

**MEMBER'S STATEMENT — KEVIN O'REILLY, MLA FRAME LAKE
CO-DRAFTING IN REGULATION DEVELOPMENT**

February 7, 2020

MR. O'REILLY: Merci, Monsieur le President. In dealing with the huge legislative landslide at the end of the 18th Assembly, one of the most contentious issues was consultation with regard to regulations, especially regulations required to implement post-devolution legislation. There do not appear to be any standards or process for developing regulations that might include public consultation or even co-drafting with Indigenous governments.

Virtually all of the Indigenous governments involved in the co-drafting of the postdevolution resource management legislation requested in writing that they be involved in the development of regulations. This was largely based on the manner in which those bills had been drafted, where very significant matters, such as resource royalties, requirements for benefit agreements, and more, had been left to the sole discretion of Ministers or Cabinet. There are no provisions and no requirements for public engagement or co-drafting with Indigenous governments for any of these regulations to implement these new laws.

Regular MLAs worked very hard. We proposed a number of possible solutions to the reasonable requests of Indigenous governments, NGOs, business, and the general public for involvement in the development of these regulations. Public notice with an opportunity for comment, opportunities for Ministers to enter into agreements on codrafting, a legislative requirement for consultation, and other options were all attempted, but failed to get any support from the previous Cabinet.

I will have questions later today for the Minister of Justice on how our government is going to put into practice its open government policy and reconciliation with Indigenous governments in regulation-making going forward. Mahsi, Mr. Speaker.