



NORTHWEST TERRITORIES LEGISLATIVE ASSEMBLY

3rd Session

Day 85

18th Assembly

HANSARD

Monday, August 19, 2019

Pages 6125 – 6186

The Honourable Jackson Lafferty, Speaker

Legislative Assembly of the Northwest Territories

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Box 1320

Yellowknife, Northwest Territories

Tel: (867) 767-9010 Fax: (867) 920-4735 Toll-Free: 1-800-661-0784

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Published under the authority of the Speaker of the Legislative Assembly of the Northwest Territories

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YELLOWKNIFE, NORTHWEST TERRITORIES**Monday, August 19, 2019****Members Present**

Hon. Glen Abernethy, Mr. Beaulieu, Mr. Blake, Hon. Caroline Cochrane, Ms. Green, Hon. Jackson Lafferty, Hon. Bob McLeod, 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): Good afternoon, Members. Ministers' statements. Minister of Environment and Natural Resources.

Ministers' Statements

**MINISTER'S STATEMENT 230-18(3):
SUSTAINABLE LIVELIHOODS ACTION PLAN**

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. The Government of the Northwest Territories made a mandate commitment to finalize a strategic plan to enhance existing programming and build new partnership initiatives to support healthy and sustainable traditional lifestyles and to develop country food programming to promote the consumption of wild foods.

This month the Department of Environment and Natural Resources released its Sustainable Livelihoods Action Plan, a strategic document that will meet those mandate commitments by helping to provide better support to Northwest Territories communities in the overall development and implementation of on-the-land programming.

Mr. Speaker, this government understands the importance of sustainable country foods systems, traditional economies, and being on the land, as well as the challenges communities face and the changes they see socially, culturally, economically, and environmentally.

The government supports the continuation of a prosperous, diverse, and sustainable traditional economy that helps communities invest in their renewable resources and traditional harvesting practices, and that increases cultural programming and education, alongside food security. The Sustainable Livelihoods Action Plan outlines a number of actions that will help us to achieve a vision where all NWT residents have opportunities to connect with the land in ways that are meaningful to them.

These actions focus on removing barriers to going out on the land, building land-based skills and knowledge, supporting community harvesting programs, promoting intergenerational learning between youth and elders, and improving the promotion of existing programs and opportunities.

The action plan was developed through extensive public engagement, including gatherings in 18 NWT communities, regional meetings, online surveys, a youth photo and writing contest, an advisory committee meeting, and direct outreach to individuals and organizations.

The plan reflects the needs identified by Northerners and helps to guide our way forward as a government in establishing priorities for programs, services, capacity, and funding.

Mr. Speaker, Environment and Natural Resources is committing to supporting the continuation of culture and traditions in the NWT. The Sustainable Livelihoods Action Plan helps us to promote and support the sustainable use and development of natural resources in the NWT and to protect, conserve, and enhance our environment for the social and economic benefit of all residents. The department looks forward to working closely with our many partners to ensure successful implementation of this action plan. Thank you, Mr. Speaker.

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

**MINISTER'S STATEMENT 231-18(3):
WESTERN CANADA SUMMER GAMES**

HON. ALFRED MOSES: Thank you, Mr. Speaker. Today I would like to recognize the athletes, coaches, and mission staff who represented Team Northwest Territories at the 2019 Western Canada Summer Games held in Swift Current, Saskatchewan from August 9th to the 18th. This year, Team NT fielded 167 participants in seven different sports, including soccer, swimming, athletics, tennis, volleyball, and wrestling.

I am happy to report that this year's results at the games ended with more medals than the Northwest Territories has ever seen in 20 years. Good job to the athletes and the coaches. As Members may

recall, during the first half of competition, Team NT had some great results, particularly in swimming, where Leo Konge won a gold and two bronze medals. Our basketball and soccer teams also had great performances, standing up well against the larger provinces and our friends from the Yukon.

In the second half, athletes from volleyball, wrestling, and athletics accomplished some great results, including three bronze medals:

- in tennis, women's doubles, Ofira Duru and Monika Kunderlik;
- in athletics, our male medley relay team, Struden Hult-Griffin, Bryce Smith, Zackary Horton, Nicolas Bennett; and
- in wrestling, Cameron Courtorellie.

There were other noteworthy results and achievements in the second half:

- Katie Hart broke three Northwest Territories records to finish fifth overall in javelin; and
- Nick Rivet of Yellowknife was also the first-ever on-field official from the Northwest Territories to adjudicate soccer matches at this level.

Mr. Speaker, I am also proud to recognize Team NT for their efforts to make all sport more inclusive. On August 15th, the team launched its "You Can Play" program promoting inclusivity and respect in sport.

The Western Canada Summer Games included teams from Alberta, Manitoba, Saskatchewan, Nunavut, Yukon, and the Northwest Territories. There were nearly 1,700 athletes, coaches, managers, and staff and approximately 2,000 volunteers engaged in the 2019 Western Canada Summer Games. The Western Canada Summer Games are an incredible event because not only do they combine athletic competition, they also provide an opportunity for building lifetime friendships with fellow Canadian athletes.

The Government of the Northwest Territories was extremely proud to promote our team at the Western Canada Summer Games through direct financial support and indirectly through a range of other programs that encourage the development of athletes, coaches, and officials at the local, regional, territorial, and national levels.

Mr. Speaker, I would like to recognize Rita Mercredi, chef de mission for Team NT; Damon Crossman, assistant chef de mission for Team NT; and all of their mission staff. I would also like to acknowledge and thank the many volunteers who were responsible for supporting Team NT, including the Sport North Federation and all of the territorial

sport organizations who were responsible for selecting and managing the team. Their contributions play an important role in helping create a healthier Northwest Territories.

I would like to make special mention of all the parents and caregivers who supported children and youth in their athletic pursuits. Their dedication to the development of all our youth is evident through the number of parents and care-givers who attended these games in person, and it is appreciated.

Mr. Speaker, we have much to be proud of in our sport and recreation system, and these Western Canada Summer Games were a great example of the good that can come from supporting these endeavours. I am sure all Members of this House will join me in thanking all our volunteers at the 2019 Western Canada Summer Games and congratulations to all who participated. Mahsi cho, Mr. Speaker.

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

MINISTER'S STATEMENT 232-18(3):
CHILD AND FAMILY SERVICES QUALITY
IMPROVEMENT PLAN

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. Today I will be tabling the Child and Family Services Quality Improvement Plan. The Quality Improvement Plan sets out actions that we have been taking to address issues identified as part of our internal reviews, the 2018 Auditor General's Report, and from feedback from staff, standing committee, Indigenous governments, and other stakeholders throughout the system. Our number one priority is the safety and wellbeing of children and youth in our care, and this plan provides clear direction, priority areas, and actions for improving our child and family services system in order to achieve better outcomes for children, youth, and their families while ensuring our system operates in compliance with legislation.

The plan integrates four underlying strategic directions, enhancing a culture of quality, human resource planning, building staff capacity, and engagement, into 10 priority areas that the Department and Health and Social Services and health authorities have been focussing on to improve the child and family services system.

We have begun embedding quality improvements into the foundation of the child and family services system. Based on the new approach for quality improvement, planning, monitoring, and acting on the findings, we are establishing a culture of accountability and responsiveness.

Feedback from our stakeholders over the past several months, including a face-to-face meeting with Indigenous governments in May, helped reprioritize and refine the action items in this quality improvement plan. We have a total of 70 action items, of which 19 are completed and 51 are on track.

We have piloted enhanced investigation skills training in April to ensure staff have the skills needed to conduct critical interviews and investigations to better serve our children, youth, and families. We also developed an enhanced child and protection worker statutory core training program in May, which includes a partnership with the Arctic Indigenous Wellness Foundation to enhance cultural safety. In June and July, the foundation delivered a full day of on-the-land learning experiences and facilitated in-person testimonial from a former youth in care.

Human resources planning is another strategic driver of the plan. To decrease the number of vacancies of Child and Family Services staff, we developed a comprehensive human resources recruitment and retention plan in May. We also acquired 21 new Child and Family Services positions in April that will help us address capacity and staffing challenges across the Northwest Territories. By reducing vacancies, staff will have smaller caseloads, which will allow them to provide better support to the children, youth, and families that they serve.

In February and April, refresher training on the four established Structured Decision Making® Tools was also provided to all supervisors and managers, and frontline staff in the Sahtu and the Beaufort-Delta, as well as the piloting of advanced interviewing training with 15 Child and Family Services staff.

An oversight mechanism for the practice of transferring guardianship was also established in April. This mechanism gives the statutory director increased oversight over the practice of transferring guardianship and ensures that files are reviewed and completed in a timely manner.

Quality improvement is a process, Mr. Speaker, and not an event. We have built flexibility into the plan to help make sure that we are on the right path, are adjusting our approach when needed, and are considering all options for success. The actions I have detailed are just some of the highlighted improvements that we have already made in the system since we began our work in developing the quality improvement plan. Many of the actions identified are ongoing to ensure that they are integrated and sustained into how we provide these important services, instead of simply becoming checkmarks on a list.

Mr. Speaker, transparency and partnership are the foundation of our quality improvement approach. To ensure that the public and key stakeholders are kept up-to-date on the progress on each of the action items identified in the plan, we have launched an online progress tracker that can be viewed on the Department of Health and Social Services' website. This tracker will be used to report regularly on how we are doing in meeting our improvement outcomes.

It is important to acknowledge that there is still a lot of work to do on our quality improvement journey. The quality improvement plan is intended to be a living document that will allow us to continuously respond to, learn from, adjust, and improve our services to children and their families over the longer term.

To realize our goal of better outcomes for children, youth, and families, we will need the continued support and engagement of our partners to inform our quality improvements. Through ongoing engagement with frontline staff, Indigenous governments and organizations, the Foster Family Coalition of the Northwest Territories, standing committees, key stakeholders and those in our care, we can ensure that we remain on the right path.

In closing, Mr. Speaker, I want to recognize and thank those who have contributed to the development and implementation of the quality improvement plan. This work is reflective of our staff as well as many stakeholders and partners who are deeply committed to improving outcomes for children, youth, and families, and is a commitment to working together to ensure the safety, well-being, and future successes of those in our care. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. Item 3, Members' statements. Member for Mackenzie Delta.

Members' Statements

MEMBER'S STATEMENT ON MANAGEMENT OF GRIZZLY BEARS IN AKLAVIK

MR. BLAKE: Thank you, Mr. Speaker. Last week I spoke about the grizzly bear problem in Aklavik. This is becoming a major issue for my constituents. Bears are wandering throughout the community and making everyone feel unsafe. Parents are worried about their children walking to school soon or playing outside unsupervised.

Mr. Speaker, bears will travel up to 100 kilometres to get back to an easy food source like town dumps. Once a bear is food-conditioned and human-habituated, it will keep coming back. The Yukon government has been proactive in putting

information about bear relocation on their Facebook page, and notes that it is not always the solution. It is expensive in both cost and time. Sometimes, the bears need to be put down. The Minister last week said he would check with his officials on what steps can be taken. I will have questions for the Minister later today. Thank you.

MR. SPEAKER: Masi. Members' statements. Member for Kam Lake.

MEMBER'S STATEMENT ON
GOVERNMENT OF THE NORTHWEST
TERRITORIES PROCUREMENT PRACTICES

MR. TESTART: Thank you, Mr. Speaker. The issue surrounding GNWT sourcing and procurement systems are, sadly, nothing new. Over the life of this Assembly, my colleagues and I have heard from countless stakeholders from the private sector about the recurring and yet unresolved issues surrounding procurement. We are now at a crossroads. The GNWT cannot continue to deny the significant lack of confidence concerning public procurement expressed by the northern business community.

Together, Regular MLAs have supported calls for procurement reform and have worked cooperatively through standing committees to bring forward a comprehensive report on procurement issues. Conflicting policies and practises are key concerns of the business community. The stated goals of these procurement and sourcing systems are to help ensure a healthy and prosperous northern private sector, and yet small companies are expected to compete with much larger southern ones who will utmost always be able to bid a lower cost than their local counterparts. This underbidding by southern firms who have access to beneficial supply change and the GNWT's inconsistent and opaque policies fail to ensure that the core of the business incentive and other procurement incentive programs are achieved.

This report and years of advocacy from this side of the House should be a wake-up call for our government that it needs to do better on procurement and meaningfully change how it does business with our hardworking private sector. If we wish to see northern businesses thrive, then we need to see the GNWT's procurement policies updated to reflect the high cost of doing business in the NWT and to ensure procurement opportunities are, above all, fair, transparent, and benefit Northerners above all else. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Sahtu.

MEMBER'S STATEMENT ON
GOVERNMENT OF THE NORTHWEST
TERRITORIES CULTURE AND HERITAGE
CIRCLE AWARDS RECIPIENT ALFRED
TANETON

MR. MCNEELY: Thank you, Mr. Speaker. This morning I was very glad to witness the 2019 Minister's Culture and Heritage Circle awards. Congratulations to all four individuals and one community group. This event recognizes the individuals, youth, elders, and groups who exemplify excellence and dedication and promotion, preservation of arts, heritage, and cultures in their communities and regions.

Mr. Speaker, listening to our Dene elder, Mr. Alfred Taneton, one of the recipients, a large part of his remarks was directed on working together, a statement that I cherished while listening to our elder. The spirit of collaboration and partnerships between GNWT Indigenous groups and residents of our territory was addressed in my Member's statement of last week.

Maintaining these fundamental principles of engagement will be, and my continued efforts when I review the great need for improved programs and service delivery in our smaller rural and remote communities, communities that experience hardships and barriers of limitations and the high cost of supplies, and dependent seasonal supply chain systems.

Mr. Speaker, in closing, it would be prudent of our next Assembly to continue with building on relationships with our federal counterparts. Mahsi.

MR. SPEAKER: Members' statements. Member for Yellowknife North.

MEMBER'S STATEMENT ON
CITY CHARTER FOR THE CITY OF
YELLOWKNIFE

MR. VANTHUYNE: Thank you, Mr. Speaker. Today I would like to talk about the idea of a city charter for Yellowknife. Currently, the powers and authority of the City of Yellowknife are described by the Cities, Towns and Villages Act, but the CTV act applies the same rules to all communities. That means the City of Yellowknife, with 20,000 residents, has the same authority as other communities with only a few hundred, let's say.

Mr. Speaker, I think we can all agree Yellowknife has different circumstances that aren't shared by smaller communities. Its city government deals with unique issues, opportunities, and challenges that other communities may not. That's why a city charter is long overdue. City charters recognize the unique challenges and opportunities a larger centre

faces every day. It provides authority to the city over areas that directly affect residents' lives. It recognizes that a larger centre deals with demands at a scale and level of complexity that other communities may not. It gives the city the tools to deliver quality infrastructure and services to its residents. It allows local solutions for local needs, and it allows the city to respond and adjust to changing times in a timely fashion.

City charters in Canada date as far back as 1785. Many major cities today, including both our neighbours Calgary and Edmonton, have city charters that define their powers and authority. A city charter for Yellowknife would make that possible. This would be achieved by legislation and regulations giving Yellowknife authority in areas like lands, homelessness and poverty, policing, and economic development. Local decision-making would be more sensitive to the specific, unique needs of the city and its residents. It will also lead to increased collaboration between the city and the territory, and, through a devolution agreement, we can better clarify roles and responsibilities so there will be greater efficiency of community government and improved services to residents.

I believe, just as the territorial government took some powers from the federal government through devolution, it makes sense that we begin to devolve some authorities and powers to the city government. This will make for better community administration and much better services to residents, businesses, and visitors alike because the city will have the tools it needs. Going forward, Mr. Speaker, I am hopeful this idea will get meaningful attention and direction from the 19th Assembly. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Deh Cho.

MEMBER'S STATEMENT ON FORT PROVIDENCE TRAIL SYSTEM

MR. NADLI: Mahsi, Mr. Speaker. Most of the communities in the Northwest Territories are in locations that have been long used by Dene, in key locations on rivers and waterways. Fur traders and priests later built permanent settlements around the trading posts and churches, and our traditional gathering places have now become our permanent homes.

Mr. Speaker, [translation] if we do that, it would be good for us. We need to do that with Fort Providence. People, we still remember where the gathering is. That is why we need to protect those areas, and sometimes we need to protect the water. Sometimes, it's hard, but still we paddle. It's really hard sometimes because it's shallow. We need to protect those areas. We know that we have

to keep our boat launches area that way. We need to protect it for the future of the people. Now, there is a big river. Still there, there is a trail. [Translation ends].

Starting in the community and heading to the Big River service station, this trail will give travelling tourists an opportunity to walk a scenic path of history along the mighty Deh Cho, a chance to stretch their legs after a bumpy ride out of Yellowknife. In the wintertime, this trail could be used for skidooning and dug-mushing.

It is a priority at this Assembly to improve the health and well-being of our residents. Building a recreational trail will promote a healthy lifestyle and enhance tourism infrastructure in one of our oldest communities. Interpretative signs along the trail can explain the Dene history of the area, the sad legacy of the residential schools that used to exist in Fort Providence, and our long relationship with the mighty bison who still roam the forests.

We are blessed in the Northwest Territories with beautiful settings for our communities. We should do everything we can to ensure that tourists and residents can experience all they have to offer. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Yellowknife Centre.

MEMBER'S STATEMENT ON HOUSING FIRST AND HOMELESSNESS IN YELLOWKNIFE

MS. GREEN: Mahsi, Mr. Speaker. When I campaigned for this position in 2015, residents of Yellowknife Centre identified homelessness as one of their priority issues. That was the year when the city calculated homelessness had increased 14 percent in 12 months. People were sleeping in bank foyers and stairwells and in tents and cars. That spring, a 43-year-old man froze to death in an alleyway downtown. His death galvanized the city to respond to the expanding population of homeless people.

In my first statement in this House, I talked about how a Housing First program could help by providing housing as a harm-reduction tool for people who are chronically homeless. Residents are supported by staff, who help them access services and mentor them to become stable tenants. The Yellowknife Women's Society took on Housing First with federal and territorial funds. They quickly ramped up the program to accept 20 clients. This program still only has funding for 20 clients, although program staff estimate there are 170, that is right 170, people on the waiting list who qualify for this service. This is a successful program that requires more investment.

Mr. Speaker, in the meantime, the territorial government has acknowledged the need for transitional housing. There are eight semi-independent units at the Yellowknife Women's Society, and more will be built by the end of the year with help of industry. The SideDoor is offering a Housing First program for youth up to 25 years old, and YWCA NWT continues to offer transitional housing for families, despite the loss of the Rockhill Apartments.

Mr. Speaker, I appreciate all of the good work being done to address homelessness in Yellowknife, and I also appreciate the Northern Pathways to Housing units that have opened in Fort Simpson, Aklavik, and Behchoko to assist homeless people in those communities. Some people may choose to return to their home communities if housing is available.

I think that homelessness is always going to be a problem in Yellowknife. The city is a magnet for people across the NWT because of the services it offers. I acknowledge that there is more accommodation available for homeless people than there was four years ago, but the waiting lists for non-profit housing together number in the hundreds of people. The 19th Assembly will have the important task of allocating more funding for this proven solution. Mahsi.

MR. SPEAKER: Masi. Members' statements. Member for Frame Lake.

MEMBER'S STATEMENT ON BATHURST CARIBOU CRISIS

MR. O'REILLY: Merci, Monsieur le President. I have made many statements on the caribou crisis, in this House. During my time here, the Bathurst caribou herd has plummeted to about 8,000 animals, while our government has taken little action beyond continued restrictions on harvesting. Over the same time, the budget for Environment and Natural Resources has been slashed by 10 percent. Nothing has been done on our side of the border to temporarily or permanently protect habitat. The only new funding approved for the caribou crisis was for further study and a slight increase of the wolf bounty.

Our Minister of Infrastructure continues to announce more money for the Slave Geological Province road that will cut through the heart of the Bathurst caribou range. During the most recent announcement in the great hall last week of \$40 million, there was no mention of caribou. The ministry even boasted about this government's support of the Grays Bay road that would carve its way through what is left of the calving grounds of the Bathurst herd, this after our House passed a unanimous motion to oppose US development in the calving grounds of the Porcupine caribou herd.

I and the remaining 8,000 Bathurst caribou are still waiting for a public announcement of Cabinet approval on the range plan. The plan provides some guidance moving forward, but it is rather meek on the issue of road planning and management. Having been weakened over time, there are few specific actions or costs identified, particularly around habitat protection. It's the only plan we now have to save the herd, and Cabinet continues to sit on it with no further funding. I truly hope that someone takes up this cause in the 19th Assembly when the supplementary appropriation comes forward for the Slave Geological Province road funding of \$10 million from this government and nothing appears for the Bathurst caribou herd range plan.

I will have questions for the Minister of Environment and Natural Resources later today on what our government intends, when our government or whether our government intends to take any real action to save the Bathurst caribou herd. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Hay River North.

MEMBER'S STATEMENT ON GOVERNMENT OF THE NORTHWEST TERRITORIES' ATTITUDE TOWARDS SMALL BUSINESS

MR. SIMPSON: Thank you, Mr. Speaker. I want to share my concern about a mindset that I have noticed taking hold over this government over the course of my time here. Increasingly, it appears as though the GNWT, under this Cabinet, considers its direct participation in the economy as increasingly important and the role of small and medium-sized businesses as becoming less important. I will give you some examples.

The GNWT purchased NTCL out of necessity. It was justifiable. However, in the years since the acquisition, we have seen the government using public money to actively compete with established companies in the private market. Concerns were also raised when MTS sold surplus barges and claimed that publicly advertising the sales was not necessary because those in the shipping industry were aware that MTS was selling equipment. However, after those sales were completed, someone who is very much in the shipping industry, completely unaware of the sales, asked me whether MTS was going to sell any of the surplus equipment or if it was going to keep it out of the hands of potential competitors, which is apparently what NTCL was known to do.

In addition to barging, the GNWT is also getting into manufacturing and construction. Earlier this year, MTS constructed their own modular office building.

Why was it manufactured in-house instead of acquiring it from any of the three approved manufacturers in the territory? The answer provided: it was done to keep staff busy. Similarly, instead of putting an RFP out, the Department of Infrastructure decided to use its own people to tear down the old Hay River Hotel, also known as the Zoo.

During the life of this government, the GNWT has also announced its plans to manage a for-profit fish processing plant. Although it is supposed to be a partnership with the fishing industry, the GNWT is 100 percent behind the wheel. The changes at NTPC provide another example. Filling the board with deputy ministers has brought this market-driven corporation under GNWT control at the same time that NTPC is working to increase its market share by competing for contracts with private power distributors.

Contrast these moves, Mr. Speaker, with the government's position on procurement. Self-interest in terms of saving a couple of bucks always seems to trump supporting local businesses. I have made statements about this in the past, and this issue has been well-canvassed by other Members during this sitting, so I won't go further into it. Government has a vital role in society, but making incursions into the private market is not one of them, especially at a time when we desperately need to diversify our economy by supporting small businesses.

This emerging mindset needs to be dealt with by the next Assembly before it becomes even more engrained and while there are still small businesses left to support. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Nunakput.

MEMBER'S STATEMENT ON TRANSITIONAL HOUSING IN NUNAKPUT

MR. NAKIMAYAK: Thank you, Mr. Speaker. I have often spoken about the critical need for housing in my region. Today I would like to focus on a particular need for transitional housing.

Historically, transitional housing has been focused in our larger communities through organizations like Inuvik Transition House or the YWCA here in Yellowknife. Homelessness isn't a problem limited to the regional centres. Residents themselves have made their voice heard, calling for more transitional housing with options spread across the Northwest Territories.

The NWT Housing Corporation responded with the Northern Pathways to Housing Program, a five-year partnership with three communities to introduce new transitional housing units and fund ongoing

case-worker support. The program is intended to help tackle homelessness in small communities specifically because even though public housing is typically the norm, some residents are unable to access housing. They are simply being left out in the cold.

Mr. Speaker, Northern Pathways to Housing is making significant headway on a serious problem. Unfortunately, it is not enough. Nunakput communities are not included, and neither are some of the communities that rely on ice roads during the winter shipping season.

Although the funding agreement between the Government of Canada and IRC has brought much-needed housing replacements to the region, that money did not result in additional units. Today we have current residents in need and many Nunakput residents looking for other options.

Mr. Speaker, this is an area that needs urgent attention. Looking at options for tiny homes in remote communities in the Northwest Territories should be on the radar of the Government of the Northwest Territories. As the fall arrives, we are still awaiting completion of buildings that had missed the shipping season last year.

In closing, I believe that we need to be planning two to three years in advance for remote communities who rely on ice roads in the winter and the barges in the summer and the fall shipping season. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Tu Nedhe-Wiilideh.

MEMBER'S STATEMENT ON EULOGY FOR CATHOLIQUE BOYS

MR. BEAULIEU: Marsi cho, Mr. Speaker. [Translation] Today, there are a couple of elders, Edward. I want to do a prayer for them. [Translation ends]

I would like to eulogize a couple of brothers who have passed away in Lutselk'e in the last several months. The first is Joseph Victor Catholique, better known as Joe V. Joe V is somebody who I visited often, as he lived in the senior citizens' home. He often talked about being involved in the construction of most of the houses around Lutselk'e. Most of the houses were built back when he was younger. Joe V was a carpenter. He worked here in Yellowknife on some buildings and some of the larger buildings up in the uptown core. He often spoke about how he felt, that he ended up in a small senior's apartment with his wife, Wanda, and his sons Miles and Edwin. He had built many houses himself but never ended up actually owning a homeownership unit.

Also, I would like to speak about Edward Catholique. Edward Catholique was Joe V's older brother. He passed away several months ago, also. Edward was known as Edward Cho. When he was a young man, he was a big man. He lived the majority of his life with a wooden leg, as they say. He lost his leg in an accident. It never seemed to affect him much. He was able to do just about everything. He was able to do as if he was completely able to do so, even though he had one wooden leg.

Edward was a person who I visited often. Almost every trip into Lutselk'e, I would visit Edward and his wife, Mary. They were wonderful people. When I was coming into town, he would make sure he had enough dry meat for me to take back to Yellowknife. I was always interested to go visit. He had laid out all the dry meat for me and tell me, "Pick what you want out of that."

He was quite a person. He has left a wife, Mary. They, themselves, didn't have any kids, but I know he was very close to his nephew Herman. I noticed that often, when I went there, Jerry Lockhart would also be sitting with him.

I would like to pass my condolence onto their one sister, Loraine, who is left and their one brother, John, who is left. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Our condolences to the family, as well, and to the community. Members' statements. Member for Nahendeh.

MEMBER'S STATEMENT ON EULOGY FOR FLOYD DANIELS

MR. THOMPSON: Thank you, Mr. Speaker. Today I regret to inform that Floyd Daniels passed away on Sunday, August 18th, at the University Hospital in Edmonton after a brief and courageous battle with cancer.

Floyd was born December 16, 1956, to Beatrice and Victor Daniels in Fort Smith. Floyd retired March 2017 after a long, committed, and dedicated career with the Department of Public Works with the GNWT. Floyd was a journeyman carpenter for many years, then he and the family decided it would be a good idea to go back to school to get his Project Management diploma from NAIT.

His career took Floyd and his family from Fort Smith to Inuvik, Fort Simpson to Hay River, where he retired.

In the Deh Cho and South Slave, there were a number of projects that had Floyd's fingerprints on them. Floyd ensured that the projects were done properly with professionalism and great attention to

detail. Floyd took a great deal of pride in the work he did for the people.

Floyd was well-known across the North for his athletic ability. As a young athlete, he became known as a tough competitor with a strong work ethic, as well as being an exceptional team player. It was never about him, but instead, it was about his teammates and always ensuring he gave 100 percent of each effort in each sporting endeavour as an athlete. However, if you look at his trophy room, you could see how good he was. This is what he practiced throughout his life. If I could say one thing about Floyd, he did things with intention.

As he became older, he became a coach and transferred his skills to mentoring young players to love sports as he did.

I had the privilege of playing against him and alongside him. To be honest with you, it was much more enjoyable playing alongside him as a teammate than against him.

I may be a tad biased, but I believe he was one of the best pitchers in the NWT and Canada. He was like a fine wine. He got better and better with time.

His beloved wife, Janice, would always joke that his teammates spent more time with Floyd celebrating their wedding anniversary than they did as a married couple. September 2nd would have been their 41st anniversary. They were like all couples, had their ups and downs, good and bad times, and easy and difficult times. It was love at first sight, and you could see their love when they were together.

When he travelled with his team, Floyd would always ensure that he had daily conversations with his wife and family. He would always talk about Janice and his children making a big, huge difference in his life. He would always speak of their accomplishments and how proud he was of them.

The most recent conversations people had with Floyd were about his grandchildren, how he was looking forward to spending time with them. Floyd always spoke with pride and love in his voice. He was always very proud of his family.

Floyd is survived by his wife, Janice; his three sons, Tanner, Trenton, and Brantley; his daughter, Richelle; and daughter-in-law, Amanda; and his three grandchildren, Arabella, Lena, and Victor; as well as extended family members.

I honestly believe Floyd is looking down on us with a big smile on his face as he stands on the pitcher's mound, ready to throw his next perfect game. Floyd, you've pitcher a perfect game in life. Thank you for my friend and the other lives you have enriched having known you and your legacy of hard

work and dedication will live in your children in life and your lovely wife as your greatest fan.

The family would like to thank the University Hospital staff for all they did for Floyd and the friends who passed on their condolences and prayers. Rest well, my friend.

MR. SPEAKER: Masi. Our condolences to the family and to the community, as well. Members' statements. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. Member for Range Lake.

Recognition of Visitors in the Gallery

HON. CAROLINE COCHRANE: Mr. Speaker, our culture is our identity, and throughout the North, we have many individuals and organizations working to preserve, revitalize, and promote our cultural practices. I want to recognize the recipients of the 2019 Minister's Culture and Heritage Circle from our ceremony this morning.

- For the Youth Award, we have Mr. Corbin Sinclair from Fort Smith.
- For the Individual Award, Ms. Karen Novak of Yellowknife.
- The Elder Award goes to Alfred Taneton of Deline.
- The Group Award goes to the Northern Life Museum and Cultural Centre in Fort Smith, represented by Ms. Rachel Dell.
- The Minister's Choice Award today goes to Ms. Mildred Edwards from Aklavik.

Thank you all for being here today. Thank you all for the important work you do for the Northwest Territories.

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

MR. MCNEELY: Thank you, Mr. Speaker. I, too, would like to recognize the elder from Deline, Alfred Taneton, the recipient of the 2019 Minister's Culture and Heritage Circle, and his escort, Morris Neyelle, and all the recipients of the award. Mahsi.

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

MR. VANTHUYNE: Thank you, Mr. Speaker. I want to take this opportunity to recognize friends and constituents of Yellowknife North. We have today Rhonda and Sean Ivens who are here with us. Of course, Karen Novak is here, and congratulations on your award. I see up there, as well, Jerry Sharpe. Welcome and thank you for being here.

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

MR. BLAKE: Thank you, Mr. Speaker. I would like to recognize two of my constituents from Aklavik, Mildred and Agnes Edwards. Mildred received the Minister's Choice Award earlier today for her passion to our culture, tradition, and preserving traditional knowledge. I also had the opportunity to serve alongside her when she was Chief of Aklavik and I was the Chief of Tsiigehtchic. We had a lot of good discussions at the board of directors and a lot of the meetings, so it is good to have her with us today. Thank you.

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

HON. LOUIS SEBERT: Thank you, Mr. Speaker. I would like to recognize Rachel Dell, the curator of the Northern Life Museum and Culture Centre in Fort Smith. I would also like to recognize Corbin Sinclair from Fort Smith on receiving the Youth Award from the Minister's Culture and Heritage Circle. Mr. Sinclair is 17 and has embraced his culture through drumming, hand games, and Dene games. He demonstrates hand games at school and at cultural events. He attended the 2018 Arctic Winter Games, where he won a gold ulu for stick pole, and the 2019 Canada Winter Games, where he was a demonstrator of Dene and Inuit games. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. If we missed anyone in the gallery, thanks for being here with us. It is always great to have an audience as part of our proceedings. Masi. Item 6, acknowledgements. Item 7, oral questions. Member for Kam Lake.

Oral Questions

QUESTION 825-18(3):
GOVERNMENT OF THE NORTHWEST
TERRITORIES BUSINESS INCENTIVE POLICY
PROCESS AND GRANDFATHERING OF
COMPANIES

MR. TESTART: Thank you, Mr. Speaker. The Minister responsible for GNWT procurement policies has made a standing offer to hear complaints on the floor of the House concerning government procurement, and today I rise once again to bring forward the concerns of my constituents.

The Business Incentive Program statement of policy is to "provide an incentive to NWT-based businesses in a manner that recognizes the higher cost of operating in the NWT." I have a constituent now who asks why certain companies have been grandfathered into the Business Incentive Program

registry without having to meet the same requirements as northern-based businesses. To quote their concern, "a grandfathered company can move its operations to Alberta, leave a one-person office, and bring in cheaper labour and equipment, but still enjoy the same BIP adjustment." My question for the Minister is: how does this grandfather clause of the BIP policy promote private sector growth and fairness in the NWT? Thank you.

MR. SPEAKER: Masi. Minister of Infrastructure.

HON. WALLY SCHUMANN: Thank you, Mr. Speaker. This is one of the Member's favourite discussions that he is having on the floor of the House. To be honest with you, I can't even answer his question. If he would actually give someone a heads-up on a question, I might be able to answer it fully on the floor of this House, but the question that he is asking me right now, I have no idea. Thank you, Mr. Speaker.

MR. TESTART: This issue isn't new to the Minister, and he should be able to know his file well enough that he doesn't need a heads-up. Section 2 of the Business Incentive Policy is all about the eligibility for register. That is section A through E, and then you have section F, which says that anyone on schedule 3 is grandfathered in and doesn't need to meet any of those other requirements. For companies that have moved their operations and are no longer resident-owned businesses, how does grandfathering them into a policy that benefits northern resident businesses consistent with the BIP policy?

HON. WALLY SCHUMANN: I will take this question as notice.

MR. SPEAKER: Masi. The question has been taken as notice. Oral questions. Member for Mackenzie Delta.

QUESTION 826-18(3):
GRIZZLY BEARS IN AKLAVIK

MR. BLAKE: Thank you, Mr. Speaker. In follow-up to my Member's statement, I have a few questions for the Minister of Environment and Natural Resources. As I mentioned, we have an issue with grizzly bears in the community of Aklavik, upwards of 14. I would like to ask the Minister: can the Minister update the House on what steps are being taken by ENR officers to deal with the grizzly bear problem? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Environment and Natural Resources.

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I share the Member's concern with the

number of grizzly bears that are in the community of Aklavik. We continue, obviously, to respond to bear reports. My understanding is that we have destroyed three grizzly bears in Aklavik due to public safety concerns. Our local renewable resource officer is on-call, and an additional renewable resource officer will be travelling to Aklavik to assist with monitoring the bear situation. Thank you, Mr. Speaker.

MR. BLAKE: I am glad that the department is taking some action. Has relocation been looked at, and what would be the cost to relocate one or two grizzly bears or more?

HON. ROBERT MCLEOD: I know that, from questions from the Member in the past week, he asked about the relocation. I had committed to getting costs. I have not seen those costs yet, but I would imagine that it would be fairly expensive. Again, we need to have a look at it and explore all options in trying to alleviate the grizzly bear problem in Aklavik.

MR. BLAKE: I know that it has only been a week, but have discussions started with co-management partners on increasing grizzly bear hunting tags for bears?

HON. ROBERT MCLEOD: We will have to have those discussions with our co-management partners, because, as we know, a number of years ago, they implemented the grizzly bear tags because there was a lot of hunting of grizzly bears, but it seems like it has done what it is supposed to do and brought the population back up. We will have to have those discussions with our co-management partners to see if they would be receptive to maybe increasing the amount of tags. We will have those discussions and see where that takes us.

MR. SPEAKER: Masi. Oral questions. Member for Mackenzie Delta.

MR. BLAKE: Thank you, Mr. Speaker. As I mentioned, we have a huge problem, especially after dark. Yesterday we had three bears coming into the community. Will the Minister make sure that the department have officers on patrol in the evenings while they are in the community, just to make sure that there is safety? Safety is always number one for the community. Thank you, Mr. Speaker.

HON. ROBERT MCLEOD: I agree with the Member that protection of our citizens should be the number one priority of this government, and as such, as I said before, we do have another renewable resource officer who is going to the community, and I am sure that they will be doing some patrols to ensure that the bears are not

becoming a problem and coming into the community. I think we've seen a number of cases of bears in the community, in some of the communities around the Northwest Territories. Our staff are being vigilant and, if we have to, we will bring in extra people to help with that. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Nahendeh.

QUESTION 827-18(3):
MANUFACTURING POLICY

MR. THOMPSON: Thank you, Mr. Speaker. Today my questions will be for the Minister of Infrastructure. When we are looking at the Manufactured Products Policy, and I was looking at it, and it said at least 25 percent has NWT value, the price is no more than 20 percent greater than similar products, FOB the site of a manufacturer, or 25 percent greater than a similar product, FOB the destination for final delivery. Can the Minister, please advise us what that policy entails, and what is the amount of percentage that manufacturers get in the North? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Infrastructure.

HON. WALLY SCHUMANN: Thank you, Mr. Speaker. You see, this is what happens when someone gives a heads-up and you give a full-hearted answer. There is no cap or ceiling identified in the Northwest Territories Manufactured Products Policy. The Northwest Territories manufactured products, however, is pursuant to or enabled by the Business Incentive Policy, and that means, technically, the ceiling of \$500,000 would also apply to manufacturing.

That said, our manufacturing policy only pertains to goods for the maximum bid adjustment of \$500,000 to apply. We would need to be in the position of buying \$16 million worth of a single product. I think we can agree to deal with that when one gets there.

MR. THOMPSON: The Minister actually answered my next question, so I will go back to the first question. The question I asked is: what is the percentage? Is it 20, 25 percent for a northern manufacturing company? Is that what they are allowed, additional cost to it?

HON. WALLY SCHUMANN: The Northwest Territories Manufactured Products Policy and the Business Incentive Policy follow the same principles of northern preference. However, our Manufactured Products Policy is an independent process and works slightly different. In order to be able to be purchased by the Government of the Northwest Territories under the manufactured policy, at least 25 percent of the product's value has

to be created in the Northwest Territories by an eligible company registered under the Business Incentive Policy. Provided this requirement is met, the product can be priced up to 20 percent higher on a southern product, including freight on site at the manufacturing facility. The product can be priced up to 25 percent higher on a similar product including freight if it is priced at delivery as required location.

MR. THOMPSON: I thank the Minister. He kind of answered my third question, so I am just going to go to my last question here. When you look at the procurement policy, at (b), it says, where two or more manufactured supply, approved NWT manufactured products, only those manufacturers will be invited to bid on a contract. Can the Minister advise this House how that part of the policy works when we're talking about the free trade? Because the Minister has advised us in this House that BIP, with some challenges he has faced, and he was able to get it grandfathered, but can he explain how this policy actually is grandfathered in?

HON. WALLY SCHUMANN: As I said in the House the other day, the most important element for Members to understand is the context of what the Canada Free Trade Agreement is. As the Minister of internal trade and external trade, these things have to be negotiated with other governments when we are signing this agreement, and that is the only reason that this government can negotiate an exemption. That is where we have to deal with the other provinces and countries when we are doing these agreements, and that one exemption that we fight for all the time is the Business Incentive Policy.

MR. SPEAKER: Masi. Oral questions. Member for Nunakput.

QUESTION 828-18(3):
TRANSITIONAL HOUSING

MR. NAKIMAYAK: Thank you, Mr. Speaker. Earlier I spoke about transitional housing in Nunakput, and my questions are for the Minister of Housing: can the Minister responsible for the NWT Housing Corporation give an update on the transitional housing in the Northwest Territories? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Minister responsible for the NWT Housing Corporation.

HON. ALFRED MOSES: Thank you, Mr. Speaker. We have been working with a lot of our community governments as well as NGOs. At the same time, we are working, as the Member has known, as I've made statements in the House, on the Northern Pathways to Housing Program. Those have been successful. They have been pilot projects. In Simpson and Aklavik, we have seen some really

good things moving forward, as well as in Behchoko. Moving forward from this program, I think we can work with our community governments to possibly access some of our co-investment dollars or the community housing support initiative dollars to address some of these transitional needs in housing. It is a big issue across the territory, and we will encourage our leadership to work with us to address those needs.

MR. NAKIMAYAK: Look at my region. I believe there's at least one community that has a contract for the LHOs. I think programs like that seem to work for smaller remote communities. My second question is: how does the Government of the Northwest Territories implement services that are funded directly from the federal government to Indigenous governments across the Northwest Territories? I am going to use IRC and Housing, for an example.

HON. ALFRED MOSES: One of the biggest things that we have done through the NWT Housing Corporation is we have been really advocating on behalf of the Indigenous governments in all of our communities across the Northwest Territories with the federal government. The Inuvialuit Regional Corporation is one of the communities that have been able to access funding dollars through ITK, and one of the things that came out of that was we started the housing summit, first housing summit, where we had all our leadership in attendance, and working on trying to build a one voice to take to our NIOs, our National Indigenous Organizations, as well as the federal government to ensure that we get the funding that the federal government has given to the NIOs to meet the needs throughout the territories. The housing summit that we had earlier this year is a good indication that we are getting that information out to our leadership and our non-governmental organizations.

MR. NAKIMAYAK: I appreciate the response. I am a strong believer that, when Indigenous governments get funding directly from the federal government, I think we need to work with Indigenous governments and the Government of the Northwest Territories to ensure that we implement that funding properly so that it is not lopsided. There are a few examples out there, but I won't dig too far. Can the Minister give an update on the community housing plans, and will the idea of tiny homes be a discussion during these planning sessions?

HON. ALFRED MOSES: The community housing plans, as I've said, are going to be a game changer for our communities across the Northwest Territories on how we address housing. Every community has their own special needs, and when we develop these community housing plans, it's going to be the communities that are going to tell us

what their priorities are, rather than us telling the communities what they need. This past weekend was also the first time that we just had a meeting with all of our district offices across the territory, on Saturday, as well as our board chairs. It was the first time that we sat down and listened to what the concerns were in all of the regions across the NWT and how do we address them. I want to let the MLAs know that I did let the board chairs know as well as the district office managers know that all MLAs have been bringing up these concerns to me and the office, and we are working on addressing those issues. The community housing plans are going to be a game changer moving forward to addressing our housing needs.

MR. SPEAKER: Masi. Oral questions. Member for Nunakput.

MR. NAKIMAYAK: Thank you, Mr. Speaker. It's good to see that we are having meetings and having discussions about these issues. You know, action plans and follow-up as we move into the next government is very key. It's more of a comment than anything. I am just wondering what the Minister's plans are as we close up these last five days of this Assembly.

HON. ALFRED MOSES: I have chatted with the staff and talked about putting a transitional document. I know we do have a transitional committee here within the next government, but I really wanted to make sure that, with something as important as housing, that I would sit down with my staff and we would look at creating some type of a transitional document moving into the next government. Over the past two governments, we have made some really big strides and we have had some great leadership from our past Ministers who were responsible for housing, and I just want to carry that forward and make sure that we continue the continuity of the programs, the services, the partnerships, and promoting the programs that we have, and continuing to work with the federal government, our Indigenous governments and making sure that they are prepared for housing issues moving into the 19th Assembly. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Yellowknife Centre.

QUESTION 829-18(3):
HOUSING FIRST AND HOMELESSNESS

MS. GREEN: Thank you, Mr. Speaker. In some ways, my questions continue on from my colleague. In my statement today I talked about the growth of the Housing First program throughout the NWT and the success it has had moving chronically homeless people out of shelters and into stable transitional housing. It's very clear that the demand for Housing

First has outstripped supply. Can the Minister tell us what advice he is including in his departmental transition report on Housing First? Thank you.

MR. SPEAKER: Masi. Minister responsible for the Northwest Territories Housing Corporation.

HON. ALFRED MOSES: Thank you, Mr. Speaker. We will just obviously continue on this theme here. Here in Yellowknife, we have been working with a lot of our partners in terms of addressing some of the housing needs. Obviously, we do have the Housing First program; we have the rapid rehousing program with YWCA; and the Yellowknife Women's Society, we did make a good announcement; we are working with industry to see how we can address housing here in the Northwest Territories; Northern Pathways to Housing program that we have in the three communities that I just previously mentioned, we have been working with ECE and working with Health and Social Services to see how we can increase our shelter funding for homeless shelters and how it's just a one-stop program for applications to address that need. So there are a lot of things that have been going on over this government, and any input that Members and any input that our leadership across the territories and our non-governmental organizations can give us, we are willing to work with them, and we just need to sit down and have those discussions. The big one announcement that we have given was the co-investment fund and how can we access that and have a bigger partnership to address homelessness and transition or even housing needs of the NWT.

MS. GREEN: I appreciate that, not only does the Minister buy half-page ads to talk about his successes, he also gobbles up question period to do the very same thing. The City of Yellowknife has attempted to count the number of homeless people in Yellowknife, and I would like to know very specifically, without the words "community plan," is that work to understand to full dimensions of homelessness being undertaken in any other communities?

HON. ALFRED MOSES: Obviously, the Northern Pathways to Housing program is one of our successes that we have seen, and we will continue to work on that. It's a piloted project. I just want to also say, Mr. Speaker, our staff have been doing a great job in meeting with our leadership, meeting with our non-government organizations to address homelessness, and we all need to work together. I think that's one of things that we came out of the housing summit that was up in Inuvik. We also have the Reaching Home program that we are pushing out, and our staff has been trying to get out to as many communities as they can across the NWT. Initially, we were looking at three community housing plans in this initial year, as a pilot program.

After myself and the staff have been meeting with leadership, we have 12. I made a statement last week that we have 12 community plans on the go to address the housing needs in each of the communities.

So I just want to let all Members know and leadership, you know: reach out to us; we are willing to work with you, but we are going above and beyond to address the housing issues across the Northwest Territories, and our staff are working very hard to make sure that happens.

MR. SPEAKER: Masi. Oral questions. Member for Deh Cho.

QUESTION 830-18(3):
FORT PROVIDENCE TRAIL SYSTEM

MR. NADLI: Mahsi, Mr. Speaker. In Fort Providence, there is an interest in terms of establishing a trail from perhaps the base of the Deh Cho bridge all the way to Fort Providence, and the community wants to create a project to draw in more tourists at the same time as trying to create a decent option up there for people who drive long ways up north, to give them an opportunity to walk the historical trail along the Deh Cho. My question is to the Minister of Education, Culture and Employment: is there a program or funding available to create historical or interpretative signs for trails? Mahsi.

MR. SPEAKER: Masi. Minister of Education, Culture and Employment.

HON. CAROLINE COCHRANE: Thank you, Mr. Speaker. Within Education, Culture and Employment, there is no direct funding for signage for trails. However, the good thing about consensus government and the departments is we do try to work together, so I have spoken to my colleague with Infrastructure. There is actually funding within Infrastructure, probably within the community access program, that can be utilized. We are more than willing to work with the MLA if he would like some more information on that.

MR. NADLI: I don't know where this trail is leading to, but I will try my best. Would the Minister have her staff in the Small Community Employment Support Program reach out to the community on how they can access funding for this project?

HON. CAROLINE COCHRANE: I would love to be able to say yes, I will do that right away, but I would rather, actually, just because I know how busy we are, if the MLA could send me an email with the request, then we would be more than interested to get the staff to action it. We will work with both the Departments of Education, Culture and Employment and Infrastructure because there is

also money under the small business employment fund that maybe we can use to get people to actually do some brush cutting in the trails. There are other resources that we would like to be able to support, so, yes, if the MLA will send us an email, we will make a commitment to work hard to make this a success story in his his community.

MR. NADLI: I was trying to highlight the Small Community Employment Support Program that has been in existence for some time. It is available for small communities to try to create employment projects in their communities. I am supposing that the Minister is quite familiar with that. I wanted to ask her: what are some of the successful projects that have been carried out so far with this program?

HON. CAROLINE COCHRANE: The small community employment fund is actually one of the successes of this government, in my opinion. It is actually putting money into the communities based on where the community thinks that it would be most appropriate. I can't stand here and say what successful projects are, because, in my opinion, every single community is a successful project because that community has defined where they want that funding to go.

One thing I would like to say, though, and I have said it to the communities that I have had access to, is that most of the applications that I have noticed coming in for the small community employment fund have been for one-time projects. I am trying to really stress to the communities that you can actually hire, for example, one person to drive that gravel truck, get that load of gravel, and dump it in the community, or you can actually start thinking more creatively and figuring out how we can actually make sustainable employment so that we can have our own truck and our own business with that. I am trying to get the communities to stop thinking so individually focused and start thinking about economic development, because that is the key.

MR. SPEAKER: Masi. Oral questions. Member for Deh Cho.

MR. NADLI: Thank you, Mr. Speaker. The Minister has touched on some key points in terms of, perhaps, long-term views of the Small Community Employment Support Program. Will the program continue, and what are the future plans for this program? Mahsi.

HON. CAROLINE COCHRANE: As we all know, this Assembly is coming to an end at the end of the month here, so I can't commit that the program will always continue. I can certainly say that that program has been successful. I want to, again, thank some of the MLAs on the other side who have come forward to actually get it funded more. It

is successful, it is working, and I am hoping that future governments will carry it forward into the next Assembly and in Assemblies to come. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Yellowknife North.

QUESTION 831-18(3):
CHARTER FOR THE CITY OF YELLOWKNIFE

MR. VANTHUYNE: Thank you, Mr. Speaker. My questions are for the Minister of Municipal and Community Affairs. Earlier today I talked a little bit about the need for the City of Yellowknife to maybe consider developing a charter for the City of Yellowknife. This is where we start to recognize some of the unique and evolving needs of the City. I just want to ask the Minister if he or his staff in the department are starting to see and understand that the City of Yellowknife is starting to take on a lot more different responsibilities and pressures. Is there a need for maybe developing a charter for the City of Yellowknife? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Municipal and Community Affairs.

HON. ALFRED MOSES: Thank you, Mr. Speaker. Since I have been in the role for Municipal and Community Affairs, we have had some very good discussions working with the NWT Association of Communities, as well as the local government administrators of the Northwest Territories. This is something that is new. We are nearing the end of this government, and this might be something that might be pushed into the transitional documents moving forward. We are in our last week, but it is something that, I think, does need to be discussed to see how we can address the concerns from the Member, as well as leadership across the territory. Thank you, Mr. Speaker.

MR. VANTHUYNE: Thank you to the Minister for his reply. If there were such a charter or devolution of responsibilities that were to come to the city, what would it begin to look like? Are there some kind of amendments that we would have to do to the Cities, Towns and Villages Act? Is there some special type of devolution agreement similar to the process that we had to go through when we dealt with the feds devolving responsibility to us? Just so people can get a little understanding of what this might look like, does the Minister have something he can share with us in terms of what the next steps would look like?

HON. ALFRED MOSES: At this time, I have nothing in terms of what the next steps would be. Obviously, as I said in the previous answer, it is something that can go into a transitional document as something that might be taken under

consideration for whoever is going to be sitting in this House. Those are the only next steps that I would say, to have those discussions moving forward, but it is really going to be on who is in this House next government to have those discussions. Like I said, we have a week left, and we will see what we will begin doing. I will make sure that our department has an indication that this is something that needs to be considered.

MR. SPEAKER: Masi. Oral questions. Member for Frame Lake.

QUESTION 832-18(3):
BATHURST CARIBOU CRISIS

MR. O'REILLY: Merci, Monsieur le President. My questions are for the Minister of Environment and Natural Resources on the crisis of the Bathurst caribou herd. In the last sitting in June I asked the Minister about a trip that he took to Kugluktuk to meet with Nunavut officials. He has since provided a copy of the agenda for that meeting. Can the Minister provide an update of any further discussions with the Government of Nunavut to protect the Bathurst caribou herd? Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Environment and Natural Resources.

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I always appreciate the Member's questions on the caribou, because it gives us an opportunity to speak of our dedication to the preservation of the caribou across the Northwest Territories, because they are very important to our existence. We have to do what we can to protect them.

Having said that, I did say that we met with the Nunavut Minister. I appreciate their dedication to the preservation of the caribou herds across the north, because they are very important to their people as well. We did ask our officials to initiate some technical discussions on the proposed content for a new memorandum of understanding, and the updated memorandum of understanding will build on the existing MOU, cooperation on managing shared population of caribou, signed by our two governments in February of 2017. Thank you, Mr. Speaker.

MR. O'REILLY: I would like to thank the Minister for that good information. It is great to hear that we may finally get an updated memorandum of understanding. Can the Minister tell us whether this agreement will provide for any temporary and/or permanent protection of habitat?

HON. ROBERT MCLEOD: We did task our officials to come up with some technical information, and we

have a very close relationship with the Government of Nunavut. The 2017 MOU helped to formalize and support our longstanding relationship. The new MOU will focus on several key areas, including research and monitoring, data sharing, harvest management, predators, habitat, and co-management. We will continue to work with our partners over in Nunavut on the proposed MOU with the goal to complete this by the upcoming fall of this year, actually. We will be informed by ongoing discussions with our co-management partners in both jurisdictions.

MR. O'REILLY: I want to thank the Minister for that information. I don't think that I heard the words "habitat protection," though. I mentioned in my statement that Cabinet is still sitting on the Bathurst Caribou Range Plan. Can the Minister provide an update as to when Cabinet will approve this plan and announce that publicly?

HON. ROBERT MCLEOD: My apologies; I did say "habitat," and I would assume that "habitat protection" would also be part of that discussion, as well.

We are committed to implementing the new Bathurst Caribou Range Plan, now that it has been approved by Cabinet. The range plan was developed collaboratively with 21 organizations, including Indigenous governments, industry, environmental groups, renewable resource boards, and the federal government.

Again, I have to give a shout-out to Ottawa Aboriginal partners who understand that the preservation of the caribou herd is very important to people across the Northwest Territories, and they are doing their part. Shout-out to them for the good work and leadership that they are showing.

MR. SPEAKER: Masi. Oral questions. Member for Frame Lake.

MR. O'REILLY: Merci, Monsieur le President. I want to thank the Minister for that great news. I had no idea, nor did the public know, that the Cabinet had actually approved the Bathurst caribou range plan. I know there are a lot of people and the remaining 8,000 Bathurst caribou are happy about that. Of course, there is always money for roads, including \$10 million more for the GNWT contribution for the Slave Geological Province Road. It will likely come forward as the first supplementary appropriation for the 19th Assembly. Can the Minister tell this House: when will money actually start to flow for work to implement the Bathurst caribou range plan? Mahsi, Mr. Speaker.

HON. ROBERT MCLEOD: The Member makes a good point. There is always money for infrastructure projects that creates employment

across the Northwest Territories. It is what the people of the Northwest Territories have told us is one of their priorities, is to work. The range plan will serve as a document to guide the GNWT.

The Member's question about the funding: we have identified some funding as we went through our business plans. We have worked with Ottawa, trying to secure some funding. We have actually doubled our efforts in some of the initiatives that have been brought forward by the Aboriginal governments and partnership with us, including Boots on the Ground, which only happens once a year. With the new funding, it is going on twice year now. It proved to be a very valuable contribution in following the caribou. There has been some money that has been earmarked for it. We will continue to make increased investments, working with our co-management partner on the preservation of caribou in the Northwest Territories, which is very important to us. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. 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 Yellowknife North.

Reports of Standing and Special Committees

MOTION THAT COMMITTEE REPORT 31-18(3) BE DEEMED READ AND PRINTED IN HANSARD IN ITS ENTIRETY,
CARRIED

MR. VANTHUYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Sahtu, that Committee Report 31-18(3) be deemed read and printed in Hansard in its entirety. 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

Committee Report 31-18(3): is now deemed read and printed in Hansard in its entirety.

COMMITTEE REPORT 31-18(3):
REPORT ON THE REVIEW OF BILL 46: PUBLIC
LAND ACT

Introduction

Bill 46: Public Land Act, sponsored by the Honourable Louis Sebert, Minister of Lands, was given second reading in the Legislative Assembly and referred to the Standing Committee on

Economic Development and Environment for review on March 12, 2019. Committee is pleased to report on its review of Bill 46: Public Land Act.

Bill 46 repeals and replaces the Commissioner's Land Act and the Northwest Territories Lands Act, the latter of which was inherited by the Government of the Northwest Territories (GNWT) from the federal government in 2014, when responsibility for Crown lands and resources was devolved to the GNWT.

The Public Land Act applies to all land under the administration and control of the Commissioner of the Northwest Territories, including Crown lands formerly administered by the federal government. The act includes responsibility for subsurface minerals and resources and the associated regulations that came to the GNWT when the federal Northwest Territories Lands Act was passed in the NWT Legislative Assembly as part of the devolution process.

As part of the GNWT's ongoing effort to update and renew the federal legislation inherited under the devolution initiative, it is anticipated that responsibility for the management and administration of mineral resources in the NWT will be governed by the Mineral Resources Act, which has also been under consideration by this standing committee as Bill 34. Until that act receives assent, and the appropriate provisions come into force, the provisions contained in the Public Land Act, and the existing regulations created under the Northwest Territories Lands Act, will govern mineral resources as a transitional arrangement. The provisions governing mineral resources will later be repealed from the Public Land Act to coincide with the coming into force of the appropriate provisions in Bill 34.

The Public Land Act provides general authorities for the administration of various interests in public land that was formerly known as Commissioner's land, and crown lands formerly administered by the federal government. The act does not, however, apply to privately owned land or land under the ownership, management or authority of any other government, including Indigenous governments. Among other things, the act:

- Authorizes the Minister to sell or grant public land;
- Reserves from those grants minerals and interests in minerals, the bed of water bodies, the shoreline of any water body if the land is adjacent to water, and fishery rights and occupation related to fishing;
- Authorizes the Minister to issue dispositions of public land, such as leases, licences and

quarry permits;

- Authorizes the Minister to require a security deposit as a condition of a lease, licence or other disposition and to develop regulations about which uses will require securities, the forms of security that are acceptable, and how they are calculated;
- Authorizes the Minister to reserve or withdraw public land and to designate land management zones;
- Provides for the lawful authority to use, possess or occupy public land and to set out in regulation the uses and activities that are allowed and are not allowed on public land without a disposition or authorization;
- Includes options to address unauthorized use and occupancy of public land;
- Enables the GNWT to monitor compliance, investigate potential offences, and enforce provisions of the act and regulations; and
- Provides the authority for an administrative monetary penalty regime to discourage contraventions of the act.

Background

Bill 46: Public Land Act is one of 18 bills introduced by the Government of the Northwest Territories in 2019, of which eight were slated to be reviewed by the Standing Committee on Economic Development and Environment. This has placed a tremendous strain on the limited resources of the committee. It has also placed on the committee an obligation for extensive public consultation, within a limited time period, that has left committee members feeling challenged to give each bill the time and attention it deserves.

Given these circumstances, committee asked that the GNWT consider withdrawing Bill 44: Forest Act and Bill 46: Public Land Act with the intention that they be reintroduced early in the 19th Legislative Assembly. Committee thanks the government for its agreement to withdraw Bill 44. Unfortunately, committee's request for the withdrawal of Bill 46 did not meet with similar favour.

The Public Review of Bill 46

Given the need to proceed with the review of Bill 46, committee determined to make best efforts to complete a thorough review. As always, committee invited input from stakeholders across the Northwest Territories, including municipal and Indigenous governments and a number of non-governmental organizations.

Committee traveled on Bill 46 from June 24 to 29, 2019, and held public hearings in Fort Smith, on the K'atodeeche First Nation Reserve in Hay River, and in Fort Simpson, Fort Providence, Yellowknife, and Inuvik.

Committee received a joint written submission from Alternatives North, Ecology North, the Canadian Arctic Resources Committee, the NWT Chapter of the Council of Canadians, and the Canadian Parks and Wilderness Society. This submission is referred to in this report as the "joint NGO (non-governmental organizations)" submission. Committee also received written submissions from:

- Sahtu Secretariat Incorporated;
- Dehcho First Nations;
- Yellowknives Dene First Nation;
- Mackenzie Valley Land and Water Board;
- Information and Privacy Commissioner of the Northwest Territories;
- NWT Food Network;
- Town of Fort Smith;
- Town of Hay River;
- City of Yellowknife;
- NWT Association of Communities;
- Independent Environmental Monitoring Agency;
- Ducks Unlimited Canada; and
- Mr. N. Kabiri of Hay River.

The written submissions received by committee are appended to this report. Committee wishes to thank everyone who participated in the review of this bill by providing a written submission or attending one of the committee's public hearings.

Public Input and Committee Recommendations

Committee noted a number of themes that emerged from the public submissions received on Bill 46. Each of these themes, identified below, guided committee in its consideration of Bill 46 and shaped the nature of the amendments and recommendations proposed by committee.

Preamble or Purpose Statement

When committee first reviewed Bill 46, a preamble or purpose statement was notable by its absence. Members wondered why other devolution bills contained such a provision, which can help to guide

the Minister and the courts in interpreting the purpose of the legislation, while the proposed Public Land Act did not. This absence was also noted in some of the public submissions committee received:

Town of Fort Smith – "There appear to be several unresolved issues, as well as a lack of clarity regarding the intent and purpose of the act and proposed changes...[S]ince the act does not contain a defined purpose, the Government will still have considerable discretion regarding enforcement of the act. This may perpetuate, amongst other issues, the challenges which municipalities face working under the current Acts."

Dehcho First Nations – "There is no preamble. Ideally a preamble would acknowledge that while this Act applies to public lands outside of the settlement areas, the government is committed to working in partnership with Indigenous Governments on land management, including planning and administration. Almost all other resource management bills, including the Mineral Resources Act and Protected Areas Act, have broad commitments and principles relating to the balancing of rights and interests and shared participation. Not so with the Public Lands Act. There should be a preamble committing to uphold legally binding agreements, including negotiated land use plans."

In her comments to Committee, Grand Chief Gladys Norwegian elaborated that the act "does reflect non-treaty agreements, such as Deh Cho Land Use Plan." She further observed that "[n]othing in the bill recommends the polluter-pays principle."

Joint NGOs – "Purpose statements are important guides to interpretation by the courts, and communicate the modes of conduct of governments and citizens. This Act will have more than one purpose, so it is important to describe the multiple purposes. The purpose can help bring concepts and principles from the Land Use Sustainability Framework into legislation. A purpose can also help guide future resource (granular, etc.) development. We recommend a purpose statement be added."

Sahtu Secretariat Incorporated – "A preamble for a statute serves an important purpose. While its provisions may not be legally-binding, a preamble often sets out the objectives and purposes of the statute. This would provide guidance and direction with respect to the interpretation of the statute, including any vague and ambiguous provisions."

Committee agreed that the act would benefit from a preamble or purpose statement. However, parliamentary procedure constrained the ability of committee to add a preamble. A preamble, which

prefaces a bill but does not form part of the statute itself, tends to be more aspirational in nature and can be used to set out the larger principles to which a statute aspires. Because Bill 46 did not contain a preamble when the principle of the bill was fixed at second reading, committee was not at liberty to propose the inclusion of a preamble at the committee stage. This left committee with the option to propose a purpose statement, which tends to be more practical in its wording.

Committee used the wording provided by the joint NGOs as a starting point for developing a motion to amend the bill to include a purpose statement. Committee was advised by its law clerk that, as a rule of thumb for drafting, each provision in the purpose statement should be directly linked to an action or authority under the bill. This, for example, made it necessary to remove references such as the "sustainable and wise use of...waters" because, while the bill provides for setbacks from bodies of water, the administration of waters is governed under the Waters Act.

Rule 75(2) of the Rules of the Legislative Assembly require that all amendments made to a bill at the committee stage must have the concurrence of the sponsor of the bill. Therefore, in considering possible wording for a purpose statement, committee engaged in discussions with the department of Lands, in order to propose an amendment that would be acceptable to the Minister of Lands. Committee thanks the Minister for making his staff available for productive discussions during the review of Bill 46 that enabled the committee to make amendments to the bill.

In the clause-by-clause review of Bill 46, committee noted a distinct perception on the part of the department that its purpose is purely transactional in nature and that, in administering public lands, it primarily gives effect to decisions that are made through other forums, such as the land and water boards, or by other departments, such as Municipal and Community Affairs. This self-perception may, in part, explain the absence of a purpose statement in the act.

Committee strongly agrees with Dehcho First Nations that the department of Land has a responsibility to respect existing rights and to balance competing interests in administering public land for the benefit of all residents of the Northwest Territories. Committee members felt strongly that the purpose statement should include a provision noting that one purpose of the act is "to realize economic, social and cultural benefits from the use of public land." The department was resistant to such wording, suggesting that this objective would be difficult to achieve on a disposition by disposition basis. Committee notes that this very wording is found in the department of Lands Establishment

Policy 24.00, which sets out principles to which the Minister must adhere when directing the department to carry out its mandate. These principles are:

- Land management decision making should recognize and respect Aboriginal and Treaty rights, as well as third party land interests and legal rights;
- Decisions about public land should take into consideration ecological, social, cultural, recreational and economic values;
- Decisions about land and resources within the NWT should be made in an effective and accountable manner and as close as practical to the people being served;
- Traditional and scientific knowledge should be brought to bear in the effective and efficient management of land within the NWT;
- Land use planning should be a shared responsibility across the NWT;
- Land management decision-making processes should be clear, transparent, consistent and communicated; and
- Natural resources should be managed and developed in a manner that meets the needs of the present without compromising the ability of future generations to meet their needs.

Committee believes that the principles articulated in the department's establishment policy should be reflected in the legislation that it administers and that these principles, as worded, are generally consistent with the purpose statement the committee wanted to see in the bill. Committee further believes that the failure to capture this wording in the bill represents a missed opportunity to more fully align the department's mandate with its legislative framework.

Committee moved motion 12, proposing the inclusion of a purpose statement containing wording that was acceptable to both committee members and the Minister of Lands. Committee is pleased that Bill 46 amended to include a purpose statement, but feels it falls short of what stakeholders would have liked to see and what is captured in the department's establishment policy.

More importantly, however, committee is deeply concerned that the department's perception of its mandate is not appropriately aligned with that mandate, as prescribed by the Premier in Executive Council. Committee notes that the department has developed a Land Use Sustainability Framework

which, according to Lands' website "is a vision document that sets out the GNWT's thinking about land use in the Northwest Territories. It lays out where we want to go as we transition to our new role as a land owner and responsible land manager."

While committee believes it is important to have a vision about where you want to go, it is equally as important to have a road map setting out how you are going to get there. In the absence of this, committee feels strongly that it was premature for the department to bring forward a Public Lands Act that does not fully reflect the department's mandate or the principles set out in the Land Use Sustainability Framework. Accordingly, committee makes the following recommendation:

Recommendation 1

The Standing Committee on Economic Development and Environment recommends that the Minister direct the department of Lands to develop a Land Use Sustainability Framework Implementation Plan that more fully incorporates the principles guiding the department's mandate, as set out in the department of Lands Establishment Policy.

This plan should clearly identify actions, and associated time lines, required to implement the Public Land Act, including the need for further legislative change. It should also clearly and publicly articulate how the department's guiding principles and those in the Land Use Sustainability Framework will inform land administration decisions.

The standing committee further recommends that this work be prioritized at the start of the 19th Legislative Assembly, such that it can guide the development of a process for engaging key stakeholders regarding the continued evolution of public land administration in the Northwest Territories.

Lack of Adequate Consultation

Committee is concerned about the perceived lack of adequate consultation on Bill 46, raised by stakeholders, including key stakeholders such as municipal governments and Indigenous governments and organizations.

Sahtu Secretariat Incorporated – "While the SSI supports the enactment of a single statute to administer all public lands in the NWT and the establishment of certain provisions on Bill 46, such as its enforcement, administrative monetary penalties and trespass provisions, the SSI has a number of deep concerns about Bill 46." These concerns, discussed a length in the SSI submission, include the fact that: they had no input

into the decision to develop a new statute and no input into the legislative proposal; there was no working group used to develop bill 46; and that the bill focuses on the GNWT's issues.

NWTAC – "We would have hoped that...community interests would have been addressed in the Public Land Act but because of lack of consultation during the development, those interests are not addressed in the act." "Although reference was made to planning on engaging with community governments in the development of this Bill, the "what we heard" document states meetings only occurred with one community government. Nor was any attempt made to engage with the NWT Association of Communities. There is too much impact on Community Governments by this act for this lack of engagement."

Town of Fort Smith – "Municipalities across the territory face similar and onerous concerns with regard to managing issues around Commissioner's Land. Many of these issues and concerns could have been addressed through changes in the act, had there been appropriate and meaningful engagement with communities in the initial drafting of this Act."

Dehcho First Nations – Unlike the bills proposing the new Mineral Resources Act and the Protected Areas Act, Bill 46 has not provided opportunity for Indigenous Governments to reach consensus on the key provisions of the draft legislation through a technical working group before being introduced."

Committee believes that this was another opportunity, missed by the department of Lands, to engage with key stakeholders. This would have allowed the Department of Lands to better understand expectations of stakeholders and accommodate their concerns with respect to the system of public land administration being established in the post-devolution Northwest Territories.

Aboriginal and Treaty Rights

Committee received a submission from the Yellowknives Dene First Nation. This letter was received after Committee had concluded its deliberations on the bill. Nonetheless, committee wishes to acknowledge its receipt. The letter, which notes that the YKDFN is not a party to the devolution agreement, does not have a final settlement agreement to date, and did not cede title under Treaty 8, states the YKDFN's position that "Canada has not given up, nor fulfilled its fiduciary duties regarding the "public lands" described in Bill 46 of the act. These lands include our traditional territories which were not Canada's to transfer, nor GNWT's to take up. Accordingly, any grant or disposition within our territories under

the proposed act would be made without authority." The letter goes on to request changes to the act, such as the requirement for Indigenous consent over dispositions in traditional territories, consistent with the YKDFN's position.

While the committee is respectful of and sympathetic to the YKDFN position, it notes that the requested amendments to the bill raise larger questions about the GNWT's legitimacy as an administrator of the land than Committee can appropriately address within the context of its review.

The Public Land Act provides the authority the Minister of Lands requires to withdraw lands that may be subject to a future land, resources or self-government agreement. Once a settlement is reached, and such agreement will have paramountcy over the Public Land Act, regardless of whether this is expressly stated in the act. However, as pointed out in the SSI submission, this fact alone does not absolve the GNWT of the obligation to acknowledge its legal obligations within its own legislation, in order to provide greater certainty.

Sahtu Secretariat Incorporated – "Since the GNWT has responsibility for the administration and control of public lands under the Devolution Agreement, it is our view that the GNWT would still be bound by these constitutional duties and obligations recognized in the Land Claim Agreement or the common law. However, it would be beneficial if Bill 46 incorporated those duties and obligations in order to provide clarity and certainty to land owners and users in the NWT."

Committee notes inconsistency in how the protections for Aboriginal and treaty rights are enshrined in the different devolution-related bills, which does not seem to be driven by the nature of the actual bills themselves.

The bills sponsored by the Minister of Environment and Natural Resources each contain three provisions related to Aboriginal and treaty rights:

- The same provision as in clause 3 of Bill 46, noted above;
- A provision providing that actions authorized by the act must be carried out in accordance with applicable land, resources and self-government agreements and the applicable role of any bodies established pursuant to those agreements; and
- A provision specifying that, in the event of conflict between a provision of the act and a provision of a land, resources, and self-government agreement, the provision of the

land, resources or self-government agreement prevails to the extent of the conflict.

Committee can see no obvious reason why the GNWT would extend these protections for Aboriginal and treaty rights in some laws and not in others. Two of the three provisions are included in Bill 38: Mineral Resources Act and all three are absent from Bill 36: An Act to Amend the Petroleum Resources Act and Bill 37: An Act to Amend the Oil and Gas Operations Act. In the absence of any compelling reason why one or more of these provisions should be excluded from a bill, committee is of the opinion all three should have been included in each of the devolution-related bills.

Committee notes the following input received on this matter:

Sahtu Secretariat Incorporated – "Bill 46 only sets out a non-derogation provision...In our view, it is not acceptable for Bill 46 to simply provide that it is subject to the Land Claim Agreement and, therefore, it does not need to integrate key objectives and provisions of the Land Claim Agreement. This approach misses an opportunity for this legislation to integrate the objectives and provisions of the Land Claim Agreements and other modern land claim agreements in the NWT. The integration of Aboriginal and treaty rights would have been consistent with the reconciliation of those rights within the Canadian legal framework.

For instance, Bill 46 does not direct the GNWT to provide any notification to or undertake any consultations with the SSI and other Indigenous government and organizations about key land administration decisions, including decisions relating to withdrawal of public lands and requirements for sufficient security and use of security."

Dehcho First Nations – "Section 3 provides a standard non-derogation clause, which stipulates that the act must be interpreted in a manner consistent with Aboriginal and treaty rights under section 35. This does not provide adequate protection on its own. It merely affirms the constitutional obligation that the government must follow anyway. More explicit references are needed throughout the bill.

Committee is disappointed that the GNWT did not make a better effort to ensure consistency both with respect to the inclusion of preambles in all devolution bills and the wording of provisions protecting Aboriginal and treaty rights, so that these important protections are expressly provided for in all of the devolution legislation. Accordingly, committee makes the following recommendation:

Recommendation 2

The Standing Committee on Economic Development and Environment recommends that future amendments to the Public Land Act include more robust protections for Aboriginal and treaty rights, consistent with and improving upon those found in other devolution-related statutes.

Municipal Lands

By far, the vast majority of input received by the standing committee concerned the management and administration of public land within or adjacent to municipal boundaries. The input received from municipal representatives is organized by subject matter:

Transfer, ownership and control of public land within municipal boundaries

Town of Fort Smith – "The Territorial Government controlling the ability to lease or sell this property restricts the municipalities' ability to regulate land use planning, management, and development, including that of the municipality. This carries several issues; improvements on Commissioners Land affect how taxes are collected and limit the municipalities' ability to recover taxes, lack of lease-only policies being addressed in the act which currently seem to be handled with an inconsistent approach."

NWTAC – "Community Governments in the NWT have expressed concern over the management and disposal of territorial and Commissioner's land within their municipal boundaries. We hear constant concerns raised that community's requests for land transfers are ignored and yet private sales seem to be occurring. Yet we are given to understand that first right of refusal is supposed to be provided to community governments within municipal boundaries. Communities need to have ownership and regulatory control of lands within their municipal boundaries. Community governments cannot effectively take a comprehensive approach to land use planning, infrastructure, utilities and zoning without appropriate measures in place to protect the community's interests."

Town of Hay River – "The existence of Commissioner's land within municipalities is a contradiction to the Cities, Towns and Villages Act. The act requires municipalities to plan for land use within municipal boundaries. If a more senior level of government is controlling land interests within municipal boundaries there is potential for diverging ideas for land use which places the municipality in a vulnerable position for enforcing its community plan. Land governance would benefit from the transfer of all Commissioner's land within municipal boundaries to the municipality. In advocating this

approach, we acknowledge that such transfer would need to recognize land claim processes (in a manner similar to the 2005 MOU) and not completely eliminate the role of the territorial government but would significantly improve the efficiency of land use planning and management within municipal boundaries."

City of Yellowknife – "On March 27, 2019 the NWTAC reaffirmed Resolution RA-19-18-12 – Transfer of Lands to Community Governments to address concerns of municipalities regarding territorial land within municipal boundaries. A key point of interest for municipalities is the impact that Commissioner's lands has on the ability of municipal governments to develop sustainable community plans." The act [Bill 46] does not address the transfer of public lands to municipal governments; an item of major importance to municipal governments for the purposes of community planning, certainty of growth and economic development."

City of Yellowknife – "The GNWT does not transfer contiguous parcels of land to the city and instead takes an ad hoc approach, even in response to requests based on community planning and development needs. This approach does not lend to proper planning for linear infrastructure such as roads, utilities and other municipal services. The city requires certainty of land available for the purpose of proper phasing and establishing development costs."

City of Yellowknife – "City council recently established Goals and Objectives for 2019-2022 and specifically prioritized strategic land development and increased growth of development opportunities...It is difficult for the city to achieve these objectives without fee simple tenure to public lands within municipal boundaries. Under the current regime, the city must apply for public lands within the municipal boundary and is often not granted the lands as requested." "The City of Yellowknife is home to close to half the population of the NWT, but...only has ownership of approximately 9 percent of the land within the municipal boundary: 1 percent of land within the municipal boundary is vacant and available for development."

City of Yellowknife – "A related concern is the ability of municipal governments to collect property taxes on public lands that are leased. Municipal governments receive grants in lieu of property taxes for territorially owned lands. However, once public lands are leased, the lessee becomes responsible for payment of property taxes. If the lessee defaults on payment of property taxes, municipal governments have no ability to collect outstanding taxes, specifically, public lands cannot be sold at a tax auction."

City of Yellowknife – "It is the city's submission that all vacant public lands within municipal boundaries which are not subject to a reservation or withdrawal pursuant to sections 10-12 of the proposed act (such as the Akaitcho Interim Withdrawal) should be transferred in fee simple to the municipal government to be administered and developed. At the very least, all public lands within the municipal boundary should be disposed of only by municipal governments and this should be regulated within the proposed act [Bill 46]. Doing so will ensure comprehensive community plans are respected and adhered to, which cannot be guaranteed if other orders of government are directly disposing for purposes that they deem appropriate."

Grant Hood, Senior Administrative Officer, Inuvik – "Municipalities go through great lengths and expense to develop community plans under the Community Planning and Development Act and, as a result, should be able to administer all the lands within its boundaries...[T]he easiest way to correct these challenges would be to transfer all public lands within a municipal boundary to that municipality and allow us to control and follow our community plans in a way that will allow for fiscal responsibility but also allow for the proper development of the municipality."

Kirby Groote, Fort Simpson Chamber of Commerce – "Leased land in Fort Simpson is different than elsewhere in the NWT. Leased land is next to fee simple title on the island. It is a patchwork, like someone threw a dart. You can't get mortgage on leased land. Property values are half of what they are on fee simple. There is no rhyme or reason. It stymies development. It is outside the land claim area. It is very important that we get to buy our property. We need it fixed here. We know government is aware of this problem. You've sold the land on Ingraham Trail. Why can't you sell to us?"

Extending municipal boundaries

Town of Fort Smith – "The process of extending municipal boundaries is unclear and inhibitory affecting the ability for communities to extend their municipal boundaries impeding growth, opportunities and future planning."

NWTAC – "There is constant reference to 'lands within and around municipal boundaries' throughout the discussion documents yet no reference to municipal boundaries in the act [Bill 46] or acknowledgement of the community governments' role."

Town of Hay River – "Hay River advocates for a clear and defined approach to the extension of Municipal boundaries. A significant quantity of land is located outside of NWT municipal boundaries."

When municipalities face growth scenarios, there should be clear guidelines and a defined process for them to engage in to seek additional lands outside of municipal boundaries."

Land Withdrawals

Winnie Cadieux, Mayor – Enterprise – "There should be a requirement in the act [Bill 46] for consultation with communities on land withdrawals, particularly with respect to the potential impacts on municipal boundaries. When the GNWT comes into our community boundaries and wants to scoop up lands for their own uses, that is just not right. They are consulting with Aboriginal groups, they should be consulting with us"

City of Yellowknife – "The City of Yellowknife respects the GNWT's longstanding Land Lease Only Policy which reaffirms that lands should not be disposed of 'by way of sale' while there are outstanding Indigenous rights agreements to be concluded so that these negotiations are not prejudiced. The city fully agrees with ensuring that interim land withdrawals are protected and upheld; however, retention by the GNWT of all other public lands does not enable coherent planning and community development, and in fact, will adversely impact this from occurring."

Committee acknowledges the negative impact that the GNWT's land administration policies have on orderly municipal growth and development. It is unacceptably paternalistic that the territorial government doles out parcels of lands to municipalities on an ad hoc basis, and agreements on land transfers to municipalities take more than a decade to implement. Committee also acknowledges that Indigenous governments and organizations may have concerns about the use of public land by municipalities in areas where rights have not been negotiated and/or settled.

The GNWT must find a way to reconcile the need for municipal growth and the growing desire for municipal autonomy with the need to develop a public land administration system that appropriately respects Aboriginal and treaty rights.

In explaining the devolution process to the people of the Northwest Territories, Premier Bob McLeod frequently spoke of the need to "devolve then evolve." Committee is disappointed by how little evolution is evidenced by Bill 46. Committee believes the input received on this bill clearly demonstrates where evolution is most needed, which is in the meaningful involvement of Indigenous governments and organizations in land administration decision-making, and in the transfer of municipal lands to community governments. Committee believes that these concerns are only going to grow with time and that resolving these

concerns will take land administration legislation and practices in the direction they need to evolve in future.

Committee believes that it has limited ability to amend Bill 46 to adequately address the concerns it has heard, given the need for more extensive consultation. Therefore, it makes the following recommendation:

Recommendation 3

The Standing Committee on Economic Development and Environment recommends that the GNWT begin a phase 2 process of consultation on further amendments to the Public Land Act, to be completed during the 19th Legislative Assembly, that adequately address the concerns raised by municipalities and Indigenous governments and organizations (IGOs) in the review of Bill 46, and which find practical and meaningful ways, including co-management arrangements with IGOs, to integrate these key stakeholders into the public land administration decision-making process.

Committee developed and moved motions 14 and 6 in an effort to address some of the concerns raised by municipalities. Motion 14 adds a new subsection 12.1 to the act, which requires the Minister to give notice to a municipal corporation of any of the following activities occurring within or adjacent to municipal boundaries: a grant or disposition under section 5; a disposition by way of lease or quarry permit under section 5 or 6; any withdrawal of public land under section 10, after the registration of the withdrawal; and any reservation of public land user section 11 or 12.

Committee encouraged the Minister to consider providing advance notice to municipalities regarding public land withdrawals that might have an impact on future community growth but, citing concerns about the confidentiality of land withdrawals, the Minister did not concur. For this reason, the motion was drafted to only require notice of withdrawals after the registration of the withdrawal.

Motion 6 provides the Minister with regulation-making authority respecting how notice will be provided to municipalities in accordance with the act.

Minister Sebert concurred with both motions.

Public Notice and Public Reporting

In the name of transparency and public accountability, committee also wanted to ensure that the public is kept adequately apprised of decisions made under the authority of the Public Land Act. Committee considered the development of a public registry under the act, but did not have the time to conceptualize how this system would

work in the context of the Land Titles Office, and the GNWT's Atlas computer system, both of which make public lands information available to the public. To address this, committee moved Motion 13, 7 and 15, which implement a dual approach respect to public notice and public reporting.

Motion 13 requires the Minister to make information available on a publicly accessible website, related to dispositions of public land under section 5; dispositions of mining rights under section 6; information in respect of the requirement to provide security, any reassessment of security, or any application of security under section 8; land withdrawals under section 10; and reservations of land under sections 11 or 12. This motion creates an exception for information relating to a grant or disposition that has been registered in accordance with the requirements of the Land Titles Act, since that information is already made public, and motion 7 creates a similar exception that does not require the reporting of non-exclusive, temporary dispositions.

Motion 15 requires the Minister to table an annual report in the Legislative Assembly which provides public information related to key authorities under the act, which are specified in detail in the motion (see appendix).

Security

Clause 8(1) of Bill 46 provides that the Minister may require security from an applicant for or holder of a disposition, or from a prospective assignee or transferee of a disposition, "in a form and amount determined in accordance with the regulations." In light of the legacy of Giant Mine and the costs incurred by the GNWT for its reclamation (\$23 million pursuant to the 2005 Cooperation Agreement), committee had concerns about the discretionary nature of the Minister's authority to require security, and to determine the form and amount in accordance with the regulations. This concern was echoed by the joint NGOs who also called for mandatory security and who noted that "[t]he posting of security can reduce the government's and taxpayers' liability for restoration of the land, since the holder of a disposition is responsible for the full cost of restoration." Both committee and the joint NGOs noted that for proposed commercial or industrial uses, security is mandatory under the Commissioner's Land Act, except in instances where the assessed value of the security is below \$1,000.

Committee moved three motions with respect to this section of the bill. Motion 1, to which the Minister concurred, inserted wording in subclause 8(1) requiring the Minister to ensure that any required security is "sufficient to protect the public interest," thereby establishing a test in the

legislation that the Minister must meet when determining security.

Motion 2 proposed to add a new subsection 8(1.1) to make security mandatory for commercial or industrial purposes, as it currently is under the Commissioner's Land Act. The Minister declined to concur with this motion noting that, unlike mining legislation, the majority of dispositions provided for under the Public Land Act are small scale dispositions, such as leases for cabins or recreational uses, for which security is not usually necessary. The Minister expressed concern that mandatory security could have the impact of inhibiting economic development by dissuading potential applicants for dispositions. He indicated that the department takes a risk-based approach for determining security which is assessed on a case-by-case basis, making discretionary security more appropriate under this Act. Committee notes that the Minister still retains discretion to set appropriate thresholds for land use activities that may require financial security. Given the Minister's decision not to accept committee's motion, it is unclear how GNWT can meet its stated commitment to the polluter pays principle.

Subsection 8(5) of Bill 46 requires the holder of a disposition to restore the land "to the satisfaction of the Minister" upon termination of a disposition. The joint NGOs argued that this subsection needs more explicit language and that standards for the restoration, reclamation and remediation of public lands should at least be broadly stated in the legislation. "We recommend that the bill specify that the regulations include: that lands are to be restored to the equivalent ecological form and function the lands had prior to the disposition and the measurability of the sufficiency of reclamation, the application of scientific environmental standards, public notice regarding restoration requirements, and other such requirements for ecological and cultural restoration of the land."

Committee discussed this proposal with the department, and learned that the decision to exclude language from the act specifying the standards for restoration was intentional. The department noted that it may not be possible to restore public land to its original "equivalent ecological form and function" which requires the sufficiency of restoration to be determined on a case-by-case basis. Lands also noted that it does not employ scientists to determine scientific standards and that it frequently applies standards as determined by land and water boards. The department did agree that some of these requirements could be addressed in the regulations. Hence, committee moved motion 3, which proposed to amend subclause 8(5) to require that restoration occur "in accordance with the

regulations" rather than "to the satisfaction of the Minister." The Minister concurred with this motion.

Finally, the Independent Environmental Monitoring Agency (IEMA) made a technically complex submission to the committee on the subject of security which recommended:

IEMA – "The addition of a new clause to section 8 that would include authority enabling land-related securities to be held together with water-related securities by the Minister responsible for water in the same account. This addition would not alter the obligations or authorities of the Minister responsible for Lands and they currently relate to administering land-related security, but would increase the consistency, predictability and efficiency of how security is established, provided, held and utilized."

Committee was not at liberty to act on the IEMA recommendation, because it does not have the ability to make changes to the Public Land Act, administered by the Minister of Lands, in a manner that would impact the authority of the Minister responsible for the Waters Act [i.e. Minister of ENR (Environment and Natural Resources)]. Committee was prepared, however, to consider an amendment to the Public Land Act to allow the Minister of Lands to enter into an agreement with the Minister of ENR with respect to the shared management of land and water securities. Committee was advised, however, that this would not have the intended effect, because the authority of the Minister to manage securities has been delegated from the federal government, by way of a federal delegation instrument, in accordance with the Mackenzie Valley Resource Management Act. It would appear that federal intervention will be required to resolve the issue raised by the IEMA.

Investigations

Committee received a submission from the Information and Privacy Commissioner (IPC) of the Northwest Territories noting that the only clause in the bill with the potential to impact directly on the privacy of individuals is subclause 23(5) which provides that "[f]or the purposes of this section, an inspector shall not enter any place designed to be used and being used as a dwelling place except with the consent of the occupant or under the authority of a warrant..." The IPC noted that:

IPC – "[T]his does not protect an individual whose "dwelling place" was not designed as a dwelling place. It is very conceivable that an individual working on a remote work site on public lands might be both working and living in a space designed not as a dwelling, but for work purposes. Similarly, it is conceivable that the individual in such a case might be using a single computer for both personal and work purposes. In these cases, the individual's

personal belongings and files would be subject to all of the investigative processes described in 23(2) and expose personal information to the inspector that is completely unrelated to the purposes of the act."

The IPC recommended that the words "designed to be used and" be removed from subclause 23(5) to prevent an inspector from conducting an inspection of a place being used as a dwelling place, even if it was not designed for that purpose. Committee agreed with this recommendation and moved motion 5 to amend the bill accordingly. The Minister concurred with this amendment.

Wetlands

Committee received input from Ducks Unlimited Canada (DUC), the joint NGOs and the Dehcho First Nations pointing out that wetlands are a critical component of the NWT ecosystem that does not appear to have been addressed in Bill 46. Submissions suggested that clauses 14 and 15 be amended to include references to wetlands and that Bill 46 include the definition of "wetlands" developed by the National Wetland Working Group in 1998.

Clauses 14 and 15 are both contained in the section of the act that deals with reservations from grants. The fact that water is not an object with fixed boundary, creates challenges in law with respect to defining its borders. Clause 14, which provides that the bed below the ordinary high water mark of a body of water is reserved to the Commissioner and not available for disposition, is not intended to protect the water, but rather to define the boundaries of the adjacent land. Clause 15 provides that a grant or disposition does not convey an exclusive right or privilege with respect to water crossing public land. This ensures that no disposition holder is authorized to damn, divert or monopolize water within, bordering or passing through the land. While these provisions reference water, they are not intended to protect water, but rather to assist in delineating parcels of public land.

In consultation with committee's law clerk, committee determined that the Public Land Act is not the appropriate legislation under which to attempt to include protection of wetlands. Committee recognizes the importance of wetlands to the NWT ecosystem, and encourages those who are interested their protection to work with the department of ENR to determine the appropriate legislation under which such protections could be put into effect.

Regulations

Committee strongly believes that municipalities and Indigenous governments and organizations and the

general public must be engaged by Lands in a meaningful way in the drafting of future legislative amendments and in the development of the regulations flowing from the Public Land Act.

Committee also moved motion 16, which would have required the GNWT to publicize proposed regulations in the Northwest Territories Gazette. Committee realizes that this approach to consultation on proposed regulations is not ideal, but it would at least afford an opportunity for those who are interested to provide comment to the Minister before draft regulations are finalized.

Motion 16 was carried, but the Minister did not concur. Therefore, Bill 46 was not amended to include this requirement.

Consistent with recommendation 1, committee, therefore, makes the following recommendation:

Recommendation 4

The Standing Committee on Economic Development and Environment recommends that the department of Lands make a commitment to amend the regulations flowing from the Public Land Act in meaningful consultation with interested Indigenous governments and organizations and the general public, in accordance with a timeline set out in a Land Use Sustainability Framework Implementation Plan.

Clause-by-Clause Review of the Bill

The clause-by-clause review of Bill 46 was held on August 14, 2019. During the clause-by-clause review of Bill 46, committee moved sixteen amending motions, of which the Minister concurred with 14. Four of these motions corrected drafting errors or improved the readability of the bill. Appendix 1 sets out the motions that Committee moved with respect to Bill 46.

Conclusion

Committee thanks Minister Sebert for his concurrence with the majority of committee's amending motions and thanks the Minister and his officials for their appearance before the committee. Committee again thanks everyone involved in the review of Bill 46.

In closing, committee wishes to reiterate its disappointment that the GNWT decided to move forward with Bill 46 against committee's wishes. Committee believes that Bill 46: Public Land Act is fundamentally flawed, and while the amendments made by committee have served to improve the bill, they do not address the bill's fundamental failings. Committee will leave the last word on Bill 46 to the Dehcho First Nations,

Dehcho First Nations – "Bill 46 seeks to combine the Northwest Territories Lands Act and the Commissioner's Land Act under one territorial land management regime. Unfortunately the bill was not co-drafted with Indigenous governments, and fails to bring forward provisions that support shared decision-making, joint management, or integrate negotiated land-use planning regimes. In short, the bill fails to protect Aboriginal and treaty rights and does not respect the role of Indigenous governments or land-use planning boards. It fails to reflect the collaborative approach to land and resource management that the GNWT promised to deliver."

This concludes committee's review.

MR. SPEAKER: Reports of standing and special committees. Member for Yellowknife North.

MOTION THAT COMMITTEE REPORT 31-18(3) BE RECEIVED AND MOVED TO COMMITTEE OF THE WHOLE, CARRIED

MR. VANTHUYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Sahtu, that Committee Report 31-18(3): Standing Committee on Economic Development and Environment Report on the Review of Bill 46: Public Land Act be received by the Assembly and moved into Committee of the Whole for further consideration. 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

Committee Report 31-18(3): Standing Committee on Economic Development and Environment Report on the Review of Bill 46: Public Land Act is now moved into Committee of the Whole for further consideration. Masi.

Reports of standing and special committees. Member for Yellowknife North.

MOTION TO RECEIVE COMMITTEE REPORT 31-18(3) AND MOVE INTO COMMITTEE OF THE WHOLE, CARRIED

MR. VANTHUYNE: Thank you, Mr. Speaker. I seek unanimous consent to waive rule 100(4) and to have Committee Report 31-18(3) moved into Committee of the Whole for consideration later today. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The Member is seeking unanimous consent to waive rule 100(4) to have Committee Report 31-18(3) moved into Committee of the Whole for consideration later today.

---Unanimous consent granted

Committee Report 31-18(3) is now moved into Committee of the Whole for consideration later today. Reports of standing and special committees. Member for Yellowknife North.

MOTION THAT COMMITTEE REPORT 32-18(3) BE DEEMED READ AND PRINTED IN HANSARD IN ITS ENTIRETY, CARRIED

MR. VANTHUYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Sahtu, that Committee Report 32-18(3) be deemed read and printed in Hansard in its entirety. Thank you, Mr. Speaker.

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

---Carried

Committee Report 32-18(3) is now deemed read and printed in Hansard in its entirety.

COMMITTEE REPORT 32-18(3):
REPORT ON THE REVIEW OF THE PROCESS
USED FOR DEVOLUTION LEGISLATIVE
INITIATIVES

Introduction

The Government of the Northwest Territories introduced seven bills in the winter sitting of 2019 pertaining to land and resource management. Some of the bills updated federal legislation that was inherited by the GNWT, and passed with virtually no changes (i.e. "mirrored") during the implementation of the 2014 Devolution Agreement, while others updated older statutes that had not been examined in many years. Bill 34: Mineral Rights Act, Bill 36: Petroleum Resources Act, Bill 37: Oil and Gas Operations Act, Bill 38: Protected Areas Act, Bill 39: Environmental Rights Act, Bill 44: Forest Act, and Bill 46: Public Land Act were all referred to the Standing Committee on Economic Development and Environment for review.

The committee held public meetings on the devolution-related legislation in Fort Smith, Hay River, K'atlodeeche First Nation, Fort Simpson, Fort Providence, Behchoko, Inuvik, Norman Wells, and Yellowknife over April, May, and June of 2019. Numerous submissions were made on each bill, and vocal public interest was heard in most communities. For each bill, committee considered the input received and assessed, with input from the committee's law clerk, ways that each bill could be amended to make improvements. The public submissions received with respect to each bill form part of the public record and are attached to the

individual reports produced by the committee for each bill reviewed.

The committee appreciates the plain-language materials supplied by the Ministers' offices for the public hearings.

During its review of the devolution-related bills, committee observed key themes or subject areas, specific to more than one bill. This report focuses on those themes and makes recommendations based on committee's observations, for the development and consideration of future devolution-related legislation. It is the committee's hope that these recommendations and observations will be of use to the 19th Assembly, to improve the process used by the incoming 19th Legislative Assembly for the development and consideration of devolution-related bills.

Background

As part of the Devolution Agreement of 2014, multiple pieces of federal legislation were mirrored by the Government of the Northwest Territories (GNWT), to ensure consistency between regimes. This was done with the understanding that the GNWT would introduce made-in-the-North legislation over the course of the next few years.

In developing the new legislation, the GNWT created various forms of Technical Working Groups (the Department of Industry, Tourism and Investment called them "technical panels" while the Department of Lands did not use a co-development approach), which for the purposes of this report will be collectively referred to as TWGs, composed of staff from the sponsoring department, representatives of Indigenous governments, and staff from regulatory boards and agencies that would be impacted by that legislation. While the committee heard general satisfaction from these governments and organizations about their involvement in TWGs, there were concerns expressed over when they were invited to participate in the TWGs; which bills required a TWG; the time allocated to do their work; involvement in the drafting of regulations; and confusion over the legislative process and the role of standing committees in reviewing legislation. This report will be looking at each issue, and providing recommendations on how to address these concerns.

When a Technical Working Group Should Be Used

The committee is very supportive of the co-development process that is being created post-devolution. While there are challenges, these are surmountable. Indigenous governments and relevant co-management authorities should and

must be involved in the development of legislation that impacts their areas of authority.

The committee understands that this process can be time-consuming, resource intensive, and potentially frustrating for all parties involved. Patience and negotiation skills are required from all participants. Paramountcy of lands rights agreements is a given. The trick is to find ways to recognize and incorporate the authority and jurisdiction of co-management authorities into bills governing such diverse and cross-cutting subjects as environmental rights, protected areas, and non-renewable resources.

The committee heard from some participants in the TWGs that they hadn't been invited to participate from the start, which negatively impacted their ability to contribute meaningfully. Others expressed frustration that bills were presented as fully drafted, leading to some participants feeling that they were being asked to sign off on legislation they hadn't had a part in developing. There was dissatisfaction expressed that some legislation, such as Bill 46: Public Land Act, hadn't been submitted to a TWG at all.

The committee was not in a position to meaningfully address these concerns. At each public meeting, the committee was compelled to explain its role in the legislative process, and that the committee was not responsible for sponsoring the bill, nor was it involved in the development of the legislation, and could not answer questions as to why a TWG was not given a more substantive role in developing any one of the bills before committee. Similarly, the committee was unable to provide an answer to how TWGs would be involved in the development of the regulations for each bill.

To address these concerns, the committee makes the following recommendation:

Recommendation 1

The Standing Committee on Economic Development and Environment recommends that the Executive Council develop a protocol or protocols for engaging Indigenous governments, co-management organizations and the Intergovernmental Council in the development of legislation governing land and resources and any related regulations.

It is the committee's understanding that there are TWGs currently working on legislation that is to be introduced in the next Assembly. This gives committee the impression that the use of TWGs is becoming a standard approach in the development of legislation. If this is to be the case, Indigenous governments and co-management organizations should have greater certainty on when they will be

called to provide input, so they can manage their internal resources accordingly. To that end, the committee makes the following recommendation:

Recommendation 2

The Standing Committee on Economic Development and Environment recommends that the Government of the Northwest Territories develop a standard process and criteria for determining when a Technical Working Group is to be employed, and the membership thereof.

Adequate Time Allowed for Technical Working Group Work

A common criticism the committee heard regarding the TWG process was that participants were not given enough time to review the draft legislation before it was to be introduced in the Legislative Assembly. This led some to question whether their contributions would even be considered, and questioned whether the GNWT was acting in good faith. The committee had no answer to these comments.

It is the committee's view that once a TWG has been created, it should be allowed to do the work asked of it in a reasonable timeframe. For example, providing draft legislation and asking for comments at the same meeting is not reasonable. Participants must be given enough time to fully consider the material, and some may require direction from their respective governments or organizations. The capacity and resources of these partners should also be taken into consideration when setting a timeframe for response. These factors should be respected in order to insure that input received from TWG members is meaningful.

To address this concern, the committee makes the following recommendation:

Recommendation 3

The Standing Committee on Economic Development and Environment recommends that, when employing a Technical Working Group, adequate time and resources are allocated for the Technical Working Group to provide recommendations prior to the introduction of the legislation in the Legislative Assembly.

Concerns were also raised with the committee about the number of bills that the TWGs were being asked to review. While legislation can come from different departments, and therefore the GNWT staff participating in TWGs will change depending on the department sponsoring the legislation, the Indigenous governments or co-management bodies have fewer staff, and may rely on the same staff to represent their interests on all the TWGs. This can create a workload issue, both at the TWG level and,

as was seen in the spring of 2019, at the standing committee stage.

Rushed legislation is not in the public interest. Community members who spoke at the committee's public hearings raised concerns with the number of bills being reviewed at each hearing. There was a general feeling that the committee should have brought each bill individually for public consultation. While that would have been the committee's preference, time and resource constraints meant that the committee was compelled to group bills according to their sponsoring Minister for public review.

The plain language materials provided by departments to assist committee with the review of bills were helpful. However, some of this material was not truly plain language, arrived very late and there was little to no promotion by the departments of their bills.

The committee heard in almost every community it visited that there were substantial concerns with some of the legislation that the government had brought forward. Most notably, Bill 44: Forest Act, was widely viewed as unacceptable and that it should not have been rushed through a TWG for introduction in the winter 2019 session. The committee commends the Minister of Environment and Natural Resources for acknowledging that Bill 44 wasn't ready, and for withdrawing the Bill in the spring 2019 session.

However, the 19th Assembly will likely have multiple devolution-related bills, which could face the same issues. To address the concerns noted above, the committee makes the following recommendations:

Recommendation 4

The Standing Committee on Economic Development and Environment recommends that, when the Government of the Northwest Territories is preparing complex bills of significant public interest, the Government should coordinate with the appropriate standing committee on the introduction of such bills to allow the public and standing committees to adequately consider the implications of each bill.

Recommendation 5

The Standing Committee on Economic Development and Environment recommends that standards should be developed for the production of plain language materials to assist committees and the public in the review of bills, including appropriate reading levels, timelines for distribution and what role the sponsoring department has in promoting proposed legislation.

When Is a Technical Working Group's Work Complete?

The committee appreciates that the TWGs are relatively new, and that their role and use in the legislative process is still evolving. The committee heard a prevailing consensus that it was a useful and productive exercise, one that should continue in the future. However, the committee also heard that many Indigenous governments do not see the work as complete once a bill has been introduced in the Legislative Assembly. This was apparent to the committee in the number of submissions made by Indigenous governments and co-management bodies on the various pieces of legislation.

Some of these submissions indicated full support for legislation, and encouraged the standing committee to expedite its work to get the legislation passed. Others expressed concern about various provisions and wanted the committee to take the time to amend the legislation. Still others suggested that they should be called as witnesses during the legislative process, to further advance their position. Some felt the committee was the last opportunity to address the outstanding concerns from the TWG stage that had not been addressed due to time constraints.

Finally, committee heard confusion as to why committee was undertaking a review process when certain members of the public and groups had already been asked for input. It is important for all those who engage with government on the development of a bill to understand that that bill may be amended by standing committee at the appropriate stage in the legislative process. Having a clear understanding of the process will help to manage expectations and assist participants to better understand how their input may be used.

Therefore, the committee makes the following recommendation:

Recommendation 6

The Standing Committee on Economic Development and Environment recommends that each Technical Working Group receive a comprehensive briefing on the legislative process and where the Technical Working Group fits within that process. This briefing should make it clear to participants that each bill undergoes a two-stage process, involving public consultation and development at the bill-development stage, led by the sponsoring Minister, and a second in-depth review, led by standing committees, once a bill is introduced in the Legislative Assembly, which can include public hearings, research and independent analysis.

The committee heard from numerous Indigenous governments and co-management organizations that they appreciated the co-operative drafting process that was used by the GNWT in drafting the bills administered by the Departments of Environment and Natural Resources and Industry, Tourism and Investment, and that they want to see a similar process used for the development of regulations. The committee has been left with the impression from Ministers that it is their intention to have Indigenous government involvement in at least some aspects of the regulation-making process, however the committee has not received any formal indication of this.

Accordingly, the committee makes the following recommendation:

Recommendation 7

Pursuant to Recommendation 1, the Standing Committee on Economic Development and Environment recommends that the Government of the Northwest Territories develop a standard process for how regulations will be developed for legislation that was developed under a Technical Working Group.

As an evolving practice, and one that appears likely to continue in the future, the committee is of the opinion that there is merit in learning from participants in recent TWGs regarding what worked well what needs to be improved, what changes should be incorporated and what, if anything, should be left out. If any mistakes have been made, the GNWT should be seeking information about how to avoid repeating them. Accordingly, the committee makes the following recommendation:

Recommendation 8

The Standing Committee on Economic Development and Environment recommends that when a Technical Working Group is used in the drafting process, the Government of the Northwest Territories conduct a collaborative lessons learned exercise with Technical Working Group members, at the conclusion of the process, to provide recommendations on how it could be improved for future legislation.

Role of the Public in Post-Devolution Legislative Initiatives

The committee notes the contribution of the public in improving the bills, both at the committee review stage and earlier during stakeholder engagement conducted by the departments. The committee also notes the expressed interest in the public continuing to be involved through the review of draft regulations.

There is no clear public process for regulation-making by the GNWT, which in the committee's opinion is inconsistent with the commitment to Open Government. Both the Petroleum Resources Act and the Oil and Gas Operations Act contain provisions that require the publication of regulations in the NWT Gazette with a period for public comment. The committee feels this approach should be adopted for all legislation dealing with land and resources.

Recommendation 9

The Standing Committee on Economic Development and Environment recommends that the Government of the Northwest Territories engage the public and interested stakeholders during the development of post-devolution legislation and regulations, and that a public process is needed for the notification and public comment on regulations.

The Role of Standing Committee

The committee faced numerous questions on why there were public consultations being conducted when Indigenous governments had already been involved in the development of the legislation, and, for most of the bills, had already indicated their support of the final bill. Concerns were also raised with Committee regarding amendments altering what had been agreed to at the TWG stage.

It is the committee's role to review proposed legislation, conduct public consultation where the committee feels it is warranted, and to propose amendments that in the committee's view improve the bill. The committee is not bound by any agreements privately made between the GNWT and others when proposing amendments. The sponsoring Minister can choose to not concur with committee amendments, and a public debate can then follow in the Legislative Assembly.

Committee does not mean to imply that it is insensitive to the wishes of Indigenous governments and other participants of TWGs. However, consistent with parliamentary procedure the committee is also responsible for gathering feedback from members of the public, many of whom may not have been actively represented at the TWG stage. The committee must also take their views into consideration when developing amendments. It is committee's opinion that, should the GNWT adopt committee's Recommendation 6 of this report, this may alleviate some of the concerns the committee heard from TWG participants.

The committee also wishes to note that it learned more of the TWG process during its public consultations from the participants than it had from

the GNWT. The committee found comments from TWG participants to be very helpful in framing how some of the bills were drafted, and why specific provisions were worded the way they were. The committee thanks all those who took the time to appear at the committee's public hearings for answering committee's questions.

However, the committee was unable to answer questions regarding why some bills did not have a TWG established, and were drafted solely by the GNWT. It is unclear to the committee what rationale was used to determine when a TWG would be employed, and when it was not needed. To address this, the committee makes the following recommendation:

Recommendation 10

The Standing Committee on Economic Development and Environment recommends that, should a bill be excluded from a Technical Working Group process, the Minister responsible for the bill advise the appropriate standing committee at the earliest possible opportunity, along with the rationale for the exclusion.

During the course of its legislative reviews, it became clear that the public, IGOs and departmental staff have various levels of understanding as to the legislative process and standing committees' role within that process. Committees can and should play a significant role in ensuring that legislation is developed in accordance with the principles of good governance including the Northwest Territories Intergovernmental Agreement on Lands and Resources Management.

Each of the three departments sponsoring post-devolution bills had different approaches to working with committee. Promised updates were not delivered, bills were substantially different than what was presented in legislative proposals, and when briefings were provided, they were often just before a bill's introduction.

A committee's role in co-development will largely depend on the complexity of the legislation at hand, but Ministers need to find ways to better involve committee. There should be no impediments to committee getting briefed as the legislative initiatives develop and important policy matters emerge. Committee should have a role in defining GNWT's positions during the co-development process. If committee is kept informed, the public review of such Bills will be made more efficient and effective. Therefore, the committee makes the following recommendation:

Recommendation 11

The Standing Committee on Economic Development and Environment recommends that when legislation is being developed using a Technical Working Group, that the appropriate standing committee work with appropriate Minister to establish an agreed upon way of keeping the committee informed of progress, key issues and a way to have input into significant policy discussions.

During the course of the committee's review of oil and gas legislation, it was identified after the committee had proposed amendments that federal consent was required, and in fact had already been received, for the bill as drafted. This does not constrain the committee from seeking amendments to the affected clauses, but will require the GNWT to seek concurrence from the federal government again. To prevent such confusion from occurring in the future, the committee makes the following recommendation:

Recommendation 12

The Standing Committee on Economic Development and Environment recommends that should any portion of a bill require federal concurrence, a statement to this effect be included in the legislative proposal, and further, that the relevant clauses be identified at the time of introduction to the appropriate standing committee.

In the future, a bill should not be submitted to the federal government for their concurrence until after it has been reported back to the House following committee's review.

Legislative Issues

While the committee does not recommend the GNWT introduce this number of bills in a short time frame again, the concurrent review of so many bills at one time has allowed the committee to catch several inconsistencies between the various bills that may have otherwise been less obvious.

As an example, definitions for "land, resources and self-government agreements" varied between bills, even those sponsored by the same department. This often led to presentations or submissions to committee flagging that the bill is inconsistent with existing legislation, such as the Wildlife Act, and motions to amend had to be drafted to ensure consistency. To address this matter going forward, the committee makes the following recommendation:

Recommendation 13

The Standing Committee on Economic Development and Environment recommends that devolution-related legislation and regulations use consistent terms and definitions.

Another issue that the committee grappled with on multiple bills was transparency and the right of the public to access information. Some bills included public registries, but limited the information contained therein. Others omitted them entirely, arguing that similar information should be available elsewhere. This is of grave concern to the committee, especially given the Open Government Policy that was enacted by this government. Specifically, the committee considered principles 2 and 6, as set out in the policy, in its deliberations:

(2) Government data, information, and decision-making should be accessible in a way that is responsive to the needs and expectations of NWT residents.

(6) Access to government data, information and dialogue should be timely, simple, and available across multiple platforms.

Robust, easily accessible public registries were felt to be the best and simplest way to ensure information is accessible, available, and can be made public without undue cost or workload. The committee heard numerous concerns from the public, especially on bills that during the public consultation conducted by the department had included a public registry, but the final bill did not. The committee's attention was directed to the Ontario Environmental Bill of Rights registry as an example that provides a single-window approach that could be followed in the NWT.

The committee spent time on each bill before it, pulling out where decision points were made, to ensure that these could be captured in a public registry. To ensure that open government is enshrined in legislation, as well as in policy, the committee makes the following recommendation:

Recommendation 14

The Standing Committee on Economic Development and Environment recommends that the Government of the Northwest Territories develop greater consistency in making information public, including looking at how to make the various public registries enacted by law consistent, coherent and comprehensive.

During the review of the devolution-related bills, committee heard complaints that the bills lacked preambles or purpose statements. Both of these tools can add value to legislation by helping to describe the intent of the legislation and helping with judicial interpretation. Preambles and purpose statements differ, in that a preamble to bill does not form part of the bill, and therefore is not a legislative requirement once a bill is passed. A purpose statement, on the other hand, forms part of the bill and is likely to be more practical in its application,

than a preamble, which tends to be aspirational in nature.

Once a bill has had second reading and been referred to committee for review, committee may not add a preamble where one is not already present in the bill. The only option left to committee, in an attempt to be responsive to the public's concerns, is to propose the inclusion of a purpose statement in a bill, even where a preamble may have been more appropriate.

Accordingly, committee makes the following recommendation:

Recommendation 15

The Standing Committee on Economic Development and Environment recommends that, for each legislative initiative, the GNWT consider the need for the inclusion of preamble or purpose statement in the proposed bill and determine whether or not either is warranted, advising the standing committee of its decision and rationale at the legislative proposal stage.

This will enable the committee to give consideration to this aspect of the proposed legislation and will alert committee, in advance of the first reading of the bill, to prepare for the inclusion of a preamble in a bill where committee feels strongly that the proposed legislation would benefit from one.

Finally, Rule 100(5) of the Rules of the Legislative Assembly of the Northwest Territories requires Cabinet, in response to a motion by the committee, to table a comprehensive response that addresses the committee report and any related motions adopted by the House.

As required by this rule, the committee usually includes a recommendation in each report, which is moved as a motion in the House, requesting a response from government within 120 days. Given that the 18th Legislative Assembly will dissolve prior to the conclusion of the 120-day time period allowed by the rules, the committee has opted to forego this recommendation.

Given the extent of public interest in this bill, the committee nonetheless requests, to the extent it is possible before the dissolution of the 18th Assembly and for the public record, that government provide a response to this recommendation, even of a preliminary nature, that the committee may publicly disclose.

Conclusion

The committee thanks all those who took the time to appear before committee to share their thoughts on the various pieces of legislation. The committee hopes that the recommendations made in this

report will improve the co-development process and lead to greater cooperation, understanding and ultimately, better legislation for the people of the Northwest Territories.

This concludes the standing committee's report.

MR. SPEAKER: Reports of standing and special committees. Member for Yellowknife North.

MOTION THAT COMMITTEE REPORT 32-18(3) BE RECEIVED AND MOVED TO COMMITTEE OF THE WHOLE, CARRIED

MR. VANTHUYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Sahtu, that Committee Report 32-18(3): Standing Committee on Economic Development and Environment Report on the Process Used for Devolution Legislative Initiatives be received by the Assembly and moved into Committee of the Whole for further consideration. Thank you, Mr. Speaker.

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

---Carried

Committee Report 32-18(3): Standing Committee on Economic Development and Environment Report on the Process Used for Devolution Legislative Initiatives is received by Assembly and moved to Committee of the Whole for further consideration.

Reports of standing and special committees. Member for Yellowknife North.

MOTION TO RECEIVE COMMITTEE REPORT 32-18(3) AND MOVE INTO COMMITTEE OF THE WHOLE, CARRIED

MR. VANTHUYNE: Thank you, Mr. Speaker. I seek unanimous consent to waive rule 100(4) and to have committee report 32-18(3) moved into Committee of the Whole for consideration later today. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The Member is seeking unanimous consent to waive rule 100(4) to have Committee Report 32-18(3) moved into Committee of the Whole for consideration later on today.

---Unanimous consent granted

Committee Report 32-18(3) is now moved into Committee of the Whole for consideration later today.

Reports of standing and special committees. Item 13, reports of committees on the review of bills.

Item 14, tabling of documents. Minister of Environment and Natural Resources.

Tabling of Documents

TABLED DOCUMENT 498-18(3):
SUSTAINABLE LIVELIHOODS ACTION PLAN
2019-2023

TABLED DOCUMENT 499-18(3):
EMAIL DATED AUGUST 19, 2019 FROM MARLO
RAYNOLDS REGARDING CARBON PRICING IN
THE NORTHWEST TERRITORIES

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I wish to table the following two documents. The first one is entitled "Stable Livelihood Action Plan 2019-2023." I would also like to table the following document entitled "An E-mail from Marlo Raynolds, Chief of Staff to the Minister of Environment and Climate Change Canada, Regarding Carbon Pricing in the NWT." Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Tabling of documents. Minister of Infrastructure.

TABLED DOCUMENT 500-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
751-18(3): FORMER NORTHERN FRONTIER
VISITORS CENTRE

HON. WALLY SCHUMANN: Mr. Speaker, I wish to table the following document entitled "Follow-up Letter to Oral Question 751-18(3): Former Northern Frontier Visitors' Centre." Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Tabling of documents. Minister of Health and Social Services.

TABLED DOCUMENT 501-18(3):
NORTHWEST TERRITORIES CHILD AND
FAMILY SERVICES QUALITY IMPROVEMENT
PLAN 2019-2021

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. I wish to table the following document entitled "The Northwest Territories Child and Family Services Quality Improvement Plan, 2019-2021." Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Tabling of documents. Member for Frame Lake.

TABLED DOCUMENT 502-18(3):
HEALTH AND SOCIAL SERVICES WEBPAGE –
APPLYING FOR THE EXTENDED HEALTH
BENEFITS FOR SPECIFIED DISEASE
CONDITIONS PROGRAM

MR. O'REILLY: Merci, Monsieur le President. I wish to table the following document. It is the webpage from the Department of Health and Social Services, "Applying for the Extended Health Benefits for Specified Disease Conditions Program." Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Tabling of documents.

TABLED DOCUMENT 503-18(3):
NORTHWEST TERRITORIES HUMAN RIGHTS
COMMISSION ANNUAL REPORT 2018-2019

MR. SPEAKER: Members, pursuant to section 21 of the Human Rights Act, I wish to table "The Northwest Territories Human Rights Commission Annual Report 2018-2019."

At this time, I would like to draw your attention to visitors in the gallery. We have the presence of Gerri Sharpe, who is here with us today as a Member of Northwest Territories Human Rights Commission. I would like to say masi for being here with us as part of our proceedings and being here to witness the tabling of the commission's report today. Masi. Item 15, notices of motion. Item 16, notices of motion for first reading of bills. Item 17, motions. Item 18, first reading of bills. Item 19, second reading of bills. Item 20, consideration in Committee of the Whole of bills and other matters: Bill 42, An Act to Amend the Petroleum Products Tax Act; Bill 43, An Act to Amend the Income Tax Act; Bill 46, Public Land Act; Committee Report 29-18(3), Standing Committee on Economic Development and Environment Report on the Perceptions Held by Northern Businesses toward the Government of the Northwest Territories' Procurement Processes; Committee Report 31-18(3), Standing Committee on Economic Development and Environment Report on the Review of Bill 46, Public Land Act; Committee Report 32-18(3), Standing Committee on Economic Development and Environment Report on the Process Used for Devolution Legislative Initiatives; Minister's Statement 151-18(3), New Federal Infrastructure Agreement; Minister's Statement 158-18(3), Developments in Early Childhood Programs and Services; Minister's Statement 211-18(3), Addressing the Caribou Crisis; Tabled Document 442-18(3), 2030 NWT Climate Change Strategic Framework 2019-2023 Action Plan. By the authority given to me as Speaker by Motion 7-18(3), I hereby authorize the House to sit beyond the daily hour of adjournment to consider the business before the House, 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 will now call Committee of the Whole to order. What is the wish of committee? Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chairman. Committee wishes to consider Bill 42, An Act to Amend the Petroleum Products Tax Act; Bill 43, An Act to Amend the Income Tax Act; Committee Report 31-18(3), Standing Committee on Economic Development and Environment Report on the Review of Bill 46, Public Land Act; and Bill 46, Public Land Act. Thank you, Mr. Chair.

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

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We will consider the documents, but first, a brief recess.

---SHORT RECESS

CHAIRPERSON (Mr. Simpson): I will call Committee of the Whole back to order. Committee, we have agreed to continue our consideration of Bill 42: An Act to Amend the Petroleum Products Tax Act. Last time committee considered the bill, we left off agreeing to clause 14. I will ask the Sergeant-at-Arms to escort the Minister of Finance's witnesses into the House; Minister, you may take a seat at the witness table. Minister, would you please introduce your witnesses for the record.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. To my right, I have Mr. David Stewart, who is the deputy minister of Finance. To my left, I have Cherie Jarock, who is our legislative counsel. Thank you, Mr. Speaker.

CHAIRPERSON (Mr. Simpson): Welcome to the witnesses. Committee, we left off on our clause-by-clause review of the bill. The last clause that was called was 14, so I will continue with calling the clauses individually. After I call a clause, please respond accordingly to indicate whether you agree or not with the clause. Clause 15.

--- Clauses 15 through 17 inclusive approved

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

COMMITTEE MOTION 193-18(3):
BILL 42: AN ACT TO AMEND THE PETROLEUM
PRODUCTS TAX ACT – ADDITION FOLLOWING
SUBCLAUSE 17(2), RULED OUT OF ORDER

MR. O'REILLY: Thanks, Mr. Chair. I move that Bill 42 be amended by adding the following after subclause 17(2):

(3) Section 23 is renumbered as subsection 23(1) and the following is added after that renumbered subsection:

(2) Subject to subsection (3), a copy of each regulation that the Minister proposes to make under paragraph (1)(d), (e), or (e.1) shall be published in the Northwest Territories Gazette, and a reasonable opportunity shall be afforded to interested persons to make representations to the Minister in respect of the proposed regulations.

(3) No proposed regulation need be published more than once under subsection (2), whether or not it is altered or amended after such publication as a result of representations made by interested persons as provided in that subsection.

Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. I have a copy of the motion in front of me. Just give me one moment to have a look at it. Thank you, Mr. O'Reilly.

Thank you, Mr. O'Reilly. I have to rule this motion out of order. This bill only narrowly, very narrowly, touches on regulations, whereas this motion is very wide-ranging and is beyond the scope of this bill. The motion is ruled out of order.

---Clauses 17 through 21 inclusive approved

CHAIRPERSON (Mr. Simpson): Clause 22. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. Earlier today the honourable Minister tabled a letter from Mario Renault's chief of staff to the honourable Minister of Environment and Climate Change Canada. This is Tabled Document, I believe, 497-18(3). This letter concerns the implementation date of this plan, and also a potential implementation date for the federal backstop. Could the Minister confirm whether or not a copy of Tabled Document 497-18(3) was provided to Members prior to its tabling in the House? Thank you, Mr. Chair.

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

HON. ROBERT MCLEOD: Thank you, Mr. Chair. We had provided that to the chair of the Standing Committee on Priorities and Planning.

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

MR. TESTART: Thank you. Can the Minister confirm that the time on Tabled Document 497-18(3) is 1:01 p.m.? Thank you, Mr. Chair.

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

HON. ROBERT MCLEOD: The Minister can confirm that the time on that was 1:01 p.m.

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

MR. TESTART: Thank you, Mr. Chair. A letter that was provided to Members is similar in nature to Tabled Document 497-18(3), but is timestamped 12:20 p.m., and there are some differences between this letter and Tabled Document 497-18(3). Can the Minister account for these differences? Thank you.

CHAIRPERSON (Mr. Simpson): Minister.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I think it was committee was asking for more clarification, so I believe we provided that.

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

MR. TESTART: Thank you, Mr. Chair. So the differences between the two seem to be that Tabled Document 497-18(3) indicates that the federal backstop will be in place on September 1st, whereas the letter from 12:20 p.m. does not include a firm date. The other substantive difference is that Tabled Document 497-18(3) includes a line, "our preference remains for NWT to put in place systems so it has full control over the revenue," and this does not appear in the original letter. Can the Minister confirm whether or not he directed his staff to amend the letter sent at 12:20 to include these additional pieces of information contained in Tabled Document 497-18(3)? Thank you.

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

HON. ROBERT MCLEOD: Thank you, Mr. Chair. We did get a letter from them, and we thought that could be sufficient information for committee. Apparently it wasn't, so I asked staff to talk to Canada and see if they could further clarify that with a firm date, and they came back and did it, because committee didn't think our first piece of correspondence was sufficient, nor did they believe it.

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

MR. TESTART: Thank you, Mr. Chair. I understand there was correspondence between the chair of the committee, but not the committee proper. So, to set

the record straight, the committee did not weigh in on this. That being said, we know that the Alberta backstop will come in place January 1, 2020. Did the Minister inquire as to whether the September 1st date was negotiable? Thank you.

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

HON. ROBERT MCLEOD: Thank you, Mr. Chair. We worked with Canada; we understood there are processes, and the process we had to go through, we had not been able to deal with this in June, and the July 1st implementation was the original date, so we worked with Canada and they understood that, after this particular session, we might have been in a position where the September 1st deadline would apply. I'm not too concerned about -- I'll stop there, Mr. Chair. Thank you.

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

MR. TESTART: Thank you, Mr. Chair. I think the implementation date is a crucial factor of this, which is why I'm raising these concerns. I also have concerns with the clarity provided in Tabled Document 497-18(3). It seems that the differences between these letters, Tabled Document 497-18(3) does more to support the government's position than the original piece of correspondence sent out, and the Minister did confirm that he directed his staff to bring forward amendments to that correspondence. I think it's highly leading that that exchange took place and that that is the letter that was, in fact, tabled before the House. It impedes our ability to properly debate the coming-into-force date. Northerners have not been consulted on this plan. Northerners have had no say in this plan, Regular Members have had no say in this plan, and that is why this is a crucial component of when this comes forward. I am not convinced by the arguments that have been put forward, and I think that we need to give our citizens more time to weigh in on this crucial decision for our economy and not leave it up to governments, both the federal government and the GNWT, to decide on the future of this plan. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Minister.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. Let's just be very clear on something. I did direct my staff to reach out to Canada and work with them on further clarification at the wish of committee. I have done that.

To the Member's comment about the people of the Northwest Territories not having an opportunity to comment on this, well, first of all, this piece of legislation was given second reading in March and given to committee. They have had six months.

They determined that they weren't going to take it on the road, and that would not allow the people of the Northwest Territories to comment on this critical piece of legislation. Through the process that we went through in our public engagement and doing a "what we heard" document, we heard from residents of the Northwest Territories, and I believe that one of the Members quoted from it the other day. Of course, they weren't happy with the proposed tax, but I think that, in most cases, they were more concerned with addressing the cost of living, and I think that we have done that.

It is unfair to blame the department for committee's failure to bring this out on the road. I think that there was a public news release that they had sent out a little while ago, and people have not had the opportunity to tell them exactly how they feel because they didn't give them that. We couldn't. We did our public engagement, but beyond that, it was in the hands of committee. Thank you, Mr. Chair.

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

MR. TESTART: Thank you, Mr. Chair. I want to clarify that I am in no way implicating the department in my criticism. I am criticizing this Minister for his approach to carbon tax and his willingness to engage or not engage. The cost of living issues are well-canvassed, but I did some number-crunching today and after the GNWT's plan is fully implemented, a family of four will receive \$1,120 versus the federal backstop rebate under climate change incentive payments of \$1,200. The federal plan is more generous in the form of personal rebates based on known information. I think that it is misleading to say that we did the best job that we possibly could do. Furthermore, committee tabled a lengthy report explaining our consultation process and how the information that Northerners most care about, namely how the plan would work, was not allowed to be shared with the public due to confidentiality concerns.

We can cherry-pick the facts as much as we want, but what we have before us today is a process that was pushed directly onto the Legislative Assembly without the same kind of cooperative, collaborative approach that other bills have had and that other committees and the working relationship between committees and the government that have been enjoyed in other major pieces of legislation. Those comments speak for themselves. Thank you, Mr. Chair. Nothing further.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. A wide-ranging conversation on this clause. With 38 seconds of the Member's time remaining, the Minister would like to respond. Minister.

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I appreciate the time. We started working with committee in June of 2017, and it is misleading to tell the public that the federal approach is superior to ours. The Member failed to mention that our point-of-sale rebate on heating fuel, the rebate at the point of purchase, is an additional \$400-something per household in the Northwest Territories. We give bits and pieces of information, but we need to give all of the information, the correct information, and committee has had a lot of that information.

CHAIRPERSON (Mr. Simpson): Thank you. Clause 22. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I do have some questions, if I can, and then I think I feel compelled to say some remarks in response to what I have heard from the Minister. If the bill is passed, what date does the Minister intend to bring this into force? Thanks, Mr. Chair.

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

HON. ROBERT MCLEOD: September 1st, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. Why wasn't that date actually put into the bill itself? Thank you, Mr. Chair.

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

HON. ROBERT MCLEOD: Thank you, Mr. Chair. The original date of implementation was July 1st, but because we needed to work on our legislation, we had approached Canada to see if we can delay the implementation. They understand our process, therefore we agreed to it. We had hoped to deal with this during our clause-by-clause so that we wouldn't have the debate on the floor of the House. I will be moving a motion later to change the implementation date from July 1st to September 1st. Thank you, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. That's interesting. I hadn't heard that before, so I appreciate the heads-up moments before it is going to come to the floor. As I understand it, Alberta had a carbon tax change in government there. They took away the carbon tax. Can someone explain to me what the implementation date is for the federal backstop in Alberta now that there is no carbon tax in Alberta? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. That is a little bit out of our jurisdiction, but I will allow the Minister to give a response if he would like. Minister.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I totally agree with you. Alberta is a different jurisdiction than ours. We have been doing the work on our particular one. To say that, giving the heads-up on the motion, I have been discussing it with committee, and I think that we did ask committee if they would be willing to move the motion to change the implementation date as we went through clause-by-clause. I take issue with the fact the Member keeps saying that these things are being sprung on us in surprise. Thank you, Mr. Speaker.

CHAIRPERSON (Mr. Simpson): Thank you. There is a rule against anticipation. For any future motions, I would ask all of the Members to refrain from discussing future motions until we reach that point. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I didn't get a response to my question, of course, but as I understand it, the federal government has indicated to the Alberta government that they intend to implement the federal backstop in that jurisdiction effective January 1, 2020.

I do feel compelled to make a few remarks in response to what I believe I heard the Minister say. The Minister talked about the failure of the committee to take the bill on the road. I think it is also fair for the public to know, and I would suggest anybody who is really keen to look at the committee report, the committee really didn't have any information to enable it to take the bill on the road. The Minister had changed the approach to large emitters and the implementation date and hadn't bothered to tell the public about that. Committee knew that information, but there was no way for the public to know. Taking a bill on the road on a faulty set of assumptions would not really be a great way to proceed with public consultation.

I guess, Mr. Chair, I would also point to my attempts, even in this review in Committee of the Whole, to make two small changes to the bill: one with regard to requiring some public reporting, and secondly, to require --

CHAIRPERSON (Mr. Simpson): Mr. O'Reilly, those are matters that have previously been dealt with by the House. Similar to the rule against anticipation, there is also a rule against discussing matters that have been dealt with. Mr. O'Reilly.

MR. O'REILLY: Thank you, Mr. Chair. I think it would be fair to say that the way that this bill has been crafted is that the committee, Regular MLAs, are not able to make any changes to it. The only

thing that this bill does, and I have said this before, is set out what the carbon tax rates will be. All of the decisions around what the rebates, the grants, how the money is going to get spent, are made at the total and utter discretion of a future Minister of Finance and by Cabinet. What's the point? The bill could not be changed anyways the way that this had been put together. Thanks, Mr. Chair.

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

MR. BEAULIEU: Thank you, Mr. Chair. Just so that we are clear, this is, for me, it's something that hasn't anything to do with an election. I take what the federal government has written to our Minister, and what the Minister tabled as something that is a route. I believe that the federal government was in a position to put the act in place on July 1st, and have now indicated to us that they will be putting it in place on September 1st. If we don't put our federal tax in place on September 1st, then, we are passing at least four months' worth of the federal tax on heating fuel onto the people of the territory. I just wonder whether that's a wise thing to do, considering the feds have advised us that they will put the tax in place.

The other thing that I think no one is talking about is the pollution. The whole idea of carbon tax was because of what our country is seeing, especially in the NWT, what the greenhouse gases are doing to our country and our territory. I think in 2000, when a house in Inuvik fell over because the permafrost melted, people began to realize that this was a pretty serious matter. I think the federal government made a decision for the whole country. They made a decision that they are going to price pollution. We are going to be pricing pollution, no matter whether we send the bill to our people or the federal government is the one to send the bill to our people to pay for the pollution and to pay for the cost of using your vehicle, heating your house. Unfortunately, heating your house is something that we can't avoid in the Northwest Territories, so I think the government has put in place something to protect the people on heating fuel.

If we are very concerned about gasoline, which many of us are because, in the small communities, the people have no option but to go out on the land to try to reduce their cost of living, I guess other people that can curb the way they do it. If it is not essential to drive, than don't drive. I think that right now, we all take positions because we are taking some positions because we feel that the federal government will not put the act into place on September 1st. That's how I felt this morning coming to work, but after getting something in writing saying that they will, I believe that they will. Unfortunately, we have to have a carbon tax, and it

is better to have ours than theirs, the federal government's, I mean. Thank you, Mr. Chair.

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

COMMITTEE MOTION 194-18(3):
BILL 42: AN ACT TO AMEND THE PETROLEUM
PRODUCTS TAX ACT – SUBSTITUTION OF
CLAUSE 22, DEFEATED

MR. TESTART: Thank you, Mr. Chair. I move that clause 22 of Bill 42 be deleted and the following substituted:

22. This Act comes into force January 1, 2020.

Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. There is a motion on the floor. The motion is in order. It is being distributed. The motion has been distributed. To the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. The purpose of this motion is twofold: one is to immediately provide up to nearly four months of tax relief to NWT taxpayers, because that would be the time between the passage of the act pass and to be implemented January 1st, especially during the cold winter months. I believe the savings are in the public's interest.

The second is a more fundamental question which is, who should decide on such a fundamental change as adding a significant tax to a jurisdiction whose number one public issue is the cost of living. Members have spoken at length about how dissatisfied they have been in the approach this government has taken; not universally, but certainly, even the sponsor of this bill has criticized the fact that it is a tax. This motion allows, fundamentally, the people to decide by putting it off until January 1st and allowing a general election to take place in between that time. This is consistent with where the Alberta federal backstop is going to be implemented also on January 1st.

I will point out that that is a hostile government to the federal government in terms of this public policy direction, and they scrapped their carbon pricing plan. Even in that circumstance, the federal government allowed them January 1st. I think in our case, where we have a plan that is compliant that meets deadlines, the federal government will be sympathetic to that concern that, in our system of government, there can be no guarantees over legislation, that they need to go through each legislative step, and the outcome is largely unknown until they are finally passed. This would be a change to do exactly that.

Mr. Chair, until 1:01 p.m. today there was no firm deadline for implementation that had been issued by the federal government. It was not until the sponsor of the bill, the honourable Minister of Finance, directed his staff to request that a deadline be imposed on the Northwest Territories that a deadline was clearly communicated to the House. We asked during our previous review of that for a clear deadline for clear confirmation, and it could not be produced.

CHAIRPERSON (Mr. Simpson): Mr. Testart, I will interject and, since no point of order was raised, I am going to caution you on assuming the motives of the Minister. You are unaware of what the Minister requested. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. Again, we have an implementation date today at the 11th hour. That was not known until now. I believe firmly that we can negotiate a later implementation date, give Northerners four months of tax relief, and ensure that the next government is the one that decides this, and not this government that is sitting on a last-minute plan that hasn't had adequate public consideration, that hasn't had adequate cooperative development through our legislative processes inherent to this building. I encourage Members to consider carefully how they proceed on this, as this will be a live issue in both the coming federal and territorial elections. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion? Seeing nothing, I will put the question to committee. Minister McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I appreciate the time. The Member makes some comments there and some accusations. We have worked with committee. They were aware of the September 1st deadline, and I think the fact that we wanted to get it in writing is because committee had asked us to provide it, and we did.

I'm not going to get into that debate. There are a number of debates that we could get into, but the bottom line is the federal government has informed us, and this had been out there for a while, that September 1st was our deadline. We worked in collaboration with them to go from the original July 1st deadline to September 1st, and they agreed.

The Member talks about the Alberta model. They have been paying carbon tax for a while, and then, when a new government came in, they made some changes. There is no comparison. They are a different kettle, and we are not too concerned about how they go about their business. As long as we go about our business in trying to do what is best for the people of the Northwest Territories. One of those things is taking an approach. This is not the carbon tax bill. The federal government has got the

federal carbon tax bill. This is our approach to carbon tax. As one Member pointed out before, our approach is superior to the federal government approach.

If I may, Mr. Speaker, I'd like to use a couple of examples. Mr. and Mrs. Hardworking Constituent, paying a mortgage, paying for their own fuel. Under our backstop, if they bought \$1,000 a month worth of fuel, they would be charged carbon tax, but it would be rebated at the point of purchase, so it would only cost them \$1,000, as it did before. Under the federal system, the federal approach, they will pay tax on that \$1,000 worth of fuel; they may get it back at the end of the year; they may not; they will not know until income tax time. The same with businesses; our heating fuel rebate applies to businesses, who would have to pass that extra cost on to someone. Who will they pass it on to? The consumer in the Northwest Territories.

So our approach, I believe, is the better of the two for the people of the Northwest Territories, and it's something that we need to do. I think Members should take all of that into consideration, and the Member said it himself. Nobody likes a tax, including myself, but we have to try to do what we feel. What we were elected to do is to protect the interests and the well-being of the people of the Northwest Territories. Because a lot of us have lived in small communities, we know the challenges that are there, and sometimes I believe some Members are out of touch with the realities of the high cost of living in many parts of the Northwest Territories. Thank you, Mr. Chair.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): To the motion, and I have cautioned Members to keep the comments to the motion, which is relating to clause 22 and the amendment to clause 22, which relates to the date the carbon tax would come into effect. Mr. Thompson, to the motion.

MR. THOMPSON: Thank you, Mr. Chair. I was going to support looking at it to move to January 1st. However, we see this in writing, and it says September 1st, and, in my small communities, our elders and our seniors are already seeing an impact on the seniors' heating subsidy program. We have changed it to a monetary value, which reduces the amount of fuel we can put in the community, into their homes. I have residents who presently have to fill half a tank. They cannot even fill the full tank because of the cost of living on this, so I cannot chance what could be to what the reality is. As of September 1st, from my understanding reading this tabled document, September 1st, the federal government is imposing their bill, so it's going to have a huge impact on the residents of the Nahendeh riding, especially the elders. At the end

of the day, I cannot support something that is going to have an impact on the elders. If the federal government said, yes, we can go to January 1st, that would be great. It saves us four months of it, but, right now, from what I read here it's September 1st. I really wanted to support the January 1st, but now we have it in writing.

The chair of P&P went and got this from the Minister and put it in front of this, so listening to the debate here, for me, it's about the residents of Nahendeh and the residents of the Northwest Territories and, most importantly, our seniors because our seniors are on fixed income. By at least having the tax rebated back at the pump or the truck that is delivering it to their homes, they are not going to be impacted further. For that reason, I cannot support this part of the motion. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion that is on the floor. Mr. Nakimayak.

MR. NAKIMAYAK: Yes, thank you, Mr. Chair. This motion looks good on paper, but, you know, given the information that we have here, I am just going to read a sentence here: "failure to complete the process will require us," which is like the feds put in place the federal backstop on September 1st. Mr. Chair, we had discussions about this earlier, and I will not really reiterate too much. As the Member for Nahendeh mentioned, this is about elders and it's about remote communities. I for one come from a remote community, and this is one thing that definitely has an impact, a negative impact, on the cost of harvesting and basically people's livelihoods. If we go with this motion, you know, Mr. Chair, this is something that we do not want to do but this is something that is being imposed, and, at the same time, I look at this and I think it's better the devil you know than the devil you don't. The devil we don't know: if we move this motion to January 1st, it could have some really negative impacts for the territory as a whole, and it would just be nothing good, so, for that reason, Mr. Chair, I do not think I can support this motion with the information we have. Thank you.

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

MR. MCNEELY: Thank you, Mr. Chair. I am still of the opinion of the original motion, in support of the original bill, and this paperwork before us just kind of supports your original judgment. On the email in question on the last sentence, it says, "Our preference remains for the NWT to put in place its system," and the system the government has negotiated in this case, so it has full control over revenues, and, as the Minister mentioned in the past here, ease the impact of the tax on to the residents of the Northwest Territories, and, in doing

so, it's better to understand the impacts of the tax. When I first heard about this and coming from an area with no road system other than seasonal and we depend largely on aviation, so I went and had some discussion with our largest courier to have some discussions with the Minister, and they did to better understand that because you do not want to see an increase in aviation and pass that cost along to the customer, which in 10 out of 10 cases always happens. The customer ends up paying. There is an exemption, so, if you add on the exemption to support the cost of capital, your annual rebate, as the Minister mentioned, it is going to come in at your tax return season, which is kind of like once every 14 months by the time you get it in your account.

The other bill coming would help adjust the rebate system to our territory from the tax collected as identified in that last quoted sentence I mentioned earlier. So the cost of capital is going to be somewhat eased onto the residents, seeing that the residents are going to see payments, multi payments, per year compared to annual payments on the federal backstop, plus add on the exemption of aviation fuel. I think those are evidences enough for me, and other heating fuel rebates, that we are trying to ease the burden of this tax onto the residents. So I feel comfortable with that. I feel comfortable that our government has negotiated in good faith and came back with a package that I am satisfied with. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): To the motion. I will put the question to committee. First, we have Mr. Nadli.

MR. NADLI: Thank you, Mr. Chair. The motion before us, I support the idea because I think, as Northerners, sometimes we are given what we receive and sometimes we do not have a choice. What we are facing is an imposition of a tax, and, seeing people struggling in small communities, you know, a further tax on their household income is crazy, I mean, if I could just put it bluntly, especially at this point, as we kind of move towards the idea of an election. People will gauge your performance on whether you support a tax or not, and that is what we are facing at this point. Besides that, I serve on the committee that was tasked with doing the consultations, and I have to disagree with the Minister saying that we are to blame because of the lack of consultations. I take exception to that because I think the Minister and Cabinet had all of the authority and power and influence with the federal government in terms of trying to rationalize the imposition of this tax and how it could work for Northerners. Have we exhausted every effort? Have we done our best for the interests of all Northerners? In the meantime, as a committee, we were expected to take that on the road and tell people, well, this was the best thing that we could

come up with? I'm sorry. I don't buy into that. For those reasons, we are left with the debate at this point.

We have to stand up in terms of where we are as Northerners, especially in small communities. This imposition of this tax to further burden people who are struggling in small communities is unbecoming. That's where I stand. At the same time, in terms of this motion, we have to try and at least see if there is a way that we can buy some time, perhaps for the next Assembly, to make some modest improvements on the tax. Mahsi.

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

MR. BLAKE: Thank you, Mr. Chair. In reality, it would be nice if this motion was true, and we were going to give our residents a four-month tax break, but it's really not true, because we have a letter here stating that, on September 1st, if the NWT doesn't put their package in place, the federal government will implement theirs. That means that home heating fuel, for example, as the Minister mentioned, will be taxed. We have a lot of small companies in our territory, small businesses, large businesses, and homeowners who use a lot of home heating fuel and fuel during the winter months. Everybody will be seeing a tax if we go by the federal backstop. With our approach, it is a little easier for the residents of the Northwest Territories.

You know what? I don't support any taxes. Being from the second-highest cost of living in the Northwest Territories, which is the Mackenzie Delta next to Nunakput, we pay the highest costs. Gasoline is up to \$1.72 a litre. Home heating fuel is \$1.62. If we had \$1.30 like it is here, people wouldn't notice it as much, but when you're paying \$1.75 a litre, it is probably going to go up to close to \$1.80 is just my rough guess in some communities.

You are going to see a lot of upset people here come September 1st, and for sure, we are going to get the most flak, but it's really not us who are implementing this. This is the Liberal government's approach to what they campaigned on when they ran. This is almost like the cannabis bill which we had to implement. I know our committee got a lot of flak over it, but like I said, we never put that in place. We just dealt with making sure that it is in place for the Northwest Territories. Right from the start, I said that I don't approve of any tax coming to our territory, but in this case, this is a much better deal for residents of the Northwest Territories. I will have to not support this one. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Blake. Mr. Vanthuyne, to the motion.

MR. VANTHUYNE: Thank you, Mr. Chairman. Like many of us in here, I regret that we are even in this position right now and that we even have to give consideration to this kind of a tax on Northerners. I am very aware, every time I speak in this House, that folks from Ottawa are listening closely. Sometimes I am open to sending messages to them just as much as I am sending messages to colleagues here in our chamber.

It is troubling that here we are, at the eleventh hour, and it is still unclear, and that we have to undertake this debate as it relates to even the coming-into-force date. Everyone knows that I don't support these bills to begin with, and I won't be supporting them even though I sense that they are likely to pass, but if I can be seen even as making some legitimate attempt to even delay the coming into force, even if it is for four months leading into the winter, then I will certainly attempt to do that.

I am not convinced by today's letter from a staffer in Ottawa that that is the actual authority that is going to tell us that September 1st is the coming-into-force date. I am now convinced that the Minister is now the authority, who has said that earlier today, has now said it is coming into force on September 1st. Now what I am trying to do is convince my colleagues in this House to delay that by four months. I think that that is the attempt that I am trying to make here, and so I will be in support of the motion.

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

MR. O'REILLY: Thanks, Mr. Chair. I support the motion. I think that at least it leaves the door open to the option of making further changes, improvements, to Cabinet's plan. This is a made-by-Cabinet approach. There are no details. It will be the next Minister of Finance who determines what the details are, in terms of rebates, grants, how the money is spent, and so on. All of that is going to be set out in regulation that none of us may have any say in, not even the public. I am fine with leaving the door open to the chance to develop a better plan.

We have talked about what has been done in the Yukon with rebates to First Nation governments, to municipal governments; revenue sharing with First Nation governments, with municipal governments; an ability to have a more flexible rebate system for individuals, so that those in rural and remote communities get more back. We could have designed that kind of a system. Unfortunately, that is not what we are getting.

I am in favour of pushing back this date in the hopes that we can actually design a better system, because Cabinet did not give us any options.

Cabinet did not work with the committee to develop any options, any different kinds of scenarios. In fact, they just went off and negotiated whatever they wanted with the federal government, and they did that while this was even before the committee. I am all in favour of pushing this back in the hopes that we can design a better system that actually meets the needs of Northerners, because Cabinet's plan does not. Thanks, Mr. Chair.

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

MR. TESTART: Thank you, Mr. Chair. I request a recorded vote. Thank you.

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

RECORDED VOTE

COMMITTEE CLERK: The Member for Kam Lake, 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.

COMMITTEE CLERK: The Member for Tu Nedhe-Wiilideh, the Member for Nahendeh, the Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South, the Member for 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: five in favour, 12 opposed, zero abstentions.

---Defeated

Clause 22. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. To the schedule. Minister McLeod.

COMMITTEE MOTION 195-18(3):

BILL 42: AN ACT TO AMEND THE PETROLEUM PRODUCTS TAX ACT - SUBSTITUTION OF SCHEDULE, CARRIED

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I have a motion that Bill 42 be amended by deleting the schedule set out in the appendix to the bill and substituting the schedule attached to the motion.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. There is a motion on the floor. The motion is in order and is being distributed. I will wait until all Members receive a copy of the motion. The motion has been distributed. To the motion. Minister McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. This motion is to replace the schedule in Bill 42 to change the date when the carbon tax comes into effect to September 1, 2019, and ensure that the per-unit volumes for natural gas are accurate by changing "litre" to "cubic metre." Thank you, 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

Ms. Green.

MS. GREEN: Thank you, Mr. Chair. We were not given notice of this in advance. There are some differences from the one that was forwarded originally. I realize that we voted on this, but I want to register an objection that we are given motions on the floor with only seconds to consider them when we are talking about matters of great importance to the people of the Northwest Territories. I reject the Minister's methodology here. He needs to work collaboratively. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Ms. Green. Your objection will be noted on the record. I will now call the bill number and title. Bill 42: An Act to Amend the Petroleum Products Tax Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. To the bill as a whole, does committee agree that Bill 42: An Act to Amend the Petroleum Products Tax Act as amended is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Can I see a show of hands on if committee agrees? Thank you, committee. Bill 42 as amended is now ready for third reading. Does committee agree this concludes our consideration of Bill 42?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. This concludes our consideration of Bill 42. Thank you to the witnesses. Sergeant-at-Arms may escort the witnesses from the Chamber. Committee, I am going to call for a brief recess.

---SHORT RECESS

CHAIRPERSON (Mr. Simpson): I will call committee back to order. Committee, we have agreed to next consider Bill 43, An Act to Amend the Income Tax Act. I will turn to the Minister responsible for the bill to introduce it. Minister McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I am here to present Bill 43. This, along with Bill 42, is a critical piece of legislation that will allow the Government of the Northwest Territories to meet its carbon pricing commitment under the Pan-Canadian Framework on Clean Growth and Climate Change through a carbon tax on all petroleum and natural gas fuels except aviation fuel. The purpose of Bill 43 is to amend the Income Tax Act to partly offset the impact of the carbon tax by providing residents a cost-of-living offset benefit. Bill 43 also includes some administrative changes to non-refundable tax credits claimed by multi-jurisdictional individual tax filers to align with other jurisdictions.

I will not repeat my comments from Bill 42 earlier. However, the changes proposed to the Income Tax Act are obviously a critical piece of our overall plan for mitigating the impact of the NWT carbon tax as it creates the cost-of-living offset benefit. That concludes my opening remarks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. I will just note for all of committee that discussions on the carbon tax, which are found in Bill 42, are off-limits for this bill, as that is not the bill that is before us. That has been previously discussed by the House, so, despite the fact that the Minister discussed it in his opening remarks, that is not on the table for discussion. I just want to point that out right off the bat so that we can get through the actual business at hand here.

I will turn to the chair of the standing committee that reviewed the bill for any opening comments he may have. Mr. Vanthuyne. My mistake. There are a lot of bills before us. That would be a different committee. What I am going to do is ask the Minister to take his seat, and I will ask the Sergeant-at-Arms to escort the witnesses into the Chamber. [Microphone turned off] ...just to comment who is or is not in the Assembly, I will just point that out. As I stated in my comments earlier this week, we have a level of decorum that we like to maintain here, and I know it's near the end of the Assembly and maybe we are all sick of each other, but let's keep it civil here for the last few days of this

Assembly. Minister McLeod, will you please introduce your witnesses for the record.

HON. ROBERT MCLEOD: Thank you, Mr. Chair, and I totally agree with you. To my right, I have Mr. David Stewart, who is the deputy minister of Finance. To my left, I have Cherie Jarock, who is our legislative counsel. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Welcome back to the witnesses. I will now open up the floor to general comments on Bill 43 and only Bill 43. Comments from committee? Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I do support this bill because it does three things. It provides that pension credits can only be claimed in the Northwest Territories by Northwest Territories residents. It also allows a pension and dividend credits to be claimed by NWT residents with business income earned outside of the Northwest Territories. So I support it because it will help accomplish those things, and I think those have a clear public purpose. The other thing that it does provide is a mechanism for a cost-of-living offset benefit related to something that shall not be named, so I do support this. I do have some difficulty with it in that the actual benefit in the cost-of-living offset will be set by the future Minister, by regulation, without any public input, necessarily, or even input from this side of the House, so part of a bigger plan. I had preferred that there would have been more input from committee and Regular MLAs in designing that plan, but that is not the case. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Further general comments. Seeing none, does committee agree that we move into the detail and consider each clause?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We will proceed to a clause-by-clause review of the bill, deferring the bill number and title until after consideration of the clauses. There are eight clauses, or, rather, there are five clauses in this bill. Please turn to page 1. I will call out each clause individually.

---Clauses 1 through 3 inclusive approved

Clause 4. Minister McLeod.

COMMITTEE MOTION 196-18(3):
BILL 43: AN ACT TO AMEND THE INCOME TAX
ACT – AMEND CLAUSE 3.5(3), CARRIED

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I have a motion. I move that clause 4 of Bill 43 be amended in proposed subclause 3.5(3) by striking

out "if, in relation" and substituting "subject to section 3.6, if, in relation." Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. There is a motion on the floor. It is being distributed. The motion has been distributed. To the motion. Minister McLeod.

HON. ROBERT MCLEOD: Thank you. Just very quickly, Mr. Chair, the amendment in subclause 3.5(3) is to link the two interim payments that will be described in my next motion, option to the annual cost of living offset calculation. The Canada Revenue Agency is unable to administer the cost-of-living offset benefit until July 2020 but has offered to provide interim benefits for the first year of the carbon tax under a separate program. Thank you, 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

Clause 4. Minister McLeod.

COMMITTEE MOTION 197-18(3):

BILL 43: AN ACT TO AMEND THE INCOME TAX ACT – AMEND CLAUSE 3.5(6), CARRIED

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I move that clause 4 of Bill 43 be amended in proposed paragraph 3.5(6)(b) by striking out (c) and substituting (d). Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister McLeod. There is a motion on the floor. The motion is being distributed. To the motion.

SOME HON. MEMBERS: Question.

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

---Carried.

Clause 4, Minister McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I move that clause 4 of Bill 43 be amended by adding the following after proposed clause 3.5:

3.6.(1) In this section,

"first offset year" means the period that begins on July 1, 2019, and ends on June 30, 2020;

"initial offset amount" of a taxpayer means an amount that the taxpayer is deemed to have paid

under subsection 3.5(3) during October or April in the first offset year.

(2) For the purpose of subsection 3.5, in the first offset year, the months specified for a taxation year are October and April.

(3) For the purpose of calculating the initial offset amount, the percentage "25 percent" in subsection 3.5(3) is to be read as "50 percent."

(4) A determination by the Minister as to whether an individual is deemed to have paid an initial offset amount in the amount, if any, of the deemed payment is final and not subject to review or appeal.

(5) No portion of an initial offset amount is to be

(a) charged or given as security;

(b) garnished or attached;

(c) subject to execution or seizure; or

(d) retained by the Minister and applied to reduce any debt owing to the Government of the Northwest Territories or the Crown in Right of Canada.

(6) Notwithstanding this section and section 3.5, the Minister --

Mr. Chair, I withdraw the motion.

CHAIRPERSON (MR. SIMPSON): Thank you, Minister. Clause 4, as amended. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Clause 5. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Any other motions? Minister McLeod.

COMMITTEE MOTION 198-18(3):

BILL 43: AN ACT TO AMEND THE INCOME TAX ACT – ADD NEW CLAUSE 3.6, CARRIED

HON. ROBERT MCLEOD: Thank you. Thanks very much, Mr. Chair. I appreciate that. I move that clause 4 of Bill 43 be amended by adding the following after proposed clause 3.5:

3.6.(1) In this section,

"first offset year" means the period that begins on July 1, 2019, and ends on June 30, 2020;

"initial offset amount" of a taxpayer means an amount that the taxpayer is deemed to have paid

under subsection 3.5(3) during October or April in the first offset year.

(2) For the purpose of subsection 3.5, in the first offset year, the months specified for a taxation year are October and April.

(3) For the purpose of calculating the initial offset amount, the percentage "25 percent" in subsection 3.5(3) is to be read as "50 percent."

(4) A determination by the Minister as to whether an individual is deemed to have paid an initial offset amount in the amount, if any, of the deemed payment is final and not subject to review or appeal.

(5) No portion of an initial offset amount is to be

(a) charged or given as security;

(b) garnished or attached;

(c) subject to execution or seizure; or

(d) retained by the Minister and applied to reduce any debt owing to the Government of the Northwest Territories or the Crown in Right of Canada.

(6) Notwithstanding this section and section 3.5, the Minister shall not make a payment in relation to an offset amount and no individual is entitled to receive a payment in relation to that amount after June 30, 2021, unless the individual's entitlement to the payment arose by reason of an assessment or reassessment made under the act on or before June 30, 2021.

Thank you, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. This is the first time I have seen this. I am not a Member of the committee, and having these sort of motions put before Members without seeing them, without even knowing what they're about, and then asking us to vote on it, I don't find this very helpful. I would appreciate an explanation from the Minister what this is about, because I have no idea. Thanks, Mr. Chair.

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

HON. ROBERT MCLEOD: Yes, apologies, Mr. Chair. I should have spoken to this right away to give a bit of an explanation. The amendment allows the Canada Revenue Agency to administer a separate interim program that will allow a cost of living offset payment to NWT residents and families in October 2019 and April 2020. The differences

between the interim and regular payments are that there are only two interim payments and four regular payments. Thank you, 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?

---Carried

Thank you, committee. Can we please return to the bill number and title? Bill 43, An Act to Amend the Income Tax Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Committee, to the bill as a whole. Does committee agree that Bill 43, An Act to Amend the Income Tax Act as amended is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Bill 43, as amended, is now ready for third reading. Does committee agree this concludes our consideration of Bill 43?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Thank you to the witnesses. Sergeant-at-Arms, you may escort the witnesses from the Chamber. Committee, we have agreed to next consider Committee Report 31-18(3), Standing Committee on Economic Development and Environment, Report on the Review of Bill 46: Public Land Act. I will turn to the chair of the standing committee for any opening comments he may have. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chairman. Just some general comments. Bill 46 was referred to the Standing Committee on Economic Development and Environment on March 12, 2019.

The committee sent letters inviting input from an exhaustive list of stakeholders, including municipal and Indigenous governments in the Northwest Territories, as well as a number of non-governmental organizations and stakeholders.

The committee travelled throughout the territory holding public hearings in Fort Smith, K'atloodeeche First Nation, Hay River, Fort Simpson, Fort Providence, Yellowknife, and Inuvik. The committee thanks everyone who attended these meetings or provided written submissions sharing their views on Bill 46.

The committee concluded its review of Bill 46: Public Lands Act on August 14, 2019, with a public clause-by-clause review held at the Legislative Assembly building. The committee passed 16 motions to amend Bill 46, of which 14 received concurrence from the Minister. The committee thanks Minister Sebert and his officials for their collaboration in the development of those motions.

Later, Mr. Chair, I will have committee motions regarding recommendations at the appropriate time. Individual Members may have additional comments or questions. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Vanthuyne. I will open the floor to general comments on the report on Bill 46. The report is not the bill. We will have a chance to discuss the bill. Are there general comments on the report itself and the topics covered therein? Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I know we are all under a lot of pressure to get this legislative backlog cleared out of here, but this is the first time I have actually seen the final report. It is the first time our colleagues in the House have seen this final report. To have it tabled or given to us earlier in the day and then expect us to actually review and debate it the same day, I just don't think this is a very good practice. I did not exercise my right to nay the unanimous consent; I could have. I just don't think this is good practice to do this, but I think it is symptomatic of the amount of work that Cabinet has forced on Regular MLAs with these bills. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Further to the report itself? Mr. Vanthuyne.

COMMITTEE MOTION 199-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE REVIEW OF BILL 46: PUBLIC LAND ACT
- LAND USE SUSTAINABILITY FRAMEWORK
IMPLEMENTATION PLAN, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that the Minister direct the Department of Lands to develop a Land Use Sustainability Framework implementation plan that more fully incorporates the principles guiding the department's mandate as set out in the Department of Lands establishment policy; further, this plan should clearly identify actions and associated timelines required to implement the Public Land Act, including the need for further legislative change; furthermore, it should also clearly and publicly articulate how the department's guiding principles and those in the Land Use Sustainability Framework will inform land-administration decisions; furthermore, that this work be prioritized at the start of the 19th Legislative

Assembly such that it can guide the development of a process for engaging key stakeholders regarding the continued evolution of public land administration in the Northwest Territories. Thank you, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. This recommendation really speaks to a number of the problems that committee identified with the bill. The consultation process that the department went through in developing the bill was really about amending the Commissioner's Land Act and the Northwest Territories Land Act. Then, all of a sudden, out of thin air comes an act or a bill prepared by the Minister and his staff that amalgamated the two systems without any warning to committee or to the public about doing that very thing.

Committee also heard from Indigenous governments that they did not have the opportunity to review the bill or that this was not a co-development process for the bill before us, unlike some of the other resource management environmental legislation that we have dealt with over the last week and a bit. This sort of stands out in contrast to some of those other pieces of legislation.

I think the last thing that I will say about this is that there is no preamble. There was no purpose statement in the original bill, even though the department has a Land Use Sustainability Framework that it has developed over a period of time. There didn't seem to be any efforts to actually incorporate that or the department's establishment policy that sets out a number of principles around sustainability and effectiveness and efficiency and all those sorts of great things. None of those were incorporated into the bill despite a mandate commitment on the part of the department that they would find ways to develop systems or places where the Land Use Sustainability Framework would actually be implemented in one form or another.

This is a bill that arrived out of thin air without any kind of purpose and required a lot of work on the part of committee to try to bring it to where it could be. I think we were partially successful. You will see a number of recommendations here about trying to encourage the department, moving forward, to do things in a more collaborative fashion. I think that is really what is at the base of this recommendation. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. I will put the question to committee. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 200-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE REVIEW OF BILL 46: PUBLIC LAND ACT
- PROTECTIONS FOR ABORIGINAL AND
TREATY RIGHTS, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that future amendments to the Public Land Act include more robust protections for Aboriginal and treaty rights consistent with and improving upon those found in other devolution-related statutes. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. 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 would suggest that Members have a look at the discussion leading up to this recommendation in the report now that it is before you. What committee observed was various approaches to trying to incorporate this idea of Indigenous rights into various bills. I guess the Public Land Act showed the minimum work with just a non-derogation clause, whereas some of the other bills actually tried to incorporate aspects of co-management or at least referenced land-rights agreements in their definitions or in the text of the bill itself.

This is trying to encourage Cabinet to develop a more consistent approach to recognizing and incorporating Indigenous rights and land-rights agreements and so on into statutes before they land here in the House because there doesn't seem to have been much consistency in the approach that was brought forward. This bill was the least successful in accomplishing that. Thank you, 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 201-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND THE ENVIRONMENT
REPORT ON THE REVIEW OF BILL 46: PUBLIC
LAND ACT - PHASE 2 CONSULTATION ON
FURTHER AMENDMENTS TO THE PUBLIC LAND
ACT, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that the GNWT begin a phase 2 process of consultation on further amendments to the Public Land Act to be completed during the 19th Legislative Assembly that adequately addresses the concerns raised by municipalities and Indigenous governments and organizations, IGOs, in the review of Bill 46 and which find practical and meaningful ways, including co-management arrangements with IGOs to integrate these key stakeholders into the public land administration decision-making process. Thank you, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. Once again, I would turn to the work that committee has done to point out that committee received numerous submissions, representations from community governments, including the Town of Fort Smith, Town of Hay River, City of Yellowknife, representatives from the Town of Inuvik, the mayor in Enterprise, the Northwest Territories Association of Communities, all raising a litany of issues in trying to secure and manage lands within their boundaries.

We heard about the difficulties of acquiring additional Commissioner's lands within municipal boundaries; issues around control and ownership of public land within municipal boundaries where land was being sold, transferred, or used willy-nilly without any notice to community governments; difficulties in getting adjustments to municipal boundaries; land withdrawal issues. What we heard was that, often, community governments would apply or request changes to boundaries, additional lands within their boundaries to meet municipal purposes, and they would just never get responses back.

I think that I would refine the recommendation a little bit myself to indicate that there needs to be a clear policy framework around how municipal governments, community governments, can request land, with deadlines, the need for written reasons if their requests are rejected, and to provide some certainty to our community governments, so that they can manage and acquire lands within their boundaries to allow them to grow

and prosper, because our current system is not working.

The purpose of this recommendation is to attempt to get the Department of Lands to approach this in a more consistent manner and develop a policy framework to try to deal with some of these issues and assist our community governments in the growth and land management that they really desire and need to better serve their citizens. Thank you, 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?

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 201-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND THE ENVIRONMENT
REPORT ON THE REVIEW OF BILL 46: PUBLIC
LAND ACT – PHASE 2 CONSULTATION ON
FURTHER AMENDMENTS TO THE PUBLIC LAND
ACT, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. Just for committee's information, what might have been in the people's package as the last one, I am moving that up to the next one. Mr. Chair, I move that this committee recommends that the Department of Lands make a commitment to amend the regulations flowing from the Public Land Act in meaningful consultation with interested Indigenous governments and organizations and the general public in accordance with the timeline set out in the Land Use and Sustainability Framework implementation plan. 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. It looks like the motion is being distributed. The motion has been distributed. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. The purpose of this motion is to try to address this vacuum that exists about how regulations are going to be made in virtually all of the post-devolution legislation going forward.

Committee tried to secure some sort of understanding agreement of the Minister moving forward on how regulations would be developed, and once again, we were told that there would be some sort of mysterious government-wide approach developed that has not revealed itself so

far. There is no assurance that the Indigenous governments, organizations, and the public, interested stakeholders, are going to have any level of engagement and involvement in the development of regulations on any of these bills moving forward, other than the oil and gas ones, because of some residual brilliance from the federal government in requiring gazetting of regulations. Unfortunately, our government, our Cabinet, has not seen fit to provide an avenue for public comment on regulations moving forward. That is what this recommendation is meant to deal with. Thanks, Mr. Chair.

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

MR. TESTART: Thank you, Mr. Chair. This is consistent with other motions that the committee has brought forward, including amendments to bills that I will not reflect on further. This is an important piece of business moving forward into the next Assembly. We have this peculiar artefact in the Petroleum Resources Act that my colleague spoke of where there is a public gazetting process. The federal policy on this is to allow for public comment during gazetting, and in the case of the Mackenzie Valley Resource Management Act, outright consultation with Indigenous governments if any regulations are to be drafted and changed.

This is not foreign to the Northwest Territories. In fact, in regards to our co-management system, I think that something that everyone is comfortable with is the operation of the MVRMA, whether it is industry or Indigenous governments. I think that we must take a position on this, and the government has basically asked for time to figure this out. This needs to be one of the first items of business moving forward. Curiously enough, the requirements for notice and public comment in the Petroleum Resources Act was not removed from the legislation when amendments were brought forward to update the bill, and if that is so problematic, I am not sure why that wasn't done.

Nevertheless, it is important that this gets done and that we allow the public to be able to comment and at least see what these regulations are going to be, especially when regulations are the real meat to the skeleton of our post-devolution legislative framework. It is imperative that we give the public and Indigenous governments the right to be heard on these regulations moving forward. Thank you, 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?

---Carried

Thank you, committee. Mr. Vanthuyne.

COMMITTEE MOTION 202-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND THE ENVIRONMENT
REPORT ON THE REVIEW OF BILL 46: PUBLIC
LAND ACT – CONSULTATION ON AMENDMENT
OF REGULATIONS FOR THE PUBLIC LAND ACT,
CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends, to the extent it is possible before the dissolution of the 18th Assembly and for the public record, that the government provide a response to these recommendations, even of a preliminary nature, that committee may publicly disclose. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Vanthuyne. There is a motion on the floor. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Is the motion distributed? The motion has not been distributed. It will be distributed. The motion has been distributed. To the motion.

SOME HON. MEMBERS: Question.

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

---Carried

Thank you, committee. Does committee agree that this concludes our consideration of Committee Report 31-18(3)?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Consideration of Committee Report 31-18(3) is now concluded. Committee, we have agreed to next consider Bill 46, Public Land Act. I will turn to the Minister responsible for the bill to provide opening comments. Minister Sebert.

HON. LOUIS SEBERT: Thank you, Mr. Chair. I am here to present Bill 46, Public Land Act. The purpose of the bill is to establish the rules for creating and transferring interest in public land from one party to another.

Bill 46 seeks to harmonize the two existing public land administration regimes under the Northwest Territories Lands Act and the Commissioner's Land Act. This bill addresses the technical and

administrative inconsistencies between the acts and consolidates them into a single legislative foundation. Public land administration cuts across all sectors and all regions. This harmonization allows us to better serve our residents, attract investment, and diversify our economy.

Bill 46 addresses the administration of public land through:

- issuing and administering leases for a range of uses such as residences, cabins, agriculture, and small businesses;
- setting aside public land through government reserves or land withdrawals to support public infrastructure development, land claim negotiations, and protected areas;
- administering quarry and mineral resources; and
- inspections and compliance programs to prevent public liabilities.

Bill 46 is the result of careful work and broad engagement and is an important first step to help improve land administration in the Northwest Territories. Northerners need to have a consistent legislative base for public land administration to evolve and respond to local needs.

I would like to thank Standing Committee on Economic Development and Environment for their thorough review of the bill. I would also like to thank our respective officials for their collaboration to find mutually agreeable solutions that have enhanced and improved the bill. I am prepared to answer any questions Members may have. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. Does the chair of the standing committee that reviewed the bill have any general comments? I see none, so I will ask the Minister to take his place at the witness table. Sergeant-at-Arms, please escort the witnesses into the Chamber. Maybe my mic was not on. Minister, can you please introduce your witnesses for the record.

HON. LOUIS SEBERT: Yes, thank you, Mr. Chair. To my left is Willard Hagen, deputy minister of Lands; to my right, Melissa Bard, manager, legislation, Lands; and, to her right, Christina Brownlee, legislative counsel, Justice. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. I will open the floor to general comments on the bill, beginning with Mr. Testart.

MR. TESTART: Thank you, Mr. Chair, and I want to take the opportunity to say how delighted I am to see the legislation that came forward, the final form

of this legislation. Earlier, when we were consulting with the government on how best to bring about changes to our land acts, there was a lot of back and forth between the standing committee and the government, and one of the strong desires of committee was to get a move on with amalgamating the acts into a single piece of legislation. This is something that has eluded the Yukon, for example, for more than 10 years, and committee felt very strongly it could be done, and the government has done it, and they deserve to be commended for that approach.

Now, it's not perfect, and I think there are some other improvements that can be sought, but it's a very good start. From the public's perspective on our consultations on this bill, most of the issues that Northerners have with land access and land tenure are largely confined to policy decisions rather than things that can be addressed in the legislation, so I think this legislation puts the department and the government on solid footing to better administer the public land of the Northwest Territories and to start resolving some of these entrenched policy issues that have held back economic development in local communities, that have created uncertainty and confusion in untenured land, and we can finally start to move forward and abandon the piecemeal approach we have taken to resolving some of these land issues in the past.

I was very pleased to work with the government and to find the Minister and his staff open to considering the viewpoints of committee and ultimately working together on consensual amendments to improve the bill. There are a few issues that will come up, but largely this has been an excellent process. Again, I think it took a lot to move this bill into one piece of legislation. They said it could not be done, and then they found out a way to do it, so kudos to the Minister and the Department of Lands and to our support staff, as well, on the committee end. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. General comments. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chairman. I don't want to add too much to the previous speaker, except to say that this is going to be a bill that is going to do a lot of good work as it relates to streamlining the administration of lands, which I think we all want that goal and we have all strived to reach that. It has been a very big challenge since devolution to run off two different land acts and try to administer those acts, so I think the effort to unify them and bring them together under one act was the right move to do at the end of the day.

However, I just want to identify that this does not erase a number of land issues that are still out there. It was an eye opener and an experience for

committee to travel to the communities, which we did, and to hear what many stakeholders had to say as it related to lands and the challenges they have been having with lands. It did not seem to matter what jurisdiction we were in. In some instances, whether it was in settled claim areas or whether it was in municipal areas or whether it was in small communities, there is a variety of land use challenges out there that I think we have to be very aware of and have to do a really good job of overcoming those challenges.

We are starting to do some of the good work to overcome those challenges, but I think one of those key challenges is just about becoming more effective communicators as it relates to land uses and land use planning and trying to build some continuity and consistency around land use so that no matter where you are in the territory, recognizing that circumstances are different in each area, but that we need to get past this idea that where one land use might have been granted a certain way or means of being able to do things one way and then granting a way or a means to do something in another jurisdiction and, in some instances, not by even the right authority. So we want to make sure that we are doing good work in terms of first of all identifying and realizing that there are a number of lands use issues and then working towards getting over those challenges and communicating them effectively. This amalgamation of land acts and putting forward the Public Land Act is a very positive step forward in doing that, so I want to commend the department and everybody who worked on and contributed to this act to get it to where it is today. Thank you, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. I have three specific things I guess I would like to raise with the Minister. We heard from Indigenous governments that this is a bill that was not developed collaboratively; there was no co-development process for it. I just would like an explanation from the Minister as to why that did not happen with this bill. Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: Yes, thank you, Mr. Chair. As has been mentioned in some of the comments that we have already heard, this was the bringing together of two pieces of legislation. Originally, the original plan Members will recall was to amend both acts, so, after hearing from respondents, we considered merging the two acts, so really this is a combination and an improvement of the two acts. I am also informed that IGCS specifically asked for minimal engagement on the bill, including no

technical working group. The new act did not create any new authorities and dealt only with administrative and technical barriers to consistent land administration. I mean this is not a bill, an act, that is breaking new ground. There may be improvements in the future. I am sure I will hear about that. I listened seriously to the recommendations that committee brought forward. Yes, so this does represent an improvement on what we had before. Is it perfect? No, but we needed to move ahead with this.

As I say, at the beginning, we were going to amend both acts. I could not really understand why we could not put it all together in one, and we did hear through the engagement period, people did tell us, that we should consider, in fact suggested that we consider strongly, having this with one act, which is what we have done. Thank you, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. Just to get it clearly on the record, this was not a bill that was co-developed in a collaborative manner. I would like to ask the Minister about one issue raised with us around financial security by the Independent Environmental Monitoring Agency. It is my understanding that, with a recent amendment to a water licence for one of the diamond mines, there was an adjustment made to financial security when they wanted to deepen a pit. The company came forward with a financial security which was not accepted by our government, because it dealt with both land and water related matters.

Although, in this case, as I understand it, the additional security was probably less than \$1 million, why is this government not accepting financial security that deals with both land and water matters, and does this bill fix that in any way? Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. O'Reilly. Ms. Bard.

MS. BARD: The example that is mentioned related to a recent land and water board decision where, in relation to a particular project, there was a barrier in legislation, but not in our legislation, to accepting securities. We cannot alter MVRMA securities through territorial legislation. The MVRMA is federal law, and the land and water boards that it created are federally managed. The barrier in that particular example could not be fixed through an amendment to Bill 46. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Ms. Bard. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Am I to understand, then, that this is a barrier moving

forward, that there may be new developments that happen in the Northwest Territories that require significant financial security, and our government is not going to be in an a position to accept that, and the taxpayers and the environment are going to be at risk? Is that what I am hearing? Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: Thank you, Mr. Chair. I don't know whether I am in a position to speculate on that possibility. Thank you.

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

MR. O'REILLY: Thanks, Mr. Chair. Clearly there is a problem, and there don't seem to be any solutions being offered by the Minister in the context of this bill. I guess I am going to have to find other ways to pursue this, maybe on the floor of the House, but I don't think that that leaves our taxpayers or the environment in a very good place.

Can someone from the department or the Minister indicate how the concept of "polluter pays" has actually been incorporated into this bill in any way? Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Ms. Bard.

MS. BARD: The concept of "polluter pays" is integrated directly into section 87 in the bill. That clause specifically says that the holder of a disposition is responsible for restoration. Thank you, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. I think that we are going to probably have some further discussion of that. I think one of the last committee recommendations in its report was that, of course, the time is going to run out for the Minister to have to respond to committee's recommendations. Given the amount of work that the public put into commenting on this bill, and the amount of work that standing committee spent on reviewing the bill and providing comments and trying to negotiate changes, is the Minister prepared to commit to providing a response to committee's recommendations before the end of this Assembly? Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: In a perfect world, Mr. Chair, I would be able to say yes to that. I just don't

know if we have enough time, and that is the problem. There are not many days left. This is an important issue. We want to have a measured, sensible response, and I just don't think we have enough time for the sort of work that is required. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Just a note that those recommendations are contained in a document that is not before the committee. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I think that that is a problem with the workload that we all have, that some of these bills have not received the kind of consideration that they can and should have had, and I think that this is one in particular that can and should have been improved a lot more than what we see before us because of the amount of work. The public is not going to have any satisfaction that, the recommendations that committee spent a significant amount of time thinking about and putting before the House, that there is even going to be a response to it. Is there anything stopping the Minister or his department from responding to these recommendations after this Assembly is finished and, say, posting them on the department's website? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Again, those recommendations are contained in a document that is not before the committee, but I will let the Minister respond. Minister.

HON. LOUIS SEBERT: Thank you, Mr. Chair. I suppose that we could do some preliminary high-level work. I just don't want to set up unreasonable expectations. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. General comments to the bill. Mr. O'Reilly.

MR. O'REILLY: That's all I have, other than I think that it was unrealistic for committee to have do all of this work and provide quality results for our residents. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. Mr. McNeely. General comments on the bill.

MR. MCNEELY: Thank you, Mr. Chair. I, too, agree with the statements made by the Yellowknife North Member, and I agree with a lot of the principles of proper land management and the inheritance of authorities' responsibilities from the devolution process in conclusion. Moving forward, considering the elections and so on, are there any plans to do community engagements now that this legislation is looking like it is going to become law and relating that information on to some of the communities that were not on the committee's engagement list? Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Minister.

HON. LOUIS SEBERT: You heard that committee did travel through several communities and also, too, there were a fair number of submissions made, I understand, from the report that we looked at very briefly earlier. As we proceed with changes, of course, if there changes to be made in the future, there will be consultation if there are changes to this act.

Engagement, yes. I'm sorry; I may have missed part of the question, Mr. Chair.

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

MR. MCNEELY: Thank you, Mr. Chair. I am satisfied with that comment. I was just curious about getting the message out there that these two acts are now one, and what better way to do it than have community engagements with local and regional governments. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Seeing nothing further, does committee agree that we move to a clause-by-clause review of the bill?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. There are 80 clauses, the first of which can be found on page 6. I will group the clauses as I call them out. Please respond accordingly. We will consider the bill number and title after consideration of the clauses. Beginning on page 6, clauses 1 through 7. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I would like to turn to clause 2.1, if I may, which is the purpose section. I would like an explanation from the department as to why the department's Land Use and Sustainability Framework and even its own Lands Establishment Policy, which is a policy that was signed off by the Premier, Cabinet-level approval, why it appears that some of those principles were not incorporated into the original bill, which did not even have a purpose statement? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Ms. Bard.

MS. BARD: Yes, the department initially considered a purpose clause, but did not spend a lot of time on it. There are not any purpose clauses in equivalent legislation across the country, primarily because land administration legislation conveys legal interest in land, and purpose clauses that are very aspirational and broad in their nature can impact the interpretation of the legislation and can bring an ambiguity to the legal rights and interests that are being established under the act.

Further to that, the Land Use and Sustainability Framework that was referred to is a GNWT-wide policy that was established, actually, pre-devolution.

The Department of Lands along with the GNWT departments have responsibilities to implement the Land Use and Sustainability Framework in all of its pieces of legislation and all of its programs and all of its functions. This bill is only one piece of that puzzle. I can say for the Department of Lands we have multiple pieces of legislation that we use to carry out our responsibilities. The Area Development Act is an example. We have delegated responsibilities under the MVRMA. This is just one piece of the much broader functions where we implement the Land Use and Sustainability Framework into our jobs. Thank you, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. Yes, I also referenced the Cabinet-approved Department of Lands Establishment Policy that references some of the same sorts of things that you see in the purpose section, so these are the reasons why the Department of Lands was set up, the principle that should guide how they operate. I am just going to read some of these: land management decision making should recognize and respect Aboriginal treaty rights; decisions about public lands should take into consideration ecological, social, cultural, recreational, and economic values; decisions about land and resources should be made in an effective and accountable manner; traditional and scientific knowledge should be brought to bear; land use planning should be a shared responsibility; land management decision making process should be clear, transparent, consistent, and communicated; natural resources should be managed and developed in a manner that meets the needs of the present without compromising the ability of future generations to meet their needs.

So I think we have captured some of those things in the items in the purpose, but can someone explain to me why initially the bill that we got did not really have any of these items as sort of guiding principles for how land administration and land management would be carried out under this bill? Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: Yes. I thank the Member for the question. The principles by which we administer a resource may evolve over time, and, in our view, it's best to clarify to the public in policies and other tools. Thank you.

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

MR. O'REILLY: Thanks, Mr. Chair. So, if I was to rewrite this, this is the one place where "polluter pays" should actually be found, and there is no reference to "polluter pays" in the purpose section. Can someone from the department explain to my why that is the case?

CHAIRPERSON (Mr. Simpson): Thank you. Ms. Bard.

MS. BARD: In the amended bill, the purpose clause includes a statement that administration of public lands should encourage responsible stewardship of public land, and I would consider that that should include the "polluter pays" principle. Thank you.

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

MR. O'REILLY: Thanks, Mr. Chair. I appreciate the comments from the witness. If that is what the intention is, we should have included it in the bill itself. I would urge whoever takes up the torch after us to give this bill a very thorough going through to make sure that it does incorporate principles around polluter pays because I do not think it does, and we are going to get to some other matters in the bill itself where I think we have opportunities to address that. Those are all the comments I have for now on the purpose section. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Clauses 1 through 7. Does committee agree?

---Clauses 1 through 7 inclusive approved

Agreed. Thank you, committee. Clause 8? Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I do have some questions for the Minister before we get into other matters. Can someone explain to me why this clause would appear to make financial security completely at the discretion of the Minister? Thank you, Mr. Chair.

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

HON. LOUIS SEBERT: Thank you, Mr. Chair. Bill 46 contains provisions that broaden the existing securities authority in the Commissioner's Land Act. This means that securities may be required where risks are identified rather than limiting it to leases or specific categories, like commercial or industrial. Understand that no other jurisdiction in Canada has a mandatory securities requirement in equivalent legislation. Now, Bill 46 uses a "may" instead of "shall" to give the Minister the ability to require

securities for the types of dispositions that have risk. A mandatory securities requirement for all commercial and industrial dispositions of public lands would include any type of business, such as smaller businesses, small-scale businesses, and so on. So those are the reasons why we went with the legislation that we did, and, again, it gives us the "may" rather than "shall," gives the Minister the ability to require securities for the type of dispositions that have risk. We recognize that some do have risk. Thank you.

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

MR. O'REILLY: Thanks, Mr. Chair, and I want to thank the Minister for raising the financial security provisions in the Commissioner's Land Act which have been in place. They were actually brought into place on February 14, 2011, and those do require that financial security for industrial and commercial purposes would be mandatory so that this has now been in place for seven or eight years, over eight years. That was largely based on the experience from what happened with Giant Mine, where our government assumed a liability of \$23 million because the surface lease that we had, GNWT had for the property, there was no financial security that was requested, zero, and, in order to move forward with the remediation of the site, our government signed in 2005 a cooperation agreement with the federal government where we agreed to provide \$23 million towards remediation costs because our government did not ask for financial security for a surface lease for the mining operation.

Our government has also assumed financial liability of we do not know exactly what that is at this point, for another abandoned mine down the Ingraham Trail, at the Ptarmigan Mine site. Our government did not fix up the financial security around Cantung. Our government has not fixed up financial security in relation to the Prairie Creek mine site. I think, largely, this stems from the fact that Ministers have discretion. I would like to know from the Minister: if this provision for mandatory financial security has been in place since 2011 under the Commissioner's Lands Act, why do we need to change it now? What is the evidence of any kind of problems, complaints? Why does this need to be changed now? Thank you, Mr. Chair.

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

HON. LOUIS SEBERT: I will start off perhaps, Mr. Chair. Well, the Member is quite correct. It was under section, I think, 3.1 of the Commissioner's Land Act, but that dealt with conditions of leases of land for commercial and industrial use. To some degree, of course, we have broadened the geographic ambit of it. Again, we do realize that

there have been problems in the past. We would be foolish to say there have haven't been. It is just not mines that this would cover. We tend to think of them because those are the most spectacular and difficult examples in the past. Mines are often used to justify matters of security and quite correctly. We get that.

Mines are in some ways designed and permitted from the outset to close. We didn't want anything to be overly restrictive on smaller operations. It is not mandatory. It is a "may" rather than "shall" clause, but it is hard to imagine that a major project would slip through the lines and not be covered. Again, we wanted to have the flexibility. Obviously, in the modern world, there is a recognition that certain projects are more dangerous. Surely, the Minister involved would be able to recognize that. Thank you.

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

MR. O'REILLY: Thank you, Mr. Chair. When decisions around financial security have flexibility, that is when problems start. I would like to ask the law clerk, if I may: the way that section 8(1) is written, it says, "The Minister may, in accordance with regulations, require that an applicant for disposition," blah, blah, blah, blah, blah, "post financial security," essentially. Does this give the Minister the scope to set financial security requirements in regulation where there could be thresholds of activity that would require financial security? Thank you, Mr. Chair.

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

LAW CLERK: Mr. Chairman, thank you. The regulation-making provision is worded quite broadly. If that was the direction that the Minister wished to go in, I think that the existing framework for setting regulations would allow that to occur, Mr. Chairman.

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

MR. O'REILLY: I appreciate the advice from the law clerk. My interpretation of that is that the Minister already has the authority to set thresholds to deal with some of the issues that he has raised about different size of commercial operations and so on, some of which may not require financial security in his or her view in the future. I don't accept the reasoning that the Minister has provided that he or she in the future requires total discretion to determine financial security and that it not be mandatory in some way. I would like to move a motion if I may, Mr. Chair on this clause.

COMMITTEE MOTION 204-18(3):
 BILL 46: PUBLIC LAND ACT - AMEND CLAUSE 8
 WITH ADDITION AFTER SUB CLAUSE (1),
 DEFEATED

I move that clause 8 of Bill 46 be amended by adding the following after subclause (1):

(1.1) Notwithstanding subsection (1), the Minister shall, in accordance with the regulations, require that an applicant for, holder of, or prospective assignee or transferee of a disposition for a commercial or industrial use, provide and maintain security with the Minister in an amount and manner that the Minister determines to be sufficient to protect the public interest.

in subclause (2), by striking out "to which this section applies" and substituting "for which security is required under subsection (1) or (1.1)";

in subclause (3), by striking out "subsection (1)" and substituting "subsection (1) or (1.1)";

in subclause (5), by striking out "to which this section applies" and substituting "for which security is required under subsection (1) or (1.1)"; and

in that portion of subclause (6) preceding paragraph (a), by striking out "subsection (1)" and substituting "subsection (1) or (1.1)."

Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. There is a motion on the floor. The motion is in order. I believe it has been distributed. It has been distributed. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. This was a motion that was introduced at the committee clause-by-clause review of the bill. It was supported by committee, but the Minister did not concur for the reasons that he just provided, the need for flexibility and so on to allow for some commercial operations not to have security required of them. The wording of this would make it mandatory to some degree that for dispositions for commercial or industrial use, that financial security would be required subject to whatever the Minister sets out in regulations. There, again, is an opportunity for the Minister to set appropriate thresholds for when financial security would be required, even for commercial or industrial uses. At least, that is what I take away from what our clerk had indicated earlier on the original wording.

The Minister still would have authority here to set the thresholds, but there would be a requirement, whether it is commercial or industrial, to have in place what those thresholds would be. In the interest of transparency, openness, that would be a good thing to have those, as well.

All of this comes back to the experience from about five kilometres down the road where our government assumed \$23 million of financial liability because earlier Ministers had discretion over whether financial security should be required. I think we will continue to see that practice unless we plug this gap. This is what this really does.

There are a lot of words in here to basically bring us back to the provisions that are already in place in the Commissioner's Land Act, have been there for seven years. The Minister has not provided any evidence that there is a problem with the way that those provisions have been operating for seven years. Why change it now and put taxpayers and the environment at risk? This is about bringing back a plan and stopping the rollback the Cabinet wants to do on mandatory financial security.

I look forward to my colleagues on this side of the House debating and discussing it. I will request their vote. When we are closed, I would request a recorded vote. Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: Thank you, Mr. Chair. We have already set out some of the reasons and our concerns about the "shall" rather than "may." I won't go into them in great depth. Again, no other jurisdiction in Canada has a mandatory securities requirement in equivalent legislation. I don't think we want to send the wrong message.

The bill we propose has a "may" rather than a "shall" to give the Minister the ability to require securities for the types of dispositions that have risk. Again, a mandatory securities requirement for all commercial and industrial dispositions would include any type of business, such as greenhouses, agriculture, tourism, small-scale businesses. Again, we do not want to send the wrong message here. For that reason, Cabinet will be voting against this motion. Thank you.

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

MR. TESTART: Thank you, Mr. Chair. I am sympathetic to my colleague bringing this forward. I serve on the committee where this was first discussed. Again, I won't reflect on the disposition of that outcome. My concern around this is the impact it might have on those small-scale businesses. We talk a lot about wanting certainty in statute when reviewing legislation.

Again, I am sympathetic to the idea of a large chemical plant requiring a posted security. A mandatory security on a retail outlet or something along those lines that has less impact on the land that it occupies, I think, might be a bit of an

overreach. I don't have the comfort of huge certainty to that point. I think the Minister has raised that, as well.

The one thing I will say in response to the Minister saying we are not the first jurisdiction to do something: that is never a good reason to not do something. I think we should be carefully considering the merits of why we are proposing things in legislation and not just, "Well, no one else has done it, so we can't."

Although I don't buy that argument, I certainly have concerns around this motion, so I will not be supporting it at this time. Thank you.

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

MR. VANTHUYNE: Thank you, Mr. Chairman. I am actually going to be in support. I have been seeing both sides of how some of these land uses have taken part in the past. I don't think that the mover of this motion has any intention to limit anyone's ability in terms of, let's say for example, leaseholders who are going to have recreational properties or cabins or the like; that's not the intention of the mover to want to put any kind of mandatory security on those types of leaseholds.

While the Member has mentioned the Giant Mine project and the now remediation that we have to deal with, and the lack of security there, and what it has incurred our government now to have to cover the bases, it is only one example of many throughout this territory that show that we have in the past, by not having some forms of security allowed for various forms of uses to take place that maybe would have otherwise been swayed or dissuaded, had there been appropriate mandatory securities in place. We have at last count, I think, somewhere over 400 various contaminated sites throughout the Northwest Territories, from as large as Giant Mine to as small as some call it barrels of diesel or what have you that have been left at an old site.

I think, when people or land users of various kinds are going to engage in commercial or industrial uses, that it isn't unbecoming of a government to expect that they put some degree of security in place. Remember that it is a security and, if you do what you are expected to do in this territory, then it's a good chance you're getting your security back.

I appreciate that, in other various forms, we've tried to make security a thing within our pieces of legislation, and I am supportive of the Member's motion. I look forward to passing this. Thank you.

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

MR. BEAULIEU: Thank you, Mr. Chair. I think that the size of the project or the size of the development will determine the size of the security. Security can come in various forms. It doesn't have to be cash up front. It doesn't have to be cash put in the bank. It can be a letter from the bank, and it can be a letter that the bank writes to say that the credit is available for clean-up should it be necessary. A letter of comfort bonds, whatever. My belief is that there are more than 600 contaminated sites in this area alone. Across the territory, there are probably a lot more, and we shouldn't allow that to increase. I think we should stop the contaminated sites at this point, and, if there is credit available for the companies that are going in and, of course, it depends on the size of the operation, the scale of the operation, then this is a good thing that there will be no sites left.

Of course, I represent the riding of Tu Nedhe-Wiilideh, and the majority of mining explorations and so on have been in that riding. Also, I am aware of some contaminated sites right close to the community of Lutselk'e where the community has a lake there that have an abundance of trout. They won't fish that lake because of the contaminants that were left behind by an exploration camp.

If we could do something in advance, we are not asking companies that are just trying to start out to spit out a bunch of cash and put a bunch of cash in the bank. It could come in various forms, all kinds of forms, in fact, as long as it's security backed up by the bank, is one example. I think it's a good thing. I think it will prevent us from having 900 contaminated sites in this region a few years down the road, so I would support this motion. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. McNeely, to the motion?

MR. MCNEELY: Thank you, Mr. Chair. Adding my comments here to the motion, I can't see myself supporting this motion on the basis of we shouldn't be using previous experiences, considering the fact that rights issuance were issued on a lot of these sites as identified in schedule 7, which we seem to be reflecting on this department for the downfalls of somebody else's mistakes. This is a new department, and given the fact that it just got incorporated here with devolution taking effect in 2014 of April 1st, I think we should straighten out our management systems, give some ministerial discretion, and learn from the past so that it's not repeated. We're inheriting these sites which we are looking at to remediate or reclaim and learn from that and move on; and in the process of what we can reclaim or what we can remediate, let's see if we can create some economic development in the process of cleaning up somebody else's mistakes. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. I will allow the mover of the motion to close debate. Final word, Mr. O'Reilly, to the motion.

MR. O'REILLY: Thanks, Mr. Chair. I just would like to, well, first off, seek the advice of the law clerk first. The way the amendment reads that says that the Minister shall in accordance with the regulations require an applicant, blah, blah, blah, for a commercial or industrial use. As I understand this, the Minister could set thresholds in regulations, even for commercial or industrial uses, such that some would require financial security or certain types of thresholds. Is that a correct interpretation of this, or is that the kind of authority that the Minister has with this clause? Thank you, Mr. Chair.

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

LAW CLERK: Thank you, Mr. Chairman. Similar to the initial clause 8, the regulations are worded very broadly to allow for thresholds. Having said that, if the clause itself is mandatory for the provision of security, the issue is raised as to whether the provision of no security below a certain threshold defeats the intention of the clause, and I'm simply not sure how that issue would be resolved were somebody to challenge the Minister not requiring at least a nominal amount of security.

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

MR. O'REILLY: Thanks, Mr. Chair. Yes, I would thank the law clerk for that clarification. I just would like to address some of the arguments that I heard from the Minister. He said that a few other jurisdictions, or no other jurisdictions, at least perhaps in Canada, required financial security become mandatory. I don't think many other places in Canada have a Giant Mine in their backyard that is going to cost taxpayers well over a billion dollars.

This provision that's in the Commissioner's Land Act right now was carefully considered by a previous standing committee, and actually agreed to by a previous Minister based on the result of the experience from Giant Mine. Committee, previous standing committee, and a Minister actually agreed. It came to the floor of the House. It was voted on and approved. Now, this Cabinet wants to roll that back without any evidence that the current provision causes any problems. The current mandatory financial security has been in place for seven years. The Minister and his department could not provide any evidence that this is a problem. No evidence. The Minister says we don't want to send out the wrong message.

I think we want to send out a clear message. If you're going to come here and do things, you have to be able to pick up if you make a mess. That is the kind of message that I think we need to tell people. This is not about stopping business. This is about implementing the "polluter pays" principle. The best way to prevent public liabilities is to put in place mandatory financial security. That is what this is attempting to do. I would like to think that we have actually learned from the past and want to maintain the system that we have in place, based on the past experience from Giant Mine and other contaminated sites that have created public liabilities, and keep that system in place. I don't think that it is appropriate to roll back that protection for taxpayers or the environment, but that is what this Minister would like to do.

I encourage my colleagues to support this, and Mr. Chair, once again, I would ask for a recorded vote. Thank you.

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

RECORDED VOTE

COMMITTEE CLERK: The Member for Frame Lake, the Member Yellowknife Centre, the Member for Deh Cho, the Member for Yellowknife North, the Member for Tu Nedhe-Wiilideh, the Member for Nahendeh.

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

COMMITTEE CLERK: The Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South, 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 Kam Lake.

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

---Defeated

---Clauses 8 through 70 inclusive approved

CHAIRPERSON (Mr. Simpson): Clauses 71 through 80. Does committee agree? Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I would like to start with a couple of questions for the Minister. Clause 80 deals with the coming-into-force date of the bill. Can the Minister tell us when that will be? Thank you, Mr. Chair.

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

HON. LOUIS SEBERT: Subject, of course, to priorities of the next Assembly, we expect it to be 12 to 24 months. Thank you, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. Sorry, I couldn't quite catch it all. I think the Minister said 24 months. Why would it take one or two years to actually bring this bill into force? Thank you, Mr. Chair.

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

HON. LOUIS SEBERT: I think my estimate was 12 to 24 months, but perhaps I can get some assistance on that. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Ms. Bard.

MS. BARD: Sure. Before the act is brought into force, there are a number of regulations under the existing two lands acts that need to be addressed. There will be some harmonization necessary in the Commissioner's land regulations and the territorial land regulations. That will necessitate some further engagement and so on. There are a number of land withdrawals that will need to be reregistered, and there are the coring regulations, among other regulations, that will all need to be reviewed and reregistered.

To account for the time that that work takes and any engagement necessary, we want to make sure that we can do those things before bringing the act into force, but the objective is to do it as quickly as possible. Thank you, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. How is that information going to be communicated to the public? We had a significant number of individuals and municipal governments, Indigenous governments, come to committee and talk about some of the issues that committee raised in the report. How is this information about implementation of this bill, and maybe some potential fixes for some of these issues, communicated to the public? Thank you, Mr. Chair.

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

HON. LOUIS SEBERT: We will be communicating with the public to provide them with this information. I think a commitment was made to committee, also. Thank you.

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

MR. O'REILLY: Thanks, Mr. Chair. I am not going to flog this one any further, other than to suggest that the department should develop some kind of an implementation plan, share that with Regular MLAs in the next Assembly, and make that available to the public so that they know how the bill itself and the provisions in here are going to roll out over time. Some pretty high expectations have been set, and maybe some expectations have been crashed. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. More of a comment. Would the Minister care to respond? Minister.

HON. LOUIS SEBERT: Point taken.

CHAIRPERSON (Mr. Simpson): Thank you. To clauses 71 to 80. Does committee agree?

SOME HON. MEMBERS: Agreed.

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

COMMITTEE MOTION 205-18(3):
BILL 46: PUBLIC LAND ACT – ADDITION
FOLLOWING CLAUSE 61, DEFEATED

MR. O'REILLY: Thanks, Mr. Chair. I move that Bill 46 be amended by adding the following after clause 61:

61.1 (1) A copy of each regulation that the Commissioner on recommendation of the Minister, or the Commissioner in Executive Council, as the case may be, proposes to make under this act shall be published in the Northwest Territories Gazette, and a reasonable opportunity shall be afforded to interested persons to make representations to the Minister in respect of the proposed regulations.

(2) No proposed regulation need be published more than once under subsection (1), whether or not it is altered or amended after such publication as a result of representations made by interested persons as provided in that subsection.

(3) Subsection (1) does not apply to any regulation continued under section 62 of this act.

Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. It's déjà vu all over again. There is a motion on the floor. The motion is in order, and it is being distributed. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I don't want to prolong this, but this is the age-old debate of Regular MLAs trying to ensure that there is an

opportunity for the public to have some engagement or opportunity to comment on draft regulations in another post-devolution bill moving forward.

We have raised this issue numerous times in the House. Cabinet has not developed any kind of framework or approach for this, and we are trying to respond to what we heard in committee from Indigenous governments, from municipal governments, and NGOs about their interest and willingness to try to work collaboratively with the departments on regulations moving forward. Why this keeps coming back is a lot of the details in these bills have been shunted off to regulations that are going to come at some future point in time, and Cabinet just does not want to open that door to allow for public comment on regulations. I don't understand what the problem is. This wording is virtually identical to what already exists in the oil and gas legislation that we now have in place or are about to have in place as a result of the federal government having these provisions in their legislation, but our government that talks about open government and being transparent and accountable does not want to give our residents that kind of opportunity.

If the Minister has anything else he would like to say about how his department intends to engage Indigenous governments, the public, and NGOs on regulations move forward, I would love to hear it. There was a commitment made at clause-by-clause review committee, by departmental staff, that that was going to happen. I did not hear it from the Minister, and it's not required by statute, so all of this again is at the complete and utter discretion of Cabinet moving forward, and I just do not think that that is a good place to be. That is not what our residents have asked of us, and this is another attempt to do that in the context of this bill. Thank you, Mr. Chair.

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

HON. LOUIS SEBERT: Yes, thank you, Mr. Chair. This motion would require things such as land withdrawal orders to be pre-published, and we have some concerns about that, that it could lead to people obtaining interests in areas before they are off limits. For example, rumours of land withdrawals have led to mining staking rushes and the creation of interest that withdrawals are intended to prevent. Now, the motion mentions the Gazette, but that is an antiquated form of public notification. We do have the Gazette. I was over around lunch looking in the library. It does actually exist there. I do not know how many people actually look at it. I would say very, very, very few, so I do not think that formalizing a Gazette process is really very helpful in spreading the information. The department

intends to involve the public, Indigenous governments, and stakeholders in its regulation-making process, and we will use more modern and accessible methods like online submissions and open houses to do this. So I think there is a better way to get this information out, and, for that reason, we cannot support this motion. Thank you.

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

MR. TESTART: Thank you, Mr. Chair. Looking at this priority, I guess is the best way to put it because it's consistent with, as you said, Mr. Chair, at the top, déjà vu, the first approach committee took was to copy the MVRMA and say let's do full engagement, one step less than consultation, with Indigenous governments by providing them notice. That was not palatable to government, so we said, okay, let's look at a different approach. We went to the PRA, which was not amended. This section is identical to that section. We said, okay, if it's in the PRA, maybe this will be more agreeable to government. Now we are being told no, this is not good enough because gazetting is not good enough.

Well, we have the same concerns around gazetting, that gazetting does not actually give the public the kind of engagement that they deserve, but this is a compromise motion. It's a compromise for what already exists in NWT statutes, and the goal here is to provide something or at the very least, if it is going to be empiric effort, then to send the message very clearly that we need to improve as a government on how we do this. If the federal government can in their wisdom see to include provisions like this in all of their statutes or at least major statutes, then surely a small jurisdiction like ours, that is very closely connected to our residents, can do the same. I do not think this is nearly as open for abuse as the Minister has set out. There are confidentiality protections that apply to lot of those kinds of decision-making.

If we were able to work together and that was the concern -- that is the first time I have heard a concern around land withdrawals -- that could have been brought to committee. We could have worked collaboratively to address it and to build this requirement more holistically to prevent that conflict from happening, but again we are just told no, and now we are back here again, where we are putting a motion forward with half of the information, a motion that already exists in another statute, and being told it cannot be done. So my challenge to this Minister, the Minister who is also the Minister responsible for Public Engagement and Transparency is: find a better way that is palatable to the GNWT machinery and to this House. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. I will allow the mover of the motion to close debate. Mr. O'Reilly.

MR. O'REILLY: Yes, thanks, Mr. Chair. I detect a certain amount of frustration here. This is not as if committee has not tried to work with Ministers, with Cabinet, to get to some sort of understanding of how regulations are going to be made in the future, given that, most of these bills, all of the details are off into the future. So, as my colleague said, we tried to adopt language from the MVRMA requiring consultation. We even tried to add permissive language to allow the Minister to enter into agreements with Indigenous governments moving forward on how to co-draft regulation or engage Indigenous governments on regulations. That approach was rejected. I agree. Gazettes are for nerds, maybe, but, if you do not like the way the Gazette is done, change it. Make it something that is user friendly. What is the system to ensure that our Cabinet is going to work with our residents moving forward on the development of these regulations? There is no process. This government does not even have a process to develop regulations and allow for public input. It's all done on a case-by-case basis.

The way to a certain place is also paved by good intentions. I hear the Minister's intention. He cannot bind the next Minister or the next Cabinet in how this is going to be done moving forward, but, without any requirements, any provisions, in the bill, this may not even happen. So here we are again, and I have a funny feeling this is going to come back to the House again because Cabinet has failed to provide an opportunity, a way, for the public to comment on regulations moving forward. Thanks, Mr. Chair. Sorry, I would request a recorded vote. Thank you.

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

RECORDED VOTE

CLERK OF THE HOUSE (Mr. Mercer): 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 Tu Nedhe-Willideh, the Member for Nahendeh.

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

CLERK OF THE HOUSE (Mr. Mercer): The Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South, the Member for Inuvik Twin Lakes, the Member for Hay

River South, the Member for Thebacha, the Member for Sahtu.

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

---Defeated

Committee, please return to the bill number and title. Bill 46, Public Land Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. To the bill as a whole. Does committee agree that Bill 46, Public Land Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Bill 46 is now ready for third reading. Does committee agree this concludes consideration of Bill 46?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Before we conclude, the Minister has something he would like to say. Minister Sebert.

HON. LOUIS SEBERT: I would like to thank committee for all of their work on this. I know that there has been a lot of time pressure on it, which is never good, and there was a question which I didn't answer very well about communicating with the public, and, of course, we will do that. So thanks to everybody for their cooperation and hard work in view of the time pressure we've been under. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. This concludes consideration of Bill 46. I want to thank the Minister and the witnesses. Sergeant-at-Arms, you may escort the witnesses from the Chamber. Members, we have concluded the business we agreed to consider. What is the wish of committee? Mr. Beaulieu.

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

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

---Carried

I will rise and report progress. Thank you.

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

Report of Committee of the Whole

MR. SIMPSON: Mr. Speaker, your committee has been considering Bill 42, An Act to Amend the Petroleum Products Tax Act; Bill 43, An Act to Amend the Income Tax Act; Committee Report 31-18(3), Standing Committee on Economic Development and Environment Report on the Review of Bill 46: Public Land Act; and Bill 46, Public Land Act; and would like to report that consideration of Committee Report 31-18(3) has concluded, with five motions adopted; that Bill 46 is now ready for third reading; and that Bills 42 and 43 are ready for third reading as amended. Mr. Speaker, I move that the report of the Committee of the Whole be concurred with.

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

---Carried

Item 23, third reading of bills. Minister responsible for the Workers' Safety and Compensation Commission.

Third Reading of Bills

BILL 25:
AN ACT TO AMEND THE WORKERS'
COMPENSATION ACT

HON. ALFRED MOSES: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Range Lake, that Bill 25, An Act to Amend the Workers' Compensation Act, be read for the third time; and, Mr. Speaker, I would like to request a recorded vote. Thank you, Mr. Speaker.

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.

RECORDED VOTE

CLERK OF THE HOUSE (Mr. Mercer): The Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South, the Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Hay River North, the Member for Sahtu, the

Member for Yellowknife North, 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, and the Member for Nunakput.

MR. SPEAKER: Masi. All those opposed, please stand. All those abstaining, please stand. The results of the recorded vote: 17 in favour, zero against, zero abstentions.

---Carried

Bill 25 has had its third reading. Third reading of bills. Member for Yellowknife North.

BILL 56:
AN ACT TO AMEND THE LEGISLATIVE
ASSEMBLY AND EXECUTIVE COUNCIL ACT,
NO. 2

MR. VANTHUYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Hay River South, that Bill 56, An Act to Amend the Legislative Assembly and Executive Council Act, No. 2, be read for the third time; and, Mr. Speaker, I request a recorded vote. 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, please stand.

RECORDED VOTE

CLERK OF THE HOUSE (Mr. Mercer): The Member for Yellowknife North, 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 Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South, the Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Hay River North, and the Member for Sahtu.

MR. SPEAKER: Masi. All those opposed, please stand. All those abstaining, please stand. The results of the recorded vote: 17 in favour, zero opposed, zero abstentions.

---Carried

Bill 56 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 Tuesday, August 20, 2019, at 1:30 p.m.:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Reports of Standing and Special Committees
5. Returns to Oral Questions
6. Recognition of Visitors in the Gallery
7. Acknowledgements
8. Oral Questions
9. Written Questions
10. Returns to Written Questions
11. Replies to the Commissioner's Opening Address
12. Petitions
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
18. First Reading of Bills
19. Second Reading of Bills
20. Consideration in Committee of the Whole of Bills and Other Matters
 - Bill 34, Mineral Resources Act
 - Bill 45, Corrections Act
 - Committee Report 29-18(3), Standing Committee on Economic Development and Environment Report on the Perceptions Held by Northern Businesses toward the Government of the Northwest Territories' Procurement Processes
 - Committee Report 32-18(3), Standing Committee on Economic Development Committee Report on the Process Used for Devolution Legislative Initiatives
 - Minister's Statement 151-18(3), New Federal Infrastructure Agreement
- Minister's Statement 158-18(3), Developments in Early Childhood Programs and Services
- Minister's Statement 211-18(3), Addressing the Caribou Crisis
- 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 39, Environmental Rights Act
 - Bill 42, An Act to Amend the Petroleum Products Tax Act
 - Bill 43, An Act to Amend the Income Tax Act
 - Bill 46, Public Land Act
23. Orders of the Day

MR. SPEAKER: Masi, Mr. Clerk. [Translation] This House stands adjourned until Tuesday, August 20, 2019, at 1:30 a.m. [Translation ends]

---ADJOURNMENT

The House adjourned at 5:20 p.m.