

Dene Nation All Candidates Questionnaire

Response by Kevin O'Reilly, Candidate for MLA Frame Lake

1. Do you support the existing consensus style of government at the territorial level, if yes why, if no, why not?

I support consensus government but some improvements can and should be made. Cabinet has too much power and there are options to provide for more balance and collaborative outcomes, many of which were highlighted in the Transition Matters Committee where I was a member. The report of the Committee is available here https://www.assembly.gov.nt.ca/sites/default/files/cr_35-183_transition_matters_report_-_final_0.pdf

I support the recommendation of the Committee that 19th Legislative Assembly establish an independent committee to study and make recommendations on the functioning of consensus government, including the preferred selection process for Premier as well as the structure and appointment of Cabinet. I also believe it is time to consider the future of the relationship between Indigenous governments and public government in the NWT and how we will continue to work together.

2. Do you support a strong, decentralized NWT, with strong communities and regions? If elected will you support the reinstatement of a formal policy of proactive decentralization? If not, why not?

Yes, I support a strong decentralized NWT. Recent examples of decentralization include the Office of the NWT Ombud located in Hay River and a Sahtu regional office for the Department of Infrastructure. Further progress on self-government negotiations will also see regions and communities gaining more authority over their programs and services with the necessary decentralization to support these initiatives. My approach on the NWT Polytechnic University has also focused on building a strong network of campuses in Fort Smith, Inuvik and Yellowknife with the community learning centres as essential components. I support carefully planned decentralization that meets the needs of regions and communities while ensuring that there is effective capacity for policy development and similar functions. Decentralization should also mean the delegation or devolution of powers and resources to Indigenous regional and community government bodies created or recognized under land rights and self-government agreements.

3. If elected will you support the expedited conclusion of all outstanding land claim and self-government agreements within the life of the 19th Legislative Assembly? If not, why not?

During the 18th Assembly, Cabinet made cuts to the staffing and resources available for negotiations which I pointed out and opposed. I regularly questioned the lack of

progress on the negotiations. When Cabinet proposed a joint working group with regular MLAs on this issue, I was initially quite interested in participating but proposals for a collaborative approach to providing idea and input were rejected. The joint working group met infrequently and it was largely a one-way flow of information, and thus proved ineffective.

In the next Assembly, there needs to be a fresh and more flexible approach to negotiations with sufficient resources to ensure completion of all outstanding agreements. The recently released "Recognition and Reconciliation of Rights Policy for treaty negotiations in British Columbia" (<https://www.rcaanc-cirnac.gc.ca/eng/1567636002269/1567636037453>) is a good approach that might help serve as a model for NWT negotiations. The GNWT has to make substantial revisions to its negotiating mandates to acknowledge the inherent right of self-government, Aboriginal title, and significant quanta of lands for Indigenous ownership and control. Canada has to make similar changes. Adequate resources must also be allocated as part of the budget with clear reporting of progress, and measures to ensure success.

4. In 2005 the Government of Northwest Territories (GNWT) committed to a full co-drafting process with the Indigenous governments for the Species at Risk Act (SARA) and the Wildlife Act (WLA) and to subsequent pieces of legislation like the Forestry Act. The government of the 18th Assembly unilaterally withdrew that commitment. If elected, will you support the full reinstatement the 2005 GNWT commitment to a full co-drafting process with Indigenous governments of pieces of legislation jointly agreed to as critical by the Indigenous governments and the GNWT?

To be clear, it was Cabinet that failed to follow the GNWT commit to co-drafting of post-devolution legislation and the not the Legislative Assembly itself. As a regular MLA, I worked very hard to keep Cabinet accountable on the promise and obligation to a full co-drafting process. Some Ministers and Departments were more successful than others with the *Protected Areas Act* being a good example. The proposed *Forest Act* was an example of how not to approach co-drafting. Following the lead of many Indigenous governments, I pushed strongly to have the Bill withdrawn which is what happened. In my role reviewing the post-devolution Bills, I proposed many options and specific language to ensure that Indigenous governments and the public would have clear roles and involvement in the further changes and the regulations. Unfortunately, Cabinet and some MLAs rejected all attempts to ensure such involvement.

I continue to support co-drafting of legislation and regulations that are of mutual interest to GNWT and Indigenous governments. This also means that adequate resources and timelines must be provided for meaningful involvement. I will work hard to make sure this happens. The Intergovernmental Council created under the Devolution Agreement needs to be adequately supported to coordinate efforts by Indigenous governments for their effective participation.

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