



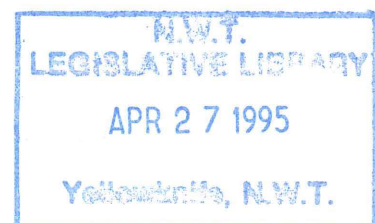
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**TABLED DOCUMENT NO. 98 - 12 (7) TABLED ON APR 26 1995**

PRESENTATION BY THE HONOURABLE STEPHEN KAKFWI  
MINISTER OF JUSTICE  
GOVERNMENT OF THE NORTHWEST TERRITORIES  
TO  
HEARINGS OF THE HOUSE OF COMMONS  
STANDING COMMITTEE  
ON JUSTICE AND LEGAL AFFAIRS  
  
ON  
BILL C-68  
AN ACT RESPECTING FIREARMS

MONDAY, APRIL 24, 1995

OTTAWA, ONTARIO



## OPENING

I have come here with several other Members of the Legislative Assembly of the Northwest Territories -- and with the unanimous support of all Members of that Assembly -- to express our concerns about Bill C-68, (An Act Respecting Firearms and Other Weapons). We believe this Bill will have an adverse impact on our way of life in the Northwest Territories if it is passed by Parliament without amendment.

Our collective hope is that the Standing Committee on Justice and Legal Affairs will conclude that the amendment we propose should be adopted. This will preserve the valid policy objectives of Bill C-68, without compromising the traditional and customary use of firearms by the people of the North.

People in the South understandably view firearms as weapons. We in the NWT see guns as tools. Tools that put food on the family table. Tools that ensure community safety from wild animals like polar bears, grizzly bears and wolves. Tools that provide many Northerners with their

only way to make a living.

Strict application of the laws contemplated by Bill C-68 would restrict the use of these tools and could criminalize the traditional activities of people who wish to be law-abiding citizens.

This Bill threatens to erode traditional hunting economies and destabilize commercial guiding and outfitting activities, which have brought a significant measure of economic growth to regions otherwise on the margins of Canadian society.

The Northwest Territories is not Southern Canada. Our way of life, sometimes our very survival, depends on the legitimate use of firearms. The unique needs of the North must be considered before this Act becomes law.

We have problems with several provisions of the Act which will be extremely difficult, if not impossible, to apply in the North. The existing

firearms provisions in the Criminal Code have been hard to implement. It's fair to say that the inconsistency between the existing provisions and traditional hunting practices in the Northwest Territories has already created a situation where the degree of non-compliance with the letter of the law is very high. For the most part, non-compliance is not an act of deliberate civil disobedience. The issue, quite simply, is relevance.

We want to be very clear that our opposition to the registration, transfer and related handling aspects of Bill C-68 should not be taken to mean that we are not concerned about violent crime, firearms safety issues or the need for safety training in the Northwest Territories. Those issues are of vital concern to us.

We experience disproportionate levels of suicide, particularly within our younger population. But registration of firearms will do nothing to solve that problem, as guns will remain easily accessible in communities where rifles are essential to putting food on the table.

Registration will cost millions of dollars. In our jurisdiction, that money would be much better spent on crime prevention, suicide prevention, victim services and safety training.

We are worried, and we believe reasonably so, that we are about to be compelled to dedicate scarce resources to a registration regime that is irrelevant, unproductive and which will limit our capacity to focus resources on the underlying causes of violent crime.

We are also troubled, as you should be, about some of the more subtle problems inherent in the scheme that would be established if Bill C-68 is passed into law without amendment.

A Canadian Firearms Safety Course must have guarantees for appropriate regional content and accessibility. As you know, in the Northwest Territories literacy levels are low. More important, many people are either unilingual aboriginal language speakers or speak an aboriginal language as their first language. We have eight official languages in the

NWT, six of them aboriginal.

Failure to address the cultural and linguistic facts of life in the NWT could well cause Bill C-68 to be a barrier to lawful firearms possession. Serious issues remain about who should be doing the training and how it should be done. Despite two years, or more, of negotiations on this point alone the federal government has not yet come to terms with the core issues associated with culture, language and accessibility.

The federal government has, however, reduced aboriginal language funding which will limit our capacity to meet the challenge of making laws passed in Ottawa understandable, and accessible, to the people who live in the remote areas of Canada's Arctic.

The "bottom line" on the NWT position is this: Bill C-68 imposes a complex and expensive scheme which, in several material respects, simply will not work in the Northwest Territories. We recognize the seriousness of the situation in Southern Canada and we do not underestimate the

severity of our own problems in the North. The point that we want to get across to you is that, in a country as diverse as Canada, it is essential for the law to be implemented in a manner that makes sufficient accommodation for regional, cultural and geographical distinctions. Bill C-68, in its present form, fails to meet that objective.

We urge the Standing Committee on Justice and Legal Affairs to closely examine the federal government's position that all aspects of the proposed firearms law must have universal application.

Our position is that, in the conflict of the competing values of uniformity and diversity, the balance has been unfairly, and unnecessarily, tipped in favour of rigid uniform application. The regrettable result is that a law designed to respond to the needs of communities like Toronto is about to have a profoundly adverse impact upon the way of life in communities like Tuktoyaktuk. This isn't the first time this has happened but the implications this time are far greater than they have been in the past. We say to you that this is an excellent example of how treating everyone

equally can actually produce inequality. The legitimacy of the need to accommodate diversity in the application of the law has been recognized by the Supreme Court of Canada on a number of occasions. It is unfortunate that the federal government has generally failed to adequately take this into account in the design of Bill C-68.

Given the extent of the diversity that exists from one part of Canada to another, we believe it would have been preferable if several aspects of Bill C-68, and particularly those provisions which deal with licensing and registration, had been drafted in a manner that would have facilitated appropriate regional variation. This would have been nothing new. The alternative measures scheme in section 4 of the *Young Offenders Act* was specifically designed to achieve that purpose. We realize that, because of the way Bill C-68 is structured, it would be difficult to develop an amendment which would easily provide for regional differences. We also realize that it is not likely that Parliament will significantly re-write the Act. Under the circumstances the best available alternative may be to amend Bill C-68 by deleting the coming into force provision in section 186 and by



substituting a provision that would permit the Act to come into force in the Northwest Territories on a date to be fixed by the Governor in Council on the advice of the Commissioner of the Northwest Territories. We propose to table with you a draft amendment that, in our view, would achieve the desired objective.

I want to take a moment to express to you how deeply I feel about this issue as an aboriginal person and as a Northerner. Hunting for food is part of what I am as a person. My children will learn to hunt as I did. My mother who is 74, still goes out on the land to hunt near my home community of Fort Good Hope. We believe, and we always have, that the right to possess a firearm to hunt for food is essential and that if government, any government, is to interfere with that right the limitation of the right must be minimal.

We are not alone in thinking that. The Supreme Court of Canada came to exactly that conclusion in the *Sparrow* case. For me, I look at Bill C-68 and I can only conclude that, while the drafters paid lip service to

aboriginal rights with provisions like section 110(t), they failed to meet, in any meaningful way, the standard that the Supreme Court established in *Sparrow*. Our amendment would give the federal government the opportunity to come into compliance with the requirements of *Sparrow*.

I also wish to observe that, while aboriginal rights in Canada and in the Northwest Territories, have a special status by virtue of section 35 of the Constitution Act, we do not live alone North of Sixty. Many non-aboriginal people have adopted our lifestyle. They are our friends, in many cases they are family, and they too will be adversely affected by the proposed changes in Bill C-68. Section 110(t) will be useless if, ultimately, it operates to drive a wedge between aboriginal and non-aboriginal people. The absence of any clarity from the federal government as to how they would propose to address these issues only serves to aggravate the problem.

I have heard from many people from my community, and across the NWT, who have approached me to express their anxiety about what these changes will mean. Outfitters, as just one example, believe that Bill C-68

totally ignores what it is they do, how they do it, the contribution they make to the Northern economy and the extent to which their livelihood is likely to be compromised by these changes. They are right but their voice has not been heard in the debate.

### CONCLUSION

Bill C-68 has been drafted by well-meaning people who, understandably, want to control the rising trend in southern Canada towards the unlawful use of firearms. Although we have strong objections to those elements of Bill C-68 which can be expected to impact negatively on life in the North, we wholeheartedly endorse much of what the Bill proposes to do.

We agree, for example, that stronger penalties should be put in place for those found guilty of using firearms in assaults, sexual assaults, robberies and other serious crimes. We support initiatives designed to reduce the smuggling of guns.

We also accept that it is entirely appropriate, indeed, essential, for government to restrict the possession of a broad range of assault weapons that exist for no purpose other than to cause harm or to satisfy the interests of collectors who focus their energies on dangerous and exotic weapons. If anything, we say the government should accelerate the timetable for the implementation of those reforms.

Despite Bill C-68's good intentions, however, in its present form it will impose unnecessary hardship on Northern people. That is why it must be changed. Amending section 186 to make it possible to bring into force only those portions of the Act which make sense in the Northwest Territories context is, we believe, the most appropriate means by which to accommodate our concerns.

We urge the Honourable Members of the Standing Committee on Justice and Legal Affairs to give very serious consideration to our proposal, to assure Bill C-68 will ensure justice for the people of Canada's North. Thank you.



PRESENTATION BY THE HONOURABLE STEPHEN KAKFWI,  
MINISTER OF JUSTICE, GOVERNMENT OF THE NWT, TO  
HEARINGS OF THE HOUSE OF COMMONS STANDING  
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON  
BILL C-68, AN ACT RESPECTING FIREARMS,  
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**Brief of The Northwest Territories Legislative Assembly**  
**To**  
**Hearings of The House of Commons Standing Committee**  
**on Justice and Legal Affairs**  
**On**  
**Bill C-68**  
**An Act Respecting Firearms**



***Monday, April 24, 1995, Ottawa***

## Introduction

On February 14, 1995 the Honourable Allan Rock, Minister of Justice and Attorney General of Canada, introduced Bill C-68, an Act respecting firearms and other weapons. The Bill includes amendments to the *Criminal Code* and a proposed new *Firearms Act*. The legislation essentially reflects the intentions expressed in the consultation package released by the Government in December, 1994.

Minister Rock met with the members of our Legislative Assembly in the Fall of 1994, when we described unanimously and in no uncertain terms the unique features of the Northwest Territories and why firearms legislation designed for southern Canada will not work in the North. We were pleased that he listened to some of our advice. For example, provisions dealing with the purchase of ammunition on behalf of others are tailored for the northern reality. Regrettably, other features of Bill C-68 are totally out of step and clash with northern realities.

Consequently, the people of the NWT have expressed, and continue to express, deep concerns about the anticipated impact of Bill C-68. At the heart of these concerns there is a strongly held view that the proposed universal registration of firearms will lead to the criminalization of the way of life of otherwise law abiding citizens. There is also dismay over the restrictive impact of the regime on the treaty and aboriginal rights of aboriginal people in the NWT. Furthermore, those involved in commercial hunting and outfitting activities in the NWT are concerned that their unique interests will be negatively impacted.

Aboriginal people have expressed concern that the Government has failed to meet the criterion established by the Supreme Court in *R. v. Sparrow* in its effort to meet the valid objective of reducing unlawful firearms usage, but in a manner that least interferes with the aboriginal right to possess and use firearms to hunt for food.

The Government of the NWT is concerned about the constitutionality of the proposed regime and the cost and virtual impossibility of implementing and enforcing the regime in the NWT where there is a relatively small population dispersed across a huge geographical area. Policing and prosecutorial officials in the NWT have also expressed concerns about the efficacy of the proposed gun control regime contemplated by Bill C-68.



The Government of the Northwest Territories, which passed a unanimous resolution opposing Bill C-68 in its present form and mandating a committee to submit this brief, dreads the prospect of assuming responsibilities for the administration and enforcement of legislation which it does not support.



### **Background**

There are approximately 60,000 residents in the Northwest Territories. Over half of these are persons of aboriginal descent. They inhabit a land mass which is roughly a third of Canada.

A 1990 survey of aboriginal households in the Northwest Territories disclosed that the vast majority of households were involved in hunting, fishing and trapping activities and owned rifles. Of these, 25 percent owned one rifle, 54 percent owned two to four rifles, and 22 percent owned five or more rifles.

We have 8 official languages, 6 of them aboriginal. The NWT has the highest incidence of illiteracy in Canada. It is estimated that 63 percent of the aboriginal population 15 years and over is not literate in English. Twelve percent of aboriginal people 15 years and over do not speak English or French well enough to carry on a basic conversation.

For most aboriginal people, hunting and trapping is central to their identities and remains economically, socially and culturally important, notwithstanding the damage done to the traditional economy by the anti-fur movement. Many continue to depend on hunting as a primary source of food, and for all native people wild meat is a preferred and nutritious source of sustenance, superior to the alternatives, which are prohibitively expensive.

### **Regulatory Compliance and the Northern Reality**

There is a considerable amount of anecdotal evidence that Northerners, and Aboriginal Northerners in particular, because of unfamiliarity with regulatory regimes and their low literacy levels in English or French, will have relatively low compliance levels with the kinds of regulations that impinge on modern life. It is not unusual for aboriginal people, especially in remote communities, to find that they do not have the necessary driver's licence, because it has lapsed and not been renewed.

More relevant, is the example of the current firearms provisions of the *Criminal Code*, especially the provisions concerning the necessity for a Firearms Acquisition Certificate (FAC) and the safe handling and storage of firearms.



The evidence, again is anecdotal, but it is highly likely that full compliance with the requirements of the legislation is very low. It is proving difficult to enforce and implement the existing firearms legislation, yet the scope of the regulatory scheme in Bill C-68 is so much wider and more complicated.

On this basis alone, it is possible to predict a high level of non-compliance if Bill C-68 is passed in its present form. As for the penalties for non-compliance, however, the penalty for failing to renew a driver's licence or Firearms Acquisition Certificate is of an entirely different order from the penalties in Bill C-68 for possession of a firearm without the necessary permit or licence.



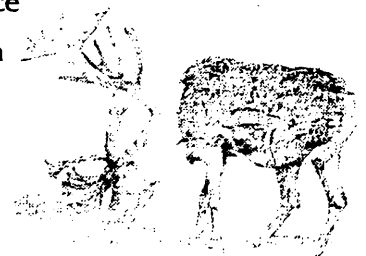
### **Registration of all Firearms**

The proposed universal registration of firearms, and the severe penalties that result from a failure to comply with the regime, are the most troubling aspects of Bill C-68. Such a massive intrusion into the lives of people who are not criminals and for whom firearms are a part of a way of life simply cannot be justified. This is true for both aboriginal and non-aboriginal Northerners.

Northerners are particularly concerned about the penalties that could be imposed for possessing a firearm without a Firearms Registration Certificate (FRC) or Firearms Licence (FL) in Sections 91 and 92 of Part III of the *Criminal Code*. The penalties in Section 92 for knowingly possessing a firearm without the necessary certificate or licence are draconian. It is ironic that this should be an indictable offence, when far more serious offences under the *Criminal Code*, such as assault, are at least hybrid and capable of summary proceedings.

It is particularly severe and completely unwarranted to introduce mandatory minimum sentences for a second offence under Section 92. Serious injustices will inevitably result from such a regime: people will go to jail who should not be there.

The introduction of these penalties will also have a chilling effect on the enforcement of these provisions, by effectively removing the discretion of the police in cases of relatively innocent violations. The police will feel compelled to charge in all cases irrespective of the circumstances, because in introducing such a harsh regime, Parliament will be giving a clear message to the police, and the police will undoubtedly have concerns about the potential adverse reaction if something untoward were to happen subsequent to a decision not to charge.



Although the aboriginal people of the NWT are respectful of the law, renewal requirements and the importance that is placed on timely renewals, has little influence on daily activities. Due to this fact, the possibility of individuals failing to maintain a valid Firearms Licence is high. This will potentially result in a number of people who are normally law abiding citizens being charged for a criminal offence.

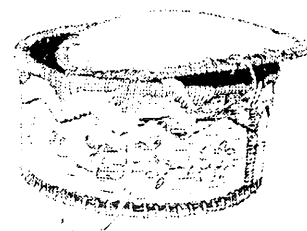
### **Lending and Storage of Firearms**

Under the terms of this new legislation, an individual may lend a firearm to another person, but must transfer at the same time a Firearms Registration Certificate and ensure that the borrower holds a valid Firearms Licence. While this might make sense in large, urban centres, it is overly complicated and totally out of place in a wilderness or rural setting. If either party is knowingly not in possession of the required documents and the lending occurs, the individuals would be in violation of Section 92 of the *Criminal Code*. If found guilty, the individual could be sentenced up to a term of ten years for the first offence, and a mandatory minimum of one year for a second offence.

Section 32 (1) (b) of the proposed Firearms Act, allows for a person who has legal possession of a firearm, to lend it to a person who is not a holder of a firearms licence under the condition of direct and immediate supervision. The term "direct and immediate supervision" is not defined in the Act, leaving uncertainty as to how this provision will be applied. If, as Federal Justice officials have stated, the intention is for the supervisor to be within an arm's length distance from the user of the firearm it will create major problems for outfitters because it will force the ratio of hunter/guide to be one on one.

Outfitters feel that these and other features of Bill C-68 fail to appreciate the realities of how their business is conducted, and could have the effect of driving away regular clients. We believe that they are right.

In the Northwest Territories, breaches of these provisions are almost inevitable, because of the traditions of sharing firearms among aboriginal people. Culturally, it would be inappropriate to insist on proof of a Firearms Registration Certificate and/or Firearms Licence in good standing, or to refuse to share, or lend a firearm, in the absence of such proof. The lending of firearms in the North occurs in the same way as one would lend a shovel or an electrical tool in the South. It is very common for an individual to take a firearm from the home of a family member, or a friend without



the knowledge of the owner. These concepts may seem foreign to Southerners, but they are part of the reality of life in the North.

If caribou, whales or bears are present in the immediate area of a community, the necessity for the use of a firearm will take priority over the conditions placed on lending. If a decision has to be made between meeting the conditions in the new legislation, or knowingly violating them in order to ensure safety and a supply of food for the family, the choice will likely be simple.



The provisions on storage of firearms and ammunition will also be extremely difficult to enforce. Firearms that are used as part of a communal hunt will often involve a number of different individuals using the firearms. When not in use the firearms are stored in an accessible fashion in an open unsecured area. When camping on the land during a winter hunt, temperatures are constantly below freezing. For this reason, firearms are not taken inside of an igloo or a tent, because the action of the firearm will freeze if subjected to extreme temperature changes from warmth to cold when removed from the shelter, rendering it useless. Consequently, firearms are stored outside of the shelter. The firearm will more than likely be loaded and ready to use, due to the potential threat of polar bears or other predators.

### **Outfitting and Sports Hunting**

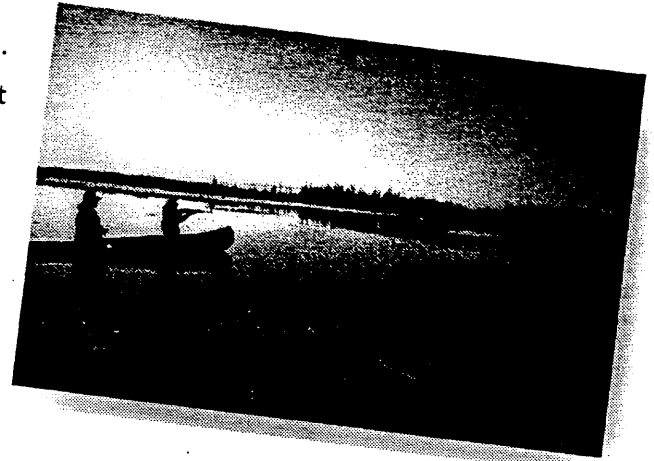
Tourism is a growing but important industry in the NWT. Tourists are attracted by the northern wilderness, with its abundant wildlife. An increasing number of people earn a livelihood from outfitting and guiding sports hunters, many of them Americans, who pay a great deal of money for the privilege of hunting in our country. American sports hunting organizations have served notice that they are not prepared to live with the impact of Bill C-68, and hunters have been advised not to take their trade to Canada. If this results, the outfitting and guiding industry in the NWT will be severely damaged. Alaska awaits those who would go elsewhere.

The proposed legislation deals with non-residents who enter Canada for the purpose of hunting with a firearm, but it fails to address the area of non-residents entering Canada for the purpose of hunting who do not have a firearm. This will place the hunter under the restriction of being within the direct and immediate





supervision of a guide. Also, individuals under the age of eighteen will not be allowed to enter Canada with a firearm. This will not allow a father/son party to experience their first hunt without being placed under these restrictions. Confusion about the nature and scope of the proposed restrictions is already having a negative impact upon outfitting operations in the NWT.



### **Constitutional Issues**

Under the Constitution, the Federal Government has responsibility for the Criminal Law. Provinces have responsibility for Property and Civil rights. The Northwest Territories Legislative Assembly under the *Northwest Territories Act* has most of the powers of a province, including legislative authority over Property and Civil rights.

A new *Firearms Act*, calling for the creation of a comprehensive regime of registration of firearms suspiciously resembles legislation passed pursuant to authority over Property and Civil Rights. Curiously, the registration regime is established under the umbrella of the proposed *Firearms Act*, but penalties for breaches, such as possession of a firearm without the necessary documentation, will be prescribed in the *Criminal Code*. Given the absence of empirical evidence demonstrating that the universal registration of firearms will have any impact on the reduction of crime rates, the authority of the Government of Canada to pass this legislation under its jurisdiction over the criminal law is questionable.

For us in the Northwest Territories the proposed legislation is particularly troubling in the context of the constitutional evolution of the Northwest Territories, and provokes mixed feelings. In Bill C-68, "Provincial Minister" for the Northwest Territories means the Federal Minister, which must surely be viewed as retrogressive. It is strange, to say the least, that the Federal Minister of Justice would be responsible for appointing a Firearms Officer in a small community in the Northwest Territories. That appears to be the direction suggested by the contents of Bill C-68.

While it is true that, to a much lesser extent, the current firearms provisions of the *Criminal Code* give the Federal Minister of Justice responsibilities in the territories that are elsewhere assigned to a Provincial Attorney General, the current constitutional anomaly is only amplified many times over in the proposed new regime.



## Aboriginal Rights

The majority of firearms users in the Northwest Territories are aboriginal people. For aboriginal people, firearms are essential to their way of life, and have particular cultural importance to the exercise of their traditional rights as hunters. Aboriginal people will inevitably challenge this legislation as an excessive intrusion by the government into the exercise of their aboriginal rights to hunt. The *Sparrow* case in the Supreme Court of Canada establishes that the Government of Canada has fiduciary responsibilities respecting aboriginal people and the exercise of their harvesting rights, and identifies limits or conditions on the Government when legislating in ways which impact on those rights. Arguably, the proposed firearms legislation does not meet those conditions. *Sparrow* requires minimal interference with aboriginal rights. Bill C-68, by contrast, appears to be structured upon a foundation of severe interference.



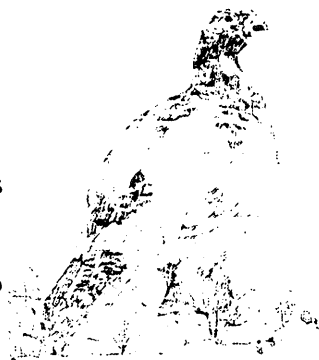
## Costs

We echo the observations of others to the effect that the costs of the new regime make it indefensible. The costs are particularly unsupportable given that the expected impact on crime prevention is speculative, while at the same time introducing, under the authority of jurisdiction over the criminal law, an extensive, regulatory intrusion by the State into the lives of people who are not criminals.

We have not completely assessed the increased costs to administer the proposed regime, but clearly they will be staggering. We will not be in a position to administer C-68, even if we wanted to, unless the costs are fully funded by the Federal Government.

Increases over the current regime include things like audits of firearms businesses, monitoring delivery of firearms safety training and inspecting shooting ranges and club activities, all of which will require travel, which is extremely expensive in a region with 60 communities scattered across 3.2 million square kilometres.

The most significant of the new duties is the implementation of S. 22, whereby the Chief Territorial Firearms Officer will authorize all transfers of firearms. This will be costly and virtually impossible to implement in a territory as vast as the NWT. Persons from remote parts of the NWT, proposing to transfer firearms, will need to communicate with the Chief Territorial Firearms Officer in Yellowknife if a transfer is to be authorized. The associated expenses are extremely disproportionate compared to what could be anticipated in similar transactions in the South.



We note that Section 26(c) implies that transfers will not be routine and will require an investigation by the Chief Territorial Firearms Officer before an authorization can be made. These investigations will be as extensive as those required to authorize the initial issue of a Firearms Registration Certificate or Firearms Licence. Cost and capacity stand as significant barriers to meeting these obligations. Furthermore, the establishment of Nunavut in 1999 will require additional resources at a time when resources are scarce.



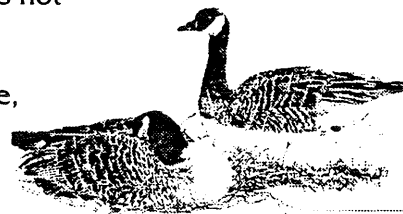
An extensive public information campaign will be required to bring the full impact of the new legislation to the attention of the northern public, and will have to reflect that many people do not use written languages or do not read or understand English or French.

We also note that the Government of Canada has not yet concluded an agreement with the Government of the NWT for the costs of administering the current legislation. The additional duties under the proposed legislation will require the negotiation of an agreement covering the additional costs.

### **Firearms Training**

The requirement for completion of a firearms safety training course before becoming eligible for the acquisition of a firearm is proving to be difficult to implement in the context of the existing firearms legislation, and demonstrates the central theme of the Northwest Territories position, that regional flexibility must be built into a national regime. The case for this is even stronger if the regime is to have complexities of an additional order, as in Bill C-68.

The Government of Canada and the Government of the NWT are currently attempting to develop an agreement which would allow for a training program which is appropriate to the circumstances of the NWT. We note, with some concern, that Bill C-68 calls for a "Canadian Firearms Safety Course". If this means national uniformity in training, it will not work in the NWT, because mandatory participation in a safety course designed for circumstances in Toronto, Montreal or Vancouver is not only excessively bureaucratic and expensive to administer, but oppressive and irrelevant. Aboriginal and other persons would be compelled to attend a course, which does not reflect the needs, or the realities, of subsistence hunters.



To be effective, courses must be designed for local circumstances, and take into account the literacy levels and use of aboriginal languages by the prospective students.

We are encouraged by the expressions of commitment from the Minister and his officials to accommodate regional and cultural flexibility in the implementation of the requirement for firearms training, but without a legislated expression of this commitment, we remain concerned.

### **Conclusion**

The people of the NWT would be more than pleased to support legislation which would have the effect of reducing crime rates, but C-68 will not reduce crime rates in the NWT. Indeed, it will give criminal records to people who relatively innocently or out of conscience contravene the firearms legislation by failing to acquire the necessary licences and permits or register their weapons. We would be happy to support large urban centres in their bid for control over the illegal use of firearms, but we do not see why we should have to accept legislation which does not work for us, any more than we would expect people living in Toronto, Montreal and Vancouver to accept legislation designed for the NWT.

We are confident that it is possible to find a way to import flexibility and regional and cultural variations in the application of legislation such as this. We expect that there would be a lot of support for this from the Canadian public. While there is some room for the flexible implementation of C-68, the draft does not meet the standard that ought to apply in relation to legislation that can be expected to have a profound impact on the lives of those who will be affected by it.

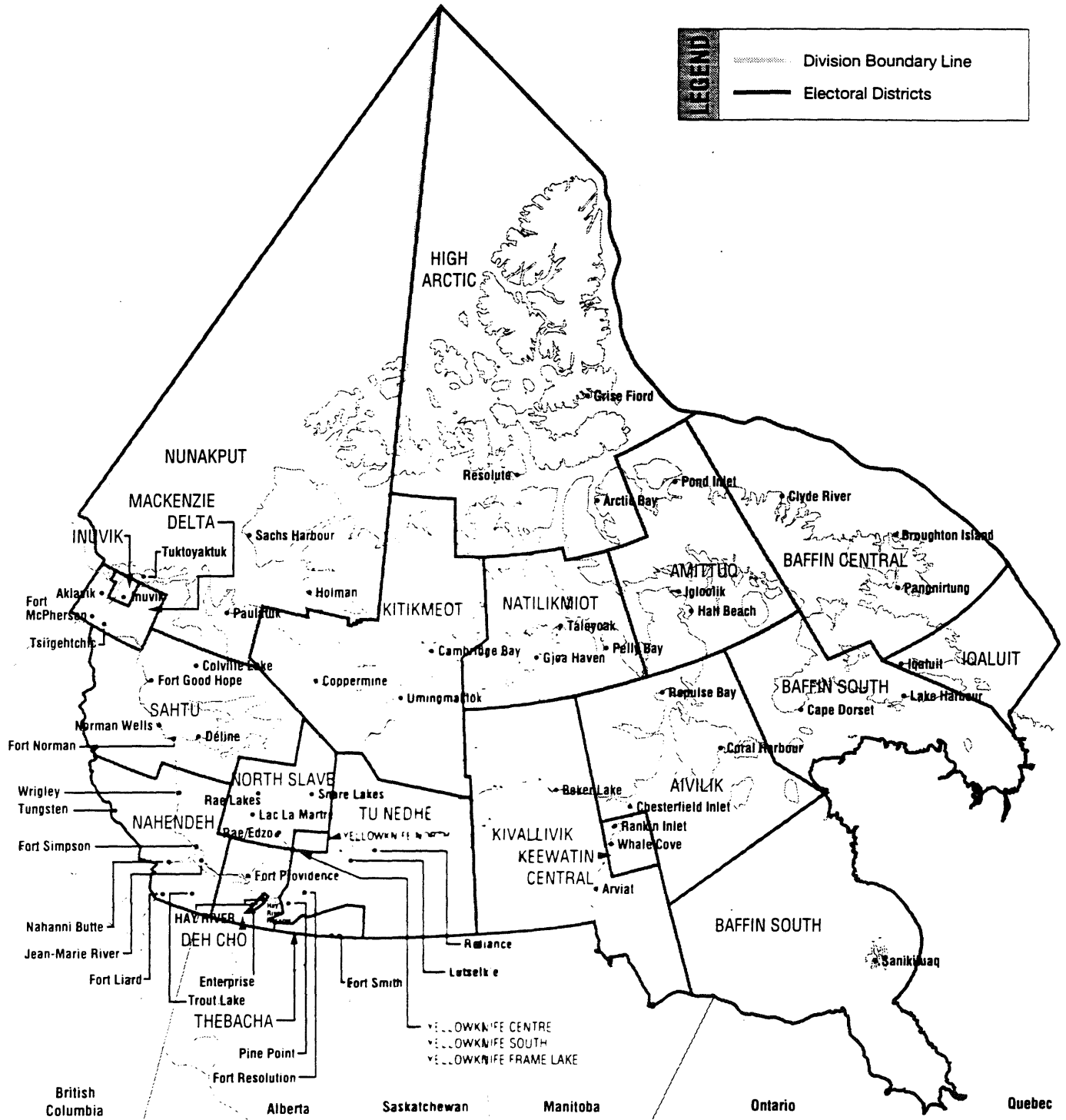
Examples of legislated flexibility and sensitivity to regional and cultural diversity can be found elsewhere. Section 4 of the *Young Offenders Act*, which provides for the introduction of programs of alternative measures on a provincial basis is one such example. Similarly, a program of victim impact statements can be instituted on a provincial basis pursuant to Section 735 of the *Criminal Code*. Section 718.2 (c) of Bill C-41, the "Sentencing Bill" which is now before Parliament, will amend the *Criminal Code* to require a court to take into account the special circumstances of aboriginal people when deciding whether or not to sentence an aboriginal person into custody. Given the flexibility and sensitivity applied in these circumstances it is difficult to accept that it is not possible to achieve similar results in relation to matters which may not fall fully within the scope of the criminal law.



Serious consideration must be given to amendments to Bill C-68 which will allow for the Northwest Territories and other regions to adapt the implementation of firearms legislation by instituting programs to meet the objectives of the legislation, while respecting regional and cultural values and constitutionally protected rights. Programs should reflect that a firearms program on Baffin Island cannot and should not be the same as one designed for Toronto, Montreal, Vancouver or other urban centres. Firearms have a special place in the lives of the aboriginal people of the Northwest Territories. Many will have lived all or part of their lives on the land, dependent on firearms for survival, and for all aboriginal people firearms possess a cultural significance which is not shared by other Canadians whether they use firearms or not. Legislation which does not adequately take this into account is contrary to the standards of fairness and respect for diversity to which all Canadians attach the highest of value.



# Canada's Northwest Territories





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