined as borrowing for a period of time that is 365 days or shorter and long term debt, which is borrowing for periods in excess of 365 days. Short-term borrowing tends to occur when the GNWT does not have sufficient cash resources to meet immediate cash flow requirements, such as payroll. Long-term borrowing is largely used to finance capital construction.

The short-term borrowing limit is set in the Appropriation Act and referenced in the GNWT's annual borrowing plan. The borrowing plan can be found on p. xv of the 2017-18 Main Estimates.

The 2017-2018 borrowing plan shows a borrowing limit for short-term debt set at \$370 million, with an estimated 2017-2018 year-end balance of \$305 million; a total government borrowing limit set at \$771 million, with an estimated 2017-2018 year-end balance of \$698.5 million; and total consolidated borrowing for the entire government reporting entity estimated to be \$989.5 million at the end of the 2017-2018 fiscal year.

The second key constraint on GNWT borrowing is established by the federal government. The FAA prohibits the Financial Management Board from authorizing borrowing by public agencies that would contravene section 28 of the Canada's Northwest Territories Act. This section of the federal legislation provides that total borrowing by the GNWT must not exceed the limit set by the Governor-in-Council on the recommendation of the federal Minister of Finance. Prior to devolution, the GNWT's total borrowing limit was \$800 million. In May 2015, the limit was increased by \$500 million to the current limit of \$1.3 billion. This limit is frequently referred to as the GNWT's "debt wall."

The 2017-2018 Main Estimates show the estimated impact of GNWT borrowing on the debt limit. This table shows the federally-imposed debt limit of \$1.3 billion, less total estimated year-end territorial borrowing of \$989.5 million, leaving total available borrowing authority – also referred to as a "debt cushion" of \$310.5 million estimated for the end of the 2017-2018 fiscal year.

It is interesting to compare these estimates with the year-end results reported in the 2017-2018 Public Accounts. Note 14 [Section I, p. 24] reports total borrowing at the end of the 2017-2018 fiscal year of \$904 million, leaving available borrowing capacity of \$395.9 million, as compared with the estimated \$310.5 million. While the available borrowing capacity at the end of 2018 was greater than

anticipated in the borrowing plan, the overall trend shows a decline:

Available Borrowing Capacity

- 2016 - \$536.3 million
- 2017 - \$471.9 million
- 2018 - \$395.9 million

Continued fiscal vigilance, designed to ensure that the GNWT does not hit the debt wall, is likely to feature prominently in the Finance Minister's fiscal strategy during the upcoming 19th Legislative Assembly.

Protection of Privacy and Disclosure of Information

Over the course of the 18th Assembly, the Standing Committee on Government Operations has expressed concern about the manner in which student loan remissions are reported in the public accounts and the level of detail disclosed. Committee was concerned by the optics of reporting student loan remissions, which are positively associated with students having reached their academic goals, in the same schedule reporting the write-off and forgiveness of bad debts.

Last year, committee recommended that Finance report student loan remissions in a separate schedule from bad debt write-offs and forgiveness to help eliminate the potential perception that students named in the schedule are somehow associated with bad debts.

In response, Finance indicated its willingness to implement this recommendation. The 2017-18 Public Accounts evidence this change. The Non-Consolidated Schedule of Student Loan Remissions (Schedule 11) now appears separately from the Non-Consolidated Schedule of Bad Debt Write-offs and Forgiveness (Schedule 9).

Committee thanks the Office of the Comptroller General and the Department of Finance for making this improvement to the public accounts. Committee has also expressed the concern that the level of detail reported, which includes a student's full name and the amount of the remission for the fiscal year, constitutes an invasion of students' privacy. Committee questioned whether or not the Department of Education, Culture and Employment was advising students, at the time that loan applications are submitted, that any future loan remissions will be publicly reported. Committee learned that this had not been happening, and was advised that this oversight has been corrected. Committee is pleased to learn that this change has been made.

Committee was also advised that the Department of Finance would be undertaking a privacy impact assessment of this matter to determine whether the department's handling of the matter was consistent with legislative requirements. Committee was told that the results of the privacy impact assessment would be compared with the current disclosure and that, if required, the 2018-2019 Public Accounts would reflect any changes.

Committee was provided, in confidence, with the results of the privacy impact assessment on April 4, 2019, in advance of this year's public accounts review. The findings of this assessment, which committee is not at liberty to disclose, and which was conducted internally by the department, support Finance's position that the information contained in the Non-Consolidated Schedule of Student Loan Remissions (Schedule 11) is being disclosed in a manner consistent with legislative requirements.

Committee is of the view that it has exhausted the debate on this matter with the Department of Finance and that the best way forward, to effect further protection of student privacy, is to consider legislative amendments that would exempt student loan remissions from the degree of disclosure that the GNWT views as required under current legislation. Given that the term of the 18th Legislative Assembly concludes later this year, committee suggests this matter is best pursued by its successor committee in the 19th Legislative Assembly.

CONCLUSION

Given that this is the last review of the public accounts to be completed during the 18th Legislative Assembly, committee has taken the opportunity to reflect on its working relationship with the Department of Finance, through the Office of the Comptroller General, and the progress that has been made over the four reviews that it has conducted. Committee appreciates the appearance of Department of Finance officials during the annual reviews. Committee feels that the collaborative and positive working relationship it has had with Finance officials has resulted in notable improvements to public accounts reporting and sets a standard for responsive collaboration that should be emulated by officials in other departments.

Committee takes this opportunity to commend the Comptroller General, Mr. Jamie Koe, for his work and wish him well in his position. Before concluding, committee would also like to acknowledge the constant support of the Office of the Auditor General. Without the able assistance of the OAG's staff, these reviews would not be possible.

This concludes the standing committee's report. Committee looks forward to the government's response to this report.

Recommendation 4

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to this report within 120 days.

MR. SPEAKER: Masi. The Member for Kam Lake.

MR. TESTART: Thank you, Mr. Speaker. I seek unanimous consent to waive Rule 100(4) and to have Committee Report 19-18(3), Standing Committee on Government Operations Report on the 2017-2018 Public Accounts, moved into Committee of the Whole for consideration tomorrow. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The Member is seeking unanimous consent to waive Rule 100(4), Committee Report 19-18(3), to Committee of the Whole for further consideration. Are there any nays? There are no nays. Committee Report 19-18(3) is now moved to Committee of the Whole for further consideration.

---Unanimous consent granted

Reports of standing and special committees. Item 13, reports of committees on the review of bills. Item 14, tabling of documents. Minister of Health and Social Services.

Tabling of Documents

TABLED DOCUMENT 455-18(3):
GOVERNMENT OF THE NORTHWEST
TERRITORIES RESPONSE TO COMMITTEE
REPORT 12-18(3): REPORT ON THE REVIEW OF
THE 2018 REPORT OF THE AUDITOR GENERAL
OF CANADA ON NORTHWEST TERRITORIES
CHILD AND FAMILY SERVICES

HON. GLEN ABERNETHY: Mr. Speaker, I wish to table the following document entitled "Government of the Northwest Territories Response to Committee Report 12-18(3): Report on the Review of the 2018 Report of the Auditor General of Canada of the Northwest Territories Child and Family Services." Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Tabling of documents. Government house leader.

TABLED DOCUMENT 456-18(3):
WHAT WE HEARD REPORT: POTENTIAL
MANDATORY ENTRY LEVEL TRAINING FOR
CLASS 1 & 2 DRIVERS

TABLED DOCUMENT 457-18(3):
NORTHERN HOUSING SUMMIT, NORTHERN
SOLUTIONS FOR NORTHERN HOUSING:
SUMMARY REPORT, INUVIK, NWT APRIL 23-24,
2019

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. I wish to table the following document entitled "What We Heard Report: Potential Mandatory Entry Level Training for Class 1 & Class 2 Drivers." I also wish to table the following document entitled "Northern Housing Summit, Northern Solutions for Northern Housing: Summary Report, Inuvik, NWT April 23-24, 2019." Thank you, Mr. Speaker.

MR. SPEAKER: Tabling of documents. Minister of Finance.

TABLED DOCUMENT 458-18(3):
REPORT ON THE STAFF RETENTION POLICY
FOR 2018-2019

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I wish to table the following document entitled "Report on the Staff Retention Policy for 2018-2019." Thank you, Mr. Speaker.

TABLED DOCUMENT 459-18(3):
SUMMARY OF MEMBERS' ABSENCES FOR THE
PERIOD FEBRUARY 5, 2019 TO MAY 22, 2019

MR. SPEAKER: Tabling of documents. Pursuant to section 5 of the indemnities, allowances, and expenses of the regulations of the Legislative Assembly and Executive Council Act, I wish to table "Summary of Members' Absences for the period February 5, 2019 to May 22, 2019."

Item 15, notices of motion. Item 16, notices of motion for first reading of bills. Item 17, motions. Item 18, first reading of bills. Government House leader.

First Reading of Bills

BILL 58:
JUSTICE ADMINISTRATION STATUTES
AMENDMENT ACT

HON. GLEN ABERNETHY: Mr. Speaker, I move, seconded by the honourable Member for Range Lake, that Bill 58, Justice Administration Statutes Amendment Act, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. The motion is in non-debatable. All those in favour? All those opposed? The motion is carried.

---Carried

Bill 58 has had its first reading. First reading of bills. Minister of Finance.

BILL 59:
SUPPLEMENTARY APPROPRIATIONS ACT
(INFRASTRUCTURE EXPENDITURES) NO. 2,
2019-2020

HON. ROBERT MCLEOD: Mr. Speaker, I move, seconded by the honourable Member for Great Slave, that Bill 59, Supplementary Appropriations Act (Infrastructure Expenditures) No. 2, 2019-2020, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. The motion is non-debatable. All those in favour? All those opposed?

---Carried

Bill 59 has had its first reading. First reading of bills. Minister of Finance.

BILL 60:
SUPPLEMENTARY APPROPRIATIONS ACT
(OPERATIONS EXPENDITURES) NO. 2, 2019-
2020

HON. ROBERT MCLEOD: Mr. Speaker, I move, seconded by the honourable Member for Range Lake, that Bill 60, Supplementary Appropriations Act (Operations Expenditures) No. 2, 2019-2020, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. The motion is non-debatable. All those in favour? All those opposed?

---Carried

Bill 60 has had its first reading. First reading of bills. Item 19, second reading of bills. Minister of Education, Culture and Employment.

Second Reading of Bills

BILL 57:
AN ACT TO AMEND THE EMPLOYMENT
STANDARDS ACT

HON. CAROLINE COCHRANE: Mr. Speaker, I move, seconded by the honourable Member for Great Slave, that Bill 57, An Act to Amend the Employment Standards Act, be read for the second time. This bill amends the Employment Standards Act to:

- extend the period of entitlement to unpaid parental leave and to provide for parental sharing of leave;
- extend the period of entitlement to unpaid

compassionate leave;

- provide an entitlement to unpaid family caregiver leave, to allow for individuals to care for family members who are critically ill or injured;
- provide an entitlement to paid and unpaid family violence leave;
- extend the definition of "family member" that applies in respect of bereavement leave, compassionate care leave, and family caregiver leave;
- list those occupations where youth are not permitted to work; and
- establish regulation-making authorities related to those changes.

Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. To the principle of the bill.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed?

---Carried

Bill 57 has had its second reading and is now referred to a standing committee. Second reading of bills. Minister of Finance.

BILL 59:
SUPPLEMENTARY APPROPRIATIONS ACT
(INFRASTRUCTURE EXPENDITURES) NO. 2,
2019-2020

HON. ROBERT MCLEOD: Mr. Speaker, I move, seconded by the honourable Member for Range Lake, that Bill 59, Supplementary Appropriations Act (Infrastructure Expenditures) No. 2, 2019-2020, be read for the second time. Mr. Speaker, this bill makes supplementary appropriations for infrastructure expenditures for the Government of the Northwest Territories for the 2019-2020 fiscal year. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. To the principle of the bill.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed?

---Carried

Bill 59 has had its second reading. Second reading of bills. Minister of Finance.

BILL 60:
SUPPLEMENTARY APPROPRIATIONS ACT
(OPERATIONS EXPENDITURES) NO. 2, 2019-
2020

HON. ROBERT MCLEOD: Mr. Speaker, I move, seconded by the honourable Member for Great Slave, that Bill 60, Supplementary Appropriations Act (Operations Expenditures) No. 2, 2019-2020, be read for the second time. Mr. Speaker, this bill makes supplementary operations for operations expenditures for the Government of the Northwest Territories for the 2019-2020 fiscal year. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. To the principle of the bill.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed?

---Carried

Bill 60 has had its second reading. Second reading of bills. Item 22, third reading of bills. Member for Mackenzie Delta.

Third Reading of Bills

BILL 55:
AN ACT TO AMEND THE LEGISLATIVE
ASSEMBLY AND EXECUTIVE COUNCIL ACT,
NO. 1

MR. BLAKE: Mr. Speaker, I move, seconded by the honourable Member for Inuvik Twin Lakes, that Bill 55, An Act to Amend the Legislative Assembly and Executive Council Act, No. 1, be read for the third time, and Mr. Speaker, I request a recorded vote. Thank you.

Recorded Vote

MR. SPEAKER: Masi. The Member has requested a recorded vote. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour, please stand.

CLERK OF THE HOUSE (Mr. Mercer): The Member for Mackenzie Delta, the Member for Yellowknife North, the Member for Kam Lake, the Member for Tu Nedhe-Wiilideh, the Member for Frame Lake, the Member for Yellowknife Centre, the Member for Nunakput, the Member for Range Lake, the Member for Great Slave, the Member for Inuvik Twin Lakes.

MR. SPEAKER: Masi. All those opposed, please stand. All those abstaining, please stand. The results of the recorded vote: 10 in favour, zero opposed, zero abstentions.

---Carried

Bill 55 has had its third reading. Third reading of bills. Minister of Finance.

BILL 59:
SUPPLEMENTARY APPROPRIATIONS ACT
(INFRASTRUCTURE EXPENDITURES) NO. 2,
2019-2020

HON. ROBERT MCLEOD: Mr. Speaker, I move, seconded by the honourable Member for Great Slave, that Bill 59, Supplementary Appropriations Act (Infrastructure Expenditures) No. 2, 2019-2020, be read for the third time. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed?

---Carried

Bill 59 has had its third reading. Third reading of bills. Minister of Finance.

BILL 60:
SUPPLEMENTARY APPROPRIATIONS ACT
(OPERATIONS EXPENDITURES) NO. 2, 2019-
2020

HON. ROBERT MCLEOD: Mr. Speaker, I move, seconded by the honourable Member for Range Lake, that Bill 60, Supplementary Appropriations Act (Operations Expenditures) No. 2, 2019-2020, be read for the third time. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. To the motion. Member for Kam Lake.

MR. TESTART: I request a recorded vote, Mr. Speaker. My apologies.

MR. SPEAKER: The Member has requested a recorded vote. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour, please stand.

RECORDED VOTE

COMMITTEE CLERK OF THE HOUSE (Ms. Franki-Smith): The Member for Inuvik Twin Lakes, the Member for Mackenzie Delta, the Member for Yellowknife North, the Member for Kam Lake, the Member for Tu Nedhe-Wiilideh, the Member for Frame Lake, the Member for Yellowknife Centre, the Member for Nunakput, the Member for Range Lake, the Member for Great Slave.

MR. SPEAKER: All those opposed, please stand. All those abstaining, please stand. The results of the recorded vote are: 10 in favour, zero opposed, zero abstentions.

---Carried

Bill 60 has had its third reading. Third reading of bills. Mr. Clerk, orders of the day.

Orders of the Day

CLERK OF THE HOUSE (Mr. Mercer): Orders of the day for Thursday, June 6, 2019, at 1:30 p.m.:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Acknowledgements
7. Oral Questions
8. Written Questions
9. Returns to Written Questions
10. Replies to the Commissioner's Opening Address
11. Petitions
12. Reports of Standing and Special Committees
13. Reports of Committees on the Review of Bills
14. Tabling of Documents
15. Notices of Motion
16. Notices of Motion for First Reading of Bills
17. Motions
 - Motion 40, Extended Adjournment of the House to August 12, 2019
18. First Reading of Bills
19. Second Reading of Bills

- Bill 58, Justice Administration Statutes Amendment Act

20. Consideration in Committee of the Whole of Bills and Other Matters

- Committee Report 19-18(3), Standing Committee on Government Operations Report on the Review of the 2017-2018 Public Accounts of the Government of the Northwest Territories

- Minister's Statement 151-18(3), New Federal Infrastructure Agreement

- Minister's Statement 158-18(3), Developments in Early Childhood Programs and Services

- Tabled Document 442-18(3), 2030 NWT Climate Change Strategic Framework 2019-2023 Action Plan

21. Report of Committee of the Whole

22. Third Reading of Bills

- Bill 38, Protected Areas Act

23. Orders of the Day

MR. SPEAKER: Masi, Mr. Clerk. This House stands adjourned until Thursday, June 6, 2019, at 1:30 p.m.

---ADJOURNMENT

The House adjourned at 5:31 p.m.