

Third Reading of Bills

BILL 34, MINERAL RESOURCES ACT

AUGUST 21, 2019

MR. O'REILLY: Merci, Monsieur le President. I have always said in this House that I support mining as long as it contributes towards sustainability and provides benefits to Northerners. Our job, despite some heckles, is to ensure that our government sets clear rules around sustainability and benefits. The Mineral Resources Act is not about promoting mining. It's about setting up a system for mineral rights management. A lot was promised, not all of it delivered.

The bill is really about trying to balance a complex set of rights and interests. The bill was developed by the Minister of Industry, Tourism and Investment. The department has a job to promote mining, and I've always given the department and the staff lots of credit because they do a great job in promoting mining. The problem is, in the post-devolution role, they also now have a job of trying to manage the mineral rights, and that complex set of interests sometimes competing. I don't think it's good to have both of those mandates within one department. I think it creates conflict.

Mr. Speaker, we did make some progress in improving the bill as a standing committee, and I want to give the department credit for the work that was done to create a public component to the registry. There's going to be an annual report. Unfortunately, we're only going to get total royalties. The role and composition of the mineral rights board has been clarified. There are benefit agreements and some legislative requirements around those. There's a lot of contention around this bill, and my colleague from Kam Lake discussed some of that. I've been here for four years, and I've watched the Legislative Assembly for many years before that, but to have a four-and-a-half-hour clause-by-clause review, six hours in Committee of the Whole, that speaks for itself. Earlier today, Mr. Speaker, we dealt with a bill, Corrections Act, in about 40 minutes. That is an example of how consensus government can and should work.

I just don't understand what happened exactly with the Mineral Resources Act, other than the Minister did not seem to be able or willing to work with committee on the issues that we heard and raised. These weren't items that the committee itself dreamt up. This is what we heard. It seemed to me like we were raising issues, and if they didn't fit within the confines of the policy work that they had already done, it was just not going to get addressed.

Much of the work that committee did was trying to seek some clarity in the sea of uncertainty. We did get a lot of intentions out of the Minister on the record. That's great, but there's this overall broad enabling authority with some great intentions, but we just don't know how that's actually going to play, and that's not how the bill actually reads.

To my mind, there are still three main areas that require further work. We really failed to recognize legitimate interests of community governments in this bill. They have a legitimate interest in protecting their lands, water, and infrastructure, and we should

really be doing our best to try to avoid land use conflicts in the future. That's not what this bill does. We had opportunities to do that, and I really regret that we weren't able to reach an understanding of how we could do that. We tried to insert a notification process, provisions, and ability to request restricted areas. These things actually exist in some other jurisdiction now, Mr. Speaker, as best practice in Ontario and in Quebec. That's not what we do in the Northwest Territories. It's not what we will do in the Northwest Territories.

Another area that still, I think, needs some work is benefits. I've been on the public record that I always support the concept of Indigenous governments getting benefits for mining, even if it requires legislation. I'm very much in support of that, and it is a reflection of best practices that what this bill does is attempt to codify some of that. There's a solid process in the bill for that, dispute resolution and so on, and I support that. I want to give the Minister some credit because some of the concerns I had around some vague and unclear language, even in the Indigenous government benefits section, have been cleared up as a result of some of the amendments that were made last night. Unfortunately, that kind of precision and clarity is not in the bill when it comes to public benefits. We heard some great intentions out of the Minister last night, but there are no clear triggers or expectations of what those benefits are going to look like and how far back they can reach in the mining cycle. Is it actually going to include prospecting? I don't think that's what our public deserves. There's an expectation that we're going to do our job to communicate clearly what our expectations are. Unfortunately, the legislation doesn't do that.

The last item, Mr. Chair, that I wish to speak to is zones. I've said, and I've been on the record, that I think this is just clearly bad public policy. I can't see any record of any requests for zones such as they have been drafted in the bill. I think this is a mixing of objectives of trying to promote mining and encourage investment. At the same time, is trying to balance a whole variety of competing interests. I still believe that this has a potential to create a race to the bottom, where different regions are incentivized to lower and create more favourable standards to try to attract investment in our regions. As I said, I don't think this is sound public policy.

This was very much a rushed review despite the amount of time that we spent on it, Mr. Speaker, in committee and in this House. I think we can and should have done a much better job collectively, and that's what our citizens, I think, really deserved. I don't think this is best practices. I know it's not best practices. This is not world-class, and we saw that from how other jurisdictions have dealt with some of these issues.

Our job as standing committee and as legislators today is to try to resolve these issues and concerns that were brought forward during the bill, create certainty, and balance the competing interests. Unfortunately, this was not accomplished, Mr. Speaker. I will not be supporting Bill 34. Thank you.