

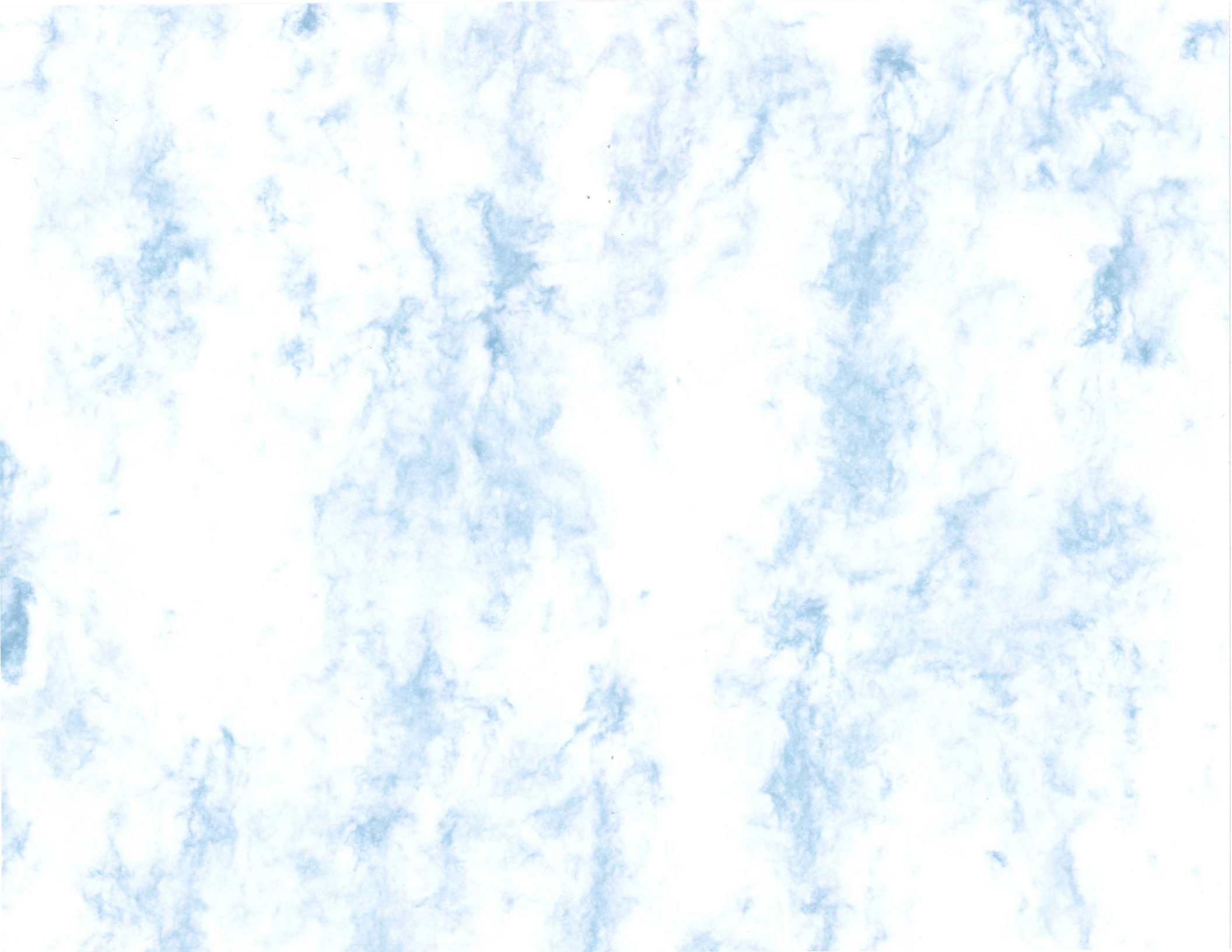


***The Northwest Territories  
Law Foundation***

Tenth Annual Report  
for Fiscal Year Ending  
June 30, 1992

Dividing the Northwest Territories  
Design & Printing:

Richard I. Hardy  
Artisan Press Ltd., Yellowknife, N.W.T.



## Financial Statement - Notes

### NORTHWEST TERRITORIES LAW FOUNDATION

#### NOTES TO THE FINANCIAL STATEMENTS

June 30, 1992

#### NOTE 1 SIGNIFICANT ACCOUNTING POLICIES

- a) The Foundation records revenue from interest on members trust accounts as received and deposited from members of the Law Society of the Northwest Territories.
- b) Effective July 1, 1990 the Foundation changed its policy and now records all unpaid approved grants as grants payable and includes them in grant expenditures.

#### NOTE 2 INVESTMENT CERTIFICATES

Effective July 1, 1991, the Investment Certificates held for the Endowment Fund and the General Account are recorded at cost plus earned and accrued interest.

#### NOTE 3 ENDOWMENT FUND

The Endowment Fund of \$50,000 was established to generate interest income to finance a scholarship program for law studies.

#### NOTE 4 STATUS

The Foundation is incorporated under the statutes of the Northwest Territories.

*The Northwest Territories Law Foundation*

NWT GOVERNMENT LIBRARY



3 1936 00019 747 3



## *The Northwest Territories Law Foundation*

*1991 - 92 Board of Directors*

**Chairman**  
**First Vice-Chairman**  
**Director**  
**Director**  
**Director**  
**Appointed Member**  
**Executive Manager**

Cheryl Walker  
Larry Pontus  
Gary Boyd  
Lucy Austin  
Virginia Schuler  
Fibbie Tatti  
Wendy Carter

## Chairman's Report

To the Executive  
Law Society of the Northwest Territories

To the Legislative Assembly of the  
Northwest Territories

It is a pleasure to give you the Annual Report of the Law Foundation of the Northwest Territories for the 1991/92 fiscal year ending June 30, 1992. As required by the Legal Profession Act, a summary of the grants made during the fiscal year 91/92 as well as the audited financial statement for that year is included.

The Law Foundation's revenue decreased again this year to \$137,706 - a decrease of \$68,944 from the previous year. This is consistent with the other Law Foundations across Canada and resulted from a down turn in the economy and low interest rates.

Some of the worthwhile projects funded this year were the Law Library and the Arctic PLEI Society. The foundation members felt that the work of these organizations is very important. They are the main vehicles for educating and informing people across the NWT about the law.

The Law Foundation awarded its first scholarship to Craig Bell of Yellowknife, a second year law student. The Scholarship fund was established in 1990 and has available up to \$5,000 per year to assist undergraduate and graduate related law studies undertaken by Northern residents and individuals whose research could benefit the Northwest Territories.

The Foundation is grateful to Richard I. Hardy for the article contained in this report on "Dividing the Northwest Territories".

This was my last year on the Board of Directors and I would like to thank fellow Board Members Larry Pontus, Lucy Austin, Fibbie Tatti, Gary Boyd and Virginia Schuler for the commitment of time and care given by each of them.

On behalf of all members I thank Wendy Carter, Executive Manager for her hard work.

Respectfully submitted,



Cheryl Walker  
Chairman

The Northwest Territories Law Foundation

## Financial Statement - III

STATEMENT III

### NORTHWEST TERRITORIES LAW FOUNDATION

#### STATEMENT OF REVENUE AND EXPENDITURE For the Year Ended June 30, 1992

	1992	1991
<b>REVENUE</b>		
Interest - Trust Accounts	\$108,376	\$152,376
- Investment Certificates and Bank	<u>29,330</u>	<u>54,274</u>
	<u>137,706</u>	<u>206,650</u>
<b>EXPENDITURE</b>		
Administration Fees	12,632	10,350
Dues	342	179
Executive	930	443
Grants	137,639	161,374
Office and Miscellaneous	662	970
Printing	1,059	455
Professional Fees	<u>1,605</u>	<u>1,500</u>
	<u>154,869</u>	<u>175,271</u>
<b>EXCESS REVENUE (EXPENDITURE)</b>	<u>(\$ 17,163)</u>	<u>\$ 31,379</u>

See the attached notes.

The Northwest Territories Law Foundation

**Financial Statement - II**

STATEMENT II

NORTHWEST TERRITORIES LAW FOUNDATION

STATEMENT OF MEMBERS' EQUITY

For the Year Ended June 30, 1992

	1992	1991
<b>SURPLUS</b>		
Opening Balance	\$409,558	\$378,179
Excess Expenditure Per Statement III	( 17,163)	31,379
Closing Balance	<u>\$392,395</u>	<u>\$409,558</u>
<b>ENDOWMENT FUND (Note 3)</b>		
Opening Balance	\$ 56,774	\$ 50,262
Less Administration Fees	( 3,399)	-
Add Interest on Investment	<u>4,942</u>	<u>6,512</u>
Closing Balance	<u>\$ 58,317</u>	<u>\$ 56,774</u>

See the attached notes.

The Northwest Territories Law Foundation

**The N.W.T. Law Foundation**

The Northwest Territories Law Foundation was established pursuant to Part VII of the Legal Profession Act for the purpose of receiving the interest which banks must pay on clients' funds held by lawyers in mixed trust accounts. It is similar in form to Law Foundations established in most of the provinces.

**Objectives**

The objectives of the Law Foundation are to use the funds collected in this manner to provide funding in the following areas:

- (a) conducting research into and recommending reform of the law and administration of justice;
- (b) establishing, maintaining and operating law libraries;
- (c) contributing to the legal education and knowledge of members and the people of the Northwest Territories and providing programmes and facilities therefor;
- (d) providing assistance to legal aid programmes and programmes of like nature;
- (e) contributing to the Assurance Fund; and,
- (f) doing all other things that, in the opinion of the Directors, are incidental or conducive to the attainment of these objects.

**Administration**

The Foundation is administered by a Board of Directors consisting of five members; four being members of the Law Society and appointed by the Executive of the Law Society and one who is not a member of the Law Society and who is appointed by the Commissioner. The Directors serve for a term of two years.

The Directors meet as required to decide on policy matters, and to deal with the general administration of the Foundation including policy as to the collection and investment of funds. Commencing in April 1992 a "grant meeting" will be held once per year to consider all requests for funding for that fiscal year.

Administration and management services are provided through an Executive Manager who is engaged on a contract basis.

For information about the Northwest Territories Law Foundation and to request financial assistance forms, write or telephone :

Wendy Carter  
Executive Manager  
The Northwest Territories Law Foundation  
Box 2594, Yellowknife, NT X1A 2P9  
Telephone (403)873-8275 Fax (403)873-6064

The Northwest Territories Law Foundation

**Grants 1991 - 92**

<b>Arctic Public Legal Education</b> . . . . .	<b>\$25,000</b>
Assistance to PLEI to explain the law and the legal system to residents of the Northwest Territories	
<b>Law Society of the Northwest Territories</b> . . . . .	<b>\$30,000</b>
Assistance to the Law Society of 50% of the cost of publishing the Northwest Territories Law Reports for 1992 and 1993.	
<b>NWT Court Library</b> . . . . .	<b>\$25,000</b>
For the acquisition of books and materials for the NWT Court Library for 1991/92	
<b>NWT Court Library</b> . . . . .	<b>\$30,000</b>
For the acquisition of books and materials for the NWT Court Library for 1992/93	
<b>Supreme Court Rules and Practice Committee</b> . . . . .	<b>\$25,000</b>
To assist in a review of the Supreme Court Rules	
<b>Canadian Journal of Women and the Law</b> . . . . .	<b>\$1,000</b>
To assist in the publication of two issues of the journal	
<b>Canadian Bar Association</b> . . . . .	<b>\$1,000</b>
To assist in a national review of Gender Equality	
<b>Western Judicial Education Centre</b> . . . . .	<b>\$1,000</b>
To assist in staging a Seminar on Race and Ethnic Relations for Provincial and Territorial Court Judges	

**Financial Statement - I**

STATEMENT I

**NORTHWEST TERRITORIES LAW FOUNDATION**

**BALANCE SHEET**  
June 30, 1992

**ASSETS**

	1992	1991
<b>CURRENT</b>		
Cash	\$ 87,659	\$ 62,794
Investment Certificate - Endowment Fund (Notes 2 and 3)	61,716	56,774
- General (Note 2)	369,700	300,000
Accounts Receivable	<u>256</u>	<u>91,763</u>
	<b>\$519,331</b>	<b>\$511,331</b>


**LIABILITIES**

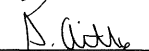
<b>CURRENT</b>		
Trade Accounts and Accruals	\$ 1,675	\$ 1,690
Grants Payable (Note 1b)	<u>66,944</u>	<u>43,309</u>
	<u>68,619</u>	<u>44,999</u>

**MEMBERS' EQUITY**

<b>SURPLUS</b> , per Statement II	392,395	409,558
<b>ENDOWMENT FUND</b> , per Statement II	<u>58,317</u>	<u>56,774</u>
	<u>450,712</u>	<u>466,332</u>
	<b>\$519,331</b>	<b>\$511,331</b>

APPROVED:

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Director

See the attached notes.

# Auditor's Report

## Avery, Cooper & Co. Certified General Accountants

4918 - 50th Street, P.O. Box 1620  
Yellowknife, N.W.T. X1A 2P2  
Telephone: (403) 873-3441  
Fax: (403) 873-2353

Robert A. Williams, C.G.A.  
Gerald F. Avery, C.G.A.  
Douglas E. Cooper, C.G.A.  
W. Brent Hinchey, B. Comm., C.G.A.

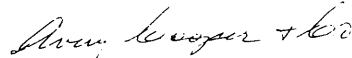
### AUDITORS' REPORT

To The Board of Directors of the  
Northwest Territories Law Foundation

We have examined the Balance Sheet of the Northwest Territories Law Foundation for the year ended June 30, 1992 and the Statements of Members' Equity and Revenue and Expenditure for the year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests as we considered necessary in the circumstances.

A major part of the Foundation's revenue is interest from accounts of its members which is not susceptible to complete audit verification because of the lack of a system of control. Accordingly, our verification of receipts from this source was limited to accounting for the amounts recorded in the accounts of the Foundation.

In our opinion, except for the effect of adjustments, if any, which might have been required had interest from trust accounts been susceptible to complete audit verification, these financial statements present fairly the assets and liabilities of the Foundation as at June 30, 1992 and the results of its operations for the year then ended, in accordance with the accounting principles set out in the Notes to the Financial Statements.

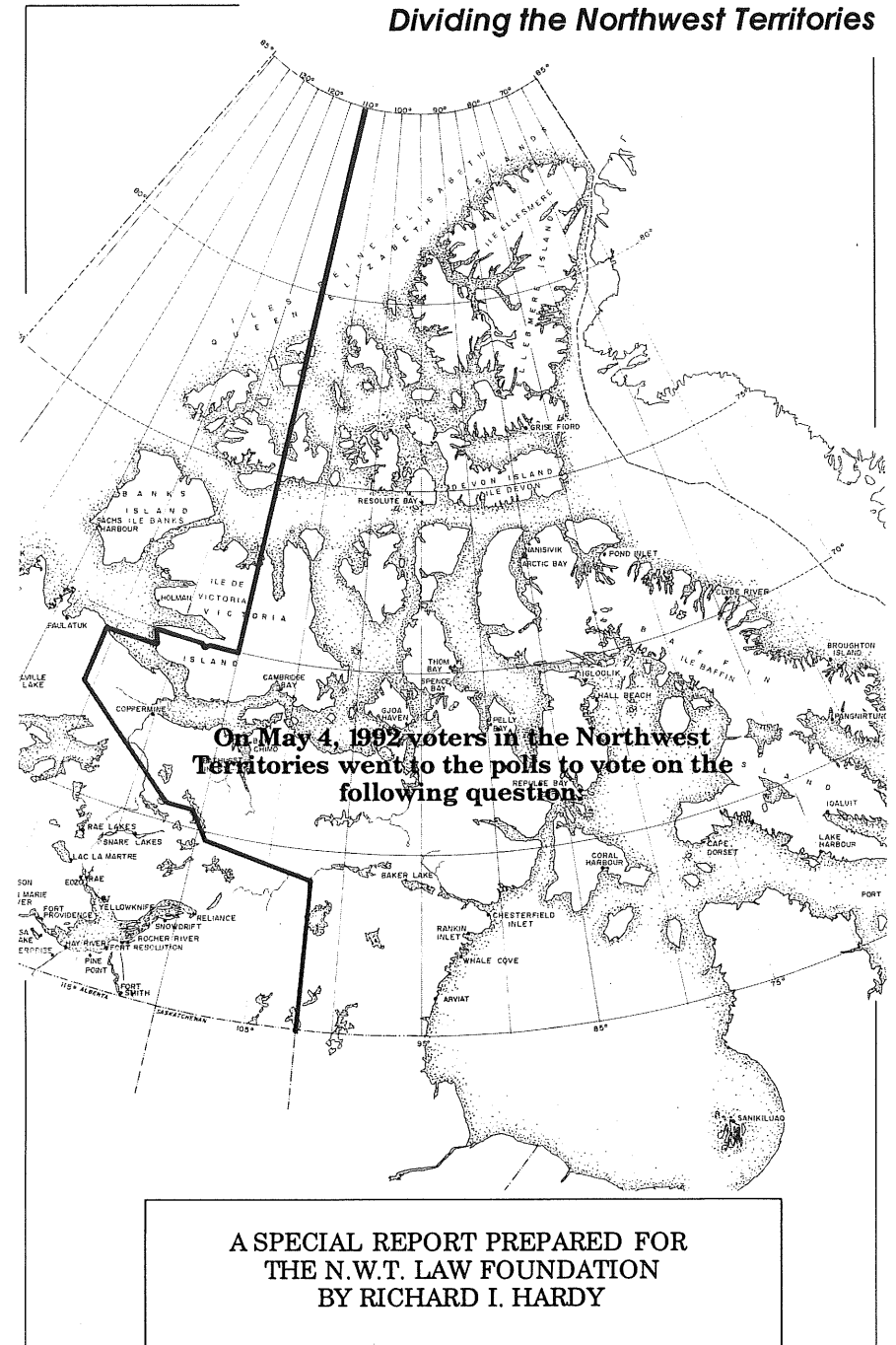


AVERY, COOPER & CO.  
Certified General Accountants  
Yellowknife, N.W.T.

August 25, 1992

The Northwest Territories Law Foundation

# Dividing the Northwest Territories



The Northwest Territories Law Foundation

## Dividing the Northwest Territories

"On April 14, 1992, a majority of voters in an NWT wide plebiscite voted to support the division of the Northwest Territories so as to allow the creation of a new Nunavut Territory with its own Nunavut government. The NWT Legislative Assembly and the Government of Canada accepted this result.

In the Iqaluit Agreement of January 15, 1987, the Nunavut Constitutional Forum (NCF) and the Western Constitutional Forum (WCF) agreed that the boundary for division for the NWT would be the boundary separating the Tungavik Federation of Nunavut (TF) land claim settlement area from the Inuvialuit and Dene Metis land claim settlement areas. On April 19, 1991, the Government of Canada endorsed the compromise boundary shown on the map below.

Division will occur in such a way as:

- to maintain adequate levels of public services;
- to respect the opportunity of residents in the Mackenzie Valley and Beaufort areas to develop new constitutional arrangements in the future for the western part of the NWT;
- to respect the employment status and location preferences of GNWT employees.

ON THESE UNDERSTANDINGS, DO YOU SUPPORT  
THE BOUNDARY FOR DIVISION SHOWN ON THE MAP  
ABOVE?        YES    NO "

There were 27,582 voters registered and 15,471 cast ballots. 8,347 were cast "YES" and 7,000 were cast "NO". 124 spoilt their ballots.

Based upon the result of this vote the Government of Canada has committed itself to dividing the existing Northwest Territories into two new territories. The eastern portion will be known as "Nunavut" and the name of the western portion is, at this time, unknown. The new territories will come into existence later in this decade.

Ironically the results of the plebiscite showed a strong "NO" vote in the constituencies located in the western part of the territory. Ironical because the original drive to divide the territory was started by non-aboriginal residents of the western part of the territory in the 1950's. At that time Indians and Inuit did not have the right to vote.

The original drive to divide the territory resulted in legislation being introduced to Parliament on May 21, 1963 which would have created the MacKenzie and Nunassiq Territories

## Dividing the Northwest Territories

with a boundary generally running north from the Saskatchewan/Manitoba boundary. The legislation died on the order paper when a federal election was called.

In 1964 a new Northwest Territories Council was constituted and it opposed division. The federal government then appointed the "Advisory Commission on the Development of Government of the Northwest Territories" with A.W.R. Carrothers as chairperson and Jean Beetz and John Parker as members.

The Carrothers Commission reported in 1966 and recommended against division for a period of ten years. In 1975 the Inuit Tapirisat of Canada proposed division of the territory and the creation of Nunavut. This proposal would have seen the Beaufort Sea region included in the eastern territory. Thus began the push to division that culminated in the plebiscite of May 4, 1992. In addition to this plebiscite an earlier one was held on April 14, 1982 which agreed to the principle of division.

The style of government to be established for Nunavut is expected to be very similar to that of the existing Northwest Territories as established by the Northwest Territories Act. The style of government for the western part of the territories is yet to be determined.

The Legislative Assembly of the Northwest Territories acting upon the advice of the aboriginal organizations situated in the western part of the territory created the Commission for Constitutional Development in July of 1991 with Jim Bourque as chairperson and with members being drawn from various representative groups. The Bourque Commission was charged with developing options for consideration by the public and to prepare a comprehensive constitutional proposal. The commission delivered its report "Working Toward a Common Future" at the end of April 1992.

The report has been favourably received by the aboriginal organizations but at the time of writing this article neither the government nor the Legislative Assembly of the Northwest Territories has responded to it.

Recent developments at the national level regarding the recognition of the aboriginal peoples inherent right to self government have laid the stage for the development of a system of government that has not yet been seen in any liberal democratic society.

Richard I. Hardy, October 2, 1992