

ORAL QUESTION—KEVIN O'REILLY, MLA FRAME LAKE

QUESTION 479-18(3): OPENNESS AND TRANSPARENCY - ATIPP REQUEST

October 30, 2018

MR. O'REILLY: Merci, Monsieur le President. My questions are for the Minister of Industry, Tourism and Investment. I outlined my efforts to pry the contracted publicly funded report, Policies for Generating Socioeconomic Benefits From Natural Resource Extraction Projects, from his department. First, I was refused the report. Then, because I wanted to make it public, I insisted upon an ATIPP request, and the report was posted deep on the ITI website without public notice.

Can the Minister explain how a government purportedly committed to openness and transparency would only make such a report publicly available after an ATIPP request from an MLA? Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Industry, Tourism and Investment.

HON. WALLY SCHUMANN: Thank you, Mr. Speaker. For the record, the report was made public. It was not accessed through ATIPP. I want that on the record as well.

We had not originally anticipated releasing this report publicly. It was commissioned for research purposes. The Member is well aware of that. When you have a look at it, it clearly states that is what it was for. We shared it once in confidence with the Member. In the interest of transparency, and the response to a request from both the MLA and SCEDI, we then released it publicly.

There was a delay in us doing that because we had to go back to the appropriate author and get permission and give due notice to individuals and companies whose businesses and comments were specified. Thank you, Mr. Speaker.

MR. O'REILLY: I would like to thank the Minister for that, but it is very clear this report was only made public after I filed an access to information request, and he publicly promised to provide it.

The government publicly launched consultations on the Mineral Resources Act on August 2, 2017, four months after this report was received. The news release announcing the consultations quotes the Minister saying, "It is our duty to maximize the benefits of responsible resource development."

With this stated objective and the requests of public stakeholders and Regular MLAs for this type of information, why was this report withheld from use in the consultations for the development of the Mineral Resources Act, and why did I have to use an ATIPP request to force its public disclosure?

HON. WALLY SCHUMANN: The research was not commissioned solely for the work of the MRA. It was commissioned in support of the review of the socioeconomic agreements being undertaken by the Program Review Office. That work is ongoing.

In relevance to our work with the Mineral Resource Act, it was clear, and the research

was also incorporated to inform an ongoing drafting of a new Mineral Resource Act. As the report itself states, it was a limited-in-scope project designed to spark a discussion about socioeconomic benefits, and we are using it just to do that.

MR. O'REILLY: I would like to thank the Minister for that, but he didn't tell me why the report was withheld as part of the public consultations for the development of the act.

One of the major findings of the report is that there "may be potential for a comprehensive NWT strategy for resource-led development" and that "a consultative process could get a consistent approach to tackling the hard questions that might otherwise divide the NWT's various constituents." Does the Minister intend to act on this recommendation, and how will this be included in the development of the Mineral Resources Act?

HON. WALLY SCHUMANN: Everything this government does is centered around the consultative process. We have used it in developing the resource legislation. ENR is using it for their climate change. We use it in the development of the energy plan, the Petroleum Resource Strategy. As a matter of course, we have engaged Indigenous governments and our fellow departments and stakeholders to find best solutions. We will continue to do so.

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

MR. O'REILLY: Merci, Monsieur le President. I would like to thank the Minister for that, his emphasis on consultative processes, but when important information is not made available, it's withheld, it doesn't help those processes.

The report contains a lot of very helpful comparisons and lessons learned about benefit retention and other jurisdictions. This work may have played, should have played, a major role in the development of the Mineral Resources Act. In fact, it was within the scope of the discussion paper that was released. Given my difficulties in prying this report from his department, can the Minister assure me that there is no further cross-jurisdictional research that was conducted during the development of the Mineral Resources Act that his department has not yet disclosed to MLAs and the public? Mahsi, Mr. Speaker.

HON. WALLY SCHUMANN: There has been a great deal of research and consultation completed in the development of our MRA. Our job as government is to synthesize this work and release it publicly and the discussion papers in "what we heard" reports that we have developed. This is a formal thing for government to do. Governments do not just post research on the web and ask for the public to do their work. We have offered the Member and standing committee a review of our work on the MRA. I will reiterate that offer, if you have questions, let us have those discussions in a forum that is designed for that purpose. I don't mind sitting down with committee. Thank you, Mr. Speaker.