

LEGISLATIVE ASSEMBLY OF THE
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NORTHWEST TERRITORIES

SESSIONAL PAPER NO. 10, 1964 (First Session)

INTERDICTION

At the July Session in 1963 of the Council of the Northwest Territories, considerable discussion centered on problems relating to the consumption of alcoholic beverages. The Committee dealing with the matter requested the preparation of a paper on the value of interdiction as a means of controlling abuses in the use of liquor.

Northwest Territories Procedure

At the present time, interdiction can be imposed only by a Police Magistrate in the Northwest Territories. The Liquor Ordinance specifies that interdiction is to be enforced "until further ordered". The Ordinance also provides that an order of interdiction, as imposed by a Magistrate, may be set aside if the interdicted person has refrained for a period of at least 12 months from doing those things which caused his interdiction. Therefore, an order of interdiction is effective for a period of at least one year. The order of interdiction may be applied when a specific request has been made by the individual himself, or on the representations of any other person.

Effectiveness

No statistics are available from the Dominion Bureau of Statistics or from any other organization in regard to success or failure of interdiction. It is usually agreed, however, that the effectiveness of interdiction is dependent upon full co-operation of the person involved and his family, friends, police and the courts. It is also a matter of record that interdiction is more successful in the smaller communities where the person interdicted is known and those about him are cognizant of the responsibility of all to prevent infractions of the interdiction order.

The location of a community can seriously influence the effectiveness or ineffectiveness of interdiction. The proximity of Fort Smith to the Alberta town of Fort Fitzgerald creates a situation where interdiction would be of questionable value unless strictly enforced in both communities.

Practice in the Provinces

Prior to 1932, interdiction was the automatic outcome of any conviction related to the use of liquor in Ontario. It was also a matter of routine in that province that all persons in receipt of social assistance would have their liquor permits cancelled or (if they did not have a permit) have some form of prohibitory order issued against them. Since 1932, however, there has been an attempt to substitute more individual discretionary power or judgment in considering cases for interdiction. Today the pattern of automatic interdiction, whether it has been applied in the case of a convicted person or a recipient of social assistance, has fallen into disuse except in special cases. As an example, in 1961 the automatic issuance of orders of interdiction against persons convicted of drinking and driving offences was discontinued altogether in Ontario. The one type of automatic order which is still in effect in Ontario relates to convictions for the selling of liquor, furnishing liquor to minors, and permitting drunkenness.

In the opinion of Liquor Board authorities in at least two provinces, interdiction does offer "beneficial effects". They have reservations about its effectiveness in large population centres but it can be useful in small towns in some - not all - cases.

Administration Difficulties in the N.W.T.

There is, at present, only one Police Magistrate and a Deputy Police Magistrate in the Northwest Territories. It is therefore often difficult to arrange hearings, procure the attendance of witnesses, etc., to coincide with visits by the Circuit Court. Interdiction proceedings are by way of summary conviction and could, in the opinion of the R.C.M. Police, be satisfactorily disposed of by a Justice of the Peace. Liquor violations are normally heard by Justices of the Peace who are in the best position to evaluate the cases before them.

There is also the view that interdiction should, perhaps, be imposed on a graduated basis. This could be a maximum period of three months for the first liquor offence, six months for a second offence, one year for a third offence and three years for a fourth or subsequent offence. The shorter periods, at least, could be placed within the competence of the Justice of the Peace.

Summary

1. Experienced authorities are of the view that interdiction has beneficial effects where it can be enforced.
2. Interdiction could be administered more easily if it could be imposed by Justices of the Peace as well as by a Magistrate.
3. Minimum duration of one year for an order of interdiction may be too long for a first offence and a graduated or varied scale or period of interdiction should perhaps be used.

Any change in the present arrangements for interdiction in the Northwest Territories will require an amendment to the Liquor Ordinance.

April 24, 1964.