

LEGISLATIVE ASSEMBLY OF THE  
NORTHWEST TERRITORIES  
10<sup>TH</sup> ASSEMBLY, 4<sup>TH</sup> SESSION

TABLED DOCUMENT NO. 49-85(1)

TABLED ON MARCH 18, 1985

**JOHN U. BAYLY**  
BARRISTER & SOLICITOR

Also a member of:  
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March 8th, 1985  
Our file #190

John T'Sellie, MLA,  
Legislative Assembly of the  
Northwest Territories,  
YELLOWKNIFE, N.W.T.  
X1A 2L9

Dear John:

Re: Inquest into the death of Philip MODESTE

On the 6th of February, 1985 I attended an inquest into the death of Philip Modeste who drowned as a result of a boating accident on Great Bear Lake. Philip Modeste was working as a guide for the Great Bear Lake Lodge at the time he met his death. He was one of a number of guides who were weather bound on a point with a number of tourists for a period of several hours overnight last summer. Some of the guides agreed unwisely to take tourists back to the lodge before the wind had died down sufficiently for the lake to become calmer.

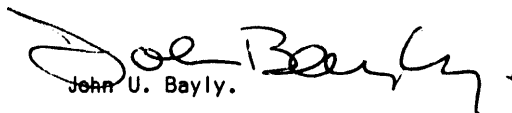
In addition to its findings on the cause of death, the Coroner's jury made five recommendations which are attached to the Inquisition from the Jury. The recommendations are good ones. They address the question of certification of fishing guides and minimum ages for fishing guides. Both of these could be written into the Territorial Regulations. At present, the Commissioner and Executive have chosen not to write any tourist guide regulations. There was also a question about the condition of some of the safety equipment, notably floater cushions and life jackets and the jury recommended that a government agency which could be the Royal Canadian Mounted Police carry out an annual inspection before the beginning of each season to check out equipment. The jury also recommended wearing of approved life jackets, not just carrying them in the boat.

It would be appropriate before the beginning of the 1985 sport fishing season to raise these matters in the Legislative Assembly of the Northwest Territories with a view to having regulations drafted and perhaps passed at the May session which might implement the recommendations (or some of them) made by the Coroner's jury.

As you can see, the jury members were all local people from Fort Franklin. All of them seemed well acquainted with the lake and its potential dangers.

For further details about the concerns of Fort Franklin people, and particularly the Modeste family, may I suggest that you contact Jane Modeste who can relay her parents' concerns to you. At present I believe they are out at their camp in the bush.

Yours very truly,

  
John U. Bayly.

JUB:nc  
Encl.

# Inquisition

# Coroners Ordinance



CANADA

NORTHWEST  
TERRITORIES

TO WIT:

An Inquisition taken for the Commissioner of the Northwest Territories at  
the house of Ft. Franklin in the  
Northwest of Territories on the 6<sup>th</sup>  
day of February 19 85 (and by adjournment on the  
         day of          19         )  
before Sheldon HEBB a coroner for the  
a coroner for the  
Northwest Territories, on view of the body of           
then          then and there lying dead, the undersigned and

(Name of Jurymen, if applicable)

being duly sworn and charged to inquire for the Commissioner when, where  
how and by what means the said PHILIP MODESTE  
came to his (her) death, do upon their oath say:

In witness whereof, the coroner has hereunto set his hand (and, the jurymen  
have hereunto set their hands), this 6<sup>th</sup> day of

February

19 85

[Signature]

[Signature]  
FTATTI

[Signature]

Who the deceased was:

PHILIP MOOSTE

When the deceased died

BETWEEN THE HOURS OF 0540 AND 0610 ON  
THE MORNING OF AUGUST 11, 1984

Where the deceased died

IN GREAT BEAR LAKE APPROXIMATELY 200 YDS  
OFFSHORE IN THE VICINITY OF LIGHTHOUSE POINT

How the deceased died

DROWNING

By what means the deceased came to his death

THE CAPSIZING OF HIS BOAT WHILE ATTEMPTING A  
RETURN TO THE GREAT BEAR LAKE LODGE CAMP AT NEILAND BAY.  
THIS ATTEMPT BEING MADE THROUGH EXTREMELY HAZARDOUS  
WATER AND WEATHER CONDITIONS

Recommendations:

ATTACHED RECOMMENDATIONS NUMBERED

1 TO 5 AGREED UPON BY



J. Gaudet



FTATTI

Vincent Deill

- ① THAT A TRAINING PROGRAM BE IMPLEMENTED AS SOON AS POSSIBLE INCLUDING A REFRESHER COURSE FOR GUIDES NOW WORKING. THIS PROGRAM TO LEAD UP TO A CERTIFICATION STANDARD AND ALL GUIDES MUST POSSESS SUCH CERTIFICATION IN ORDER TO WORK COMMERCIALY. TRAINING SHOULD INCLUDE WATER SAFETY, EMERGENCIES, FIRST AID, BASIC WORKINGS OF ANY EQUIPMENTS TO BE HANDLED, PUBLIC RELATIONS AND KNOWLEDGE OF REGULATIONS GOVERNING THE INDUSTRY INVOLVED.
- ② THAT THE R. C. M. P., OR A SUITABLE AGENCY, INSPECT EACH TOURIST ESTABLISHMENT OR OUTFITTER ANNUALLY, BEFORE START-UP OF ITS OPERATIONS, TO ENSURE THAT ALL EQUIPMENTS, FACILITIES AND SUPPLIES MEET APPROVED STANDARDS.
- ③ A SUITABLE, D. O. T. APPROVED LIFE JACKET BE WORN BY ALL OCCUPANTS OF ANY COMMERCIALY OPERATED BOAT USED IN CONJUNCTION WITH A TOURIST ESTABLISHMENT OR AN OUTFITTER.
- ④ THAT EACH OPERATOR OF A TOURIST ESTABLISHMENT, OR AN OUTFITTER, HAVE AND MAINTAIN A PROGRAM TO FAMILIARIZE EMPLOYEES WITH THEIR OPERATION. THIS PROGRAM TO COVER ITEMS SUCH AS RESPONSIBILITIES, CHAIN OF COMMAND AND KNOWLEDGE OF THE LOCAL AREA.
- ⑤ MINIMUM AGE OF GUIDES BE 21 AND ALL GUIDES SHOULD BE LICENSED.