



Alternatives North

QUESTIONS ON DEVOLUTION FOR PREMIER McLEOD ARISING FROM PUBLIC MEETINGS OF MAY 2013 SPONSORED BY ALTERNATIVES NORTH

2013 05 22

1. What is the Premier's vision for governance of the NWT in the post-devolution era? The big picture, including Aboriginal governments and non-Aboriginal northerners?
2. Critical schedules of the Devolution Agreement have not yet been completed and/or made public¹.
 - a. Will the Premier sign a Devolution Agreement without complete schedules?
 - b. Schedule 15, GNWT's Devolution Implementation Plan, is deemed not to be part of the Devolution Agreement. It is, nonetheless, very important. When can we expect to see it?
3. Consultation with Aboriginal governments:
 - a. For those Aboriginal governments that have not signed on to the Devolution Agreement, to which level of government does the burden of s.35 Consultation fall? [Plainly stated, where is the federal government on behalf of the Crown with whom we have a treaty relationship?]
 - b. What is the plan to carry this out, and how will government demonstrate that it has taken the views heard into account if the Premier has indicated that no changes are possible beyond legal corrections?
4. Consultation with non-Aboriginal NWT residents:
 - a. On March 7 in the Legislative Assembly in response to a question from MLA Bob Bromley, the Premier assured members that "there will be an unprecedented level of public engagement and consultation". For non-Aboriginal NWT residents, does GNWT have any plan for consultation (to use the Premier's own word) according to a definition of consultation that a meaningful process can affect the outcome?²

¹ As of May 22, there are nine Schedules missing from the web version of the draft Agreement, although on May 5 only six were missing. The date on the document has not changed. Where did the three go?

² March 7: the Premier assured members in the Legislative Assembly that "there will be an unprecedented level of public engagement and consultation"

March 11: "Consensus Draft" Devolution Agreement signed and Premier McLeod promised 60 days of unprecedented public engagement

March 12: in a member's statement and so not speaking for the government, Mrs Groenewegen observed "we talk about the consultation process, I think we need to rename it. I think we need to talk about an awareness process as to where this government and the leadership of this territory are taking this territory in their relationship with Ottawa."

5. Will the Premier commit to a public review of economic rent (taxes and royalties) from sub-surface resource development?
6. Would a new tax, such as a resource tax, be part of the resource revenue cap and so limited by it?
7. Will the Premier commit to a public debate or review of what to do with the new resource revenues that GNWT will receive under the Devolution Agreement? [For example, should money be directed to the Heritage Fund?]
8. In public fora, GNWT officials have presented graphs showing “Resource Revenues” that would have accrued to GNWT over the preceding decade³.
 - a. In each year (so 1999-00 through 2010-11), what proportion and what dollar value are attributable to sources other than diamond mines?
 - b. What does GNWT expect will be the source of Resource Revenues beyond the time when the diamond mines have closed?
9. The Devolution Agreement requires a five-year review of the Mackenzie Valley Resource Management Act (MVRMA) but there does not appear to be provision for any public consultation in this review (s. 3.17). The review is the mechanism by which GNWT may get additional powers in respect of the MVRMA. Will the Premier undertake to consult the public in this review?
10. Why did GNWT’s negotiator agree to allow the federal government to take back from the Commissioner the administration and control of any lands or rights in respect of waters when deemed by the federal government to be in the national interest, subject only to consultation on the boundaries and the location of the waters (s. 3.38 and 3.39)?
11. Will NWT “mirror legislation” be referred to committee to allow the opportunity for public information and input? Can we have the Premier’s assurance that this will come to pass?
12. Canada will provide GNWT with \$67.3 million on an on-going basis (s. 9.7).
 - a. Is this money tied to any particular purpose?
 - b. Will there be a performance audit on the uses to which this money is put?
13. A common element of all of the public meetings hosted by Alternatives North, and the results of the public opinion survey that was contracted by this public interest group undertaken by EKOS Research Associates, has been that protection of the land is paramount.

The newly designed GNWT departments are:

³ Slide 28 in Mr Goldney’s presentation at the MLAs’ meeting of May 7 in Yellowknife.

- Lands (including lands functions from MACA)
- Environment and Natural Resources (with new program functions)
- Economic Development, Investment and Tourism (formerly ITI)
- Energy, Mines and Petroleum Resources (formerly ITI)
- Municipal and Community Affairs (with lands functions transferred to Lands)

- a. The proposed new structure of GNWT creates one additional department with a development emphasis. How will the Premier ensure that environmental concerns are balanced within Cabinet with this additional voice for development?
- b. The responsibility for protected areas currently lies with the Department of Industry, Tourism and Investment. Will Cabinet take this opportunity to put protected areas legislation under the responsibility of a minister with a mandate for environmental conservation, namely Department of Environment and Natural Resources?

14. At least three interim land withdrawals⁴ under the Territorial Lands Act expire 31 March, 2014, the eve of the anticipated signing of the final Devolution Agreement.

- a. Will GNWT assume responsibility for renewal if they are still required and, if so, does GNWT plan to renew these interim land withdrawals without interruption?
- b. What mechanism will the GNWT use to effect this?
- c. What will be GNWT's consultation requirements?

⁴ **PC 2012-0409** Proposed Thaidene Nene national park reserve in the vicinity of Great Slave Lake, **PC 2012-0410** To facilitate the resolution of Aboriginal land and resource agreements (Akaitcho), and **PC 2012-0411** Proposed Nááts'ihch'oh national park reserve within the Sahtu Settlement Area.