



16th Legislative Assembly of the Northwest Territories

Standing Committee on Economic Development and Infrastructure

Report on Bill 9: *Wildlife Act*

Chair: Mr. David Ramsay

**MEMBERS OF THE STANDING COMMITTEE ON
ECONOMIC DEVELOPMENT
AND INFRASTRUCTURE**

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August 22, 2011

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Economic Development and Infrastructure is pleased to provide its Report on Bill 9: *Wildlife Act* and commends it to the House.



David Ramsay, MLA
Chairperson

**STANDING COMMITTEE ON
ECONOMIC DEVELOPMENT
AND TOURISM**

REPORT ON BILL 9: *WILDLIFE ACT*

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**STANDING COMMITTEE ON
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REPORT ON BILL 9: *WILDLIFE ACT*

INTRODUCTION

Bill 9, the *Wildlife Act*, was the product of more than ten years of work to replace the existing legislation which dates back to 1978. The Committee conducted extensive public hearings on it and had several amendments prepared to address specific concerns brought forward by members of the public. Members are mindful of the substantial time and money invested in the development and consideration of this Bill, and our decision to report it back as not ready for consideration by the Committee of the Whole was a difficult one to make. Nonetheless, after careful deliberations, the Committee has determined that the Bill should not proceed at this time for the reasons set out below.

Bill 9 was referred to the Standing Committee on Economic Development and Infrastructure on March 10, 2011. Between April and June 2011, the Committee held public hearings in Yellowknife, Fort Smith, Ulukhaktok, Aklavik, Inuvik, Hay River, Whatì, Dettah, Délne, Norman Wells, Fort Good Hope, Fort Liard, Jean Marie River and Fort Simpson. The Committee heard from many individuals, organizations, Aboriginal governments, and renewable resources boards and councils during the public review process, both at our hearings and via written submissions, and would like to thank all participants.

OVERALL READINESS OF THE BILL

Committee Members are concerned about the overall readiness of this Bill for enactment. During the public review process, we heard from some individuals and organizations that the Bill is long overdue and should proceed. However, other individuals and groups indicated that they had not had sufficient opportunity to participate in its development. Some also commented that they felt the Bill was being rushed. The Government itself was still conducting legal reviews months after the Bill was introduced, and brought forward over thirty proposed amendments to address issues it had identified. Further, as the next section of this report describes, no agreement has been reached on provisions to create a Wildlife Management Conference, which is an essential component of the Bill.

THE CONFERENCE

The composition of the proposed Northwest Territories Wildlife Management Conference was a concern that was brought to the Committee's attention early in the public review process. The Conference was to be an advisory body similar to that created in the *Species at Risk (NWT) Act*, and its roles were to include addressing wildlife management issues of common interest, reporting annually to the Minister, and providing reports to assist the Legislative Assembly in its reviews of the *Act* which were to take place every seven years.

In November 2010, the Government released a consultation draft of the Bill. In this draft, the Conference membership included renewable resources boards established under land claim agreements, the Inuvialuit Game Council, the Tłı̨chǫ Government, the GNWT, and Canada. The draft also included a provision allowing representatives of Aboriginal or treaty right holders from unsettled claim areas to be invited to participate in Conference meetings. It is the Committee's understanding that this was the composition agreed to by the settled land claim area members of the Working Group which collaborated on the Bill's development, and was made up of representatives from the GNWT, the Tłı̨chǫ Government, the Inuvialuit Game Council, the Gwich'in Tribal Council, the Sahtu Secretariat Incorporated, the Northwest Territory Métis Nation, and the renewable resource councils from the four settled land claim areas.

When the Minister introduced Bill 9 in March 2011, the provisions had changed from the draft to include Aboriginal representatives from unsettled claim areas in the Conference membership: The Dehcho First Nations, the Northwest Territory Métis Nation and the NWT Treaty #8 Tribal Corporation. The Committee heard objections to this change from Inuvialuit, Gwich'in, Sahtu and Tłı̨chǫ representatives. A key concern was that the new board composition included a mixture of political governments and members representing authorities with legislated wildlife management responsibilities. Some felt that this structure would be unworkable and strayed from the original intent of the Conference agreed to by the Working Group, which was to create a forum for wildlife management authorities. Some suggested that a separate political forum could be established if necessary.

The NWT Wildlife Federation also objected to the lack of representation for non-Aboriginal harvesters on the Conference. The Minister has suggested, and some Committee members agree, that the Federation can be represented through the GNWT-appointed members; however, the public raising this concern want the Bill to reflect an agreed-upon process that clearly identifies how those without treaty and Aboriginal rights will have input.

The Committee carefully considered all the concerns raised, and proposed to the Minister that an amendment be made to the Bill that would retain the membership as outlined in the November 2010 consultation draft, but that would make it a requirement that the Conference invite the participation of representatives from unsettled claim areas, as well as prescribed organizations representing persons with an interest in wildlife management and harvesting in the NWT. Unfortunately, the Government also released the Committee's proposals to some Working Group members without the Committee's knowledge or consent, which added to the confusion and bad feelings surrounding the Bill. Those without a process to be involved were not consulted at all.

Although some of the Committee felt that the proposed amendment was a reasonable compromise, the Minister rejected it twice. Instead, the Committee has been advised that the Minister proposes to remove the Conference provisions altogether, allowing the matter of the Conference membership to be addressed by amending legislation in future years. With respect, the Committee cannot agree to this approach, which will leave a significant gap in the Bill and the wildlife management regime in the Northwest Territories. The issues that have made the Conference provisions so contentious will not be any easier to resolve in the future, and if we as the legislators of today cannot see our way to address them, then it is the Committee's position that this Bill is not ready to proceed at this time. It is the intent of some Committee members to reintroduce our proposed amendment to the Conference provisions during Committee of the Whole deliberations, and should that motion pass at that time, some Members may be able to support the Bill going forward.

CONCLUSION

The Committee is well aware of the importance of new wildlife legislation to northerners, and would have liked to see this initiative completed during the life of the 16th Assembly. However, the impending dissolution of this Assembly is an artificial deadline and is no reason to enact a Bill that is not ready. Should the Bill not pass during this sitting, Committee members are confident that the next Assembly will be able to build on the significant work already undertaken and see it through to completion, and we would strongly urge them to do so in the first year of their mandate.