

## **MEMBER STATEMENT—KEVIN O'REILLY MLA FRAME LAKE**

### **CO-DEVELOPMENT OF POST-DEVOLUTION LEGISLATION**

**June 4, 2019**

**MR. O'REILLY:** Merci, Monsieur le President. In April and May, the Standing Committee on Economic Development and Environment travelled extensively on bills related to our post-devolution environmental and resource management regime. I have been mulling over the co-development process of such legislation which was part of the promise of devolution, the co-called made-in-the-North approach. While working with Indigenous governments and relevant co-management authorities might prove a challenge, it is the right way to develop our post-devolution management regime. What is not at all clear is how standing committee fits into the process.

Here are a few observations on what we heard about co-development or co-drafting. The process can be a time-consuming, as we saw with the Wildlife Act. Co-development worked better on some bills than others, with some departments better than others, with large variations even within departments. It takes time and requires more resources. Extraordinary negotiation skills and an understanding of our complicated history of Indigenous governance and land rights arrangements are required.

Paramountcy of lands rights agreements is a given. The trick is to find ways to recognize and incorporate the authority and jurisdiction of co-management authorities into bills governing such diverse and cross-cutting subjects as environmental rights, protected areas, and non-renewable resources. The expertise and experience of co-management authorities also brings added value to their involvement. We also heard that is important that legislative drafters be in the room when discussions take place.

Turning to standing committee and Regular MLAs, I want to acknowledge a very thoughtful submission by the Northwest Territory Metis Nation that offered observations and advice on co-development. Committee can play a significant role in ensuring that legislation is developed in accordance with the principles of the Northwest Territories Intergovernmental Agreement on Lands and Resources Management. There should be no impediments to committee getting briefed as the legislative initiatives develop and important policy matters emerge. Committee should have a role defining GNWT's positions during the co-development process. That is how consensus government is supposed to work, but did not work well in the case of some of these bills. The NWT Metis Nation also observed that MLAs can lack discipline in voting to maintain critical positions on issues such as legislative initiatives.

Lots to reflect on and learn from the co-development process to date, and I look forward to being part of that process. Mahsi, Mr. Speaker.