

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

**QUESTION 193-19(2): NORTHWEST TERRITORIES SURFACE RIGHTS BOARD**

**March 12, 2020**

**MR. O'REILLY:** Merci, Monsieur le President. My questions are for the Minister of Lands. In my statement earlier today, I outlined a number of issues or problems with the Surface Rights Board Act. These problems included the board's inability to refuse access, application of the legislation within municipal boundaries, air-only access, use of financial security to ensure compliance, compensation of the board, and allowing the board to hear from others than the parties to the dispute. These are in addition to the fact that the board hasn't actually been asked to resolve any disputes in seven years. Can the Minister tell us whether any of these issues, or others, have been raised with the department? Mahsi, Mr. Speaker.

**MR. SPEAKER:** Thank you, Member for Frame Lake. Minister of Lands.

**HON. SHANE THOMPSON:** Thank you, Mr. Speaker. The Surface Rights Board is a land claim obligation in the Gwich'in final agreement and is referenced in the Sahtu and the Tlicho agreements. The department has not heard from any IGOs or other governments or organizations about issues with this board presently. Thank you, Mr. Speaker.

**MR. O'REILLY:** I want to thank the Minister for that. During the review of the department's 2020-2021 Main Estimates, the Minister committed to look into the need to continue the Surface Rights Board; I've got that in Hansard here. This is a very helpful commitment because the legislation itself contains no provision for any kind of review. Can the Minister tell us how he intends to carry out this review, in consultation with Indigenous governments and the NWT?

**HON. SHANE THOMPSON:** In the main estimates, I did make a commitment that we should look at this board, and we did. One of the things we did was examine the land claim agreements, and I can confirm the Surface Rights Board is a land claim obligation in the Gwich'in and is also stated in the Sahtu and Tlicho agreements. This board is actually fully funded by the Government of Canada, so we have an obligation to have this board in place.

**MR. O'REILLY:** The Minister is right. There are provisions in the agreements for the board, and there is one year of funding, apparently, one year of funding. Many of these issues that I have raised about application within municipal boundaries, use of financial security to ensure compliance, these are not inconsistent with what is found in the

agreements. I actually participated in the review of the original federal legislation. There was very little support for it at the public hearing in Yellowknife, except from the mining industry. Will the Minister commit to engaging Indigenous and the public, including the mining industry, during the review of the Surface Rights Board Act?

**HON. SHANE THOMPSON:** As the request, right now, we haven't heard anything from Indigenous governments. We haven't heard from the mining industry. Right now, we haven't heard, besides our Member here, and I appreciate his work leading up to this. Right now, we haven't heard anything from them. I can reach out to the three land claim agreements to see if they have concerns with it, but right now, we're not going to review this because it's an obligation in the agreements.

**MR. SPEAKER:** Thank you, Minister. Final supplementary, Member for Frame Lake.

**MR. O'REILLY:** Merci, Monsieur le President. I want to thank the Minister for that. There are provisions in the agreements for interim arrangements, as well, in the absence of legislation. This legislation was forced on us by the federal government, and I think it's time that we looked at it. Look, this board has been in place for seven years; not one dispute. That's, I don't know, over \$2 million spent on this work, and no disputes to resolve. Can the Minister give us a schedule for the review that he has committed to undertake on the Surface Rights Board Act? Mahsi, Mr. Speaker.

**HON. SHANE THOMPSON:** As I said, we have not heard anything from Indigenous governments on this concern. We are under the process that we will review this if there is a new land claim settled, and we would actually start the process then. I am willing to work with the Member to see how we and the committee can start this process. Thank you, Mr. Speaker.