

NUNAVUT WILDLIFE MANAGEMENT BOARD

MINUTES: CONFERENCE CALL No. 30

MONDAY, 7 APRIL 1997

Participants:

Ben Kovic	Chairperson
David Aglukark	Member
Kevin McCormick	Member
David Igutsaq	Member
Joannie Ikkidluak	Member
Harry Flaherty	Member
Meeka Mike	Member
Malachi Arreak	Member
Gordon Koshinsky	Member
Jim Noble	Executive Director
Pierre Chartrand	Director of Finance and Administration
Michael d'Eça	NWMB Legal Advisor

1. Call to Order

The Chairperson, Ben Kovic, convened the Conference Call at 4:00 p.m.

2. Contribution Agreement with DIAND for 1997/98

Jim Noble provided an update on negotiations with DIAND regarding the 1997/98 Contribution Agreement. Progress has been made on several issues but DIAND remains determined to incorporate new provisions for:

- Access to NWMB financial records for audit at their discretion, and
- Termination of the Agreement on 60-days notice.

Michael d'Eça referred to his briefing note, in which he identified seven separate provisions in the previous (1996/97) Contribution Agreement that pertain to accounting and/or reporting. These existing provisions make a new overriding provision redundant. If the existing provisions were somehow not sufficient, NMWB would be required to comply under Access to Information in any event. Of even greater concern, DIAND's proposed termination clause would permit DIAND to terminate funding, and to take back funds already disbursed.

Board Members considered that new and intrusive powers of access to NWMB financial information would be inappropriate for application to an institution of public government (IPG). This seemed especially unreasonable given that no complaints or observations regarding NWMB financial performance have been made by DIAND to date. A provision for unilateral cessation of funding would be tantamount to provision for unilateral termination of the Board, existence of which is established and guaranteed under no less authority than the Canadian Constitution.

Michael suggested that the NWMB has three options:

1. Appeal to the Minister to intervene, to have his Department provide NWMB with the funding that is guaranteed under the Contract (and the NLCA), or
2. Refer the matter to an Arbitration Board, assuming/pending agreement from DIAND to be bound by the decision of such a Board, or
3. Make application to the courts for a judicial review.

Michael's recommendation, supported by all of NTI's legal advisors, was to proceed by way of seeking a judicial review. The NTI position has not yet been formally communicated. The Board devoted considerable effort to consideration of the three options. Michael interpreted NWMB's case to be very strong, but cautioned that any application for a legal decision always did carry risk of failure. In response to a question from Gordon Koshinsky, Michael advised that the other IPGs had already signed their 1997/98 Contribution Agreements as per DIAND's new wording. Malachi Arreak noted that the other IPGs do not have the advantage of NWMB's historical experience in negotiating and implementing contribution agreements. Michael observed that since the ramifications of this matter are not strictly confined to NWMB, the NTI also has an integral interest.

The Board decided to apply for a judicial review in this matter, unless there is rapid and meaningful movement by DIAND. The Board further decided to seek this review in concert with NTI, on a shared-cost basis. **(Resolution 98 -002)**

4. Adjournment

The Conference Call adjourned at 6:00 p.m.

Minutes Approved by: _____
Chairperson Date

NUNAVUT WILDLIFE MANAGEMENT BOARD

RESOLUTIONS: CONFERENCE CALL No. 30

07 April 1997

Resolution 98- 002

Resolved that the NWMB, in concert with NTI, prepare to make application for a judicial review with respect to the 1997/98 Contribution Agreement as proposed by DIAND; and,

That the NWMB pursue with NTI options for cost-sharing of the judicial review and for provision of interim funding for NWMB operations.

Moved by: Kevin McCormick Seconded by: Joannie Ikkidluak

Carried Date: 07 April 1997