

## ORAL QUESTION—KEVIN O'REILLY, MLA FRAME LAKE

### QUESTION 453-18(2): MINISTERIAL AUTHORITY ON WATER LICENSES

November 3, 2016

**MR. O'REILLY:** Merci, Monsieur le President. Earlier today, I spoke of how the Minister of Environment and Natural Resources sees his new authority over water licences as one of determining procedural fairness. The implication is that perhaps we don't believe the land and water boards have procedurally fair processes already. Does the Minister believe that the land and water boards have procedurally fair processes for water licences, and what changes would he like to see? Mahsi, Mr. Speaker.

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

**HON. ROBERT MCLEOD:** Thank you, Mr. Speaker. Mr. Speaker, the land and water board has their process, and they review items brought before them, and then they are brought over to ENR for a decision by the Minister. So, whatever process they use, if they believe it's a fair process then they operate under that process as we operate under ours. Thank you, Mr. Speaker.

**MR. O'REILLY:** I thank the Minister for that response; I'm not sure it really deals with the issue. When would the Minister refer matters of procedural fairness to the courts or take it upon himself to make a determination?

**HON. ROBERT MCLEOD:** Mr. Speaker, we take our responsibility for the water licences direction very seriously, and, if there's an issue that's brought before us, we like to ensure that all parties have a say in the issues that are brought before us. If we feel that some procedural fairness was not met, then we may refer that back to the water board.

**MR. O'REILLY:** Again, thanks to the Minister for his response. Does the Minister recognize that questions of law about a water licence issued by a board, including procedural fairness, are best dealt with through the appeal processes set out in the *Waters Act*; that is, an appeal to the court rather than trying to have the Minister sort out these matters?

**HON. ROBERT MCLEOD:** Mr. Speaker, I'm not a lawyer, but I do understand a bit how this works and I'm starting to understand it a bit more. My understanding is that if any of the parties feel that procedural fairness was not met, they could possibly go through the court system. Thank you, Mr. Speaker.

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

**MR. O'REILLY:** Mahsi, Mr. Speaker, and thanks to the Minister for his response. That's exactly what I'm getting at, rather than put himself in the position of trying to deal with procedural fairness, get the courts to do it. That's where the applicants should go. Earlier today, I spoke of how land and water boards are required to deal with compensation claims; compliance with water standards, although we don't have any after 45 years; and financial responsibility of applicants. Why does the Minister not use these criteria when reviewing water licences for his signature, especially given our terrible track record of contaminated sites and public liabilities? Mahsi, Mr. Speaker.

**HON. ROBERT MCLEOD:** Mr. Speaker, that track record may have been in the past, way in the past, and we're starting to move ahead. Through devolution, we think we've got a lot of the necessary tools to put ourselves in a position to move ahead and be responsible for the

environmental protection and going through all the processes. So there may have been mistakes made in the past, I can't speak to those, but we can definitely learn from them. Thank you, Mr. Speaker.