



# *Alternatives North*

February 24, 2023

The Honourable Caroline Wawzonek, M.L.A.  
Minister of Industry, Tourism and Investment

The Honourable Shane Thompson, M.L.A., Minister of Lands

The Honourable Shane Thompson, M.L.A. Minister of Environment and Natural Resources

Dear Ministers:

**RE: Public engagement in drafting of resource management legislation/regulations**

Alternatives North is writing with concerns regarding the process for public engagement in the drafting of resource management legislation and regulations.

We are asking for a process that brings the public into the process in a fuller way, and earlier in the process. We realize the Northwest Territories is relatively early in the 'devolve, then evolve' process, and applaud the co-drafting of legislation and regulations between the GNWT and Indigenous governments through the Legislative Development Protocol. This is an innovative and progressive approach. We should all be proud of the work by the Intergovernmental Council (IGC) in its expression of reconciliation and integration of Indigenous knowledge into our legal system.

That said, this approach does not relieve the GNWT of the need to engage with the public in the process. Co-management requires engagement of both Indigenous governments and the interested public. The process should be tripartite, not bipartite. The GNWT has committed to an Open Government Policy that includes "public participation in decision making" and that "citizen participation into potential government decisions should be encouraged".

The majority of resource management legislation that is being drafted and has been drafted (e.g., the Mineral Resources Act and Public Land Act) is 'enabling legislation'. The majority of decisions are taken within a regulatory framework rather than following debate in the Assembly, so public engagement in the formulation of regulations is critical.

We noted that the development of regulations has been inconsistent, with only brief opportunities for input from the public. For example, the Department of Lands set up a Technical Advisory Panel for the development of regulations under the new



# *Alternatives North*

*Public Land Act.* A good step, but unfortunately that panel has yet to meet. No public panel was set up for the Mineral Resources Act (MRA). There was a brief period to review portions of the MRA regulations, though materials such as for the Socio-Economic Agreement (SEA) section of the regulations were not readily available.

We would like to see you:

- acknowledge the need for full public engagement in the development of the first set of regulations under new resource management legislation (such as MRA, Public Land, Waters, Forestry);
- acknowledge that public engagement means being given the opportunity to influence the outcome of decisions (i.e., the opportunity for input is not an after-the-fact process of information dissemination);
- be more in step with the IGC process (i.e., the IGC and public processes are not linear or sequential, but can happen at least in part concurrently). So for instance, the process:
  - provides for the early establishment of a representative public stakeholder advisory committee during the development of new or amended resource management legislation and regulations, along with resources to support engagement
  - allows background documents that have been given to the IGC to also be released to the public
  - ensures a reasonable timeline for submissions, clear process schedule/milestones, and submissions to be made public, and;
- encourage targeted engagement with some stakeholders as long as information shared with them is made available to the public to avoid any apprehension of bias and to ensure transparency and accountability.

This is a critical period in the 'devolve, then evolve' scenario. The current process can be strengthened. We look forward to engaging with you on this matter through a meeting or written response.

Yours sincerely,  
Alternatives North

Karen Hamre



# *Alternatives North*

cc.

Jackie Jacobson Chair, Standing Committee on Economic Development and Environment

Katie Weaver, Clerk, Standing Committee on Economic Development and Environment

Kevin O'Reilly, Chair, Standing Committee on Accountability and Oversight

Michael Ball, Clerk, Standing Committee on Accountability and Oversight