

**KEVIN O'REILLY—MLA FRAME LAKE**  
**Mineral Resources Act Development**  
**Committee of the Whole—2017-2018 Operating Budget Review**  
**Dept. of Industry, Tourism and Investment—February 16, 2017**

**MR. O'REILLY:** Thanks, Mr. Chair. I have a number of questions here around support for the mining industry. The Minister mentioned that they're using internal resources for drafting of the petroleum resources legislation that they intend to bring forward. So I'm just curious to know why there's a request for qualifications out for the new Mineral Resources Act. Thank you.

**CHAIRPERSON (Mr. Blake):** Thank you, Mr. O'Reilly. Minister Schumann.

**HON. WALLY SCHUMANN:** Thank you, Mr. Chair. So first of all, the differences in this particular file, we have the resources and the people qualified within the petroleum resources side to deal with it. On this side, first of all we're going to need some legal staff because the specialist has got to work in conjunction with the Department of Justice when we draft this up, and we have put that out to look for a unique individual who can help us move this file along. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Blake):** Thank you, Minister Schumann. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. I appreciate the response. I'm just wondering: what kind of assurance can the Minister give me that this drafting of this bill or this Act is going to be done in a way that includes all interested stakeholders? Thank you.

**CHAIRPERSON (Mr. Blake):** Thank you, Mr. O'Reilly. Minister Schumann.

**HON. WALLY SCHUMANN:** Thank you, Mr. Chair. Like probably most big bills like this, we would be going out to public consultation with this across the Northwest Territories. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Blake):** Thank you, Minister Schumann. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. I guess that is part of my worry. If the public consultation is sort of like what happened with the fracking regulations, that was not a very good job. Again, I guess I am going to ask: how can the Minister convince me that he is going to solicit and ensure that all interested stakeholders, including the environmental organizations, conservation interests, Aboriginal governments, are going to be involved in preparing this legislation? Thanks, Mr. Chair.

**CHAIRPERSON (Mr. Blake):** Thank you, Mr. O'Reilly. Minister Schumann.

**HON. WALLY SCHUMANN:** Thank you, Mr. Chair. As I have said, this is going to be a big piece of legislation and a big deal for this department to get this thing through. Public consultation is going to have to involve all those exact people that the Member is referring to. Once we get closer to how we are going to be going out there, I am sure we are going to be coming to committee and getting their input on how we are going to proceed. So we will be coming back to committee on how we proceed with this drafting. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Blake):** Thank you, Minister Schumann. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. Yes, I guess I will go on record as expressing some concern about regulatory capture here. Given that all of Cabinet goes down to mining conferences, I want to make sure that the consultation around this is inclusive, that it includes all the interests across the Northwest Territories. I look forward to the Minister bringing forward some kind of a plan to the standing committee to make sure that that happens. Is he prepared to bring such a plan forward to the standing committee? Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Blake):** Thank you, Mr. O'Reilly. Minister Schumann.

**HON. WALLY SCHUMANN:** Thank you, Mr. Chair. ITI has begun its work on research and review legislation from other jurisdictions on this exact policy coming forward. Then we have to process the approach we will be taking, so that is what we are going to do. We are going to look at other jurisdictions before we proceed, and then we are going to develop policy intention papers and have discussions around those papers with Aboriginal governments, regulators, industry representatives, and other stakeholders. The papers are anticipated to facilitate feedback on the GNWT policy intentions with respect to legislation review and any proposed amendments. Once we do that, I am sure we are going to have a lot of input from committee on making sure we are doing this right. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Blake):** Thank you, Minister Schumann. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. Yes, I look forward to the Minister coming forward to the standing committee with a plan for doing all of that. I do want to move on to one other thing here. Our government has publicly supported the UN Declaration of Rights for Indigenous Peoples. Within there, there are some requirements for free, prior, and informed consent, and I am sure our government supports those, as well. Can the Minister tell me how the Mineral Resources Act is going to incorporate the concept of free, prior, and informed consent? Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Blake):** Thank you, Mr. O'Reilly. Minister Schumann.

**HON. WALLY SCHUMANN:** Thank you, Mr. Chair. I think the UN declaration is probably pretty much recognized by all governments in Canada now, but as we move forward, that is one of the reasons why we are going to have a legal and specialist person drafting this moving forward, to ensure all these things are met. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Blake):** Thank you, Minister Schumann. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. In the department's business plan, there is a discussion of a regulatory roadmap that is being developed for mineral development. Can the Minister commit to me, this House, and the public that, again, our government will incorporate free, prior, and informed consent requirements into that regulatory roadmap? Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Blake):** Thank you, Mr. O'Reilly. Minister Schumann.

**HON. WALLY SCHUMANN:** Thank you, Mr. Chair. I can't commit to that right now, but we will have a look at it and see how we are going to move this forward. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Blake):** Thank you, Minister Schumann. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. I look forward to the Minister getting back to me on that. Our government has publicly endorsed the declaration, and free, prior, and informed consent is an integral part of that, so we want to make sure that our communities are fully informed and that they have the ability to say no where they desire to do so.