

Joint Review Panel Report

Hon. J. Michael Miltenberger

February 16, 2010

Statement to the Legislative Assembly

Mr. Speaker, I rise today to talk about the unique process we are a part of in the review of the JRP report. As an administrative decision maker under the MVRMA, as Minister of ENR, I have a unique role to play in the decision-making process. As such, I am part of a process which includes other federal responsible Ministers.

Mr. Speaker, as a result of this relationship, I cannot act alone. I have a duty to exercise my functions in accordance with the principles of administrative fairness required of me as a responsible Minister under the MVRMA and I must work with my federal colleagues. As a responsible Minister, I am bound to protect the integrity of the decision-making process as well as ensure that government is not fettered in its ability to make a decision.

Mr. Speaker, responsible Ministers will ensure that our obligation to consult will be met.

The MVRMA requires responsible Ministers to accept, reject or modify recommendations of the JRP. At this stage, the responsible Ministers of our respective governments must review each recommendation. This process includes the comments from the proponents and interveners to the JRP/NEB processes and a review of the evidence presented. Although we have started the review process, no final determinations have been made on the recommendations as we are still collecting evidence.

Mr. Speaker, recently questions have arisen about how we, as a government plan to involve Regular Members in this process. I would like to assure this House that we do, in fact, intend to continue to brief Members and seek their input as we move forward. We must, however, do so in a manner that respects the unique process and the integrity of the MVRMA and the principles of administrative law. At this time, legal counsel for both the Department of Justice and the Legislative assembly are actively engaged in exploring possibilities to achieve this.

Finally Mr. Speaker, I would like to clarify for the record the GNWT's submission to the NEB with respect to the JRP recommendations which stated: The proponent submits that the NEB should reject recommendation 8-6 from the JRP which relates to the establishment of the greenhouse gas emissions target or a series of targets in connection with the MGP facilities.

The GNWT believes that it is desirable for the proponent to provide a clear prediction of the anticipated GHG emissions associated with MGP facilities over time including both emission targets and trajectories and the details of any approaches that they proposed to adopt to mitigate GHG emissions. This information will be important to NEB and other

agencies to assist in understanding the implications of the MGP on GHG emissions in the NWT as a whole and to evaluate the effectiveness of measures taken to reduce those emissions.