

ORAL QUESTION—KEVIN O'REILLY, MLA FRAME LAKE

QUESTION 868-18(2): LANDS PROJECT ASSESSMENT POLICY

September 25, 2017

MR. O'REILLY: Merci, Monsieur le President. My question is for the Minister of Lands, who is responsible for the implementation of the Project Assessment Policy. In 2008, this House unanimously endorsed the UN Declaration on the Rights of Indigenous Peoples. I see that our government still supports the declaration, but it's not clear what we're actually doing to implement it. Can the Minister tell me and this House whether there was any consultation or engagement with Indigenous governments in developing and refining the Project Assessment Policy, and if not, why not? Masi, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Lands.

HON. LOUIS SEBERT: Thank you, Mr. Speaker. The government did not consult with Indigenous organizations with respect to this policy. The policy creates the authority for the government to establish its own internal procedures to meet the requirements of the current legislative environment. Now, of course, ultimately when decisions are made we must and do follow and abide by our responsibility as under section 35 of the Constitution. Thank you.

MR. O'REILLY: Thanks to the Minister for that information. Of course, I'm glad that section 35 rights, our government respects them, but we've also supported in this House the UN Declaration on the Rights of Indigenous Peoples. Can the Minister commit to review the Project Assessment Policy to fully incorporate the concept and practice of free prior and informed consent?

HON. LOUIS SEBERT: Of course, this policy has been reviewed, not only by Cabinet but by committee, and I think it's the first time we've heard of this specific concern. The government of course does realize and is guided by its obligations under section 35 of the Constitution, and as well our approach to engaging with Aboriginal governments as set out in the respect, recognition, and responsibility document.

Now, one of the issues regarding the UNRIP legislation, or rather the UNRIP UN Resolution, is that it may have an effect on a wide variety of policies. No, we don't incorporate it directly; we are aware of it, but there is also some uncertainty in academic circles as to what it actually means.

3MR. O'REILLY: Thanks to the Minister for that. Unfortunately, I didn't hear a commitment that they were going to be reviewing the policy even though he says that we still support the Declaration. I'm not prepared to review the policy, but maybe I'll try a different slant here.

In my statement earlier today I pointed out the inconsistency between the lofty and courageous principles in the Project Assessment Policy and how a GNWT interdepartmental committee may operate in assembling technical advice and evidence.

I will just give an example here. If government scientific experts produce evidence that

demonstrates a Slave Geological Province road will have an adverse and irreparable impact on the Bathurst caribou herd, will that information be brought forward during an environmental assessment?

HON. LOUIS SEBERT: I think or I detect that behind this question is a concern that has been expressed with respect to some former governments, perhaps federal ones, that muzzled scientists. I can assure you that that will not happen with this government.

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

MR. O'REILLY: Mahsi, Mr. Speaker. Let's talk about muzzling, I guess, but I do not really feel a lot of reassurance by that response. I pointed out the inconsistencies between the principles of the policy and how it may operate in the future. Given those problems that I have pointed out in this House, can the Minister commit to bringing forward the policy to his Cabinet colleagues in an expedient fashion and consult with Indigenous governments to make revisions to ensure public confidence, transparency, and the spirit of reconciliation are maintained?

HON. LOUIS SEBERT: This is, of course, an internal policy of the government, but I would like to point out again that it was reviewed thoroughly by committee, and they had certain suggestions. Now, I will say that of course, ultimately this government is guided by section 35 of the Constitution. I do not think we are contemplating another review of the policy. It was reviewed by Cabinet, reviewed by committee, and so the policy is now in place. Of course, if there can be improvements to it, we would always be open to hearing about those types of suggestions. Thank you, Mr. Speaker.