

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

### QUESTION 746-18(3): ENVIRONMENTAL RIGHTS ACT ANNUAL REPORTING

May 29, 2019

**MR. O'REILLY:** Merci, Monsieur le President. Now for something completely different. Two days ago, the Minister of Environment and Natural Resources tabled an annual report under the Environmental Rights Act that covered 15 years. Can the Minister explain why this annual report covers 15 years when there is a statutory requirement to report every year to this Assembly? Mahsi, Mr. Speaker.

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

**HON. ROBERT MCLEOD:** Thank you, Mr. Speaker. The Member is correct. We have not tabled one since 2002-2003. This is primarily due to inactivity under the ERA. In the future, however, reports will be tabled on an annual basis regardless of whether or not there were any activities conducted under the ERA. Thank you, Mr. Speaker.

**MR. O'REILLY:** I want to thank the Minister for that. From my calculations, in the 28 years since the Environmental Rights Act has been passed, there have been three requests for investigations into the release or potential release of contaminants into the natural environment. Only one of the three requests for investigation was accepted, and that happened back in 1991. Can the Minister confirm those numbers on investigations under the Environmental Rights Act: three requests and only one actual investigation in 28 years?

**HON. ROBERT MCLEOD:** My understanding is that there were four requests for investigations. For three of the requests, it was determined that the appropriate permits and licences were in place. Therefore, the investigations were declined. The fourth request, a full investigation was undertaken, and recommendations were made.

**MR. O'REILLY:** I would like to thank the Minister for correcting the numbers there. I was one of the two people who filed the one that was actually accepted in 1991, so I know a little bit about that. There are some other reporting requirements under the Environmental Rights Act set out in Section 8 that were not covered in the tabled report. The annual report is also supposed to cover all prosecutions commenced by individual NWT residents for environmental offences, all court actions commenced by individual NWT residents to protect the environment, and the use of any money received as a result of the court actions and all convictions for offences as a result of protecting whistle-blowers. I am not aware of any of these provisions of the Environmental Rights Act ever being used in the last 28 years. Will the Minister table a report on these matters in this House?

**HON. ROBERT MCLEOD:** As required under Section 8 of the ERA, the annual report tabled May 27, 2019, stated that no applications, investigations, prosecutions, or actions had been undertaken between the reporting period 2003-2004 and 2018-2019 other than one application for an investigation in 2013-2014. As there were no prosecutions, there was no disposition of money or any convictions.

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

**MR. O'REILLY:** Merci, Monsieur le President. I see that in the report. Maybe future reports are going to be a little bit clearer about the reporting under each of the subsections in section 8 of the Environmental Rights Act. I think the Minister, though, has made my point here. Given the issues of late reporting by the Minister under the Environmental Rights Act and the lack of use of the rights established under this legislation, what is the Minister doing to promote environmental rights in the Northwest Territories? Mahsi, Mr. Speaker.

**HON. ROBERT MCLEOD:** As the Member is currently aware, amendments to the Environmental Rights Act have been proposed to make it easier to make an application for an investigation. Bill 39 is currently undergoing review by the Standing Committee on Economic Development and the Environment. Thank you, Mr. Speaker.