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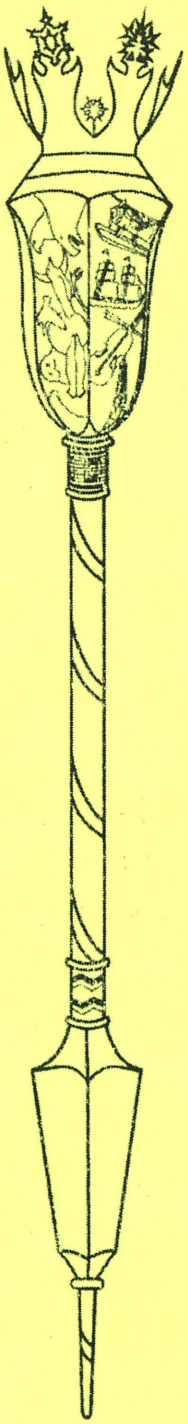
August 20, 2007



15th Legislative Assembly of the Northwest Territories

Standing Committee on Social Programs

Report on Community Consultations on Proposed Safer Communities and Neighbourhoods Legislation

Chair: Ms. Sandy Lee

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Northwest Territories Legislative Assembly
Standing Committee on Social Programs

August 20, 2007

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Social Programs is pleased to provide its Report on Community Consultations on Proposed Safer Communities and Neighbourhoods Legislation and commends it to the House.

Sandy Lee, MLA
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STANDING COMMITTEE ON SOCIAL PROGRAMS

REPORT ON COMMUNITY CONSULTATIONS ON PROPOSED SAFER COMMUNITIES AND NEIGHBOURHOODS LEGISLATION

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STANDING COMMITTEE ON SOCIAL PROGRAMS

REPORT ON COMMUNITY CONSULTATIONS ON PROPOSED SAFER COMMUNITIES AND NEIGHBOURHOODS LEGISLATION

INTRODUCTION

The Standing Committee on Social Programs undertook extensive consultations on Bill 7, the *Safer Communities and Neighbourhoods Act,* also known as SCAN, in all regions of the Northwest Territories, and heard from 42 different persons and organizations.

Despite the initial excitement at the community level on the Department's first round of consultations in November and December 2006, it became obvious to Committee members as we proceeded that residents had serious reservations with the final version of the legislation.

The concerns raised by residents of the Northwest Territories centered on the social implications of enacting the SCAN; the rights of an individual to face their accuser and appeal orders made under the *Act*, and the extent of the powers that would be given to officers appointed under the *Act*.

Hearing were held in Yellowknife on April 19th and 20th and on August 14, 2007; in Inuvik and Tuktoyaktuk on April 23, 2007; in Ulukhaktok on April 24, 2007; in Colville Lake on April 25, 2007; in Behchoko on April 26, 2007, and finally in Fort Smith on May 30, 2007.

Residents of the Northwest Territories raised the following concerns with the proposed *Safer Communities and Neighbourhoods Act*.

CANADA'S CHARTER AND THE SCAN LEGISLATION

Even though the Committee received advice that Bill 7, as it is written, is in accordance with Canada's Charter, we should be mindful that Canada's Charter is an ever-evolving document that is constantly being reinterpreted by legislators and the judicial system.

With a program like the SCAN Office, it would not be unreasonable to assume that it, too, would evolve, and that the actual practices in enforcing the *Act* or the regulations could be in contradiction of the Charter at some point in the future.

With this in mind, the Committee believes it would be beneficial to quote the concerns raised by the NWT Human Rights Commission in their written submission:

> "Section 2(d) of the Charter protects freedom of association. Bill 7 could be seen as punishing individuals for freedom of association. For example, persons living in a unit under investigation may be adversely affected even though they are not engaged in criminal or other activities. Yet, their privacy can be invaded and residence taken away. The appeal mechanisms are onerous and do not provide for meaningful protection for an innocent occupant."
>
> "Section 6(2) of the Charter protects the right of every citizen of Canada and every person who has the status of a permanent resident of Canada to move and take up residence in any province. The Minister of Justice has made it clear that "if the people who are causing the problem move to another house, we will gather evidence and evict them again. We will follow them wherever they go until they stop their illegal activities or leave the NWT" (Safer Communities and Neighbourhoods Legislation: A consultation paper about a proposed new way to make their community safer, Page 1). Bill 7 sets up a process where privacy can be invaded, due process denied, and persons can be harassed until they are forced to leave the NWT."
>
> "Section 7 of the Charter protects the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. Yet, there are violations of the principles of fundamental justice in Bill 7. For example:
>
> - Bill 7 can require self-incrimination. Failure to do so could result in being charged with a criminal offence and imprisoned for up to a year (Section 30 and 66);
> - Bill 7 can allow the Director of Safer Communities (the "Director") to designate a fortified building as a threat to public safety in the absence of a hearing (Section 41). The Director can then impose a closure/eviction order without notice to the owner or occupant;
> - Bill 7 requires a low standard of proof given the severity of losing one's home or facing imprisonment;
> - Bill 7 denies the rights of the accused person to face their accuser or to have all information necessary to mount a defence.

> Indeed, Bill 7 does not even guarantee that occupants can argue in their own defence."

"Section 8 of the Charter guarantees the right to be secure against unreasonable search or seizure. The search and seizure provisions in Bill 7 are broad. For example, neighbours could gather video surveillance in support of their own application for a Community Safety Order ("CSO"). Government agencies and individuals could be forced to provide confidential information or face fines or imprisonment if they refuse. There is no requirement for a warrant for this information. Also, Bill 7 allows for an intrusive investigative process in which the Director can place dwelling houses and other places under video surveillance."

"Section 1 of the Charter states that a government can infringe upon Charter rights if the infringement is a reasonable limit "prescribed by law as can be demonstrably justified in a free and democratic society". Bill 7 exceeds this reasonable limit."

CONFIDENTIALITY ("ANONYMOUS" CLAUSE)

Many of the presenters, particularly in smaller communities, were concerned about the "confidentiality clause" because, while it does make it easier for people to report on what they see to SCAN investigators, there is no safeguard in place to protect innocent people from vexatious and frivolous accusations. Civil remedies and separate legal recourses are not seen to be practical. Such remedies should be available within this legislation.

In all communities, people told us that persons looking to settle old scores or vendettas could abuse the powers under SCAN. In particular, there are many persons in positions of authority and responsibility who need to deliver "bad news" to their fellow community members as a regular part of their work, e.g. housing association members and income support workers.

Many felt that they could be subject to false accusations from community members. Even if those accusations were eventually shown to be unsubstantiated, often an accusation or even rumours of an accusation alone can do a great deal of harm to one's reputation and career in a small community. The lack of properly legislated recourse that ensures those being accused are given proper notice and have an opportunity to answer to the allegations does not sit well with the vast majority of the people who came and spoke to us.

Ms. Dorothy Loreen of Tuktoyaktuk supports Bill 7, but was very worried how she would be able to defend herself, pay for a lawyer and still look after her family, if someone has reported her under SCAN, even though she doesn't drink, do drugs or gamble.

The right to face one's accuser, know the case against one, and defend oneself against any charges is a basic right, and fundamental to democratic principles. People have told the Committee the Government must respect these rights and reflect them in the legislation at the same time as addressing the core issues targeted by the Bill.

LEGAL PROCESS

Many people who came before the Committee had concerns with the legal process under the SCAN legislation. One concern raised by a number of presenters was the fact that the legislation does not have any provisions for the service of respondents prior to the SCAN officer attending court and obtaining a community safety order. It is possible that the first time a respondent would learn of a SCAN investigation is when they are served with a community safety order. The Committee understands the Minister may propose such an amendment to address this concern, and Members may have the chance to review and debate this amendment.

Another concern with the legal process is that, although the *Act* provides for the respondent to apply for a variation of a community safety order, section 10 restricts this application to the portion of the community safety order requiring the property to be closed. The Committee feels that in order for a variation clause to be effective, it should permit a respondent to apply to vary all aspects of the order, including orders under section 8(3)(a) ordering individuals to vacate the property.

The Committee also heard a number of concerns with respect to the appeal process. Under SCAN, an appeal of a community safety order may be made to the Court of Appeal on a question of law with leave of the Court.

Alana Mero of Inuvik stated her concerns with the appeal process in the following manner: "So I can't prove I didn't do it; I have to prove you made a legal mistake. It's impossible for me to prove I didn't do something? So I can't tell you that, no, I didn't deal drugs because I don't know even who made the complaint. I don't even know what you have against me. I don't know if it is my sister-in-law who's mad at me for breaking up with her brother or whatever things may be happening. All of a sudden, I am in a courtroom hoping your lawyer didn't put an "i" in the right spot and made a mistake so that I don't lose my home."

A further concern with the appeal process is that an application for leave must be filed within 14 days after the day the order of the Court is pronounced or within such further time as a judge of the Court of Appeal may allow. In most communities, it would not be possible to find a lawyer to file such a notice within this time. The same concerns were raised with respect to the variation process. By the time a respondent retained counsel and had the matter heard before the Court, the order could be expired.

The Minister has noted in correspondence to the Committee that experiences in other jurisdictions point to limited usage of the court processes in obtaining Community Safety Orders. The concern of the Committee is that legislation be properly crafted so that irrespective of the frequency of use, all northerners are treated fairly under law.

Our people have to live under laws that we as legislators enact. It is our duty to ensure that the laws we make are as good as they can be at the time of passage in this Assembly. If there are known defects, they must be fixed before a Bill becomes law. This is not happening with the *Safer Communities and Neighbourhoods Act*.

POWERS OF THE SCAN INVESTIGATORS

The powers of the investigators were seen as excessive by many of the presenters. One Member cited the provisions empowering SCAN investigators to obtain government records without a warrant and to share their information with the RCMP. The question then becomes whether the investigators could become nothing more than a tool for the RCMP to circumvent the existing justice system.

Another area of concern for some presenters and Members is the capacity of our government to manage and administer what is essentially its own armed and uniformed investigative force.

A case could be made for arming investigators in southern Canada, given the propensity for some gangs to use violence, however, it is not clear there is a demonstrable need for armed officers in the NWT. Some Members believe that if there is potential for violence, the RCMP should be called in.

Communities and Members also had concerns with the powers available to the SCAN office and their ability to determine the level of "punishment" each person determined to be in contravention of the SCAN legislation would receive.

Mrs. Eileen Beaver of Fort Smith offered the following observation on SCAN. "It reminds me of the *Indian Act*. A long time ago, if your dad signed out of treaty to drink, so was your wife and all of your kids, and this is the same type of Act you are bringing forth."

A written submission from the NWT Human Rights Commission also expressed concerns with the broad powers that the Director will have, without any corresponding accountabilities. This was mentioned as one of the many reasons that the NWT Human Rights Commission recommended that the Assembly not pass the *Safer Communities and Neighbourhoods Act*.

Members are not willing to support the discretionary powers available to SCAN officers without an extensive rewrite curtailing these powers or some other mechanism that clearly establishes a progressive disciplinary regime for SCAN offenders.

SOCIAL IMPLICATIONS OF SCAN LEGISLATION

Most of the presenters expressed a view that while they would like to see the Government introduce better means to address illegal and illicit activities in their communities, evicting people from their homes may, in fact, cause more social problems in communities. There is also a question about how effectively SCAN legislation would address the issue it is designed to address.

In Yellowknife, Ben McDonald stated that "It seems like the *Act* is designed as good politics but I don't think it's necessarily designed as good social policy or as good social development policy..."

We heard repeatedly questions like: What happens to a person when they are evicted in a community without market housing? Who do they stay with? What are the consequences for families that rely on the person evicted under SCAN as the primary breadwinner? To where do these families move?

Even in the larger communities, questions were raised about whether the SCAN legislation is the most cost effective or efficient tool to address the issues we are all concerned about.

Lydia Bardak of Yellowknife, representing the John Howard Society, pointed out "Every bootlegger and every drug dealer that you remove will be replaced by someone else. So if this is an attempt to try and reduce substance abuse, it is not going to cut it. Restrictions don't work; prohibition doesn't work. The reasons persons turn to illegal substances or substance abuse are very strong and very compelling. Not addressing those reasons is irresponsible."

A common perspective is that there are severe housing shortage issues in all communities in the Northwest Territories, and Bill 7 would only compound this problem in the absence of a plan by Government to address it in implementing the SCAN legislation.

Chief Leon Lafferty of Behchoko pointed out that if you want to clean up the communities, make sure that you do not hurt the people by making the social problems worse.

It should be made clear that the people do not object to holding the perpetrators under the SCAN legislation accountable. What they are saying is that in small communities, once these people are evicted under SCAN, not all of them are going to move out of town which means that most of them will become homeless and ineligible for public housing. They will then rely on their families and friends to provide housing, and this would exacerbate over-crowding in situations where there are already housing shortages.

This was made abundantly clear in comments made by Veryl Gruben of Tuktoyaktuk in speaking of the impacts on a small community, who stated "If someone gets evicted immediately for something, some illegal activity, whether it be alcohol, drugs or gambling, they're only going to go to someone else's house and create more problems."

Saeed Sheshegar, a Social Worker in Tuktoyatuk, said, "I have a concern about what would happen to people thrown out of their homes." He went on to say, "A lot of these people are going to end up at Social Services and trying to ask for help because they are homeless."

As well, there are questions about whether more than a million dollars that would be allocated for this program could not be better used by employing more police drug dogs or more RCMP officers in communities. Addressing the lack of treatment programs and services for those affected by substance abuse is another issue that people feel should be weighed against the priority of investing in SCAN.

Saeed Shesheghar of Tuktoyatuk was quite eloquent in stating, "People are suffering here in this community. Bootlegging and other gambling problems are actually bleeding the whole community. If we haven't answered that question yet, trying to come up with an Act like this is a band-aid solution."

The Committee appreciates that Justice, Health and Social Services and Housing issues are separate and fall under different departmental mandates.

However, our people do not understand why one part of the Government would, in pursuing its mandate, create a whole set of new problems for other parts of the Government that are working together to address the existing issues.

IMPACT OF SCAN ON ELDERS AND POTENTIAL FOR ABUSE

Many of the presenters were either concerned about or had themselves been subjected to elder abuse. In small communities, they could not see how the SCAN legislation would help an elder being taken advantage of by a relative or being kept awake and harassed by neighbours partying and drinking all night, without there being repercussions for the elder who reported the activity.

Many elders who came to speak to us are looking for solutions from the Government to address the behavior of those who are abusing substances and abusing them. However, they expect those resources to be based in their communities where immediate actions can be taken as events happen. Elders do not expect that they should need to call a 1-800 telephone number in Yellowknife, and have to wait for a SCAN investigator to travel to their community, conduct an investigation and make application to the Supreme Court in Yellowknife before they receive any assistance. They do not see how SCAN investigators can possible address their concerns and have doubts about how effective a program like SCAN could be in responding to their important concerns.

CENTRALLY BASED DELIVERY MODEL

Many northern residents, like Mayor Peter Martselos of Fort Smith, expressed concerns with the fact that all of the investigators will be based in a central office located in Yellowknife. Others have taken the time to contact members of the Standing Committee to voice their frustration with another service that is supposed to help the residents of smaller communities being based in an urban centre.

There is a concern that people will be reluctant to contact an office in Yellowknife because it is seen to be remote and to be slow in responding at the community level, and as a result, the service will end up being focused on Yellowknife and the larger communities with daily jet service.

FRUSTRATION WITH COURTS AND THE RCMP

Some presenters saw the SCAN legislation as an attempt by government to be seen to be doing something without actually producing results.

The existing justice system was seen to be time-consuming and increasingly lenient in dealing with offenders. SCAN legislation could be seen as a way of warning offenders rather than prosecuting them under criminal law.

Members believe that while SCAN legislation may be able to speed up the justice process, it will do nothing to help alleviate the systemic problems in the justice system or to deal with the root causes of the behaviour that make legislation like SCAN desirable for some individuals.

The Committee heard a great deal of frustration in communities with the inability of the courts and RCMP to deal with crime at the local level.

How can the Government expect four officers to do what 150 RCMP officers have not been able to do? A community with a dozen RCMP officers still has to dispatch calls from its residents through Yellowknife. Can Members of the 16th Assembly expect to see requests for further personnel if SCAN does not meet initial expectations of success?

COST EFFECTIVENESS OF PROPOSED LEGISLATION

There were also the previously mentioned concerns with having all investigators located in Yellowknife. People who came to talk to us would like to see personnel in their communities. At minimum, a regional presence is required. This is not what is being proposed. From what we have been able to learn as to how this Bill would be implemented, the Committee is unable to see how it could work without substantially more resources and effectively setting up a second tier of policing services in the NWT. If the end result of this legislation is the setting up of almost a parallel policing service, there is a need for a public policy discussion on the merit of such a policing structure in the Northwest Territories. This would in turn require an in-depth cost-benefit analysis of whether this is how and where we need to invest as opposed to enhancing our existing policing and justice services.

In a presentation to the Standing Committee in the community of Fort Smith, Ms. Mary Pat Short, who is the Chair of the NWT Human Rights Commission but was speaking as a private citizen, offered the following observation: "Manitoba has a population of one million people. They introduced SCAN in 2002. Initially,

they had two investigators and four employees. Now they have expanded to seven. They have investigated 13,068 complaints, and this has resulted in 198 evictions over four years. Now, if we put these figures in terms of the Northwest Territories, the Northwest Territories has one twenty-fifth of Manitoba's population, which would be eight evictions over four years, if it was the same pattern. So we spend $1.0 million a year for two evictions. Obviously, I don't know if that is actually what would happen here, but that would certainly not be a good use of public money."

In talking about the role of community in dealing with social problems, Yetta Finsborg of Fort Smith stated that "So I can only agree that this legislation seems more or less a waste of money, a waste of time for everyone involved. It does take a community to raise a child. It also takes a community to deal with drugs. So that is where I think we need to look. We need to get together and decide for our community what we want to do about people who deal drugs and bootleg and whatever else."

MINISTER'S PUBLIC COMMENTS ON SCAN LEGISLATION

The Committee has received advice that the SCAN legislation itself may not directly violate the Charter the way it is written. The Committee does recognize that the evolving nature of the law believes that all steps should be taken by government to ensure respect for individual rights. One area of concern is public comments that the Minister of Justice has made with respect to the purpose of the legislation. The concern of the Committee is that SCAN must not be an attempt to infringe on Federal jurisdiction with respect to criminal law or be a vehicle to chase citizens from the Northwest Territories.

The NWT Human Rights Commission also pointed out in its written submission that the comments made by the Minister in the consultation document are problematic in relation to Section 6(2) of the Charter as it relates to mobility rights in Canada.

It has been suggested that if the Government wants to ensure the viability of the SCAN Office, it would be helpful for the Minister to clarify the comments that the Committee has brought to his attention.

NEED FOR SCAN LEGISLATION

The Committee agrees that there is a need for legislation and policy to deal with substance abuse, trafficking and bootlegging of illegal substances and other undesirable and illegal activities the SCAN legislation attempts to address.

However, the Committee believes that Bill 7, in its current form, has too many deficiencies to be successfully amended and passed during the short time available to the Members of the 15th Assembly prior to dissolution.

Other northerners also thought that the process was too rushed, like Ms. Debbie Raddi of Tuktoyaktuk who said, "I myself feel it is too rushed. In order for something to work properly, it has to be properly looked into."

Ms. Raddi's comments are particularly relevant given the weight and depth of the concerns raised and the need to have the concerns addressed in a coordinated multi-departmental approach. The Committee also believes that further work is required in program design to address the realities of life in the NWT, particularly in the smaller communities, and that further thought has to be given to the diversity and transportation challenges our vast territory presents for running a successful government program of this nature.

As Members, we cannot dismiss any of the concerns that are brought to our attention through the Committee process without full deliberation and consideration. Nor should we as legislators characterize these concerns as representative of a vocal minority in order to justify the approval and passage of legislation like this. The Committee believes that the questions and issues that were brought forward by the public warrant thoughtful and meaningful response.

We are disappointed that this government has chosen to ignore the Committee process and the views of the many northerners who took the time to appear before Committee and has decided to proceed without the concurrence of the Standing Committee simply because they have the numbers.

It is a sad day for consensus government in the Northwest Territories.

Thank you, Mr. Speaker.

APPENDIX A

SUBMISSIONS TO THE STANDING COMMITTEE ON SOCIAL PROGRAMS

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REPORT ON COMMUNITY CONSULTATIONS ON PROPOSED SAFER COMMUNITIES AND NEIGHBOURHOODS LEGISLATION

Northwest Territories
Human Rights Commission

May 7, 2007

Sandy Lee, MLA
Chair
Standing Committee on Social Programs
Legislative Assembly
Yellowknife, Northwest Territories

Dear Ms. Lee and Committee Members:

Re.: Bill 7

Thank you for the opportunity to provide input on the *Safer Communities and Neighbourhoods Act* (Bill 7).

The NWT Human Rights Commission has concerns about Bill 7. These are outlined in detail in the accompanying document. Our concerns were briefly presented to the Committee on April 19, 2007, by Thérèse Boullard, Director. These concerns are more fully developed in the accompanying document.

If the Committee requires clarification on any of these points, please contact Thérèse Boullard directly at (867) 920-3184.

Sincerely,

Mary Pat Short

Mary Pat Short
Chair

enclosure

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Northwest Territories
Human Rights Commission

Submission to the Standing Committee on Social Programs

Bill 7 - (Safer Communities & Neighbourhoods Act – SCAN)

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About the Human Rights Commission

The Commission is an independent agency of the Government of the Northwest Territories. The Commission's mandate, based on the NWT *Human Rights Act*, is to promote a climate of understanding where all enjoy equal opportunity and are treated with dignity and respect. The Commission is responsible for educating the public about their rights and responsibilities under the *Act*, promoting understanding and compliance with the *Act*, and investigating and resolving human rights complaints filed with the Commission.

Summary and Recommendation

The Commission recommends that the Legislative Assembly not proceed with Bill 7 as it is written. The Commission recommends that the Assembly undertake an in-depth constitutional review before considering it further.

The Commission is concerned that Bill 7 sets up a process that violates rights that are guaranteed under the *Canadian Charter of Rights and Freedoms*. The Commission also believes that Bill 7 contains elements of criminal law, which may be in excess of the jurisdiction of the Legislative Assembly.

Setting aside this legal consideration, the Commission is concerned that Bill 7 will lead to a greater lack of safety and security in communities and neighbourhoods in the NWT. This concern is based on the fact that Bill 7:

- sets up a process that does not adhere to the Canadian legal traditions of due process, natural justice, and right to privacy;
- encourages neighbours to report on neighbours, and in some situations could require neighbours and government agencies to provide statements and information as part of an investigation or be charged with an offence and even put in jail for up to a year;
- can be used to evict alleged "problem neighbours" without notice, without a hearing, and without them having the opportunity to defend themselves against the accusations of alleged problem behaviour;
- could be misused as a means of harassment;
- involves Territorial residents in an additional level of criminal law not faced by other Canadians;
- grants broad powers to the Director of Safer Communities without sufficient corresponding accountabilities.

All of these factors could result in greater insecurity for Territorial residents.

Human Rights and the Charter

The *Canadian Charter of Rights and Freedoms* (the "*Charter*") protects Canadians' basic human rights from abuse by federal, provincial and territorial governments. The *Charter* protects the civil and political human rights outlined in Articles 1 to 17 of the United Nations' Universal Declaration of Human Rights (UNDHR). The preamble of the UNDHR affirms the inherent nature of human rights and their importance to a just society:

> "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
>
> Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,
>
> Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, **that human rights should be protected by the rule of law**..." (emphasis added)

The preamble of the NWT *Human Rights Act* affirms the commitment of the Legislative Assembly to the *Charter* and the UNDHR:

> "... whereas it is of vital importance to promote respect for and observance of human rights in the Northwest Territories, including the rights and freedoms protected under the Canadian Charter of Rights and Freedoms, and rights and freedoms protected under international human rights instruments..."

The *Charter* imposes obligations on governments to behave in a manner that does not violate their citizens' basic human rights. Governments are required to ensure that any legislation, policy, regulation, or action complies with its *Charter* obligations.

Charter Implications of Bill 7

Bill 7 has *Charter* implications.

Section 2(d) of the *Charter* protects freedom of association. Bill 7 could be seen as punishing individuals for freedom of association. For example, persons living in a unit under investigation may be adversely affected even though they are not engaged in criminal or other activities. Yet, their privacy can be invaded and residence taken away. The appeal mechanisms are onerous and do not provide meaningful protection for an innocent occupant.

Section 6(2) of the *Charter* protects the right of every citizen of Canada and every person who has the status of a permanent resident of Canada to move and take up residence in any province. The Minister of Justice has made it clear that "if the people who are causing the problem move to another house, we will gather evidence and evict them again. We will follow them wherever they go until they stop their illegal activities or leave the NWT" (Safer Communities and Neighbourhoods Legislation: A consultation paper about a proposed new way to make your community safer, page 1.) Bill 7 sets up a process where privacy can be invaded, due process denied, and persons can be harassed until they are forced to leave the NWT.

Section 7 of the *Charter* protects the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. Yet, there are violations of the principles of fundamental justice in Bill 7. For example:

- Bill 7 can require self-incrimination. Failure to do so could result in being charged with a criminal offence and imprisoned for up to a year (Sections 30 and 66);
- Bill 7 can allow the Director of Safer Communities (the "Director") to designate a fortified building as a threat to public safety in the absence of a hearing (Section 41). The Director can then impose a closure/eviction order without notice to the owner or occupant;
- Bill 7 requires a low standard of proof given the severity of losing one's home or facing imprisonment;
- Bill 7 denies the rights of the accused person to face their accuser or to have all the information necessary to mount a defence. Indeed, Bill 7 does not even guarantee that occupants can argue in their own defence.

Section 8 of the *Charter* guarantees the right to be secure against unreasonable search or seizure. The search and seizure provisions in Bill 7 are broad. For example, neighbours could gather video surveillance in support of their own application for a Community Safety Order ("CSO"). Government agencies and individuals could be forced to provide confidential information or face fines and imprisonment if they refuse. There is no requirement for a warrant for this information. Also, Bill 7 allows for an intrusive investigation process in which the Director can place dwelling houses or other places under video surveillance.

Bill 7 Not Justified by Section 1 of the Charter

Section 1 of the *Charter* states that a government can infringe upon *Charter* rights if the infringement is a reasonable limit "prescribed by law as can be demonstrably justified in a free and democratic society." Bill 7 exceeds this reasonable limit.

The Commission recommends that the Legislative Assembly seek legal counsel with expertise in constitutional law about the implications of Bill 7.

Bill 7 Encroaches on Federal Mandate for Criminal Law

The *Constitution Act, 1867*, describes the powers that are of exclusive federal and provincial jurisdiction.

Section 91(27) of the *Constitution Act, 1867*, clearly states that criminal law is within Federal jurisdiction. The Commission submits that Bill 7 deals with criminal law and is thus within the Federal government's jurisdiction.

Sections 92(13) and 92(16) of the *Constitution Act, 1867,* grants provinces jurisdiction over property and civil rights and over all matters of a merely local or private nature in the province. However, Section 1 of Bill 7 outlines "specified uses" for the purpose of applying for a CSO. These "specified uses" include criminal activity. Bill 7 has broad investigative powers and specific punishments for engaging in the "specified uses". Arguably, the NWT would be encroaching on the criminal justice role of the Government of Canada, and thus subjecting residents of the NWT to a more restrictive form of criminal law than that existing in most other provinces.

Finally, Bill 7's application of the law is a matter of concern because it could create an atmosphere where law could be used arbitrarily by local officials pursuing personal interests and ambitions or for discriminatory purposes.

Process Contemplated by Bill 7

To understand the implications of Bill 7, it is helpful to examine the challenges that it could create to the principles of fairness, due process, and natural justice.

1. Activities deemed "unlawful"

In the GNWT's consultation document published in October 2006, the purpose of Bill 7 is described as follows:

- create a new civil process that would be quicker, easier and focused on stopping the activities rather than on arresting individuals;
- create a new tool that would be used in partnership with RCMP criminal investigations;
- stop or reduce the use of properties for illegal activities such as: illegal use or sale of alcohol; drug use or trafficking; illegal use or sale of intoxicating substances; prostitution; and, illegal gambling;
- to ensure that individuals being evicted cannot begin similar activities in a new property by allowing investigators to track these people to make sure they do not continue their activities in a new location;
- it is not a social program intended to rehabilitate the individuals engaged in these activities.

Section 1 of Bill 7 defines the "specified uses" that would justify an investigation and possible eviction. These include criminal activities that fall under federal jurisdiction according to the *Constitution Act, 1867*. In addition, the specified uses include activities that are not against the law such as:

(c) the use or consumption as an intoxicant by any person of an intoxicating substance; ...
(i) any other prescribed use.

The activities that are captured by "any other prescribed use" will be up to the Director of Safer Communities (the "Director"). This level of discretion is of concern given the broad powers of investigation, the possibility of imprisonment for up to a year, and the lack of accountability enjoyed by the Director as Bill 7 is currently written.

2. Initiation of complaint

An individual can contact the Director to file a complaint of activities they feel are suspect at a neighbour's house (Section 3). This individual's identity and information gathered during an investigation that could reveal this person's identity remains confidential. The NWT *Access to Information and Protection of Privacy Act* does not apply (Sections 61 and 62).

Upon receipt of a complaint, the Director can do one of the following (Section 4):

a) investigate the complaint;
b) require the person making the complaint to provide more information;
c) send a warning letter to the owner or occupant of the property;
d) attempt to resolve the complaint by informal action;
e) apply to the court under Section 5 for a community safety order; or
f) take any other action that he or she considers appropriate.

Section 4 allows the Director to go straight to court for a CSO without notifying the owner or occupant of the property in question. Indeed, there is no obligation for the Director to notify either the owner or the occupant. Occupants can be served with a CSO requiring them to vacate the property within 3-5 days, having had no previous notice or the opportunity to arrange for a place to go (Section 30). If the occupants fail to vacate for lack of alternative housing, they could be found guilty of an offence and face up to one year in prison and fined up to $10,000 (Section 66).

If the Director chooses not to pursue the complaint, the concerned community member has the option of pursuing a complaint and applying for a CSO (Section 6). To support the application for a CSO, they will need to gather evidence to present to the court by carrying out their own "investigation" – for example, videotaping, recording, getting statements from neighbours – documenting the "specified uses" of the property in question. Bill 7 sets up a process where neighbours are encouraged to observe and report either on their own behalf or on behalf of the Director. It is the Commission's view that this type of behaviour does not contribute to a feeling of community safety but may have the opposite, if unintended, effect.

3. Investigation of a complaint

Once a complaint has been made and the Director decides to investigate, Section 7(3) allows the Director to investigate anything about the property in question and its occupants. For example, if a neighbour complains of a series of loud – yet not unlawful – parties at a home, the Director can gather a broad range of information about the occupants.

As specified in Section 60, the Director can:

- gather any information from a public body including – and not limited to - the person's name and address, the whereabouts of the person, and the person's place of employment;
- collect information from any source about the ownership of property;
- collect information from any source about the occurrence of activities;
- make and maintain written, recorded, electronic, or videotaped records of any information;

- disclose information and records to a person, court, public body, or to a law enforcement agency.

In the course of investigation, the Director can collect information from any department, agency, board or commission of the GWNT. For example, the Director can contact the Department of Health & Social Services for information about income assistance or child apprehensions. The Director can contact the local housing authority for records of past rental history. Section 60(2) compels these departments to provide the Director with the information. Persons and organizations that do not cooperate in an investigation can be charged with an offence and could face jail time and fines (Sections 66(2) and 60(2)).

All of the aforementioned information can be used in support of an application for a CSO, and can be disclosed to the RCMP or any other public body. For example, if the RCMP does not have the resources to investigate alleged illegal activities, the Director's investigators can do the work for the RCMP without the same legal parameters that police must follow as set out by court rulings. The Director could even, if he or she is unsuccessful in getting a CSO from the court, find a reason to designate the home as a fortified building (see pages 9 and 10) and order the property closed and vacated without a hearing or notice to the occupant. Additionally, the Director could provide all of the information to the local housing authority as an alternative route to eviction. Indeed, the Director could do both without any notification to the individual.

The power of the investigators is another area of concern. The Minister responsible for the SCAN *Act* can appoint investigators who have the powers of peace officers while performing their duties under the SCAN *Act*. The Minister must provide appointed inspectors with an identification card (Sections 57 to 59).

In effect, Bill 7 creates another level of law enforcement that enjoys the powers of peace officers, but not the corresponding limits on their authorities. These officers carry badges and charge individuals with offences punishable by up to a year in jail and $10,000 in fines (Section 66). Peace officers only have to show their badge, "if requested to do so." At the same time, Bill 7 does not explicitly state that these peace officers are bound by the same rules of due process that RCMP officers are required to follow when gathering evidence of criminal activity. Bill 7 clearly sets up another level of law enforcement, which may be deemed to be in violation of the *Constitution Act, 1867*.

4. Application for a Community Safety Order

The Director can apply for a CSO any time after a complaint has been filed about activities on a property. Bill 7 does not require the Director to notify the occupant. Indeed, Section 30 explicitly allows the Director to close a property and order occupants to leave it immediately, "even if they have not been previously served with the order."

In deciding whether to approve a CSO, the court can consider all of the information gathered during the investigation, as noted on page 7. It can issue a CSO if it is satisfied that:

- activities have been occurring that give rise to a **reasonable inference** that the property or dwelling is habitually being used for a specified use (emphasis added);

and

- the community or neighbourhood is adversely affected by the activities;

or

- it is satisfied that the activities are a serious or immediate threat to the health, safety and security of one or more occupants of the property.

The "reasonable inference" threshold is low given the penalties allowed by Bill 7. It is the lowest possible standard that is applied in matters of administrative law. For example, in human rights law, "reasonable inference" is the threshold that a person must meet to initiate a complaint. "Reasonable inference" is established without hearing both sides of the story – when a person can reasonably infer that discrimination might have been a factor in the events in question. That threshold increases after a complaint has been investigated and referred to a hearing. The threshold at a hearing is the "balance of probabilities". The "balance of probabilities" requires the tribunal to consider both sides carefully and come to a conclusion that on a balance of probabilities discrimination did or did not occur. The "balance of probabilities" is still a lower threshold than the standard of "beyond reasonable doubt" in the criminal realm. Where a law contemplates imprisonment and fines, the threshold increases to "innocent until proven guilty beyond reasonable doubt."

In criminal law, "reasonable and probable cause" is the standard for applying for a warrant, and "beyond reasonable doubt" is the standard to find someone guilty of a criminal offence. ***If the Legislative Assembly pursues and implements Bill 7, it should amend Section 8 of the* Act *to increase the threshold to the same level used in criminal proceedings given the punitive implications of Bill 7.***

5. Fortified buildings

Section 1 of Bill 7 defines a fortified building as being one that is protected by such things as bulletproof material, protective metal plating on the interior or exterior of the building, metal bars on exterior doors or windows, or "any other method or material prescribed in the regulations".

Part 2 of Bill 7 allows the Director to:

- designate a fortified building as a threat to public safety by taking into account a number of factors including "any other factor that the Director considers relevant";
- make a removal order on a designated fortified building; or

- make a closure order if the fortifications are not removed by the date set in the removal order.

The Director can do this on his or her own authority, without any court order and without notice to the owner or occupant that the building is being investigated as a fortified building, and without any opportunity for the owner or occupant to remedy the fortifications prior to the removal order being issued.

The owner of the alleged fortified building can file an appeal with the court on the removal of fortifications only (Sections 46 & 47). Bill 7 explicitly prohibits an owner from appealing a closure order (Section 49).

Under Section 66, an owner of a building found to be fortified can be charged with an offence punishable by prison term and fines if he or she:

- fails to vacate the building;
- enters or re-enters a building that is closed under a closure order;
- fails to comply with a removal order or a closure order;
- makes what is considered a false or misleading statement to an inspector; or
- otherwise violates an order of the Director.

6. Limits of appeal

Sections 10 – 16 of Bill 7 outline the process for applying to vary a CSO. Sections 27 and 28 describe the process to file an appeal with the court on a CSO.

These sections of Bill 7 seriously limit an occupant's ability to appeal or apply to vary a CSO. Yet, the Director is not similarly constrained. In fact, section 12 allows the Director to apply for an order varying a CSO that is still in effect if, among other things, "he or she considers it appropriate in the circumstances." Yet, there are no limits to what the Director is allowed to consider.

Sections 12 and 13 even allow the Director and the complainant to apply and re-apply for an order to vary a CSO.

If an owner, the Director, or a complainant apply to vary a CSO, the court can vary it for any of the causes mentioned in Section (8)(3), which includes "any other provision that the court considers necessary for the effectiveness of the CSO".

In contrast, a resident-initiated application to vary a CSO does not include the same generous range of options. In fact, a tenant could be punised for something done by another person in the household. For example, the appeal provisions in Section 17 outline the factors the court must consider when deciding on a resident's application to vary a CSO. Specifically, the resident must satisfy the court that "neither the resident nor any member of the household for whom he or she is seeking a variation caused or contributed to any of the activities in respect of which the order was made." Note that the

list in Section 17(2) is conjunctive (all terms must be met) and therefore it is unlikely that any resident can satisfy it. This places the onus of proof on residents; they must prove their innocence after an investigation has been done and a CSO issued, even though the residents had no opportunity to present their case at the time. The residents' opportunity comes only after it has been "reasonably inferred" that they engaged in "specified uses" and thus a CSO was ordered. Then residents must show the court their innocence before an order can vary the CSO. Residents must do this without the benefit of the information gathered during the investigation that was used as the basis for issuing the CSO.

Section 27 states that a CSO may be appealed to the Court of Appeal (a) on a question of law and (b) with leave of a judge of the Court of Appeal. This is a very narrow appeal provision considering the severity of the consequences in Bill 7.

Section 28 states that no action or other proceeding shall be commenced or maintained:

(a) to prevent the making of a CSO;
(b) to prevent a CSO from being carried out;
(c) to set aside or vary a CSO;
(d) for judicial review of a CSO; or
(e) to obtain relief from forfeiture with respect to a tenancy or lease agreement that is ordered to be terminated.

An occupant who is affected by Bill 7 has limited options for appeal.

7. Offences and punishments

Section 66 sets out "offences and punishments" for violations of Bill 7.

For a first offence, a person can face up to one year in prison and a fine not exceeding $10,000. A corporation charged and found guilty of an offence can be fined up to $25,000. For a second offence, a person can face up to one year in prison and a fine not exceeding $25,000. A corporation fined and found guilty of a second offence can be fined up to $100,000. These fines are inconsistent with those levied for other serious criminal offences in the NWT. These fines are very high given the level of evidence and the low threshold required by Bill 7.

Section 66 states that no person shall:

(a) deface or interfere with a copy of a CSO;
(b) fail to vacate a property, or enter or re-enter a property that is closed under a CSO;
(c) fail to comply with a CSO;
(d) remove, deface or interfere with a copy of a removal order or closure order;
(e) fail to vacate a building that is closed under a closure order, or enter or re-enter a building that is closed under a closure order;
(f) fail to comply with a removal order or closure order.

Anyone who contravenes this section is guilty of an offence.

Section 66 goes further and states that anyone who contravenes the following sections can be charged with an offence:

i) Section 30: Occupants of a property ordered closed must vacate the property immediately – and not re-enter it, even if they have not been previously served with the CSO ordering the property closed;
ii) Section 38: A person can be charged if they are considered to have obstructed or hindered an inspector or to have made a false or misleading statement to an inspector;
iii) Section 60: A person or government body can be charged if they refuse to provide information to the Director;
iv) Section 61: A person can be charged with an offence if they do not keep the complainant's information confidential;
v) Section 63: An owner can be charged with an offence if they fail to inform a potential buyer of a CSO process or order outstanding on the property that is being sold.

Section 66 does not stop there. If a corporation is found guilty and fined, subsection 66(4) also holds any officer or director of the corporation individually liable and subject to penalties including one year in prison. Subsection 66(4) further stipulates that the director or officer is guilty of the offence and liable to the penalties "whether or not the corporation has been prosecuted or convicted." This subsection does not simply pursue the individual director or officer who may have been the directing mind, but also anyone who "acquiesced in or participated in" the offence. In effect, Bill 7 can punish an employee who simply did not object to the "prescribed uses" of a building owned by his or her employer.

Immunity from Scrutiny

Bill 7 gives the Director and the inspectors a great deal of power and little corresponding accountability on the use of that power.

Section 64: Miscellaneous

This section states that no action or other proceeding shall be commenced against the GNWT, the Director, the Minister, a Deputy Director, an inspector or any other person if that person is acting under the authority of this *Act*, for anything done in good faith, in the exercise "or supposed exercise" of any power conferred by the *Act* or the regulations.

Section 64 potentially precludes any complaints being made under the NWT *Human Rights Act* unless the person wishing to file the human rights complaint is able to show that the alleged discrimination did not occur as a result of a "good faith" application of

the SCAN *Act*. If this is the intent, it runs contrary to the *NWT Human Rights Act,* which considers the discriminatory impact of behaviour not the intention.

Bill 7 is written in such as way that if it were to be applied in a discriminatory fashion, it would potentially exclude the option of filing a human rights complaint against the GWNT and those responsible for administering Bill 7.

It is of particular concern to the Commission that the Legislative Assembly would contemplate passing a piece of legislation that exempts itself from the very human rights law the Legislative Assembly passed a mere three years ago.

Final Thoughts

- There is no mention of what qualifications or background is expected of the investigators or Director.
- The Director will have very broad powers without any corresponding accountabilities. Nor will there be an opportunity to review or challenge the Director's decisions.
- Bill 7 does not mitigate against its potential negative applications. Section 64 supports the immunity of the Director to act as he or she deems appropriate.
- Bill 7 does not attempt to solve the underlying problems. Moving from house to house or being pressured to leave the community is not in keeping with the tradition of reconciling people to their family and community and giving them the opportunity for rehabilitation.
- In no jurisdiction where similar legislation has been passed has there been an independent review of the merits and deficiencies of the legislation and its long-term impact.
- There does not appear to have been a careful analysis of the *Charter* implications.
- The Legislative Assembly needs to consider whether Bill 7 could withstand a *Charter* challenge in the Supreme Court of Canada.

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xc: Robert C.

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☐ Urgent

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To Sandy Lee, Chair

cc: NWT MLAs; Members of Standing Committee on Social Programs

Number (867) 873-0276

From BC Civil Liberties Association
Christina Godlewska → contact (604) 630-9749

Date April 18, 2007

Pages 6 *including this cover sheet*

Subject Bill 7 – SCAN Act

Dear clerks / legislative assembly staff,

Please ensure that a copy of this letter is received by:

1) Sandy Lee
2) The members of the Committee on Social Programs
3) All NWT MLA's

We understand this legislation is under review tomorrow and so would appreciate distribution ASAP.

Regards, Christina

B.C. Civil Liberties Association
Suite 550 – 1188 West Georgia Street Vancouver, B.C. Canada V6E 4A2
phone: (604) 687-2919 fax: (604) 687-3045 e-mail: info@bccla.org web: www.bccla.org

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April 18, 2007

Sandy Lee, Chair and Members
Standing Committee on Social Programs
c/o Legislative Assembly
PO Box 1320
Yellowknife, NWT X1A 2L9

BY FAX: (867) 873-0276

RE: Proposed SCAN Act (Bill 7) – Civil Liberties and Constitutional Concerns

Dear Ms. Lee and Committee Members:

We are writing to provide the B.C. Civil Liberties Association's (BCCLA) concerns regarding Bill 7, The *Safer Communities and Neighbourhoods Act* (the "Act"). The BCCLA has serious concerns that the Act does not adequately respect the values of due process, privacy, and federalism (constitutional division of powers). We also believe the Act does not sufficiently respect the rights of individuals in a free and democratic society.

Before elaborating our concerns in more detail, we would like to provide a brief introduction to the BCCLA. Established in 1962, the BCCLA is a registered charitable organization that is a non-partisan advocate for civil liberties. Our mandate is to promote civil liberties and human rights in British Columbia and Canada. The promotion of civil liberties may be broadly defined as the maximization of individual freedom, recognizing that individual rights in a democratic society may sometimes necessarily give way to a compelling public interest.

We work to achieve our mandate in several ways, including research on civil liberties matters and public education. We also provide assistance to any individual who has a civil liberties related concern regardless of the personal characteristics of the individual. We routinely appear before parliamentary and legislative committees to encourage law-makers to respect civil libertarian values. If these advocacy efforts fail, we are prepared to go to court to ensure that civil liberties are protected.

For more information about our organization, please consult our website at www.bccla.org.

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION
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Due Process and Section 7 of the Charter

We will first outline our specific objections with respect to the Act's failure to provide adequate due process protections. We will then discuss the applicability of section 7 of the *Canadian Charter of Rights and Freedoms* (the "*Charter*").

Under the Act, no notice is given to the tenants that their landlord has been approached under section 4 by the Director of Safer Communities, even though, by the time the Director is making use of these powers, the landlord is already faced with the decision of either evicting the tenants or being called as a respondent in court. No rights of application to vary an order, and extremely limited rights of appeal, are permitted for a resident who "caused or contributed" to a listed activity. In fact, the Act does not provide any explicit rights for a resident to be notified, attend a hearing or make submissions in their own defence.

Family members and other individuals who were not involved in the activities may apply to vary the order, but section 15 of the Act provides that such an application does not stay the operation of the order. This means that they must find the means to rush to court to vary the order within days of being served with an eviction, of which they had no prior notice. The Director is given a weak duty to 'make efforts' to accommodate the emergency needs of those, such as children, who might suddenly find themselves facing displacement and exposure through no fault of their own, but does not actually require their protection.

This extraordinary eviction process can occur purely on either on the combined 'belief' of the complainant, Director and the landlord, or on the Court's 'satisfaction' after a hearing at which the tenant has no legal right to be represented or heard. Reasonable and probable grounds are never required for any step of this procedure.

Thus, the Act creates a seriously flawed process that denies basic principles of fairness and due process.

Given the importance of the entitlement at stake in the Act – housing, a most basic necessity of life – and the fact that the *Charter* applies to state action, we believe that section 7 of the *Charter* would apply to the Act's provisions. Section 7 of the *Charter* states that "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." This right applies to the interaction of individuals with the justice system and its administration. It underwrites the protections people expect when they face serious sanctions, such as criminal charges or other penalties carrying jail time.

Section 7 protection can extend to any matter which "can properly be characterized as fundamentally or inherently personal such that, by [its] very nature, [it] implicate[s] basic choices going to the core of what it means to enjoy individual dignity and independence":

Godbout v. Longueuil (City), [1997] 3 S.C.R. 844. Examples have included child welfare hearings and the enforcement of environmental legislation. We believe people's entitlement to live in their own homes, particularly in their home communities and ancestral lands, would also qualify for protection under section 7 because the Act seeks to give the government the means to *deprive* people of shelter which they already lawfully inhabit – i.e. to evict them. Thus, the legislation empowers government to directly impinge on the basic liberty and security of Northwest Territories (NWT) residents.

Furthermore, the operation of this legislation is directly analogous to the operation of the criminal justice system. In the NWT, we understand that replacement housing can be extremely difficult to find, especially in small communities. Also, the weather conditions faced by the homeless are extremely harsh. In this context, there is little significant difference between investigating "harmful" or "disruptive" activity and then evicting individuals for those alleged activities, and investigating criminal activity and then charging them for those alleged activities. Both impose very serious punishments which directly threaten the liberty and security of individuals who commit acts perceived to be harmful to society. Arguably, the Act creates a harsher penalty than most criminal sanctions. Ironically, those charged with a crime do not face immediate loss of their home.

In addition, as expressly stated by the Minister in his consultation document, this legislation is specifically designed to make it as easy as possible to evict residents from their homes for engaging in crimes (or other activities which the drafters of the Act apparently wish were crimes, such as prostitution or drinking alcohol in a manner which 'adversely affects' the neighbourhood). To achieve these ends, the Director and his deputies are granted all the powers and protections of peace officers (by s.59(2)), and are backed by criminal sanctions for non-compliance. In this way, the Act effectively seeks to introduce a new level of pre-trial punishment to the criminal justice system. Given these provisions, we believe that section 7 of the *Charter* would apply to the exercise of many of the powers set out in the Act.

Finally, it is important to note that the legislation, either in intent or effect, may have a major negative impact on aboriginal individuals either in their ancestral homes on First Nations territory or within urban areas. At a time when aboriginal people are already over-represented in the prison population, this legislation has the potential to further unfairly marginalize aboriginal people. Given the importance that ancestral homes and community ties have for aboriginal culture, and given the Minister's desire to banish individuals targeted under the Act by chasing them out of the NWT (as expressed in the

consultation document), we believe that section 7 *Charter* concerns are even more serious.

Taken together, we believe these factors should persuade you that these evictions will deprive NWT residents of their life, liberty and security of the person. As a result, they should only occur in accordance with "the principles of fundamental justice" as required by section 7 of the *Charter*. We urge you and your Committee to re-examine the legislation in light of *Charter* requirements.

Given what is at stake for individuals and families, some of whom live in small, isolated communities with few resources and no place to go, we believe that the Act's eviction procedures are an unconscionable way for a government to treat its citizens.

Privacy

It is important to note that the Act's purview focuses on activities in relation to the use of a resident's home. Courts have traditionally afforded the highest degree of legal protection to dwellings because there is a heightened reasonable expectation of privacy protected by section 8 of the *Charter*.

Subsection 60(1) of the Act provides the Director with the power to collect information on a person who is a subject of investigation, including their "whereabouts" and place of employment, as well as information "from any source about the occurrence of activities in respect of which an application under Part I [for a 'Community Safety Order'] may be made." This investigation may take place on the strength a mere *belief* by a complainant that "specified uses" are habitually occurring. Moreover, given that subsection 59(2) grants the Director, her deputies and her inspectors all the powers of peace officers, this could potentially amount to quite a large body of information and surveillance. Paragraph 60(1)(e) then allows the Director to impart this information to "a person", "for the purpose of exercising a power or performing a duty under Part 1." This could allow the Director to distribute the information gathered to an unacceptably large group of people, including the complainant in a letter of notification under subsection 4(2).

In our view, such provisions are overly intrusive into the privacy of residents.

Division of Powers

The Act defines a sphere of activity – some of which is actually illegal, and some of which the Act attempts to regulate as though it were illegal – which may be sanctioned by serious penalties. For many of the same reasons outlined above with regard to how this legislation violates rights to life, liberty and security of the person, it is also, in pith and

substance, criminal law. The Minister expresses frustrations with the criminal justice system and seems to envision this legislation as a creative way for the NWT to circumvent the practical problems created by the protections afforded to individuals by criminal law. We believe that the Act is likely *ultra vires* the NWT, or any province, because it seeks to usurp federal jurisdiction over criminal law.

Conclusion

The criminal law has, over countless judicial decisions and hundreds of years, sought to strike an appropriate balance between the power of the state and the rights of individuals. The adoption of the *Charter of Rights and Freedoms* guarantees that individual rights can no longer be overridden by governments in the absence of due process (such as adequate notice and full rights of appeal), compelling governmental objectives, and a genuine effort to tailor the solution to the problem in a minimally infringing way when people's fundamental rights are at stake.

Though there may be a legitimate concern and problem with the activities targeted by the Act, the government of the NWT must ensure that any legislation designed to deal with a particular problem is reasonable and demonstrably justified in a free and democratic society (section 1 of the *Charter*).

Therefore, we call on you and the government of the NWT to reject this legislation in its current form. The Act, if passed, would undermine basic rights to due process based on the lowest available standards of proof. The Act threatens to turn neighbours into government spies and to conscript landlords against their tenants. The Act imposes very serious sanctions without adequate protections and in a manner that is constitutionally suspect. Its constitutional flaws are so glaring, one wonders whether its supporters are counting on the inability of most of those affected to mount a challenge in court. The people of the Northwest Territories deserve better from their elected officials.

Thank you for taking the time to consider these submissions. Please feel free to contact our organization if you have any questions or options you would like to discuss.

Yours sincerely,

Murray Mollard, Executive Director

Christina Godlewska, Articled Student

Cc: Northwest Territories MLAs, c/o Tim Mercer, Clerk
Therese Boullard, Northwest Territories Human Rights Commission

Shelagh Montgomery

STANDING COMMITTEE ON SOCIAL PROGRAMS
PUBLIC HEARING ON BILL#7:
SAFER COMMUNITIES AND NEIGHBOURHOODS ACT
YELLOWKNIFE, APRIL 20 2007

SUBMISSION FROM SHELAGH MONTGOMERY – YELLOWKNIFE RESIDENT

INTRODUCTION

As a resident of Yellowknife, and an engaged citizen who wholeheartedly supports social justice, individual rights and freedom, and well planned, proactive measures to achieve community wellbeing, I have been closely following the Department of Justice's proposed SCAN legislation. I attended the Yellowknife public meeting in November 2006; as a member of Yellowknife City Council I was present for a briefing to our Priorities, Policies, and Budget Committee, I submitted written comments in January 2007 (appended to this submission), and I have read both the SCAN consultation report, and the proposed legislation.

With this presentation I wish to express significant concerns that I have about the SCAN legislation being proposed by the GNWT Department of Justice.

Implementation of an act such as SCAN would seem to be a means of avoiding dealing with the true problems in our communities, not to mention, undermining the existing positive aspects; namely, trust and neighbourliness. In general, I feel the SCAN legislation would:

- do nothing to address the root causes of problems it is intended to focus upon;
- use up resources that could be better directed to truly and meaningfully addressing community well-being;
- simply move the problems from one location to another;
- promote "snitching" on one's neighbours;
- promote the deterioration of community fabric, especially in the smaller NWT communities;
- undermine fundamental human rights; and,
- provide powers to investigators that are not even available to existing levels of policing.

My presentation will focus on the following three points:

1. The premise of SCAN contradicts the Vision and Core Values of the GNWT.
2. SCAN is a reactive, short-term band-aid response to a problem that requires a well-planned, holistic, and long-term solution.
3. SCAN will promote the deterioration of community fabric, especially in the smaller NWT communities.

1. SCAN AND GNWT'S VISION AND CORE VALUES

The implementation of SCAN and the vision and core values established by the 15th Assembly of the GNWT are contradictory.

a) GNWT Vision:

Self-reliant individuals and families sharing the rewards and responsibilities of healthy communities and a prosperous and unified Northwest Territories.

Wasting scarce resources on SCAN will not result in "self-reliant individuals and families sharing the rewards and responsibilities of healthy communities". Rather it will promote distrust and be fundamentally harmful to the social fabric of our communities and neighbourhoods.

b) GNWT Core Values (four of the six are presented):

Self-reliance: Northern people, families and governments having the tools and resources they need to function and live independently and to exercise self-determination.

SCAN will undermine GNWT's ability to provide real resources for people and families to gain independence and overall community wellbeing.

Respect: Treating all residents with respect, dignity, compassion, and fairness, and having respect for the value of our natural environment.

SCAN will undermine trust and respect in communities and neighbourhoods. The Act will diminish respect for the values of due process and the rights of individuals in a fair and democratic society.

Accountability: Enhancing the fiscal responsibility, effectiveness and credibility of governments through openness and transparency.

Support within the GNWT for SCAN and its implementation will contradict any notion of a government that is a strong proponent for "openness and transparency". One of the fundamental components of SCAN is its protection of accusers where strict measures are in place to maintain confidentiality. This has nothing to do with "openness and transparency".

Integrity: Decision-making that is fair, balanced, transparent, and consistent, and a public service that continues to be professional and impartial.

Since SCAN was first put forward publicly it has been apparent that fast-tracking it to implementation has been the intention. This does not lead to "decision-making that is fair, balanced, transparent, and consistent...".

2. SCAN IS NOT A SOLUTION

SCAN is a reactive, short-term band-aid response to a problem that requires a well-planned, holistic, and long-term solution. SCAN will provide very little meaningful substance to community well-being, and is simply a very poor, yet highly expensive, means of avoiding dealing with the true problems in our communities. And, even achieving the goal of its intended purpose is highly questionable. If you take a dealer off the street, it doesn't solve the problem, because then another dealer just moves into the vacuum that is left by the absence of the dealer who happens to have been chased away.

This is substantiated by the introductory comments by the Justice Minister himself, in the consultation document prepared by the Department of Justice for the limited consultations held in November and December 2006:

> "If the people who are causing the problem move to another house, we will gather evidence and evict them again. We will follow them wherever they go until they stop their illegal activities or leave the NWT."

So, perhaps, after expending valuable taxpayers' dollars, we can eventually chase the "unwanted elements" to another jurisdiction; Yukon, Nunavut, Alberta – but so what?!?! We deliver a problem to another community, to our "neighbours", and we have done nothing in our own jurisdiction to provide a real remedy to a much larger problem.

Furthermore, the same document states the following:

> "The legislation provides a way to end illegal activities at a property – it is not a social program intended to rehabilitate the individuals engaged in these activities."

This is a very unsettling admission given the very limited resources dedicated to, and the very great need for, services related to "rehabilitation" in the NWT. I would suggest that the families and people of the NWT would be better served, and healthier communities produced, if the job of ending illegal activities was left to the RCMP, and that the GNWT, as a public government with a much broader mandate, committed the necessary resources to have in place adequate programs devoted to long-term community well-being to prevent illegal activities, and to provide rehabilitation. If the RCMP are not adequately resourced to provide complete service (i.e., no detachment in some communities or understaffed in others) then the GNWT should negotiate more funding for policing from the Federal government. Creating a parallel system to overcome existing deficiencies is no solution.

Comments such as the following were reported from the community consultations held in November and December:

> "Bootlegging is a huge problem and people are dying."

"Drug and solvent abuse is a big problem. The RCMP and Social Services do not do anything about it and it causes many suicides."

Such comments should come as no surprise to anyone who knows what the problems are facing people in NWT communities. These problems are well known, they are not new, and SCAN will do nothing to address them. It will only provide a means for them to move from one location to another. How can the GNWT justify the tremendous financial cost that will be required to operate SCAN when this new legislation will do nothing to remedy longstanding and increasingly serious social problems prevalent in the NWT?

3. SCAN WILL PROMOTE THE DETERIORATION OF COMMUNITY FABRIC

As presented, the proposed legislation is yet another step in our drift toward a surveillance society in which citizen trust in their neighbours is undercut. Fundamental civil liberties will be undermined by virtue of the fact that via a confidential complaints process, government investigators will have the power to monitor homes, question neighbours, and evict people suspected of illegal activities such as bootlegging, prostitution, drug dealing, and illegal gambling.

Furthermore, as stated in the GNWT consultation document, "If a matter goes to court, the SCAN investigator acts as the complainant. Any evidence that may identify the person who made the original complaint is kept confidential – it is never released to any person or agency."

The process established by SCAN will put the core values of "community" to a constant test as neighbours watch neighbours. This is no way to foster trust and produce communities built on respect, dignity, compassion, and fairness.

Another area related to community fabric that is of particular concern is just how this legislation will work in smaller NWT communities. How will an eviction notice served in a community of 300 people achieve anything? Will GNWT pay for the person to be relocated? In all instances, how will dependents in a household be dealt with?

Sections 29 (5) and 30 (1) of the draft legislation state the following:

> *29. (5) The Director is not responsible, whether at the end of the period of closure or otherwise, for the removal or cost of removal of anything attached to or erected on the property, or the reversal or cost of reversal of anything done to or at the property, to close it or keep it closed.*
>
> *30. (1) If a community safety order requires the Director to close a property, on his or her request all occupants of the property and any other persons at the property shall leave it immediately, even if they have not been previously served with the order.*

SCAN is not concerned with "rehabilitation" or providing human remedies to likely longstanding issues; the property owner will be indebted to the GNWT for any costs of the closure, and any persons in that property, regardless of involvement will be evicted.

If nothing less, SCAN should not come into effect unless measures are adopted to ensure that any household threatened with eviction is provided a fair hearing, with adequate representation, and that no one is rendered homeless by an eviction.

CONCLUSION

Having touched on some of the issues I feel are of utmost importance, and as I am in complete support of comments presented by speakers already before you (NWT Human Rights Commission, Mr. Brad Enge, Mr. Ben McDonald, Mr Telmo de Santos, and the submission of the BC Civil Liberties Association), I urge the members of the Standing Committee on Social Programs, and all members of the Legislative Assembly, to reject the proposed SCAN legislation and to focus your energy, time, and resources on real solutions to real issues of security, social justice, and community well-being.

Dealing with illegal activities in the NWT should not be about simply claiming success by sending problems on to other jurisdictions and it should not be about wasting scarce resources on untested initiatives that provide no long-term solutions.

And, finally, if the committee decides that there is merit in pursuing SCAN, I recommend the following:

- that the Standing Committee at least recognise the need for complete NWT-wide consultation on an entirely new Act and, as such, that every community be provided with copies of the existing SCAN documentation and that each be visited by the committee before a final decision is made;
- that the Standing Committee commissions an independent review / analysis of similar legislation in place in other jurisdictions before making a final decision;
- that the Standing Committee delays the implementation of SCAN for at least five years so that the effectiveness of similar legislation in other jurisdictions can be meaningfully assessed; and,
- that SCAN not come into effect unless the following measures are adopted to ensure that any household threatened with eviction is provided:

    1. a fair hearing;
    2. adequate representation; and
    3. that no one is rendered homeless by an eviction.

SUMMARY OF RECOMMENDATIONS

The following recommendations have been made:

1. The Standing Committee on Social Programs should recommend rejection of the proposed SCAN legislation; and if this recommendation is not followed,
2. The Standing Committee on Social Programs should ensure that meaningful public consultation is conducted in every NWT community before a final decision is made;
3. The Standing Committee on Social Programs should commission an independent analysis of similar legislation in place in other jurisdictions before making a final decision;
4. The Standing Committee on Social Programs should recommend that SCAN not be implemented in the NWT for at least five years so that the effectiveness of similar legislation in other jurisdictions can be meaningfully assessed; and,
5. The Standing Committee on Social Programs should ensure that SCAN not come into effect unless the following measures are adopted and provided for any household threatened with eviction:

    - The accused receive a fair hearing;
    - The accused have adequate representation; and,
    - No one is rendered homeless by an eviction.

Thank you very much for the opportunity to present my views in this public forum.

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January 17 2007

Policy & Planning
Department of Justice
Government of the Northwest Territories
Yellowknife, NWT X1A 2L9

RE: Proposed SCAN Legislation *Sent via e-mail*

With this letter I wish to express significant concerns that I have about the SCAN legislation being proposed by the GNWT Department of Justice.

Implementation of an act such as SCAN would seem to be a means of avoiding dealing with the true problems in our communities, not to mention, undermining the existing positive aspects; namely, trust and neighbourliness. In general, I feel the SCAN legislation would:

- do nothing to address the root causes of problems it is intended to focus upon;
- use up resources that could be better directed to truly and meaningfully addressing community well-being;
- simply move the problems from one location to another;
- promote "snitching" on one's neighbour;
- promote the deterioration of community fabric, especially in the smaller NWT communities;
- undermine fundamental human rights; and,
- provide powers to investigators that are not even available to higher levels of policing.

On the issue of re-locating problems rather than providing solutions, the January 17 CBC article about a SCAN investigation in the Yukon (see Attachment) provides an excellent example. An excerpt is below:

> *Justice Department spokesman Dan Cable admits eviction may not pay off in the short-term, but he says it's better than doing nothing at all.*

> *"Do you sit on your hands and do nothing, or do you get them out and put them on the run and get them moving on to other neighbourhoods, because eventually they'll just leave the jurisdiction and try to go to greener pastures," Cable said.*

The statement by Mr. Cable is very telling – the SCAN legislation provides no better outcome than the classic reactionary NIMBY (not-in-my-back-yard) syndrome. No vision or long-term solutions are offered. Instead, the perceived "unwanted elements" are merely swept under the rug.

If I was limited to a concise summary as to why I do not support the proposed legislation it would be the following:

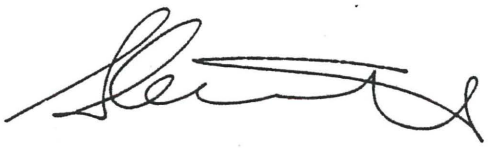
> I cannot help but conclude that the SCAN Act will simply provide a loophole to allow activities that are not readily available to the RCMP; that is, spying on private residences and individuals without due evidence, and proceeding with criminal charges while ensuring confidentiality of accusers.
>
> If the GNWT Department of Justice is not satisfied with various aspects of Canada's Criminal Law then it should pursue proper channels for recommending amendments and not introduce new legislation that will put at risk fundamental individual rights and freedoms while proposing nothing to address root causes of problems.

In closing, in addition to my concerns about the negative outcomes of a SCAN legislation, my experience to date with the recent limited consultation process leads me to worry about accountability to the public should the act get passed. To explain, I attended the Yellowknife public consultation on November 20th and later, by virtue of my role as a City Councillor, was present for a briefing to the City's Priorities, Policies, and Budget Committee on December 11th. On both occasions I asked whether the report of the public consultations being prepared for Minister Bell would also be made available to the public. I was informed, "No" – so, should the consultations be more aptly titled "private"? Additionally, during the City presentation I inquired about statistics from other jurisdictions where similar legislation is in effect. After the meeting these were provided to Council on the explicit condition that they not be shared with the public. It should be noted that the statistics were very general and not of a nature that would compromise the privacy of any individuals.

Given the two examples above, is this the approach that NWT residents will have to expect if the SCAN Act is passed – lack of transparency from the get-go? Such a principle is one that I cannot support, and unfortunately, it seems to be a common thread throughout the proposed legislation.

Thank you for the opportunity to provide input and for your consideration of the points raised and questions asked.

Sincerely,



Shelagh Montgomery
Yellowknife resident
e-mail: smontgomery@ssimicro.com

CC: Members of the Legislative Assembly
Ms. Laura Seddon, Director Policy and Planning, GNWT Dept. of Justice

Attachment: CBC News article of January 17 2007

Attachment

Yukon targets 1st suspected drug house

Last Updated: Wednesday, January 17, 2007 | 11:44 AM CT

CBC News (http://www.cbc.ca/canada/north/story/2007/01/17/scan-evict.html)

Tenants of a suspected Whitehorse drug house are getting the boot from the Yukon government under its new safer communities legislation.

Bright green eviction notices were taped to the rickety, white house in the Kopper King neighbourhood Tuesday, giving the occupants five days to move out.

This is the first time the government has used the new law, passed in 2006, to deal with reports of illegal drug activity going on in a home.

Neighbour Huguette Pomerleau said she was happy to hear about the eviction but remained skeptical it will solve the problem.

"They're going to open somewhere else and then some other corner of Whitehorse is going to have the same problem," she told CBC News Tuesday.

"I really don't know what we can do about it unless we kick them out of town altogether."

Justice Department spokesman Dan Cable admits eviction may not pay off in the short-term, but he says it's better than doing nothing at all.

"Do you sit on your hands and do nothing, or do you get them out and put them on the run and get them moving on to other neighbourhoods, because eventually they'll just leave the jurisdiction and try to go to greener pastures," Cable said.

Whitehorse RCMP say they will review the government's investigation to see if there is enough evidence to lay charges.

Under the safer communities law, the government takes complaints from the public about illegal activity in their neighbourhoods.

After it investigates, it can either work with the landlord to stop the activity or seek a community safety court order.

Ben MacDonald

NOTES FOR PRESENTATION

By Ben McDonald

TO GNWT COMMITTEE REVIEWING

BILL 7 – THE SAFER COMMUNITIES AND NEIGHBOURHOODS ACT

- Maybe SCAN is good politics but it's not good social policy – instead of spending money to hire Inspectors and Directors and to pay for their offices and their travel to communities, deal with the underlying problems with meaningful social development programmes
    - Public education programmes along with regular enforcement under current laws but more importantly:
    - Better, useful social programming would be for our governments to get serious about addressing the social determinants of drug use and culture
        - CCSD report says the best way to prevent crime is to provide supports to single moms

- For a hundred years now the police, courts and jails have had their day and they have proven themselves ineffective at coping with "social" crimes like drug usage, prostitution, and – the problem appears to be getting worse
    - In fact, the plan to adopt this legislation is an admission that enforcement measures are ill-suited to dealing with the sort of "social," sometimes "victimless" crimes SCAN addresses
        - Some will say that's because we're spending too much time coddling the criminals and worrying about their rights, or its' because we haven't yet spent enough, or committed enough, on the "solution"
        - "First they came for the Jews …."
        - BC CCLA has been consulting with northern groups, including Alternatives North, to prepare a letter to MLAs. The early draft that I have seen handles civil liberties questions much better than I can and I endorse the points they make in it. If the final version changes

such that I can no longer support its position, I will notify MLAs about my reservations. Until then, consider me as supporting the letter you will or have received.

- We need to get on a different course – more enforcement has not and will not work
  - American "drug abatement and seizure programmes" (which might be seen as the big brother of the proposed SCAN program) and which allow officials to outright seize the properties involved have been in effect for years and have had no beneficial impact on crime rates or drug usage
- Look at the Southeast Asian countries which impose a death penalty – has it ended drug use
- In reality, more effective enforcement may even have a negative net effect because the first thing it does is increase the price of drugs (accommodating the risk to reward change)
  - It may also mean that "heavier" outside operators enter a "market" because 1. There is a vacuum, or 2. the reward is higher

- What happens when there are kids in the house, or maybe an "innocent" spouse?
  - What happens when any person is evicted from their home and they can't find an alternative – tough love, possibly, but irresponsible government programming

- Moving the houses is no answer
  - Having known drug houses move mean the SCAN inspectors and police are going to be the last people to know where they're operating
  - Drug culture is tightly knit
  - Closing a house is only going to be a temporary inconvenience at best

- Administration of such a law might have the effect of driving prescribed uses out of the higher income and more politically organised neighbourhoods and into the parts of the community that are less so

- Where is the evidence is there that SCAN works?
  - Despite serious efforts to find evidence about the utility of these laws, the only material I could find was anecdotal and from politicians and other officials who had a vested interest in saying they were doing a good job.

- My only specific recommendation - SCAM not SCAN – truth in advertising anyway.

Mathew Spence
-April 19/07

April 19, 2007

Submission to the Legislative Assembly regarding the Safe Communities Legislation

Thank you for an opportunity to provide feedback on the Safe Communities Legislation. I would like to begin by applauding the efforts of the Legislative Assembly for trying to tackle problems that society has been fix for in some cases since civilisation began. I certainly recognise and understand people's concerns that these activities are perceived to be undermining the safety and security of individuals in communities.

That being said I believe this legislation is flawed and will be very difficult if not impossible to implement in a practical basis. While residents may feel that forcing people from their homes will help to reduce such activity, it really does little to address the problem. Those people who use the substances will find alternative sources and those people forced from their homes will simply set up their operations elsewhere.

Establishing another process for the investigations and prosecution of these activities also seems a little misguided. Are there not alternatives to establishing a whole new system? If there are problems, can't we augment the powers of our current enforcement system?

This initiative also seems to fly in the face of effective programs that deal with issues like alcohol and drug abuse. It is also inconsistent with our unique northern philosophy of helping each other with problems. Alternative programs similar to the don't be a butthead strategy related to smoking cessation would likely be more effective at trying to break the cycle of abuse in communities.

Specific concerns with the legislation include:

- Section 2 (2) (a)(b)A look at current legislation enforcement provisions and enforceability. I.e. negatively affecting the health and interfering with the peaceful enjoyment.
    - Message – try not to re-invent the wheel
- 3(1)(a)Lack of definition in a complaint – "believes – lacks some level of evidence and provides an opportunity to erode constitutional rights like privacy and property rights. Indicate/Habitual – again lacks an ability to properly define and as a result leads to the potential for abuse.
- Where are the accountability/dispute resolution mechanisms? Courts? Has there been a recognition of the need for additional resources.
- 4(1)(c)Warning letters – seem premature in terms of the investigation process
- 4(3)Not required to provide reasons for an investigation to the complainant – seems to erode a persons right to an adequate defence. It also seems to

limit public scrutiny and accountability assuming that this applies to everyone else as well (including you).

- 6(1) further erosion of rights and likely a clogging of the courts with unnecessary applications for orders. Increased resources will be required for the courts? Has this been considered? How often will they be in communities to make these orders?
- 7(1)Right to an adequate defence, these owners like other people are entitled to an adequate defence. Will they become further pressure on an already stretched legal aid system?
- 8(2)(c)Assume the respondent is being intimidated (elderly) by someone else who is carrying on the activities – that person may be placed in a dangerous position trying to enforce such provisions of an order.
- 8(3)all sections Where do people go? Rearranging the deck chairs. Enforcement – who is going by the property every day to ensure people aren't there – increased pressure on the Sheriffs dept.?
- Goes against treatment and public education programs that reduce consumption and dependency.
- 8(4)9,12,13 – Provides a great deal of latitude to continue to pester/harass someone who may be innocent and trying to fight the order....
- 16 Well intentioned but makes it difficult for a recipient (defendant) what if illiterate?
- What are the qualifications of the Commissioner and Investigators?
- How many investigators will be hired? Some MLA's have the impression that there will be an investigator living in each community.

These are just some of the issues I see with the legislation and I hope begin to illustrate that it is fundamentally flawed. This is an important issue that requires more public debate and detailed analysis and I do not believe that this Assembly will have adequate time to complete such a review prior to the next election.

Thank you

GNWT Proposed SCAN Legislation

The SCAN Legislation proposed for the GNWT is an attempt to address issues that impact the safety of communities in an expedient manner. While similar legislation is in place in Saskatchewan and Manitoba and proposed for the Yukon I have concerns about the application of this legislation in the NWT.

The safety and well being of our citizens should be a priority. The preservation of due process under the law should also be a priority. My concern is that the SCAN Act does not meet the standard of due process, operates on a burden of proof that is not congruent with the consequences that can be imposed and has few checks and balances. These comments are offered in light of the information presented in the news paper insert and public information session held in Inuvik. Hopefully the concerns outlined will be addressed in the draft legislation, regulations and policy.

Targeted Activities:
The pamphlet provided lists the targeted activities as

- Drug use, dealing or associated activities
- Prostitution
- Bootlegging
- Unsafe use of non-potable intoxicating substances (like Lysol or hairspray)
- Illegal gambling and related activities

Concerns:
Drug use, dealing or associated activities
The concerns are stated in a very broad context. While this may be narrower in the actual legislation what is proposed is open to a range of interpretation. *"Drug use"* can range from the recreational user of marijuana to intravenous drug use. This section places the user, whether an addict or not, in the same category as some one who is manufacturing or dealing drugs.

1. Are we going to evict people for using drugs? If so there is the potential for a tremendous number of evictions in a territory with few support or treatment options for those with addictions.
2. While the SCAN Act is clearly not meant to be rehabilitative it has the potential to create a demand for services. Is there a corresponding plan to address this issue?
3. The third example on the back of the pamphlet distributed states *"The SCAN investigator learns that no gambling is taking place, but the property is used for illegal drug use and small drug sales."* A warning letter is issued. What level of drug sales will be considered sufficient for a warning letter or eviction?
4. Is the legislation intended to address the manufacture and distribution of drugs, or simply their use? What level of use will result in evictions?

Prostitution
Without a doubt prostitution preys on vulnerable women and teenage females and males. Did the Supreme Court not rule that prostitution is not a crime, but soliciting is?

1. Is the goal to stop the selling of sex, or the purchasing of sex? Is it meant to stop the sexual exploitation of the vulnerable?
2. Is the target the person engaging in prostitution, the consumer or the person who has taken on the role of the "pimp"?
3. Will this Act extend to businesses that allow rooms on their premises to be used for prostitution?
4. Could the business be closed even though they may not have been directly involved in the procurement of sexual acts? (i.e. a hotel being used by sex trade workers, a bar that permits the use of rooms for sex acts)
5. Have groups working with women and sex trade workers been consulted on this Issue?

Bootlegging

Bootlegging is an issue in many of the communities. Conducting surveillance in a small and remote community will present many challenges. The presenters at the public forum in Inuvik stated that they understood this and that there is the potential to use "third party" reports to gather information. Saskatchewan has implemented orders on the basis of third party information.

1. What expectations or limits will be placed on the use of third party information?
2. How will the validity of third party information be determined?
3. Will those providing third party information be identified to the person the SCAN order is against?

Unsafe use of non-potable intoxicating substances (like Lysol or hairspray)

The use of non-potable substances tends to be by those who are either at the extremes of an addiction (i.e. addicts living on the street), or can not access approved intoxicants (i.e. youth huffing gasoline)

1. Is the intent to target the user or the person or business selling to them?

Illegal gambling and related activities

Gambling is a norm with a historical basis in the Aboriginal cultures of the north. While it is not always healthy, it has a long history. The number of legal bingos, raffles, lotteries etc. speaks to this. Illegal gambling can range from a large scale operation to an Elder running an OKO house. (A card game played for money in the Delta region. The host keeps a share of the winnings.)

1. Will OKO games be on the same footing as an illegal organized gaming operation?
2. Is the damage caused by games such as OKO on the same level as those potentially caused by an organized gambling operation and should the consequences be the same?
3. What are "other related" activities?

"Other activities that disturb the neighbourhood"?

This term is used on the website.

1. What would fall under this category? Is this intended to deal with "party houses"?
2. Is this so broad that it includes any level of disturbance in the neighbourhood?

Responses under the SCAN Legislation - Eviction

The legislation appears to be limited in its responses with eviction, or threat of eviction being the primary tool. While this may be effective in other jurisdictions it raises serious issues in the north.

1. Who is evicted? The person engaging in the alleged activity, or everyone in the house? How will the investigators determine who is actually engaged in the activity? If a couple and their children live in the house only one parent may be engaged in the activity. Does the entire family pay the price of their actions? Is the parent who enables the activity considered to be just as responsible as the person who engages actively?
2. There are few housing options in the NWT, particularly in the communities. If someone is evicted they are likely to move in with a family member. Over crowding is already an issue in many communities.
3. People in relationships where the power is not equal are likely to have difficulty in setting a limit to keep the evicted partner from the home. The concern needs to be explored that this could lead to an increase in domestic violence as the evicted partner tries to bully or force the partner in the home to let them return.
4. What happens when the spouse allows their evicted partner to return? Are they then evicted as well?
5. Family is strong in the north. If put in the position many would take in the relative who was engaging in activities not permitted under the proposed legislation. They can then be made vulnerable by the actions of the "offender". An example would be the adult child who is evicted from their home for bootlegging. They move in with their elderly parents and begin to bootleg from the parent's home. When the parents tell the adult child to stop they are threatened or abused. The parents become afraid to confront their child, they live in fear of being seen as supporting the bootlegging and of also being evicted. The investigators and community members may view them as supporting the bootlegging and they too could be faced with eviction. The parents will be torn between setting healthy boundaries and their tie to their child.
6. Eviction in a community may mean having to leave the community due to a lack of housing. The logical place to go will be the larger centres of Yellowknife in the south and Inuvik in the north. This may result in the more serious offenders gathering in these two communities with no access to public housing, expensive and limited rental options and limited financial resources. They are likely to move in with relatives or friends and place them at risk. We may see a concentration of those with problems in Yellowknife and Inuvik as those evicted will no longer be able to live in their communities. Yellowknife and Inuvik have a limited ability to respond to such an influx.
7. If a family is evicted what becomes of the children? Does the planned *"cooperation"* from Health and Social Services include the apprehension of children whose parents have been evicted based on the actions of the SCAN investigator? In this scenario the eviction creates the child welfare issue, not necessarily the action that was taking place in the home. A parent may be bootlegging, but not using and addiction may not be an issue for them. They may ensure their children are not exposed to the bootlegging and in this context the act

of bootlegging is not grounds for apprehension. Yet a situation can be created where the children are placed at risk due to the actions taken under the SCAN legislation.

8. If someone is evicted from public housing does the lease end, or will it be put into the name of others in the house that were not involved in the activity, or is everyone evicted?
9. What is the legal basis for evicting someone from their own home? Will this stand up to a Charter challenge? What happens if the legal owner who pays the mortgage is evicted? The rest of the family may be forced to leave due to the financial consequences.

The *"SCAN investigators track these people to make sure they do not continue their activities in a new location."*

This statement implies that an individual can be under surveillance for an act that never resulted in a criminal charge, conviction or sentence.

1. Does this not contradict the notion that as Canadians we are free from government surveillance?
2. Is this not simply an attempt to "run" people out of town or the NWT without the counter balance of a charge being laid and the accused having the right to defend themselves?

Burden of proof

The burden of proof is at a civil level. Illegal activity does not have to be proven to the same extent it does under criminal law, yet the consequences are potentially very intrusive.

1. Is a hearing process planned? Under other civil processes with similar power a hearing is held and the evidence is heard by the court with the opportunity to mount a defence. The Child and Family Services Act is an example of legislation that allows intrusive action to protect others without a court order (i.e. children can be removed from the care and custody of their parents to ensure their safety and well being). Will a similar process be implemented for court orders obtained under the SCAN Legislation?
2. If there is not a court process the implication appears to be that the SCAN investigators are always right and that errors are not made. This does not allow for due process under the law. The accused is "tried, convicted and sentenced" on the basis of information gathered by investigators, rather than an investigation being conducted and the courts examining the evidence to determine if it meets the test of the burden of proof.
3. The Saskatchewan legislation states that should the SCAN process result in criminal charges and if the criminal charges do not result in a conviction the eviction obtained under SCAN still stands. Will the same process be followed in the NWT? If this is the case how does someone demonstrate that they did not do what they have been accused of? What process is available for them to clear their name and regain their standing in the community?

Appeal Process

While an appeal process appears to be planned it is likely that those accused under the SCAN legislation will not have legal knowledge of civil appeal processes.

1. Will they be informed of an appeal process when evicted by the landlord or will this be considered to be between the landlord and them only? Is this fair if the landlord has been given the choice between evicting them and a community safety order being sought (see the concerns under the section titled "Landlords".)
2. How will they be informed of the appeal process?
3. Will the appeal process halt the implementation of eviction or a community safety order until the appeal has been heard?
4. How will appeals be dealt with in the communities served by circuit court?

Landlords:

The information provided states *"Every reasonable effort is first made to resolve the complaint informally through a warning and eviction process. This means the investigator will talk to the landlord and describe the evidence that identifies the people involved in illegal activities. The landlord can then choose to sign an order evicting problem tenants from the property. Once the landlord agrees to sign the order, the investigator, using police and other resources as necessary, serves the eviction order."* This raises several concerns.

1. The investigator does not show the landlord the evidence, they merely "describe" it to them. The already low burden of proof becomes even lower and the landlord is placed in a position of being pressured to accept the investigator's description of the evidence as being accurate.
2. The landlord will face tremendous pressure to evict under this legislation If they chose not to evict a Community Safety Order is sought. Under this order *"it requires a property owner to take action to stop the activities. The order may include the eviction of tenants and closure of the property."* If a landlord thinks the investigator is wrong they are placed in a position of having to go to court to argue against the order at a financial cost to themselves. Few landlords are likely to defend the tenant, even if they think the tenant has done nothing wrong if there is a cost to themselves.
3. The website states that a community safety order
   "...WILL:
   - *Require the owner to take steps to stop the problem*
   - *Require the owner to keep tenants from continuing with the activities"*

   The owner is forced into the position of becoming responsible for the activities of the tenants. What are the consequences if the owner is not able to do so despite their best efforts? Is it reasonable to expect the owner to be responsible for the actions of the tenants? Criminal law does not hold the owner responsible for the actions of tenants on the property, is it reasonable that SCAN legislation does?

Confidentiality

The name of the original complainant is not released under the proposed legislation.

1. While this may protect the complainant from reprisals from those investigated it provides no recourse for those falsely or maliciously accused. One of the basic

tenants of Canadian law is that we get to face our accuser. The proposed legislation does not support this, and moves it one step from the original accuser to the investigator.

2. The Saskatchewan legislation, section 19, addresses *"Costs on frivolous or vexatious applications"*. Under this section the complainant may be required to pay the costs of the investigation. What is not included is any recourse by the person falsely accused to find out who made the complaint and address the issue legally (i.e. sue the complainant) or hold the complainant accountable.

Overall Impressions

The proposed legislation allows the community to take even less responsibility for the issues they face. The proposed legislation does not include any process for the community to be involved other than to make a complaint. Instead the responsibility is shifted to a team of investigators. Without community buy in and an understanding of the goals of the legislation community members may be hesitant to make complaints. Should the legislation be applied and viewed as being too intrusive community members may view the consequences as being greater than what is deserved and may hesitate to make complaints. An example of this would be the neighbour who wants the bootlegging next door to stop, but does not want to be responsible for the family being evicted.

1. Is the input of Aboriginal leaders being sought?
2. Are the land claim groups being directly consulted with?
3. Are the front line workers who will have to deal with the impact on clients dealt with under the SCAN Act being consulted (Social Workers, wellness and addictions workers, the Salvation Army in Yellowknife, the homeless shelters in Yellowknife and Inuvik)?
4. Are presentations being made to community councils?

The public and community leaders need to be aware of not only the potential benefits, but also the possible negative consequences of the SCAN legislation. Once the investigators have done their work and left it is the community that will have to deal with the long term impacts. They need to be aware of what these are and have at least a sense of how they will address them.

I can be reached at 867-777-7823 or via email at amero@auroracollege.nt.ca if you have any questions or require any further information.

Alana Mero, MSW
Chair
Inuvik Justice Committee

APPENDIX B

COMMITTEE TRANSCRIPTS - STANDING COMMITTEE ON SOCIAL PROGRAMS

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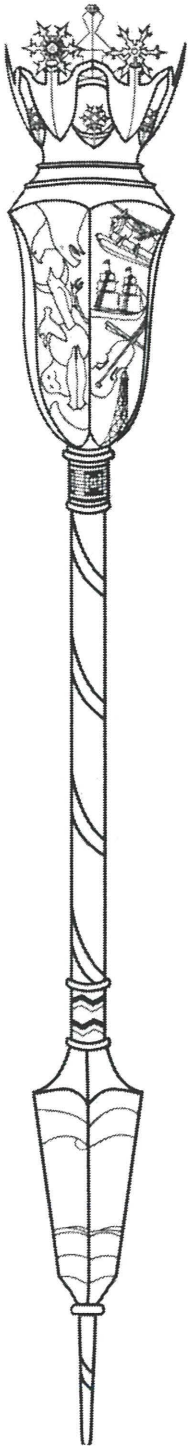
REPORT ON COMMUNITY CONSULTATIONS ON PROPOSED SAFER COMMUNITIES AND NEIGHBOURHOODS LEGISLATION



Northwest Territories Legislative Assembly

Standing Committee on Social Programs

Public Review of

Bill 1, An Act to Amend the Partnership Act,
Bill 2, An Act to Amend the Condominium Act,
Bill 3, An Act to Amend the Legal Services Act,
and
Bill 7, Safer Communities and Neighbourhoods Act

April 19, 2007

Chair: Ms. Sandy Lee, MLA

STANDING COMMITTEE ON SOCIAL PROGRAMS

Chair

Ms. Sandy Lee, MLA, Range Lake, Chair

Members

Mr. Norman Yakeleya, MLA, Sahtu, Deputy Chair
Mr. Bill Braden, MLA, Great Slave
Mr. Jackson Lafferty, MLA, Monfwi
Mr. Robert McLeod, MLA, Inuvik Twin Lakes
Mr. Calvin Pokiak, MLA, Nunakput

Alternate Members

Mr. Robert Villeneuve, MLA, Tu Nedhe

Witnesses

Hon. Brendan Bell, Minister of Justice
Mr. Mark Aitken, Director, Legislation Division, Department of Justice
Mr. Gary MacDougall, Director, Legal Registries, Department of Justice
Ms. Lucy Austin, Executive Director, Legal Services Board, Department of Justice
Ms. Janice Laycock, Senior Policy Analyst, Policy and Planning, Department of Justice
Ms. Katherine Peterson, Practising Lawyer
Mr. Glenn Tait, Institute of Chartered Accountants
Ms. Therese Boullard, NWT Human Rights Commission
Mrs. Ruth Spence, Private Citizen
Mr. Matthew Spence, Private Citizen
Mr. Brad Enge, Practising Lawyer
Mr. Ben MacDonald, Private Citizen
Ms. Cathie Harper, Yellowknife Condominium Corporation
Mr. Telmo Dos Santos, Private Citizen

Committee Staff

Ms. Gail Bennett, Operations Assistant Clerk
Mr. Glen Boyd, Law Clerk
Mr. Robert Collinson, Senior Research Analyst
Ms. Regina Pfeifer, Research Analyst

STANDING COMMITTEE ON SOCIAL PROGRAMS
Public Review of Bill 1, An Act to Amend the Partnership Act,
Bill 2, An Act to Amend the Condominium Act,
Bill 3, An Act to Amend the Legal Services Act, and
Bill 7, Safer Communities and Neighbourhoods Act
April 19, 2007
Committee Room 'A'
2:10 p.m.

CHAIRPERSON (Ms. Lee): Good afternoon, everyone. My name is Sandy Lee. I am chair of the Social Programs committee. I would like to welcome you all to our meeting today. We are here to do public hearings and have the presentation from the Minister on various bills too numerous to mention at the moment. I am sure the Minister will let us know. Before we hand over hand the microphone to the Minister, I would just like to introduce Members of the committee. We have Mr. Robert McLeod to my right from Inuvik Twin Lakes, Mr. Jackson Lafferty from Monfwi, Mr. Norman Yakeleya from Sahtu, Mr. Calvin Pokiak from Nunavut and Mr. Bill Braden, Great Slave. We also have a lot of staff with us. We have Mr. Glen Boyd, legal counsel, Mr. Robert Collinson, researcher, we have our clerk Gail Bennett and Regina Pfeiffer, legal researcher.

Mr. Minister, if I could just to start with whatever bill you would like to start with and we will just proceed.

HON. BRENDAN BELL: Madam Chair, committee, thank you for taking the time here this afternoon to go through this. Do you want me to go through the four bills and provide you the opening comments and remarks or do you want me to do them one by one?

CHAIRPERSON (Ms. Lee): Thank you. What is the wish of the committee? We will hear from you and then we have witnesses scheduled to speak to us on all of them. So we will hear from you first and then move into the public hearing of witnesses. So present all the bills at once from your side.

HON. BRENDAN BELL: All the comments at once? Okay.

CHAIRPERSON (Ms. Lee): Is that okay? Start with Bill 1, how about that?

Minister's Opening Comments On Bill 1, An Act To Amend The Partnership Act

HON. BRENDAN BELL: Sure. Thank you, Madam Chair, committee members. With me today as witnesses I will have Mark Aitken, director of legislation division; Gary McDougal, director of legal registries will join me as well.

Madam Chair, the primary purpose of this bill is to permit the registration of liability partnerships formed or operating in the NWT and to establish basic rules and procedures for the registration of these partnerships.

In a general partnership, each partner is liable for the obligations of the partnership as well as the obligations of all of the partners. Once the partnership assets have been used to satisfy any claims, personal assets of each partner are available to satisfy claims. In a limited liability partnership, only the personal assets of the negligent partner would be available in addition to partnership assets. Personal assets of non-negligent partners will be protected.

Limited liability partnerships currently exist in almost all provinces in Canada. Over 50 such partnerships operate in the NWT, but the limited liability of the partners that applies elsewhere is not currently recognized in the NWT.

Madam Chair, an ad hoc committee representing the self-regulated professions, in particular the legal and accounting professions, first proposed the registration and recognition of limited liability partnerships. The Department of Justice supported this request and ultimately prepared a consultation draft of amendments to the Partnership Act that was released to the committee. The committee has indicated its support for the proposed bill in all respects.

The bill also includes a number of minor amendments. In most instances, no change would be made to the substance of law and the amendments simply update or clarify the language of various provision of the act.

I would be pleased to answer any questions committee members may have.

I will just keep right on rolling here, Madam Chair.

CHAIRPERSON (Ms. Lee): Sorry to change the procedure. I am wondering if we could open the floor for questions from Members, not the public witnesses, but just have Members ask questions on the bill if they have any before we move on to the next one. Are there any questions or comments on Bill 1, An Act to Amend the Partnership Act? Mr. Braden.

MR. BRADEN: Thank you, Madam Chair and Minister Bell. I am very much in support of this bill. Could the Minister give us some idea of when it may come into force? Is this one of those bills that requires extensive regulations to be designed and prepared before it can be brought into force, Madam Chair?

CHAIRPERSON (Ms. Lee): Thank you, Mr. Braden. Mr. Minister.

HON. BRENDAN BELL: Madam Chair, our best guess at this point is it does require the development or regs, is that we could have it ready before the end of this year.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Minister. Mr. Braden.

MR. BRADEN: The professions that are especially affected by this, I understand, are accounting and legal. Are there any other professions that could potentially see benefit from this? I am wondering about things like engineering or medical practice, Madam Chair.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Braden. Mr. Minister.

HON. BRENDAN BELL: Madam Chair, there may be a few others. Our sense is that most of those others could incorporate anyway. Most of our medical practitioners now become staff in the Northwest Territories. So by and large, the Member is right; this principally applies to the legal and accounting professions.

CHAIRPERSON (Ms. Lee): I think it would include engineers if they are in a similar practice arrangement as accountants and lawyers. I understand some of them cannot be incorporated in a way that would limit their liability wholly like you can in a corporation where the corporation would be liable. In a professional practice, lawyers and accountants are individually professionally liable for some of the things they do and they can't be protected from that. This legislation will limit that liability. That's my understanding. It would presumably include doctors, dentists, lawyers, accountants and engineers, those professionals who have more liability burden than a typical business corporation. That's my understanding. Mr. Minister.

HON. BRENDAN BELL: I think you are right. That is another option for a number of professions that may choose to use it. I think, though, that doctors, for the most part now, are staff in the Northwest Territories, but there is that option for them to operate in a fee-for-service manner, I understand, and not become staff. So this might be something that they would want to pursue.

CHAIRPERSON (Ms. Lee): Any other questions or comments? Mr. Yakeleya.

MR. YAKELEYA: Thank you, Madam Chair. After the affected parties that are going to be affected by this act here, in your communication plan it will give a head's up, so to speak. What steps will be taken for parties to be notified and given sufficient notice to do what they have to do to be in line with the new act here? Thank you.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Yakeleya. Mr. Minister.

HON. BRENDAN BELL: We will take steps to make sure they are notified and know what our timing is like in terms of passage of the bill, but for the most part I would be surprised if they were not aware of the developments here since they have had involvement in this committee that reviewed this and is supportive of and has been driving this. Thank you.

CHAIRPERSON (Ms. Lee): Mr. Yakeleya.

MR. YAKELEYA: Thank you, Madam Chair. So I take it then that there is going to be sort of a communication plan to outline some of the steps that can be taken to the people that are the bodies, the partnerships or the professions that are going to be affected by this act.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Yakeleya. Mr. Minister.

HON. BRENDAN BELL: That's correct.

CHAIRPERSON (Ms. Lee): Any other questions or comments on the Partnership Act? This is a relatively routine housekeeping business from our point of view. I think that is the questions for now. Sorry, Mr. McLeod.

MR. MCLEOD: Thank you, Madam Chair. Sorry about that. I am not sure if I heard the Minister correct when he said it applies to most of the law and...(inaudible)...to a construction company, does that apply to them too? Two guys start a construction company and one is negligent. So would this apply to them, or is it geared mostly to the law and the accountants?

CHAIRPERSON (Ms. Lee): Thank you, Mr. McLeod. Mr. Minister.

HON. BRENDAN BELL: It would be another choice for two people starting a construction company, but we would think that they would probably choose to incorporate and have that available to them and in that way limit liability of the corporate assets, typically. If they chose to pursue this avenue, they could.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Minister. Any other questions or comments? Seeing none, I think we now can move into Bill 2 or is it Bill 3? Bill 2, An Act to Amend the Condominium Act. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Lee): Mr. Minister, do you need new witnesses for this bill?

HON. BRENDAN BELL: Same old guys here.

---Laughter

Sorry to disappoint.

CHAIRPERSON (Ms. Lee): So we have Mr. McDougall and Mr. Aitken.

Minister's Opening Comments On Bill 2, An Act To Amend The Condominium Act

HON. BRENDAN BELL: We do. Madam Chair, I am pleased to appear before the committee to review Bill 2, An Act to Amend the Condominium Act. This bill would bring

the Condominium Act up to date. A number of amendments were made to address specific issues since the act was first passed in 1969. The first condominiums were established in 1986 but a thorough review of the act had never been undertaken.

With this in mind, the Department of Justice developed a consultation paper in the fall of 2005. The paper was made available on the department's website. A copy was distributed to numerous stakeholders including condo owners, developers, management companies, real estate agencies, lawyers. Last spring, public meetings were held to discuss the proposals in communities that currently have condominiums. Those are Yellowknife, Inuvik and Hay River. Public feedback indicated wide support for the proposed amendments and, in addition, the consultations identified further changes that have been included in this bill.

A number of important amendments support the principle of consumer protection. While this legislation recognizes decision-making should be left to the owners because condominiums are privately owned buildings, there is also a need for owners, purchasers, lenders and tenants to have the information necessary to make informed decisions.

Fundamental to the review of this act was issues relating to the capital reserve fund and adequacy of such funds. This bill addresses several critical aspects:

- every condo would be required to establish a capital reserve fund;
- a condominium would be required to conduct a reserve fund study every five years to assess long-term needs of the condominium and develop a comprehensive plan to repair or replace depreciating property; and
- the reserve fund study and plan, as well as other relevant material, would be provided to owners in advance of the annual general meeting and the reserve fund would be a mandatory agenda item at the meeting.

Decisions regarding amounts to be contributed to the fund would remain with the owner but these requirements would help ensure that owners are able to make knowledgeable decisions in this regard.

Further significant amendments to the act provide for:

- improved disclosure of information to owners, purchasers, mortgagees and tenants;
- a more orderly transition of ownership from the developer to the eventual purchasers of a new condominium including protection for tenants, a conversion for rental accommodations to a condominium;
- a more appropriate balance in respect to the majority of owners required to terminate a condominium or amend the plan, declaration of bylaws, and
- the option for developers to develop condominiums in phases or for two or more condominiums to amalgamate.

I look forward to responding to any questions committee may have on this bill. Thank you.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Minister. Comments or questions? Mr. Braden.

MR. BRADEN: Thank you, Madam Chair. I am also speaking in favour of the bill. I am pleased to see it coming forward. The department responded earlier in our term, Madam Chair, to a request that I made to have a look at this. It was spurred on by constituents in my riding who were condominium owners or had involvement with the management of them and recognized that there were some deficiencies in our act, especially from the point of view of the consumer. So this is good consumer protection legislation.

I also had a chance to take in one of the public consultation meetings and was quite impressed with the turnout, the number of people at least from the community of Yellowknife who responded and the degree of knowledge and participation, Madam chair, also a very good working relationship that these folks from the public had with the people who were conducting the consultation. So it has the appearance of being a very thorough and well done process and I think it's reflected in the bill here.

I wanted to ask about the monitoring of it. While it sets out new standards and thresholds of how a condominium corporation is to operate in areas such as disclosure of properly running the meetings, of having reserve funds in place that are properly conducted, is the government going to be monitoring the performance of condo corporations in this respect or is it more a complaint-based system and the government would respond if, let's say a condo owner came forward and said there is something I am not comfortable in would you look into it for me? Are we proactive in terms of watching how these are administered or do we wait for people to bring it to our attention, Madam Chair?

CHAIRPERSON (Ms. Lee): Thank you, Mr. Braden. Minister Bell.

HON. BRENDAN BELL: By and large, this would be complaint driven. If a condo owner felt the meetings were not conducted in a manner that complied with this legislation or the reserve funds weren't adequate, they could bring it to our attention, but we aren't out there monitoring all the condo developments and attending meetings to see if they were properly conducted and those kinds of things.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Braden.

MR. BRADEN: Thank you, Madam Chair. If I was intimately familiar with it, I might have this question answered, but I will ask. Is there a requirement for each corporation to file with the government on an annual basis or as it conducts its business?

CHAIRPERSON (Ms. Lee): Thank you, Mr. Braden. Mr. Bell.

HON. BRENDAN BELL: I understand that they don't have to file continually or annually. If they make plan amendments, those need to be filed, but they don't need to make routine filings. Thank you.

CHAIRPERSON (Ms. Lee): Mr. Braden.

MR. BRADEN: How many condo corporations are there in the NWT that will come under this act, Madam Chair?

CHAIRPERSON (Ms. Lee): Mr. Bell.

HON. BRENDAN BELL: Apparently the number is 38, just off the top of my head.

---Laughter

CHAIRPERSON (Ms. Lee): That's as good a number as any other. Mr. Braden.

MR. BRADEN: That works for me. Thank you, Madam Chair. That's all I have for now.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Yakeleya.

MR. YAKELEYA: Madam Chair, the act speaks to some significant discussion and consultation with stakeholders. Is there going to be an adequate consultation process on some of the issues such as what we are proposing here with this legislative proposal and some of the issues such as a minimum requirement of a 25-year-lease when setting up a leasehold condominium? Some of the issues are the threshold or some things that provide adequate consultations with the stakeholders on some of the key things that are going to be coming into force, should they get full support.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Minister.

HON. BRENDAN BELL: Madam Chair, as I indicated at the outset in my comments, we were in the three communities that have condominiums, we did discuss a number of these things but a number of the details to come in regulation will be discussions again. So we will conduct consultation with respect to some of those details. As well, I think the public will get from your committee work some more familiarity with this as well. So there are a number of different phases and steps here that will help inform stakeholders. Thank you.

CHAIRPERSON (Ms. Lee): Mr. Yakeleya.

MR. YAKELEYA: Thank you, Madam Chair. The last item states the Minister may raise these concerns with other organizations involved in building homes in the Northwest Territories. I wanted to ask if the Minister or his department has given some thought to a warranty program and this type of issue. Thank you.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Yakeleya. Mr. Bell.

HON. BRENDAN BELL: I understand that there were some discussions and probably some consultations about whether or not home warranty programs would be advisable, not per se a justice issue, but maybe an issue for our government overall. I am not sure; I know in terms of the bill that we were developing, the regs, this wasn't something that we were considering at this point or something we are proposing to bring forward, but it certainly is something that might warrant some more discussion and debate government-wide. Thank you.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Yakeleya.

MR. YAKELEYA: Thank you, Madam Chair. My last question to the Minister is to give him some direction. If the government does support such an initiative, then how does this have an affect on this home Condominium Act here? Does that require some amendments? I will leave it at that.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Yakeleya. Minister Bell.

HON. BRENDAN BELL: Something like a new home warranty wouldn't be specific in our minds, anyway, to just these condominiums. This would potentially cover a whole number and range of styles of homes. So would we need to make amendments after the fact to legislation like this? I am not sure. I think it could be; I don't know. I think that would be something we would have to consider as we sat down to discuss what a home warranty program would look like, but it's premature at this point. It's not specific to this bill.

CHAIRPERSON (Ms. Lee): Any other questions, comments? I have a question about the reserve fund study. Your opening statement states, Mr. Minister, that under this amendment, a condominium would be required to conduct a reserve fund study every five years to assess the long-term needs of the condo and to develop a comprehensive plan to repair and replace depreciating property. I am just wondering if you could tell us more about what the standard of the study might be. Would it require some professional person to say...Are there any standards and regulations in that regard, so that there is some sort of standard and uniformity? Anybody can say this roof needs fixing every 25 years or fuel tank and every condo almost we have in Yellowknife are of different sizes and locations. The ages of buildings are different. So what kind of standard would there be and requirement? Mr. Bell.

HON. BRENDAN BELL: That's a good point. They all are different; but as we develop the regs, we will talk about setting some standards or thresholds. In our minds at this point, we would have somebody be a qualified technician sign off on something like this. As to how that happens now, I don't know that we have gone through all that. We will consult on the regs and we will propose a number of initiatives that would help to clarify that. I think your point is a valid one; we can't simply have a condo board filing a plan that they see fit every five years without some regard for some standards or criteria.

CHAIRPERSON (Ms. Lee): I would think there would have to be some reserve fund for unforeseen events. There could be new legislation that comes forward, like all the private houses had to change their fuel tank, for example. If something like that happened for bigger buildings...Obviously this provision is addressing an issue that must have been brought up through your consultations. Could any of your witnesses tell us what the circumstances are that this is trying to address?

HON. BRENDAN BELL: I will have Gary McDougall talk about some of the contingencies and maybe some of the discussion that came up with the consultation process.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Minister. Mr. McDougall.

MR. MCDOUGALL: Thank you, Madam Chair. As you indicated yourself, there are a wide variety of condominiums. There are some that are called bare land condominiums in which the person owns just the land and constructs what they wish on that particular parcel. There are highrises and then there are townhome styles and so forth. So the issues affecting the reserve fund study can vary significantly from one to another. The main objective is for each condominium in their given circumstances to see to it that a reserve fund study is conducted and that it's conducted by someone objectively who would be qualified to provide expertise in terms of what the long-term needs would be and then for that information to be made available to the board of the condominium corporation as well as the condominium members. For a plan to then be developed that would be an evolving plan, as you mentioned, where something changes and some new requirement when they come up, a plan that is developed for a 25-year period over that whole period of time. It still has to be reviewed on an annual basis. That is one of the provisions included in the bill, is that the reserve fund study and the reserve fund plan that are developed would be reviewed annually. It's not something that is not thought of until there are serious problems or large expenditures that need to be made. So the philosophy was to ensure that the owners had available to them professionally generated estimates of what the long-term needs would be for replacing depreciable property so that the owners would be able to make informed decisions in that regard.

CHAIRPERSON (Ms. Lee): My questions so far have been about the standard, the consistency and regularity of the reserve fund study, but would there be regulations on the scope of the work that the reserve fund should expect to cover? Condos are varied. The Centre Square Mall downtown is a condo and some membership might think we need to save money for the marble floor on the floor or painting outside and there might be areas where some members might feel it's a communal issue but others may not. Does you regulation cover what's to be covered as common property, and to the extent of that, because it could depend on taste of the, you know, preference. Would there be that sort of scope of... Because some members may feel, I mean, you could only...That's the disadvantage to a certain extent of living in a condo and some people might feel there are basic things that I'm willing to pay condo fees for and have covered, but I think you're going overboard if you think, I don't know, music speakers outside to

keep the crowds away. Like, what's covered and what's not? Would there be regulations on that, or is it totally up to the board members?

MR. MACDOUGALL: Certainly there are grey areas where members may have differing views and different circumstances that might apply to different condominiums. Essentially the reserve fund studies would be to do deal with depreciable property, not maintenance itself, so that would be the primary criterion. Essentially, the depreciable property would be, in most instances, all of the building structure. The ownership collectively is responsible for that and so it would include, for a high rise it would be the elevator system and the roof and the building structure itself and it wouldn't really be open to someone to say, well, I don't want to consider whether or not we should be talking about when the roof needs to be replaced. They can decide how to pay for that. They can decide that they won't put aside money right off the bat, that they'll wait until there's five years left and then maybe they'll make contributions. That would be part of their plan that they vote collectively on. However, in terms of what is to be covered, it would be, by and large, the depreciable property and not maintenance.

CHAIRPERSON (Ms. Lee): Okay. Thank you. Any other questions or comments on Bill 2? Seeing none, we'll have... understanding we could have more opportunities if some questions or comments arise from our public hearing process. This is the initial introduction of the Bill so we'll just leave Bill 2 for now and then we'll go into Bill 4, Bill 3; Bill 4 is the other committee. Bill 3, An Act to Amend the Legal Services Act. We'll have different witnesses.

Minister's Opening Comments On Bill 3, An Act To Amend The Legal Services Act

HON. BRENDAN BELL: Thank you, Madam Chair. Lucy Austin, who's the executive director of the Legal Services Board is going to join me in addition to Mark Aitken for this bill.

Madam Chair, the purpose of this bill is to permit staff lawyers working out of different law clinics of the Legal Services Board to advise both parties in a legal matter without that being in and of itself a conflict of interest.

The Legal Services Board and department identified the need for this amendment in response to a diminishing private bar and increasing reliance on staff lawyers. This amendment is in place in other jurisdictions for the same reason: to ensure the provision of timely and quality legal service to clients. The Law Society, which regulates the legal profession in the Territories, is in support of this amendment.

In the long-term, this amendment will allow the board to continue with and expand, if necessary, its complement of staff lawyers in order to ensure NWT residents have access to family and criminal law services and that the court system remains accessible.

I'd be pleased, Madam Chair, to answer questions that the committee members may have on this bill. Thank you.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Minister. Any questions or comments? No questions? Mr. Yakeleya.

MR. YAKELEYA: Thank you. The one issue I have, and I'm still working it through my mind here and listening to different points of view, is the issue of the perception of the conflict of interest in terms of this act here, in terms of situations in our smaller communities on the issue, how it's been perceived as a conflict of interest, I guess. Madam Chair, the Minister made comment to the amendments in other jurisdictions. I'm not too sure if the other jurisdictions are also similar to our demographic areas up in the Northwest Territories here. We'd have different situations. So just wanted to get some clarification on that one. You mentioned other jurisdictions, so are we similar to other areas that you're making comparisons to? Those two, I'm really struggling with on those issues, especially the conflict of interest one.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Yakeleya. Minister Bell.

HON. BRENDAN BELL: Madam Chair, two maybe similar jurisdictions that operate in the same manner that we've looked at are northern Saskatchewan and Labrador; there would be a lot of similarities that you could draw between our jurisdiction and those in the respect that you're speaking of. This is how we're currently operating and I think what we're saying here is that just because we have staff lawyers from our operation operating on both sides of the file, that in and of itself is not a conflict. Now there could be situations that arise that make it a conflict in various cases and then we would have to deal with that, but we don't have enough private lawyers taking on legal aid cases and that is a problem.

As Members will remember, we've recently raised the tariff 15 percent higher and we have one of the higher tariffs in the country, I think probably second only to Nunavut. Despite that, we're still having a difficult time getting private lawyers here interested in taking on these cases so we have to rely more and more on staff lawyers. Now, who knows? In future that could turn and it would always be our preference, if it was available to us, to farm the work out to the private bar but in order to ensure that we have timely access to legal advice. We have to be able to provide advice to both parties, both sides of the dispute, and so that's what we're doing currently and that's what this speaks to. Thank you.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Yakeleya.

MR. YAKELEYA: Thank you, Madam Chair. I want to ask the Minister, Madam Chair, as to whether he plans to make regulations addressing that staff lawyers are advising or representing both parties need to be assigned to a different law clinic or how the file should be handled with this act here.

CHAIRPERSON (Ms. Lee): Thank you. Minister Bell.

HON. BRENDAN BELL: Why don't I have Lucy talk about what happens operationally in cases where that kind of thing would arise.

CHAIRPERSON (Ms. Lee): Thank you. Ms. Austin.
MS. AUSTIN: Thank you, Madam Chair. Our current practice, and it would continue to be the case, we would never assign two lawyers in the same clinic to a file, because that is a conflict because they're working together. So these files are always assigned to lawyers in completely physically separate clinics; sometimes in different communities, because we have a clinic in Inuvik as well.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Yakeleya.

MR. YAKELEYA: A last question, Madam Chair. There are certainly other questions I could ask, but I don't want to hog up the committee's time here. So I wanted to ask when this amendment will come into force, when the Minister may expect that this amendment will come into force.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Yakeleya.

HON. BRENDAN BELL: It would come into force on assent, so what are talking about here, May, end of May…

CHAIRPERSON (Ms. Lee): Upon getting third reading, getting assent…

HON. BRENDAN BELL: All of these contingencies but on assent.

CHAIRPERSON (Ms. Lee): Mr. Yakeleya.

MR. YAKELEYA: Thank you. I guess I'm looking at the implementation of this amendment. Again, and Ms. Austin, Madam Chair, did clear up some things for me on the lawyers not coming from the same clinic. Again, it's a perception and I think that's something that's going to be something that we need to look at very carefully on. The Minister has indicated the reasons why this amendment is being considered right now in terms of the staffing and we still have staffing members from maybe Inuvik or in Yellowknife that are going to work on a file. It's the perception that you're having the same…I guess I don't quite yet understand, so maybe I need to hear some more on this one in terms of a small community having a lawyer coming in. It's a conflict of interest there and I'm trying to look at the issue of the conflict of interest in terms of…I'm looking at the point of view of the members that are going to be affected by this amendment here; questions they may raise to us in terms of if this amendment is supported and it comes into force here.

CHAIRPERSON (Ms. Lee): Thank you. Perhaps maybe Ms. Austin or yourself, Mr. Minister, could give us an example of what would be situations where there would be a

conflict of interest arise on a file and what is that situation that this amendment is trying to address. I mean, automatically you can't have two sides on the same file being represented by the same lawyers, but this one is you can't have two lawyers in the same clinic representing on a case. That's the situation that we're trying to avoid in this amendment. Is that right, Mr. Minister?

HON. BRENDAN BELL: Currently, as Ms. Austin has stated, we don't now have two lawyers from the same office representing parties on the same issue.

CHAIRPERSON (Ms. Lee): I'm just giving that as a simple example.

HON. BRENDAN BELL: Yes. So we're proposing the status quo. We think that that makes sense, that that's sound. You wouldn't want lawyers from the same office representing in the same case. But what we are saying is that, very similar to some other jurisdictions that we've laid out here and I talked about Labrador and northern Saskatchewan, that we think that this is okay. I mean, we can continue to operate to have two sides represented by staff lawyers as long as they're from separate clinics. As I indicated earlier, if we had just, you know, a whole number of private lawyers in the bar who were queued up to take these cases and we could ensure that there wouldn't be a delay, then our first choice would be to assign those out to the private bar and this would be a non issue. But that's not the case as it sits now and we want to make sure there isn't a delay in accessibility and a delay in getting to court, Madam Chair. So that's what we're, you know, we continue to operate in the manner that we are now. As far as some possible conflicts of interest that could arise or some scenarios, maybe Ms. Austin could take us through some examples of things that we would potentially run across.

CHAIRPERSON (Ms. Lee): Thank you. Ms. Austin.

MS. AUSTIN: The type of things that are conflicts that lawyers would not take on are, for instance, if the lawyer had previously acted for the other party and were asked to act. If they previously acted, for instance, for a wife and a husband, or we said to them, can you act for this husband? They would say no, I can't, because I acted for the wife so I could not act for the husband.

CHAIRPERSON (Ms. Lee): Even if that wife is not involved in this case.

MS. AUSTIN: Quite often they wouldn't do it. The lawyers determine, in many instances, whether they believe they have a conflict. We always let lawyers decide ultimately if they have a conflict. There's sometimes some input from staff, but lawyers know when they have conflicts. A conflict arises in a criminal matter, for instance, if you have previously acted for someone and you're now faced with a situation where you might have to cross-examine that individual because you're acting for another individual. Those sorts of things come up regularly in our practice and lawyers don't take them on. They have systems set up in their offices with the client names; they check those names to see if this is someone that they have a prior involvement with or a

matter in which they have information that would put them in a conflict and they tell us if taking a client on would, in fact, put them in a conflict and then they don't take the client on.

CHAIRPERSON (Ms. Lee): Okay. In the debates we had in the House when the new Family Law Clinic was being opened under the previous Minister, I believe, when the Centre Square clinic was open, for example. Well, that's what I'm thinking of in a Yellowknife situation. I believe one of the major arguments at the time was the arguments to open that office separate from the other legal aid clinic was to address the conflict of interest question because you had a lot more cases, and one of the arguments was that having a separate office in a separate building would make it possible for you to serve more clients and to diminish the chances of a conflict of interest being involved. So I'm just wondering why did that not do the job that it was supposed to do in terms of the conflict of interest question and why do you need to bring a new amendment to address it? Mr. Minister.

HON. BRENDAN BELL: It had resolved that issue. This simply clarifies that. We felt that there were some concerns, or people had raised some concerns and we wanted to clarify this and make sure that we had done that. I think one of the issues here now is that if we were to determine on family law matters, for instance, that we could only represent one of the parties, we would really see, you know, the system would grind to a halt. We just don't have enough private bar lawyers willing to take on family law cases at this point in time that we could just decide that we were only going to represent one party. So it would be a real concern for us if we had to reverse course and were to make the determination that we could only represent one party in a legal matter. Thank you.

CHAIRPERSON (Ms. Lee): Okay. I have one other question. Obviously I'm assuming that the need for this amendment is because there were some questions of conflict of interest that arose and you want to clarify that through this amendment. That certain situations that in and of itself does raise conflict of interest questions, but I think there is still responsibility to do everything you can within the clinics to make sure that there is a little possibility as possible for conflict of interest. I'm just wondering if you could tell us if there are any other additional steps that will be taken within your operation to make it as strongly as possible that there would be no perception of conflict of interest. Mr. Minister.

HON. BRENDAN BELL: I'll let Ms. Austin answer the question but, yes, there were a couple of questions that people in the public had had about whether or not we could represent both sides in a matter. Ms. Austin can give some of the background there. I think we feel strongly, and take very seriously, ensuring that there aren't conflicts in the way we handle these cases, but there may be additional steps that could be undertaken, I'm not sure. I think maybe Ms. Austin could speak to those two points.

CHAIRPERSON (Ms. Lee): Thank you. Ms. Austin.

MS. AUSTIN: Thank you, Madam Chair. In terms of the additional steps, I think we have a fairly good system in place in terms of ensuring that we don't have conflicts. The lawyers check; the lawyers let us know. If a conflict arises, the lawyer will get off the file, one or both lawyers will get off a file. Conflicts do arise from time to time in the course of a file for factors and things that we can't control that weren't in existence at the beginning of the file. In those cases, lawyers get off the files and we reassign it.
In terms of additional steps that we're taking, the only other additional step we're taking right now is that currently one of our staff lawyer offices is in the same physical space as our administrative offices and that is being changed; that law office will be completely separate, hopefully by the end of May. We're trying to push it along as quickly as possible. But the lawyers, once we've affected that change, every clinic will only have lawyers and their own legal staff and that we won't have any physical space shared with the administrative staff. That's the additional step we're taking because that was a concern as well. Internally we have processes in place to ensure that there isn't...I mean, apart from what the lawyers themselves do as part of their professional responsibility to ensure that they don't share information, none of our computer systems or directories are shared between clinics; they don't have access to each other's information. They are separate and the information flow just doesn't occur. As I mentioned, lawyers have that overwhelming responsibility imposed upon them as members of the bar to ensure that they protect client confidentiality and minimize conflict at all times.

CHAIRPERSON (Ms. Lee): Thank you. Are there any other questions or comments? Mr. Yakeleya.

MR. YAKELEYA: It's interesting, Madam Chair. The comments I heard from the Department of Justice is that the perception or how we're looking at this physically to separate the one office from the other office where there doesn't seem to be a conflict of interest. That's what I'm hearing. An office in Yellowknife, an office in Inuvik or Hay River, you'll have two different staff lawyers who are going to represent their clients in the community, that you're going to physically separate them.

The other one is because the Minister made comments to there's not enough private lawyers, firms to take on the workload and it causes delay in the court system and having...(inaudible)...and accessibility to the court system. So there's a backlog, I guess, or something jamming the system here, so we don't put people hanging too long into the court system here. The amendment here is to address those issues here. Am I getting that correct? That's what I'm hearing. To make it more accessible for people to get to the courts; make it more that the staff lawyers now will be the ones acting on behalf, to deal with this perception of...(inaudible)...this is what we're going to do. The Minister also indicated that Labrador and northern Saskatchewan also has this type of a system. I guess my question in terms of Labrador and northern Saskatchewan, how is this affecting the legal community in terms of this? Is this the same type of amendment, I guess I want to ask the Minister, in terms of what they have in their legal act in terms of this specific issue that we're dealing with? Is this type of amendment in their legal service act I guess? Thank you.

HON. BRENDAN BELL: These other jurisdictions are operating in a similar manner to us and whether or not they've made this specific amendment, it is in this legislation so they have clarified that as well. What we're saying is that in order to provide timely access to lawyers, we feel we need to be able to, where cases warrant, represent both sides on a matter. If we were to insist that one side have to be represented by a private lawyer, it would result in significant delays for getting representation and that's our main concern, is making sure people get access to legal advice as quickly as possible. Thank you.

CHAIRPERSON (Ms. Lee): Any other questions or comments? Thank you.

We will now then proceed to Bill 7, Safer Communities And Neighbourhoods Act.

Minister's Opening Comments On Bill 7, Safer Communities And Neighbourhoods Act

HON. BRENDAN BELL: Thank you, Madam Chair. Janice Laycock is going to join me with Mark Aitken for this bill.

Madam Chair, I'm pleased to come before committee to speak about Bill 7, Safer Communities and Neighbourhoods Act. The purpose of the bill, as Members know, is to promote community safety by shutting drug houses, bootlegging operations, and properties where prostitution or illegal gambling habitually take place. This law would only apply to properties where this activity was ongoing and disruptive to the neighbourhood or community.

Under this new legislation, residents could make confidential complaints to an experienced investigator appointed under the legislation. The complaint could relate to any property in their neighbourhood or community where they believe an illegal activity is taking place.

Illegal activities specified in the legislation include: drug use or trafficking; illegal use or sale of intoxicating substances; prostitution; child sexual abuse; and illegal gambling. If an investigation showed that the complaint was founded, the investigator would be able to take action to stop the illegal activities at that location.

Under this legislation, the investigator would have the flexibility to find a solution that works best for each situation. They could issue warnings, work with the property owner to evict a person involved in the activity, or they could make other arrangements to stop the activity and, in rare cases, go to court for a community safety order.

In order to obtain a community safety order, the Department of Justice would need to prove on a balance of probabilities that the property is being habitually used for illegal activities and that the activities are negatively affecting the neighbourhood or community. If granted by the court, the community safety order could allow for eviction or all or some individuals. The order may also allow for the closure of all or some of the property for a maximum of 90 days.

There are a number of safeguards built into the legislation. For example, any action investigators take against a property are based on evidence they collect during their investigation, not on the original complaint. As well, property owners have the right to appear in court to challenge an application for a community safety order, and owners and tenants have the right to appeal the order or apply to vary the order. There are also provisions in the legislation that would allow the court to order complainants to cover costs associated with frivolous or vexatious proceeding. This is in addition to a Criminal Code charge of mischief that could be made if a complainant made a complaint that they knew was false.

This bill also includes provisions relating to fortified buildings. Under these provisions, a building could be inspected to determine if it is a threat to public safety. The director considers the type of fortifications, if they impair access by emergency response or law enforcement personnel, if they impair access in the case of an emergency, and if the fortifications are reasonable considering the use of the building. The director also considers the nature of the neighbourhood; how close the building is to schools and playgrounds, the purpose of the building, and if any criminal activity has previously taken place in or around the building. If the building is determined to be a threat, it could be designated as a fortified building and an order made to remove the fortifications or close the building for 90 days.

Madam Chair, this legislation would give residents the power to make their neighbourhood safer. It would be one tool among many and would work with the RCMP, community agencies and treatment providers to make neighbourhoods safer.

I'd be pleased to answer any questions that committee may have about this bill. Thank you.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Lafferty.

MR. LAFFERTY: Mahsi, Madam Chair. I'd like to thank the Minister for outlining his SCAN act that's in front of us, the bill. We, as legislators around the table, support the shutting down of drug houses and bootleggers especially in the small communities. At the same time, as you highlighted, a flexibility to find solutions, because they could issue a warning, but "could" is so broad. What's the standard? Does it depend on a case-by-case basis? It could mean they don't have to. There are circumstances in the community where, especially in the smaller communities, before a person has been evicted, there needs to be a warning given. So I'm just wondering, Madam Chair, especially dealing with small communities, is there a clause in there that they have to give warning? Mahsi.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Minister.

HON. BRENDAN BELL: We would operate the same as the other jurisdictions with this similar legislation, and we've seen from these other jurisdictions that community safety orders are made only ever very rarely. By and large, in the highest number of cases,

the investigator goes in and does an investigation and would present some of that to the tenants. At that point -- this is the informal activity -- in most cases the tenants under threat of having their property shut down or potentially criminal charges laid, if they recognize that people are aware of the activity going on, just stop with the activity. That is always the goal, is to formally get people to cease and desist in selling drugs and bootlegging. The goal here is not to evict people. So wherever possible there are a number of steps taken before you ever get to the stage where somebody is facing eviction.

CHAIRPERSON (Ms. Lee): Mr. Lafferty.

MR. LAFFERTY: Mahsi, Madam Chair. I guess my next question is leaning to there's an investigation happens and there's an eviction taking place, is the Minister working with his social counterpart colleague on dealing with homelessness? In small communities, we're really struggling with housing units in the community as it is and if people are being evicted, where do they turn to? We know there are certain programs in the communities, but I'm just wondering if another department is working with the Justice department to deal with those consequences. Mahsi.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Minister.

HON. BRENDAN BELL: Madam Chair, as Minister responsible for Homelessness, I am working with the other social envelope departments that have a role here. As you've seen and Members passed in this last budget, it's the first time we're talking about funding for homelessness that is in the base as opposed to sort of dealing with these emergency situations on an ad hoc basis. So we are, I think, coming forward and recognizing more fully that we need to have a plan to deal with homelessness. There's money in the budget to do that. There are a number of programs being developed across the various departments, whether they're ECE, Health and Housing, and I am involved and we do have periodic meetings of the social envelope and we also have specific meetings related to homelessness. So there is coordination at the ministerial level, at the deputy minister level departmentally, to deal with this issue of homelessness.

Again I would say that it's only in extreme circumstances that we would seek community safety orders and evictions. We would hope that the people when presented with the evidence would just simply stop the activity, and they do have that choice. They don't have to be selling the drugs or bootlegging. They have to recognize that if they continue to do that, one of the consequences may be that they'll be evicted.

CHAIRPERSON (Ms. Lee): Mr. Lafferty.

MR. LAFFERTY: One final question, Madam Chair, is with these so called directors or investigators in the communities going into communities, has the department looked into establishing a regional office with a deputy or a person that can work with those investigators that are coming in? The Minister highlighted in his opening remarks about

working together with the various parties, and he mentioned the RCMP, community agencies and treatment providers, but at the same time I don't see community governments or community leaders on here. I understand the agencies in my community would be the Tlicho Community Services Agency, but at the same time the leaders would have to act on it as well as the general public-at-large. So I'm just wondering if there's going to be an establishment office with possibly a deputy working along with a director, working with the leadership.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Minister.

HON. BRENDAN BELL: I expect that in future -- and we are some ways from seeing this, I mean it will take us a while to get this...If the legislation is passed, it would take us a while to get it implemented and on the ground and operational. I think at that point, we'd be able to assess the demand and need. But as I look forward, I know that there are a number of problems out in regions in communities and I think there will be the need for regional offices. I think we'll have to demonstrate that and, yes, we would have to work very closely with local leadership who, in my assessment anyway from the travels and discussions I've had, are very much anticipating this as another tool to deal with some of these concerns. But you're right; they are certainly are a key stakeholder and we'd have to work very closely with them.

CHAIRPERSON (Ms. Lee): Thank you. Before I move on to the next Member I just wanted to let you all know that we are aware that we do have a witness assigned a time slot at 3:30 and we do want to spend time with the Minister to have this bill introduced, but we will try to keep to that time as much as possible. The first public witness we have written down is at 3:30. It's 3:30, right? Oh, 3 o'clock; sorry. So we're running a little behind, but we'll just try to accommodate you as soon as we can. Are there any other questions? Mr. McLeod.

MR. MCLEOD: Thank you, Madam Chair. I'll try to be brief. I just want to thank the Minister and the department for bringing this bill forward. Of all the pieces of legislation I've seen since I've been here, this is probably one of the most interesting pieces. This is one that I really look forward to bringing out on the road, because we get different opinions from many different people. Even back in Inuvik in your day-to-day talks with people, some are for it, some are against it, some have concerns with it. I mean you've heard all that before. But I'm really looking forward to bringing this on the road and hearing what people have to say. I mean this is a bill that you could bring to all 33 communities in the Northwest Territories because they'd all have an opinion on it.

After listening to all the presenters as we go into the communities, that will go a long way in me, personally, deciding whether, as a member of this committee, whether I would endorse this bill or not. This would go a long way. I like the public consultations that the department did. I thought those were important. Like I said, I will make my decision; I have my own opinions, but I will make my decision based on what I heard out there, whether I would endorse this. But it is a very interesting piece of legislation.

The one question, if I have one, might be on they talk about fortifications or fortified buildings. Now would that not be under the jurisdiction of a safety officer to see if a building is fortified and a threat to public safety, or are we talking a house that's fortified because there may be some illegal activity going on here? Is this what this fortified building part of it? My understanding would be it would be the safety officer's job to see if a building is fortified and then he'd have to get an order to get them to take care of it. So that would be one question I might have. Again I'll say that this is an interesting piece and I really am looking forward to hearing personally what the public has to say on this bill and I'll make my decision then. Thank you, Madam Chair.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Minister.

HON. BRENDAN BELL: Thank you. I appreciate the Member's thoughts on this. The fortified buildings aspect we're talking about typically a bunker that's being used for drug dealing would be an example. You know, you've got a drug dealing operating and it's fortified so as to prevent the police from accessing or to prevent presumably maybe rival drug dealers from disturbing their business. That's the kind of fortified building that we're talking about.

CHAIRPERSON (Ms. Lee): Thank you. Mr. McLeod.

MR. MCLEOD: Thank you. I thank the Minister for that. So would a safety officer still not have any jurisdiction in there? The one concern I did hear, and this was actually just yesterday, that there will be some bugs when you start getting this on the ground with people calling in, and we've all had concerns with that. But the one concern that I did hear yesterday was someone had a concern with vigilante justice and how this may lead to that. You know the situation that went on in Inuvik a couple of years ago with the drug dealers that came into town and how they were run out by over 100 people. Is there any danger of something like that happening with this? The first question I had would a safety officer not have any jurisdiction into being a fortified house? Thank you.

CHAIRPERSON (Ms. Lee): Thank you, Mr. McLeod. Mr. Bell.

HON. BRENDAN BELL: I think there are, without going about this specifically, by the various number of people and the potential violations in a case like that, the fire marshal may have jurisdiction. The question would be whether or not he could actually get in to serve notice or investigate or do any of these kinds of things. So the operation may run afoul of a number of different pieces of legislation.

In terms of vigilante justice and some of the instances that we've seen, the Inuvik example, my opinion would be that if we aren't able to address some of this criminal activity that is ongoing in our communities and disturbing our communities, we're likely to see more and more vigilante justice as people feel that the system is failing them. I think this is one more use that the system can use to disrupt that behaviour and that business model of those who are conducting illegal activities. So it would be my sense

that if we can use this alleviate some of that activity, we stand a better chance of not seeing vigilante justice would we would like to obviously avoid.

CHAIRPERSON (Ms. Lee): Mr. McLeod.

MR. MCLEOD: No, I'm fine. Thank you.

CHAIRPERSON (Ms. Lee): Okay. Any other questions? Sorry, Mr. Yakeleya, I have you next.

MR. YAKELEYA: Thank you, Madam Chair. The comments of Mr. McLeod, I also agree with taking this bill on the road and hearing what the other communities have to say about this piece of legislation, and the comments of Mr. Lafferty in terms of the role that the communities will play in regards to this legislation. We have justice committees in our communities. We have community leaders that are well versed as to know how the community operates and how they work with other people. At the end of one spectrum is you have people that we certainly want to discourage them from some of the illegal activity that's happening in our community. We see it when we go home; we see it on the weekends, and we actually know people who are doing these types of illegal activities. If we look at one end of the spectrum of it and really enforce this piece of legislation, it really creates another problem such as homelessness and other issues. If you could consider looking at some of the solutions to be community driven, in terms of if we had a homeless situation is there other types of alternative healing methods; like you could send them out to the bush camps and work with them? You know you have one person, but you also affect a lot of people in that one person's family. He might have children, he might have grandparents, he might have whatever, so there's a lot of pressure on some people in the communities. You don't want to start sending them out to Hay River or Yellowknife, because that's your problem now, is the home situation here. So that may happen. I guess I'm very interested to see the type of role that the communities would have in terms of dealing with this issue, because there are illegal activities. I know drugs are being sold in our community and bootlegging in our community. It's a consumption issue we have in our community. If they want it, the demand is there and they'll supply it.

I know that when you met with the people in the Sahtu in Norman Wells they were actually looking forward to seeing how far this legislation would go and they were looking forward to dealing with some of these issues in their own community. I guess the trick here, Madam Chair, would be the implementation of this legislation; implementing this legislation in our small communities. I don't live in Yellowknife on a full-time basis. It may be different in Hay River and Yellowknife than in the Sahtu communities. It's totally different. The dynamics are different I think in some cases.

I certainly support Mr. Lafferty's suggestion in terms of getting the leaders really involved and having this legislation take into consideration our languages, the first languages and have them translated. What was stated in Norman Wells was meet with

our people more often, consult with us, have some more discussions on this here in terms of this piece of legislation.

Like Mr. McLeod, I'm looking forward to hearing other views on this. I know what my people have stated and I'd like to hear more to see where I would go with this legislation. There's some good pieces in there. There's some pieces like armed investigators. I'd like to give some more thought to that, and getting to a point where some people that I talked with in my region were saying we'll another level of law enforcement officers. You know, they have bylaw officers, safety officers, RCMP officers; now we have investigators. We have different levels. One level I'm asking for a law enforcement officer in a detachment in Colville Lake, so we'll just have another set of law officers in Yellowknife or in Hay River. You're going to have a lot of law enforcement officers. So I'm thinking that way, Madam Chair, in terms of who are we really serving I guess. Is there a cost revision on having these members who are going to be hired to do this work here? The cost estimate; there's a certain number there too, so we have to take that into consideration.

At my meeting in Norman Wells, I want to let the Minister that at the meeting in the Wells there were members from my region that said we're looking forward to this, looking forward to see how we can deal with some of our people in our own region. I think that's a key there, to have our own people deal with some of the solutions and see how they can get done here. So I want to let the Minister know that I heard those comments from my region, some of the members saying it's about time and when can we see this. So you have some support from my region, Minister. The implementation of this legislation is going to be very key to see if it's going to be supported by our communities or it's going to be a heartache or a pain.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Minister.

HON. BRENDAN BELL: Thank you, Madam Chair. It will be very important to hear what communities and residents are saying about this legislation, and I would be the first to state up front that this is not a comprehensive approach to dealing with all of our substance abuse issues and some of the social ills that we have in all of our communities. The Member is right that the nature of these can be very much different in our smaller communities compared to the larger centres where there may be more services, there may be more community agencies, and I understand that. So it will be important for us to work through a number of these things. We will have to discuss this with people, with local leadership. But what we're simply offering here is one more tool to help make our communities safer and hopefully to shut down some of these drug dealing and bootlegging operations, but that's not to say that we don't have a large task ahead of us in making sure our treatment programs are accessible, that we do have homelessness programs that deal with some of the homelessness that we're seeing now. Members will know that we've recognized it is different in some of our smaller communities and we've coffered some of the funds in that homelessness money and earmarked them directly for the smallest communities and we're working on the criteria

there. But, yes, I would agree, the issues are different depending on the size of the community and we have to recognize that. Thank you.

CHAIRPERSON (Ms. Lee): Thank you. On the question of warning that was mentioned earlier, Mr. Minister, I don't know if you're aware but we received a written submission from B.C. Civil Liberties Association. I think it was faxed in last night; we just got it today. It's quite a lengthy...Well, it's about four pages, so it's not lengthy lengthy, but it is raising a few issues for us to consider. One of the things that's mentioned there that I found interesting that I'd like to ask you about has to do with the fact that in their view this legislation does not have a legal right for whoever is being evicted, a legal right to notice. In fact, the association is saying that even when the landlords have been advised and a certain person gets investigated, throughout the investigation there is no requirement under this legislation to give them notice and that there is no right for them to explain their situation, or even to be notified that they're under investigation by a director of safer communities. If they are evicted, I think there are very few days within which whoever is being evicted could appeal that, but there's no right of appeal either. If there's a whole family...It could be one or two bad persons being evicted, but the families don't have...because in communities there are lots of people living in the same household. I'm just wondering if the Minister could show us where is there a right to notice for the tenants, at least the right to know that you're being investigated, that somebody had complained about you, that you are being accused of doing something illegal in your residence that you're going to be evicted.

Mr. Lafferty mentioned earlier that warning is important if we are going to have families work this out and, in fact, the association is suggesting that there's a very weak requirement on the part of the director of safer communities to work with families to see what do...if there are going to be children dispossessed out of the property. Not having the formal requirement leaves the duty to the director and if we get a nice man or woman who's more considerate, that person may do more, but if you don't have somebody who's considerate, then discretion is all left up to that person. That's the position of the association, so I'd like to give the Minister a chance to explain your position. Thank you.

HON. BRENDAN BELL: Madam Chair, thank you, and we will thoroughly review the submission from the B.C. Civil Liberties Association. We have received it and I am aware of it. I know that committee is presumably going through it as well. I think, first, at the highest level we're modeling our legislation on the legislation that is in place in a number of other jurisdictions and it has passed, in their minds, legal review and we've done a legal review here as well. So this isn't without some scrutiny already in that respect. Also I would say that as our SCAN operators are conducting their investigation, there are a number of informal steps, and as members are well aware, we will go to the tenants, present them with evidence and try a number of ways informally to get them to stop the activity. So the suggestion that somehow this ends up in court and an eviction notice is awarded after a community safety order is granted, there's an eviction notice and the tenants who are conducting this illegal activity are oblivious, I think is a bit of a stretch in my mind. I think they will be involved; they will very much be

informed; they will be warned. So there are a number of opportunities and chances for them to stop the behaviour. Maybe I could have Ms. Laycock go through some potential examples and talk about how practically this would work. Thank you.

CHAIRPERSON (Ms. Lee): Ms. Laycock.

MS. LAYCOCK: Thank you, Madam Chair. We've talked to all of the jurisdictions that have the legislation and in their experience they've used the community safety orders very rarely. So although the legislation deals with all the technical natures of the safety orders and the fortified buildings and all the process with the courts, the majority of the activity that takes place around this legislation is in the informal actions, in the warning letters, in talking to the people, in doing the investigations. So if someone makes a complaint, I mean, the first thing is to determine is there any basis for the complaint. So once they do their investigation and if they determine that there is a basis to the complaint that has been made that there are activities going on that are described in the legislation, as the Minister said, they would then go to the property and talk to the people there and, I think, make every effort that they can to persuade the people there that they should stop the activity.

I was just in the Yukon a little while ago talking to them there and they say there is no problem. By the time they go to the residence and talk to the tenants, people are so happy that they're not being arrested by the RCMP that they stop the activity; mostly they leave, they leave the residence and so they stop the activity. So in terms of the notice to the tenant, they are given many opportunities to stop the activity that's going on or to move before we would be going to the courts to try and get an order. I mean, the courts are also going to be requiring that we be very thorough in proving that an order is required in this situation, so if we haven't done our homework in terms of following up with the people and gathering the evidence, we're not going to be getting an order.

The tenants also have an opportunity to apply for the order to be buried once it's granted and they do have an opportunity to appeal an order. The application for the community safety order is served on the respondent and the respondent is the owner. So the notice is provided to the owner who we have the legal responsibility to notify.

CHAIRPERSON (Ms. Lee): Thank you. Could I just ask specifically whether or not, could you confirm whether or not there is a legal requirement to give notice to the tenant? The Civil Liberties Association of B.C. is saying that there is. I read here: Under the Act, no notice is given to the tenants that their landlord has been approached under section 4 by the director of safer communities even though by the time the director is making use of these powers, the landlord is already faced with the decision of either evicting the tenants or being called as a respondent in court. No rights of application to vary an order and extremely limited rights of the appeal are permitted for a resident who caused or contributed to a stated activity. In fact, the act does not provide any explicit rights for a resident to be notified, attend a hearing or make submissions in their own defence. So I appreciate that, you know, the experiences are

important, I understand the intent is important and we want to see that there will be lots of discussions going on before any eviction order is made. Having said all that, though, we're all going to come and go and this law will be there and we can't rely on the discretion of reasonableness of a director of safer communities or whatever. You know, we want to have adequate safeguards there so at least if somebody is being investigated, we don't want to put a possibility where actually the director doesn't have to notify anybody. I mean, we want to see that they would, but they don't have to. So could you confirm whether or not there is any section here that requires a notice.

HON. BRENDAN BELL: Just so I'm clear -- maybe Ms. Laycock is -- the scenario or the concern would be that a judge orders a community safety order and there's an eviction notice and the tenant would be oblivious to this; they wouldn't know that the investigation had been going on; there's no legal requirement that they would know. That's the concern?

CHAIRPERSON (Ms. Lee): Sorry. Could I ask you to ask that question again?

HON. BRENDAN BELL: Sorry. So a judge grants a community safety order and there's an eviction notice and the concern is that maybe the tenants haven't been aware that this investigation was going on and would not know because there's no legal requirement; they would not know that there was this opportunity for them to stop the behaviour and various steps along the way before being evicted. That's the…

CHAIRPERSON (Ms. Lee): The association is saying, in fact, that you could get that order and not even know that you were under investigation because there is no legal requirement for notice. We have to rely on the nicety of whoever is investigating to give notice, but they are not required to. So if you really wanted, you know, there is some bad elements going on, I guess, you may not want to give notice, you just want to kick them out, but what if it's a small operation?

HON. BRENDAN BELL: We do have to rely on the reasonableness of judges who are granting a community safety order, though, and I think that they would see that if we haven't made the tenants aware and have, in fact, just come to the judge without taking a number of first steps, I think we would have a very difficult time getting a community safety order, but maybe Ms. Laycock can speak to that.

MS. LAYCOCK: Yes, I agree. I mean if we're going to court looking for a community safety order, Madam Chair, without taking any of the intermediate steps that are laid out in the act, I don't think the court is going to be very pleased with that submission.

CHAIRPERSON (Ms. Lee): But the director doesn't have to give notice, so you could make a case that based on…The director could make a case that based on the information we have this person has to be kicked out, give us a notice. There's no requirement for the director to work through them. Then, just in the interests of safeguards, why don't we put a provision there explicitly saying that through the investigation the director has to notify, at some point, and talk to them? Also, eviction

notice, we could say community people could always appeal that order, but that's a Supreme Court order. It's really difficult for community people to go to the Supreme Court and file a variant on an order and the time given to do that is, I think, 15 days or 14 days. You know, you can't get a...That's pretty onerous for a community person because it's potentially possible under this legislation for somebody to get an eviction notice from the Supreme Court of Canada, I mean the Supreme Court of the Northwest Territories. You have 14 days to vary that. You have to find a lawyer; you have to make your case; and you have to get that varied not knowing that you had been under investigation all along, theoretically. So why do we do that? Why don't we, if our intent is to deal with the bad elements and have them work it out and have the families get involved and encourage people to do the right thing, why don't we provide a provision there to give people notice so that they can work things out?

MS. LAYCOCK: Madam Chair, in terms of looking at the process for the warnings, I mean there's way of formalizing that as well in the implementation of the legislation so that there is a formal process that we go through. Yes, it's all not set out in the legislation but, I mean, it's difficult to set out everything that you do in terms of process and policy in the legislation. So in order to go to court, you have to have the evidence that the illegal activity is taking place. You should be able to determine who is involved in that illegal activity. So if you have many people living in a house, you should be able to direct that order to the people that are involved in the activity. So it may not be the eviction of all the people from the house, so it can be more pointed, as opposed to, for instance, residential tenancies legislation that at this point would involve the tenants in the unit. So if the court is receiving the evidence that there is illegal activities happening in the house, and that's the decision that they're making the order based on, is the evidence that's being provided based on the surveillance and the illegal activities that are taking place, I'm not sure what the tenant's argue. I mean, they can make an application for a variation after the order is made, but I'm just not certain what...

CHAIRPERSON (Ms. Lee): Okay. Mr. Minister.

HON. BRENDAN BELL: Madam Chair, I believe that practically people are going to know. If they're under investigation, we're going to take these number of steps but there probably isn't any reason we can't look at some options that would allow us for formal notice, and certainly that's something that we could discuss with you and we'll talk with other jurisdictions and see what they're doing in this respect. But I think that by and large people are going to know that this is going on. Is there a way for us to guarantee that they've received some sort of a warning before this takes place? Quite possibly there isn't and that might be a good suggestion and something that we're willing to sit down and consider.

CHAIRPERSON (Ms. Lee): Thank you. That's just one of the points that was raised and we may not be able to resolve that today. I'm only raising that as one of the issues because for lots of members, especially from communities, who are anxious to see some actions taken on illegal elements in their communities, the end result of this...The most desirable part of this legislation is not to have somebody kicked out. The most

desirable part is to have this as a tool to encourage families and communities to go to somebody and say, you know, we don't like what you're doing. You know the bootlegging or dealing drugs or gambling excessively or whatever; it's not good for us and we want you to do something. So the warning part and notice part and working out the problem is a huge part of the support, but this legislation does not reflect that because it is possible, however remote, for somebody to not have any involvement in the process, or not meaningful involvement or given an option to do anything unless, and only if, the director of safer communities allows that to happen. I'm saying that's too much discretion being put on the director. If our focus is to work out the problems, then we should tie in that more.

We are way behind the schedule. I'm sorry. I'm wondering if we should...Sorry, I don't want to stop there. That's just one of the issues and we are going to have lots of public hearings on this and we'll be listening to a lot of witnesses and hopefully I think we could also create another opportunity to meet with you, Mr. Minister, and your officials and see if we could improve on some of the areas too, Mr. Minister.

HON. BRENDAN BELL: Yes, I think that would be a good idea and there may be other issues that come up here that we could come back to you with. I certainly agree. I think that in all likelihood people are going to know that this investigation is underway and in all likelihood a judge is not going to grant the community safety order without understanding that we've been to actually warn the people. But as it currently is proposed, there is no guarantee that there will be a warning in every scenario and that is certainly something that we can look at and talk about how we would formalize that. But I would need some more time to come back to committee with some proposals.

CHAIRPERSON (Ms. Lee): Knowing you're under investigation or having a process for you to speak on is a different thing. I mean it has to be more than just knowing that you're being investigated. It's having an opportunity to speak for yourself before you're evicted. I mean, that's pretty important. Anyway. Can I suggest then to...Did you have your hand up? What should I do here? I'm sorry. I kind of got carried away. Mr. Braden.

MR. BRADEN: Thank you, Madam Chair. A number of people are awaiting, I think, some appointments they made, so I think we should just proceed, please, have witnesses come forward on the four bills.

CHAIRPERSON (Ms. Lee): Thank you. I agree. Mr. Minister, thank you. We'll just end your presentation here for now and I'm sure we'll be talking a lot more on all of these bills. Could I ask if we could have the first two witnesses speak to us? I understand it's going to be a pretty short presentation maybe. Thank you. Then we'll take a break. Okay. Ms. Peterson, I'm sorry for keeping you 45 minutes behind. Ms. Peterson, if I could get you to just introduce yourself and proceed with your presentation.

Presentation By Ms. Katherine Peterson

MS. PETERSON: Thank you, Madam Chair. My name is Katherine Peterson. I'm making a presentation on Bill 3, the bill that amends the Legal Services Act and deals with the conflict of interest issue. I'm a lawyer in private practice in Yellowknife. I came to the Territories in 1977 and I've been involved in the practice of law since that time. I would like to point out one error that I made in the written material that I put before you. I indicated in the second paragraph under the introduction that the legal aid system in the Territories has throughout adopted a mixed model delivery. In fact, for many years in the early days of legal aid it was provided exclusively by members from the private bar and there were no in house counsel. In house counsel is a change that has occurred over the last number of years.

My comments with respect to Bill 3 are to indicate to members of the committee a concern about the standards that are being adopted by this which are specific to counsel who are acting for legal aid clientele in in-house clinics. Namely what I'm suggesting to you is that there is a different standard, different ethical standard and different standard of conflict of interest being developed by this legislation than what applies to all other members of the legal profession. I don't think that the bill purports to say that two lawyers within legal aid acting on opposite sides of a matter is not a conflict of interest; it definitely is a conflict of interest. Rather, what the legislation says is that the consequences of being engaged in a conflict of interest of that nature will not apply to lawyers who operate within the clinic. I know that there is a difference of opinion among many people about conflict of interest issues. I will put forward, I think, a generally accepted opinion that the fact that clinic premises are physically separate does not solve the conflict problem. For example, if my firm was to open an office in Hay River I could not have a lawyer in Hay River act on one side of the file and someone from my office in Yellowknife act on the other side of the file and that not be a conflict of interest; it clearly is and it's recognized as such and if I did that I'd be disciplined for that. Similarly with national law firms when they have offices in Montreal, Toronto, Vancouver, Edmonton and Calgary, none of the people in those various offices can act on the opposite side of a file and it doesn't matter whether the lawyer is in Montreal and the lawyer on the other side of the file is in Vancouver. It can't happen. It's a conflict. So to say that because a lawyer is practicing out of the Panda II Centre and the lawyer on the other side is in the Centre Square and that resolves the conflict issue, in my opinion, it doesn't; it's still a conflict.

I do understand the rationale of Bill 3 and I understand some of the practical considerations that it's trying to address. The legal aid system has gone more towards in house counsel because of the unavailability of panel members in the private bar to do legal aid work. I recognize that, I understand that problem and I'm certainly not saying that it doesn't exist. If this legislation is necessary -- and I would disagree with the Minister's comment that it simply clarifies that there is no conflict in the situation that it addresses -- I don't think it clarifies that at all. I think what it does is it exempts counsel from consequences and that's what it's doing, what its purpose is as I understand it. If the legislation is going to be adopted -- and I understand, again, some of the practical

reasons why this Legislature would consider passing this bill -- I think that there would have to be very clear protocols and guidelines for the protection of confidentiality of legal aid clients. For example, quite apart from how files are maintained or electronic connections are made, are the clients themselves aware that the lawyer on the other side of the file is also a legal aid lawyer employed the clinic and paid by the government. In usual circumstances where you're dealing with potential conflicts of interest, for example, if someone in my office acts on both sides of a real estate transaction for vendor and purchaser where they may not be adverse in interests, they're just going to see the same lawyer to get the real estate transaction done, we are obliged to advise each of those parties that we act for the vendor and the purchaser together and to obtain their consent to do that and their acknowledgement of the understanding of the consequences should differences arise between those parties. I think, at the very least, legal aid clientele are entitled to the same kinds of considerations with respect to ethical standards and they should be advised of the nature of the employment relationship, they should be asked whether or not they agree to it and they should have explained to them some of the issues and if there are protocols in place that protect the confidentiality, those should be carefully explained to the clients so that they have confidence that the information that they provide to legal aid is not available to the lawyer or client adverse in interest, whether they're operating out of the other clinic or not.

I would also indicate to the committee, although it's slightly beyond the scope of this bill, that the same kinds of concerns regarding conflict of interest can arise even when both clients are not represented by clinic lawyers. When both clients are legal aid clients, the administration of those files occurs within the legal aid system. Some of the information that is maintained on those files is highly sensitive and confidential. For example, if I'm working on a legal aid file, I don't have my office in the legal aid building but I have provided an opinion, a legal opinion on the nature and strength of my client's case and the protection of that information within the legal aid system is absolutely critical, I'm certain that there are protocols in place to do so. I'm not sure what they are but it is an important aspect of ensuring that legal aid clientele have the benefit of protection of confidentiality in the same way that any other legal client does. One of the purposes and one of the hallmarks of a legal aid system, and one of the very strong fundamental philosophies of lawyers who practice law involving legal aid clientele is the determination to ensure that those clients receive the same level of service, the same access to justice, the same protection of confidentiality that any non-legally aided client does, so that there is no disparity in that based on economic means.

So I've gone a bit far from my submission but the bottom line of what I'm communicating on Bill 3 is that it doesn't solve the conflict issue; it's still there. Also, that if it is going to be adopted, some very critical policies and protocols have to be in place to ensure that legal aid clients are protected appropriately. Thank you, Madam Chair.

CHAIRPERSON (Ms. Lee): Thank you, Ms. Peterson. Are there any questions or comments? Mr. Yakeleya.

MR. YAKELEYA: I have a couple here. Madam Chair, the first one is a very serious one, I guess. You made comments, Ms. Peterson, in your presentation on the ethical standards of the legal profession. When we have something like this that's before us and considering to look at as an amendment to the act here, the consequences, I guess, or you brought up a number of points here that I've jotted down but I guess overall in the legal profession in the Northwest Territories along with our lawyers here, I guess, is the ethical standards. In your submission you also mentioned the lower standards of the...There's certain levels of standards, I guess. That caught my interest. Madam Chair, I wanted to ask Ms. Peterson in terms of should we and if we are going to adopt this amendment she's given us some points to consider, but I really wanted to look at the integrity, I guess, or looking at the ethical standards of the legal profession in the Northwest Territories. The Minister has indicated that there's other jurisdictions that also adopted a similar type of amendment so I guess on the legal view as a whole in the law training and the law schools, is this something that they would look at in terms of something that we just need to be aware of or...It's almost like medical standards and legal standards, you know, there's different standards but this is important. Thank you.

CHAIRPERSON (Ms. Lee): Ms. Peterson.

MS. PETERSON: Firstly, let me say that my comments on Bill 3 don't relate and are no comment whatsoever on the ethical standards or integrity of people who work within the clinic system as staff lawyers. I have a lot of confidence in those people and I think they do very good work. A lot of the difficulty that arises from conflicts, I think, is I don't think you will hardly ever find a situation where a lawyer consciously acts in a conflict situation. It's all of those situations where, you know, something is talked about in the hallway, or is overheard or a staff member who is working on a file has access to information. It's not a purposeful kind of thing. Yes, there are standards imposed on lawyers that they impose on themselves because they're self-governing. If lawyers don't meet those standards, they can be disciplined by their law society; they can lose their license to practice is the ultimate discipline. What this legislation does in one aspect is it says for those people who practice law within a clinic system for legal aid, they cannot be disciplined for something that someone in the private sector could be disciplined for. Okay. So there is a differential there. That being said, there are practical considerations why this is being brought forward, why this legislation exists in Saskatchewan, and why it exists in Labrador; in any jurisdiction where you have a clinic delivery model. In northern Saskatchewan, for example, the only access to legal services will be through the legal aid clinics. There aren't private law practices in Buffalo Narrows. I mean there just isn't. So the person's access is through the clinic, and if you don't allow for this kind of thing, lawyers within a clinic system being able to act on opposite sides of that file, it does preclude access to justice. So it's not a simple question. It's a difficult issue. It's mixed up with access to justice questions, as well.

I agree with some of the comments made by the Minister that if we don't allow for some of these practices, there are going to be delays in the legal aid system because there are not enough lawyers in private practice. That being said, I wanted the committee to have an appreciation of, one, what the conflict standards are, and, secondly, perhaps

some meanings of addressing them in terms of internal protocols, and procedures, and directions and safeguards, and knowledge of the clientele who may be subject to some of these considerations that the committee may wish to consider.

CHAIRPERSON (Ms. Lee): Mr. Yakeleya.

MR. YAKELEYA: Thank you. Madam Chair, the one point that Ms. Peterson did make is in terms of the confidence that people are going to have in the legal aid clinic system. The Minister and yourself had made some comments as to why there's such a push to have this system or this amendment here looked at and not knowing the issue of why the private legal counsels are not taking on such cases. So I guess I'm looking at the legal aid clinics in terms of you made some strong points on the protocol and the protection. In order to continue on with making sure that people are having good accessibility to the course and don't...(inaudible)...we had to look at something like this. It would be great if you had a lot of private lawyers who are taking these, because, you're right, there are different standards. You are looking at two different standards, one from a private firm that would not have something like this, and then you have a government legal aid clinic that's going to say there are certain things, but don't worry about it because you're protected here. You're not going to be held or whatever. So they are different and they do good work in our communities, so it's how our people are going to be serviced and have confidence in the lawyer and confidence in the legal aid system. That's very basic and essential. So you made some suggestions of how we implement an act in terms of having some policy.

I just have one point here, Madam Chair. Is there any way you see -- I haven't asked the Minister this point -- that somebody could bring an issue up to our own core systems and say this is not really...Can they sue us or something like that? Can they sue us as an individual in Canada that has good representation when we go to court? Is that something that every...Are we opening up ourselves or do we have...

CHAIRPERSON (Ms. Lee): I'm going to ask the lawyer opinion, can we be sued? Ms. Peterson.

MS. PETERSON: I don't think so. Your Law Clerk will have a better answer for you than I don't think so. Generally speaking, when a conflict is alleged on a file for example, the way of dealing with that is for the party who is troubled by the fact that there's a conflict to bring in a court application to get the lawyer removed from acting on a file. You have the capacity to enact legislation that you think is appropriate and you don't have liability arising from the exercise of your judgment there. That's not to say that legislation can't be struck down or there can't be challenges made to it, but you as individual legislators are not at risk, and that's a pretty fundamental part of your independence as parliamentarians.

CHAIRPERSON (Ms. Lee): But we do have public interest in making sure that nobody is going...(inaudible)...feel that they were subject to conflict of interest on the part of

their counsel. That's the bigger responsibility here. Are there any other questions? Mr. Braden.

MR. BRADEN: Thank you, Madam Chair. It's apparent there's a lot of lawyers in the room this afternoon and I'm not one of them. Going into a couple of these areas here, I feel a bit where I might be tiptoeing into a room where there's a lot of mousetraps on the floor and I'm not wearing my steel-toed boots. But I want to pick up on a discrepancy here that Ms. Peterson is bringing to us, perhaps it's interpretation; her suggestion that if we adopt this, that because we are forgiving a consequence, if you will, or exempting a consequence, that we have lowered a standard…

MS. PETERSON: Made a difference.

MR. BRADEN: Made a different to, okay. At least we haven't helped the cause, in Ms. Peterson's interpretation. But the research that's been given us and I believe in the Minister's statement he says that the Law Society is in support of the amendment. So I'm respecting both Ms. Peterson's position and that of the Law Society. I'd sure that to know that if we do pass this, that there hasn't been an oversight or a misinterpretation. I value both opinions, and I guess that's where the mousetrap part comes in. How can we go about sorting out this discrepancy here? Perhaps a question I could ask of Ms. Peterson is were you consulted by the Law Society? Did you know that this bill was coming forward and were you asked or given a chance to have a look at it and put forward an opinion before they advised us that this looked like a good idea?

CHAIRPERSON (Ms. Lee): Thank you, Mr. Braden. Ms. Peterson.

MS. PETERSON: No. I don't think the Law Society undertook a general consultation, or, if they did, I wasn't aware of it. I'm not aware of everything the Law Society does, so it's possible they could have done that, but I was not aware of it. What the executive director for the Law Society made sure that she did was she advised members through our communications system that these bills were coming up for review and that if people had comments on them they should make arrangements to attend before the committee. So that's how I came to want to make comments on this bill. You may want to ask the Minister what was involved in the Law Society's agreement or acquiescence with the bill.

CHAIRPERSON (Ms. Lee): Thank you. Any other questions or comments? Thank you, Ms. Peterson, and please accept our apology for the delay. Thank you very much.

Mr. Tait, if you would come forward and also accept our apology for being late. We're just having too much fun here.

---Laughter

MR. TAIT: And fun it is.

CHAIRPERSON (Ms. Lee): Please introduce yourself and make your submission.

Presentation By Institute Of Chartered Accountants

MR. TAIT: Thank you, Madam Chair and committee members. Thank you for giving me the opportunity to come and speak to you this afternoon, and do not worry about the time.
I'm a lawyer practising in the private bar, working in Yellowknife, and I'm here today a number of hats to speak to Bill 1, the Partnership Act changes. The two hats that I'm wearing are, first of all, I chaired the committee, the Committee of Self-Regulating Professions, which brought forward the initial proposal to the Department of Justice which led to what you have in front of you today. I'll speak a little bit about the process we went through there, because I think it might help the Members answer a couple of questions they had for the Minister that the Minister didn't know about. The second capacity in which I'm here is I am, by the good graces of the Commissioner, the non-chartered accountant member of the Institute of Chartered Accountants on their executive, and I'm here speaking in that regard.

I believe on the list you may also see a reference to Mr. Chuck Jeffrey who would be the chair, and unfortunately he can't be here today and he brings his apologies. So I'm speaking in that capacity as well. But let me first talk a little bit about how what you have in front of you got to you.

In about 2001, as an initiative of the Law Society and the Canadian Bar Association of the Northwest Territories, the lawyers decided to strike a committee of the self-regulating professions, and when I speak of self-regulating professions I'm speaking of professions like the medical profession; the legal profession; the dental profession; the three accounting professions, being the chartered accountants, the certified management accountants and the certified general accountants; as well, the engineering profession. These are all professions, Madam Chair, that regulate themselves, that police themselves, that discipline themselves, that certify their members, that take away certification from their members; and these are also, for the most part, professions which are not afforded the same opportunities that other people would have if they decided to gather together and go into business. By that I mean -- and this is in response to a question I think Mr. McLeod asked earlier -- if I decide, along with my brother, to go into business and set up a construction company, what we would do most likely is we would become incorporated. We would set up a company. Perhaps it might be called Tait Construction. The reason we would do that, Madam Chair, is because if we then built bad houses and someone decided to come after us, they would have to go after the corporate entity Tait Construction, not myself or my brother. So that provides a level of security or protection, if you will, for a lot of corporate entities.

The self-regulating professions don't have that opportunity. Myself and the people that I practise law with cannot set up a law company, cannot set up a law corporation. Doctors cannot set up corporations through which they can practise medicine.

Accountants cannot set up corporations through which they can practise accountancy. I want the committee to be aware that when we started talking about this in 2001, this was before the time when most of the medical professionals in the Northwest Territories became staff. There were still the vast majority of medical professionals were fee-for-service, independent practitioners, and part of the driver for the work that the committee did was because we wanted to put ourselves as self-regulating professions on a level playing field with those of our colleagues in other jurisdictions. We saw it, for example, as something that would appeal to young lawyers, young doctors, young accountants, coming to the Northwest Territories to say look, you can have the same protections that you have in other jurisdictions.

We initially, as the Law Society, sent out invitations to all of the self-regulating professions, and those that took up our invitation and were active participants in the committee's work were, in addition to the legal profession, the medical profession and the three accountancy professions. So those five groups worked together to bring forward a proposal that went to the Department of Justice on two issues. The first issue is the one you have today, which is the issue around limited liability partnerships, and the Minister in his statement made a very good summation of what a limited liability partnership is. The second issue was one around professional corporations, which allows individual doctors, lawyers, accountants, to incorporate themselves while still being part of a greater whole, which again is an opportunity that's afforded to lawyers, doctors, accountants, in other jurisdictions. That part of our proposal has not yet seen the light of day and we're certain the Department of Justice will in good time bring that forward as well. But there was an extensive amount of consultation and discussion among the members of the five groups that led to the proposal, which we then advanced to the Department of Justice. When we understood that the bill was coming out, we, as a committee, made sure that we circulated to our constituency groups the bill through the Law Society. So in answer to a question I think of Mr. Yakeleya, all of the five groups who participated are aware that this bill has been tabled, and that's why I'm here wearing my other hat. I'm here speaking on behalf of the Institute of Chartered Accountants to say that that group is very much of, and in support of, the changes to the bill.

As I said, Madam Chair, what this does is it puts lawyers, accountants, doctors, and other professions who are not in a position to incorporate themselves on the same plane as those who practise in other jurisdictions. It also allows those lawyers and accountants who have offices in more than one jurisdiction -- there are a number of law offices who practise in the Northwest Territories who practise in other jurisdictions; there is at least one accounting office that practises in other jurisdictions -- to be on the same plane. For example, the firm that I practise with is constituted in Alberta. In Alberta, we are allowed to operate as a limited liability partnership and we have gone through the hurdles and done the things that the Law Society has put in place for us to operate as a limited liability partnership; however, we cannot do that in the Northwest Territories, and there are other law firms and accounting firms that are in the same situation. This will allow us, then, to all be on the same playing field.

So I am here wearing both of my hats to speak strongly in favour of the bill that's in front of you, and I'd be more than happy to answer any questions that you, Madam Chair, or any of the committee members might have.

CHAIRPERSON (Ms. Lee): Thank you. Thank you for that clarification. Just in brief, the limited liability partnership; you're not as free of liability as a corporation is, but you still are quite liable. What is the extent of your liability?

MR. TAIT: Let me answer that in two ways. The first way is to say that as self-regulating professions, we understand that we should not be allowed to hide behind any form of corporate entity or partnership. That was in part the reason why doctors, lawyers, accountants, were not able to create corporations. Right now if I'm found, God forbid, to have done something wrong, the person to whom I've done something wrong could sue me and could sue my partnership. That would mean that the partnership would be liable, which, in turn, means that all the partners of the partnership would be liable as well. So not only myself, but my partners who practise in Edmonton and in Calgary would be liable for the horrible, terrible things that I've done.

The creation of a limited liability partnership allows for those who I've done wrong to to come after first of all the partnership, and second of all to come after me. But it doesn't allow them to go after my partners who had nothing to do with the horrible, terrible things that I've done. So it protects the innocent partners from the actions of a wrongdoing partner.

Madam Chair, I said there were two points. The second point is that because we are self-regulating professions, our societies require us to carry insurance so that those who entrust their affairs to us are protected in the event that there are problems. The reason for insurance is to protect us from lawyers, doctors, accountants, who may misstep intentionally or, more likely, accidentally. So the insurance aspect is in place now and will continue to be in place. The only difference between the partnership as it would now constitute a limited liability partnership is that the innocent partners who have nothing to do with whatever wrongdoing may have occurred are protected. Their own personal assets: their houses, their cars, their RRSPs, their RESPs for the children, are protected from attack in the event that some other partner did something wrong and there is liability that attaches to the partnership as a result. Does that answer your question?

CHAIRPERSON (Ms. Lee): Yes, thank you. But this doesn't relieve you if you did a horrible thing and somebody came up to you, it doesn't relieve you. They could come after all of your personal assets?

MR. TAIT: Absolutely. If I'm the wrongdoing partner, they can come after me and take everything that they can find.

CHAIRPERSON (Ms. Lee): But you take care of that with the insurance though, right?

---Laughter

MR. TAIT: Well, you hope. You can take care of that by making sure you don't make mistakes.

CHAIRPERSON (Ms. Lee): Well, yes, that first, but there are other protections for that. Okay, just to clarify. Thank you very much.

MR. TAIT: Thank you.

CHAIRPERSON (Ms. Lee): Thank you for being here. I think it's pretty clear. Oh sorry, Bill.

MR. BRADEN: Thank you, Madam Chair, and thank you, Mr. Tait, for bringing your endorsement to this. A couple of things that I wasn't aware of; one, that this has been sort of in place since did you say 2001?

MR. TAIT: Let me be fair to the department. We worked on this for a couple of years, and I think it was 2004 when the proposal went forward from the Law Society dealing with limited liability partnerships and professional corporations, as well, to the Department of Justice. So, yes. Not 2001. I think it was 2004.

MR. BRADEN: Alright.

MR. TAIT: But to be fair, it's been in the hopper with the Department of Justice for some time now.

MR. BRADEN: Well, I'm not quite as embarrassed as I was with 2001 then. The other factor that I think underlines the advantage or benefit of this is that by not having this in place, the NWT is not as attractive or as convenient or professionally astute place to do business as others in Canada and may be costing us some otherwise qualified people from setting up and doing business here. That was an aspect of this that I was not aware of and I think is further incentive for us to get this one in play. Madam Chair, more an observation. That's all I have to say. Thank you.

CHAIRPERSON (Ms. Lee): Mr. Tait.

MR. TAIT: Thank you, Madam Chair. Yes, and to be brutally honest, when we put this in place we had hoped that it would be the medical profession that would be advancing this and we'd all be falling in behind them, because we saw the fact that we could use this as a...(inaudible)...to appeal to doctors, frankly, to be more compelling to your committee that the fact that it would appeal to lawyers or accountants.

CHAIRPERSON (Ms. Lee): ...(inaudible)...

MR. TAIT: That's right.

---Laughter

CHAIRPERSON (Ms. Lee): Thank you for making the topic as interesting as you have, but I don't think you have to worry too much...

MR. TAIT: I believe I'm preaching to the choir, yes.

CHAIRPERSON (Ms. Lee): We see the merits of it and sorry it took us so long for you to do that. Actually, we've been dealing with other legislation like the one for the professional engineers. They had to go through 10 years to get their bill through, but they did. So we're slowly making our way through it. So we thank you very much for being here with us and informing us, and thanks for clarification. I think lawyers have as much pull as if it would have been the doctors; or as little, I don't know.

---Laughter

Thank you very much.

MR. TAIT: Thank you.

CHAIRPERSON (Ms. Lee): Maybe we should take a short break and we'll have Ms. Boullard after the break.

---SHORT RECESS

CHAIRPERSON (Ms. Lee): We should get our meeting started again. We are here reviewing Bills 1, 2, 3 and 7. We have on our witness list Ms. Therese Boullard from the NWT Human Rights Commission. Ms. Boullard, if you could come forward, and accept our apology for being 40 minutes behind. We had a lot to cover this afternoon. We thank you very much for being here today. If you could introduce yourself and your office, and proceed with your presentation.

Presentation By NWT Human Rights Commission

MS. BOULLARD: Thank you. My name is Therese Boullard. I'm the director of the Northwest Territories Human Rights Commission. Thank you very much for having me today.

I want to start by apologizing for not having written submissions in advance. The commission is working on its written submission which will be provided before the end of the consultation, which will essentially expand on what I'm saying here.

I also want to say that I'm here at the request of the commission and speaking on its behalf. The Northwest Territories Human Rights Commission, as you know, has the mandate of the promotion and protection of human rights, as stated in the Northwest

Territories Human Rights Act. The act is based on the review that all are equal in dignity and rights.

The commission would like to comment today on Bill 7, Safer Communities and Neighbourhoods Act, which I'm going to refer to as SCAN. At this stage, the commission has not taken a position that SCAN should or should not be passed, in terms of for or against. However, having reviewed the act, the commission has concerns about how it impacts individual rights under the Charter of Rights and Freedoms by potentially denying due process and infringing on privacy. It's the commission's hope that these concerns will be addressed with amendments to the act before it passes final reading, if it goes that way.

The commission also understands the frustrations experienced by people living in neighbourhoods and communities affected by illegal activities. However, the commission believes the SCAN Act goes too far in attempting to address this issue. In addition, evictions under the SCAN Act simply move the problem from one community or neighbourhood to another. It doesn't appear to be part of a larger strategy to effectively address the social issues underlying drug abuse, drug addiction and drug-related criminal activities. Again, I'm providing these concerns verbally and there will be a written submission provided before the end of the consultations.

I want to put the commission's concerns in the context of section 66 to 68 of the act which provides for criminal offences and punishments for violation of the act. I'm starting with the end of the act before providing comments on the rest of it just so that they can be provided in the context of knowing that a person can go to jail and be denied their civil rights at the end of this process. They could be found guilty of a criminal offence and punished for defacing or interfering with a copy of a community safety order -- I'm going to call those CSOs for short -- for failing to comply with a CSO that they may or may not have had adequate notice for an eviction, for example. It also says that an offence and punishment can be ordered if an occupant of a property...that no person shall obstruct or hinder an inspector or make a false or misleading statement to an inspector. Duty to provide information to the director...So it's not just for failing to vacate a property; there are other things that a person can be found guilty of a criminal offence and put in jail for a year and fined up to $25,000. So typically in criminal law when somebody goes to jail, it's after a full process where they've been informed of their rights, they've had the opportunity to present their case and to defend against the case against them, and they've had legal counsel, and the standard for the criminal process is beyond reasonable doubt. They are presumed innocent until proven guilty beyond a reasonable doubt.

So this leads to section 1. The definitions of the act actually provide for activities that aren't necessarily illegal to be subject of an investigation under the SCAN Act. Specifically under specific uses and definition, it talks about the use or consumption as an intoxicant by any person of an intoxicating substance. When you look at the definition of intoxicating substances, it has a broad catchall of any substance that can be considered to be intoxicating, including alcohol for example, or any other prescribed

use under specified use. So the SCAN Act applies to activities that aren't necessarily illegal. Having a series of loud house parties where alcohol is being consumed could arguably be the subject of complaints and investigations and CSOs.

The commission also has concerns about the powers of the director under the act not being checked by any balances for appeal, for review, for provisions that they provide notice for example. Section 4, for example, says that any time after receiving a complaint, the director may do one or more of the following. They could investigate it, they could require the complainant to provide more information, they could apply to the court under section 5 for a community safety order, they can attempt to resolve the complaint by agreement. I think the concern here is that they can receive a complaint and go straight to a community safety order application to the court without investigation.

As you'll see in section 8, the threshold for issuing a community safety order is very low and, as I said, there are very, very limited checks or appeal mechanisms for an occupant wanting to challenge any possible errors or abuses of the directors of authority.

The application for a community safety order can be made either by the director or by an individual complaint, which can leave open the act for abuse if there aren't checks on that. It could be used as a way to harass an unpleasant but otherwise law-abiding neighbour, for example.

Section 7 of the application for community safety order, in that area it says the factual allegations in an application for a community safety order may be different than those in the complaint. So if the director receives a complaint from a neighbour about one thing, the director is not limited to that in their investigation. They suddenly have free licence to investigate whatever they want on that house. They're not bound by the limits of what the person has complained of. Again, there's no check on that authority. Again, you'll see in section 60 as well the investigation is not only not limited to what was alleged in the complaint, but it includes gathering a lot of personal information: his or her whereabouts, the person's place of employment and anything else that they might consider appropriate.

The court can make a community safety order under section 8 if it is satisfied that the activities have been occurring on or near the property named in the application and give rise to reasonable inference that it is being habitually used for a specified use. Reasonable inference is a standard of proof, at least the one that seems to be in this act. As I mentioned earlier, when somebody goes to jail they're subject to the standard of proof beyond a reasonable doubt. Because it is a punitive process, they are going to going to jail and have their civil rights limited while they're there. Reasonable inference is a very, very low standard for that potential outcome at the end of the day. So the commission is concern that that is a very low threshold, and there's no indication of what that means or no clarification of what reasonable inference means. So that's something else that the commission has raised concerns about.

Sections 27 and 28, appeals and other proceedings, a community safety order of the court may be appealed on a question of law. That's a very, very narrow type of appeal; it's not an appeal on whether the decision of the court was correct to issue a CSO, it's only if they made some legal mistake that can a court of appeal review a CSO order by a court. So it's a very narrow type of appeal that's allowed, which leads to the commission's concern that there's a broad scope of authority here with a very limited avenue of appeal. Section 28 says that no action or other proceedings shall be commenced or maintained to prevent the making of a CSO and to prevent a CSO from being carried out to set aside or vary a CSO for judicial review of a CSO. So there's a lot of limits on any court reviewing a court decision for a CSO written right into the act.

Under sections 57 and 59 of the act, it states that the inspectors appointed under this act, not only the inspector, but the director, the deputy director and inspectors, are peace officers for the purposes of this act and have, while exercising a power or performing a duty, all the powers and protections that a peace officer has by law. This would give peace officers the appearance of, and powers of, potentially police offices without the same limitations that are established through all of the Charter challenges for police use of its authority. So a lot of the terms in the Charter of Rights are about limiting, or not just limiting but protecting against abuses of authority by the state against its citizens. This act, again with its broad scope of application, seems to go against that principle.

Section 60 to 63 speaks to collection and disclosure of information where the director has very broad powers to collect very personal information based on a complaint that they're not bound to...They can pretty well investigate anything once somebody makes that phone call. It's not withstanding the application of the Access to Information and Protection of Privacy Act. The director can disclosure all this information to other law enforcement agencies or to other persons. There doesn't seem to be any limits on how they can disclosure that information. In contrast, the complaint's identity and personal information remain confidential and the director cannot disclose any information that would identify the complainant to any person, court, public body, or law enforcement agency. Now if somebody is faced with a CSO, they don't know what the case is against them and they don't have the opportunity to respond to it because there may be good reason to keep the complainant's identity confidential, but in doing that they may also have to keep other pieces of information confidential that might trace back to the complainant's identity which means that the person being faced with the CSO does not have the full opportunity to defend against the allegations in the CSO. Again the standard is reasonable inference, so it's a very low standard.

I'm sorry; I'm kind of running through this very quickly. Section 67 is a particular concern to the commission, or 64, sorry, of the act. This section states that no action or other proceeding shall be commenced against the GNWT, the director, the Minister, a deputy director, an inspector or any other person if that person is acting under the authority of this act for anything done in good faith in the exercise or supposed exercise of any power conferred by the act or the regulation. The reason this is problematic is that if the act is applied in a discriminatory fashion -- a family vendetta, racial profiling --

if the act is applied by the director or the director's staff in a way that is potentially discriminatory, and again we're speculating that this could happen, that there's a reason why the Human Rights Act is in place, why its quasi-constitutional and why it supersedes other legislation. However, this could have the effect of tying a human rights adjudicator's hands in saying we don't have jurisdiction because this act precludes us...excludes any other proceeding or action. So I think just clarifying what this means and clarifying whether that does include the human rights process in the Northwest Territories is an issue for the commission. Section 65 SCAN also says that it's for anything done in good faith, which means that if somebody wanted to challenge the director and the director's use of authority or his or her staff's use of authority, they'd have to prove that it was done in bad faith before they can even challenge it, and that is a standard that would be near impossible to meet. Certainly in the Human Rights Act if somebody wants to file a complaint, it's written right in the Human Rights Act that the act looks at the impact of behaviour and not the intention. This is another thing that runs contrary to the Human Rights Act. If somebody wanted to file a human rights complaint, arguably they might have to show that something was done in bad faith before they could do that.

So just generally, there are other points that the commission wanted to make. Certainly recommending whether the fines and punishments under this act are consistent with those levied for other criminal offences of this nature, and there is no mention in this act what qualifications or background they expect the investigators or the director or deputy director would have. The director, as I've mentioned, has very broad powers without any corresponding accountabilities and very limited opportunities to review or challenge the director's decisions. It was mentioned earlier that somebody can apply to vary a CSO to the court, but if you're an occupant or an owner, the only way that you can apply to vary the CSO is to vary the date of eviction. You can't apply to vary other terms of the CSO. However, if you're the director or the complainant, you can ask for the CSO to be varied in whatever way the director deems appropriate, and you can apply and reapply to vary the same CSO. A respondent or an occupant doesn't have the same right to apply to vary the CSO.

The act doesn't have anything written into it to mitigate against its potential negative applications. If anything, section 64 of the act supports the immunity of the director and the deputy director and staff to act as he or she deems appropriate. The act potentially circumvents the restrictions placed on RCMP by years of case law and Charter challenges that have the effect of defining the scope of the powers of police and reinforcing the requirements for due process. The act appears to do nothing more than move people out of their houses and eventually, as was said in the consultation document by Minister Bell, that we will continue to chase these people until we run them out of the Territories. It goes against the tradition of trying to reconcile people to their families and communities and give them the opportunity for rehabilitation, as was mentioned earlier.

In no jurisdiction where similar SCAN acts have been passed has there been an independent review of the merits and deficiencies of the SCAN legislation and it's long-

term impact, and specifically through a Charter lens having it looked at through the lens of the Charter of Rights and Freedoms and the requirements for due process in that.

Those are the comments that I'm bringing forward on behalf of the commission. Thank you very much for your time.

CHAIRPERSON (Ms. Lee): Thank you, Ms. Boullard. I have a question on your last note. Why is it that we have not had a Charter challenge when this legislation has been in place in Saskatchewan and Manitoba? Do you know?

MS. BOULLARD: I consulted with Saskatchewan and Manitoba on it and I was informed by both jurisdictions that they weren't aware of any evictions that took place. There were the two evictions in the Yukon under the Yukon SCAN Act. I may have been given wrong information. Why there is no Charter challenge, I can't answer that except to speculate that it's very expensive to launch a Charter challenge. The Court Challenges Program has yet again been eliminated, which could provide funding for people to launch these kinds of challenges. So, again, that's speculation on my part.

CHAIRPERSON (Ms. Lee): I think the information we have is there were in Manitoba about 1,100 investigations, about 200 of them resulted in orders I think; and in Saskatchewan I think 600 calls. It's about 20 percent of protocols ended up in...Calls versus cases. Not too many eviction orders. So there are very few. Okay, so initial calls. About 2,000 initial calls. About 20 percent investigation that results into anything and then very few CSOs.

MS. BOULLARD: One thing I haven't done is compared this to the other pieces of legislation to see if they have the same granting of broad powers and the same level of potential criminal offence and punishments. So I'm sorry that I can't answer that question. It is a good question though.

CHAIRPERSON (Ms. Lee): It's our understanding that this law is based on the other one, so Saskatchewan, which is the newer one than Manitoba. Manitoba is the first one. The Yukon is the third one and ours is fourth.

MS. BOULLARD: Yes.

CHAIRPERSON (Ms. Lee): Okay. The floor is open to questions or comments by Members. Mr. Yakeleya.

MR. YAKELEYA: I have a question to the Human Rights Commission office in terms of this piece of legislation and B.C. You made some points in terms of some impacts it will have on our legislation as human rights legislation that we should look at. It's warning signs or red flags coming up to us and looking at this legislation here. We made comments to standards, that we have different level of standards. I don't mean lower standards, but different. From a human rights point of view, is this going to be a headache for us in the next three or four years down the road? We should listen to the

Human Rights Commission. It's a forewarning. What you are saying is certainly very interesting. I would like to get your written submission so I can read over it and look at it and decide some of these things we have to be aware of when we are looking at legislation of this magnitude.

CHAIRPERSON (Ms. Lee): Thank you. Ms. Boullard.

MS. BOULLARD: I am not sure exactly how to answer that or how to respond to that It's certainly the commission's expressed concern that this act could potentially exclude the possibility of anybody filing a complaint with Human Rights Commission if they feel the act has been applied in a way that discriminates. So that's a concern of the commission.

The other concerns raised are mainly charter issues that fall outside of the commission's equality rights mandate and that's something that the commission is recommending that a legal review from the constitutional or the Charter perspective be carried out.

CHAIRPERSON (Ms. Lee): You can't write yourself out of Charter obligations. Could a law like this write themselves out of human rights purview? Do you really feel that if somebody keeps calling on somebody because they don't like their neighbour because they are the wrong colour or they have different habits than they like and they feel like they are being discriminated against, why do you think they can' t come to you?

MS. BOULLARD: Well, section 64 of the act does have that clause in it. There is conflicting case law right now and I will make a note of that in the submission where there has been a court and this was in Quebec in a social assistance review or challenge to the Social Assistance Act where the wording of that act and a clause that excluded the possibility of other actions being launched, the Human Rights Commission was told it had no jurisdiction to consider the complaint. So there is actually case precedent that where there are clauses like this, a commission can be told that it has no jurisdiction to accept a complaint. I will make that more explicit and actually quote the cases. Again, there is conflicting case law from Ontario and Quebec on this that sets precedent for the rest of Canada.

CHAIRPERSON (Ms. Lee): Mr. Yakeleya.

MR. YAKELEYA: Thank you, Madam Chair. So the final comment to the Human Rights Commission, I am looking maybe at an opinion that at some time we know the intent of this legislation. We hear from our communities in terms of some of the stuff that's going on in our communities that seems to have RCMP officers saying our hands are tied. We really can't do much. We know we hear some of the complaints of the Housing Corporation in terms of the public housing that's being used for whatever it's being used for to deal with the issues like bootlegging or gambling, more so bootlegging. Then you know there are some issues that you have to deal with socially. Now I guess in this legislation, the way it's being presented to us, as legislators, are we

discriminating against some basic human rights? If it's a go, are we saying to the citizens of the North here that because we passed this, we prohibit you from having access to other rights? Maybe we should be very careful because we don't want to stop...That's what I am hearing. If we do this, we are discriminating against some of the pieces of the human rights legislation that we, ourselves...

CHAIRPERSON (Ms. Lee): The Charter.

MR. YAKELEYA: Yes, the Charter. That's what I want to ask. It's a fine line, I guess, Madam Chair, in terms of what side of the bed we wake up on in the morning and how we interpret it.

CHAIRPERSON (Ms. Lee): So are we depriving any of our citizens of Charter rights and human rights under the Human Rights Commission by what's in this legislation?

MR. YAKELEYA: I just wanted to know that.

CHAIRPERSON (Ms. Lee): In their opinion.

MS. BOULLARD: I think it's the end culmination, the reason I started with section 66, of the possibility of facing jail and criminal offence for violating parts of this act. It seems to take residential tenancy stuff and criminal stuff and try to meld it in a way that attempts to deal with the issue of illegal activity happening in houses or in neighbourhoods.

I think getting a legal opinion as the committee could do, maybe get a legal opinion on what the Charter issues are. A lot of the comments I have made are based on speculation on how this will be applied. Section 64 specifically says there is no other action that can be taken and then there is also the limits on appeal of appealing a court ordered CSO. These are things you will have to get legal advice on. I am not a lawyer, but at face value as we saw it and thought of if, this act was administered in a way that used the potential powers to their limits, the commission felt that there were Charter issues.

CHAIRPERSON (Ms. Lee): Any other questions or comments? Wow. I will go with Mr. McLeod first.

MR. MCLEOD: Thank you, Madam Chair. Thank you very much for that presentation. I found it very informative. One question I do have is you have mentioned clause 64 a couple of times. You said you were going to give us a written submission on the presentation you made today. In that written submission, are you going to put the concerns with the different clauses and what you would like to see changed? You said you would support something like this with some amendments made. I am just asking if you would be bringing forward the amendments that you would like to see.

CHAIRPERSON (Ms. Lee): Thank you, Mr. McLeod. Ms. Boullard.

MS BOULLARD: Thank you. Yes, the commission does intend in its submission to break it down as I have with specific sections and making recommendations. They would likely be general recommendations such as maybe rewording this section so that it can't be used this way or balancing this power with this limitation. So the specific wording of the act will be up to the Department of Justice or whoever this will go back to, but there will be recommendations for each of the concerns raised.

CHAIRPERSON (Ms. Lee): Thank you. Mr. McLeod.

MR. MCLEOD: Thank you, Madam Chair. This is one of the reasons that I mentioned to the Minister that we were looking forward to taking this on the road, just to hear concerns from people and groups like yourself. I look forward to seeing the written submission and the recommendations you made and hopefully there will be some amendments that we will be able to suggest to the Minister.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Braden.

MR. BRADEN: Thank you, Madam Chair, and Ms. Boullard for coming in and giving us at least a preliminary review. It really is useful and it's going to help me frame up some sort of perspective, the genesis of this, the difficulties that we have especially in small communities that deal with this kind of thing is what gives rise to this. Other provinces have had the same, but it has to be balanced with reasonable implementation and approach by the state. I guess a general question that I started to frame up as I was listening to you was, is this fixable? I gather it is. You will be coming back to us with proposals on what could be amended or altered to make it more satisfactory. Can I take it, then, that there is nothing in here that could potentially be a show stopper? There are potential remedies for your concerns, Madam Chair.

CHAIRPERSON (Ms. Lee): Ms. Boullard.

MS. BOULLARD: Yes, as I said in the opening remarks, the commission hasn't taken a position that this act should or should not go forward. The position is that there are specific concerns about this act and the commission will make recommendations on those concerns, so that should it go forward, there is an opportunity to address them.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Braden.

MR. BRADEN: There are a couple of things. Committee has already talked about section 64 and that is that indemnification. Maybe it's a question for staff or Mr. Boyd. How broadly is that applied across all our government? I seem to recollect some discussion or some business that we dealt with that this is a pretty broad indemnification and it is the good faith shield that all GNWT employees have on whatever they do. It's not exclusive to this piece of legislation and if Ms. Boullard's concern is the actions of the investigative team may be shielded here on the basis of the SCAN legislation, isn't it almost universal within our government that employee's are shielded and, therefore, potentially out of reach of a human rights action.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Braden. Mr. Boyd.

MR. BOYD: Thank you, Madam Chair. In response to the Member's question, the limited liability clauses are fairly, as we assume that a number of different legislative proposals and legislation that we have. Ms. Boullard has hit on a very interesting issue. Because of the scope of this type of legislation, because it's almost acting in a quasi investigatory, quasi police role, you touch on a lot of other issues that you don't normally touch on. So when you have this type of limited liability, you generally not dealing with issues that would touch an individual freedom, personal liberty, human rights per se. But because of some of the consequences that are entailed in this act, you're really moving outside of the scope of the focus that we often deal with if we deal with, how should I say, less not punitive but consequential is a good word for it -- thank you -- types of legislation and it raises this issue that when you have the two in conflict, it's certainly an issue I would like to look at with our human rights legislation being quasi constitutional. There is a possible argument that that section may be ultra vires. It may not actually impact, but I am aware of the legislation or the case law that Mr. Boullard is referring to and it certainly is a live issue. Yes, some of it should do further investigation. Because of the nature of the legislation, it is somewhat different than the situation we are normally dealing with.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Boyd. Mr. Braden. Any other questions? Mr. Boullard, we thank you for being here with us today. We look forward to your written submission. Thank you so much.

MS. BOULLARD: Thank you for having me. Thanks for your questions.

CHAIRPERSON (Ms. Lee): We have on our list next Mrs. Ruth Spence and Mr. Matthew Spence.

Presentation By Mrs. Ruth Spence

MRS. SPENCE: I have talked to people about this bill and I find misunderstandings of how it's going to operate. I talked to the deputy minister of Justice and he said there's going to be a commissioner and three inspectors. Now my understanding from some people is they assume they are going to have a deputy commissioner in their settlements, as well as some inspectors. Is that's the way it's going to go? Are we going to build another department with a whole lot of commissioners? One commissioner and a whole lot of deputy commissioners who all will live in the settlements?

CHAIRPERSON (Ms. Lee): Just for the record, I should have asked you, Ruth, to state your name. This will be transcribed. So we have Mrs. Ruth Spence with us.

MRS. SPENCE: Ruth Spence. I am representing me.

---Laughter

CHAIRPERSON (Ms. Lee): That's great. Normally we would like to hear the witnesses tell us about of the concerns they have. This is not our bill. It's the government's bill. This is before us as a committee.

MRS. SPENCE: I thought we could come and ask questions about it.

CHAIRPERSON (Ms. Lee): Well, we are going to try to get our staff to give you an answer on the questions you have, but, Ruth…

MRS. SPENCE: I want to know how the bill is going to operate.

CHAIRPERSON (Ms. Lee): We are interested in hearing any concerns you may have and we may not be able to give you the answers now, but we will undertake to look at them.

MRS. SPENCE: I talked to the superintendent of the RCMP. He says they have RCMP in every settlement except 13 of them. We just figured out $1 million would put eight RCMP at those other 13 settlements that don't have them. I feel the $1 million could go to a better use rather than setting up another police force, which is what we are doing. If you don't think the RCMP are doing their job, then we should be speaking to the RCMP and asking them why they aren't. But I think they are doing their job and I have hopes that they are doing their job. I think that rather than setting up another police force, we should be looking at expanding the services of the RCMP because $1 million will go a long way. Once you start this service, it's going to be costing you more than $1 million if you put a deputy in every community, plus inspectors, which is what I think that some of the communities are expecting from what I have heard.

I think the bill is totally unnecessary. Somebody told me that it was in Manitoba and Saskatchewan. They are NDP provinces; therefore, it should be agreeable. Since I am not NDP, I don't agree with it.

---Laughter

CHAIRPERSON (Ms. Lee): Maybe it was the Conservative government who did it.

MRS. SPENCE: Thank you. I'm sorry that I misunderstood. I thought the Minister was going to be here to answer some questions.

CHAIRPERSON (Ms. Lee): Thank you, Mrs. Spence. This is the kick-off of the public review of these bills. These bills have had first and second reading. Now it's in possession of the committee and the Minister sort of introduces it to us. Now it's up to us. This is day one for us to have public consultations. The question and concerns you raise, we will deliberate them, but there is no opportunity here for the public to ask questions directly to the Minister. We are happy to receive the concerns you already have.

MRS. SPENCE: Does the committee understand how the committee is going to operate?

CHAIRPERSON (Ms. Lee): Mr. Collinson will give you some information.

MR. COLLINSON: The plan of the department...

CHAIRPERSON (Ms. Lee): Hang on.

MR. COLLINSON: ...is to hire a director in Yellowknife, staff and office with three investigators in Yellowknife to start with. They will do all the investigations in the Territories. There will be no deputy investigator in each community or anything like that. So that's what it is starting off with is a four-person office. There are provisions for deputy directors to be hired in the future should they want to set up regional offices and put investigators into other regional centres. So that's where that stands. So we are only looking at a four or five person office right now. It would probably be five because there would probably be an administration component to it too.

MRS. SPENCE: No, I was told by the deputy minister that there are gong to be ex-policemen that are the inspectors.

MR. COLLINSON: That's the plan, yes. You would have to be a gradate of a recognized police college.

MRS. SPENCE: But he didn't say what qualifications the commissioner was going to have.

MR. COLLINSON: That wasn't addressed, but I would assume they would be either a lawyer or an ex-RCMP officer of some sort.

CHAIRPERSON (Ms. Lee): Also there is a provision here to contract to the work if necessary. So we would assume that the office would be able to get the resources they need if they get overwhelming resources.

MRS. SPENCE: In the bill, it says he can hire as many deputies as he likes. Is that right?

MR. COLLINSON: Well, they can hire as many directors they want, people they want, but they need the money and the money comes from the Assembly. So they have to approve the budget. They are not going to approve a director and investigator in every community. But if there is a need, maybe they will at some point in the future.

CHAIRPERSON (Ms. Lee): Mr. Spence, could I get you to put your name down for the record?

MRS. SPENCE: We're together.

---Laughter

Presentation By Mr. Matthew Spence

MR. SPENCE: Thank you, Madam Chair. Matthew Spence and I am also representing myself. I have submitted a written submission, so I don't have too many comments to make. I did want to make a couple. One is I wanted to echo, I think it's Mr. Blair's comment about the lack of an overall strategy. This is really ad hoc, so there doesn't seem to be any overall strategy. I would assume that part of the strategy would relate to treating the victims of alcohol abuse and substance abuse and gambling addictions. I would think that that would be part of the strategy. I also think that you should look to another strategy which tends to work quite well and that is your Don't be a Butthead strategy. I think that one is working very well in terms of limiting the number of young people who are starting to smoke. If we really want to start to tackle issues like bootlegging, which is really just an indication of an alcohol problem -- the bootlegger is not the problem, it's the consumption of alcohol that creates the problems -- that we need to look at trying to break that cycle and the cycle in the communities is there. Drinking is a learned behaviour. It's not organic. You learn from your parents and you learn from your community how to drink. Communities have, in many cases, dysfunctional drinking behaviours, be it Yellowknife or other northern communities. I don't know where that came from, but it's certainly prevalent.

So I think we need to look at a broader strategy related to this. I think this strategy tends to, as an analogy, move the deck chairs around on the deck of the ship. They don't tend to fundamentally change anything. You still will have people addicted to alcohol. You will still have bootleggers selling liquor. This is not going to solve this problem. Punitive measures in the past have not helped. Why is it that we think they are going to work today? They haven't worked in the past when treating substance abuse. They don't work. So I think we need to take a more positive approach, one that we as northerners like to do, which is helping each other as opposed to punishing each other for our behaviour. Everybody knows at the small community level who is doing what, so I think we can target and effectively utilize treatment programs and other programs to deal with this problem as opposed to punitive potentially Charter challenging piece of legislation that may look sexy and may just before an election get you some votes because it looks like you are doing something, but fundamentally will not change anything, will not solve your problem. Even if you run them out of the territory, all that means is they are now a problem for somebody else in Canada. We can't run them out of Canada. Thank you very much.

CHAIRPERSON (Ms. Lee): Thank you. Are there any questions or comments? Mr. Spence.

MR. SPENCE: Sorry, Madam Chair. One last thing, is there an opportunity to question the Minister on this issue?

CHAIRPERSON (Ms. Lee): Sorry, I think you have to be a Member to participate in the questions.

MR. SPENCE: I guess if I run into him on the street, I can question him but there is no formal process for questioning him.

CHAIRPERSON (Ms. Lee): I think if you want to submit a presentation with questions, we don't really respond directly either, but we would be happy to receive any questions or clarification you want to get.

MR. SPENCE: But we would like some answers at some point to the questions. I would think that's part of the process.

CHAIRPERSON (Ms. Lee): There is always an option to write to the Minister directly on some of the questions.

MR. SPENCE: When is the potential third reading of this bill?

CHAIRPERSON (Ms. Lee): The committee has the bills for 120 days. We could take all of the time or less of the time. We expect that we will be doing a lot of community consultation on this bill. I mean obviously the next session is the beginning of May and the session after that and the last session of this Assembly is in August. If this bill is going to get third reading, it has to go back before…(inaudible)…

Any other questions? Mr. Braden.

MR. BRADEN: Thank you, Madam Chair. Thank you very much, Mrs. Spence, Mr. Spence, for coming out to committee. Something I wanted to explore was Mr. Spence said he's wondering where is the strategic role that this could play in terms of making our communities, giving them more control and helping them be healthier. I recognize, Madam Chair, that when it comes to behaviours like alcohol and drugs, gambling and physical abuse, there is no one mechanism, no one solution. It's got to be a diverse and dynamic kind of toolbox that we have. This could seem to be one type of tool that could be used. I'm very much looking at the opportunity or the option that this could provide to some people and neighbourhoods, but I am also looking very carefully at just how heavy handed and clumsy this thing is coming off right now.

I wanted to ask one aspect of it and Mr. Spence mentioned the Butthead campaign, the smoking campaign. One aspect of that has been to make it less and less convenient and easy and normal and comfortable to use tobacco. The latest thing we've seen is it is no longer visible. We have all these curtains in the convenience stores and these so-called power walls where the tobacco is out there looking so cool and so attractive. We don't have that anymore. That's just one example of how something was de-normalized. The kind of thing may be tolerated and normal to have a gambling house in a given community. It's been there for years and the games go on all the time and then somebody says enough is enough, we're going to get rid of this thing and a move is

made through SCAN to shut it down. It becomes less convenient for that person to operate that gambling house, becomes less normal, if you will, or accepted for the people to go to that gambling house. Do you see that aspect of it as something that can help over time? This is not something that's just going to happen, poof, overnight, but if this is going to make these kinds of behaviours or actions in a community less acceptable because they're going to be coming under scrutiny, people will be watching, do you think at least that part of this has some merit?

MR. SPENCE: Thank you for that question. Sorry, Madam Chair. I think the fact is that if the community right now decides that they don't want a gambling house in their community they've got all sorts of ways and means of doing that; they don't need draconian legislation like this to do it. Growing up out at Giant, where I grew up, my parents, I think, felt very much that society was watching them, you know, everybody in that little community knew everybody else. I was one of the bad kids in the neighbourhood so my parents were getting regular calls as a result of my behaviour and my behaviour changed over time because of the pressure that was exerted on my parents that it was exerted on me. Society itself decided that that was a priority to deal with and, as a result of that, they dealt with it. Part of what we end up with here is we're not empowering people to do that through this legislation; in fact, what we're doing is we're abdicating the communities' responsibility to deal with that gambling house. We're saying now we're going to make a call to some anonymous commissioner or investigator in Yellowknife and they're going to send some anonymous investigator or commissioner up to my community and that person is going to fix the problem. So I don't have any responsibility for fixing the problem myself; I'm going to leave it up to this pseudo big brother organization that's going to come in. So what responsibility do I have to fix my community? I'm just going to stop making any decisions around that and I'm just going to give it somebody else. Well, isn't that where we've been and it's not, in my view, where we're trying to go. We're talking about self-government initiatives; we're talking about giving more power to communities. This doesn't do that. If we empower people, it seems to me that we can deal with the problem.

I live on 54th Street. About six houses down from me was a notorious crack house, notorious, but we as a community, and I would say my neighbourhood is a community, we talked about it; we would pressure the RCMP. When we saw lots of activity around there, we would tell the people that we didn't feel that they were welcome in our neighbourhood. So we took action as a community and eventually the people got the message. People didn't want to go there to get their crack because they knew that they were going to get harassed by the neighbours, so they stopped. I think the pressure we put on the RCMP forced them to move forward on something like Operation Gunship, a comprehensive, overall campaign to limit the amount of crack cocaine in Yellowknife. That kind of an initiative is a very good one. So it seems to me that we've got the power today to deal with the problem, and if people are complaining then what they need to do is look at their community. It's not like Marmin (sic), as an example, it's not like you don't know who in Tulita is doing whatever. Everybody in the community knows what's going on. So it seems to me that what we need to do is organize our community; we need to revisit some of the legislation we have. If we've got a problem with bootlegging

and the legislation dealing with it on a criminal basis isn't working, let's fix that. Let's make it more punitive. Let's make the fines but at least let's not reinvent the wheel and set up a whole other system to deal with it. Thank you.

CHAIRPERSON (Ms. Lee): Mr. Braden.

MR. BRADEN: One aspect of this that I've heard from the community, some aspects of communities, and Yellowknife is no exception, is that, yes, our Criminal Code does have ample opportunity to bring people to justice and to stop the behaviour, but the standards that our courts demand for a charge to be filed and to be successfully prosecuted are excessive, deemed to be excessive in some people's eyes. You know, to the extent that the police can't just have one wire tap or one undercover drug deal; they have to have dozens and dozens of this stuff over and over and over again in order to bring, it seems, a successful conviction in. It takes weeks and months to gather the evidence, then a charge is laid. Then there's another process of weeks or months before the court hearing, before a trial is actually held, and then there may be weeks or months before an appeal is held. In all that time the person who is charged or convicted or deemed to be the bad guy is essentially still in the community and almost with impunity can continue doing what they do and what they want. The community still feels threatened and in the meantime the police and the court has not satisfied the needs of the community and the citizens to act, to do something about this. That is where I see the difficulty between, yes, the ample provisions that are Criminal Code system and the police system have to do something about it, but the implementation. This is a measure, I think, that's seen by some as a way to be able to go in there with reduced standards, thresholds of proof or, okay, reduced thresholds of proof, to get something done because the courts take so darn long. Then finally when you stand up in the community and make an accusation against somebody and the relationships within communities, especially the smaller communities, you know, they're family based, there are dynamics in there that are extremely difficult to deal with but when accusations are levelled in very small communities, life gets pretty difficult. Those are hard things to do anywhere and I think they're even hard in the smaller communities. That is where I perceive the value of this action compared to what we already have.

MR. SPENCE: I won't go on too long but, first of all, thank God we have the levels and tests that we do in our criminal justice system because, quite frankly, I would be very worried about us as a society if we didn't have them, because I think we need that level of protection as individuals. I also think that the Charter of Rights and Freedoms proves that. So circumventing that process, which is essentially what you're doing to expedite action, seems fundamentally flawed to me; it doesn't seem like the right approach. Secondly, I don't know, I mean, sure, maybe because of a lower threshold you can initiate an investigation quicker, but you're going to clog up the courts with the same problem. You're going to have the same exact burden on the courts as you've got now when you try to get these community safety orders passed. Where's that hearing going to be held and when? Are you going to wait -- and I'm assuming you would -- until the court arrives in that community to initiate...You're not going to have a community safety order hearing in Yellowknife on an action in Tulita. I wouldn't think that you're going to

go that far because you wouldn't have the complainant there, you're not going to have the defendant there.

CHAIRPERSON (Ms. Lee): (Microphone turned off)...Supreme Court is here. Mr. Boyd. Well, he's not finished yet. He didn't answer the question.

MR. SPENCE: You're going to have the court action here on a complaint in Tulita? Is that what you're saying?

CHAIRPERSON (Ms. Lee): Okay. I'll let Mr. Boyd just give us information that he may have.

MR. BOYD: Yes, thank you, Madam Chair. Just briefly, and again I don't want to speak for the Minister, just as far as my understanding and my review of the legislation is, that there is very strict timelines put in for the processing of these applications so unless it's an unusual circumstance where the court happens to be in the community, which would probably never happen, the Supreme Court sits here in Yellowknife and obviously that would raise a number of issues with respect to the individuals being able to be present for the hearing; there are problems there. However, the Supreme Court generally sits here in Yellowknife, yes.

CHAIRPERSON (Ms. Lee): You have to find a lawyer within 15 days to vary the order and you can't vary the order in an extensive way. You can set it aside.

MR. SPENCE: As well, assuming that you're going to be looking for help with your lawyer -- you don't have any money because you're a bootlegger and essentially you've now been put out of business and you don't have any taxable income -- so you're going to go and burden the Legal Aid Society. Your current process, have you got resources, extra resources for your legal aid people that are going to be tied up in court? The other thing you're going to have to do is what if you can't meet, you're not going to be able to meet those timelines. First of all, you don't have enough money because you're not putting any more money into resources in the courts so the courts aren't going to be able to react any faster, and you haven't provided any more money to the Legal Aid so you're not going to have any ability...You're going to have defendants coming forward saying I can't get representation for three weeks, just like you do in the criminal justice system. So whatever strict timelines you may have under legislation, I, quite frankly, don't think they're going to work. Again, this goes back to the practical implementation of this bill. It hasn't been well thought out. You can put whatever conditions you want, but if you don't have the financial resources and the people, you're not going to be able to meet those timelines, clearly.

CHAIRPERSON (Ms. Lee): Inversely, I think that then somebody who gets a CSO order, because they're more in jeopardy, they're going to lose their house, they may bump off other legal clients. Right? The cases that could wait because you have to be in court in 14 days, so they may get the first choice of lawyer or the bootlegger may get prior...

MR. SPENCE: Well, you could; but, the thing is, who determines the priorities then? I think that's part of the problem and again it goes to practical implementation of the bill. There were some other things and I can't remember all of what you said, but I worry about the circumventing of the process just to make it expedient. There's got to be other ways of dealing with these problems. The problem is society has been grappling with alcohol consumption and abuse for a long time. Canada had prohibition; that didn't work. So punitive consequences don't work, as far as I can see.

CHAIRPERSON (Ms. Lee): Maybe a bootlegger doesn't need all that protection. Anyway, Mr. Yakeleya, you had a question.

MR. YAKELEYA: A question and a comment. I wanted to thank Mrs. Spence and Matthew for coming in and talking because it's very important. I certainly appreciate Mrs. Spence coming here as an elderly lady and to listen to her, because she's asking questions like that. Our people in our communities are asking questions like that -- they don't understand our legislation -- and she's talking to us in English, but I'm looking about people who are going to be talking to us in their own language on another level that they don't really understand about this. It's good for us, as legislators, to hear about these things that are, especially for older people to listen because they have a lot of persuasion, a lot of influence in their communities because we're going to be talking about their children and their grandchildren. I think that point of empowering the community is key in terms of our smaller communities, and I think this legislation is looking at a justice system that's been in our system in the North for a while here and it seems like we're supporting this justice system versus what we're just supporting in our communities, the traditional justice system like healing and treating. We're giving a lot of power to, I guess, for myself, we've given a lot of power to this system and to our own chief. Traditionally we should give our chief that power to say you deal with this and you have to do it as a community.

So anyway I don't want to get too much into that Madam Chair, but I wanted to ask Mr. Spence here in terms of the points that you've made, there are pieces of this legislation that some of my people say, yes, it's good because at least we have a chance now to deal with some of the bootleggers and some of the bootleggers are young people and, like you said, we do know them and I know who comes in because I know from being at the airport or hearing people calling them and saying there are six cases of alcohol coming in from Yellowknife to Tulita. How do you deal with that? One person's picking up one case; can one person drink all those 12 bottles? So that's my...In this type of legislation, what is it that we have? I know what you're saying, Mr. Spence, and listening to your mother also. So how do we deal with stuff like this? This is one piece that we could deal this way. That's my comments and questions. That's a lot to say, too, at this time, Madam Chair.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Spence.

MR. SPENCE: Thank you. I'll make a final comment to Bill, as well, because I remembered part of what he had said to me. I think, Mr. Yakeleya, that it is a

comprehensive strategy; it involves a number of pieces. First of all I think we need to have a long chat with the RCMP about what are the obstacles, the legal obstacles they are currently facing in terms of enforcement. Why aren't they able to deal with some of these problems and why do they keep saying we can't? You know, we can't doesn't seem to suggest to me that they've done a lot of thinking about it. They just, for whatever reasons, can't. But we need to get more detail from them in terms of that. I think we need to look at effective prevention strategies and recognizing, again, that drinking is a learned behaviour. So it's not something that you come upon naturally; you learn the way to drink from people that you see drinking. So if people tend to start on Friday night and don't stop drinking until Monday morning, you tend to pick up that habit and drink the same way. I think that's, you know, if you're seeing a Friday afternoon huge liquor inflow to your community, then that would be symptomatic, in my view, of some sort of drinking behaviour that's not very appropriate. So you need to educate people about drinking and I think, again, like I said, that advertising or whatever it was called...That Don't Be a Butthead campaign was a comprehensive campaign. It had role models, it had advertising, it had incentives for young people, and it had processes of self-reflection involved in it. All of those things, I think, have been very effective and certainly with my kids none of them want to be smokers. I wouldn't attribute it all to the Don't Be a Butthead, but certainly that influenced their thinking.

I think, again, going back to the whole issue of empowering communities, part of our problem, I think, over the last 50, 60, 70 years is that we took a lot of power away from people; we made them dependent on government and society. We have to give that back to them. So, Bill, when you make the point that it's tough, you know, saying something to your neighbour about the way they're behaving, yes, it's tough, but people respect that. If there's one person I know in the world that is very straightforward in terms of talking to people and telling them what she thinks it's Mrs. Spence. She's made a 30, 40 year career out of it and, I think, has influenced a lot of people in this community as a result of that. So those sorts of things and that kind of leadership and, as you say, empower your chiefs so that, you know, he, through moral suasion, persuades those two teenage girls that are picking up the booze at the Tulita Airport to find something else to do; that that's not really not a good long-term career for them. So that's what I would suggest, with some efforts to, you know, punitive...I'm not saying that we don't need punitive measures, we just don't need to completely erode civil rights in the process of providing those punitive measures. Thank you.

CHAIRPERSON (Ms. Lee): Thank you. With that I think we'll have to end it here. Thank you very much, Mr. Spence. It's very strange to call you both Mr. Spence and Mrs. Spence because I've never called Ruth Mrs. Spence. Anyway, thank you. Your questions, even if we can't answer them, are an important part of the input process and an important part of this discussion and we'll consider them all.

MRS. SPENCE: (Microphone turned off)...years ago we had took this transient youth, they were all moving across Canada, and they interviewed the mayor of Regina and said do you have any trouble with transient youth and he said no, we pass them on to Winnipeg. So now we're passing our drug dealers on to other communities.

MR. SPENCE: Just as long as they're not in our community.

CHAIRPERSON (Ms. Lee): Okay. Thank you very much. Members, thank you very much for staying beyond the time. We're meeting again at 7:00, so we'll adjourn until 7:00. Thank you.

---DINNER RECESS

CHAIRPERSON (Ms. Lee): Good evening. I'd like to call the meeting back to order, the meeting of the Social Programs committee. We are reviewing Bills 1, 2, 3 and 7. We have with us the members of the committee: Mr. Braden, Mr. Pokiak, Mr. Lafferty, Mr. Yakeleya. I believe Mr. McLeod in on his way. We also have Mr. Bobby Villeneuve joining us. We have our staff: Mr. Boyd, Mr. Collinson, Ms. Bennett and Ms. Pfeifer.

I am going to actually hand over...We have our witness here, Mr. Brad Enge, before us, but I'm going to hand over the chair to the deputy chair, Mr. Norman Yakeleya, because I have to leave to attend a public meeting on YK schools for my riding. So thank you very much and, Mr. Yakeleya, it's all yours.

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you, Madam Chairperson. Mr. Enge, would you begin your presentation to the committee. Thanks for coming to the hearing on these bills here.

Presentation By Mr. Brad Enge

MR. ENGE: Good evening. Thank you, committee, for allowing me to appear before you and provide you with some of my comments with respect to Bill 3 and Bill 7. Bill 3 is the bill concerning a proposed amendment to the Legal Services Act.

By way of background -- and this will cover my comments with respect to both proposed bills -- I'm originally from Yellowknife. I joined the RCMP in 1975. I spent 22 years in the RCMP in various capacities. I started out as a...(inaudible)...service in Ottawa. I was in G-OPS, which was a special unit to investigate subversive groups that were coming into Canada or operating in Canada and things of the nature. Then I got transferred to Mayerthorpe, Alberta; and I was in Three Hills; Red Deer, drugs; then I was in criminal operations branch and I was long-term undercover drug operator where I worked and infiltrated motorcycle gangs in Toronto, buying drugs and illicit substances from them. I also worked undercover on major operations as far east as Nova Scotia, and then when I completed my undercover drug career, I moved back into policing. I was in the Edmonton...(inaudible)...section where I escorted high-risk prisoners from high security federal penitentiaries across Canada to their various court appearances and whatnot. I did that for about 13 months until my court appearances ended in Toronto on the motorcycle gang drug buying operation that I worked on with another aboriginal RCMP member. Then I worked on highway patrol, municipal traffic and police/community relations in Sherwood Park for eight years. Then in 1990, I went on a five-year leave of absence without pay and I put myself through law school at the

University of Alberta and I graduated in April '94 with a bachelor of law degree. Then I went back in the RCMP for a couple of years and I worked on the Nunavut project, trying to design a better, more culturally compatible police service for Nunavut. I worked on that for six months in corporate headquarters in Ottawa, conducting research on community relations, crime prevention and all aspects of trying to provide the best possible police service for Nunavut of April 1, 1999, when they became a territory.

Then I ended up in the proceeds of crime where I worked pursuing high-end drug traffickers who had international bank accounts and money off-shore in different countries and different states. Then in December of 1996, I decided to return from the RCMP after 22 years of service and I started working full-time as a lawyer. Then I worked as a director of the Indigenous Law Program at the Faculty of Law of the University of Alberta for three and a half years. I was recruiting qualified aboriginal candidates for the law school and providing first year, second year and third year academic support for all the aboriginal law students and any other students that were having trouble getting through law school and writing exams.

I was a member of the Aboriginal Human Rights Commission in Edmonton. I sat on the mayor's Safer Cities Taskforce, trying to find better ways to provide safer and secure communities in and around all-night dance bars, called rave clubs. That was with Mayor Bill Smith when he was the mayor of Edmonton, prior to Stephen Mandel. I also sat on many boards and tribunals with the Law Society, with respect to employment equity, equity for lawyers, aboriginals, women, minorities and whatnot.

So my background is quite extensive with respect to the security and safety in communities, so I feel as though I have a little bit to contribute to the dialogue that's taking place with respect to these two bills.

I am a lawyer in private practice here in Yellowknife. I work by myself, much like my colleague here, Glen Boyd. But in any event, that's a little bit about my background.

So getting to Bill 3...I almost missed the most important point. I was the executive director for Legal Aid for a year here in Yellowknife. So I was intimately aware of the angst, the problems, all the issues revolving around trying to find the best possible public defence service that the constituents here in the Northwest Territories so richly deserve. This issue about opening up street access or street front, door front, legal aid offices in the Territories was something that I had worked on while I was the executive director of Legal Aid. Shortly after I left, approval was granted to open up a second Legal Aid Clinic in Yellowknife, with the prospect of perhaps somehow being able to provide better service, but, at the same time, I think the theory behind the proposition of opening up another clinic in Yellowknife was to try to have two legal aid lawyers working on opposite ends of the files, especially in the family law area, because at the time there was a significant backlog of families in the Northwest Territories that needed family law-related services such as divorces, legal separations, divisions of property, houses and their chattels or personal property inside like furniture and whatnot, not to mention the

bank accounts and the savings and pensions and whatnot that have to be divided when there's marital break-up.

So the cloud that's kind of the fly in the soup so to speak metaphorically was this whole business surrounding conflict of interest. It was the way the lawyers govern themselves, is they're self-governing and they have a Law Society and the Law Society here in the Northwest Territories has adopted and renewed that adoption of the Canadian Bar Association professional code of conduct. There are provisions in there with respect that address the issue about conflict of interest. Quite frankly, there is no way around it. You may go ahead and pass this legislation; you cannot legislate and legislate against a conflict of interest. If a conflict of interest exists, it exists regardless of whether the law is there or not.

If this bill was enacted in its present form, on the very extreme end of things, because you are proposing to legislate away a conflict of interest by reason only of advising or representing a person in a dispute or case involving another person who is represented by another lawyer within the legal aid system, at the far end of the spectrum, because that statute exists in the form that it is presented in this bill, you could have a legal aid lawyer represent a husband on day one, and turn right around and on day two represent the wife and not face any liability because this statute says that there's no conflict. The husband may have spilled his guts to a legal aid lawyer, given very confidential, sensitive information about hidden assets in respect to he might have offshore or somewhere else in another province or another country, and instruct his lawyer not to include that in the matrimonial property division and that lawyer has to comply with those instructions. Then on the very next day, the wife walks in and that lawyer can represent the wife. But this statute, in its present form, would absolve that lawyer of having any conflict. Now that is extremely absurd. That's one interpretation.

I've spoken to some of my colleagues about this bill and I heard the Minister's submissions this afternoon indicating that the Law Society of the Northwest Territories...What did he say? ...are in favour of this amendment. Well, quite frankly, there's a serious conflict with the Law Society board of directors. The president is a government lawyer, a legal aid lawyer. The vice-president is a Government of the Northwest Territories Justice department lawyer whose department drafted this legislation. There is a secretary-treasurer who I may have the positions mixed up, but there's only one private practising lawyer on that board of directors and he does not speak for the board. It's Lou Sebert who is a private practising lawyer in Fort Smith. The four executive director of the Law Society of the Northwest Territories is a federal government Justice Canada government lawyer. They would be in contravention of their oath of allegiance to their respective employers. They're all government lawyers. They cannot utter one single word against this bill because they are in a conflict of interest; they want to keep their job.

So when I heard the Minister tell this committee that the Law Society of the Northwest Territories is in favour of this bill, there's no other position that they could take. What they should have done is said that they cannot take any position whatsoever, but they

uttered support for this bill. Quite frankly, they never canvassed me as a private lawyer about what the position of the Law Society should be. They perhaps should have assigned someone like myself who is disassociated from the government. I'm in private practice so I can say what I want. But the executives of the Law Society cannot say one single thing about this bill or any other bill, quite frankly.

The Law Society or the way lawyers are structured, there's people like myself who work by themselves. If that Partnership Act that you heard from the Minister of Justice today, if that's adopted, there's limited liability partnerships in that legislation that would allow lawyers to form limited liability partnerships without other lawyers, but they do not exist at the present time. What you have are medium to large law firms that are affiliated with other law firms across Canada: Lawson Lundell, McLennan Ross, Davis & Company, Field Law; big law firms. They have branches in Edmonton, Calgary, all across Canada depending on how big they are. So if you schematically look at that structure, you've got a law firm, you've got senior partners there that pay, for the lack of a better term, underlings or associate lawyers that work in that law firm. They rely on those partners for their paycheque every month if they're on salary. So that's a law firm. Well, Legal Aid is a law firm. You have a board of directors. You have an executive director, chief executive officer, and that board of directors is paying lawyers who are associates in various clinics, in three different clinics in the Northwest Territories. So you tell me what's the difference between those two schematic diagrams. There is no difference. They're all relying on one source of payment.

A person who applies for legal aid, their retainer is a notice of approval saying that a lawyer can work on their behalf. In a private situation, a private citizen will go to a law firm and pay a retainer to a law firm and say okay, you're retained, now find me a lawyer amongst your pool of lawyers that can handle my legal case. So you tell me what the difference is. Whether the law firm is in Edmonton, Calgary, Montreal, Quebec City, Halifax, it doesn't matter. If they have a law firm here or a branch here in Yellowknife, they're all still part of that same infrastructure. So there's a conflict.

Just to reiterate, a law firm, as defined by M. Debra McNair (sic) who wrote a very authoritative, loose lease treaties on conflicts of interest, which is published by Canada Law Book, she defines a law firm as including one or more members practising in a sole proprietorship in a partnership in association for the purpose of sharing certain common expenses but who are otherwise independent practitioners, like a co-op, as a special law corporation -- so there's special income tax. They don't have professional corporations up here yet. They should, but they don't. -- in a government, a Crown corporation or any other public body; i.e., Legal Aid, and in a corporation or other body. Well, Legal Aid fits the definition of a law firm. So now, since they're a law firm now, now you're into a problem with dealing with conflict.

I've passed Madam Clerk Gail Bennett a copy of the leading case, Martin versus Gray, which was a decision of the Supreme Court of Canada on December 20, 1990, dealing with conflict of interest and duty by lawyers. The most salient point in that whole decision is found on page 272, and it's a very short excerpt, and this is Justice Cory

(sic), a member of the Supreme Court of Canada, who said, imagine a situation where a client involved in a contentious matter has divulged confidential information to a lawyer. If that lawyer practised with one partner, it would be perceived by the public as unfair and completely unacceptable if the partner were to act for the client's adversary. Well, it couldn't be any clearer than that. You can't have two legal aid lawyers in a law firm, one representing the wife and the other one the husband, or common-law husband, common-law wife, whatever the case may be, or even children and parents. The government is being sued all the time when children are taken away from their parents. So quite often what happens is the child's interest might be in jeopardy as far as possibly ending up in a foster home and being permanently removed from their parents, or a parent wanting the children back and the child not wanting to go back. So you end up having to find a lawyer for the child and the parent. You can't have two lawyers, one at legal aid, legal aid office X, legal aid office Y or Z, representing mother and child or father and child. It's a conflict. To underscore my point, you're merely setting legal aid lawyers up to be sued, quite frankly, for conflicts of interest, and there may be damages, especially when division of matrimonial property gets involved, or the division of houses and bank accounts, because the lawyer didn't inform his client that oh, by the way, the other lawyer acting on the other side is a legal aid lawyer and I work and I party and I drink and I go to Christmas parties with that person and that sort of thing. They're all part of the same law firm or the same legal aid system. So the ethical framework for lawyers is scripted in the codes of professional conduct.

I don't want to belabour the point. I think I've made my point with respect to what the implications are for Bill 3. There are lots of examples of cases where lawyers have been sued by their clients for breach of fiducial obligation for not disclosing to them relative information and so on, and I can give you some cases. I photocopied some short excerpts from the Canadian Abridgement, if that's needed, but I don't think...You've got a lawyer he; he can probably find the same thing as I did. But there is lots of case law out there about the obligation of confidentiality, breach of fiducial obligation and conflict of interest, and I don't need to belabour that.

I realize that the whole intent and purpose behind the bill is try and move things along and not delay them. Well, there are other ways and means that probably could result in improving the number of private practising lawyers in the Northwest Territories, quite frankly. There seems to be an overabundance of money for doctors and nurses to be spent and copious amounts of money offered to doctors and nurses to move up here and fill in the vacancies that are here. Why not lawyers? Why not private practising lawyers? Why aren't there incentives for money to entice private practising lawyers to move to the North and subsidize their moves and give them a hand up in getting established here? They're paying doctors with specialities a base salary of $425,000 a year now at the hospital here. There's not too many lawyers that I know of that are making half a million dollars a year and they've got specialities too.

DEPUTY CHAIRMAN (Mr. Yakeleya): Mr. Enge, I have Mr. Braden I think wants to ask a question.

MR. BRADEN: Thank you, Mr. Chairman, and thank you, Mr. Enge, for bringing these views to committee. The point that you've made about the professional positions held by the executive of the Law Society here and consulting to the government on this bill causes some concern for me, and I want to discuss this with committee and, at the very least, bring this to the attention of the Minister.

The requirement of government, of course, to do its own research and due diligence into a bill, talk to the people or the organizations that could potentially be affected is a pretty important part of making sure that it's a good piece of work before it gets to committee. Yes, indeed, the Minister did tell us that the Law Society has endorsed this bill. So I appreciate you bringing that to us and I do want to further go into that.

Mr. Chairman, I guess I'd just like to explore a little bit the situation that the legal aid office and or does find itself in when two persons need the services of legal aid but they are working on the same case. So the need to at least recognize it is there. Mr. Enge has said that a conflict is a conflict and you can't avoid it. What then is sort of the solution for us? Is there a way to in legislation accommodate members of the public who by whatever circumstance can't afford to go to private practice? They need government assistance; they shouldn't be denied legal help; and if their only avenue is to come to legal aid, what do we do then to assist both parties and avoid this conflict, or is it just one of those catch-22 things that we will not be able to solve? I'm looking for a solution here and perhaps you can tell us what might be a workable way to work around.

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you, Mr. Braden. Mr. Enge.

MR. ENGE: There's two, which is try and make it more attractive for private lawyers to move to the North, the other one is to assign lawyers in close jurisdictions, such as northern Saskatchewan or Edmonton or Whitehorse, and retain them and have them work at opposite ends of the file. Those are just two quick things that I can think that may work. I mean, there are law firms in High Level which are only eight hours away driving away back and forth. There are law firms there; they may be encouraged or invited to join the Northwest Territories Bar and be assigned files at opposite ends of the files in the same family.

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you, Mr. Enge. Mr. Braden.

MR. BRADEN: Thank you. I appreciate that, knowing there are independent firms that we can go to. I guess what I'm wondering, though, is within the legal aid office itself, is there a way to try to reconcile this conflict if and when it comes up, or should we just abandon the concept altogether, Mr. Chair?

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you, Mr. Braden. Mr. Enge.

MR. ENGE: Yes, Mr. Braden or Mr. Chair. I didn't have as much time as I wanted to delve into the solution end of things, but there is a recent case, R versus Neal, that

seems to steer towards implementing some kind of severely significant structures internally in a law firm office to very stringent conditions where you can take the necessary steps to keep the parties separated, but I don't know very much about it. I think in British Columbia they looked at interoffice structures to try and minimize or eliminate altogether any conflict of interest, but I don't know much about it and like I said I'm just kind of guessing and I don't know whether it's actually ever been approved by any law society as far as addressing the conflict of interest. But further digging might come up with a way of doing it. I would predict that a court, if litigating parties took a conflict of interest with respect to two legal aid lawyers at opposite ends of the file took it before a court, this legislation seems to be taking away the jurisdictional authority of the court to make a decision about a conflict of interest, which the courts I think would have a great deal of trouble with. Not only that, but if this legislation stayed the way it is, there may be even a Charter argument with respect to clients being denied equality under section 15 of the Charter with respect to everyone being equal before and under the law. That might be an argument that someone could make, saying hey, look, I'm a woman, or I'm a man, and my rights, access, equality before the law is affected by my law firm that's been hired because my law firm has to comply with a certain ethical guidelines by the Law Society, but the legal aid lawyers are being exempted. There's the double standard with respect to conduct and liability and consequences of acting for two parties on the same matter, husband and wife or whatever the case may be. Husband and husband; you know, there's same-sex couples now and whatnot.

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you, Mr. Enge, and thank you, Mr. Braden. ...(inaudible)...to continue researching on this important bill here. We have three other presenters tonight, Mr. Enge, so I'd ask you to make Bill 7 if there are no other questions to Mr. Enge on this bill here.

MR. ENGE: Before I leave, I just want to address the point that Mr. Braden made with respect to the composition of the Law Society of the NWT board of directors. I raised this very issue after the last election that was held in December of 2006 with the Law Society, by advising them that I strongly objected to the board of directors. Sure as I had predicted there be a conflict with respect to criticizing any government with respect to legislation or criticism with respect to anything the government does at the federal or territorial level came about. I brought my concerns to the Law Society saying look, how come three out of the four lawyer positions on the board of directors were comprised of government lawyers, and only one was in private practice and the fifth person is a layperson who is a civilian, not a lawyer. I said that we, as a society, we're supposed to be the vanguards and guardians of the public interest with respect to justice and education of legal systems and things like that. I said this Law Society is muted. They cannot criticize the government, either federally or territorially, with respect to anything that they do, because the Law Society is comprised of government lawyers. Three out of the four are government lawyers. There's nothing that they can say against anything that the government does. That has to be changed. I mean, the legislation is going to have to be amended to ensure that private practising lawyers form the majority so we can at least commit to providing some objectivity with respect to proposals like this Bill 3.

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you, Mr. Enge. That issue is outside of this bill right here, but it is something we will look at, as Mr. Braden has indicated and raised some concerns with. So I ask if you would go to comments on Bill 7, on the SCAN legislation.

Presentation By Mr. Brad Enge

MR. ENGE: Bill 7 is the safer communities legislation. SCAN is the acronym. The reason I gave you a detailed background about my life is that I've been a policeman, I've been a lawyer, I've been a civilian, I've been a union worker, I've worked on the ramp at the airport when I was 18 years old, I've had a lot of different experiences, work experience, and 22 years in the RCMP. I've had many, many experiences internationally as well as nationally and regionally and community-wise. I was no different than the way of thinking that police officers think. I was, in the extreme form, all for capital punishment for parking tickets; I mean that's how extreme police officers can think at times. They're very black and white.

I just had a conversation on the weekend with a serving member of the RCMP and his position with respect to the courts is that they're too soft and that what the court needs to do is send people away for extremely long periods of time to prison. I used to think that and I used to talk like that too, but I am probably far more moderate, too moderate for their thinking; I'm kind of a middle of the road guy and, quite frankly, this SCAN legislation is probably the worst piece of legislation I've ever seen in my life. It is a grotesque violation of human rights, civil rights; it's an intrusive piece of legislation with respect to people's privacy; the invasion of people's homes is gotten whittled and watered down to the point where pseudo fuzz bullies, for the lack of a better term, quasi police officers, or peace officers is the way they're defined in the act, can use rumour, innuendo, gossip, slander, defamation in order to initiate an investigation and intrusively go into their houses to look for the evidence that they need. This is the most archaic, draconian, repugnant piece of legislation I've ever seen in my life. It's a police officer's dream where they can just walk into people's houses, ask for their consent to come in and...I have yet to see people in any community oppose a police officer from entering into a private dwelling house when they're standing in uniform and packing a 9mm Smith and Wesson semi-automatic handgun with their pepper spray and telescopic batons, their Darth Vader uniforms. Everyone's intimidated by that. They're not going to oppose the police. In fact, I have so many clients who have told me that, you know, they tried to oppose or refuse entry of the police into their homes here in the Northwest Territories and they were too scared to do it. Now you're going to empower these SCAN officers with peace officer powers? And you want to circumvent the Charter of Rights, peoples' right to privacy, life, liberty and the security of the person; and take their homes away from them, even for 90 days, or maybe permanently and force them out on the street. It's absolutely outrageous.

If you look at the provisions of the statute itself before I get into the actual substance of the bill, this jurisdiction, this Legislature passed emergency protection orders that men

or women can make applications through the police to have someone expelled from the house for up to 90 days because there's family violence or whatever. That has become the most abused piece of legislation I've ever seen in my life. There are people filing complaints, applying for EPOs, emergency protection orders, when they don't have the grounds, there's no immediate threat of violence. There was a case where a spouse who had a mental disorder got into a pushing match with her spouse five weeks earlier and then five weeks later goes to the police and tells them under oath that she feels threatened. The statute says immediate threat of violence. Those quotations, you know, I don't have the statute in front of me. Is five weeks immediate? I don't think so, but an EPO was issued anyway for up to 90 days. Then the only recourse the person had was to ask for a review by filing an affidavit opposing it into the Supreme Court, because the Supreme Court has to automatically undertake a review of emergency protection orders within a prescribed period of time. But guess what? It happened right at Christmas time. We have Donnie Days, we have vacations, we have...Like it's the middle of January before you can get it into the Supreme Court. So the person's already out in Christmas, one of the coldest months of the year, out on the street with no place to live. He's got to go begging friends to let him sleep on their couch. So if EPOs can be abused, my God, I'd hate to see what's going to happen if this thing passes.

Let's look at the statute itself. The reason why I brought my little prop here, here's a Criminal Code here. I spent 22 years enforcing all the statutes in this book. That was my tool. This was my bible. If you look at the definition section, there's a definition of specified use meaning in relation to property, the use of property for the use, consumption, sale, supply or manufacture of liquor as defined by the Liquor Act. Well, the Liquor Act already deals with bootleggers. Why aren't the police using the existing provisions of the Liquor Act to go after bootleggers? I did many undercover operations buying bootlegged liquor from bootleggers. I spent three years of my life working undercover buying illicit substances from people who weren't licensed to traffic in those kinds of substances including liquor, and we used the Liquor Act. So now you've got a duplicate piece of legislation, this SCAN legislation, for going after bootleggers. Well, the act already exists! Use it!

Section B, intoxicating substances: That's defined as, if you look at the legislation, intoxicating substances means glues, adhesives, cements, cleaning solvents, thinning agents, turpentine. Well, none of those substances are included in the Controlled Drugs and Substances Act in any of the schedules of the old Food and Drugs Act; those are not illegal substances. Quite frankly, where is the statistical support to show that selling glue in the Northwest Territories is a serious problem; or solvents? That's a public health issue, not one for quasi criminal offences like this stuff.

Subsection C, the growth and production and use of controlled substances: Well, the Controlled Drugs and Substances Act already prohibits possession of barbiturates for the purpose of trafficking; the prohibition of possession of amphetamines for the purpose of trafficking; possession of marijuana; growing marijuana. It already exists. Child sexual abuse: Well, the Family Services Act deals with that. Prostitution: If I want

to pay somebody for sex in my own home, I can do that; it's not against the law. Prostitution becomes a criminal offence when people are standing on the street with their skirts up or their pant legs cut off for the guys, or whatever the case may be. That's solicitation and using public streets for an illegal purpose, which is prostitution. I can pay whoever I want for sex in my own home. It's not illegal; it's not a criminal offence.

The commission and promotion of criminal organization offences: Well, the Criminal Code already has that. I mean this book is filled with this stuff. Accommodation aid of criminal organizations; same thing. Illegal gaming activities; same thing. It's illegal. It's not illegal to sit around and play poker for money. Does anybody here know when it becomes a criminal offence? It's when the owner starts hiving off some of the money in the jackpot; that's what makes it an illegal gaming offence. If we all wanted to break out and play poker right now and throw money around, fine. Just don't let the Premier take a skim off a bunch of the money; it's illegal. Then it becomes an illegal gaming offence.

CHAIRMAN (Mr. Yakeleya): Mr. Enge.

MR. ENGE: Yes.

CHAIRMAN (Mr. Yakeleya): We have three other presenters and we've had just about an hour with your presentation. I know Mr. MacDonald is here and we have Cathie. I don't have my glasses on. Then we have Telmo here too. We're scheduled to be here until nine o'clock and then again back tomorrow morning, so I would ask you to draw your conclusions in the next three or four minutes. You brought up some very, very, very interesting points and if we had some written...We're here tomorrow morning, so again it's up to the...I know that with the other presenters that made some time to be here tonight to speak, so I welcome them back tomorrow but I know that they had...

MR. ENGE: Okay. I'll be at the Black Knight if you want to talk to me some more.

---Laughter

CHAIRMAN (Mr. Yakeleya): Yes. You can come back tomorrow. I mean, this was very interesting; very interesting points that you made and you bring some good talk to this legislation. This is government legislation and we are doing a public hearing on it. Some very good points that you brought out and...

MR. ENGE: Okay. I'll step aside. I'll defer to the more intelligent and articulate.

---Laughter

CHAIRMAN (Mr. Yakeleya): Mr. Braden.

MR. BRADEN: Thank you. Begging the forbearance of the other witnesses here, I know the answer could be really long and...

---Laugher

...very, very useful to us, but given the concept behind this bill and the perceived need for some other way for communities to have some control over what's going on, can the bill that's before us be fixed, can it be amended so that it could be acceptable, you know, to cover some of the concerns that you've raised? Or is it a non-starter and we should not spend any more time with it?

MR. ENGE: It could be fixed. Oh, sorry, Mr. Chairman.

CHAIRMAN (Mr. Yakeleya): Thank you, Mr. Braden. Mr. Enge.

MR. ENGE: It could be fixed if you do away with everything except fortified houses. If you make this a piece of legislation that dealt with fortified houses, there would be no problem with it because that is a safety issue within the community; if you've got people fortifying houses with steel walls and doors and things like that and preventing people from getting in and out and having sliding doors. I've been to those places where they stick their hand out and they drop you a little pack of crack cocaine and they slide the door shut after they've got their money and you know, you put your money in first and then you get the little baggy, right. That's a public safety issue but the rest of this stuff, this is all watering down the Criminal Code, the jurisdiction of the federal government, with respect to the Criminal Code. You're just reducing the ability for people to be charged with quasi criminal offences using rumours, gossip, innuendo, defamation and slander. Okay.

CHAIRMAN (Mr. Yakeleya): Mahsi cho there, Mr. Enge. Thank you, committee members. Now I have Mr. MacDonald here to speak, as a citizen. You're speaking as a citizen, Mr. MacDonald?

MR. MACDONALD: I am.

CHAIRMAN (Mr. Yakeleya): Okay. Thank you, Mr. MacDonald. The committee is yours. Thank you.

Presentation By Mr. Ben MacDonald

MR. MACDONALD: Thank you. For people who...they may normally associate me with Alternatives North when I make presentations to committees, but we've not had an opportunity to discuss this issue to the point, I guess, of anything concrete to present, so I'm doing it as an individual. There's a possibility -- I don't know what time frame may be available --but Alternatives North may still try to get something into you going into the future. That being said, I am speaking as an individual tonight.

I'd like to start by saying that the SCAN Act, I'm speaking about Bill 7 obviously, and I have concerns very similar to the previous speaker. It seems like the act is sort of designed as good politics but I don't think it's necessarily designed as good social policy

or as good social development policy or any of those other areas. It seems to me that it's something that's relatively superficial and it's focusing on easy answers to difficult problems. I think that the government would be better served, instead of spending money on hiring inspectors and directors and opening offices for them and paying for their travel, to spend those resources on programs that actually assist people to deal with the issues that they face.

I tried to do some research on the background and on the success and on some of the purposes, possibly, for SCAN legislation, and in doing that I came across a document produced by the Canadian Council on Social Development and they said one of the few measurable activities that a government could undertake to actually prevent crime was to provide support to single mothers. That, it seems to me, is an area that we should be looking at rather than doing something as difficult, as ineffective, as politically sensitive and potentially legally sensitive as the SCAN Act. We should be looking at more social development programs and spending our resources, our hard-earned and short cash on those sorts of areas.

For hundreds of years now the police and the courts and the jails have tried to deal with issues like drugs, prostitution, and other issues like that and they've been uniformly unsuccessful about doing it; ineffective at doing it, I should say. I think that part of that becomes unsuccessful as well. Not only that, I think the problem is becoming worse. It seems that it could just be that there's more media coverage of it or more expressions of concern, but it does seem that we're not winning the battle on drugs and that's for sure. Putting good money after bad, it seems to me, is what this act is potentially doing and we may want to reassess that before we spend money in that area.

As part of Alternatives North, the B.C. Civil Liberties Association has been consulting with northern groups; they've got concerns. I don't know, but there's a possibility that you've already received the letter. Okay. I don't know that I've actually seen a final draft of it, but I'm not going to...All these civil liberties type issues that Mr. Enge was addressing, and that I think are issues that need to be addressed, are better handled in that brief and all I'll do is say that I support that in the draft and after I see the final version of it maybe I'll follow up, but I can't imagine that I'll have anything further to say on that. It's a very good and, I think, perceptive critique of some of the problems that are in the legislation.

As I said, I think that we need to get onto a different course in dealing with some of these issues. More enforcement has not worked and it's not likely that it is going to work. Examples in the United States while I, once again, trying to do research on this, they have programs down there called Drug Abatement and Seizure Programs, and under those legislations in some of the States they can actually seize a house permanently. They can, you know, kick the person out and say your house becomes state property. But the evaluation of the act is that the situation has not changed. You can still buy drugs, there are still drug houses, and the situation is exactly the same. So it doesn't matter how much you increase the penalty.

When you think of Singapore, I think it is in Singapore, there's capital punishment for drug usage and it's not as if there's no drug problem there. It's just the price is higher; the associated crime that goes with that is higher. Looking to more stringent, more draconian laws to deal with these sorts of issues it's not likely to be successful.
Mr. Enge raised the point as well and a big concern that I have is that there is potentially some of these houses are going to be occupied by families. There's going to be potentially innocent people, certainly kids, spouses, who may not have anything to do, or not have any control, authority or power to deal with that situation. But if the house is closed down, if the landlord harasses them into departure or if there's a court order kicking them out, it's still kids on the street. It doesn't matter if their father or their mother was selling drugs, it's still a problem that we don't need in the Northwest Territories.

Final point, I think it's a final point, it may not be the final point, but another point that I'd like to make is that a difficulty with the SCAN legislation that I see is that it doesn't actually correct the problem but just moves it to somewhere else. There are neighbours who get organized or get concerned can draw attention to a house, it doesn't end any of those activities, all it does is end the activities in that location. I think if we think how that's going to work out, there's a subculture related to drugs, prostitution, gambling, all that sort of stuff, so when the house closes in the one location, opens in another one, the SCAN reps and the police are going to be the last ones to find out about it. The drug users, the gamblers, they're going to find out about it relatively quickly where the new facility is and the neighbours are going to be next on the list potentially. And the last people to find out about it are going to be SCAN. I mean, all it's doing is shuffling a problem from one location to another. At best, I think, creating an inconvenience for the people who are operating those places. A concern that I have about that is a fear that I have that people with higher education, with higher incomes, are more politically organized and they know the means by which they can become politically organized and I fear that the result of this is going to be if there are any of these inappropriate uses in houses in the wealthier neighbourhoods, they're going to eventually be shifted into the poorer neighbourhoods. I think that's almost an inevitability; the rich people and the people who are better educated are going to be better able to take advantage of this law and they're going to feel more comfortable going to the police, etcetera. So the outcome of this is going to be that we're going to have all these in the poorer sections of communities. I realize that the communities that we are dealing with here are relatively small, but I still think that that's an issue.

I said a couple of times that I've made a fairly serious effort to try to find out about, to do Internet research about the SCAN, and I really was unable to find any proof whatsoever that SCAN has been examined. I mean, whether it's effective or not. I mean, you're able to see anecdotal evidence from politicians or from police people or possibly from community leaders, but there's no evidence out there whatsoever that I could find anyway that SCAN works. So why are we spending hundreds of thousands of dollars on something like this is rife with problems on one hand and there's no evidence that it works? It is in operation in other jurisdictions in Canada and as far I can see, no one

has proven that it's done a successful job at the purpose behind the legislation. So my main recommendation is I think that the legislation should be shelved.

I heard Mr. Enge's point about the fortified houses and that was not something that I had heard about before and that's, I mean, that is something that, I mean it's obvious that that is a threat to the neighbourhood because they're fortifying for a reason. So I can see that that might be a problem and if it does go in that direction that would be good, but generally speaking I don't think this legislation offers anything new or anything that is likely to be successful and it should just be abandoned.

Just sort of tongue in cheek I heard it suggested that the name of the legislation should be changed, if it does go forward, to the safer communities and municipalities and if you think what the acronym for that would be, it would be a SCAM rather than SCAN, and I think that that really is my feeling on this legislation; it's political window dressing that is not likely to result in all the good things that we would all, in our communities, like to have done. That concludes my presentation.

CHAIRMAN (Mr. Yakeleya): Thank you, Mr. MacDonald. I'll ask the committee members if they have questions to you for clarification or just any comments to you. Mr. MacDonald, I thank you for your time; you've brought up some very good points. Thank you, Mr. MacDonald. Thank you, committee members. We have Ms. Cathie Harper.

Presentation By Yellowknife Condominium Corporation

MS. HARPER: (Microphone turned off)... as myself but I am the president of YK Condo Corp No. 6. We, as the board, did not get a chance to fully review the act to come up with a consensus, but I did review it myself and, in general, I think it's a very good act and is a much more improvement on the previous one.

There's just a few areas where I'm confused and I think there's a bit of maybe some clarification issues that need to be straightened out a bit. The first part is the way the act reads right now in the declaration if you want to change anything in there, you have to have 100 percent of the owners to agree to the change before you can do it. The proposed change is that it's going to be 80 percent of the owners or such percentage as may be specified in, they've got, declaration. So if you currently have required in your declaration 100 percent ownership, agreement of the owners before you can make any changes, how are existing condos...It's going to be very difficult for existing condominiums to get that changed to go down to 80 percent.

There was another couple spots that I found on pages 18, 32 and 36, were talking about the developer owning certain percentages of the common elements and I'm not really quite certain what is being meant by that. Within a condominium corporation there are common elements and there are units that individual owners own and within the common elements that there can also be exclusive use areas, shared areas and whatever, but I'm not really quite certain how the developer really ever owns any of these. Perhaps maybe it's meaning to refer that when the condominium is being set up

the developer owns 100 percent of the whole complex and as individual owners make purchases, they then own their percentage of the common elements, but I'm not quite certain what that is meant there. Then again, what's coming up when the condominium is first being registered it must include a declaration, a plan and some bylaws executed by the developer and are in agreement by everybody who's got any income that's involved. So that existing owners or owners that have purchased properties don't actually ever get any say in the development of the first set of bylaws, which are then put in with the declaration. That's how I'm interpreting it; I may be incorrect

The main sort of thing is that I find that I'm not finding anywhere in this new act is when I first moved to Yellowknife 11 years ago, I bought a condominium because I thought I might just be here for two years. It was either the unit which the developer told me got to the point in time where the condominium could be registered or they reached it just before me, which was I think somewhere in the neighbourhood of about 67 percent, or three-quarters; I'm not quite certain exactly what it was. No matter what I was, my number fit in that category. But I'm not sort of seeing anywhere...That's what the developer told me is that they had to have sold 67 percent -- I'm going to use that number -- of the units before the condominium plan could be registered, before the condo could be registered as a corporation. But I'm not seeing that anywhere anymore, and then when I was into the condominium complex that was being built with a friend who was looking at buying one of the units, the sales representative of the developer, when I asked when will the condominium become registered, oh, as soon as people buy the units. At that point in time there were maybe 20 percent of the units sold. So I think there is one thing that's really missing in the act right now, is something that says at what point in time you have enough units in the condominium complex be sold so that the complex can be registered. I don't know if it's the time the first unit gets sold, the last unit gets sold or somewhere in between, or perhaps maybe to be fair to owners that have purchased, within a year of first unit occupancy; something like that. But those were my only concerns and, Gail, I'll get a better copy of this to you. Overall, I found the act to be very much an improvement on the previous one and for a piece of legislation, relatively plain English.

---Laughter

CHAIRMAN (Mr. Yakeleya): Thank you, Cathie. Thank you, Ms. Harper. There are some good points you raise. Mr. Braden.

MR. BRADEN: Thank you for coming in and giving us your comments, Ms. Harper. I see our crack team of condo corporation experts...

---Laughter

...is madly rummaging to see if we can give you some explanations. Normally, or technically, it's not committee's job to respond or explain. I know the Department of Justice, on request, I'm sure, would be happy to give you the full chapter and verse of where they're coming from. Although I have recollection of just about everything, I think

everything you raised to us, you know, you can get a satisfactory answer for. Well, you can get an answer for and I would hope it's satisfactory. I guess I just wanted to see, was your condo corporation contacted? Did you have the opportunity to participate in the research kind of thing, Mr. Chairman?

CHAIRMAN (Mr. Yakeleya): Thank you, Mr. Braden. Ms. Harper.

MS. HARPER: We did. We did hear about the opportunity to make presentation and we did make a presentation. Unfortunately the timing was such it was right over Christmastime. We did make a presentation. The previous president did make a presentation to the public consultation situation. I'm not 100 percent certain, because I did have that concern about at what point in time does the new condominium complex get registered. I didn't see that in the consultation paper, in answer to that, and I don't know whether we actually queried that in the final notes that went back from our complex at the time.

CHAIRMAN (Mr. Yakeleya): Thank you, Ms. Harper. Mr. Braden.

MR. BRADEN: Okay. Thank you. I just wanted to make sure that your group did at least have the opportunity and you did participate to some extent.

MS. HARPER: I have to make one other point that at the time when they had the general public consultation meetings, it was phenomenally short notice. It was a matter of two or three days notice; oh, by the way, two days that's going to be it, and there was absolutely nobody on our board at that time who was free that evening to come and hear the comments at all.

CHAIRMAN (Mr. Yakeleya): Thank you, Ms. Harper. Thank you, committee members. Research staff, any...Robert.

MR. COLLINSON: Well, I mean, without the specific sections that we are talking about, it's a bit hard just off the top of my head. If I recall correctly, you're looking at I think 20 percent of the condos have to be sold before the developer has to give representation on the board and then it keeps ramping up from then. There's a requirement after 80 percent or so that the annual general meeting be held within 45 days then the onus of power transfers to the owners, the balance of power from the developer.

MS. HARPER: (Microphone turned off)...common element thing that I was referring to.

CHAIRMAN (Mr. Yakeleya): Ms. Harper, if you want to come to the table again for recording purposes. Everything's being recorded and documents. We have you engaging in a discussion. Ms. Harper.

MS. HARPER: I have to admit, I was wondering if that common element point that I had confusion with did refer to that, but it's not very clear. I would think that most people would not truly find that that explains exactly when the process moves forward.

The wording in the two sections says, I think, the developer owns less than 80 percent of the common elements and the other option, I think, was the developer owns less than 50 percent of the common elements. That was the wording that's in there with those numbers.

MR. COLLINSON: (Microphone turned off)...the whole property that's units and everything so they may still own the units, they may still own 50 percent of the units -- they have certain requirements they have to meet -- and 80 percent, when they don't own 80 percent then they have other requirements they have to meet.

MS. HARPER: But I have to admit the common elements, according to the definition of the act, and to some extent which is elements that are shared in common by all owners, and the reference in the particular sections of the act seem to be contradictory in the different use of the word. As I said, I pretty much know for myself where those areas were and I don't envy anybody trying to read my handwriting, so I will type it up and get it to Gail.

CHAIRMAN (Mr. Yakeleya): That would be much appreciated, Ms. Harper. Thank you, staff. Members, we have our last presenter, Telmo Dos Santos.

Presentation By Mr. Telmo Dos Santos

MR. DOS SANTOS: Hello everyone. Thank you very much for allowing me to be here this evening to voice some concerns, I guess, about the proposed SCAN legislation. Just by way of introduction, my name is Telmo Dos Santos and I live here in Yellowknife. I've lived here for about three years now. I work with the First Nation chiefs on various initiatives and issues and mostly I do advocacy work at the grassroots level. I try to help the chiefs and the Dene people in whatever way I can and a lot of that involves research, staying on top of policy development, the news, things like that. I'm proud to say that much of my work has brought me into some of the smallest and perhaps neglected northern communities and it's been a really wonderful experience and I'm very thankful for this.

When I heard about this legislation in December, I really knew I had to do something about it. I was one of the individuals who made a written submission to the Department of Justice of the NWT and I also copied my submission to the NWT MLAs and to the Human Rights Commission, NWT Human Rights Commission, and I also submitted a copy of the document to the B.C. Civil Liberties Association because I was aware that they had raised some concerns about similar legislation in the Yukon. So I communicate with Mr. Murray Mullard (sic) via e-mail and I understand you've received a letter from that organization as well. As I've said, I submitted this document on my own. No one asked me to submit it; it was just out of my own concern as a citizen and as someone who cares deeply about First Nations rights and tries to advocate for First Nations in whatever way I can. Because that document I submitted is so detailed, I don't think it would be very useful at this juncture to really to into detailed arguments about why I have concerns with the proposed legislation. The concerns that I have are

outlined as clearly as I can make them in the document that I submitted. You also have the letter which I referred to earlier, so I don't think it's necessary or even useful to rehash those detailed arguments. But perhaps I can make a different kind of argument which may convince you in a different way that this legislation is not a good idea. I don't know if it's the worst piece of legislation ever but I do think it's pretty bad; I do think there are some serious concerns with it.

What I want to do for a moment, maybe, is just take you a little bit far away from Yellowknife and even from the Northwest Territories and actually the place I'm thinking about is a place in China. Recently there was a picture circulating on the Internet of a house in China, and I don't know if you've seen this picture but what had happened was a developer had moved into an old-fashioned community and they wanted to build a very large development; I think it was a mall. They managed to convince practically everyone to move out of the area except for one house and it came to be known as the nail house because these people refused to move, and what happened was the developer excavated everywhere around the house so what you saw in this picture that circulated on the Internet was a house and then three stories down, just like a hole, you know what I mean, all around it. It was really amazing to see it because they couldn't reach an agreement. The owners of the house, I think it was a martial arts expert, some stubborn old man and his wife and they just refused to move even though they had to, you know, they were facing climbing up this huge embankment to get to their house. It was really amazing. I think that image that was circulated stood out in people's minds because it was a symbol of an individual's struggle against the state, or oppression, or whatever way you want to characterize it. It certainly is true that the kung fu master or whatever he was, he deserves to be congratulated for his perseverance and for his courage. But there is another hidden side to this story that's very interesting also, and that's that five years ago these people would have been forcibly removed from their house and the house would have been demolished. The reason why the house was able to stand is because China just recently enacted legislation which gives tenants property rights.

So what you see is in nations or states where sometimes characterize has having human rights violations, you see kind of progress happening. You see the state enacting legislation which prevents forced evictions and which protects tenancy rights. Travel a couple thousand kilometres away here to the Northwest Territories and really we're supposed to be ahead of the game. I mean, we've had legislation since 1982 that gives people certain constitutionally entrenched rights under a Charter that was passed in 1982. That was with the former Prime Minister, Premier Elliot Trudeau, and it was signed by Her Majesty The Queen and it's constitutionally entrenched and that's supposed to be a supreme law of Canada. So this year we're celebrating the 25th anniversary of the Charter and it seems like we're celebrating it by going backwards instead of forwards. So I really think that this is not the right way to go ahead.

Other nations are moving forward to protect tenancy and property rights, and it seems we're eroding the rights that we already have constitutionally entrenched. I use this as an example, it just to try to bring a kind of different level of awareness to this issue.

Here in Canada we're supposed to be at the vanguard of human rights and civil liberties. One of our Supreme Court justices...(inaudible)...sits on the International Human Rights Commission.

I do agree with a lot of the points that have been raised previously. My main concern is I think this legislation is counterproductive. It's actually going to contribute to the social problems that it's trying to address.

Some people in the communities...There is a lot of fear, there is a lot of feeling of internalized oppression, and I think the people being afraid that they're going to be forced to move and not having a place to go, I think it's going to tear families apart, I think it's going to cause a lot of internal division in the communities, I think it's going to result in more of the same problems that this legislation is trying to solve. Really, at the end of the day, it's not a question of whether this, as a potential solution, is this really the best way to go forward. Maybe there's better uses of $1 million per year or however many hundreds of thousands this legislation is going to cost. We've already heard some of those potential uses for money and I can maybe provide my own opinions of how this money could be better employed.

Really, you have to focus on the youth. Some communities don't have youth shelters. Youth who don't have safe places to go, they're going to turn to drugs and crime and violence. One of the communities I spend a lot of time in is Fort Good Hope. That community happens to have a small youth shelter; it's the old fire hall, but really it's a very pitiful youth shelter compared to the one here in Yellowknife, which I also am a board member of the SideDoor shelter here. You really have to focus on the youth, and you could use a million dollars to build a couple of youth shelters, to really beef up the ones you have in existence.

Also the Community Justice Program, there's only $20,000 per community that's given. That could be beefed up quite a bit, too. You know, $20,000 doesn't even pay for half a salary, so, really, what are the communities supposed to do with that money?

The third thing maybe that the community could be better employed is you have to put programs in the jails to rehabilitate people, to give them options when they come out, because you're going to see repeat offenders and there's really a lack of programming in northern facilities compared to the South.

Those are just some better options, in my humble view, for your consideration as a committee. I do recognize that the problems in the communities are real, in terms of alcohol and drugs, and it probably won't get better in the short term; they're probably going to get worse. Things like crystal meth will probably gravitate to the North as well. But there is no quick solution to these serious problems. They've taken a long time to come about and they're going to take a long time to be resolved and there probably isn't a magic bullet resolution.

So I didn't come to talk so much about Kung Fu masters for a reason. I really do think there is a serious problem here. Maybe this legislation could be amended slightly to be improved, but at a certain point when you water down the legislation, you have to start asking is it really worth it considering what it's going to result in and the potential liability as well. I do think that if it ever happens that this legislation is tried in terms of its constitutional validity, I think a federal court will say, look, there already is a criminal law and it's under federal jurisdiction. If people are doing illegal things in their homes, you call the police. That's what they're there for. If they're not doing anything illegal, you don't call them and people can do whatever they want in their homes. When you start kind of mixing the two things and fudging the line between intervention on a police level and intervention on a different level, I think you're on the top end of a very slippery slope that people aren't really sure where it's going to end.

There's a consultation document that the GNWT has put out that has sort of responded to some of the questions that the public had. They answered some of the questions that I had, but they didn't really answer all the questions that I had posed. Maybe I had asked too many questions, but there are a lot of questions.

One thing I really don't understand is how are they going to measure success with this legislation. Is it going to be how many people we evict? If that's how you measure success, they're going to have a really big interest in evicting people, but that doesn't seem to be a good way of measuring success. At the end of the day, you have to ask yourself is it going to reduce the criminal level in the community. People aren't going to leave their communities if they're evicted. They shouldn't have to leave their communities; that's where they're from. So you really have to wonder what does success mean. I asked that question and they didn't provide an answer. Maybe it's because they think there's a problem there. I'd like to know what they think success means.

The consultation document says that the government has conducted its own research about whether this proposed legislation infringes on Charter rights. I presume if they've conducted they're analysis, there's some kind of document out there. I'd love to see this document. I just don't see how they could do it, like how could they justify with the Charter. I guess I would invite the Minister of Justice to post this document online or make it available in any way. It's a public government, it should be a...Anyway, I'm curious to see that document if there is one that exists. Hopefully a lawyer wrote it. I don't know.

---Laughter

So, folks, I hope we move forward and not backwards. The SCAN legislation, in my humble view, it's regressive, it's probably unconstitutional, and I think it's profoundly disrespectful to the First Nations. The worst part about it is the people who will be most affected by it are the ones least able to mount a successful Charter challenge. People in the communities don't have the resources to hire a lawyer to pursue a Charter challenge, so it's double regressive.

Having said this, I'll end my presentation here. I could say more but I hope I've said enough. I hope I haven't bored you and I hope everyone accepts my humble suggestions as being made in good faith for the benefit of all northern residents and the benefit. Thank you very much. Mahsi.

DEPUTY CHAIRMAN (Mr. Yakeleya): Mahsi, Mr. Dos Santos. I have several committee members who want to ask you some questions or clarify some of the comments you've made. So Mr. Braden, followed by Mr. McLeod. Mr. Braden.

MR. BRADEN: Thank you very much for coming tonight. You bring a valuable perspective. To your point about having this document posted, indeed, it is. Since it was introduced in the Assembly almost a month ago to the day it is a public document. Of probably almost any bill that's been introduced in this Assembly, this one has had more public discussion and information circulated officially by the department prior to its being tabled than just about any other piece of legislation. So it's unusual in the amount of public exposure it has already had. I wish others bills got the same amount of exposure that this one did. So be assured that it is available, in English and French.

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you, Mr. Braden. Mr. Dos Santos.

MR. DOS SANTOS: I'd like to clarify. I'm aware that the legislation was posted publicly and I recognize, also, there's been quite a level of public consultation, but what I was referring to the government analysis regarding whether the proposed legislation is constitutional. There's a new document, which is a report, on the public consultation that states that the government has conducted an analysis of whether the proposed legislation infringes on Charter rights. So what I'm wondering is if that analysis is a document, because it seems it has to be a document, right? So I would like to see that analysis, because I just don't see how it could be justified.

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you. I'll have Mr. Collinson answer, or partially answer.

MR. COLLINSON: Whenever the Department of Justice has a legal opinion prepared for them, they do not share it with the public, they don't share it with us. We have seen summaries of them in the past on certain issues, but we don't get the actual opinions and it's just not practice and it won't happen.

---Interjection

MR. COLLINSON: We wish we did. We're in the same boat, but lawyer confidentiality and all that stuff covers it also and that's the problem there.

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you, Robert. Mr. Braden.

MR. BRADEN: Thank you, Mr. Chairman. A point that I would like to explore a bit more with Mr. Dos Santos is a report just at his closing, that he finds this piece of this

proposed legislation profoundly disrespectful to aboriginal people, and I'm wondering if he could sort of round that out a bit more on what aspects of it are particularly offensive to aboriginal culture. I'd like some specifics or some of the reasoning for that remark, Mr. Chairman. Thank you.

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you, Mr. Braden. Mr. Dos Santos.

MR. DOS SANTOS: First I'll make a comment about the document or the opinion not being shared publicly. It's unfortunate that that doesn't happen. There's certainly a contentious issue about whether this legislation infringes on Charter rights. I understand the NWT Department of Justice has stated that it doesn't -- they won't share that information -- but you have a letter from the B.C. Civil Liberties Association that's got four or five Queen's Council lawyers there that says it does. So there is a bit of conflict there. You know, you don't have to take my word for it but...

In regards to how this legislation is disrespectful to aboriginal people, of course I'm not aboriginal so I can't presume to speak for aboriginal people, but I do think they will be disproportionately affected by this legislation and that's how I think it's problematic. I think that if it happens in the communities, the communities are mostly aboriginal and I think that they're the ones with the lease resources to hire a lawyer to challenge this legislation. So I think it's problematic. The Minister's statement, Minister of Justice's statement, in the consultation document which stated that he'd chase these people out of the communities throughout the Northwest Territories, I think that's profoundly disrespectful as well. If it impacts First Nations people disproportionately, then it's disrespectful. Because they're in a position that's maybe not as good to challenge legislation as people with more resources, I think it's more problematic as well.

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you, Mr. Dos Santos. Mr. Braden, thank you very much. Mr. McLeod.

MR. MCLEOD: Thank you, Mr. Chair. I found that last exchange quite interesting, but going back to your comment, you didn't bore us at all with the comments that you made. This is one of the reasons that I look forward so much to bringing this bill out to the public, is to hear opinions from people life yourself and I think Mr. MacDonald back there had the same kind of opinion. From what I've been hearing just in Yellowknife, there doesn't really seem to be much support so far from the public.

As far as your comments about the aboriginal people, we will be going into aboriginal communities. I am aboriginal. We'll go into the aboriginal communities and we will hear what they think of the bill. They will look at it. If they find it disrespectful, they will let us know. So this is really the reason that I'm so glad we're taking this bill out on the road, is to get the opinions of all the different groups out there. If this is any indication, just our first day of hearings here in Yellowknife, I mean it seems like there's not much support for the bill so far. I'm sure we're going to five communities and we will get the opinions of five different communities.

This is a bill, like Bill said, that seems to be getting a lot of public exposure. The department went around and did their consultation. They came back and their consultation said there were some people for it, some people against, but that was the department themselves doing hearings. This is different; this is the Social Programs committee going out there and listening to what people have to say. I said earlier today that I will listen to what everybody has to say and that will go a long way into deciding, or helping me decide, whether I endorse this bill or not. If I have 99 percent of the people saying they don't like the bill, then why should I support it? But if I've got a good portion of them saying that they like the bill, then it's something that I would consider supporting. We all support the principle of the bill, which is to try and help neighbourhoods try and get rid of crack dealers and bootleggers and all that other stuff. But your comments and the comments of Mr. MacDonald and the lady from the Human Rights Commission is exactly the reason that I look forward so much in getting this thing on the road and hearing what the public has to say, and your comment didn't bore us at all. Thank you, Mr. Chairman. That was just an opinion; there were no questions there.

DEPUTY CHAIRMAN (Mr. Yakeleya): Okay. Well spoken, Mr. McLeod. None of the members that come before this committee comments bore us. We take it very seriously. It's very interesting because it's good to hear from the public as to things that will have impact on the people that you represent, or even yourself as a citizen of the Northwest Territories. It's very important that you say what you have to say to us, because we have access to the Ministers at these types of functions on bills like that. So I certainly appreciate all the people coming here and saying what they have to say to us. That way we can know what we have to think about, the questions you have posed to us. We have to give it some serious thought and listen to you because we are going to have some discussions again with the Minister, and we will take your concerns and thoughts to these types of issues. Mr. McLeod spoke well, too, in terms of the type of support that we're looking for and the questions, because it's very important.

Mr. Dos Santos, I don't think I have any others, unless anybody else wants to speak. Oh, Mr. Lafferty.

MR. LAFFERTY: I was just going to say we will be, again, going to the communities and we all have our own opinions on this particular bill, but it's great to hear from the public here in Yellowknife. Going out to the aboriginal communities we may or may not hear a different perspective in the communities, because, as you know, there are some communities that don't have police detachments. So that's a struggle we're going to face in the communities, but, at the same time, we have to listen to everybody. So the more ammunition we receive from the public, the better it is for us to argue with the Minister even downstairs. So that's part of the reason why we're doing the tour, listening to various parties. I'm glad everybody is sharing tonight, tomorrow and next week. Then we'll decide from there as a committee sitting around the table there.

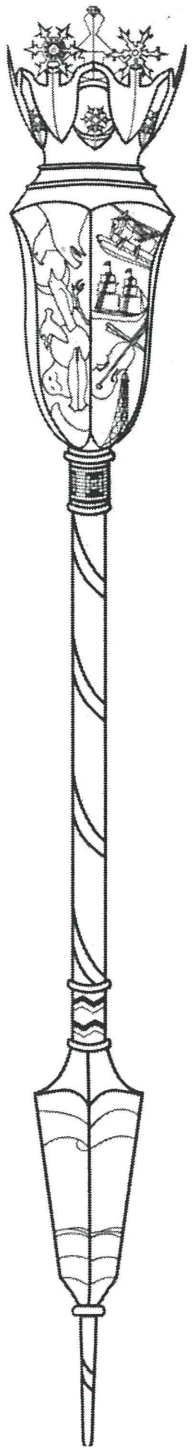
Again, thank you for presenting to us, those who are here and those who presented to us earlier. Mahsi.

DEPUTY CHAIRMAN (Mr. Yakeleya): Mahsi, Mr. Lafferty. Thank you very much, Mr. Dos Santos.

MR. DOS SANTOS: Thank you very much.

DEPUTY CHAIRMAN (Mr. Yakeleya): Thank you, committee members. We will close our committee hearing. Tomorrow morning we're back here at 9:30 with other speakers making a presentation to the Social Programs committee. So, Members, 9:30 in the morning sharp. Wheels up at 9:30; we're going to take off. Have a good evening Members, staff members.

---ADJOURNMENT



Northwest Territories Legislative Assembly

Standing Committee on Social Programs

Public Review of
Bill 7, Safer Communities and Neighbourhoods Act

April 20, 2007

Chair: Ms. Sandy Lee, MLA

STANDING COMMITTEE ON SOCIAL PROGRAMS

Chair

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Mr. Bill Braden, MLA, Great Slave
Mr. Jackson Lafferty, MLA, Monfwi
Mr. Robert McLeod, MLA, Inuvik Twin Lakes
Mr. Calvin Pokiak, MLA, Nunakput

Witnesses

Ms. Lydia Bardak, John Howard Society
Ms. Shelagh Montgomery, Private Citizen
Mr. Brad Enge, Practising Lawyer

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Ms. Gail Bennett, Operations Assistant Clerk
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Mr. Robert Collinson, Senior Research Analyst
Ms. Regina Pfeifer, Research Analyst

STANDING COMMITTEE ON SOCIAL PROGRAMS
Public Review of Bill 7, Safer Communities and Neighbourhoods Act
April 20, 2007
Committee Room 'A'
9:40 a.m.

CHAIRPERSON (Ms. Lee): Good morning, everyone. Good to see you all again. It's Friday. We're in day two of our public hearings. We will just proceed right into presentations because this is a continuation of our public hearings that began yesterday. The first one we have on the list is Ms. Lydia Bardak. So, Ms. Bardak, if you could come forward and identify yourself for the record and then make your presentation. I guess just for the record we should state that we have Mr. McLeod, Mr. Yakeleya, Mr. Pokiak and Mr. Braden with us. I believe Mr. Lafferty will be joining us shortly. We have Mr. Boyd, Mr. Collinson, Ms. Bennett and Ms. Pfeifer and I'm Sandy Lee, I'm here too. So, Ms. Bardak.

Presentation By John Howard Society

MS. BARDAK: Thank you and good morning. By way of introduction I think primarily I'm here through my work at the John Howard Society of the Northwest Territories, but as the Yellowknife Homelessness Coalition co-chair, I have some concerns. Some residents of Yellowknife have even approached me as a city councillor. So I think I might be wearing all of my hats today.

Regarding the safer communities and neighbourhoods legislation, I'll try and keep my comments fairly brief, and I'm sorry that I didn't get to hear the comments of others last night, I had a homelessness commitment last night. I think to start, my initial impression is how very naïve it is of us to think that stomping bootleggers and drug dealers will stop substance abuse. Bootleggers and drug dealers are in our communities because liquor and drugs are prohibited in those communities, so the bootleggers and the drug dealers step up the plate to fill a need. If you take them out of the picture you can just watch how much home brewing and grow operations will increase in popularity because people will still find ways to access substances. I'm thinking particularly of inmates at North Slave Correctional Centre where the restrictions are very tight and they do make brew in the correctional facility and they manage to use marijuana on a fairly regular basis.

If we look back a while ago, soon after the RCMP gunship operation, we all witnessed the drug activity in Yellowknife decrease immediately after that, but in the 18 months that have passed since that time drug activity has returned to the levels that it was before the gunship phase. So you can remove all the drug dealers and the bootleggers you want, but the only way to stop them is to stop their market. By this I mean that we can stop bootleggers and drug dealers only when people stop buying what they're selling. Every bootlegger and every drug dealer that you remove will be replaced by somebody else. So if this is an attempt to try and reduce substance abuse, it's not

going to cut it. Restrictions don't work, prohibition doesn't work. The reasons that people turn to illegal substances or substance abuse are very strong and very compelling. Not addressing those reasons is irresponsible.

I've reviewed the summary of the consultations that were held last winter and gathering your information from the ordinary public is fine. I mean as citizens of our communities, we all have input, but we have to make sure that those consultations are well informed and addictions and wellness workers across the Territories can tell you that in the North we have severe gaps in youth treatment, in drug treatment, in family treatment, and definitely in long-term aftercare and support. This government needs to match the nearly $1 million that would be spent on the safer communities and neighbourhoods legislation and the money that's being spent on enforcement needs to be matched by enhancing the treatment programs that are offered. The non-government sector that delivers treatment programs is highly effective, but terribly under resourced and unable to continue to address the needs of people. So by pushing enforcement alone we won't see a change in the behaviour of people in our communities.

If we look at those who come out of addictions treatment facilities, or out of the correctional facility, and maybe I'll speak more about the correctional facility, I watch guys everyday come out with all of the best intentions. They are truly determined to make a change in their life, but some of the characteristics that some of the guys doing time have in common is they're highly frustratable, they have very poor problem solving skills, they may have low education levels, and not very many employability skills. So they come out of corrections with a very good intention of turning their life around. So those who don't come out and immediately get high make a few applications for places to live, they'll put in the 10 or 12 job applications and a couple of days later when they haven't secured a job or a place to live they'll find somebody from their past who is probably running a drug or an alcohol house, or something like that, they'll go and get a room to rent or a place to stay in there and very soon fall into their same habits and same patterns of behaviour.

By not providing long-term aftercare and support to those coming out of treatment facilities or correctional facilities we can frown and shake our heads at the recidivism rates, but that's the only aftercare that exists going back into a correctional centre. I met one young man out on the street the other day; I didn't even know he was getting out of corrections. Four days out and he's totally intoxicated, and I asked him, I said what are you trying to go back to jail, he said well maybe because I miss it. I said what on earth could you possibly miss about the correctional centre, and he said food and clean clothes. Well what's stopping you from having food and clean clothes now, well I don't have a place to live. It's particularly difficult for those single guys.

A lot of the drug dealers and the bootleggers are supporting their own habit through the money that they're making. Small time drug dealers here in Yellowknife are selling so that they have a bit of money to feed their own habits. So by not having the aftercare and supports in place that are required, we will end up supplementing this nearly $1

million a year on enforcement by spending another I don't know how many millions of dollars to build a bigger correctional facility.

That's only one part of the whole solution that's needed. We can do a lot in enforcement, but if we're not doing the treatment and the prevention end of things as well, we'll be soon following the path of other jurisdictions where they need larger and larger correctional facilities. It's just not a cost-effective treatment program, it's not a cost-effective homelessness program, it's simply a place where you go because you've done something illegal, your behaviour is not acceptable to society. So that's the punishment side of it, but if we're not supplementing that with the treatment and the help and supports that people need, we'll have to build a bigger jail. That's just not acceptable.

Just before I leave it, and I'm only going to touch on this briefly because I suspect some of the others have or will, but I read in your notes about the ability of people to make an appeal if there's been false allegations, or if there's been collateral damage such as other family members being removed from a home that there is a method of appeal, but as far as I know legal aid does not cover any civil matters. So that means that the appeal process is not available to most people in the North. So it's not a real appeal process. It's written and it looks really nice in writing, but until and unless there's a means for people to access legal assistance for that, they will not be able to make any appeals.

The last one is that certainly here in Yellowknife, we're concerned that because of the shortage of housing in the communities if somebody is evicted from housing in a community there are no alternatives for them. So we can certainly expect them to arrive here in Yellowknife. I'm not sure then if that means spending still more money for more policing as those people are attracted to our community because I'm definitely convinced that this has the potential to increase homelessness and Yellowknife becomes very attractive for homeless people.

So those are my remarks. I don't know if there are any questions.

CHAIRPERSON (Ms. Lee): Thank you, Ms. Bardak. Any questions or comments on the presentation? You've left us speechless.

MS. BARDAK: That's not possible.

---Laughter

CHAIRPERSON (Ms. Lee): Mr. Braden.

MR. BRADEN: Thank you, Madam Chair. Thank you very much, Ms. Bardak. I know we should use this opportunity to engage. A number of other presenters have also

given us various perspectives on what are the weaknesses or the flaws in the bill and given us a lot to consider. The genesis of this is a deep frustration in communities and it's every community I've dealt with in similar situations with crack houses in my constituency here in Yellowknife and the frustration that the neighbourhood and the people living around there have in not being able to get something done soon or quickly to remove or diminish or package the threat that they perceive happening in their neighbourhood. I guess what can we do to enable communities and neighbourhoods to have more of a sense of control than they do now. This type of action here, and I think it's well understood, that this doesn't bring anything new to the table to bring people to account, to bring them into jail or have them punished any quicker than we already have. There's nothing on that. It's an exercise in either making the people move or stop their behaviour. That's all it's perceived to be.

Is there anything else that we could do to help communities and neighbourhoods deal with these problems because there are shortcomings in the enforcement and the court proceedings and this is what we're trying to do is overcome those shortcomings? Can this bill be amended or changed or fixed in such ways that it would be acceptable, or is it totally the wrong approach and is there anything else we could do? Madam Chair.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Braden. Before I recognize Ms. Bardak, I just want to put on record that Mr. Lafferty is with us and he joined us shortly after the presentation began. Ms. Bardak.

MS. BARDAK: Thank you. I don't know. Let's hold regular block parties. Everybody then will know each other. You know, I think one of the problems is there's too many strangers among us and if you think back to when any of us was growing up and everybody knew each other, it was much easier then for people to say what are you doing, we don't like your behaviour, whatever the case may be. I certainly remember all the friends and family members of my parents keeping their eyes on me all the time when I was a teenager, and it certainly limited the trouble I could get into. So I think that one of the problems is we're so much among strangers now, certainly in Yellowknife, maybe not so much in the communities, and so it goes back again to we have to look at why people are buying drugs, why are they using drugs, why are they using alcohol and address those issues. If we can stem it there, it cuts it off. I mean this is simple business. There's a market and somebody is going to come in and supply it. So we have to address that market.

In reading the notes from the consultation it appears that the committee may have heard quite a lot of people who are afraid of speaking up, they're afraid of the drug dealers. You know, I've had kids in my office who their parents have found drugs on them so they flush them and the kids are terrified that the dealers that they got them from and have to provide money to are going to be after them. So there is a significant level of fear out there, but why are 14 year-olds selling drugs? We have to go back to what's going on that leads to the behaviour in the first place.

So in terms of trying to address substance abuse or other illegal activities, we need a multifaceted approach that includes prevention, it includes treatment, and it includes enforcement. These are illegal activities and people do have to be stopped, but as soon as you stop one group there's another group in line waiting because you haven't dealt with the prevention or the treatment. So in terms of what are we going to do, we have to take this legislation out of a stovepipe. The departments of Health and Social Services, the Housing Corporation, Education, Culture and Employment all have to be part of the solution to make sure that while this is going forward, in whatever form it goes forward, that the treatment and prevention are also as aggressively being pursued. I think that we're certainly seeing, you know, the way that media reports information, we currently have a population who believe that crime is increasing, but statistically we know that it's not, it's going down. Crime is continuing to decrease, but because people hear it in the media, read it, they're constantly being faced with the stories much the same as, you know, a total sidebar here, but climate change. We're hearing about it everyday and are terrified that, you know, before the end of our lives, this planet won't be habitable. I don't know if that's true or not, but certainly the way that we're blasted constantly from the media with this maybe we need to be responsible and put the other messages out there in terms of what can be done and what is being done. Treatment and prevention are absolutely critical so that we don't end up with overburdened court systems that we have right now and a full correctional facility. We can't keep building bigger jails.

I was at a conference recently. Thirty years ago in this country we were incarcerating just under 100 people for every 100,000 in population. At that time the Americans were incarcerating 150 for 100,000. Today we're just over 100 per 100,000; the Americans are locking up 750 people per 100,000 people. Americans have a better chance of going to jail than college today. Enforcement isn't the solution, not in isolation. It's got to include the treatment and prevention, especially the long-term aftercare and supports that people need.

CHAIRPERSON (Ms. Lee): Thank you, Ms. Bardak. Mr. Braden.

MR. BRADEN: I'd certainly endorse the aftercare side of it. We know we've all seen it, it's not rocket science, like you say, when someone comes out of either jail or a treatment facility back into the same conditions that got them there in the first place, what are we doing? Our failure to deliver those aftercare services is a real frustration.

Ms. Bardak, you're on the city council here, to what degree can or should local governments or other levels of government take on some of this responsibility or ownership of the problem, if you will, and responsibility for helping to find a solution. Where and how, for instance, is the City of Yellowknife engaged in this issue? This is real frontline social politics, it's the social condition. When things are going on in a neighbourhood, how many calls have you gotten as a councillor when people are upset or disturbed with something that's going on in their neighbourhood? Are the departments here within the GNWT, are they ever in contact with you as another level

of government to say what can we do jointly about substance abuse, about this kind of behaviour? Madam Chair.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Braden. Ms. Bardak.

MS. BARDAK: As you know, the City of Yellowknife doesn't have particularly a social mandate. Municipal council is dogs, ditches and dumps. However, that being said, the city is in partnership with the RCMP locally. We have the Yellowknife area Police Advisory Committee. So on that committee, there's members of the community representing business, private interest, various neighbourhoods in the city and they meet on a regular basis and advise the police of the concerns that they have, that they hear from others. The police in turn report back on crime rates and reporting and so on. So that is one avenue that people have. The other is that, as you know, the Yellowknife city councillors and Yellowknife MLAs meet on a quarterly basis. So there's another time and a place where we can bring that to our agenda so that we can mutually work on solutions.

I don't even want to talk about the drug free zone. That has me greatly concerned because the city should be a drug free zone, as everybody knows that's what I believe, but certainly to use it as an educational opportunity for the students and for the kids to be thinking about what values do they have in their culture within the context of their school. So I think it's a great opportunity for those students to be looking at what drug use means and what illegal activities mean. Hopefully they'll survive their teenage years with improved knowledge and awareness of why they wouldn't want to engage in those kinds of activities.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Braden.

MR. BRADEN: Should the GNWT be reaching out and making more of a concerted effort, a structured effort to involve local governments with this problem and with a solution.

MS. BARDAK: Absolutely, absolutely working with the local communities because, you know, I keep hearing from the communities say we know who the bootleggers are. You're darn right you do, you're related to them. Of course you know who they are, this is your family. So involving the communities, absolutely because there are, at the community level, wellness workers, there's good strong role models. Part of the work that I do through John Howard is I coordinate the Yellowknife Community Justice Committee and that's another avenue that can be used in the communities to be able to work with. Now justice committees don't have a lot of funding. Community justice coordinators are part-time positions. So I know that just about all of the justice committee coordinators that I've met in the few years that I've been doing it are gone or are leaving. So the turnover rate is high and it's difficult to retain justice coordinators because it could easily become full-time work. The work of a justice coordinator is not only to deal with the matters that are referred by the courts or the RCMP, but there's a

significant amount of work that can be done in prevention and education through those committees. They can be engaging the community in workshops and forums to discuss how to stay strong and how to lead healthy lives and so on. So there certainly is a lot more work and you've got a part-time paid coordinator and then a team of volunteers, you can't get very much more cost-effective than that. I mean it really does mimic our model at the NGO sector in terms of not being highly expensive, but if we don't support the community justice committees to do their work, you know, right now there's some members of the RCMP seconded to GNWT to help train RCMP members in the use of justice committees. So they've got a goal to increase their referrals and increase the use of the justice committees. Three years ago our committee handled 13 cases. This year it's well over 60 for the same $20,000 for a coordinator. So you have to look at what's happening in the communities and if somebody has to supplement that income with another part-time job, they may end up migrating to a full-time job. So more support in that end could certainly help with that prevention and education side of things.

I think I went alongside on that. I don't know if I really addressed your original question of the GNWT, but in terms of community engagement I think that's where I would be looking.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Pokiak.

MR. POKIAK: Thank you, Madam Chair. I would like to thank Lydia for her presentation today. I agree that dealers will be replaced somewhere down the road no matter what happens, but a couple of quick comments here. You know, right now we're holding public hearings on this issue about the SCAN and yesterday and today, this morning, we're already hearing that especially in the big cities like Yellowknife and we'll probably hear it in Inuvik too that this legislation is sort of flawed. I think my comment would be more in regard to when we do those smaller communities. I think in the smaller communities, you might hear something totally different and I'm going to keep an open mind and say if the people in the small communities want something like this we have to weigh the balances between what's right and what's wrong.

Just a quick comment. I know we've talked to the Minister about this before and I'd rather see the money spent on enforcement for more RCMP in the smaller communities. Again, that's another balance we have to look at.

What's interesting is that you made a comment regarding the appeal where legal aid can't be involved with that process. That's something that we might have to look at if we do go forward with this legislation.

Your comment regarding, you know, the Minister didn't make any opening remarks regarding community justice committees and there was talk about maybe utilizing the community justice committees in terms of doing some of this process, but again, that's

going to cost a lot more money I think in terms of the $20,000 that we're talking about now.

I think if I have a question the question that I would have is that I know you talked about incarceration and people coming out of incarceration in North Slave and from the South Slave regarding, you know, going on the streets of Yellowknife and doing things like squandering around. So I think that's just one other problem. I think the problem that we have to address, and I think you touched on it earlier, is you have to get to the teeth of the problem and the teeth of the problem is that the people either they have to smarten up and you have tackle that. Whether you smoke cigarettes or not or whether you drink I think that's a problem you have to encounter and I think in this legislation that's a problem we have to address is how do you get to the problem. Maybe one solution is to ban alcohol altogether in the Northwest Territories, but again, you can solve that problem, but you'll have bootleggers or you'll have people making moonshine and all that stuff so you still didn't address that problem.

I think these are more of comments, Lydia. I hear what you're saying, but again, like I say, you know, as Members sitting here I think we're going to go out there and listen to people. Go to the small communities and I think we're going to hear something different compared to what the big cities are saying right now. The comments I've heard back home right now is that its good legislation and you're trying to get rid of the bootleggers and drug dealers, but again, we'd have to listen to all the people. Thank you, Madam Chair.

CHAIRPERSON (Ms. Lee): Thank you. I don't know if there were questions, just comments. I have Mr. Yakeleya next.

MR. YAKELEYA: Thank you, Madam Chair. Somewhere along the same lines as Calvin because we're going to go to Colville Lake next week and they don't have a law enforcement detachment there. So we wanted to see how this legislation would be impacted in Colville Lake and how it's going to affect the people. Again, the issue here is about the illegal activities that are happening in our communities, you know, like bootlegging and to some extent there's gambling, to some extent the people enjoy getting together to play cards and it's well known in our communities. Again, this legislation will affect all of the communities in the Northwest Territories and my riding in the Sahtu is somewhat different to how things are being done here in Yellowknife. There are different issues given the different economic scale of activity here. So in that sense I'm looking at the flexibility I guess.

I guess the question is when we came into Norman Wells in the first consultation with the presenters, people right away said yes because now we can do something with the bootleggers and the drugs are slowly coming into our region because of the winter roads and other means that they're coming in. So we want to deal with that. For me, it's the mechanism of how do we interrupt and stop. You know, this is only one piece that we're hearing from the government and we're hearing some good feedback from

presenters in that we should really think about this, maybe look at a very comprehensive different approach, other ways that we spend less money into more productive ways rather than do it this way here because you're punishing people in communities. You're right, these are huge families and we know who they are, we know what's going on. So I think the people at the first onset when they heard about this, bootleggers and drugs and some that are gambling they say oh yes, finally we've got something because everybody says their hands are tied under existing legislation or existing regulations in their housing, health and social services, RCMP.

So we have something that could deal with this issue here that lists the ways that we deal with it. We know if we could tackle it in another manner then it may be more productive for us and this is only one piece that's been presented to us here. This is what we want to look at because there's SCAN legislation in Manitoba, Nova Scotia, and northern Saskatchewan and also in the Yukon. It's fairly new and we don't really know the exact success of these other legislations in the other jurisdictions and we're just here in discussions now on it.

So, Madam Chair, I guess there's other ways to skin a cat, as they say. So, again, I'm really in the mind of Mr. Pokiak to listen up and see what's the best for our people around here. There's some other really important questions we've got to ask because if we have this one here, for example, are we creating 10 other problems that we're not aware of yet. I'm aware of one that might create some homeless issues, might create some hardships in the communities; it might create opportunities for other potential bootleggers or other dealers of hard drugs. So it's just something that I wanted to keep in mind that's important here.

Then of course the communities that don't have an RCMP detachment, is it the band or the municipality, who then does the work? So I want to just let our presenter know that that's something I've been thinking right now, Madam Chair. I'm not to sure if I had a question, but I just wanted to make those comments to Lydia.

CHAIRPERSON (Ms. Lee): Thank you. Go ahead.

MS. BARDAK: That raises something for me because when we think about what other issues could come up. I guess the first one that comes to my mind after homelessness is child protection issues and whether or not there will be an increase in child apprehensions. That certainly has me very concerned, but I think your next consultation is it on children and family.

CHAIRPERSON (Ms. Lee): This afternoon.

MS. BARDAK: Because I think they are in the same way that we don't have good long-term aftercare and support for those coming out of addictions treatment facilities or corrections neither do we have that for families that have had experience with the child

welfare system. So that's why kids end up going back into foster care again and again and again because there isn't enough resources being put into family reunification and healing families. That could be one of the spin-offs then is some additional child apprehensions. Most kids across Canada who are surveyed, and there's no way that I want to speak at all against foster families, foster families are amazing, but more than half the kids who go into foster care say it's a stepping stone on their way to youth corrections. So there's something wrong with that whole system as well.

Norman, you mentioned about other jurisdictions, the other provinces and territory that have this similar legislation and I've certainly been trying to find any information about the track record and the experience. Your own documentation indicates the numbers of investigations, the numbers of cases dealt with, but I can't find any information regarding decrease in crime levels in those jurisdictions. When I just do a plain Internet search, I find government propaganda. I don't find any actual information because that's I think something that we really would want to look at is whether or not it's had the effect that it was meant to have and decrease the amount of those criminal behaviours or criminal activities in those communities. Because it's all relatively new, it would be something we'd want to be looking at over the longer term because the citizens who were in favour of that kind of legislation, do they now feel that things have improved, are they now more satisfied with the life in their communities. I don't know because I haven't been able to track that or find that information anywhere. That was it.

CHAIRPERSON (Ms. Lee): Thank you very much. I think we have to conclude this portion because we are running a little behind time, but we thank you very much Ms. Bardak for being with us to day and your presentations and all the thought provoking statements you are making. So thank you very much.

MS. BARDAK: Thanks.

CHAIRPERSON (Ms. Lee): We have Ms. Shelagh Montgomery next. Shelagh, if I could get you to just state your name for the record, if you could state your name for the record and the office you represent if any and proceed with your presentation.

Presentation By Ms. Shelagh Montgomery

MS. MONTGOMERY: Yes, thanks. Good morning, thank you very much. My name is Shelagh Montgomery; I'm a resident here in Yellowknife and will speaking on behalf of myself. I'd like to thank you, Madam Chair, and members of the committee for the opportunity to present here this morning. I will be speaking to Bill 7, Safer Communities and Neighbourhoods Act. I think just by way of introduction, I am a downtown homeowner in Yellowknife and I'm also a member of city council. As such that may make you think that I would be in favour of such a legislation, a legislation such as SCAN, partly for my own personal wellbeing because I think in the downtown core, that's probably where we anticipate more of these problems. In my own personal self interest I would be concerned about my property values and my own home.

As a city councillor, I am certainly not on city council for my own well being, but for the well being of the residents of Yellowknife and I'm certainly concerned about security and safety issues in Yellowknife. All that said, I certainly am not in favour of this proposed legislation. I do not feel that it would help me or the residents of Yellowknife.

By further introduction, I am certainly an engaged citizen who is a strong supporter of social justice and individual rights and freedom and well planned proactive measures to achieve community well being. As such, I have been closely following this SCAN legislation since it was introduced. I attended the Yellowknife public meeting in November and as a member of city council, we had a briefing from the GNWT Department of Justice representatives at a Priorities, Policies and Budget Committee meeting. I also submitted written comments in January, which are appended to this submission you've just received and have read the SCAN consultation report and the proposed legislation.

So this morning I would like to express some of my significant concerns that I have about SCAN being proposed by the Department of Justice. I think the implementation of SCAN, as it has been said by numerous other speakers who have already presented to you, it seems to be a means of avoiding dealing with the true problems in our communities and would lead to probably undermining any positive aspects such as trust and neighbourliness. In general, I feel the SCAN legislation would do nothing to address the root causes of problems. It will use up resources that could be better directed to truly and meaningfully address community well being. It will simply move problems from one location to another, promote snitching on one's neighbours, undermine fundamental human rights as has been very well addressed in the submission of the B.C. Civil Liberties Association and likely by that presentation of the NWT Human Rights Commission and provide powers to investigators are not even available to existing levels of policing.

In the presentation this morning, I'd like to focus on the following three points; that the premise of SCAN contradicts the vision and core values of this current Assembly, the 15th Assembly of the GNWT; that scan is a reactive short-term band-aid response to a problem that requires a well planned, holistic and long-term solution; and that scan will promote deterioration of community fabric particularly within smaller communities.

On the issue of vision and core values, I will just address the vision. I'm sure you're all aware of it, but I will read it anyway. The GNWT vision is a self-reliant individuals and families sharing the rewards and responsibilities of healthy communities and prosperous and unified Northwest Territories. My feeling on this with respect to the proposed legislation is that wasting scarce resources on SCAN will not result in self-reliant individuals and families, sharing the rewards and responsibilities of healthy communities. Rather, it will promote distrust and be fundamentally harmful to the social fabric of our communities and neighbourhoods.

I also, as you can see in my submission, make a connection of SCAN to four of the six core values that you identified earlier on in your mandate, that being self-reliance, respect, accountability and integrity. I will just touch on integrity here because I feel that the description of integrity in the core values from the website is decision-making that is fair, balanced, transparent and consistent and a public service that continue to be professional and impartial. Given my involvement with SCAN and bringing it forward, I would say that since it was first put forward publicly it has been apparent that fast tracking it to implementation has been the intention.

As for me, it does not lead to decision-making that is fair, balanced, transparent and consistent. This is a brand new legislation and I think every single community should have an opportunity to be heard in person and not be relied upon to be able to visit a website and provide comments where they probably don't even have adequate Internet access to do so and may not have the capacity to provide detailed written comments, but would certainly be willing to speak to it if they had the opportunity.

The second main point I'd like to raise that SCAN is not a solution. SCAN is a reactive short-term band-aid response to a problem that requires well planned holistic and long-term solution. SCAN will provide very little meaningful substance to community well being. It is simply a very poor, yet highly expensive means of avoiding dealing with the true problems in our communities. By reading through it and seeing what happens in some of the other jurisdictions where it is in effect, I think even achieving the goal of its intended purpose is highly questionable. If you take a dealer off the street, it doesn't solve the problem because then another dealer just moves into the vacuum by the absence of the dealer who happens to have been chased away. This is substantiated by the introductory comments by the Justice Minister himself in the consultation document that was prepared by the Department of Justice for the limited consultations held in November and December of 2006. I quote "if the people who are causing the problem move to another house, we will gather evidence and evict them, we will follow them wherever they go until they stop their illegal activities or leave the NWT." So given that statement and that apparent goal of this legislation, it would seem that after expending valuable taxpayers' dollars, we can eventually chase the unwanted elements to another jurisdiction and where will that be? The Yukon, Nunavut, Alberta, but so what, we deliver a problem to another community, to our neighbours and we have done nothing in our own jurisdiction to provide a real remedy to a much larger problem.

Furthermore, that same documentation prepared for the limited consultation stated that the legislation provides a way to end illegal activities at a property. It is not a social program intended to rehabilitate the individuals engaged in these activities. That's quite a startling statement as well and unsettling given the very limited resources dedicated to and the very great need for services related to rehabilitation in the Northwest Territories. I'm quite certain that the families and people of the NWT who you all represent would be much better served and healthier communities produced if the job of ending illegal activities was left to the RCMP and that the GNWT who has a much broader mandate committed the necessary resources to have in place adequate programs to deal with the bigger issue of drug addiction and substance abuse. It seems to me that if the

RCMP are not adequately resourced to provide complete service either by having no detachment in some communities or understaffed in others where they do exist, then the GNWT should negotiate more funding for policing from the federal government and creating a parallel system to overcome existing deficiencies is certainly not a solution.

Following the consultations in November and December, there was also a report and that was thankfully made public. In that report, there were numerous quotes from various people or comments recorded. I quote two of these here. "Bootlegging is a huge problem and people are dying." "Drug and solvent abuse is a big problem, the RCMP and social services do not do anything about it and it causes many suicides." These sorts of comments I'm sure come as no surprise to anybody here who is well aware of what goes on in the Northwest Territories and what some of our problems are and some of our challenges are. These problems are well known, they're not new and SCAN will do nothing to address them. It will only provide a means for them to move from one location to another. I ask, how can the GNWT justify the tremendous financial costs that will be required to operate SCAN when this new legislation will do nothing to remedy long standing and increasingly serious social problems prevalent in the Northwest Territories?

With respect to the third point, the deterioration of community fabric, I think as presented the proposed legislation is just another step in our drift toward a surveillance society in which citizen trust in their neighbours is undercut. Fundamental civil liberties will be undermined by virtue of the fact that the confidential complaints process government investigators will have the power to monitor homes, question neighbours and evict people suspected only of illegal activities. Furthermore, as stated in the GNWT consultation document, and I quote, "if a matter goes to court a SCAN investigator acts as the complainant, any evidence that may identify the person who made the original complaint is kept confidential, it is never released to any person or agency." The process established by SCAN will put the core values of community to a constant test as neighbours watch neighbours. There is no way to foster trust and produce communities built on respect, dignity, compassion and fairness. I think another area that relates to this community fabric concern is just how this legislation will work in smaller NWT communities. I think maintaining confidentiality, if that is a positive component or if it's seen as a positive component, will be extremely difficult. I do speak from some experience, I lived in Deline on Great Bear Lake for over two years before moving to Yellowknife and that's a community of about six to 700 people and it's one of the larger of the small communities, certainly within the Sahtu and even in the Dehcho. I just wonder how a small community like that will react to having another outsider appear in their community and how that person who is supposedly under cover I guess conducting surveillance on a property will actually go unnoticed. It will be extremely difficult. Certainly the point has been raised by other speakers as well that everybody will be aware of this outsider and in advance of even a complaint being placed, everybody is aware of who the bootleggers or who the people are who are conducting the activities that SCAN is intended to put a stop to. I think a chief and council in a community has the power and could probably do some of their own work if they so decided. It's very difficult in communities because it causes division and given that

some people may support it by saying well now I have a means of putting an end to this or trying to stop the bootlegger by the confidentiality of it, I just wonder if that confidentiality will really be able to be maintained in a small community. I think ultimately people will know who made that call and if they're unhappy about it, it will be expressed.

I think also from my experience in Deline I think if people actually had been really interested or really felt like they did want to put a stop to the bootlegging I think they probably could have made up a complaint to the RCMP in a manner that would have been confidential. There are only so many jet boats in Deline that can make the trip from Deline to Norman Wells to buy booze and make it back up the Bear River without getting stuck. People often knew when those jet boats took off and they probably could have said well there will be a boat coming back here in about five hours and there's probably booze there and if it's not there it's on the other side of the bay on the Bear Landing where people collect it. So that's that issue.

I think the other important component, I unfortunately missed Lydia's presentation, but I'm sure she probably touched on this, is in a large community or a small community especially how will an eviction notice served in a community of 300 people achieve anything? Will the GNWT pay for the person to be relocated or are they just expected to move 400 feet down the road and stay there? It's uncertain. In all instances, how will dependence in the household be dealt with. There are two sections in the draft legislation, section 29-5 and section 30-1 that refer to the cost. So 29-5 makes reference to the fact that the director of SCAN is not responsible for any costs of removal and that these costs are the responsibility of the respondent who happens to be, my understanding, the property owner, not necessarily the accused. Section 30-1 is if a community safety officer requires the director to close a property any other persons at the property shall leave it immediately. So I guess given that SCAN is not concerned with rehabilitation or providing human remedies to likely long- standing issues and the property owner will be indebted to the GNWT for any costs for the closure, any persons on that property regardless of involvement will be evicted. So if nothing less, I think SCAN should certainly not come into effect unless measures are adopted to ensure that any household threatened with eviction is provided its fair hearing with adequate representation and that no one is rendered by an eviction.

I'll just get to a conclusion. I think having touched on some of the issues that I feel are very important and as I am in complete support of the comments that have already been presented, the ones that I am aware of that already have been presented to you, I was here last night for the presentation of Mr. Brad Enge and Mr. Telmo Dos Santos and Mr. Ben MacDonald and have seen the letter that has been submitted by the B.C. Civil Liberties Association. Given that and the presentation that Lydia I'm sure made and that of the Human Rights Commission, I urge the members of the Standing Committee of Social Programs and all Members of the Legislative Assembly to reject the proposed SCAN legislation and to focus your energy, time and resources on real solutions to real issues of security, social justice and community well being. Dealing with illegal activities in the NWT should not be about simply claiming success by sending problems on to

other jurisdictions and it should not be about wasting scarce resources on untested initiatives that provide no long-term solutions. I think as leaders you also have a very important role to lead. With that leadership role sometimes you have to make decisions that you see as promoting the long-term good and not simply taking easy short-term steps that will provide no solutions for the people you represent.

Finally, if the committee does decide that there is merit in pursuing SCAN, I recommend the following; that you at least recognize the need for complete NWT-wide consultation on this entirely new act, and as such, that every community be provided with copies of the existing SCAN documentation; and that each be visited by the committee before a final decision is made; that the standing committee commissions an independent review analysis of similar legislation in place in other jurisdictions before making a final decision. Several presenters have stated and I ran into the same issue of doing research on this via the Internet and finding absolutely nothing that wasn't produced by GNWT, Government of Manitoba, Government of Saskatchewan, Government of the Yukon, all the various justice departments of these jurisdictions where this exists. I mean obviously they speak quite highly of this legislation, but I think there is merit in seeing other opinions and getting independent analysis conducted. I'd also recommend that the standing committee delays the implementation of SCAN in the NWT for at least five years so that the effectiveness of similar legislation in other jurisdictions can be meaningfully assessed. Finally, that SCAN not come into effect unless the following measures are adopted to ensure that any household threatened with eviction is provided with one, a fair hearing, adequate representation and that no one is rendered homeless by an eviction.

Thank you very much for the opportunity to present. I appreciate your time.

CHAIRPERSON (Ms. Lee): Thank you very much, Ms. Montgomery. We really appreciate the written material you have provided to us. We all know how much work it is to prepare such a thing and it helps us a lot to have both verbal and written presentations. So thank you so much for that. Any questions or comments from Members? Mr. McLeod.

MR. MCLEOD: Thank you, Madam Chair, and thank you for that presentation. It was a very interesting presentation. I particularly like your recommendations at the end. You mentioned one part there about having a commission review SCAN legislation. I see our committee as that type of commission because we are going to go to a lot of the communities, we are going to hear from them, and based on what we hear from them, and I've been keeping a tally of all the speakers that have been here for the last couple of days, on the nay side I think I've got six or seven. So I mean that goes a long way into letting us know what people are thinking of this legislation, and we have some of the smaller communities that we're going into and we have a different opinion. So I consider us a commission. We will listen to what people have to say, and based on what people have to say, and I've said it a couple of times before, it will go a long way in deciding whether I personally support this piece of legislation or not, but we will and it's

the reason that I really like the fact that we're taking this out on the road, we will be listening to what everyone has to say and as each individual member of this committee we'll come to an agreement as to whether we support the legislation or not.

So hearing from people like yourself and the speakers before you is very important to us and will go a long way in helping us make our decision whether we support this or not. So, again, I thank you for the presentation. I found it very interesting as with the presentation before you and the ones we heard yesterday. I found them all quite interesting. They all made some really valid points. Like I said, I'm looking forward to bringing this to some of the smaller communities and hearing what they have to say as opposed to a large community like Yellowknife or even Inuvik. So I thank you for the presentation, I thought it was very interesting. I like some of the recommendations you made.

One question I might have, and we heard it from the lady from the Human Rights Commission yesterday, she said with some amendments this might work. Now are you just totally opposed to the whole piece of legislation, or with amendments do you think this has possibility of working? Some of the presenters made some good points about the amount of money that's going to be going into this and I'm a strong believer in aftercare treatment. Back home I hear about people who go south for treatment and they come home and there is no aftercare for them and they're just back into the same situation they were in before. I think Lydia touched on that before when she said she ran into a guy who had just got out of the correctional centre, and I've seen it so many times and I've heard it so many times, especially in the middle of winter people deliberately get into trouble so they can get sent to jail, they get three squares a day, a warm bed, it's cold out, don't have to do too much and it just seems to be something that I've seen in all the years I grew up in Inuvik. So I've asked a question, and again, I do appreciate the presentation that you made. Thank you, Madam Chair.

CHAIRPERSON (Ms. Lee): Thank you, Mr. McLeod. Ms. Montgomery.

MS. MONTGOMERY: Thank you very much, thank you for your comments. With respect to the question about amendments, I'm certainly not well enough versed in the drafting of legislation to really know what sort of amendments could make this better. If a member of the NWT Human Rights Commission stated that I would certainly be open to hearing what their suggestions are and I would suggest that it might reflect on that last recommendation I made with respect to the fact that the people who are the accused need fair representation and they need a some sort of a fair hearing process and not just a notice appearing on their door saying you have to go within four days, and the need for the protection or the assurance that any other members in that household who are being evicted as well because of this activity of another individual will be cared for.

I think the problem with some amendments that could be made to this might be the fact that not knowing all the other legislations that are in place, you know, will it just be

duplicating or will it be conflicting. Perhaps there is other legislation in place as Mr. Enge stated last night. I mean there are other pieces of legislation and law that deal with many of these activities. So maybe amendments to those to enable RCMP to have some easier access to surveillance. I don't know if that opens up just a much larger issue, but as such having read through the draft legislation, I can't imagine what amendments would make it worthwhile. I'm sure it would cost at least $500,000 in the Northwest Territories, if not more. In the Yukon they have a budget of almost $400,000 and they have fewer communities to deal with and they only have two investigators and one registrar as far as I know. I think you would need at least four investigators here, not to mention the costs associated with some sort of toll-free line for over 30 communities.

CHAIRPERSON (Ms. Lee): I think the budget estimate is about $1 million for this one. Do you have a follow up question, Mr. McLeod?

MR. MCLEOD: Thank you, Madam Chair. Not so much a follow up question, probably just a follow up comment. The lady from the Human Rights Commission mentioned there were some amendments she thought might make this bill work, but we may get to a point where it might be just too many amendments and the whole thing just may be shelved. So I think I'll just leave it at that, Madam Chair. I do appreciate the comments and like I said before, I'm really looking forward to getting to some of the smaller communities and seeing what they have to say. Thank you.

CHAIRPERSON (Ms. Lee): Thank you, Mr. McLeod. I have Mr. Braden next and then Mr. Yakeleya.

MR. BRADEN: Thank you, Madam Chair. I'm looking forward to hearing the views of the communities, bigger and smaller, about this. Ms. Montgomery has brought something new to us and that is a suggestion that we should, on a much more comprehensive basis, probe this approach and potentially even defer it, at least defer it for a while to see whether indeed there is a positive impact. Very valid suggestions.

I wanted to ask Ms. Montgomery also as on the city council of Yellowknife like Ms. Bardak and Mr. McDonald in the gallery today too, a former councillor, but I'll put this question to Ms. Montgomery. How active or how controversial, how big an issue is this from your perspective, your lens, in Yellowknife? To what degree are people talking about this, interested in it, supportive, curious? Can you sort of frame up the degree of activity on your radar screen that this legislation is creating? Madam Chair.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Braden. Ms. Montgomery.

MS. MONTGOMERY: Thanks very much for that question. I think with respect to city council, the council members themselves, we have discussed this in as much as we had a presentation from the representatives of the Department of Justice. Of eight

councillors, I would suggest that there is probably mixed reaction. However, I would suggest that the majority of councillors are not in favour of this legislation. We've seen representation I guess with 25 percent of council by our viewpoints, which would not be different if we were speaking on behalf of the city, but the city, as far as I know, has not taken a position on this, has not formulated a common presentation. Certainly within my circle and people that I have spoken to, I have spoken to very few people who feel that this will be a key solution to problems within Yellowknife. So that's something I think people kind of joke about it in a sense of this kind of big brother attitude where you're able to watch someone's private home and just see what sort of activities they're up to. So I think in general people who are concerned about the broader issues of just civil liberties are certainly not in favour of this type of legislation and just feel that there really needs to be perhaps difficult decisions or at least long-term decisions taken to address issues and not continually reacting to things that are happening within your neighbourhood with legislation such as SCAN.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Braden. Okay, I'll go to Mr. Yakeleya next.

MR. YAKELEYA: Thank you, Madam Chair. The presentation we heard was very interesting. Some good suggestions, I liked the suggestion in terms of being very cautious and careful in looking at this legislation and the impacts it will have on communities. I guess I'm thinking about when Shelagh was speaking about the communities that do not have an RCMP detachment and some of the services that it's different from being a resident in Yellowknife here and all the services and support that you have for such issues that you talked about in your paper versus some of the communities where we don't have some of these supports to the extent of the larger centres. I'm a bit surprised that the residents in Yellowknife to the extent of what we read in the paper or some things we hear about the drug and alcohol, especially the drug problem that's coming into Yellowknife now because of activities that this would be a good piece, but more so that Yellowknife...(inaudible)...and with all the activity going on I wonder what the communities are going to say to us in terms of something like this at a smaller scale. So I like the point that you've made in the recommendations in terms of giving some thought and maybe even delaying it possibly in terms of really think this out and look at it a different way to use these types of resources here for helping our people here. Certainly you've made some good points in terms of our vision and some of the goals that we set for ourselves in the 15th here. Are we working in that direction here or are we going the opposite direction? It's surprising and I'm just saying that what we're hearing from Yellowknife at least that we should take our time on this one here. It's not good right now, there's a different philosophy, a different attitude in terms of working people who we use, bootlegging and selling drugs to support them, there's different ways to look at it. That's what I'm hearing. So I wanted to thank you because you gave some good thought to this legislation.

CHAIRPERSON (Ms. Lee): Thank you. I don't know if you wanted to respond, I didn't hear a question. I think he's giving you his feedback. Okay, on that note, any other questions for Ms. Montgomery? I just want to thank you very much for being here this

morning and again for your written presentation and all of your thoughtful input. We appreciate it and we'll put that into our deliberations. So thank you.

MS. MONTGOMERY: Thank you very much.

CHAIRPERSON (Ms. Lee): I'm wondering if we could just take a short break at this time, five minutes, and then we will restart with Mr. Enge.

---SHORT RECESS

CHAIRPERSON (Ms. Lee): We should reconvene our meeting. We have before us Mr. Brad Enge, who I believe is here to speak to us about Bill 7. Mr. Enge, if I could get you to put your name on for the record and then proceed with your presentation.

Presentation By Mr. Brad Enge

MR. ENGE: Thank you very much, Madam Chair. My name is Brad Enge. I was here last night. I'm a private citizen but a practicing lawyer here in the Northwest Territories and in Alberta. I'm on the non-practicing list in Nunavut as a member of Law Society there.

I just wanted to finish up. I'm not going to be as long-winded as I was last night. I think you've heard an awful lot of comments that fall under the same banner or theme as mine. So my comments are going to be kind of scattered; there's really no structure to them, but they're just some points that I wanted to make sure that this committee heard something on.

You've heard, and I think you're getting the impression that this piece of legislation is very Machiavellian, for those philosophers that are out there. The ends justify the means and, you know, this piece of legislation would certainly fall within that rubric. It's basically turning this whole jurisdiction into a police state where you have quasi police officers or peace officers, full-blown peace officers, wearing a different kind of uniform and seeking out people that are engaged or suspected of engaging in some kind of illegal activity. The ones that are prescribed in the statute, one of which I pointed out to you yesterday is not an illegal offence to possess solvents or glue for that matter. I'm not going to repeat myself, but the Criminal Code covers all of the other items that are in there and essentially this piece of legislation waters the requirement of a peace officer to gather evidence of proof beyond a reasonable doubt down to a reasonable suspicion which is, I would suggest, contrary to the Charter of Rights and would be predictably -- my own personal opinion -- would be struck down as ultra vires, which is a Latin term saying it's out of the jurisdiction of the Northwest Territories to pass enjoining legislation that is clearly within the purview of the federal government in their powers under section 91 of the Constitution Act.

Having said that, if this legislation were to pass I would suggest to you that collaterally a notwithstanding clause under the Charter of Rights and Freedoms or the Constitution

would have to be enacted in order for this to be constitutionally valid because it overrides and tramples on many Charter rights of individuals here in the Northwest Territories.

I was a bit surprised about the Minister's submissions yesterday and hearing the various quotes. The Minister of Justice stated that he would bring to bear the weight and power of the state to harass someone right out of this jurisdiction if they continued engaging in minor quasi criminal types of offences like bootlegging. I say quasi criminal because there is a Liquor Act that makes it a quasi criminal offence. The standard of evidence for a violation under the Liquor Act is a strict liability offence, but there has to be some proof of intent established under the statute which is a fair standard of proof that the state should comply with in order to enforce the territorial statute under the Liquor Act.

It's also interesting that the issue of homelessness came up in this discussion and I would suggest to you if this statute were to be enacted in its present form, you'd end up with a serious homelessness problem more so than what already exists, and it would be extremely severe for those people who live in remote communities in this jurisdiction.

There was an issue raised about the ability of someone to access the legal aid program for funding in order to uphold their rights. Last night I did bring with me the excerpt from the Legal Services Act, section 44, which describes what sorts of violations would qualify a financially eligible applicant to be covered by the legal aid program. The act, section 44, does allow the discretionary power of the executive director to provide coverage for summary conviction offences which are described in this SCAN statute. However, it's totally discretionary and the person would have to be liable to imprisonment or to another punishment that, in the opinion of the executive director of the legal aid program, would prejudice the livelihood of the accused or prescribed circumstances exist that warrant the provisions of legal services to the accused. So an accused person under SCAN would be in the palms of the hand of the executive director and their ability to exercise that discretion to provide legal aid services to them so long as they're financially eligible, because financial eligibility is the key component of the Legal Services Act; you have to be poor enough and not have enough financial resources in order to qualify, but then you have to pass this other test about whether or not your livelihood is at stake given that it's a summary conviction offence. So if an owner or a tenant were evicted, would they qualify for legal aid? It's a very serious question because now you're dealing with a quasi criminal matter but, at the same time, you may have to sue the government to get your house back or to have your tenancy agreement reinstated so that you have some place to live.

The Legal Services Act, under section 45, covers civil matters that the Legal Services Act provides coverage for applicants. Again, there's the financial eligibility but an opinion has to be provided by a lawyer first about the viability or merit or the applicant's case and then the executive director may provide, depending on the opinion and if there's merit to the case, could provide legal aid coverage on a civil matter. So it's very nebulous, to say the least, about whether or not someone would be eligible under the Legal Services Act to have a legal aid lawyer provide them with legal advice and

processes and procedures so that they could go to court and sue for their house back or their property or whatever.

I would strongly recommend, and this is something that is discretionary if this act were to proceed in its present form, that perhaps the government or the Minister of Justice can make a reference to the Supreme Court about the legality and the viability of this statute or of this bill. A court can render, much like the Supreme Court of Canada has done in reference cases, the Supreme Court of the NWT can render a decision about the legality of a piece of legislation that was pending. So, for example, the federal Parliament had made a reference to the Supreme Court of Canada in regards to the federal Marriage Act about same-sex couples and whether or not they could be married before the statute actually became in force. So the court rendered their opinion about the constitutionality of that federal statute. So that is an option available to the Legislature and the Minister of Justice. The Minister of Justice would have to make that reference and then, of course, they would be able to flag all the constitutional issues with respect to the statute.

This kind of legislation would certainly entitle any person who is a suspect to the availability of the Charter, sections 10(a) and (b); they would have to be told what they are under arrest for and what the reason is and they would have to be provided with the opportunity to seek legal advice under section 10(b) of the Charter.

There are section 8 issues with respect to the search and seizure of property. Now I don't have a problem with statutes that target people who acquire property through the commission of a criminal offence, but here you have a situation in this statute or this bill that there's no nexus, there's no connection between the property and it being obtained by a crime; they already own the property so that property is now being searched and seized by the state and that property has not been acquired by crime.

Another serious problem I have, and I'm speaking anecdotally about my 22 years as a police officer in the RCMP, about consent to enter into dwelling houses. I have not seen a case yet where a court has rendered a decision concerning the validity of consent even from a three, four or five-year-old child. A five-year-old child can hear a knock on the door and open the doorknob and the police could be there and the police could come in and they could say that this child consented to the police entering. There's no requirement for an adult or the owner or someone over the age of 18, fully informed and advised of their rights, to contact counsel before the police obtain consent. They just knock on the door and whoever's there, if they hear a voice say come in, that's deemed to be consent and that's all you need for a police officer to enter into a private dwelling house. And believe me the police will use that discretionary power to gain entry into a private dwelling house; they do it all the time.

Again, anecdotally, I'm legal counsel on one of the Operation Gunship accused persons and the tools are in the Criminal Code that will enable the police to do their job properly and within the rules of fair play. For example, a video camera was set up outside of a suspected crack distribution house, a private dwelling house. They did it surreptitiously;

they can also seek warrants to secretly enter into a private dwelling house and install transmitters inside someone's private dwelling house; they can seek a court order allowing them to install video cameras inside certain rooms in somebody's private dwelling house like the living room or the kitchen and video tape what is going on from a remote site. The tools are there. You can get a wire tap for a bootlegger. The provisions of the Criminal Code allow police to get wire taps for provincial types of offences, even wildlife offences. If you suspect somebody's trafficking in wild game, poaching, you can get a wire tap and do an investigation on someone like that. There are certain steps or tests that the courts expect the police to follow such as normal enforcement practices have to be documented, undercover operations may or may not be viable. In small communities it's probably not that safe or viable for strangers to go into communities and start buying illegal substances or contraband from suspected distributors or whatever or traffickers, but I did it. I mean, I was 22 years in the RCMP and I went on many undercover operations even in remote communities like Fort Chipewyan. I spent a week there and ended up buying from 27 different bootleggers and dope dealers and so on and so forth; it was a very successful undercover operation. So those kinds of routine police tactics have to be utilized and if they can't be utilized, it has to be justified in an information to obtain a warrant for whatever offence you're investigating. The courts will review that and if it's documented and articulated in an information to obtain, the courts grant special provisions for wire tapping, installing secret transmitters and video cameras and all that sort of stuff. So the tools are there in the Criminal Code to deal with all of those things that are contained in that bill. Why they don't want to utilize them, there may be many reasons: lack of support or additional personnel; people to monitor. I mean you can monitor a telephone in a small remote community from a telephone monitor in Edmonton. You can install a transmitter in a vehicle in Yellowknife and have the people monitoring what's being said, while the people are in that vehicle, from Edmonton. The technology is there. You don't have to have someone following around with a receiver and a tape recorder recording everyone's conversations inside that vehicle. Technology has advanced so much that the instruments are there to conduct investigations in a lawful, fair, structured, transparent manner.

Now there was a discussion about good faith. You know, the police have the best of intentions all the time. Before the Charter ever came into existence, that was my modus operandi: good faith. I was an honest, trustworthy police officer. I never intentionally went out and abused my authority; I had the best of intentions and it was always good faith, good faith, good faith. I did everything on a good faith manner because I was trying to uphold the laws of Canada. Well, I'll tell you how good faith works in the minds of police. I was flying back and forth between Edmonton and Toronto after infiltrating a motorcycle gang and buying contraband from them. On a return trip from Edmonton one time I decided I'm going to take the Grey Goose bus from the airport into the City of Edmonton rather than a taxicab. So I get on this Grey Goose bus and I'm sitting there near the front, behind the bus driver, and I see this long-haired male -- he had hair down below his buttocks -- he had a full-length black leather coat right down to his ankles and he was carrying a suitcase. I just got off the plane from Toronto and it appeared as though he had also just got off the plane from Toronto. He got on the same bus as I

did. So being an experienced police officer and, you know, leaning towards my racial profiling ideations and my good faith, I said to the bus driver after the bus departed that I wanted to go and talk to that guy in the back and I wanted to know if he had any objections and he said no, go ahead. So I went and sat next to this guy and I pulled out my police badge and I showed it to him and I said, hey, I'm Brad Enge. I'm with the RCMP drug squad in Edmonton, or Red Deer, pardon me. So I said is that suitcase above your head yours and he says, yes. I said do you mind if I have a look in it. He said no. So there's my consent. I pulled the suitcase down and there's a little padlock on the zippers. I said, hey, do you have the key to that? Oh, yeah. Now I can prove that he's actually in possession of that suitcase. He pulls the key out, unlocks the suitcase. I opened the suitcase and go fishing around in there and what do I find? Two kilograms of hash oil wrapped in saran wrap in these great big medical plastic bottles, and I also found just over $1,000 in cash, in a work sock, in his suitcase. Now that was good faith. Hey, I did everything good faith, man. The Charter hadn't been enacted yet but what a gross violation of someone's privacy and a gross violation against someone's right against unreasonable search and seizure. I just did it just based on his physical appearance. So this statute, with the good faith provisions in there, would say to the police, even the RCMP, they're not going to be...Unless the statute specifically excludes them, they're peace officers for all purposes of all statutes passed by Canada or any provincial or territorial jurisdiction. They get a tip, so and so is bootlegging, the shipment just came in by boat in Deline an hour ago. Hey, that's good faith. I'm going to go there and I'm going to check it out. Bang on the door; kid says come in; I go in. There's the booze. Seize it; charge them; it's all good faith. It's not good enough. The Charter is there to protect people's right to privacy and unreasonable search and seizure and unreasonable statutes. So it's a very dangerous thing to include good faith in a statute because you're absolving them. Then how do you sue them? You know? There's good faith exercised by the police; all the best of intentions.

Now the poorest people of all, and this is the thing about private law practice that you find out, is that the people with the most amount of money have the worst defences. You take a look at Conrad Black and Worldcom and Enron, I mean they've got all the money in the world and they've got the worst defences in the world for what they did: falsifying audited financial statements for personal financial gain. The people with the least amount of money have the best defences. The police trampled their rights; they were denied their right to counsel; they were intimated; they were repeatedly kept in jail for 23 hours without food or water, without an opportunity to phone and pressure to give a confession. So how are they going to sue the state for trampling their rights? The Legal Services Act does not cover or it will allow, after a legal opinion is rendered and if the legal opinion supports the complaint of the violation of a person's Charter rights, the executive director may allow a lawyer to file a statement of claim against the state, the government, the police, these safety officers or whatever the case may be, for violating their rights against unreasonable search and seizure, but it's a long, drawn-out process and it's very costly and try and find a lawyer who will take on the size and massiveness of a Charter breach through the civil courts; very limited remedies.

CHAIRPERSON (Ms. Lee): Mr. Enge, I have a question from Mr. Braden.

MR. BRADEN: Thank you, Madam Chair. Maybe while there's a pause in the action here.

---Laughter

Mr. Enge, the Charter that this bill is potentially or, in fact, at odds, at variance with several parts of the Charter, you and other witnesses have brought that to our attention. Was it three other jurisdictions in Canada? Four?

CHAIRPERSON (Ms. Lee): Yes, three. Manitoba, Saskatchewan and Yukon.

MR. BRADEN: And Nova Scotia. Four, thank you, four jurisdictions in Canada already have laws like this. I understand what we're looking at is almost a mirror of Saskatchewan's bill or act. My understanding, at least in our research, is that no one has launched this kind of challenge yet. So it's...I guess I'm trying to sort out if this act or the way it's structured and the way others are probably structured, is at such odds with our Charter, why hasn't it been challenged to date? Madam Chair, it just seems to be that the strength of the arguments that Mr. Enge and others have presented would seem to be, boy, this one is just...There should be lawyers or civil liberty advocates out there just waiting for a chance to get their teeth on this one but it hasn't happened yet. I'm trying to square that one up, Madam Chair.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Braden. Mr. Enge.

MR. ENGE: Well, there are probably a number of reasons. One of them may be as a result of there not being a community safety order issued that would trigger a challenge to the legislation of whether or not it meets the Charter. Another reason, possibly, is because the Minister of Justice is the only constitutional authority that can send a reference to a superior court for an opinion about whether or not there are potential Charter violations in the statute itself, and no Minister of Justice, to my knowledge, has sent legislation to a superior court on a reference basis. So those are two possible reasons. Another possible reason is that the people who have had their rights infringed don't have the financial capacity to take on the state. Another possible reason is that the legal aid programs in every jurisdiction are different. Most of them hang their hat on financial eligibility but they may not specifically include a Charter challenge with respect to anything under a safe communities legislation; it may not be covered so it's really going to boil down to whether or not the person then can financially afford to take on the state on an alleged Charter breach from that point on. So those are some possible reasons.

CHAIRPERSON (Ms. Lee): I think they're having some CSOs issued, though, and could it be that if you're a real bootlegger or drug dealer, you know, it would be difficult to go and say, well, I got kicked out because they're telling me I'm a bootlegger? Or the families, who I'm actually more concerned about. I think most people have less sympathy for bootleggers and drug dealers if their rights are infringed. I'm doing a lot of devil's advocacy here but, you know, there may be less sympathy for them but for the

families who, under this legislation, would be affected as well if somebody who is doing illegal activity gets a CSO and gets evicted under this legislation it would include the families too. However, the families may say, well, I don't want to be out there letting the world know that my family is accused of or have been found to be a drug dealer. So, I mean, there are resources issues too, but maybe there's not as much will to challenge that. I don't know. I'm just throwing that out.

MR. ENGE: Yes, you're quite correct. They may have been charged under a different statute; they may have been charged under the Liquor Act that prohibits bootlegging; they may have been charged under the Controlled Drugs and Substances Act for growing, cultivating or selling marijuana or selling illicit contraband. So they may have been dealt with in other ways under different statutes so this particular safe communities legislation probably never even entered the arena; they used other statutes. And they may have cut a deal like, you know, like Madam Chair said, they may have gone to the family and said, okay, you kick this one person out of your house and we'll let you stay there and the person leaves and the issue gets resolved that way. So then it becomes a family issue where the family is removing a criminal, quasi criminal out of their house. So there may be many, many different reasons. I don't know. I'm just speculating.

CHAIRPERSON (Ms. Lee): Mr. Braden.

MR. BRADEN: Okay. Thanks. What I'm getting out of that is this is too new; there hasn't been enough critical mass, if you will, that would enable this kind of thing to actually see a full bore Charter challenge. Okay. That answers my question, Madam Chair. Thank you.

MR. ENGE: That's the end of my remarks. Those are the points of view I wanted to share with the committee last night and today.

CHAIRPERSON (Ms. Lee): Thank you. Are there any further questions, comments? Well, I think we have been well-informed and presented. Thank you so much, Mr. Enge, for giving us your valuable time yesterday and today. We appreciate your comments and we'll take them into consideration.

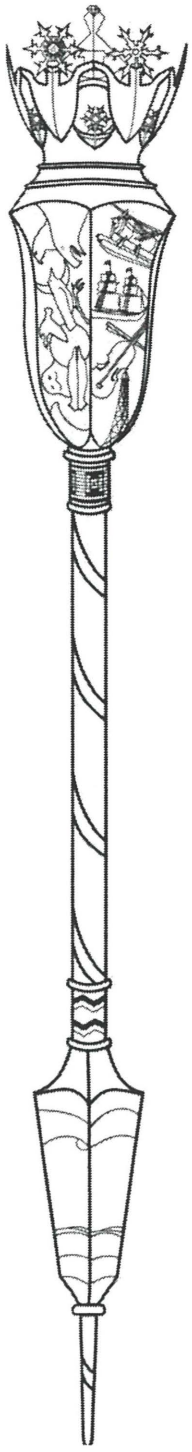
MR. ENGE: I'll be back at 2:00...

---Laughter

...for the family law one. I'm going to be very brief on that one, though. Thank you.

CHAIRPERSON (Ms. Lee): Okay. You're always welcome. Okay, committee, if we could just stay and take care of some admin work here before we break.

---ADJOURNMENT



Northwest Territories Legislative Assembly

Standing Committee on Social Programs

Public Meeting on

Bill 1, An Act to Amend the Partnership Act,
Bill 2, An Act to Amend the Condominium Act,
Bill 3, An Act to Amend the Legal Services Act,
Bill 5, An Act to Amend the Child and Family Services Act,
and
Bill 7, Safer Communities and Neighbourhoods Act

April 23, 2007
Inuvik, Northwest Territories

Chair: Ms. Sandy Lee, MLA

STANDING COMMITTEE ON SOCIAL PROGRAMS

Chair

Ms. Sandy Lee, MLA, Range Lake, Chair

Members

Mr. Norman Yakeleya, MLA, Sahtu, Deputy Chair
Mr. Bill Braden, MLA, Great Slave
Mr. Jackson Lafferty, MLA, Monfwi
Mr. Robert McLeod, MLA, Inuvik Twin Lakes
Mr. Calvin Pokiak, MLA, Nunakput

Witnesses

Ms. Ruth Wright
Ms. Alana Mero, Inuvik Justice Committee
Ms. Liz Hanson
Ms. Denise Kurszewski, Gwich'in Tribal Council
Ms. Julie Thrasher, Inuvik Homeless Shelter
Ms. Liz Hanson
Ms. Karen Mitchell

Committee Staff

Ms. Gail Bennett, Operations Assistant Clerk
Mr. Glen Boyd, Law Clerk
Mr. Robert Collinson, Senior Research Analyst
Ms. Regina Pfeifer, Research Analyst

STANDING COMMITTEE ON SOCIAL PROGRAMS
Public Meeting on Bill 1, An Act to Amend the Partnership Act;
Bill 2, An Act to Amend the Condominium Act;
Bill 3, An Act to Amend the Legal Services Act;
Bill 5, An Act to Amend the Child and Family Services, Act, and
Bill 7, Safer Communities and Neighbourhoods Act
April 23, 2007
Inuvik, Northwest Territories
7:10 p.m.

CHAIRPERSON (Ms. Lee): This is our Standing Committee on Social Programs public hearings meeting and we really thank you for choosing to be with us tonight. We're competing with beautiful weather, a bingo game, a town council meeting and a hockey game, the seventh game for Vancouver and Dallas -- these guys are keeping me up to date -- so we really do appreciate you being with us and giving consideration to the work that we do. We look forward to hearing from you and including all that you have to say into our deliberations. I would like to just begin by introducing the members of our Standing Committee on Social Programs. To my far left is Mr. Jackson Lafferty, right here, he's the Member for Monfwi; and you know Calvin Pokiak, I think, because he's from this region, he's the Member for Nunakput; and you know your local MLA, Mr. Robert McLeod, he'll be saying a few words shortly after me; and then we have Mr. Norman Yakeleya who has friends in every corner in the Territories, and relatives; and Mr. Bill Braden is the Member for Yellowknife Great Slave.

For those of you that do not know much about the standing committee procedures, there are four standing committees within the Legislative Assembly and we all have different responsibilities. It's sort of a working group. There are 19 of us and we break into Cabinet and non-cabinet and then within non-cabinet Members, or Regular Members, we break into standing committees. This Social Programs committee is responsible for the budget and bills of all social program departments including Health and Social Services; Education, Culture and Employment; Justice; and Housing. The reason why we are here is because the government initiates bills. A bill is just what you call a document before it becomes law. I think there were just lots of bills in the British Parliament and they didn't know how to call these papers, so they called them Bill. I think if there were lots of Sandys, they might have called them Sandy but...

---Laughter

Anyway, the government introduces a bill and it gets two readings and then they come to committee for a more detailed review. Usually committees take the bills out onto the road. We have the bills for 120 days and then when we report it back, we have further discussion and then it gets third reading and then that becomes law. I'm going to have our researcher or our lawyer talk more about these bills later, but let me introduce our staff. To the far left is Mr. Glen Boyd, he's our Law Clerk, he's a lawyer for the

Legislative Assembly; we have Regina Pfeifer, she's one of our researchers; and we have Robert Collinson who is also our researcher. They help us do our work.

I want to begin by having Robert McLeod say a few words as your local MLA. Then, sorry, we have Gail Bennett, she's our committee clerk. We travelled in a big group this time. Then I'm going to ask, Robert, if you could say a few words.

MR. MCLEOD: Thank you, Sandy, and thanks to you guys for being out here. As Sandy said, we are competing with a lot tonight and we appreciate you being here. I appreciate the committee coming here and having their public hearing in Inuvik. It didn't take much convincing. I told them we'd get a few people and I'm glad you all came out.

The bills that we're looking at, we had a meeting in Tuk this afternoon and they asked us some really interesting questions on the bills, especially the SCAN legislation; we had some excellent questions on those. That's what we're looking for; we're looking for input from you folks before we decide, as a committee, or I decide as a Member for Twin Lakes whether I'm going to support this piece of legislation or not. So I will make my decision based on what I hear, especially from you guys and the other communities that we're going to visit because this will affect a lot of people in communities. Tuk had some concerns; there was some support for it there.

I'm glad to see Floyd is out tonight. That way, if we have any money questions, we've got the money man here. So again, I'm looking forward to hearing what you all have to say and thank you for coming out. We are competing with game seven so, Sandy, I'm just trying to say you've got 25 seconds each to speak.

---Laughter

CHAIRPERSON (Ms. Lee): That's only because he's a hockey fan. I'd rather stay here than watch a hockey game.

I should tell you that the bills are government documents and I know most people think of MLAs as part of government, and we are in a way, but we are also government versus ordinary Members who keep the government accountable. So we're not here to defend the bill; we are here to take the bill...We are in the process of reviewing the bills. We look at all the details of the bills; what is it trying to do; what are the consequences, implications; what other things should we look at. So we're really here to learn and think more about the bills that are before us and get your input into that. So we will try to answer some of the questions you might have because we notice that when we go to communities, a lot of people have questions, but we wouldn't be trying to speak for or against it. We may ask some questions, sort of in a way of playing devil's advocate, but it's not...We will try not to take positions publicly on that. Eventually we will all vote on it. Before we could have you talk to us about these bills, I'm going to ask Mr. Boyd if he could just give us a plain language summary of what each bill is proposing to do so we could have more thorough input from you. Thank you.

MR. BOYD: Thank you, Madam Chair. There are five bills, essentially, is what the committee is dealing with this evening. The first is called the Partnership Act. What

that does is the act, what it deals with is how people who enter into partnerships, how they can structure the partnerships. It's more sort of a technical type of bill and what it does is it makes what's called a limited liability partnership legal in the Northwest Territories. All that really does is that if people form, get together and form a partnership and somebody makes a mistake and the partnership gets sued, right now basically everyone is liable for that error. The person's assets, their house, their car and everything else can possibly be taken by the courts if they're successfully sued. What this act does -- and most jurisdictions in Canada, most other provinces have similar legislation -- all it does is it puts the structures in place here so that people can set up these limited liability partnerships and basically if someone in a partnership makes a mistake and they're sued, that person will be responsible for the damages. Now the partnership itself, its assets, its company, they will still be liable but it protects the other people in the partnership. It's going to basically affect lawyers mainly, accountants and some other professions.

The second act is a Condominium Act and what it does -- the old Condominium Act was fairly old -- is it goes through the act and it brings in a number of changes basically to bring our Condominium Act up to speed, as it may be, sort of the same as it is in other jurisdictions in Canada. There are a number of provisions in the Condominium Act to protect people who are buying condominiums to order that when people are buying condominiums there is certain information that has to be provided to the person. There are a lot of rule changes with respect to how people who want to develop the condominiums, how they can develop them, where they can develop them, and also the information they have to provide to people who are purchasing them.

The third act is a Legal Services Act. What this is is just a change to the current Legal Services Act. This affects lawyers, but it can also actually affect people who access the Legal Aid services. Right now there's an issue that arises where if people want to be represented by lawyers who both work for legal aid, because there's a Legal Aid Clinic here in Inuvik and there's also a clinic in Yellowknife, and right now they can't represent...You can't have a lawyer in Yellowknife from the Legal Services Board in the clinic representing one side of a file and a lawyer here in Inuvik representing the other side of the file. It's what's called a conflict of interest. What this legislation tries to do is to fix that problem and allow that to happen so that, again, clinic lawyers, there won't be conflict of interest if they represent both sides of a party. Now that's the intention of the legislation.

The next bill is the Child and Family Services Act. What this is, it's a revision to the Child and Family Services Act. The main thrust of this act is there have been some recent court decisions with respect to the timeliness; how quick, when children are apprehended, the matters are brought into court. The courts have been very clear that when children are taken out of the home, when they're taken away from their parents, these matters have to be dealt with quickly. We didn't have any really specific timelines as far as dealing with matters. This new act brings in some very, very tight timelines and the idea is, again, to make our law consistent with the guidelines that the courts have put down with respect to these matters.

Now the last bill is what's called the Safer Communities Act and it's commonly referred to as the SCAN Act. This is a new piece of legislation and what this legislation does is, in summary, it provides a means or a way, other than going through the criminal courts, that if people feel that someone in their neighbourhood is causing either a disturbance or engaging in a number of illicit activities, whether it's drug dealing, bootlegging, illegal gaming, that there's a way of essentially closing that residence or trying to have that activity stopped. The second part of the act also deals with fortifications, and what we're dealing with when we're talking about fortifications is when, you know, people put up bars on the windows, bullet proof doors and things like that. What it does is it's moving to provide a means, without going through the criminal process, via which the government can essentially, through an agency that will be set up, apply to have those types of things removed.

That's a very, very brief snapshot; there are a lot more details in the bills but I hope that sort of gives everybody a bit of an idea of the items that the committee is currently considering. If there are any questions, I can turn it back to Madam Chair.

---Interjection

CHAIRPERSON (Ms. Lee): Okay. I didn't know that, so I'll speak louder. Yes, both mics are primarily for recording because there are usually transcripts of the public meetings we have. At this time, I would like to invite any of you who want to come before us. Nothing formal, you can speak on any of the bills that are listed here. We would try to answer questions, but mainly this is to get your input on what you think of these bills and what the bills are proposing to do. Does anybody want to make a presentation or ask some questions? Come on, Ruth, you can do it. Ruth, if I could get you to just state your name, for the record, and just give us your thoughts. Thank you.

MS. WRIGHT: Hi, I'm Ruth Wright. Are you recording me? Is it on? Okay. The one I find interesting here is the one on the Child and Family Services Act and the court trying to get apprehensions brought to some sort of agreement within 45 days, because right now it seems that they come in, they apprehend the kids and they kind of stretch it on for as long as they…and they come in and they, the social services come in and they have…okay, this is why they apprehended the kids and then after a while the kids are kind of put into foster care, wherever. Then they come up with different reasons why they're going to keep them longer and longer and sometimes it goes on for, you know, three months, six months. There doesn't seem to be…A lot of families are kind of working around addictions and stuff like this, problems at home, and they just keep building on why they're keeping the kids, and the main problem that they took the kids out of there is kind of lost and forgotten. So I'm very interested in that one; I think that's a really good act that they should follow up on.

This other one with neighbourhoods; that's very interesting and they should get a lot more oomph into it, and you've got to give some of the people who have these things like the rental officer a little kick in the ankle, tell him to get some backbone and stand up behind some of the laws that they have. They're not really standing up for the people who are renting off some people and even the renters who are renting to some

people, it works both ways that the rental officer does not stand up in some cases to really apply the act that is there. That's my two cents. Thank you very much.

CHAIRPERSON (Ms. Lee): Thank you, Ruth. The Child and Family Services Act actually would mean that the government, child protection agents have to file the documents within four days of apprehending a child, and then within nine days after that they have to go to court. Right now the law is they have to go to court within 45 days. So there may be some extra demands put on the child protection worker to process that, but it is something that would require the child protection worker to go to court sooner and it should give the parents an opportunity, also, to answer to the situation and explain to the court. I think one of the things that this bill will be able to do is to have the protection hearing through a justice of the peace, because we understand that in many communities the court services are not available and in order to meet those time limits, the laws would allow the justices of peace to listen to those. So just for clarification. Does anybody else want to... If I could get you to just state your name, for the record, and tell us what's on your mind.

MS. MERO: My name is Alana Mero and at this point I'd like to talk about the child welfare legislation. If I'm reading it right, within four days a social worker basically has to file a report, and within nine days there's an initial hearing. Then within 45 days there's a full hearing. Is that right?

CHAIRPERSON (Ms. Lee): I'm going to ask Glen to explain that.

MR. BOYD: Thank you, Madam Chair. Yes, the idea is that within four days of initial apprehension, the documents have to be filed with respect to essentially justifying the basis for the apprehension and that application has to be returnable within nine days. So nine days after the filing and the service of the document, the idea is that the matter would be in court. So essentially that's two weeks after the apprehension the matter should be in court. Then there's up to 45 days after it gets into court for that apprehension hearing to be determined.

MS. MERO: For the full hearing to occur?

MR. BOYD: Yes, we're not talking about a permanent but for a temporary custody hearing. Yes.

MS. MERO: So basically you're filing a report to court at four days; the court's actually looking at it within nine days; and then an actual hearing where a parent could present their side has to happen within 45 days?

MR. BOYD: That's the idea of the legislation.

MS. MERO: Okay. And that very much fits with other provinces doesn't it?

MR. BOYD: Yes, it's consistent with...Well, there's one leading case out of Toronto involving the Ontario Children's Aid and also out of Manitoba and the courts are very clear about the necessity for clear and consistent timelines. There are jurisdictions with

tighter timelines, but this certainly would be within the scope suggested by the courts as far as timeliness. Given the practicalities of the practice of law and the conduct of these hearings in the North, you know, it would seem like, you know, reasonable timelines. But to answer your question, yes.

MS. MERO: Okay. As somebody who has practiced child protection for years elsewhere in the country, I think it's really good to see those in because you have to have that clear, concise answer to a parent as to what's happening and for them to basically give their side of the story very quickly. So I think those timelines are very positive; I'm glad to see them there. Can I just ask about JPs? Would they be actually doing the four and nine day process or would they actually be doing the full hearing that has to happen within 45 days?

MR. BOYD: It's my understanding, and I can get back to the committee with respect to this, that this, and again I don't want to speak for the Minister, I just want my advice to the committee here, but the idea is that the JPs would be conducting the initial hearing, the initial apprehension hearing.

MS. MERO: But not the full hearing at the 45-day mark? The reason I ask that is child protection is extremely complex, much more than people realize, and I would be very concerned that somebody who didn't have a full legal background and understanding of those issues was put in a position of having to make child welfare decisions. I think there are JPs in the community that would put them in a very, very difficult position and they may be having to make rulings against family members. In child protection you need to be able to step back and take a totally neutral view because kids' lives are at stake. I understand fully a JP hearing at the four and nine-day mark and I think that's a very good move and we need to have it because of geography, but I'd be very concerned if a JP was doing the full hearing.

MR. BOYD: Under the current process, obviously, they're heard before Territorial Court judges. I can't think of anything in the legislation that would change that, off hand. I'll just consult with Mr. Collinson. No, we don't see anything that would change the current process as far as the actual hearings.

MS. MERO: Okay. I just wanted to comment on the mention of family and the plan of care agreements. I see that as being very positive. Plan of care agreements are actually the best way to resolve child welfare matters, in my experience; much more productive than courts. If we can move towards that system and give social workers extra training in that area, I think we would see issues resolved much sooner and it takes Ruth's point about families not being sure what the issue is and feeling like more issues are being added on. If those things are mentioned right up front, everybody's involved, there's a full sharing of information for those who need to be concerned, then you tend to have a much quicker resolution process. So I'll leave it at that on this piece. Thanks.

CHAIRPERSON (Ms. Lee): I should also add there that for the full hearing, or even for the nine day and four day, well, nine day hearing, ninth day hearing, where there are no

justices of peace, for example, community people could do the hearing through teleconference. So given the short time period, there may be a need for more of the telephone court system, because that's the consequence that comes with that we have to prepare for. If you want to send the child protection worker and the families into gathering as quickly as possible, a telephone court hearing may be the only option that's available to everybody. We'd like to welcome you, Liz, Ms. Hanson. If I could get you to just state your name, just for the record, and give us your presentation.

MS. HANSON: I'm Liz Hanson. I just want to ask a couple of questions on these different acts. The first one is Bill 1. Is there a residency clause, will there be a residency clause built into that bill? Because some partnerships that you get, say from the taxi companies might be from down south, because it's quite costly to set up a partnership up here. If that is the case, I just wondered if there was, say, illegal things done by selling drugs or something from the taxis, who will be responsible for that? I guess, who will be charged or paying the fine? That's question number one on that one about partnerships; if there's a wrongful act and it happens to be from the South. I know we're expecting a lot of these kinds of social problems to happen once the gas and oil is developed.

The other one I want to ask about is the Family Services Act, if the medical treatment referred to is, say the child belonged to a Jehovah Witness person who doesn't believe in blood transfusions, like we've heard so many times in the media, especially from B.C. this winter, would the rights of the person be overlooked? I mean, the child becomes a ward of the government so they can do whatever they want. Would their religious rights be stronger or the government rules be stronger; which one would it be?

I really think it's about time we had this neighbourhoods act. I know people know who the bootleggers are, who the drug people are, and the young people, they're becoming younger and younger that are affected and impacted by these people. Even if they could be removed from a community, like they're no longer an asset to the community because of the way they live, I think it shouldn't take, you know, it's difficult to even charge them right now, but I think with our Residential Tenancies Act it should be easier for local people to say, you know, we don't want this undesirable character living among us kind of thing and get it over with; make it a strong law that the community is safer in the longer run.

One other thing I wanted to talk about is the Condominium Act. I know that the government is really hoping that people will start owning their own homes, but what they don't tell the people is that you have to have a pretty good job, a long-term job, otherwise the banks take your house back. I mean, you've lost all that money. So there's really no incentive to own a home when, you know, you can live in a place for $32 for some people. You don't even have to go out to work. So in one way it's a good idea to say people want to be self-sufficient, but I think, you know, when you put that kind of a carrot in front of somebody's nose, well, sure they're going to go for it and forget that they can own property and a home but when you make it too difficult, like the banks are the ones, I guess, that make it difficult; you lose out on a payment, you're late with a payment and three times you're late and I think they take the house back. Just

sell old homes at a high price, too, is not fair because when you live this far north, your heating bill and all your utilities are almost twice the amount that they would be in Yellowknife, so it has to be fair to the people. Mahsi cho for listening.

MR. BOYD: (Microphone turned off) Sorry about that. So that's the type of situation that we're talking about. As far as the first part of the question, as far as residency, there are two qualifications in the act: people who are here, run businesses here and chose to set up their businesses as far as limited liability partnerships, they'll be able to register their businesses here; and also, like law firms that have an office in Yellowknife that are already structured as limited liability partnerships down south, for instance in British Columbia or in Alberta, they'll be able to register their office up here the same way. Okay. So what it will do is the people who work for those organizations in Yellowknife, they'll be treated the same way as far as their legal responsibilities, as far as people who are down in Alberta or B.C. But the short answer is as far as criminal, this doesn't exempt anybody or protect anybody from criminal liability.

I think the second question was with respect to the Child and Family Services Act and the new amendments as far as the medical care. The significant change here is that before there was very narrow criteria where children were apprehended, they could get care, it had to be things that are very serious to harm the health of the child. Under the new act, they can apprehend the children but they have to go to court. Once they go to court, then a judge will decide whether or not that child is eligible for medical care. So instead of it being a decision by a worker, it will be a decision made by a court. It could fall into the situation that you're using as an example there.

I think the remainder of your comments were more or less comments and I'd like to pass it over Madam Chair if she has anything she'd like to add.

CHAIRPERSON (Ms. Lee): Thank you. I usually ask Members if they have questions or comments on the presentations but we've had three presentations and you're too busy leaving the table, so we didn't have a chance to ask you ourselves. So if any of the Members had any questions or comments to any of the witnesses we've had so far.

Just on the SCAN, just to give you some information, this is not part of the Rental Tenancies Act; this is a whole new act. It's not criminal legislation either because the federal government is responsible for criminal legislation under the Criminal Code. Of course, already bootlegging and drug dealing and illegal gambling is illegal in Canada but a lot of people in the communities feel that people who are doing those things are not convicted as quickly as possible, they're not found to face the consequences for many reasons. This is civil legislation, so the remedy is not like criminal legislation where if you're convicted of doing drugs under the Criminal Code chances are you're going to get a criminal conviction and you may end up in jail. The punishment for this is that you get thrown out of your place of residence, either a rental premise or if you own a house you'll be thrown out of your own house for 90 days. How it gets triggered is there will be a 1-800 number set up and there will be a law enforcement office in Yellowknife and if any people in the Territories know that their neighbours are involved in drug trafficking or bootlegging or illegal gambling or a number of things in the

legislation, you just call the officer, investigator, and they will investigate your complaint. Another thing when it deals with crack houses and things like that in Yellowknife, well, we have some of them, people would be afraid of calling because usually if you're a witness you have to appear before the court and say what you know. This one will protect you from that in that the complaints can't be anonymous but they stay confidential. So it's the investigator will keep that in mind and will investigate. The only remedy he has available is to kick that person out of the place. So we have to think about some of the consequences of what that means too, but just so that you know how that works. The only punishment is you get kicked out of your place. If you don't agree with the order, you can appeal within 14 days of that eviction. So I just wanted to give you some information on this legislation in case you wanted to make a presentation. If I could get you to just state your name, for the record, and give us your presentation.

MS. KURSZEWSKI: Denise Kurszewski. I have a couple of comments and some questions in regard to a couple of the acts here. I don't think I understood the answer of the Law Clerk in regard to the medical treatment and care of individual children. If a parent is not, they're beliefs may not include...We'll use transplants as an example, or in the case of their religion where blood transfusions are not in their belief system. Are these going to be overruled in what you would consider to be in the best interests of the child? That's one question. Further to this act, I work as a wellness manager for the Gwich'in Tribal Council and our mandate is to advocate on social issues on behalf of our beneficiaries and I will have to agree with Alana and say that setting up a plan of care for children is something that worked really well and I'm often included with families or parents to help with the plan of care. So maybe you could look at that.

The next one is Bill 7, Safer Communities and Neighbourhoods Act. While I agree with the concept, I do have some questions. You're looking at illegal activities like bootlegging and drug dealing. Does this also include gambling? What kind of evidence are you looking for? I think, in the past, when calls have been made, the RCMP have stated, not only privately but publicly, that they do need physical evidence to prove your point, and quite often that's very hard to get. Another one is this is really focused on people that own their own houses or are renting like possibly low-cost housing and these people have families. It's not really dealing with the issue. Are you going to have a network of support in place where suggesting that that happens, you know that we're facing a serious housing shortage, especially with potential oil and gas development, and people will be in a situation and quite often we see the people within the tribal council that are out of homes and are not able to rent anywhere and this includes their families and children. Where in this act are you focusing on transients? We know that a lot of drugs are coming in from outside sources; they're not actually being brought in by the people here, they're brought in from outside sources. You know that in Yellowknife you have cases of gangs and other things like that. So it's easy for these people to pick up and move and rent another place, but it's not so easy for the permanent residents and again that doesn't really address the issue of what they're dealing with and what happens to the children. So that's all I have. Thank you.

MR. BOYD: (Microphone turned off)

MS. KURSZEWSKI: Yes, it's more clear now. Thanks.

CHAIRPERSON (Ms. Lee): Thank you. So I think the children in need of medical care will be able to get that under this legislation under those circumstances.

The other thing is you mentioned evidence question where there's gambling going on. That is an important point and it's an important difference between this and criminal legislation because under criminal law, we all watch Law and Order and we watch TV, right, and it says evidence has to be clear enough so that you could prove guilt beyond reasonable doubt, or beyond a shadow of a doubt. So you have to have pretty solid, tight evidence. You know you basically have to witness somebody or you have a blood sample or something like that. This is under civil legislation and that comes with it a lesser burden. So it has to be a reasonable inference. Whereas, maybe we're just making up stories here, just as an example, whereas before to be convicted criminally of gambling you have to show intent and there has to be a lot of solid stuff. Here, just based on confidential information that neighbours give to this director, he just has to have a reasonable inference; he has to just feel reasonably sure that that is going on. Because the punishment is a lot less than under criminal law where you would go to jail and you're deprived of your liberty; under this one if you're found guilty of gaming under this legislation you're still in trouble. You'll probably lose your place but you're not going to end up in jail. So the evidence requirement is a lot less. The director under this SCAN legislation would be required to investigate, find out, figure out. They could do surveillance; they could set up surveillance equipment around the property. They could do lots of different things to find out whether it's going on. They would work very closely with the RCMP. A lot of people in communities know who's doing what. So they would be able to, if they get a call, they'll go to the community, find out, talk and do whatever they need to do to get the evidence. It's proposed that whoever is going to do this work would be retired RCMP officers who would be familiar with the work but they wouldn't be doing exactly RCMP work, but it would be similar kind of work.

MS. KURSZEWSKI: In regard to my question on transients and permanent people in the community, once they're out of a home, they're going to go somewhere, right? We at the tribal council, if they are our beneficiaries, we usually see them. So I would just like to hear some comments from some of your committee.

CHAIRPERSON (Ms. Lee): Well, yes, this legislation, I think, aims at displacing somebody's home so if you don't have a home and if you are transient, they would not be as specifically targeted. It's targeted at people who have a place, either renting or owning.

MS. KURSZEWSKI: Well, if you're a transient...

CHAIRPERSON (Ms. Lee): If you're a transient you probably have a rental premise and then you'll be kicked out of there, if you're found to be doing illegal work there.

MR. BOYD: Thank you, Madam Chair. Actually I think Mr. Collinson had a few comments he'd like to add.

MR. COLLINSON: Actually, a transient comes to town, they need a place to stay. Correct? Whether they rent a room from somebody or whatever, that happens. This act actually has provisions that that one person could be removed out of the home. The way it's supposed to work is the investigators will decide whether it's a reasonable possibility that drug dealing is going on out of a home; he'll try and figure out which person is engaged in that activity. The first step they're supposed to do is talk to the person and say, look, we've figured out you're dealing drugs out of here, if you don't stop right away, we're going to throw you out or take steps to have you thrown out of your house. If the people stop, there's a chance it might not go to the next stage, probably a good chance; but if they continue with the activity, then they'll take steps to have him thrown out of the house. I hope that makes it a bit clearer.

MS. KURSZEWSKI: Yes, it does. I guess I have one more question, then. Is this working successfully in any other areas that you know of?

MR. BOYD: The information we have right now from the other jurisdictions is it's all pretty new; everybody's been at it for only two or three years so there's not great mounds of information. But what they've found so far is that there are a fair number of investigations that are started. A lot of them of just resolved at the stage where they go talk to them about it and I think, for example, in Saskatchewan they've only applied for actually three what they call community safety orders where you actually go to court to have someone thrown out of the house. So they've usually managed to deal with it before it gets to that stage. So it's kind of working but there aren't really any statistics to back it up, unfortunately.

MS. KURSZEWSKI: Thank you.

CHAIRPERSON (Ms. Lee): Thank you.

MS. MERO: Alana Mero again. I understand the intent of the SCAN legislation, but I have many, many concerns. So many, in fact, that I put them in writing for you. One of the main things that concerns me is this is a process of civil law, the burden of proof is much lower than criminal law, but the consequences are potentially huge, especially in the North where housing is an issue. I can imagine a woman married to a man who's abusive to her and who's dealing or is bootlegging and he's about to be evicted, maybe she and the kids aren't; he put a lot of pressure on her to come back in. I can see a real escalation of abuse. I can see somebody moving into another relative's home and causing them to lose their home. I really struggle with the concept that you could put me out of my own home for 90 days based on somebody watching me, without a warrant, without a proper court process and without me being able to go to court to present my own side. I find the burden of proof extraordinarily low for what the consequences can be. One of my questions is has this ever survived a Charter challenge, this piece of legislation, in any of the other provinces using it?

CHAIRPERSON (Ms. Lee): This has not faced a Charter challenge yet. Nobody has taken it to court to challenge on the basis of the Charter.

MS. MERO: Okay. Is there a hearing held before an order is issued? Do I have a chance to go and defend myself or does the court simply issue the order?

CHAIRPERSON (Ms. Lee): I'll let the lawyer do his work.

MS. MERO: It's always a good thing to make lawyers work for their money.

MR. BOYD: Thank you, Madam Chair. One, I'd say, unusual aspect of this legislation is that there is no provision for service prior to the initial order being issued. So although there are provisions for consultation, as Mr. Collinson has already indicated, it appears that there's no specific clause asserting that a person has to be served. Generally you'd have, in most matters, you know, you need service 14 days prior to a hearing, something like that. That's not in this legislation per se. So it is conceivable that the director could go to court, they could obtain an order and then upon being served with the order, then at that point the individual has 14 days to appeal that order. Another interesting aspect of it is the order does take effect upon service. So it would depend on how that order were structured as to exactly what type of notice a person would have as far as whether they're being evicted immediately or they had some time to prepare. But to answer your question, no, there's no service provisions per se at the initial stage of the process.

MS. MERO: So if I'm understanding you correctly, I can be evicted. There's actually no court hearing unless I understand the legal process and I make a proper legal appeal within 14 days. Is that right?

MR. BOYD: If the order was made for you to be removed from the home, the way the act is worded currently is, yes, you would have 14 days upon service of that order to make an appeal of that order.

MS. MERO: Who's going to help me make that appeal, especially if I'm illiterate, don't understand, an elder living in a small community, don't know why this has happened and all the other things that are going to come up? Because my experience is people here are not really familiar with the legal system and many people don't have the skill or expertise to wind their way through the system. What I'm wondering is why is there not an order, such as child protection where you can remove the child and make them safe and then have a hearing? Why is there not a hearing in this process unless somebody knows they have to file an appeal?

MR. BOYD: I can't speak for the Minister. I think perhaps I'll just pass onto Madam Chair or committee members.

CHAIRPERSON (Ms. Lee): Those are concerns that could be put to the Minister through the committee. Another thing to note there is the appeal isn't necessarily to ask them, no, don't kick me out of the house. The appeal is very, very narrow. You have to prove that there was some wrong, an error in the process or something like that. You don't get to actually review the whole facts when you appeal.

MS. MERO: So I can't prove I didn't do it; I have to prove you made a legal mistake. It's impossible to prove I didn't do something, okay? So I can't tell you that, no, I didn't deal drugs because I don't even know what you have against me, I don't know even who made the complaint. I don't know if it's my sister-in-law who's mad at me because I just broke up with her brother or whatever things might be happening. All of a sudden I'm in a courtroom hoping your lawyer didn't put an "i" in the right spot and made a mistake so that I don't lose my home, and that raises huge concerns for me. That doesn't fit my idea of due process in Canadian justice. This is a very one-sided process.

The other thing that concerns me is the confidentiality of the complainant. I understand wanting to keep that confidential and keeping people safe. My concern, though, is anybody can make that complaint and since there's no hearing process, that never gets aired. We don't know if that complaint is valid or not, and it may be or it may not be. Even though there's provision in the act that if somebody has made a false complaint, they themselves can be held accountable, there's really no way for somebody to find out who made the complaint to hold them accountable. So it kind of becomes a mute point.

The other thing, if I'm reading this right, the inspector doesn't require a warrant to enter and inspect to see if these things are actually happening. They can simply enter. Is that correct?

CHAIRPERSON (Ms. Lee): Glen.

MS. MERO: It's not correct?

MR. BOYD: Perhaps if you wouldn't mind just clarifying. With respect to fortified buildings or with respect to the implementation of orders?

MS. MERO: Both.

MR. BOYD: It's my understanding, of the reading of the act, that warrants are required to enter the premises to search. Now they can go to the premises and ask for consent. So if the investigator goes, the person agrees to allow them into their residence, obviously it's the same thing as criminal law, the peace officer can go in and inspect the residence. But if they want to go in per se, a warrant is required.

Now, there is a second issue with respect to the inspection of residences once an order for the removal of fortifications has been issued, and that may be what you're referring to and I think there may be some ambiguity in the act with respect to that aspect of it.

MS. MERO: Okay. When I was looking at what was on the website and what was produced in the newspaper a few months ago, one of the things that was mentioned was drug use in a home and basically that as a reason for somebody being evicted. Drug use is very, very broad and I don't know if that's been clarified in the legislation. I would be concerned that somebody who is a recreational user of a soft drug faces the same consequences as somebody manufacturing crystal meth in their home. I'm not sure if that would happen or not, but that's a concern.

The question of prostitution; that is definitely a concern. I think for those of us involved in social activism as we're looking at an economic boom, that's one of the things we're worried about in our communities. One of the dilemmas, though, with prostitution is basically who are you after here. Are you after the person purchasing the sex or the person providing the sex? That doesn't really show up anywhere in here.

Now, bootlegging. When we had the community meeting a few months ago, one of the people who spoke at that meeting was actually an inspector in Saskatchewan and he said they actually relied on the use of third-party information to make orders, because, of course, your inspectors can't be in every community and if they get off the plane in most of our communities we're going to know they're the inspector and we're all going to clean up our act; myself included. So are we going to use third-party information in the NWT? Will I be able to tell the inspector something, who can use that to get an order?

MR. COLLINSON: The inspector has the ability to hire outside contractors, not just inspectors. So there would be the ability to hire somebody to do that. Obviously the inspectors will become well known after their first few rounds through town. So once that happens, they may have to start using third-party contractors to do it.

MS. MERO: So is that known who the third-party contractor is? Is that basically paying somebody as an informant?

MR. COLLINSON: That's another I think nice way of saying that, yes.

MS. MERO: Okay. When it comes to illegal gambling, I think we can all agree there's a long history of gambling in aboriginal culture. It's not necessarily seen as a bad thing, but we do know sometimes it creates an addiction and then there are problems for families. So what I find in the legislation, it really doesn't specify what level of gambling we're talking about, whether we're talking about somebody who has as regular OK-O games or somebody who is actually running quite an organized gaming house.

MR. BOYD: Thank you, Madam Clerk. The act is fairly specific in that it does identify it as illegal gaming activities. A fair interpretation of that would be the gaming activities would have to be in contravention of the Criminal Code, which means that someone would have to be running a gaming house, which means that somebody essentially, in common language, would have to be taking a take off the...It's not a friendly poker game; somebody is taking a take off the money that's been gambling.

MS. MERO: Okay. So somebody is making a profit off the proceeds.

MR. BOYD: Essentially, yes.

MS. MERO: Okay. Now, I know in the literature that came out earlier, one of the quotes I took out of it was other activities that disturbed the neighbourhood. Is that still in the act and has that been clarified, because that is extremely broad?

MR. BOYD: Thank you, Madam Chair. Yes, that is still in the act.

MS. MERO: What would that mean?

MR. BOYD: I think that's open to interpretation. Obviously you've had an opportunity to review things. There are some fairly broad terms used there and, again, it would be open to interpretation exactly what the final scope of that would be.

MR. COLLINSON: Some of this legislation they've essentially copied from Saskatchewan where there are some concerns with motorcycle gangs and things like that operating, and aboriginal gangs that have fortified properties and places where they make a fair amount of noise. So I think they're trying to spread the net as broad as they can so that when you have activities like that going on, they have the ability to perhaps respond to it and ease neighbourhood concerns.

MS. MERO: Okay. I have a lot of concerns about the eviction process. I won't go through them all; rather I'll give you this written document. One of my concerns is basically that we could be putting families at risk by evicting them, we could be putting children at risk by evicting one or both parents, we put people financially at risk by evicting them from their own home. I'm not sure legally how we evict somebody from their own home. That kind of takes it a bit far. I'm concerned that somebody is going to move in with their relative and take the problem with them and cause problems for that relative. I know up here at 40 below, I'm not leaving somebody outside even if they're not a good friend of mine. I'm more likely to let them come and stay with me, which could create problems for me. If we are having evictions from communities, the logical places people are going to go is the larger centres: Yellowknife and Inuvik. I don't think either community has room to absorb people with these issues. Denise had brought up earlier the issue of what resources are there and we don't have a lot of resources. So if we're going to take a heavy-handed approach, what are we going to use as the other hand to help people would be one of my questions. It's stated in the literature that there's planned cooperation from Health and Social Services. Does that mean that children end up being evicted because of a government response under a piece of legislation that a parent can't respond to? I get worried that we can put ourselves in a position where in the end the person is left very powerless.

There was also a quote that the SCAN investigators can track people to make sure they do not continue their activities in a new location. Doesn't that imply that somebody stays under continual surveillance? Is that allowed in Canada? Are you allowed to track me as I move from town to town?

---Interjection

MS. MERO: Is it not in there anymore?

CHAIRPERSON (Ms. Lee): It's in there. Left to interpretation.

MS. MERO: It is in there. Left to interpretation. Okay.

MR. BOYD: As indicated, this type of legislation in other jurisdictions hasn't been Charter challenged, so there may be some areas which could be susceptible to a Charter application.

MS. MERO: Okay. If I've read it right, even if there's a criminal charge for the same information that was gathered and the criminal case is thrown out, this SCAN order can still stand and I can still be evicted. Is that correct?

MR. BOYD: As you've already touched on, the standard of proof with respect to this SCAN matter is substantially lower. We're talking about a civil standard. Balance of probability is essentially what we're talking about: 50 percent plus one as opposed to beyond a reasonable doubt, which obviously is a much, much higher standard.

MS. MERO: Okay. There's also the issue of landlords. If I was renting a home, I'd be very nervous under this legislation because I'm going to be put in a position of basically helping you evict my tenants so I'm not held responsible. I may have no idea what the tenant is doing and it sounds like a lot of coercion of a landlord to basically pony up and do what we need you to do on a really low burden of proof already.

Some of the questions I had as well, was input from aboriginal leaders sought when this was being drafted, or have we just basically taken it from another jurisdiction and seeing if we can fit it?

CHAIRPERSON (Ms. Lee): On that, I could tell you and everyone here, that the proposal for this legislation was first announced publicly by the government in the last October session sessional statement, and then the Department of Justice did consultation and it included consultation with aboriginal leadership, and aboriginal leaders, and community leaders, and they got the feedback on that and decided to go as a legislative process. So that's where we are. So there has been consultation throughout and we are doing the consultation as well.

MS. MERO: Okay. Has there been consultation with professionals that will deal with these families, such as the social workers, the wellness and addiction workers, the Salvation Army in Yellowknife, the homeless shelter in Yellowknife and Inuvik? What I'm thinking there is those are the people that will actually be dealing with the consequences of it, and have we looked at whether or not they have the resources to do that.

CHAIRPERSON (Ms. Lee): I could...

MR. COLLINSON: There hasn't been any consultation with stakeholders in other departments. This is essentially a Justice department bill. So I mean if it becomes law, well then they'll work out how it will work out between the different service agencies.

MS. MERO: My overall impression is that the legislation is so strong, people may be actually very reluctant to use it. I personally don't want to phone you about a bootlegger because I don't want to be responsible for a family being evicted as the first action towards them. I think what we may find is people actually tell less rather than tell more.

So if you like, I can leave you this written copy. I've left my e-mail address if you need it electronically. Thank you very much.

CHAIRPERSON (Ms. Lee): Thank you very much and we thank you for the written submission, as well. A lot of concerns you are bringing have been raised by lots of NGOs especially who had to deal with homelessness and family support and such. So this is an important part of our overall discussion and consultation.

I'd like to ask Members if they have any questions or comments on this. Mr. Braden.

MR. BRADEN: Thank you very much, Ms. Mero, for bringing your views and for putting the time into your analysis. I wanted to ask something of you, actually from when you first sat before us a few minutes ago. You were making some enquiries into the Child and Family Services Act and the requirement to, on the first cycle, for a child worker to appear before a JP with a request for an order. You expressed some concerns about the competency of JPs to deal with such a weighty matter, especially as the review moves down the pipe and becomes more delivered, if you will. I wanted to clarify with you, given that there is often a requirement for some urgency or a need to act quickly at the front end, is a JP able to handle that level of duty in your assessment, given that we want to have a full judge handling things later on? I just need to get a sense of your confidence in a JP being able to do it early on. Naturally, because we have so few judges to go around.

MS. MERO: Exactly. Just to clarify, I've done most of my social work in very remote communities including reserves and fly-in communities, and I've done it to JPs sitting at their kitchen table, standing by the side of the road, once even at the dump where I had to go find the JP. So I've done it in some pretty creative places. I've found for actually filing that first order, JPs have the level of understanding to realize immediately if a child was at risk or not, because social workers need to write that in such a way that it's very clear. So that first four days and nine days I don't see an issue with. My concern would be when you get to a full hearing, which I think parents need to have and that all needs to be brought out in court, that's where it gets very complex and that's where I would be concerned about a JP having to go through that process. Parents, understandably, become very upset during that process and whoever they see as being on the other side of it, and I would be concerned that they may see the JP as basically being against them rather than hearing that information. It's a very emotional process. So the four and nine-day reporting process I would see as being perfectly reasonable. The full hearing I think needs to be before a judge.

MR. BRADEN: Thank you. I'd like to ask a bit more now about Bill 7 on the SCAN legislation. You've give us a number of very specific, very particular areas of concern. Like Ms. Lee has already mentioned, you're reflecting what we have heard from some other parties to date so far. Rather than going into any specifics about any one of them, I would like to get a sense from you if we were to carefully work through the bill and try and address these in ways that become...Well, hopefully we can find ways that are satisfactory. Do you think we can do that? Is this bill fixable or, in its present shape and

form, even if we try to make some amendment, is it something that's even worth engaging in a further review of?

MS. MERO: First of all, I understand completely why you would want the legislation. I think we're facing a lot of very serious social concerns and we do have people who do tremendous damage in our communities. I understand Denise's earlier comments about transient people coming and creating those concerns. So we want to have some way to respond. What I see this legislation needing is the same sort of process you have for child protection legislation, where somebody has a chance to respond basically to the charges being brought against them, so you actually hold a hearing. Whether that means somebody is given a notice when they're served with an eviction order and that's not put in place until you have a hearing, which would have to be within a relatively short period of time, and they have the opportunity to basically defend themselves against that evidence. I think that would solve a great many of the problems and let people know what the concern about them is. I think if people are aware of that and a hearing also becomes quite public, that actually might make people stop and think about doing it. Because people engaged in this activity don't want it in the public; secrecy is their power. So I think if you implement a hearing process within a relatively short period of time, you can actually get around a lot of these concerns. And within that hearing process is a chance for the other family members living in that home to give their piece as to whether or not they too should be evicted. Then it's very clear about who's being evicted and that person then has the court publicly saying you're not going back in. It's not their wife or their grandma or their mother trying to tell them you can't come back in.

MR. BRADEN: Therein is, I guess, another kind of conundrum here where the absence, if you will, or the gap potentially in the legislation that does not afford the accused or the alleged offender that level of accountability. A difficulty seems to come up if we want to move quickly on this, that the offender, as you have pointed out, will need to have representation, should ideally have a lawyer. There is probably a greater shortage of lawyers than there is of judges especially for this kind of work. I guess now that people like you have pointed out, I'm trying to square up if the need here is to be able to act quickly, that is an essential advantage of this legislation over the normal criminal proceedings. How are we able to do this when we will not likely be able to make sure the people have adequate representation on a really rapid basis? If you want to take that as a question or something to comment on, but it's becoming very apparent that there's a real gap not only in legislation but probably in our ability to afford people the kind of help that they should have.

MS. MERO: Well, I think the point has been made that not many of these actually reach that process. That ability to go and talk to somebody often shuts down the activity. Maybe it's a case of hiring one or two lawyers with Legal Aid who represent these clients if it ever gets to a full hearing, so they have that right to a legal process. I can see without it, I can see this falling before a Charter challenge very, very quickly. So find a couple lawyers whose job would be to basically represent people when they are charged under this act. Not charged; evicted.

CHAIRPERSON (Ms. Lee): Our understanding is the way the legal lawyers act is written, people that come before this legislation would not be eligible as it is written now because eligibility is determined by income and jeopardy, and jeopardy under criminal process or a family process, most civil cases are not eligible. This would be construed, I would think, as a civil case, unless, of course, we write this in.

MS. MERO: I think when we're looking at evicting people and including from their own homes, I think we have to look at that as jeopardy. I think we're putting people at risk by doing that and that may solve some of the greater problem in the community or we may case greater problems. I think we need to find a way around not having lawyers and basically find lawyers, because we can't simply say because we don't have lawyers, we're going to do this anyhow. I don't think that really meets our legal standards in Canada, one of which is we have the right to defend ourselves and we have the right to face the person who accuses us. I would be very nervous if I was charged under this, very scared, because I would see myself as having no way to defend myself. If it was a misunderstanding, I would have no way to clear my name in the public eye.

CHAIRPERSON (Ms. Lee): Mr. Yakeleya.

MR. YAKELEYA: Thank you. With this piece of specific legislation, just looking at issues we've heard, I could say for myself just over the last three and a half years, in our communities about the bootleggers, the drugs are now coming into our smaller communities, and the ever-debatable gambling issue, how gambling is looked at in our communities. With this piece of legislation, it's giving I think some of the ownership back to the people to say...even the chance of people coming in. We know who they are in our communities. We know what they bring in because of some of the things that's happened after a week, later on, things that crop up. So I guess I want to ask you in terms of we are starting to identify taking a stance on some of the situations that happen in our community. Do you see a group also, like the justice committee, having a role in this legislation in terms of dealing with some of the issues? Because you are right; when we do look at an issue such as bootlegging or even the selling of different types of drugs, a family is going to be impacted. Who is going to be there for the family? You're looking at one situation now of someone who has grown up and has family ties in that community and for whatever reason goes off and does these things for whatever reason and we can sit here all night and debate about why they bootleg or why they use drugs or sell drugs or have gaming homes. So you see, I guess, my question just in terms of the role in the community to play in this SCAN legislation, like an interagency or a justice committee that would work with that and would help the community. You don't want to really punish, you want to help the community because at the tail end of it if you're going to evict somebody, then you've got homeless issues, then you've got issues with families being torn apart. So there's lots of things we need to look at very carefully for our people. This is their land, this is their home and I'm not too sure where you're going to chase them to. So I guess it has to be very careful. That's something this legislation wants to look at, is some of these real tough issues that we all have to deal with, and I think that's something how we can help out in this situation. Do you see a committee like this, in this community at least, to deal with some of these issues?

MS. MERO: First of all, I think you've got a very good point because that's a more traditional model of problem solving. I've been involved in restorative justice in this community since I moved here nine years ago, and I've taught courses on it and whatnot. What I see is when the offender comes before you and they're actually repentant or sorry for what they did and want to make amends, it's a wonderful process. It works very well because they're buying into it. If they don't think they've done anything wrong or they're resistant to the process, it doesn't work at all because they have to be fully part of it. For it to work for a justice committee, basically you're dealing with very low-level offences, first-time, second-time offenders, often kids or younger adults, people who haven't been in conflict with the law before. So I think this issue is quite a bit beyond it. What you might want to look at, and I don't know if our communities are ready yet, is something similar to the idea in child welfare where you could have a group of people in the community that are going to work with that family or address the issue. In some of the communities I used to work in, we had to do this because court came every three months; we had no lawyers, we had no mental health workers or anything. So we had a group of identified elders who would work with us and go and meet with the family and look at what the issues were and sort them out, and we actually didn't go through the court process. We ended up not apprehending any kids for about two years because we resolved issues that way. So maybe in our communities we have a panel of strong people, some elders, maybe some young people and people who have an understanding of the complexity of the issues. Maybe if somebody is ordered to meet with that group and basically being confronted with what they've done and these are the possible solutions and if you don't do them, this is the next step in the process, may be a way of bringing it back to the community, back to traditional problem solving model, back to the strength of the family saying we don't want you doing this anymore, you need to stop, before we get into the whole legal process as far as somebody losing their home may be a possibility. It would take a fair bit, I think, of training within a community and making people comfortable with that process, but I think if we can rely on those traditional methods, that's got far more impact of grandma telling you not to do it than a stranger telling you not to do it.

CHAIRPERSON (Ms. Lee): Any other questions or comments from Members?

MS. MERO: Thank you very much for your time.

CHAIRPERSON (Ms. Lee): We thank you.

MS. MERO: You're welcome.

CHAIRPERSON (Ms. Lee): Anyone else, please feel free to come forward, state your name and tell us what's on your mind.

MS. THRASHER: My name is Julie Thrasher and I work here at the Inuvik Homeless Shelter and I also work in the community with residents who want to bring up issues through their government or leaders or whatever.

First of all, I just wanted to comment on what Mr. Braden was saying when they were talking about acting quickly in response to these legal acts that they have. When it comes to possible evictions and they need to be enforced because we need to protect our communities and that's why we have social services, RCMP and other government departments, the Justice department and everything. Unfortunately, yes, you will be dealing with evictions and homeless people, but that's the consequences that you have to face when you're coming to building a stronger healthy community.

We were successful and happy to say that we had a letter from the town here, through the building capacity fund, and were awarded $250,000. With that we can help work with these acts that are going to come through, build a stronger healthy community. Then when it comes down to a safer community before this proposed balloon comes in and everything, we need to sit down, like Norman was saying, with our leaders and work together with our local aboriginal groups, our MLAs, our government leaders, our social activists and try to work ways around it that we don't have to continually sit back and say what can we do to change this, what can we do to change this. We can work on this act and use it as a building block and take direction from there.

One direction that I strongly think should be enforced is I think when they say the problem of transients coming into our community and doing illegal actions, and bootlegging, drug trafficking, and hopefully not in our community getting into the area of prostitution with the proposed boom coming in. One thing that was done long ago in traditional lifestyles and cultures was banishment from the communities. I'm not sure if I'm wrong or correct when I say it's been done in the Eastern Arctic in the past. When you want to protect your communities, this is what happened years ago and it's not like we're throwing people out communities saying we don't want you coming back. It's a punishment to them but we're not passing it on to someone else. It's a public punishment to them that would, I'm sure to some extent, bring them down to level.

It's a hard issue to deal with. I have to say, in my opinion, the bottom line is that all these acts are coming into work now, to start building and working on our community to make it stronger and healthier and there are consequences that we're going to bump into. We're going to face people who are going to be evicted and then that eviction is going to equal up to what are you going to do with our children if I get kicked out of my house. But those are what these people have to face. If they want to take on the illegal actions, this is what they have to face and unfortunately it's going to fall back on the community. Social services is going to deal with child welfare; RCMP is going to deal with the illegal activity; and then the homeless advocates and otherwise are going to deal with what are they going to do with these people. But that's what we have to, unfortunately, come to reality with. There's nothing that you can't do to put a checkmark on a piece of paper and say let's forget about this and put this person in jail. We've done it for years and we know it doesn't work. It only hardens our criminals. It takes them away from the problem and when they come back it's all over again, and I think it's just something we have to deal with.

There's going to be a lot of problems that are going to come out of this and it's just something that we can work together with our elders, our aboriginal leadership and governments.

Then there's the issue of what I was wondering about, and I'm sure it's already looked into, but with this influx of possible boom coming in and then these acts of evicting people and having to stretch it out farther and farther, because we're originally a base community -- and I like to think of us like that because we deal with a lot of people, with Tuk, McPherson, Tsiigehtchic, Aklavik, etcetera -- are we going to be able to see an increase with our local justice, our local RCMP detachment here to take on the necessary calls? As it is, if we called the RCMP, we get directed to Yellowknife. That's uncertainty for a person who's going to be calling in an illegal action and be worrying about how long are they going to take to respond, the safety of the person who's calling, and why is it even there? If we're such a big community and we are regionally looked at, why are calls being directed to Yellowknife? If you're going to have someone who wants to call in saying there's bootlegging going on, there's drug trafficking, that person is going to have second thoughts about picking up that phone and being put on hold or having to explain three or four times before they get some action. I have personally dealt with it many times and I just wouldn't put up with it. I went down to the detachment, I told them I'm not going to do this anymore because it's putting not only in danger and who I'm dealing with, but also myself. And with that comes the issue of confidentiality. If this ever came to court, if it did ever have to go to court, will that person's confidentiality remain within the department or would that person have to come forward and eventually sit in court and everyone know who they are? Because like everybody else said, it's small communities and it's not hard to get stereotyped or put down or anything. It's very hard. When you say their confidentiality will be kept, to what degree? That's where it comes into with the law with the RCMP with this act. I'm sure that somewhere along the line if it did go to court, then that person would have to come forward and make a statement. That's some of the concerns I had, so thank you for your time.

CHAIRPERSON (Ms. Lee): Thank you, Julie. If there are any...On the confidentiality, as far as we know, under this legislation confidentiality is supposed to remain. A witness who calls will not be called to testify as they would in a criminal procedure. The thing is, though, there is a question mark about that confidentiality, because somebody will have a file on you and we do have assurance that all those will remain confidential, but we know people may be able to figure it out, or how secure are those files? I mean do they have them in their computers or whatever? So that is an issue we need to look further into or consider. It's a good question to ask. But as far as we know, under this legislation, the person who calls to report under this legislation, they don't have to reveal their identity. But it can't be anonymous, so that person will be required to talk to the inspector and investigators, but they don't have to testify as you would in a normal criminal procedure. Glen has something more to add here.

MR. BOYD: Thank you, Madam Chair. There's just one point that I thought I should maybe clarify, because in your presentation you're touching on and a number of other presenters have. In referring to the scope of the act, a lot of presenters were referring

to illegal activities. The act does include a number of activities which are illegal, such as drug dealing, bootlegging and that type of thing. I just want to be very clear there's a wide scope to the act. There's a list of what are considered specified uses and it's a rather lengthy list. A lot of those activities aren't illegal criminally per se, but the test under the new act is whether or not the residence is being habitually used for these specified purposes and whether -- and it's conjunctive, it's "and" -- the community is adversely affected. So that's one ground on which one of these orders could be obtained.

The second ground is whether there's a serious or immediate threat to the security of the occupants or of the people in the surrounding community. So I just wanted to clarify that one point, is it's not all criminal activity. There's a fairly extensive scope to the act.

MR. COLLINSON: Just to clarify the thing on the confidentiality, they're pretty specific in the act about trying to make sure that confidentiality be maintained right down to the point where they're talking about no information will appear in a court proceeding that can possibly identify the complainant. So, like, if you were filing the documents, you'd probably see it look like one big black mark where any possible thing that would identify the complainant would be blacked out of the court documents. Then there's also another clause there where even the investigator cannot divulge...is not required to divulge the name of the complainant in court. So there's legal protection; the investigator does not have to answer that question in court.

CHAIRPERSON (Ms. Lee): Thank you. Are there any others? Anyone else who wants to come and use this opportunity to just give us your feedback on what you're hearing so far? Welcome back.

MS. HANSON: I know I spoke before.

CHAIRPERSON (Ms. Lee): If I could get you to state your name again for the record.

MS. HANSON: Liz Hanson from Inuvik. I just want to ask when somebody has to vacate the premises and it belongs to a landlord, who pays the landlord for the rent for that month? Also when they vacate their own premises, say if I was charged with bootlegging or something and I got kicked out of my house, who's going to pay all my utilities while I'm kicked out and waiting for the...

CHAIRPERSON (Ms. Lee): I think it's pretty clear in the legislation that if you are in that sort of trouble, you would be responsible for all the costs.

MS. HANSON: Okay. Will all these bills have an aboriginal language? Will they be translated into aboriginal language or would we get the opportunity to educate some of our people in our own languages? Is there funding set aside for this? I think we should be given the opportunity, too, to make our own laws instead of borrowing from Saskatchewan. We're just as smart as those people, maybe smarter.

---Laughter

Mind you, I was educated in Saskatchewan, but I still say this. It seems like there would be a lot of educating about even this one law, you know? In these small communities, you're going to find out pretty quick who the culprit is that squealed on Mr. Joe, you know? That person may as well just move out of town because people know each other in small communities. So I think a lot of education has to go before these laws are accepted by the legislation. Anyway, that's my piece. Thank you. Any questions?

---Laughter

CHAIRPERSON (Ms. Lee): Thank you for helping me with my job. Any questions? Comment from Mr. McLeod.

MR. MCLEOD: I just want to make a couple comments on some of the remarks I've been hearing so far. This is a bill that the Minister brought before our committee, and when he appeared before our committee, we asked him a lot of the questions you're asking today. But we did want to get first and second reading in so we could take it on the road and listen to what the public has to say. We've had hearings in Yellowknife, and this afternoon in Tuk, and this evening again, and there's lots of really good, hard questions being asked. We would like trying to answer them, but this is not our bill. We're getting your input and it will go a long way, like I said, into deciding whether I endorse, or this committee endorses, this bill. From what I've been hearing so far, people like the principle and I think everybody likes the principle of going after bootleggers and drug dealers, but then once you start reading the fine print there's a lot more to it than we all realize.

Liz made a couple points before on banishment, the aboriginal tradition, and Julie touched on it again. I'm just wondering if that's not something that our aboriginal governments should be looking at; the Gwich'in, Inuvialuit. Nothing something that governments should be looking at because it's not us, it's the aboriginal governments that used to practise that and it's something that they may think of looking at again.

Alana had a lot of tough questions and some good questions and questions that we can relay on to the Minister. I think Floyd is enjoying all these questions being fired at the Regular Members.

I just wanted to make a couple of points on some of the comments that I've heard tonight. Like I said before, we all agree with the principle or the idea of going after the drugs and bootleggers, but I'm really glad we did have a chance to bring this out and listen to what the public has to say, because from what I've been hearing so far there's not too much support for the bill. Maybe it's a question I could ask you, Alana, and I think Bill asked you that before. It just seems like if we had to make amendments to the bill, we may as well just rewrite the whole thing because there would be too many amendments to make.

MS. MERO: I agree.

MR. MCLEOD: So I'm really glad and I really appreciate the input that you folks gave us, because, like I said and I'll say it again, it will go a long way in deciding whether I

would endorse this piece of legislation or not, and right now it's not looking very good. Thank you.

CHAIRPERSON (Ms. Lee): Thank you. There was a reason why I recognized Floyd as Member for Inuvik Boot Lake and not as Minister of so-and-so, so he won't be placed in a position of having to answer any of these questions because we have separation of powers. But I know he's listening. We had another lady who was...Karen Mitchell. If I could get you to state your name, for the record, and give us your opinion. Thank you.

MS. MITCHELL: Karen Mitchell. Sorry I came in late to the meeting. Just comments and one question. It dehumanizes a bit myself with my own personal experience as a single parent and already had to face eviction two other times. I have one child and my child is eight years old now. I just do contract work in language. My daughter is right there so she overhears my story over the phone and I didn't realize this until just lately. Her marks went from 100 percent right down to 40 and 60. Just in the last couple of days she was worried about paying rent.

I appreciate that these kind of consultations can happen locally because I come from the era when the highway wasn't there. It came through when I was 10 years old, so before this our local leaders, our traditional leaders had these types of meetings with us and we've kind of lost that rapport over the last maybe 20 years I would say, and now it's good that we're at that stage again of having face-to-face meetings. So I appreciate you people being here and actually seeing you write down some of our comments, because this is important.

I know legislation helps a lot to minimize some of our social problems. Like I said, I was sitting back there thinking if I have a disabled mother who speaks fluently Gwich'in and I have another family member, a child that's on, say, oxygen. My home setup is really nice or the other family member's home is set up real nice, we rotate the family members to take turns looking after our disabled family members and we get evicted and I have to pass my family member on to long-term care of the Charlotte Vehus Home and there's no vacancy at either place and, therefore, I would have to then send them south to Alberta and they're going to face all kinds of culture shock and that type of thing and they require 24-hour translators. Who's going to cover the cost? Is it federally? I know in one of the other comments it said the costs will go back to me as the person being evicted. Will I then face criminal charges for some of these acts or for it to be implemented? I can only see it leading into a criminal offence if I don't.

We live seasonally here right now. I went out to the camp for the weekend and just because I had to deal with housing issues, I came back into town and I'm worried. We left Friday, there was no water and I came back into town yesterday by skidoo and there's already water. Then say I was away for my 14 days or whatever and meanwhile this process is happening. I was going to take my daughter out to the camp for break-up and then I won't come back into town when the ferry opens in the first week in June, and now I'm being stalled because I can't practise my own traditional values or my own traditional culture because I'm already just living by housing rules and I have to do this by certain days and that. I just want to see that the aboriginal people are more

consulted and that some of our traditions and cultural ways be implemented. Mahsi quo for listening. Any questions? Comments?

---Laughter

CHAIRPERSON (Ms. Lee): Thank you, Ms. Mitchell. The intent of this legislation is to get at somebody who's doing wrong; you know, illegal activities in your home. I know there are lots of rules to live by in public housing, but it's only if you let somebody do bootlegging or drug dealing or illegal activity in your home, somebody could file a complaint on you and then have that person removed. The issues are whether the innocent people will be caught in it. Issues are whether we, I think, as a society don't have a problem taking away rights of some people to a certain extent to punish them for what wrong they are doing, it's just that we want to make sure that they have a chance to explain themselves or prove their case and that innocent people are not caught into it. That's something we need to look at into this. You could all get evicted and then you'll have to...Well, you're not supposed to, but if that happened then you would have 14 days to appeal to say no, I wasn't doing that, so-and-so my in house was doing that or something like that, or to verify your facts. That's where the problem lies. But I think for your case, I don't think you have to worry that because you're not following housing rules that you're going to be evicted from your house in that way.

MS. MITCHELL: I guess one of the other things I wanted to go back to is how are we going to...Like someone suggested that we have two lawyers to help work out these issues and if the children are being traumatized and other family members, already some of our resources here are booked into a year. Like you know, we would have to have some support in place for these people. Like I said for an example I used my own personal story for an example. I'm fortunate that there's a school counsellor that my daughter goes to see, and I keep telling her your child will be a child, don't worry about this. Mom's an adult and this is just the way life is kind of thing.

On my part, I'm a trained counsellor and I'm able to assess myself and assess my daughter. I've had a tragedy in my family a year ago where a young member of our family had two children and a young wife and committed suicide just because of similar issues like not having enough money to pay for rent, not being able to work. He went out on the land and had to come up with rent money and decided to bootleg and do drugs, and said to a family member three days prior that I hate bootlegging but this is the only way I could do this right now. But like I said, this person being shamed, tried to approach one of the other resources and said can I borrow this much money but was turned away because they didn't fit under the criteria of the help that is normally provided through the harvesters program or some of the other. Then you get somebody putting in a complaint and then, like I said, they're protected by confidentiality. It's just tragic. I know of that statistic from over a year ago. Again, I just thank you for having these consultations. They are very important to have. It would have been nice to see more community members. Mahsi.

CHAIRPERSON (Ms. Lee): Thank you. I think all the Members love going to communities and meeting with our residents anywhere. We always learn so much

more. I think it's important to note that this legislation is very specific and it focuses on law enforcement and other issues...(inaudible)...suicide prevention, child welfare, and alcohol and drug treatment or prevention. Any of those issues that arise are expected to be taken care of in other ways. It's not specifically spoken about in this legislation. This legislation goes after very specific people doing specific things, and the specific question is that they will be evicted from their home. So other larger questions are talking about we all need...(inaudible)...too, but it's not something that's spoken about directly in this legislation.

Any other comments or questions? Is there anyone else in the audience who would like to take up this opportunity to speak to us?

Sorry, I had it on mute. Okay, I'm going to ask Members to say a few closing remarks before we close. I'll go to Mr. Braden.

MR. BRADEN: Thank you, Madam Chair and to the folks who came out tonight. We still have a number of communities to visit and we anticipate that we will be working on this bill probably for several more weeks. We have had some fresh requests from other communities in the south of the NWT to see them as well. So I guess if I would like to leave one message is that tonight is not the only and the last time you have to tell us what you think about this bill or anything else that's before us. We will be meeting again in May and then I think for the SCAN legislation, probably not getting around to that one until August. So you still have plenty of time to get some questions or some ideas into us through your MLAs or directly to the clerk of our committee, to Gail. So thank you again. Please stay involved with what's going on.

MR. YAKELEYA: One of the concerns or questions that come up from my region is how do we deal with some of the situations that we're talking about tonight, especially with the Safer Communities and Neighbourhoods Act. It's known in our small communities which household or what activity has happened that weekend and people talk about it and tell the RCMP, you tell the mayor and the chief, and a lot of people question how do we deal with this. So this legislation here, one of the bills, Bill 7, is one way that we could look at how the people themselves could take ownership of these situations. The government is proposing this bill to look at this issue of illegal gambling, the bootlegging going on and the use of drugs. When you have that and you also know that it impacts the family as a whole, it impacts the community as a whole. So we have legislation like this, but we also need to make some very strong remedies to help the family and to work with the family and strengthen our leaders. Because the one lady was right; there's some discussions on some proposed resource development happening in this region and right down the Mackenzie Valley, and she is right; I really like what she said. We have to prepare for these type of activities to make stronger communities because if we don't, it's going to wipe us right out. We'll start to see now if we don't smarten up as leaders, as community members, God help those young children who are coming up and are going to be our leaders one day.

So I look at it this way, as Liz said, that our elders are very strong. Let's use them, but we also have to use this in our their own language so they can understand what we're

saying and to translate and to maybe have some good, strong laws that we can also use and to use our elders, because that's how they were brought up in times before the laws. They had their own laws. So we've changed a little bit and we've changed with the times with things that are happening in our region.

I really appreciate coming to Inuvik. We had a good visit to Tuktoyaktuk and people there really spoke well to give us their input, and people over here really gave us some good things to think about and writing some things down, because it means a lot when we have these discussions with our committee and have some further discussions with the Ministers who are proposing these bills to see what we can do. It's your people; it's your laws. We're just the mouth, I guess, and the ears to hear what you have to say. But it's important because these laws are going to affect you and they're going to affect the people that you work with, so it's really important. So I'm really glad that we're having this discussion tonight to listen to you, to hear what you have to say about this, because it's your life. Thank you.

MR. MCLEOD: I pretty well said everything I needed to say before, but I do want to thank you guys for coming out and the input that you've put in. I've heard some support for a couple of the acts and then a lot of questions on Bill 7, so really good input, good questions, and I guarantee the Minister will hear all the questions you asked and we'll make sure we bring them to his attention. So I appreciate you all coming out, with everything going on around town, and giving us your input. It's very important to us in how we go about our business and how we form an opinion or how we're going to decide what we're going to do with this bill, whether we're going to support it or not.

MR. POKIAK: Thank you, Madam Chair. I'd just like to thank the public for coming out tonight. I really appreciate your comments regarding these bills here. I think, as Madam Chair said earlier, that these are government bills that we're bringing to the public. We're listening to what you people have to say. We'll gather all that information and from there we'll have a discussion with the Ministers responsible for the bills, and then it will go for third reading sometime, either in May or it may be even later than that. But I think the number one thing we have here is the consultation process is important and I'm glad the committee, over the last couple of days, including Tuk because Tuk did write a letter to the committee and I appreciate them going down there this afternoon for a meeting.

But I've heard the concerns that you've raised and we'll take those into consideration as we work towards the bill. Thank you very much.

MR. LAFFERTY: Mahsi. (English not provided)

I really appreciate being here, part of the committee, just hearing the odd comment from the public. This is just another legislation that is coming forward by the government. This is just another way of dealing with community issues, community social issues that are in front of us that have been there for a number of years and will always be there, as well, unless we deal with those issues. But at the same time, we've heard over and over in the community, other communities, that we must take ownership. We, as a

community, as leaders, as professions, we have to take those ownerships into our own hands as well. We shouldn't be told what to do by strangers, as I heard earlier. These are community issues and we should take those as empowerment onto the communities.

So these are good discussions that are going around the table. Those discussions will be brought back to the Cabinet, and the colleagues around the table will certainly be discussing it with other colleagues of ours and moving forward with it. We may just dismantle this whole bill; we may approve it; we may not approve it. But this is a work in progress, this is a start, and we know the grassroots problem and let's deal with the problem that's in front of us and the principle of it. That's what we're after.

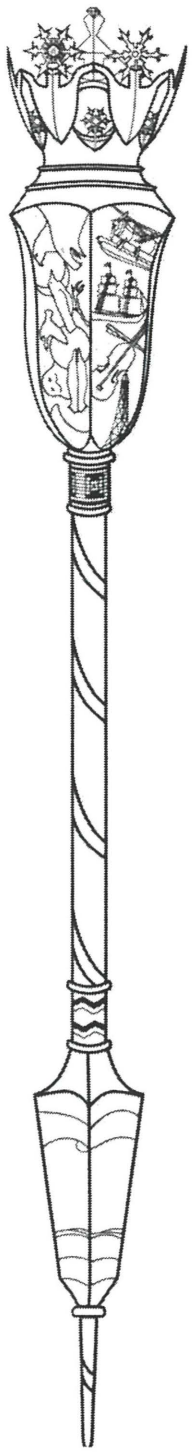
But once again, thank you for coming out. I realize there are two or three different functions happening tonight and I'm glad you guys are here tonight with us. Mahsi.

CHAIRPERSON (Ms. Lee): Mahsi. I know Jackson is dying to know what the score is for the hockey game and hoping that they're going into double overtime.

As chair of the committee, I want to also thank you very much. As everybody mentioned, we have the position of this bill. We're listening to you and people in other communities. We had a two-day hearing in Yellowknife, and we met in Tuktoyaktuk this morning, we met here tonight, tomorrow we're going to Ulukhaktok, the day after we're going to Colville, the day after we're going to Behchoko. We're a hard-working committee. Then we will be going south after that and we'll go to as many communities as possible.

Now, I want you to know that we're not just a sounding board. We're not just collecting this and we're not just a messenger. We will deliberate, and the committees have power to reject the whole thing, or accept the whole thing, or we can amend them to get community input and we've got lots of good ideas. So I want you to know that all your comments are very much appreciated and they will be put to good use. So you've made us much more smarter and wiser and more in touch with the communities. So we thank you and the staff, and thank you so much for spending and giving us your valuable time tonight. Thank you very much.

---ADJOURNMENT



Northwest Territories Legislative Assembly

Standing Committee on Social Programs

Public Meeting on

Bill 1, An Act to Amend the Partnership Act,
Bill 2, An Act to Amend the Condominium Act,
Bill 3, An Act to Amend the Legal Services Act,
Bill 5, An Act to Amend the Child and Family Services Act,
and
Bill 7, Safer Communities and Neighbourhoods Act
NWT Housing Corporation

April 23, 2007
Tuktoyaktuk, Northwest Territories

Chair: Ms. Sandy Lee, MLA

STANDING COMMITTEE ON SOCIAL PROGRAMS

Chair

Ms. Sandy Lee, MLA, Range Lake, Chair

Members

Mr. Norman Yakeleya, MLA, Sahtu, Deputy Chair
Mr. Bill Braden, MLA, Great Slave
Mr. Jackson Lafferty, MLA, Monfwi
Mr. Robert McLeod, MLA, Inuvik Twin Lakes
Mr. Calvin Pokiak, MLA, Nunakput

Witnesses

Ms. Lucy Dillon
Mr. Saeed Shesheghar
Mr. James Pokiak
Mr. Bill Emoghok
Ms. Debbie Raddi
Mrs. Jean Gruben
Mr. Merv Gruben
Mr. Taylor Pokiak
Ms. Dorothy Loreen
Ms. Maureen Gruben
Ms. Veryl Gruben

Committee Staff

Ms. Gail Bennett, Operations Assistant Clerk
Mr. Robert Collinson, Senior Research Analyst
Ms. Regina Pfeifer, Research Analyst

STANDING COMMITTEE ON SOCIAL PROGRAMS
Public Meeting on Bill 1, An Act to Amend the Partnership Act;
Bill 2, An Act to Amend the Condominium Act;
Bill 3, An Act to Amend the Legal Services Act;
Bill 5, An Act to Amend the Child and Family Services, Act, and
Bill 7, Safer Communities and Neighbourhoods Act
April 23, 2007
Tuktoyaktuk, Northwest Territories
12:15 p.m.

CHAIRPERSON (Ms. Lee): Good afternoon. We will convene the meeting of the Standing Committee on Social Programs. First of all, my name is Sandy Lee. I am the chair of the Social Programs committee. It's really, really good to be in Tuktoyaktuk. It's beautiful outside. We thank you so much for coming here and spending some time with us.

Before we begin, I am going to introduce the whole panel here. There are lots of us from Yellowknife. To my right, everybody knows Mr. Norman Yakeleya. He's MLA for Sahtu, but also deputy chair of the Standing Committee on Social Programs. We have committee member Jackson Lafferty, who is the Member for Monfwi. We have our staff here: Regina Pfeifer is our research officer, and Gail Bennett is our committee clerk. To my left is Mr. Robert Collins. He's our researcher too. We have lots of researchers for this committee. We have next to him a Member known to you very well, Calvin Pokiak, MLA for Nunakput, who is a member of this committee. Mr. Robert McLeod is Member for Inuvik Twin Lakes and I think a lot of you know him as well. Then we have Mr. Braden who is the Member for Yellowknife Great Slave.

For those of you who don't know much about the work of the Legislative Assembly, we are Members of the Legislative assembly. There are six Members here sitting on this committee. One of the main things the government does is making law. You make laws by passing bills. The government introduces bills to make laws and then once they get second reading, they come to this committee for more thorough examination of the bill that will become law. Then we usually take those bills into communities so that we can get input from the people.

So we are here with six bills, which I am going to get my researcher to explain a little bit more about. I just wanted to explain to you what we are doing here this afternoon. We usually like to go to regional centres, as well as small communities. We had been to Tuk within the last 12 months. So we hadn't originally planned to come back to Tuk, but we received a special request from the council of Tuktoyaktuk that they would really like us to come in because a lot of people wanted to talk to us about the bills we are reviewing. So we would like to thank the council and the membership there and the community for inviting us to come and we are really happy to be here.

So before we go any further, I am going to ask our committee researcher to just explain to you in plain language the six bills we are reviewing right now, or is it five bills? Five bills, okay.

MR. COLLINSON: Thank you, Madam Chair. As Sandy said, there are five bills before us. The first one is to An Act to Amend the Partnership Act. This is aimed at lawyers and accountants and medical people and will allow people in a partnership of lawyers or accountants to limit liability in the case of a partner did something wrong. So if your partner goes and does something silly and gets charged and gets sued by someone for doing the job wrong, the only thing you are going to lose is the assets of the company. People can't sue you and take away your own personal assets. This is advantageous because it allows lawyers to protect their own assets and makes it easier for us as a territory to get lawyers and accountants to move north.

The next one is An Act to Amend the Condominium Act. These amendments are going to be mostly so that consumers are protected when they buy a condominium. Right now, we are going under very, very old laws and there is not much protection for people buying condominiums. I know it doesn't have much to do with people in Tuk, but somebody may build a condominium development here and this would make it safer for people buying into it to have a say into what's going to happen with the condominiums.

The Legal Services Act, this will have a bit of an impact on the residents of Tuk. Right now, there is kind of a grey area where staff lawyers who work for the Legal Services Board are not really supposed to be working on both sides of a case. So right now, you aren't supposed to have both parties in, say, a divorce proceeding being represented by Legal Aid. This act is going to try to clarify that they will be allowed to do that if the offices are separated. So in this case, say in Tuk you might have one person being represented by the Beau-Del Legal And Clinic out of Inuvik and then the other one being represented by one of the legal aid clinics in Yellowknife and that way both sides of the dispute would have a lawyer and things could proceed. So it should make it easier for people to get lawyers and get their business done.

Bill 5 is An Act to Amend the Child and Family Services Act. This comes out of some court challenges that were in southern Canada where they decided the timelines weren't quite right for people having their children apprehended. This sets up the process now where if your child is apprehended by Social Services, there would have to be a court filing within four days of the child being apprehended and then a hearing has to be held within nine days. So this speeds up the process significantly and will give parents of children that are apprehended an opportunity to appear in court and have their case heard.

The last one is Bill 7, Safer Communities and Neighbourhoods Act. This outlines the process for the review of complaints about bootleggers and drug dealing. It's kind of a lower threshold of proof is required to have this done and basically what it will do is require people, if the SCAN investigators are able to prove it, have people move out of their homes or houses they are living in for a period of time and makes the bootlegging

and drug dealing stop. There is also a part in there that allows for the removal of fortification. Some drug dealers set up houses that you can't break into or get out of.

That's basically the stuff in a nutshell. There is a one-page sheet here, if anybody wants to grab it and look at it, that gives a little bit more detail and there are copies of the bills in their entirety if anyone wants to have a look at them. Thank you.

CHAIRPERSON (Ms. Lee): Thank you. You are all welcome to come down and tell us your opinions. But just before we do that, I just want to get all the Members, starting with our local MLA, Mr. Pokiak, just to say a greeting in person, so I am not speaking for anyone. We will just go around for a few minutes. Thank you.

MR. CALVIN POKIAK: Thank you, Madam Chair. I would like to thank the chair of the committee here for responding to the request by the hamlet to come to Tuk, specifically about SCAN anyway. They were concerned about it. I can see three our four councillors sitting in the audience right now. I would just like to say to the public, there are a lot of government personnel, RCMP, and members of the public here today. Thank you for coming down this afternoon. We are scheduled to depart about 3:00 back to Inuvik to talk tonight on the same bills. So I would just like to say thank you to my committee here for responding to the request by the hamlet to come down and talk on behalf of the legislative process. I look forward to hearing the concerns regarding any of these acts. Thank you. Mr. McLeod.

MR. MCLEOD: Thanks, Calvin. We had a couple of days of hearings in Yellowknife and we heard what some of the guys in Yellowknife had to say on these bills, especially the SCAN legislation. That's one of the larger communities and we are going to hear from Inuvik tonight. I was really looking forward to getting out to some of these smaller communities to hear what they had to say on some of this legislation we are bringing forward. Robert was saying some of the other ones don't apply too much here, but the SCAN legislation is one that I think we will hear lots on and it will go a long way on whether I support this bill or not if it goes for third reading. I think committee feels the same way. I am looking forward to hearing what you have to say, especially on Bill 7, SCAN legislation. I am pleased to be here. I missed the carnival by a couple of weeks, but I am making up for it now. Thanks. Mr. Braden.

MR. BRADEN: Thank you, Mr. McLeod. I was happy to be able that committee was able to accept the request to come back. As Robert has said, we have a lot of different legislation before us now. As you can see, we have some work to do. It is the kind of legislation that can make a difference in the way communities operate and have control over the events in how that community works.

The SCAN legislation is indeed why we were asked to come back here. It's also interesting to look ahead a little bit. We have been expecting changes to the Liquor Act to also be discussed when the new bill is introduced and we expect that to be happening in May. So there is yet some more legislation coming along that we deal with some of the difficult problems of substance abuse. So there is more to come. Norman.

MR. YAKELEYA: It's been about two years since the last time I was here. The little guy here is about six years old. The last time I was here, he was four. So I am happy to be here. I am really happy that Calvin brought the letter forward requesting the committee to make a side trip into Tuktoyaktuk, as we were only scheduled to go into Inuvik and hear these bills. When we accepted the invitation to come into Tuk, we were really happy. I had such good caribou soup there. More importantly, it's important to hear your views on the legislation that we are looking at right now. We are going into small communities and we want to hear what the people have to say about the legislation that is brought before us by government. The one that we were asked to come to Tuk to look at is the Safer Communities and Neighbourhoods Act and hear your views on it. We, as a committee, will go back tell the Minister this is what we hear from the different communities of the Northwest Territories. It's important to hear what you have to say about this legislation. You need to tell us your views. If you don't, we just say it must be okay for the Minister to go ahead with it.

We had two meetings already in Yellowknife. We certainly heard points of view from Yellowknife that were quite interesting, very interesting. So we look forward to hearing from the different communities, especially in your community of Tuk. I am glad to be here. Mahsi.

MR. LAFFERTY: (English not provided)

I would like to thank the committee for inviting us to the communities as well. This is my first trip to Tuk. When we got off the plane, we paid our respect to the land. That's part of our tradition where I spoke in my language. We pay respect to have a safe journey back home, and also to have a real good meeting together. It's good to have meetings in smaller communities as opposed to larger centres. We are there for the Northwest Territories and we want to listen to all people of the North. Government submitted these five bills in front of us and now we want to listen to the public and bring back the important information that you will be sharing with us and other communities. We will be bringing that information back to our respected group and decide on where to go with it in the next step and whether to pass these bills or not.

So I am looking forward to the meeting here and other communities as well. I would just like to thank you for your good hospitality here and I am looking forward to a real good discussion. Mahsi.

CHAIRPERSON (Ms. Lee): Mahsi, qujannamiik, thank you. At this time, I think we are ready to hear from anyone in the audience here. If you want to come in and speak to us about any of the bills before us or just one of them, the floor is yours to come on up.

I am going to ask Robert to elaborate a little bit about some of the details of the bill. It's a long, extensive bill. It has a lot to it. This little sheet is just a very brief summary of that. So we will give it to Robert.

MR. COLLINSON: The process that's contained in the bill would start with somebody reporting suspected illegal activity, like bootlegging and drug dealing, in a home to the

SCAN office. The SCAN office would then assign an investigator to it and an investigator would, by means of surveillance or otherwise, determine whether there was illegal activity going on. Then the process is that once they decided that there was something like illegal drug dealing going on, they would go talk to the residents first and say look, we know this is going on. We want you to stop. If you don't stop, we are going to take steps to have you removed from the house. That's one thing you have to remember in this whole process, is that people who are doing these illegal activities have the opportunity to stop before they start any court or quasi-judicial hearings into having them removed by the Residential Tenancies Act or through provisions of this act.

So the next step, if the person does not stop the illegal activities, is to go for a court order, getting a community safety order and then they apply to a judge, give the judge of the Supreme Court all the information they have to prove that there is some type of illegal activity going on and they decide on the balance of probabilities, which isn't the same onus of proof that there is in court, that something is going on that's illegal and then the people can be removed from their houses, either evicted if they are a tenant or if they are the actual owner of the home, they can be barred from using the home for up to 90 days. That's kind of it in a nutshell. So there is an opportunity for people to stop their illegal activity before they are kicked out of the house.

CHAIRPERSON (Ms. Lee): Anybody who wants to speak, we need to ask you to speak into the microphone because we are recording the meeting here. On the community safety order, the only punishment available in this legislation is for the person to be kicked out of the premises of wherever they are living. The person has the option to appeal that order, but that appeal is not necessarily to reverse that order. You have to go to court to prove the order was issued wrongly in law.

The intent of the law is to make sure that the people who live in the same household who are not involved in illegal activity are not supposed to be affected, but that is one area. If someone in the family were wrongly accused, I don't know, in the communities there are lots of people living in one house, if a member of the household was wrongly accused, they would still have to go to court and ask for that order to be varied.

The office will be located in Yellowknife and there will be a 1-800 number. That's what the law says. Anybody can call if there are illegal activities going on and then it would be up to the investigator. The investigators are mostly supposed to be retired RCMP, but this is not a criminal procedure where under criminal law, in order for somebody to be convicted, the guilt has to be proven beyond a reasonable doubt. This one has a lesser burden. It's on the balance of probability. If the investigator feels that there is a reasonable grounds from the evidence that they gather that there is illegal activity going on, the investigator could order that person evicted.

This person won't go to jail; the only punishment available is that that person will be evicted. So I don't know if anybody else wants to comment. Even if you have questions, just come to the microphone. Robert.

MR. MCLEOD: Okay, I am going to interpret it for you now into Beaufort-Delta talk. If somebody calls the head office, the head office is going to be in Yellowknife. This was a concern that the mayor had when I spoke to him before, and there will be a lot of calls where people phone because somebody beat them up in Grade 3 or something. So there will be a lot of calls like that, but they will call the head office in Yellowknife. They will send somebody into the community to investigate the complaint and see if it was a legitimate complaint, but there will be lots of calls and I think it's one of the questions we want to ask you guys, is do you think there will be a lot of calls that are unwarranted or dismayed because somebody doesn't like them? You know how small communities are. There is always somebody phoning around and making trouble for somebody else. That is one of the concerns that we had. That's plain English. That's what we would like to hear from you folks on. The office in Yellowknife will send somebody. If somebody in Holman complains about another guy, they will send an investigator and they will investigate the house that is doing the drug selling. If they think something is going on there that shouldn't be, then they can get an order to shut that house down. One of the concerns we had was private homeowners being evicted from their house for 90 days, even though with the housing, houses are different. Housing does have some rules in there about activity like that going on around the house. That's the kind of thing I would like to ask. Do you think there will be lots of calls that are made because somebody didn't like anybody? We heard about that in Yellowknife. It is just one of those things I wanted to hear in the communities. We know how small communities are and stuff like that does go on.

CHAIRPERSON (Ms. Lee): Way to go, Lucy. We need you to say your name, for the record, and then tell us what you think.

MS. DILLON: The thing is, I see it every day with my own eyes. I am from this community. I know who is affected. I know what they are doing, where they are going. To live in the community and report it, you being the witness, you are marked for life in your community. That's the scary part. A lot of them have said yes, I could do it; but I don't think I could anymore because I may be beaten to death, that's their fears. Drug dealing and bootlegging is very hard in this community. You are either indirectly or directly involved. As community members and front-line workers, if there is a problem in my community, I can try to fix it but I can't do it alone. I think as a community, we should have another meeting to address what steps to take because it's hurting our people. These people are young. They are leaders. There is a saying, walk the talk. It's easy to say but it's hard sometimes. If I want my grandchildren to be drug and alcohol free, it's time for me to speak up.

I thought my grandchildren would grow up with less alcohol and drugs, but it's more now. With alcohol and drugs in my community, a lot of people aren't here today due to so sort of substance abuse. It's good that it's being done. We have to come into partnership with whoever is the tenant. I know at one time, the association here was saying if you are caught bootlegging or drug dealing, you are evicted for good, but now they don't have to. It's up to the association board. Thank you.

CHAIRPERSON (Ms. Lee): (Microphone turned off)... So it's good that your calls remain confidential. If anybody is afraid about speaking up about a bootlegger or drug dealer, you don't have to worry about that. For those who are accused, if they feel that they have been wrongly accused, they may not always be able to answer that or know who did it or that sort of thing.

I just want to know, do you think, because under the housing rule, if you are convicted or found to be doing something wrong, you can be kicked out. Do you think that's not being enforced as much as it should be?

MS. DILLON: It's not being enforced.

CHAIRPERSON (Ms. Lee): Lucy, could I just get you to stay for some questions or comments from Members on what you said? That's normal procedure. We aren't trying to put you on the hot seat. Are there any questions or comments from Members?

MR. YAKELEYA: Thanks, Lucy. Thanks for sharing your thoughts on this legislation. This legislation, the whole intent when this came out and at our other meetings in the Sahtu when we were talking about it in Norman Wells, the leaders there, a few leaders there said it was good because they could finally deal with the bootleggers and the drug dealers in the Sahtu communities. People said that was good until later on that they didn't really understand how this law would work itself out. There are pieces of this legislation that I question also because of the hearings in the Supreme Court. We have 14 days to get a lawyer...(inaudible)...I don't know what type of support we have in the communities. When we heard about this in Norman Wells, a couple of leaders already said goody because we get to deal with an issue that we have wanted to deal with for a long, long time. In the community of Tuk, we have similar issues in the Sahtu. There are bootleggers and people are using or selling drugs. You indicated there are ways to deal with that type of issue. This is a bill that is being proposed to us as Members here on how we deal with this issue. The last few years, I have been asking myself how do we deal with issues of drugs in our communities and maybe it will get worse because of oil and gas and the lifestyle of the young people in our region. How do we tackle this issue here? We have to deal with families. It's really, really sensitive. We have to do something. As leaders, what do we do to deal with this? If we don't do anything, it will probably get worse.

As you stated, we have lost a lot of good people in our region also because of alcohol or drugs. This is one bill that would do something. There is lots that we haven't spoken about in the bill and there are some things we need to look at more carefully. That's for myself as MLA...(inaudible)...

CHAIRPERSON (Ms. Lee): Thank you, Norman. Lucy, did you want to respond to that? There were no questions there, but if you want to say something to that. How do you deal with alcohol and drug issues in the communities?

MS. DILLON: Right now, to tell you the truth, nothing. It's really hard. There is no support. It takes one person to start. That's all I know. Eighteen years ago, a young girl

told me, she was going to school. She said, Lucy, Tuktoyaktuk could be the next Alcohol Lake and that's been bothering me for a long time. It took one person to start it. I am working trying to build some supports around it. Alcohol and drugs are a very sensitive issue. Having to have something like this in black and white, the European way, in our days in the 1950s and 1910, we didn't have to, they just did it. They were banned. That's the way they did it. They either had to cramp their ways or be on their own.

CHAIRPERSON (Ms. Lee): Thank you, Lucy. Some of the questions we ask I think it's really important for everyone to know that this is a government bill and we aren't the government. I know we look like the government, but we are Members of the Legislature. The government brings us the bill and we are not here to defend the government bill, to support the bill or speak against the bill. We are here, open to everyone and wanting to hear from you as to what you think. We will vote on it once all the review is done. I just don't want you to think that when we are asking questions, we are for or against it at this point. I think it's really important to know what the bill is about, the good of it and the down side of it, so we get the fullest input possible. I have one question for you, Lucy. You mentioned that in the old ways, when somebody behaves badly, you just ban them and they are on their own. What I have been hearing in communities is that bootleggers and drug dealers, we know who they are. Many of them are your community people.

Also you should know this bill would apply to gambling too. Everybody knows there are card tables in many homes. In itself, it is not illegal to play cards. But if you charge money, even for a coffee, that could be construed as gambling and that is illegal and somebody could call you on it. I just want to know if anybody could comment on what your view on...If this bill comes into law, it only allows investigators an order to kick them out of the house. But what do you do with the person who is kicked out of the house or do you just want them to leave town? They are your family members. Do you think if they are kicked out of their home and they have some consequences, that they will stop doing that? Would that bootlegging and drug dealing be filled by someone else to feed the habits? I am interested in hearing whoever else wants to speak on that. Lucy, go ahead.

MS. LUCY DILLON: As long as there is a need, it's out there. What we need is programs and more resources to address the issues. It's a band-aid issue to a lot of our people.

CHAIRPERSON (Ms. Lee): So we do need some aftercare treatment to look after those who are using it or who feel the need to bootleg to make money or whatever. I see another hand. If you would, come forward and just put your name, for the record, and give us your presentation. Thank you.

MR. SHESHEGHAR: My name is Saeed Shesheghar. I am a social worker with Health and Social Services. I have been here since last May. You can bet that I know a lot of problems that you would know very quickly by being in the position that I am.

I wanted to talk to you about Bill 5 and Bill 7. I wanted to mainly support what Lucy was saying about Bill 7. This act could become a very useless act because it's not going to be implemented. Like many other acts, it could become toothless. I have a concern about what would happen to people who are being thrown out of their homes. That is one of my concerns. The other concern is how this is investigated and what is the powers of the investigators. Who are these people? The third thing is what would we do with people after they are evicted? A lot of people are going to end up at social services and trying to ask for help because they are going to become homeless.

I do support this act because I think any measure that could make the crime not to pay is going to be helpful. But we need to balance it with why is it that people are actually turning to these kinds of activities. That is the question that is continuing to be ignored. Why is it that people turn to these kinds of activities in our communities here? What are we going to do to help them choose a better, healthier lifestyle? There are, of course, some people who would choose to go with bootlegging, drug dealing or whatever. That's what this is needed for. However, I think that there are too many in almost all small communities in the North to believe this is an individual choice. It seems that the system is producing it. The way the communities are run, the way the problems in the communities are so grand that a lot of people are turning to these kinds of activities, I do not think that this is an individual choice. It is the result of how things are done in the big scheme of things. That's why we have too many drug dealers, too many bootleggers, too many gambling houses. Because of that, this act cannot deal with it. It becomes a very cumbersome or maybe even impractical way of doing things because there are too many of them for your investigators. Okay? They won't be able to keep up. That's my concern. To understand that this is not an individual thing, there are not a few of them that you just need to make it hard for them and punish them severely so they will stop. Because this is a systemic problem, the act will not be able to actually do anything. It's just an act like something that would be on the side and every now and then it's used or abused.

CHAIRPERSON (Ms. Lee): Did you want to make a comment on Bill 5?

MR. SHESHEGHAR: Yes, on Bill 5, I wanted to know, which also comes back to Bill 7 as well, whether the resources...I do child protection work here as well and we have to go to court. There are no courts in Tuk, only every two months and it's very impractical for the people to have to travel to Inuvik. So are you going to bring...When I say you, I am not talking about you. Is the government going to increase the number of lawyers and judges and increase the frequency of court hearings in Tuk almost every week? How would that happen? As I said, currently we have it every 45 days or every two months. It's about six weeks minimum, every six to eight weeks. Sometimes there is none to the point we have to actually hear things in Inuvik. That is that much harder for the families as well to go to Inuvik. So passing this act, I don't know how practical that would be without resources in place, which also goes with Bill 7 as well. Would we have resources for people who kind of wake up to change some of the systemic problems and, secondly, when somebody is evicted from their home, would they have resources to turn to and say, after 90 days, I don't want to be evicted again, what are the things I need to do to change my behaviour?

I had something else along those lines, but I forgot now.

CHAIRPERSON (Ms. Lee): Thank you. Just a couple of clarifications. Do you have a justice of the peace here? I think a justice of the peace is allowed to consider child apprehension hearings. You have to go to court on child apprehension hearings a lot sooner than 45 days.

MR. SHESHEGHAR: I think by phone. If you have to, you have to go by phone, right? I haven't...(inaudible)...for child protection matters. That is one of the possibilities. I just remembered that for Bill 7, would people have a lawyer to defend themselves when they are investigated? So it's just an arbitrator. Quite powerful then.

CHAIRPERSON (Ms. Lee): Once again, your questions, we are going to turn them into comments and we will report it to the Minister and we may review some of the concerns that people are bringing and we could suggest amendments to the bill as those concerns keep coming up. This bill, though, as it is written, does not address the other side; the balance question, treatment and looking at the cause of why there is so much alcohol and drug issues or gambling, because this is a justice bill. I am trying really hard to give you information. As far as I understand, the way it's written, you could be investigated and not know you are being investigated. It is encouraged that investigators do talk to the people, but if you do get an order evicting you from the house, if you own the house, you are out of there for 90 days. If you are a tenant in public housing or private housing, you are kicked out and you have to fend for yourself. If you want to appeal that order, you have to go to the Supreme Court within 14 days and you have to get your own lawyer to do that. This is not a criminal matter, so you are not going to be in a priority line-up for legal aid. So you have to find your own lawyer to vary that order. The application will not actually be reversing that order but to say it's going to be on an error or procedure. So it's up to whoever is evicted, they have to fend for themselves.

MR. SHESHEGHAR: Thank you, Madam Chair, for the explanation. I guess what I was trying to communicate is to ensure if they enact this law, it's timely and it considers some of the systemic problems. That is my main concern. Some of those things, like the technicalities, we can always argue about those things and come up with fair results or outcome. Again, I am just wary of having another conversation and another act that does not go far and does not do enough or does not stop the problem. People are suffering here in this community. Bootlegging and other gambling problems are actually bleeding the community. The question is why. If we haven't answered that question yet, trying to come up with an act like this to me is a band-aid solution. That's the whole thing that I have.

CHAIRPERSON (Ms. Lee): On the information of resources, because you brought that up, I believe what the government is looking at initially is a $250,000 start-up O and M that would stay there and then yearly funding of about $1 million. We are looking at three to four investigators for 33 communities. From your knowledge, what are we looking at in terms of numbers in Tuktoyaktuk? What are we looking at, if this bill comes

into place and it worked beautifully and everybody was calling, how many bootleggers, drug dealers and gambling houses would be subject to legitimate investigation?

MR. SHESHEGHAR: Quite a lot, to the point where you need to actually have a person stationed here. You were saying that if someone from Holman calls, they will be travelling there and doing an investigation. I don't think that is sustainable because that person has to be travelling all the time, especially here in the beginning. You really need someone to stay here and do the investigations on quite a frequent basis until some changes are made. That I can tell you. I don't mean any disrespect for my community. I love Tuk. I care about the people in Tuk. I find myself a person from Tuk. This is my attitude about where I live. I belong here, but I also know there are some hard questions like the one that you asked. How much? Quite a lot if I am going to be honest with you and honest with myself and my community members. It won't be sustainable for somebody to do this on an occasional basis from Yellowknife.

CHAIRPERSON (Ms. Lee): Thank you. I want to invite members for questions or comments. Mr. Braden.

MR. BRADEN: Thank you very much for giving us your perspective. In some of the hearings we have already had, a number of your questions have been asked, in slightly different ways but there really is a question or demand or frustration with the cause. Why is it that people abuse alcohol and want to take drugs? What is missing overall in their lives, families or communities that causes this so often and sometimes with very, very sad and dramatic results?

You say there are systemic problems, things that the system is causing in the community to behave this way. I find that a very intriguing perspective. I wanted to ask, not to make any assumptions, but what are the systemic things that are going on in the community or the territorial government that is causing this to happen in the community? What are those things specifically that are causing this behaviour?

MR. SHESHEGHAR: Do we have all day?

MR. BRADEN: (Inaudible)...in practical terms, we need to be back in Inuvik for 7:00 tonight.

---Laughter

MR. SHESHEGHAR: Okay then. I give you a couple. The systemic problem to me is the fact that there aren't enough resources here to provide, introduce and implement a different way of lifestyle. When I grow up in a family with violence, I don't get the attention that I need as a child and then I try to get that attention from a different home or a different crowd of people. My lifestyle is then gradually influenced by that lifestyle which is probably in certain ways more open, but at the same time more problematic. When I grow up in a home that involves gambling, I am more likely to become a gambler or a provider of a gambling house. When I grow up in a home where there is bootlegging and not enough education then, like everybody else, I have my desires. I

want stuff that I need to live a comfortable life. How do I do it? By continuing that proficient as an individual person. This is what I mean by systemic problems.

The Government of the Northwest Territories needs to invest heavily, twice as much as what they are doing now, in terms of bringing people to invest in community education and good parenting and providing alternatives to parents so they can raise kids who are not really interested in those kind of activities. This is what I mean by systemic problems.

I give you a simple example. If the Government of the Northwest Territories cannot keep a mental health counsellor or addiction counsellor in this town, that is a problem. That is a systemic problem. When we do not have a person who lives here long enough to build a bridge with the community and then work with the people here, that is a systemic problem because there is nobody to learn from.

We do not have any capacity in talk in terms of education and other important social aspects that make a society or a community a healthy one. We do not have that. That is the Government of the Northwest Territories direct problem. They are not able to keep people here. That is another question. Why? Pay them twice as much as you have to pay. Nothing is getting done by what you are spending, nothing. Pay them twice as much if you have to. I don't know; I am just giving that as an example. I don't know. We don't have all day to discuss other options, but when the resources are missing, that's a systemic problem. When the systemic problem is directly the responsibility of the Government of the Northwest Territories, bring some of those resources in and I will promise you people will start to turn the corner.

MR. BRADEN: Thank you. How can the ownership of the problem and then the solution be shared among governments? You brought a very good example to us that community wellness and addiction, and I know this is a problem across the NWT, and one very chronic problem is pay level and the significance and importance associated with the job. We have also heard that in some communities, the lifecycle for these people is fairly short because they are involved with so many family situation. The explanation that we have heard is that they get to a certain point and then the community can no longer trust them. In other words, they know too much and sometimes the communities force these people out. I don't know if that's a difficulty in this area here, but there seems to be a number of different causes for not being able to retain workers. I agree with you; one of them is the money that's paid. Another one is the community involvement and ownership of the problem and then the willingness to get involved in some of the solutions.

MR. SHESHEGHAR: Bill, I beg to differ. If you bring people, if you hire competent professionals, people who have knowledge and expertise and follow the code of ethics, there is no way that...In fact, the longer I stay, the more accepted I become because people get to know that their secrets are safe. I beg to differ that someone is forced out of the community. Good for them that they are forced out of the community because they couldn't do the job. It's a hard job. It's not just being sensitive, you have to be thick skinned at the same time and really truly keep your mouth shut. When you don't, good

for you, go. You should be forced out because obviously you are mishandling the information. I don't really worry that because of the number of years that I have been here, that I will be forced out. Quite the contrary. Trust is hard to build. I tell you this, trust is like a balloon; one hole and then you lose it. People leave or people are forced to leave because they can't do the job. Why can't they do the job? Because they aren't competent. They are not experienced or they are not competent to do the job. Then it becomes their problem and they leave the community. I tell you that won't happen to me. When I leave Tuk, it's because I am transformed by Tuk, not because why I disrespect the people's information or, you know, mishandled it or, you know, didn't respect it. And there are many, of course; my whole thing is that if...My whole point is we can retain people in all these small communities for as long as they want. We can. But the system here is not set up to do so, and encourage that and promote that.

CHAIRPERSON (Ms. Lee): Okay. That's a nice relay. Thank you. I don't know if there are any other comments or questions to Saeed. We now have four people on the list so I think we're just getting warmed up with our discussion. Saeed, thank you so much for making the presentation and all your thoughtful ideas. We really, really appreciate that. Thank you. Next we have on the list Mr. James Pokiak and then, just so you know who's up next, Billy Emoghok, Debbie Raddi, Jean Gruben and then Merv Gruben. So we have five on the list. So if I could have Mr. James Pokiak come forward, please.

MR. JAMES POKIAK: Thank you very much, Madam Chair, for the opportunity to say a few words regarding some of the new acts that you are looking at to put in place. First of all I'd like to welcome you all to Tuktoyaktuk. Enjoy the rest of your time here. I guess I have a couple of, well, not concerns but comments on some of these acts. First of all you know you're dealing with acts that are going to be put in legislation but when I first walked in here I was kind of surprised to hear that caribou soup is being served, and as you all know you have the Minister of ENR and there are posters up around town that there is no more caribou products to be sold as a profit. So just for your information.

I'd also like to say that this is one of the first times that I've had an opportunity to say a few words without being in conflict of any matter. There are a couple of questions I have on, the first one, I guess, would be on the Legal Services Act. I guess I'm having a hard time understanding how that really works because when someone seeks the aid of legal services and it's so much dependent on your wage, like some people do make a good living and that but some people also work for their own company and collect a wage just like any everyday working person. Yet, that service that legal aid provides is not there for them. The lawyers don't come cheap; they're pretty expensive whether they're working for the Crown or for legal aid. I guess I'm just getting kind of confused when you say that some of these lawyers work for both parties; for legal aid and you can also hire them privately. No?

MR. COLLINSON: What we're talking about is two different lawyers that are both employed by the legal aid system. So that two lawyers that have the same employer can work on opposite sides of a case.

CHAIRPERSON (Ms. Lee): On that, Mr. Pokiak, it is true that there are a lot of people who need legal services and can't afford it, but only those who are really poor get legal aid. If you are working poor, it's hard to get legal aid. Also, it's only certain matters like criminal laws that you get, and family laws, get more prior access. What this bill is trying to do is legal aid has three or four lawyers and they've been trying to get more legal aid lawyers so that they could provide legal services to people who qualify for legal aid but because of the conflict of interest rules within the legal profession, if a couple, say, is going through a divorce and both qualify, or family custody issues and such, and both qualify for legal aid, but only one could get legal aid because in law you're not supposed to have two parties represented out of the same legal aid office. So this law will allow... The aim is to have more legal services access to everybody. However, the question of not enough lawyers who need them is not something we could address easily.

MR. JAMES POKIAK: Madam Chair, can you clarify what poor means in your view? You know, some poor people live better than rich people. It all depends on how you want to look at it. I mean, there are people in this community who go and get income support living better than some people that I know. The young people have told me that. What is that?

I was really glad, Madam Chair, to see you also include in Bill 7 you said gambling activities. You know that is a big problem. I fully understand some areas where it does good for the community such as bingo but when you have illegal activity gambling going on in the home, like it's been said by the proper authorities here that it at least keeps people from going out and getting into trouble by going to a home and gambling. To give you a couple of suggestions regarding that, drugs and alcohol and gambling, first of all, it's pretty hard to help anyone under these circumstances unless that person chooses to help themself first. That's where it has to come from. We are promoting alcohol usage by our government subsidizing that product whereas young families with small children and that, they pay an arm and a leg to raise that child. But then alcohol is subsidized; it has always been. Maybe it's time to re-look at that.

Another area that I think that needs to be looked at is when somebody is caught doing these illegal activities, the process to take that person to court takes so long. We hear a lot of times so and so is being charged. The next thing we know he's got off scot-free without anything being done to that person. I'd really like to wish you guys luck on amending some of these acts and I sure hope they do help the problems that all communities are facing. It's not just in the North; it happens all over. It's time some of these programs, I think, were looked into. A community, I guess, can only be as safe as you want it to be. You can't control the lives and the actions of anyone. Like I said before, before you help the community and any acts or laws that are coming into place, you have to first of all help yourself. That's the only way it's going to work. Sure, a lot

of us have relatives that do these illegal activity things and it's hard for a lot of people to point fingers at their own family, but sometimes you have to put family aside and just do it. If you really have that view of trying to help your family and your community grow then sometimes you have to make up your mind to give information if you have it.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Pokiak. Just before I go to other members for questions or comments I'm told to tell you that we didn't ask for caribou food. Mr. Masuzumi volunteered it for free for us. So we thank him and we weren't, as government people, trying to break the laws that the Minister set for us. On the question of poor, I don't know... It's a really good point you are making. We know that a lot of people in small businesses or in traditional activities, and working hard, are still staying in poverty and not able to afford themselves a lot of things. So that's a very valid point. I was just trying to simply, because you mentioned that legal aid, you know, a lot of eligibility is based on type of legal jeopardy they are in and income level they are at. So we know that there are lots of shortfalls there, too. Are there any questions or comments for Mr. Pokiak from the panel? Mr. Pokiak. The other Pokiak.

MR. CALVIN POKIAK: Thank you, Madam Chair. Just in regard to, you mentioned something about illegal activities and the process taking so long presently. I think what's happening with Bill 7 is that, with regard to SCAN, I think that's the legislation that the government wants us to bring forward to the people for the people to review. It would make the process a lot simpler in terms of eviction, evicting people in that process. So I think that it's just something that we're here to do is listen to the people and hopefully that, you know, you can tell us exactly what should happen. But, we'll go back again, like I say, and review all the questions that are being asked of the panel here and also, you know, that we'll have to take it back to the Minister at some certain point. Right now maybe I could ask maybe Robert Collinson, Madam Chair, if he can, he mentioned about balance of probabilities and maybe he can explain that a little bit so we can all understand exactly why. Thank you.

MR. COLLINSON: When the RCMP, for example, go after a bootlegger they have to get in-controversial, you know, they have to prove it beyond a shadow of a doubt; they have to have, you know, a record of make undercover buys and do it more than once to prove that it's an ongoing activity and so on and so forth. With the... You know, and get proof that would prove to a court that this is going on and it's an activity. Probable cause, it's a lower level of proof required so that, you know, like they would see that, you know, you've got four cases that clink show up to a house and all of a sudden 42 people come to the house within, you know, two or three hours; well, there's a good chance that there's probably bootlegging going on with everybody going out with one arm like this. You know, they kind of prove it that way. They can apply to the courts to do wire taps and video surveillance and things like that a lot easier than the RCMP can because they're not using it to prove total absolute proof; they're just proving that it's reasonable that it's going on.

CHAIRPERSON (Ms. Lee): Any other questions or comments for Mr. Pokiak? I don't know, Mr. Pokiak, if you wanted to make a final comment or response.

MR. JAMES POKIAK: Well, like I said before, I really hope these acts that you're looking at work to do what you guys want to see it become. Just one other point here; you know, at one time I was an alcoholic and the feeling of a lot of people when they get to that stage is really, really tough. I guess there's really not much support, if any, to help when you get to that stage. People are just too afraid to go to the resources that are there. I don't know if they're doing enough to educate people with problems. I'll just leave you with a final comment here where, you know, this guy goes to the bootlegger, buys a bottle and he staggered home with an open bottle; he gets picked up by the RCMP and gets charged for an open bottle. I mean, the wrong person is...Well, I guess I don't know how I'm going to phrase that but, you know, the bootlegger is the one who initiated it by this person going there and buying that bottle. Then this poor guy is stuck with a charge of having an open liquor bottle when he was trying to support his habit. It's going to be a really tough one. It always has been and as far as I'm concerned, no matter what we try to do to correct this problem it's always going to be there. That's going to be a continuing problem; it will never go away. As long as there's alcohol it will never go away. Thank you.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Pokiak. Mr. Braden has one question.

MR. BRADEN: Thank you, Madam Chair, and thank you, Mr. Pokiak. One of your comments that comes up quite frequently and I think it is something that should be, if you will, for the record, set straight and this is the fact that there was a time in the Northwest Territories when the cost of liquor was subsidized. It is not anymore. I think it was quite a few years ago that the cost of transportation to ship liquor to more distant communities was subsidized. So like a case of beer in Yellowknife or Fort Smith was the same as a case of beer in Norman Wells or Inuvik. But now the cost of the extra freight is added on. The cost of administration is, I think, shared across the whole system. It's something that I've heard in other committee meetings in other communities and just, for the record, while it used to be the case, it is not anymore. So I just wanted to make that point for the record.

MR. JAMES POKIAK: I didn't realize that.

CHAIRPERSON (Ms. Lee): Thank you for that correction. Thank you, Mr. Pokiak, for making your presentation. We appreciate that very much. We now have... We'll go to Mr. Billy Emoghok. Mr. Emoghok, if I could just get you to state your name for the record again and make your presentation. Thank you.

MR. BILLY EMOGHOK: Thank you, Madam Chair. My name is Billy Emoghok. I sit as a counselor in Tuk here. Welcome to the board here. I'm glad that you people came here to Tuk to listen to the comments. In each community everywhere, there are always problems with drugs and alcohol. I'm pretty sure the pipeline is coming through and it's going to get worse. For instance, with alcohol, I've seen it happen; I used to be a real heavy drinker in the seventies and eighties. I used to work with an oil company that worked three weeks then you get a week off and a few days later all that hard work and money is gone down the drain because of my activity at that time. It took me quite

a while to learn. I see it's always going to be here but we can contain it. For instance, where I live in the community I see it. A person comes to my place, knocks on the door at two or three in the morning to call the RCMP because of abusive...What alcohol does to a family, it breaks down a family. I think, Charlie, you know it that at times my neighbour comes around to use the phone and, you know, I see the suffering, not only with the wife but the children. If we could contain it, you know, control it and contain it. Education is one way. I know at one time the used to have a drug and alcohol centre here and with the cutbacks, I don't think we have it here anymore. It comes down to education and also support. With drugs and alcohol, with drugs, there's harder drugs, really hard drugs like crack and, what do you call that other? Thank you. Crystal meth. A small community like this, I mean, it's probably here and it's going to be here. As leaders, we do have to work on this that we could at least slow it down and control it. The reason why I'm sitting here is that I sit on council and not only that but it comes down to alcohol. I see it. People come, not all people but some people get a hold of me and say why don't you sit on council, why don't you do something. We try but we need support from other organizations. At the moment I want to say that with cutbacks, where does the Government of the NWT start initiating some funding for starting up the drug and alcohol centres in the communities. If I could get an answer for that, is it in the plan? Thank you.

CHAIRPERSON (Ms. Lee): We don't have the Minister of Health and Social Services here to answer that question. Maybe MLA Pokiak could follow that up for you as your MLA. I don't think, as far as we know, though, there is...I think that most of alcohol and drug treatment or prevention initiatives for the government have been through community wellness workers and mental health initiatives but not...I don't believe there is a plan for an alcohol and drug treatment centre in Tuk but we could verify that for you. Are there any questions or comments from the panel for Mr. Emoghok?

MR. BRADEN: Thank you, sir, for coming and talking to us today. Your last question, are we going to be establishing treatment centres. I know that it was, at least under the previous Minister for Health, Mr. Miltenberger, it was not his approach to build buildings that would have, say, institutional treatment or that there would be, you know, another office that you would go to. His approach, and it's one that I agree with personally, was to have more programs and more services and more support systems in a community. I was wondering if this is, you know, something that you might be able to tell us about. Do you see that, if we have only a certain amount of money and resources, where should we put it? Where should the first place be? Would it be in more programs and more support, more people at the community level, or do you believe that having, you know, actual treatment centres is the way to go? Can you give us your opinion on that?

MR. BILLY EMOGHOK: It comes down to education in the schools and also to the families. It would be good to see, also, a facility. I know there are cutbacks that really, really affected the programs a while back but it comes down to education at the schools and also, you know...

CHAIRPERSON (Ms. Lee): Thank you very much, Mr. Emoghok. We have four people on the list so we'll move on there. We just want to thank you so much for letting us know your thoughts and your opinions on this legislation. We now have Mr. Debbie Raddi on the list. If I could just get you to state your name for the record and make your presentation. Thank you.

MS. DEBBIE RADDI: I know you might have heard these comments or concerns from other people but the more you hear about certain things the stronger it is. First I'd like clarification: when did Bill 7 come to legislation? Was the first time read or first time hearing about it in November? First reading in May. Is that correct?

CHAIRPERSON (Ms. Lee): The history of this is it was announced as a government statement in November as something that the government was working on. The government did the public, what is it, consultation on the idea in November, December and January. I think the government officials, Department of Justice officials did some community hearings. Then we just had a session in February, March, the budget session, and at the end of that session this bill was brought forward as a bill and it got first and second reading. You need to get first and second reading before the bill comes to the committee process, which is where it's at now. Now we have possession of this bill for 120 days and we need to report it back to the Legislative Assembly. So you know that this Assembly is at its last leg or not last leg but, you know, we're at the end of this... We're at the fourth year of a four-year term. So, sorry, not last leg; that's a very bad term. It's on good strong legs. So we're going back to session at the beginning of May, May 8th, for seven days, seven or eight days, and then we meet again in August. So we have the option of reporting it back in May or in August but since we started these hearing we've had more requests from other communities that we weren't planning on visiting. So we will take our time to go to as many communities as possible. So that's a short history of the life of this initiative and the bill.

MS. DEBBIE RADDI: The reason I ask that is because I think it is really rushed, really pushed. Other communities, other provinces might have heard about it or are using it. We did read some information. But at the beginning, Sandy, you stated that anyone can call a 1-800 number if they suspect illegal activities. I have a comment and a question there that was brought up. What if someone calls on me and says that I'm doing illegal drugs or a sale of legal booze or drugs. I get 90 days eviction out of my house. I have to call my own lawyer. I own my own home and it's a defamation of character. Like, you could ruin my career. I mean it's just something that comes up. I just want to make sure all our i's and t's are crossed. Can I sue the GNWT for something like this? You're going to be sending someone every time someone calls from Yellowknife to Tuk to Inuvik to Sachs, Paulatuk, Holman, Norman Wells, anywhere, and it's going to cost you a lot of money. You said you're spending $250,000 the first year for start up for 33 communities; that's not enough, especially if illegal activities are being suspected. I agree with some of the members if this is going to happen there are no programs and services in the small communities like drug and alcohol aftercare. Like I do support this in my own personal belief but there's got to be programs and services there. You stated there's eviction; if you're in public housing

you're automatically evicted. Private homeowners, you're evicted for 90 days. You're creating homelessness and where's the fairness? One's evicted, they have no home, the other one can go back in 90 days. I myself I feel it's too rushed. In order for something to work properly, it has to be properly looked into. You might have everybody here, it might work for... it might just be chaos and we've spent, I don't want to use the gun control bill, but it might be something like that and it's the taxpayers that are paying for it. That was it.

CHAIRPERSON (Ms. Lee): Thank you very much, Ms. Raddi. Definitely this is about...It's always on government bills when you bring in law, you're trying to fix something and then you want to make sure you're not creating any additional problems or bills are thought out so that you think of all the consequences.

The points you are raising are valid and it is a classic balance between trying to get at the bad elements without... and then also we have to consider damage to individuals where the complaints are faulty, which could happen but then also at the same time we are trying to get at the bootleggers and drug dealers and get to some of the issues. We do appreciate your comments. Any questions or comments from membership? On the operation costs, $250,000 is a start up one time because you need to set up an office, telephone, desks and such, and they're going to be headquartered in Yellowknife. They are going to be allowed to do surveillance so they'll buy technology and such. So that's a start-up cost but operating costs, the PY, they're looking at three to four investigators but under the legislation they could hire as many as possible. So three to four, they're budgeting $1 million a year.

Saskatchewan, Manitoba, Nova Scotia and the Yukon just passed this legislation and I think some of the statistics we've heard is in Saskatchewan they had about 1,000 phone calls in the last available year and about 200 of them turned into legitimate investigations. I don't know how many of them ended up in orders. We are much smaller. I think Saskatoon, Saskatchewan is looking at somewhere around one million for the whole province. Obviously we are 40,000 people so we may get 100 calls or 200 calls, I mean, if this bill goes through. A bill like this, if it goes and gets third reading and assent within the life of this Assembly, they will have another six months or a year before it will come into force and before they set up all the office and all that, hire people. It's expected that the investigators will be retired RCMP because it's got to be somebody who knows a lot of rules, ins and outs of investigation and such. In terms of whether you could sue the government, usually government workers are indemnified from being sued in doing their job. Anybody who's been wrongly investigated or wrongly lose a house, you have to go to the law that's available to everybody, not within this legislation but you could sue for defamation and what's the other legal term? Wrongful... defamation and only defense, anyway, but you have to pursue it on your own and you have to get your own lawyer and such.

MS. DEBBIE RADDI: I understand that but it's just, you know, you could ruin a person's life, their career. I mean, I myself, I'm the SEO for the Hamlet of Tuk, someone could turn around and ruin my career and I could be followed from Tuk to

Inuvik to Sachs to Holman, wherever I move. That's just one of the things that could happen. So I just thought I'd voice it and see if there's a place or how do we do it if someone suspects that I'm doing illegal activities.

MR. COLLINSON: In cases that like, I mean, there are obviously, they decide whether there's a case and there are lots of people involved too. I mean, they will contact the local RCMP and ask, you know, is she a bootlegger? Nine times out of ten, the RCMP in town know what's going on, they just don't have the proof or the ability to get the evidence to shut the place down. So, I mean, if they say yes... We're guessing that the department figures that a lot of the first requests under this legislation will come from the RCMP. That they will be the ones saying, okay, here's a bootlegging operation, we can't get in, we want to shut it down. They're the ones that are going to give the information to the SCAN investigators and the SCAN investigators will investigate. The other process, I mean, you know, if it does go to investigation they'll look at it and they'll go well there's no substance here and the case is dismissed. It never goes any farther than that. You know, there's no record in the court, there's no record of anything. It's only when they've actually proven something on a reasonable basis that it goes forward that you may be hounded from community to community.

MS. DEBBIE RADDI: So then what you're saying is the investigators they do an investigation prior to coming to town. Because in the beginning you did say that if somebody calls they can come on down; they send every time. You mentioned that earlier – in one of my notes I saw it. So then what they can do is the investigator can phone the local RCMP and get that clarified.

CHAIRPERSON (Ms. Lee): As far as we know. Yes. We don't want...Yes. I know in communities people have always in these hearings have a lot more questions then...and we do want to help you with your presentation so we do want to answer questions but we're not here to...Anyway, I've said that already. Our understanding is that if this becomes law anyone can call Yellowknife and it's up to them how they investigate. They could come here; they could come here and set up a surveillance camera if they wanted to; they could talk to the RCMP; they could call the neighbours; they could talk to you and let you know that you're under investigation or they don't have to. It's totally up to them how they do their investigation. It's a test for meeting...If you were being charged under the Criminal Code, they have to gather evidence that shows beyond a reasonable doubt, shadow of doubt, that you are guilty. Under this, no; the investigator just has to know that he has enough evidence to show that he could draw a reasonable inference, he could just be reasonably sure that he has enough evidence by talking to whoever, talking to the RCMP, talking to you, talking to your sister or somebody who says, who called you, or I saw her bootlegging or whatever, then hopefully he will come and tell you, well, you're under investigation and if you don't stop or we think you're doing it and if you don't stop you're going to be kicked out. Then once that order is issued the only way you could vary it or to have it heard is to go to court. Otherwise you will be, I think there are so many days of notice to get, four days notice to be evicted. So your concerns are valid and that goes for every other law you make. It's just that we have to decide whether that's worth taking a risk in order to

address this problem which is the bootlegging and drugging. You know what I mean; it's always a balancing question.

MS. DEBBIE RADDI: Okay.

CHAIRPERSON (Ms. Lee): Thank you, Ms. Raddi. We have next Jean Gruben. If I could get you to just state your name for the record and make your presentation.

MRS. JEAN GRUBEN: My name is Jean Gruben. The people that were ahead of me mostly asked the same questions I was going to ask but I'd like to talk about Bill 5 and Bill 7 anyway just to make it a little bit stronger.

As an elder I've seen a lot of drug and alcohol abuse in my community. I don't use it myself and I've seen a lot of them being abused by it. I've lost just about half of my family with alcohol and I know how much damage it could do to your community, to your life and to your family. For Bill 7, I know a lot of times people report people who are selling alcohol and drugs but it always seems like after the person is caught another person takes over; it's an ongoing problem and it's very hard to stop. I don't know how that could work. We have a lot of young people, being on the justice committee, we used to have a lot of young offenders but for the past year we didn't have too many of them. In fact, we don't even have any of them coming into our board anymore. But being on the elders committee there are a lot of complaints about alcohol and drugs and they don't know what to do about it. A lot of them talked about replacing things like if people turn to drugs and alcohol and if they try to quit what is there for them. This is a question that goes in our community with the elders. What could we replace for alcohol and drugs?

At one time, like Billy mentioned, we had a building for alcohol and drugs and we used to gather and we used to have games for the young and old but on account of cutbacks that was, it never happened again, we never did have a building again. We have a building here next door, it's a government building, a lot of people want to go the counselor there but there are so many people in the office there that they don't want to go there. They want to go to a place where they could talk to a person one on one. The younger people like at the school they talk lots about, when they come home they say, mom, how come you're smoking or Nanaqua (sic) how you're smoking? I just tell them it's a very bad habit and I try to, you know, I try to talk to them about smoking and I also tell them, too, I say you better not start smoking or using drugs when you're growing up. If you don't want me to smoke, you know, you shouldn't start using drugs, smoking drugs. They said, okay, so if you don't smoke we don't have to take drugs. So that's one of the things my grandchildren always tell me. They learn that in school about smoking but about drugs, they hardly know anything what's going on and it should be in the schools. But the main problem is a lot of people want to go for programs. Like they want to go out to a detox centre but they do not want to leave their community. They want to start here in Tuk. Also, when they go to the jail in Yellowknife, there's nothing for them here. They come back and no one is there to help

them. So this is one of the biggest problems we have; there's no help for them after they come from down south.

The other one that I want to talk about is about children. I was on the women and children's centre for years and it's a good safe home. Maybe in the early years, if my sister knew about it she could have been alive at that time but that centre came only after she passed away. It saved a lot of people but it's always women and children. At one time a young lad was trying to go to the centre because he had no place to sleep and he was turned away. There's always a question here in our community: will there ever be a centre for men or young boys like, 15, 16 years old? There's never a place for them to go. At one time I was asked about having a group home here in Tuk. Is Tuk big enough to have a group home for these children? Why send them out to different, other communities where they lose their culture? After a few months some parents lose contact with their children and they come back, they come back different, a different child, and they have to learn to live together all over again. Like when we go to boarding schools it was the same thing; we were sent away, we came back, we had to learn how to live with our parents and it was really hard. But taking children away from families, you're not training the families how to take care of their children; they have to learn how to take care of their children instead of just taking them away and the parents are left at home and just keep drinking and drinking. They have to learn how to be a family. So my big question here is is Tuk big enough to have a group home instead of sending them down south?

CHAIRPERSON (Ms. Lee): You guys give us the toughest questions.

MR. COLLINSON: Yes, under the Young Offenders provisions Tuk would be big enough for a group home. It wouldn't be a government-contracted group home though, it would be a contracted group home; it wouldn't be a government-run facility. So a person that, it would depend on how many kids you had in care at any one time as to how much money you made so sometimes it's not a very economic proposition for the person running it.

MRS. JEAN GRUBEN: At one time I was talking to a social services person from Edmonton and we got to talking on the bus -- we were going to Inuvik -- and she said, Jean, in the past two years we had 35 children from Tuk. It really surprised me. You know, 35 children taken out of Tuk and put into all different homes. It's a sad thing; it's really sad for the children to leave their parents because some of them phone me up and say, Jean, could you help me. You know, it's pretty hard to help anybody when it goes to social services. So I've always kept that in mind and while all of you people are here -- I'm glad you came -- I hope that you keep that in mind. I had lots of questions but Debbie and Billy were talking about it so you guys know what we all think. I think a lot of people think the same way and there are a lot of people out there that want to talk about drugs and alcohol but they are afraid to come here. So, we as leaders of our community, we're here to speak on behalf of them. Thank you.

CHAIRPERSON (Ms. Lee): Thank you very much. Norman. I see Norman.

MR. YAKELEYA: I'm glad Sandy could see me.

---Laughter

Thank you, Ms. Gruben. Thank you for the comments from the past speakers. One of the things that you pointed out was that the consumption that in any other communities when there's things that are happening like, for example, people dealing with drugs or people selling bottles after liquor store hours, bootlegging, even for gambling, you know, and you look in some of the small communities that they should put one house, one house that sort of cleans itself up, you know, whatever, they seen the light and decide not to have it, another house will open up. Or see that the card game has shifted around town. You see up town and then the middle of town and down town. It goes there for awhile. It's true about these situations that happen in our communities. That we take one or two and it seems that somebody else would fill that void and then it continues on. Our children are learning that.

One of the things that we heard and one comment in Yellowknife was to let's not rush into this but we know that the issue is here. How do we deal with it? At one end you don't want to kick people out of your own communities and at the other end how do you stop it and really get the message. You've given us some suggestions here as to how do we help our people because it's going to be things like that that we're dealing with today. The one thing you talked about we heard is that, you know, the "Don't be a Butthead" campaign it seemed to be working. We talked about that also. I guess when you look at for some reason if we could find you or somebody else could find the answer why our people using so much alcohol, so much drugs, so much gambling then we wouldn't have legislation like this before us and before the community here. So my question would be in terms of this is one piece here that we're looking at and I seem to hear that there's a lack of resources, a lack of resources going to the community here. We're proposing to spend start up funds for this project and we're also proposing to have ongoing funding for this but I don't know if it really tackles, I'm not too sure if that's right or not right. It's a question I'd like to ask you, Jean, as an elder, I'd certainly be glad to have you speak before us in terms of...

MRS. JEAN GRUBEN: What was the question?

MR. YAKELEYA: The question is in terms of are we really getting to the crux of the problem here in the communities?

MRS. JEAN RUBEN: I don't know. Sometimes I think when people are drinking they have too much pressure in them or they work hard all week and on the weekend they drink. That's what I used to think. But I don't know why people drink so much. Maybe if liquor was limited to a community, so many bottles to a person or whatever, I don't know. They should still...(inaudible)...the wine so everybody could have a headache all the time. That's what I heard people drink too it's...(inaudible)...I wouldn't know. If people don't have liquor they make brew pot or they drink, you know, that shaving lotion or whatever; they turn to something else. So I think programs and try to educate the

people how to go back living on the land or you know, a lot of people don't have skidoos, they don't have cabins out there, we don't even have an outpost camp here in Tuk for young offenders or young people or whatever. People just use their own homes that are out on the land. We don't even have outpost camps or anything here in Tuk. So I think that if they have more education out on the land, back to their culture, I think that would really help them.

CHAIRPERSON (Ms. Lee): Thank you, Mrs. Gruben. We really appreciate you coming before us and giving us your thoughts. We have the last name on the list, and last but not the least, Mr. Merv Gruben. If you could come forward and state your name for the record and any organization you may represent, or you could represent yourself.

MR. MERV GRUBEN: First of all, I'd just like to welcome you all to Tuk. I hope you enjoy your short visit and don't be shy to come back. My name is Mervin Gruben and I'm the deputy mayor of Tuk as well as the vice chair of our community corporation. Tuk has it all, I think, if you get right down to it, if you want booze you get vodka, rye, soft drugs, hard drugs. The toughest thing you can't here is beer. Just to answer some of your questions before on what's the problem here. I think the problem people, probably off the top of my head, maybe 10. So at a minimum there's 20 people displaced already right there, and where are they going to go? Are we going to stick them with their families and put the burden on them again? For the most part I think our council, we're in full support of this but those or the kinds of questions that a lot of us have. Debbie had the same concern as I did before with say somebody calls on me for bootlegging. You know, they can just bugger up my life right there just by a stupid call. That's one thing that's got to be really nailed down; that's one of our biggest concerns as a council here is somebody getting framed for nothing and it can totally screw up a person's life. So make sure that's done real good. With how can we fix the problem.

You know, the last couple of years we've been really busy, well, the last couple of years have been kind of quiet but say 2000, 2001, we were really busy in our community. Like everybody was working; anybody that wanted to work was working; people were buying trucks, houses, skidoos. Then the boom was gone again. But during those few years that we were busy, like the RCMP gave us the monthly status reports of what's happening and stuff, and you look at the reports and you compare them from one year to the year that people are not working and it's totally different. You know, everybody says more work up here is going to bring more problems; it probably will a bit but I think the more our people are busy, the more money they make then the more good they feel about themselves. It was proven in these reports. Like everybody was busy and like I said, they feel good about themselves making money and traveling and buying houses. A person feels good when he's working and can get what he wants and happy families. Sure there's some drinking and that but where isn't there. Another solution would be to open up a store here...Either that or nothing at all. Ban it all. Either a liquor store or ban it all.

We've brought up in our council, I've been on, this is my 11th year as a councilor here and we've brought up banishment before into our community for problem people and it

just never really went anywhere. That's what our old people, hopes for our...ancestors used to do is banish people and, you know, that's not very long ago; 50 years ago they were banishing people from the community. You get out until you smarten and then you can come back. That might be another thing to bring back again. But I think, you know, if we get busy here -- we would appreciate all your support on the road out here -- and that will keep people busy and will keep them out of trouble. That's it. We have a meeting in 45 minutes here.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Gruben. Very short and precise and to the point. Are there any questions or comments from the membership for Mr. Gruben? Mr. Yakeleya.

MR. YAKELEYA: Thank you. Thank you, Mervin. The interesting point you indicated is when people were working that they were doing well, and they were felling good about themselves, and they were getting things for themselves and their families. Have you also looked at when people are not working? Have you seen it from the reports of the RCMP or just from the different...

MR. MERV GRUBEN: Yes. Well, that was in comparison from one year of not working, like say January of 2000 to January of 2001. You compare those two years kind of thing. That's where we based it on.

MR. YAKELEYA: Yes, a big difference, eh?

MR. MERV GRUBEN: A big difference, almost double. Or should I say half the problem?

MR. YAKELEYA: Thanks. I've been hearing some of that around some of the communities, that when it's busy and that it's good to see our people working and that and it shows a big difference in their lives. Even in Colville Lake, you see $45,000 vehicles in that little community there. It's a big difference.

The other one that I wanted to ask you about is the interesting issue about opening up a liquor store or just banishing it once and for all. I think one of the issues here, especially with the bootlegging, it's the consumption. If people want to drink, they'll find...Like, you know. Like any other place, they'll find it. They'll find ways to get it. I know they talked about that and Tuk certainly had its discussion on opening a liquor store or banishing it once and for all. I know they had some discussions about that and I think what I heard since December is that we have a lot of consumers and they'll find ways to get it.

MR. MERV GRUBEN: My preference would be to get a ration system. Fort McPherson is on the right track I think. That's something that's a start and I think that's where we should be going. We just have to get more support from our community.

CHAIRPERSON (Ms. Lee): Just as an aside, the Liquor Act has been under review for a while and there is going to be a new bill coming on the Liquor Act that would open up discussions about liquor issues and hopefully we'll be out in communities to give you that in June. I don't know if we will be coming back here or not. That bill will be

reviewed by another committee but we all belong to that committee. But it's up and coming, so keep your ear open for that discussion. Maybe that sort of discussion should happen because prohibition always leads to bootlegging.

MR. MERV GRUBEN: Anything new in that?

CHAIRPERSON (Ms. Lee): It's going to be major amendments or major opening up of the Liquor Act and that should be reviewed in June if it's going to...If it will get a vote within this Assembly, it has to be reviewed in June. So just keep an eye on it and make sure.

But on this SCAN, we do appreciate your presentation. Thank you very much. We also want to thank you, once again, for inviting us to come. I think it's been a really good gathering. We do appreciate so many people coming forward and giving us their views.

I think I see another hand up there. Thank you, Mr. Gruben. Thank you very much. Mr. Pokiak, the third Pokiak.

---Interjection

CHAIRPERSON (Ms. Lee): Sure, come on up. Then we have another lady up there. Mr. Pokiak, if I could get you to say your name, for the record, and make a presentation. Thank you.

MR. TAYLOR POKIAK: First of all, I'd like to thank you people for stopping by to talk to the community. My name is Taylor Pokiak. I thought if I had the opportunity, I might as well say a couple of things anyway. Hi, Jackson.

It's good to listen to the people talking when you're sitting in the background there and see their views and the problems that alcohol and drugs create within the community. I can see that there is a lot of concern in the communities. I heard one person say that we have all our sources in the community. That's great. But I think there's a missing ingredient to the resources that we have in the community, is the fact that they need direction under one roof. Having all resources, I mean we have the government, that building next door where they house everybody. I think that comes from the wellness side of things. A lot of it is in cooperation with the IRC group. I guess they received funding from the feds and territorial and back into the communities and they distribute it for different resources. We do have all that and, I'll just repeat, the missing ingredient is a director where everybody would report to. Instead of reporting to Inuvik, even Tuk Community Corporation or hamlet or others, I think that's missing. I think if that was to be put in place somewhere in the future, that certainly would help the community.

The other thing that I've been thinking about for a long time is if $500 million dollars that the federal government has hanging over everybody's head right now in regards to the pipeline issue. I think it's really unfair for the federal government to attach strings to that $500 million. I think whether the pipeline goes or not, they should bring the money to the Northwest Territories so these things will get started. Maybe you could fill in the gaps where it's missing now; for example, maybe infrastructure of a director's position,

for example. I think rather than waiting for later, they should be done quick instead of dragging it on.

In regards to drugs and alcohol, I'm just sort of talking general on Bill 7. I think safer communities to me is, for example, I'll give you a real good example, we live in Ranger Point and it's a long ways from town to live. We don't have any means to transport yourself back and forth and it's real difficult for people that live out there if they don't have that mode of transportation. Maybe I shouldn't say this, but we've had some disasters between Tuk and Ranger Point already a few times and it really concerns me because of that fact. I think sometimes, for example, even housing associations are put in difficult positions because of Ranger Point. At one time they had difficulty filling up the units that were there and I think in order to build these houses, they have to put people in there that really can't help themselves and that bothers me. So these kind of things that are terrible.

I've heard lots, just sitting here for a few minutes, about alcohol and drugs and the after effects of it. I think I'm just sort of highlighting some maybe possible solutions. I'm always trying to feel that where there's problem areas, that you always have to give your ideas about solutions. Maybe your deliberations, even if they helped a little bit that would be great. Anyway, that's my feeling on that one. I'm sort of echoing myself in regards to a director's position for along time for the community and that's what's been lacking for a long time. I think that would certainly hit in the right direction.

In regards to the highway, it would be nice if you could support that in the House, between Tuk and Inuvik. Thank you.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Pokiak. I don't know if there are questions or comments for Mr. Pokiak, but he just kind of said his piece and ran. We appreciate your comments. Thank you. We have one more presenter. If I could get you to state your name, for the record, and make your presentation. Thank you.

MS. LOREEN: I'm Dorothy Loreen. I'm in support of Bill 7. The only thing is if it goes after me, I don't know how I'm going to fight it. Because I don't do drugs or alcohol, I don't gamble, but if it goes after me I don't know how I'm going to fight it. I work a pretty well steady job, but it will not cover my lawyer and family.

To say there is no way you can really stop bootleggers and drug dealers, but you can slow it; I know you can. Even in Inuvik they have a liquor store, how many bars. There's still bootleggers. One way, too, is our leaders. They have to be good role models to set an example. Just about every court there is in Tuk. I have a family member or a friend, I go. I sit and it's mostly alcohol related. And I'm going to tell you, a liquor store is not the answer. It's not the answer in Tuk. Sure, the pipeline might be going through, but it's not the answer.

I have a brother in jail, in and out all the time. I have another one that might get evicted from his house because he's an alcoholic. It's hard. But I'll say it again, I'm for Bill 7 but

I will not support an alcohol or liquor store, period. I'll fight it again. I did it before, I'll do it again. It's not the answer, a liquor store. Thank you.

CHAIRPERSON (Ms. Lee): Thank you very much for sharing your thoughts with us. I know it's really tough sometimes. Thank you. Is there comments or questions from Members? Mr. Yakeleya.

MR. YAKELEYA: More a comment, Madam Chair. The bill is about the Safer Communities and Neighbourhoods Act. What you mentioned is your concern if what if it comes on me, eh?

MS. LOREEN: Yes.

MR. YAKELEYA: So that's something we will take as notice and look at how it affects it in the bill there and the concerns that you have. Outside of the act, there are suggestions that we heard in Yellowknife; there are suggestions we heard here today in terms of how do you deal with this issue on a wider scale, and we will take those suggestions also. We know some of the suggestions just won't go anywhere with the Minister. That's another issue you have to raise with your local MLA or your other leaders and talk about there. So some things you mentioned, you know, a concern about false allegations if anything ever comes. People talked about how that could be damaging for one's life. This SCAN legislation is also looking at communities where they have no RCMP detachments. We're going to go into Colville Lake; we're going to go up to Ulukhaktok and we're going to go to Behchoko. There's about 11 detachments, I think, 11 or 12 communities without any RCMP detachments. So we have to find out how is that going to work in those communities that do not have an RCMP member. I think the RCMP are going to be key in this whole legislation. But we also want to take our time; we don't want to rush into this. We want to take our time. I'm not too sure how much the people in Tuktoyaktuk or Colville or any other community -- we're going to go to Behchoko -- really read the act as it is. So I thank you for sharing with us.

CHAIRPERSON (Ms. Lee): Thank you. May I ask you a question? Why do you think or what could we do, other than what's here, on how to stop the bootleggers and drug dealers? Do people report that to the RCMP? Because I know you're involved in what's going on in that area.

MS. LOREEN: A few people I know have. I've done it myself. I've reported, but nothing has come of it. I see them go to court; they get away. Some of them get charged, they go to jail, they're still living in their units. But I don't know how you'd go about stopping it.

CHAIRPERSON (Ms. Lee): It would be good if they could be evicted, as would be the case under this legislation. Do you think that could help?

MS. LOREEN: I don't know what to do if they get evicted, where they're going to go, unless they go and buy their own house. They certainly can't afford it. I said if I didn't have a conscience, I would have been a bootlegger right away. But I have a

conscience. It's fast, easy money. I don't know how you'd go about stopping it. I know slowing it down, I hope that Bill 7 will do that anyway. But there will always be bootleggers, even on the sly and sneaky and someone bringing a bottle for you, too. Sure, that's a different way, another way of putting it.

CHAIRPERSON (Ms. Lee): Thank you. Thank you so much for giving us your thoughts and being here with us today.

Well, I've been asked to recognize one more person to speak. I'm told that there is another meeting scheduled here for 3 o'clock, but we do appreciate being so high in demand and keep getting people wanting to talk to us. It's better than if we came up and everybody ignored us. So we do really appreciate all of your input. So I'm going to use the chair's prerogative to recognize one more speaker. Maureen Gruben would like to speak to us.

MS. MAUREEN GRUBEN: Thank you, Madam Chair. I'll be really quick. I'd like to welcome you all. I'd like to suggest a couple of options for Bill 7. Is a harsher sentence for the bootleggers...That's what you're focussing on is the bootleggers and the drug dealers, and I don't think the sentence is harsh enough right now. It should be automatic jail sentence.

Also, we've got so many students from universities that want to do studies in the North here, especially in our community. I think a study done on the effects of alcohol with the RCMP reports on how many FAS children and how many assault charges, and just let people know what alcohol is doing in our communities and present it to each community on the effects of alcohol, what it's doing to our community. I think if they see it in a concrete term and realize just how vicious it is, I think they would look at it in a different light. Just raising awareness, education is always the best when you educate people on the effects of alcohol. Again, harsher sentences for those that are bootlegging and drug dealing. Thank you. I'm going to run like Ernest.

CHAIRPERSON (Ms. Lee): Thank you.

MS. MAUREEN GRUBEN: One more thing. You should ask if you can present yourselves earlier on CBC, because it's like 1 o'clock when we're watching...(inaudible)...

---Laughter

CHAIRPERSON (Ms. Lee): Yes, we had to come after the hour. You know that George Strombolopalis (sic). I can't believe I said that name right. But CBC couldn't kick him off. It's a new hour. The APTN used to carry us and the contract ended and we had to arrange to have it on CBC, and that was the best time we could get. I could tell you, off the record -- this is not on our agenda -- but the Legislative Assembly is working really hard to get us back. Thank you very much for speaking to us, Mrs. Gruben. We really appreciate that. Mr. Braden.

MR. BRADEN: Thank you, Mrs. Gruben, for coming back to take a question. You told us that you want to see harsher penalties for people convicted of drugs or...

MS. MAUREEN GRUBEN: Bootlegging and drug dealing.

MR. BRADEN: ...or bootlegging. Could you give us a little more detail on what do you think would be a harsh enough penalty to be a real deterrent to change people's mind?

MS. MAUREEN GRUBEN: Charlie, come help me here.

---Laughter

MR. BRADEN: Madam Chair, you know we hear about things so often in very general terms and this is where, when you give us this kind of advice, it really helps us if you can carry us to the point and say well, this is the kind of level or harshness that would make a difference.

MS. MAUREEN GRUBEN: It's obviously not harsh enough because there's quite a few people out there in the business. I haven't been to every court, as Dorothy has. Maybe Dorothy would know what the sentence they're giving now. But definitely an automatic jail term, I would say. That's what the government should be working on to deter people from getting into the business of alcohol.

MR. BRADEN: One of the things that often comes around from this kind of crime is a fine is assessed; $10,000, $1,000, $100, but that it is too often seen as just a cost of doing business. You know, if I get caught every two or three years and have to pay $10,000, that's okay, I've figured that into the cost. So I'm wondering specifically in terms of a financial penalty.

MS. MAUREEN GRUBEN: I don't think a financial...Money should not be involved; it should be an automatic jail sentence. That's what I think.

MR. BRADEN: Thank you very much, Mrs. Gruben.

CHAIRPERSON (Ms. Lee): Just on technical terms, to put somebody in jail, to enact the law to put somebody in jail is really a federal responsibility, and provincial, like us, territorial governments couldn't pass law that deals with criminal law. That's probably the reason why the punishment here is just to evict, because that's what we can do. I think criminal law already has provisions to lock people away for bootlegging and drug trafficking, it's just it's really hard to get them, right? You know how the burden of proof is harder and this is a lesser burden to prove but the punishment is a little less, too. So we do agree. I think a lot of people want to see a lot more harsh punishment and we want the punishment to happen more easily than the criminal process that is going on now. I guess the RCMP would agree it's hard to put away people and when they go to jail, they don't stay that long for really hard punishment. But then to put away people for a long time, the burden to meet that is harder. Do you know what I mean? We have to work hard to prove somebody wrong because we're going to put them away for a long

time. This one, everything is sort of lesser but it's a way to deal with a situation more quickly and more simply.

I've had another request for a presentation and I'm going to stop there. She will really be the last person because there is another meeting planned here and we do have to get to the airport to fly away. So if you could come forward and make your presentation. We'll make this last and then we'll close after that with just a closing remark from some Members. If I could get you to state your name and make your presentation. Thank you very much.

MS. VERYL GRUBEN: My name is Veryl Gruben. I work for the Tuk Housing Association. I didn't really look upon this whole SCAN thing, but one thing that kind of gets to me is in regards to evictions, where are all the people going to go? There's a lot of problems in the communities where you don't really have enough housing and there's a lot of overcrowding already and people that have been evicted before are in arrears and do not qualify for housing. If somebody goes and gets evicted immediately for something, some illegal activity, whether it be alcohol, drugs or gambling, they're only going to go to somebody else's house and create more problems. Even with the homeowners, where are they going to go? They're going to end up in housing. Are they going to qualify to continue living in housing?

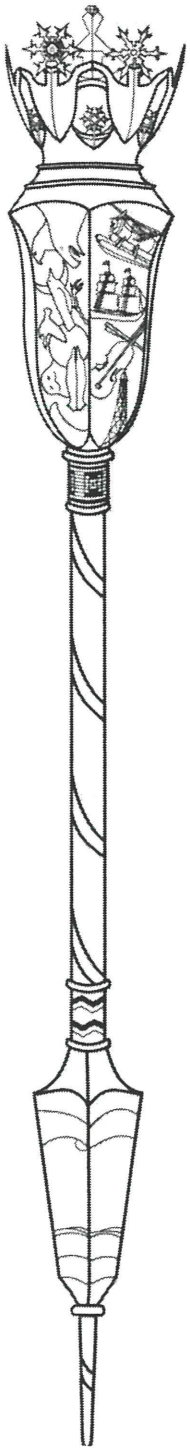
Our LHO here, we have tried taking a couple of people to the rental officer for eviction when they're convicted for bootlegging, but you really don't have much of a case when you go to the rental officer for that. It's been thrown out the past couple of times due to maybe they were picked up at the airport or maybe they were picked up on their stairs so they don't really qualify to be evicted from that house. So the rental officer hasn't helped us out any. I know the people in the community are frustrated about it, but they're also not...All I hear today mostly is for alcohol and drugs, they don't really think that gambling is a big illegal activity here. But those people are not stumbling down the roads, but they have nice houses and everything else, too, and they live in public housing. The only way people can stop any of these activities is if they report them, which doesn't really happen. So I'm worried at the housing level. We pretty well monitor all our tenants and we know who lives where and stuff like that. Are we going to create more problems with evictions if they have to move to some other family member's and stuff? That's just my concern with evictions and overcrowding, because overcrowding does create other kind of family problem besides alcohol and drugs and gambling. That's my comment anyway.

CHAIRPERSON (Ms. Lee): We thank you for that comment, because it is definitely other aspects. Everything is somehow connected in this issue we are trying to deal with. We thank you for putting that side of the element into the equation and we will consider that in our deliberations.

On that note, I'm going to invite Members to say final comments, closing comments, if they wish; they don't have to.

We are going to hang about for at least 15 minutes, or maybe outside if they kick us out. We just want to thank you so much for being here with us. We do appreciate every word and every opinion and every emotion you expressed to us. This is what makes our work better. We want to assure you that we have heard every word. These are very thoughtful considerations, because every time you bring forward a law, you're trying to fix something, but we want to make sure that we do it in the right way and we consider everything and we will definitely do that. So once again, thank you for being here with us today. We thank the council for inviting us and we'll keep in touch. Thank you.

---ADJOURNMENT



Northwest Territories Legislative Assembly

Standing Committee on Social Programs

Public Meeting on

Bill 1, An Act to Amend the Partnership Act,
Bill 2, An Act to Amend the Condominium Act,
Bill 3, An Act to Amend the Legal Services Act,
Bill 5, An Act to Amend the Child and Family Services Act,
and
Bill 7, Safer Communities and Neighbourhoods Act

April 24, 2007
Ulukhaktok, Northwest Territories

Chair: Ms. Sandy Lee, MLA

STANDING COMMITTEE ON SOCIAL PROGRAMS

Chair

Ms. Sandy Lee, MLA, Range Lake, Chair

Members

Mr. Norman Yakeleya, MLA, Sahtu, Deputy Chair
Mr. Bill Braden, MLA, Great Slave
Mr. Jackson Lafferty, MLA, Monfwi
Mr. Robert McLeod, MLA, Inuvik Twin Lakes
Mr. Calvin Pokiak, MLA, Nunakput

Witnesses

Mr. Sean Gordon, RCMP
Ms. Helen Kitekudlan
Ms. Karla George, RCMP
Ms. Mary Okhenna
Mayor Peter Malgokak
Ms. Connie Alonak
Ms. Shirley Elias

Committee Staff

Ms. Gail Bennett, Operations Assistant Clerk
Mr. Robert Collinson, Senior Research Analyst
Ms. Regina Pfeifer, Research Analyst

STANDING COMMITTEE ON SOCIAL PROGRAMS
Public Meeting on Bill 1, An Act to Amend the Partnership Act;
Bill 2, An Act to Amend the Condominium Act;
Bill 3, An Act to Amend the Legal Services Act;
Bill 5, An Act to Amend the Child and Family Services, Act, and
Bill 7, Safer Communities and Neighbourhoods Act
April 24, 2007
Ulukhaktok, Northwest Territories
6:15 p.m.

CHAIRPERSON (Ms. Lee): Good evening everyone. Qujannamiik. Qujannamiik, uqaqtii, I feel like I should say. Good evening everyone. My name is Sandy Lee. I am one of the MLAs and the chair of this committee. We are so excited to be in Ulukhaktok. We have wanted to come here for a very long time and we're so happy that we were able to make it tonight. We want to thank Shirley very much for the wonderful food that she made for us. Round of applause for Shirley.

---Laughter

Thank you, Shirley. You have to come out and take a bow.

I would also like to introduce our committee. You see six MLAs here. You know your own MLA, Calvin Pokiak, MLA for Nunakput; our deputy chair is Mr. Norman Yakeleya, MLA for Sahtu; then we have Mr. Jackson Lafferty, MLA for Monfwi; then we have MLA Bill Braden, MLA for Great Slave, Yellowknife; and Mr. Robert C. McLeod, MLA, Inuvik Twin Lakes. We also have staff here: our researcher, Mr. Robert Collinson; and we have Regina Pfeifer, our researcher; and at the far end is our committee clerk, Ms. Gail Bennett.

We are going to have consecutive translation today, so I'll get Robert to translate for us.

I'm going to ask your MLA, Calvin Pokiak, to say a few words. But before that, I just want to explain a little bit about the Social Programs committee. We are like a mini Legislative Assembly on the road, but we are not the government, we are a working committee. MLAs are grouped into committees and the Standing Committee on Social Programs is responsible for social departments: the departments of Health and Social Services; Education, Culture and Employment; Justice and Housing. We are in charge of reviewing the laws and budgets of these departments and part of our duties is to go to the people like this and do consultations with the people on what the government wants to do.

I'm now going to ask Calvin to say a few words as your MLA.

MR. POKIAK: Koana, Sandy. It's good to be here again tonight, good to see the people out here, the elders, RCMP and all the people around here tonight. Tonight

we're here to discuss five bills that are coming before the Assembly in May. I appreciate all the people that came out here tonight to listen to what the legislation is about, and give us your input in regard to this legislation because it is important we have your input and so that we can do our deliberation before we go to third reading.

Thank you, Robert. Again, like I say, just come up to the microphone and give us any information you want to give us, or your concerns regarding these bills. I thank my committee here for coming to Ulukhaktok. Thank you.

CHAIRPERSON (Ms. Lee): We are interested in hearing from you about five bills, and I'm going to ask Robert to tell you a little about these bills so you can give us your opinion.

MR. COLLINSON: Thank you. There are five bills before committee right now, two of which don't really have much application for the people of Ulukhaktok. They're more for lawyers. The first one is for lawyers and the second one is for condominium owners, and there's no condominiums here.

Bill 1 is the Act to Amend the Partnership Act. That applies to lawyers and doctors. Lawyers and doctors practise together and share common administration, but each doctor or lawyer has their own patients or clients, but when they do something wrong and they get sued by one of these clients, right now all partners would be liable and could be sued. So even if you did something wrong, didn't do anything wrong, you could lose everything you owned.

Bill 2 amends the Condominium Act and that is for the development and sale of condominiums. Condominiums are in Yellowknife, Hay River and Inuvik presently. Basically the amendments will protect the rights of people who are buying condominiums so that they don't get ripped off by developers.

Bill 3 is the Act to Amend the Legal Services Act, and that's an amendment that will allow lawyers who are employed by the legal aid clinics in the Northwest Territories, by different clinics, to represent both sides in a dispute. Right now, they can't really do that. We don't have enough lawyers in the Northwest Territories that we need to do this so that everybody has access to legal aid that qualifies for it. For example, if you were getting a divorce and both parties needed a legal aid lawyer you could do that now. But right now, you're not able to do that.

Bill 5 is the Act to Amend the Child and Family Services Act and that's to amend the act so that when a child is apprehended, the department has to go to court to confirm the apprehension and file with the court within four days of the child being apprehended, and then a hearing must be held within nine days after the application is filed. There's also provisions to apprehend a child because of refusal for medical care or treatment. Basically this change will tighten up timelines and will allow parents to get involved with apprehension of their children much earlier than it presently works.

The last one is Bill 7, which is the Safer Communities and Neighbourhoods Act. This is a new act that outlines a process for the review of complaints about properties where there's ongoing activities like bootlegging and drug dealing that adversely affect people in the community. Investigators will determine whether there's a valid complaint and will ask residents to vacate the premises where there's reasonable grounds to believe that there's illegal activities going on. Where they refuse to move out, the investigators can work with landlords or apply to the courts for an order for the suspected residents to vacate the premises. Other provisions allow for the removal of fortifications that are a threat to the public safety, and there will be some amendments to the Residential Tenancies Act.

CHAIRPERSON (Ms. Lee): Thank you. We know there are lots before us, but this is really important laws that are being considered, especially the Safer Communities and Neighbourhoods Act. It's legislation that could have an impact on the communities in terms of dealing with people who are involved in bootlegging and selling drugs and gambling. It would allow for people to call on those people who are doing that and have them kicked out of their homes. So we would really be interested in hearing from you as to what you think of this legislation. If you have some questions about something you want to know more about, we will try to answer those questions too.

Thank you. Does anybody want to come forward here and just say what you think about all these changes that are being suggested?

Don't be shy; we don't bite.

We need you to state your name, just for the record, and ask us questions.

MR. GORDON: My name is Sean Gordon. I'm with the RCMP up here. Just regarding the Safer Communities and Neighbourhoods Act, is it based on any other acts in Canada that are already in place, or is it something for our territory?

CHAIRPERSON (Ms. Lee): I'm going to ask our researcher to give you that answer.

MR. COLLINSON: There are four jurisdictions in Canada that have this type of legislation: the Yukon, Saskatchewan, Manitoba and Nova Scotia, and this legislation is based on the Saskatchewan legislation.

MR. GORDON: And just one more thing. Has it be legally challenged at all in Canada yet? The little bit I know about the act, it sounds like there could be some Charter of Freedom type arguments for somebody, and has it withstood those challenges?

MR. COLLINSON: There have been no Charter challenges as of yet. Part of the reason is the way that most of this legislation is set up is that the investigators talk to the people first and give them the option of changing their behaviour, and if they change their behaviour, nothing else happens. So there's only been four or five cases that have ever gone to court so far.

CHAIRPERSON (Ms. Lee): Is there anyone else who wants to tell us what you think of these proposals?

MS. KITEKUDLAN: Hi. My name is Helen and I do agree with the act; I think it's a really good act. But as you know, in our northern communities, housing issues are always the biggest problem and when you overcrowd a house, there's more problems that are going to come by anyway. I was wondering when are the people that end up being overcrowded, are there situations ever being looked at in case more problems arise out of being kicked out of a house and move on to another house where it's going to be probably more overcrowded? Has anything like that ever been considered when these things are happening? Because there might be other kids in the house, too, and what situations they might get into with more people going into the houses.

CHAIRPERSON (Ms. Lee): Those are important questions to consider. The legislation is…The thing that it does it allows people…There will be an office set up in Yellowknife if this law becomes the law. There will be investigators set up. In any community where people see neighbours engaged in bootlegging, or drug dealing, or gambling, or some other activities, not necessarily criminal, they could call and the investigator will investigate. Whoever makes the phone call, they don't have to reveal their…It's not anonymous, but their information will stay confidential. If the investigator feels that those activities were going on, they'll be asked to stop, or they could be asked to stop, and then they will be kicked out of their house. Then all the other implications, then you have to rely on other social agencies to address those. I believe that's how the law is supposed to play out.

I should also tell you that the law is supposed to get to the person who's doing wrong things, and not the people around it. But if the family gets evicted or something, you can appeal the order, but you have to do it within 14 days and you have to go through the court, but at their cost. But the intent is for the investigators to go after the person and not get everybody else involved. That's the intent of the bill.

Helen, would it be okay if we asked you some questions? Sometimes we ask witnesses questions. Not to put you in a spot, but just because…

MS. KITEKUDLAN: What do you mean witness? I'm not a witness; I'm just curious and asking questions.

---Laughter

CHAIRPERSON (Ms. Lee): I know. It's just a name we use. Our residents. We just want to have a conversation.

MS. KITEKUDLAN: Okay.

CHAIRPERSON (Ms. Lee): We don't want to interrogate you.

MS. KITEKUDLAN: Yes, no problem.

CHAIRPERSON (Ms. Lee): Thank you. Are there any Members who want to ask any questions or comments?

I'd like to know, Helen, in the community of Holman, is there issues of bootlegging? You don't have to answer, but I'd just really like to know.

MS. KITEKUDLAN: Everybody knows there's bootlegging and that going around. It's just sometimes, though, they keep hush hush. You know, like all places.

CHAIRPERSON (Ms. Lee): Do you think this kind of legislation would help get rid of some of those problems?

MS. KITEKUDLAN: I can't say for sure, but I know for sure that whatever happens down south is slowly creeping up north. First it's alcohol and now it's drugs, and then who knows what else. Whatever dealers and what is going to happen is eventually going to come up here. We can do everything we can to do what we can to stop it from happening and, at the same time, you know how they always say things just keep going on, but if the community is strong and try their best to over...I don't know how you say it. You know, work together to make sure that these things do stop, then, you know, we can be successful at that. But at the same time, who knows what the future holds, especially with all kinds of mining and everything coming up this way. Like, we can't stop progress.

CHAIRPERSON (Ms. Lee): There's one big difference between this law and the laws that are available under the Criminal Code. Under the Canadian Criminal Code, trafficking is not allowed. Drug trafficking is not allowed; bootlegging it not allowed; illegal gambling is not allowed and lots of other things are not allowed. But the reason why this bill is coming forward is because the RCMP does the investigation on drug trafficking and such, but the burden of proof, the evidence you need is very, very high. It has to be beyond reasonable doubt, and often the witnesses have to come forward and speak against them -- like we called you a witness earlier -- and a lot of times people don't want to do that. Under the Criminal Code, you'll end up in jail if you are convicted.

Under this legislation, the evidence requirement is a little less. It doesn't have to be beyond reasonable doubt, just reasonable, reasonably probable. Like probable chance, and then punishment is not as severe. Punishment is not to go to jail, but punishment is you lose your home, which is severe but less severe than going to jail.

I just wanted to give you information on that, but I'm not going to speak anymore because we're here to listen to you.

MS. KITEKUDLAN: Thank you.

CHAIRPERSON (Ms. Lee): Thank you. Please feel free to come forward and just tell us what you think about what you're hearing.

Okay. We have come a long way and we're really happy to be here, and we want to just give you this opportunity to just talk to us. We are six MLAs you know, and sometimes you see us on TV. We are interested in what's on your mind about lots of different things that we are responsible for. So you can come and talk to us about the bills, or if you just want to come and talk to us about health and social services issues, education issues, housing issues, justice issues, that should give you lots to think about. This is your opportunity to just come and talk to us.

MS. GEORGE: This safer communities deals with public housing issues. I was just wondering, what if a house is privately owned?

CHAIRPERSON (Ms. Lee): This law applies to everyone. Whether you live in public housing or a private apartment, commercial apartments or in your own home. But in rental premises, you get evicted. If you own your home, you're kicked out of your own home for 90 days and all expenses of eviction, whether you own your own or it's an apartment, you'll be responsible for the cost.

MS. GEORGE: Okay. I can just being a shorter issue, but if the background was there that you can reimburse people, then that will be okay. Where are the investigators going to be based out of?

CHAIRPERSON (Ms. Lee): Nobody is going to be reimbursed for the costs.

MS. GEORGE: Okay, I thought you…

CHAIRPERSON (Ms. Lee): Yes, that should be clear.

MS. GEORGE: Oh, okay.

CHAIRPERSON (Ms. Lee): You're responsible for your own costs.

It's important to know that this bill is a government bill and we're not the government. We're just wanting to explain, as much as possible, what this bill is going to do.

The government is proposing that those investigators will be based in Yellowknife. I think they're going to start with about three to four people. It will be the retired RCMP officer who would be most eligible for those jobs.

But those investigators are allowed to use contractors, maybe in communities if they need to, and they are expected to work very closely with the RCMP in terms of investigation and sharing information and such.

Also, these investigators will have all the powers and authorities of being peace officers and they will be able to be armed under what is being suggested under this law.

MS. GEORGE: Is there anything under the bill with respect to...In the Criminal Code we have public mischief, and I know that some people are going to say, just to get back at their neighbour. It just seems like a big cost effective. Are you dealing with these complaints over the phone, or the investigators, I assume, are obviously flying into the communities, and is there any repercussions for people? You know, sometimes we get mad at our neighbours.

CHAIRPERSON (Ms. Lee): The government is proposing the initial start-up cost at about $250,000 and ongoing O and M at about $1 million a year. They will be expected to cover all 33 communities. I'll speak about the defamation issue or such after.

On the issue of wrongfully being accused by your neighbours, the law looks at the investigators to do the investigation and to find a reasonable case. The confidentiality of people who are calling on you is to ensure...So you may not know, actually. Confidentiality means that if you're accused of doing something wrong, you may not know who did it, who has called on you.

There is no provision in this law to deal with frivolous and vexatious complaints or defamation. Anybody who has that claim will have to go to other legislation. You can sue somebody for defamation or frivolous and vexatious allegations, but they'll have to use their own legal resources to do that; there's nothing under this law.

MS. GEORGE: Thanks.

CHAIRPERSON (Ms. Lee): I'd like to invite anyone else who might want to...We'd like to hear from non-RCMP. We like hearing from the RCMP, but...

MS. OKHENNA: (Translation) I just would like to mention, too, that some time ago, a long time when people started first drinking alcohol, that I've watched a couple people staggering and holding and walking by, but I was told not to do that because you're not any better than a person that does drinking.

Because of alcohol, I have lost some relatives. There are four of them that have passed away because of alcohol; two of my brothers and my father-in-law. If it wasn't for the alcohol and drinking, they probably would have been here with us today.

I have experienced this kind of hurt and it's very painful. A person that's not sick and not feeling sick and they suddenly pass away, and that is the reason why it's very painful to lose a relative by alcohol. Also, one of them was my own son.

Nowadays, I have many grandchildren and I worry about them, and for that reason, too, that I really don't want to see that again, because I went through it and I experienced it.

We know that it was going to be the situation will become more difficult in the future, and that future is here today, and that is the reason why that is very hard for us to see these kinds of things that's happening within our own community.

The person that adopted me had talked to me many times and said not to take any alcohol or drink any alcohol, and for that reason I have not tasted not even a little bit of alcohol myself. But my husband has taken a little bit when they were working on the DEW Line. Even though he took it, I don't think he even finished a can of beer.

I just wanted to talk about what has been bothering me, and I'm very thankful that I have spoken it and it relieves my mind and my body. Even though I'm not any better than the person that drinks, I'm just very thankful that I could say something like this in front of you.

CHAIRPERSON (Ms. Lee): Thank you very much, Mary. Thank you so much for giving us what's on your mind and sharing stories that are sometimes really, really difficult. We really want to thank you.

I think when we hear from youth, especially young people, that they would like their leaders to speak up and speak out when we don't approve of some people's behaviour. That's not to say that we're better than them, we're just saying that we do not condone and approve bad behaviour like drug abuse or alcohol abuse that's hurting our people and themselves.

Any questions or comments from the committee?

How about if we take a short break here? We'll just take a short break here and we'll resume if there is interest still to talk about it. Thank you.

---SHORT RECESS

CHAIRPERSON (Ms. Lee): We'll just open the floor for anybody who wishes to speak. If not, that's okay. We can still visit and talk to each other casually. We just want to give one more opportunity for anybody who wants to speak to us. But it doesn't mean we're going to go away; we could just hang about and visit with you too.

If I could get you to start your name, and then tell us what's on your mind. Thanks.

MAYOR MALGOKAK: Hello. I'm alcohol.

---Laughter

There's a good way to use alcohol, bad way, happy way, good time way. You cannot blame alcohol; we have to blame ourself because we take it. It doesn't come to our mouth; we grabbed it, we drink it, that's what it is. There's a good way to use alcohol, a

social drink, a happiness, so we really can't blame it on alcohol. We have to blame ourself. That's our choice.

A lot of time, I blame myself when I drink. The next thing I know, I woke up. I'm supposed to do this; I'm too sick today. I blame myself for drinking it. It didn't come to me; I went to it and I drink it. I blame myself for that. I cannot blame alcohol.

The same with marijuana. There's marijuana to do a good way to use, for medical, and a lot of time when I see some youngsters or teenagers, I see them stoned. They don't get in more trouble than alcohol.

We cannot blame on those things, we have to blame ourselves. We're old enough to know to look after ourselves. We make choices, that's how. Amen.

CHAIRPERSON (Ms. Lee): Mr. Braden has a question or comment for you.

MR. BRADEN: Koana. Thank you. One of the things that I have learned in travelling to many communities is that it takes many different levels and many different types of work and cooperation to deal with alcohol and substance abuse. So there is all of the different governments; you know, the federal and the territorial and the municipal, aboriginal governments. I believe that all levels of government have a responsibility. But I really want to thank you for bringing the point to us that the individual also has a responsibility to make good choices, and that's something that we are trying to achieve.

Thank you. The question that I wanted to ask, in Holman Island, in Ulukhaktok, do you think that the problem of alcohol and the drug use is getting worse, is it about the same, is it getting any better?

MAYOR MALGOKAK: When Holman was small, it was really few people drink. We never used to hear anybody taking drugs. There used to be really few people that drank the booze. But now it's bigger, there's more. The last I heard was at least there was about...At least we got 400 something people here. At least there was about 13 or 14 boxes the last plane came.

MR. BRADEN: Okay, thank you. If I could ask one more question, I guess I was wondering, over time, say taking the last five years, are problems with alcohol and drugs about the same in this community, or do you think it's getting worse? Are more people using or abusing alcohol and drugs?

MAYOR MALGOKAK: A couple years ago, somebody's son, our boy, Amlook (sic) from Edmonton. I go a hold of Amlook. My boy was expecting it. When I got home, I squeezed it. I know there was something in there. The woodstove was on, so I just threw it inside the woodstove. I think the wood stove was really stoned for how many years.

MR. BRADEN: Okay. Thank you. Koana. I wish you and your son and your woodstove a very good future. Thank you.

---Laughter

CHAIRPERSON (Ms. Lee): I'd like to recognize His Worship Mayor Peter Malgokak. Sorry, I probably butchered that name, but he's His Worship, your mayor. If you want to say a few words, you're welcome to.

MAYOR MALGOKAK: Welcome to Ulukhaktok. I just want to say one thing about the community about the dump. I've been bringing this up for a few years. Our community dump is too close to the town. It's not really healthy for people who smell it. The odour is really bad sometimes in the summertime, and it's not really safe for little children. A little three-year-old child has access to the dump in the community. So if I could get help to move the dump, I would really appreciate it.

I don't have anything else.

MR. POKIAK: Thank you, Your Worship. Maybe I can just respond to that. I will work with you with your hamlet, and I will work with MACA with regard to your issue of the community dump. Thank you.

CHAIRPERSON (Ms. Lee): Thank you. You have a beautiful community here. Thank you so much.

I'm going to take this opportunity to ask Members to just give a few closing remarks before we close the meeting.

Thank you. Just before do that though, we have an indication that there's one more person who wants to speak.

MS. ALONAK: My name is Connie. I'd just like say in regards to the nurses that are coming in and out, I work at the health centre for some years. For the past three months, since January, we've been having nurses coming in and out. Some would stay for a couple of weeks and some would stay for three weeks, and every time the nurses get used to the routine, somebody new is coming the next day, which means the permanent people have to keep retraining the newcomers at the health centre, and sometimes it sort of creates a problem for our community because they get to know one nurse and then one goes.

When a nurse has been here for a while, a person is able to keep on going with their medical problems. But each time when a new nurse comes in, they have to start all over from the beginning to try to explain what their situations are. There are a lot of times the nurses want to stay, but, I don't know, it may be someone coming the next week. They say, well, I can say another few weeks or another four weeks, I'm already

here anyway. Why is there another one coming next week while I'm willing to stay here?

For the financial part, I think it would really help if the nurse wants to stay for another couple months or so, instead of moving this nurse to Aklavik, and the nurse coming from Aklavik move to the Ulukhaktok Health Centre. It's probably a burden on a lot of financial problems.

I'd just like to say we work well with them. We try. I'd just like to know how this can get fixed, how they can work this out so that we have nurses staying longer, because some would really like to stay longer but they have no choice. Thank you.

CHAIRPERSON (Ms. Lee): (Microphone turned off)

I didn't have the microphone on. I just said that a shortage of health care professionals, like doctors and nurses, is a problem for everyone in Canada and even in big cities like Yellowknife. It's been a challenge for the government to find these people, especially for smaller communities.

I think, though, your question has something very specific to that and that is something we have not heard before, which is why not a nurse once stationed here for three weeks, if they want to stay, why can they not stay? That's something we hadn't heard before. We thought nobody wanted to stay longer than their time. So what we want to do, as chair of this committee and I'll work with the researcher and, as a committee, we will enquire with the Minister of Health to see if they could look into the policy to give nurses an option to stay wherever they're posted, and to have the means to notify the next person that they don't have to come in because this person wants to stay. We'll get back to you on that through Calvin and we'll look into that for you.

We understand this could be not a government policy, but an agency nurse company policy. So we will have to find out if that's the case and we will also ask the Minister then to work with the company to revisit that policy.

MS. ALONAK: Another concern I have, I think the whole community has, is when we get a dental visit, we have them for eight days in our community. I think they come in three times a year for that eight days. As soon as the dentist comes in, we start getting phone calls right as they walk in through the door needing appointments. In two days, their appointments are booked right up until the seventh day. A lot of the people go on standby and a lot of people don't get seen. A few days later, after the dentist leaves, someone calls to make an appointment and says I didn't get to see the dentist this time because they were too booked or their stay is too short.

Sometimes you have to wait for another three, four months before they could be seen again, and it's not healthy for your body either to have a tooth problem. I'm wondering if they could come in, say if they're going to be coming for eight days, to come maybe

more than three times a year. I wonder if that would solve the problem, because we don't get a dental therapist here.

MR. POKIAK: Thank you, Connie. I'm aware of the problem not only regarding dental clinics, but also I'm aware of the visits from doctors and the eye clinics. I've been trying to work with the Minister of Health regarding longer visits by these different departments, the doctors, the dentists and the eye clinics. So I will keep you informed, but I am aware of the problem.

CHAIRPERSON (Ms. Lee): Thank you. MLAs here, all the Members here are MLAs for their areas and there is lots of work that we need to do for our committees. Calvin has been working on that. Sometimes it helps to have a committee behind them. So we'd be happy, as a committee, to relay that same request to the Minister, as well.

Thank you. We started early because we knew you would take longer with interpreter service. I just want to give you one last chance to come and talk to us about things that you want us to know. Otherwise, I'm going to ask Members here to say a few closing remarks. Shirley, you're going to talk to us? Okay.

MS. ELIAS: My name is Shirley Elias. I work for the Community of Ulukhaktok as the community wellness worker. I don't know how to begin to start because I was waiting and cleaning up the kitchen when you first started and how the group was presenting itself here. Are they just travelling as a group just trying to find out how to work in the communities?

CHAIRPERSON (Ms. Lee): Officially we are here to do public consultation on five bills, and there was a briefing on what those bills were about. But we have heard lots of people talk to us about the bills. But we are also a committee responsible for Education, Culture and Employment; Health and Social Services; Justice; and Housing. So we opened the floor up to give people an opportunity to tell us about some of those issues. So you're welcome to just share with us some highlight of important points you want us to know.

MS. ELIAS: I'm just going to talk. I'm originally born here in Holman. I grew up here, raised by my parents. My parents are originally from the west coast, but I lived here in Holman for most of my life. I knew the Holman community to be a sober community when I was growing up, like you've heard a lot of people telling the story here. I also knew when Holman started to get when alcohol was coming in, and then later on in the years, drugs started coming in and how much changes took place amongst the people.

I was a part of it, too, and when I became old enough to drink, I started abusing alcohol. It made me more sick because I was not well to begin with. I didn't know how to express my own thoughts and feelings because I was so isolated within myself because of previous problems that were occurring in my own little childhood. My family was taken away, some to the hospital, some to the residential schools, and so I grew up

really isolated and so, therefore, I couldn't really talk about how well I was to even my closest family, relatives and stuff like that.

So my story is just like those of you that sobered up, and I'm able to tell my story. But I really like the idea of people coming out and addressing issues about their community, how they could be a part of it and how they could look for solutions to help each other in the community. If that takes place, then I think we're headed the right way.

I thought of something before, but I forgot what I was going to say. It was something I really wanted to say. I'll remember and, if I remember, I'll let you know. But to be part of the solution in the community, we have to keep addressing those issues. If we don't say anything about them within the community, then we're losing something and we're forgetting how to voice our own thoughts and our feelings, and that's not good. So we need to always be strong and talk about issues that are concerns to us and to you as leaders.

Thank you for listening to me, and I hope the community of Holman keeps talking about their problems. It's good to hear them. Thank you.

CHAIRPERSON (Ms. Lee): Thank you, Shirley. The main reason why we are here is to talk about and listen to you about the bills. But I think through the process tonight, it enabled a lot of you to talk about what's on your mind about some of the alcohol use and abuse, and it takes courage to do that. I think all of us are very glad that this forum was able to be used that way. I agree with you that every community, we need people in those communities who have courage and strength to speak out when they see something that's not right, and be able to stand up and say that. The more people do that, then those people who are doing not so good things will not be able to get away with keeping on doing that. So the good has to prevail. It's not because people who are having problems with alcohol or drugs, they're not bad people at all; they're just going through really tough times, and many of us have been there. So we just need to encourage people who want to speak on that, to keep on speaking.

Thank you. At this time, I'm just going to ask all the Members to give their concluding remarks, and we will close the meeting and we will visit after one on one; or if you want to visit with us, we'll be around.

I'll start with Mr. Yakeleya.

MR. YAKELEYA: Mahsi cho. I want to thank Calvin for inviting us to Ulukhaktok, and to thank the mayor for welcoming us here, and the cooks for cooking us a good meal. They fed us really good. It's so nice to see lots of elderly people coming to our meeting, especially the old grannies and the elderly men to come and meet with us. It's so good to see them sitting with us and helping us with what we have to do.

I want to say that we are here to listen to you, because these laws our government is thinking about making for our people, for ourselves, and what you say is important.

We're going to travel to other communities and listen to people talk about these laws that they want to make or just like what you talked about, the dentist or even the nurse. That's very important for us to hear what's happening here in Ulukhaktok. If we don't hear from them, we think everything is okay. So I'm very happy that you came and you said what you have to say to us. That way, we can talk to the Minister with your MLA. We can fight for you.

What the gentleman said over here, it's true that we have choices in life. So at the end of the day, I guess, we make a choice, and some choices are not so good and some choices are real good.

So I'm really glad that, again just to close off, the elders are here to help us. A long time ago, they were the ones who made the laws for us and we followed them. Now, as young people up here, we're talking about law and you guys are listening to us, so we have changed a lot. But I really like to have the elders here to help us, to help us with our life to go further in our life and do good for our people, because this is our land, this is our people here, so we've got nowhere else to go, unless you want to go on a holiday.

---Laughter

Mahsi.

MR. LAFFERTY: Mahsi. (English not provided)

Robert.

---Laughter

Mahsi. I'd just like to say thank you to the community members that are here with us today, especially the elders. It's great to see so many elders here today. We have some youth, as well. I'd like to thank Calvin for inviting us to the community. The cooks; it was a great meal.

This legislation that's in front of us, the five legislation, the five bills that we're talking about, it's government bills that are brought to us as the Social Programs committee and we want to hear from the public, the general public, because we certainly don't want to make a decision on our own. We want general input from you as the general public, from the Northwest Territories as a whole. Whatever we do here, it's going to be a major decision that will be made that will either have positive or negative impacts in the community of Ulukhaktok and in the other communities as well. So I'm glad you've shared with us some sad stories, some good stories. We will bring back all that information back to our Cabinet because we, around the table, will certainly be discussing this, and there were a couple of issues that were brought forward that we'll certainly follow up with the Minister as well.

Again, thank you for being with us today. It's been a great, great day today. Mahsi. Koana.

MR. POKIAK: Thank you very much. I'd like to thank His Worship Mayor Peter Malgokak for coming down here tonight, and all the elders and RCMP and mental health worker; and, Shirley, thanks for the food. Maybe I should have brought this here; she could have interpreted what Jackson said earlier. But that's alright.

---Laughter

Anyway, I'd just like to say thank you very much for coming down. I've heard one concern regarding overcrowding with regards to election notices from understanding. I'm sure government is aware of that and it is something we will have to consider down the road, because it will be a concern especially when you get evicted and then you move from house to house to house. So that's something that will have to be addressed by our committee and relay that back to the appropriate Minister, especially with the SCAN legislation.

I'm glad to hear some of the concerns regarding, as David said earlier, it's your choice in regard to drugs and alcohol or not. There's good use and bad use of it. Same with marijuana, they're for medicine purposes. So these are the kind of things that we have to consider.

I know it's going to be a real difficult time. We are here to listen to the people about these bills that are before us here today, and one of the things that we heard so far, especially in regard to SCAN, is there's lots of implications regarding the SCAN legislation and that's why we're here. We're here to listen to what the people have to tell us what they're concerned about.

I'd just like to close by saying that some of the concerns that were raised about dentists and other issues that were brought up about the local dump here, I will bring that forward to the Ministers. Thank you.

MR. BRADEN: Thank you, as well, to Calvin for issuing the invitation and helping to set all this up. With our committee work, our hope is that we can travel to every community in the Northwest Territories sometime in the four years that we are in office.

I always learn so much more than just the business that we have to come to talk to you about. I learn about the housing and the transportation, the social services and, of late, I've come to learn quite a bit more about a very concern all across the Arctic and that is climate change.

Finally, I want to end, I guess, on that major problem of climate change. In some ways, it will make a difference here in the North and in the Arctic. It will make our life a bit different, maybe easier, but in other ways it will change things so quickly. This is the indication that we have. So it is something that I hope all of us can pay more attention

to and work together on, because it is something I think is going to be an enormous impact on us and we'll have to learn how to manage it for the future and for our children. Koana. Thank you, Robert.

MR. MCLEOD: I've always been told you should go visit Holman. They tell me that good people there make you feel welcome, and I found out today they weren't lying to me. I've enjoyed my visit here. I would like to try and come back some day and really go fishing. You've got a beautiful little community here. Now I can tell people I've been to Holman, you've got to go visit Holman, there's good, friendly people there, make you feel welcome.

Some of the bills that we were hoping to look at tonight, we didn't get into them as much as I thought we would. But that's actually okay. I mean we'll hear about these bills in some of the other communities. But we had a chance to listen to some of the concerns from the community members and some of the problems that they're facing around here, and it's a problem that's being faced right across the Northwest Territories. I've always admired people that can come out and speak to the problems that are happening in their community. I think that takes a lot of courage and the more people that do it, and the more people that speak to it, I think it's going to start turning things around.

I just want to thank Calvin for the invitation, Shirley and her assistant for the excellent meal. It was actually the first time I've ever tried fish chowder and it was pretty good; I enjoyed that. So thank you very much for coming out and giving us your concerns. I'll tell you one thing, this committee, in the time that I've been with them, they do care about what people tell them. Once that plane takes off tomorrow, we're not going to forget about what we heard today; we're going to take it with us. I guarantee you, the people down in Yellowknife will hear about it because this committee takes what they hear very seriously. Thank you.

CHAIRPERSON (Ms. Lee): Thank you, Robert. You are so good. Don't I travel with the nicest guys? Aren't you impressed with these six MLAs? They're, as you can see, very caring and very attentive. They like to listen more than talk. They have to listen to me all the time, too.

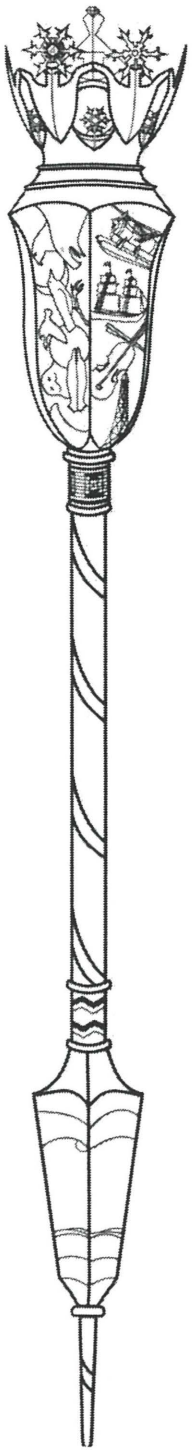
I want to once again, as chair of the committee, thank you all very much for spending this evening with us. You have made us more aware of Holman Island, or Ulukhaktok, and your issues and your concerns. We thank you so much. You made us much wiser and more knowledgeable about your community.

There are four bills, but Bill 7 will have the biggest impact if it becomes law or when it becomes law. We had a meeting in Tuktoyaktuk yesterday, and Inuvik. We are here in Ulukhaktok today. Tomorrow we are going to Colville, and then the day after we are going to Behchoko. Then after that, we have session but we're hoping to do more communities because it's a pretty major change.

If you were too shy to speak tonight to us, it's not too late. You could always call Calvin, e-mail him, or can write us an e-mail about what you think about what you heard today. So with that, we want to thank you once again. This is my second time here. Last time I came it was in the middle of a snowstorm, so I didn't see much. But today it's just spectacular out there and I do want to come back again in the summertime and golf a little maybe, and fish. You have a beautiful community. So thank you so much and thanks for coming.

---Applause

---ADJOURNMENT



Northwest Territories Legislative Assembly

Standing Committee on Social Programs

Public Meeting on

Bill 1, An Act to Amend the Partnership Act,
Bill 2, An Act to Amend the Condominium Act,
Bill 3, An Act to Amend the Legal Services Act,
Bill 5, An Act to Amend the Child and Family Services Act,
and
Bill 7, Safer Communities and Neighbourhoods Act

April 25, 2007
Colville Lake, Northwest Territories

Chair: Ms. Sandy Lee, MLA

STANDING COMMITTEE ON SOCIAL PROGRAMS

Chair

Ms. Sandy Lee, MLA, Range Lake, Chair

Members

Mr. Norman Yakeleya, MLA, Sahtu, Deputy Chair
Mr. Bill Braden, MLA, Great Slave
Mr. Jackson Lafferty, MLA, Monfwi
Mr. Robert McLeod, MLA, Inuvik Twin Lakes
Mr. Calvin Pokiak, MLA, Nunakput

Witnesses

Chief Kochon
Ms. Hyacynth Kochon
Mr. Wilfred Kochon
Mr. Joseph Kochon
Mr. Alexi Blancho
Ms. Sarah Kochon
Ms. Marie Kochon
Mr. Charlie Kochon
Mr. Chester Kakfwi
Ms. Sarah Kochon

Committee Staff

Mr. Tim Mercer, Clerk
Mr. Robert Collinson, Senior Research Analyst
Ms. Regina Pfeifer, Research Analyst

STANDING COMMITTEE ON SOCIAL PROGRAMS
Public Meeting on Bill 1, An Act to Amend the Partnership Act;
Bill 2, An Act to Amend the Condominium Act;
Bill 3, An Act to Amend the Legal Services Act;
Bill 5, An Act to Amend the Child and Family Services, Act, and
Bill 7, Safer Communities and Neighbourhoods Act
April 25, 2007
Colville Lake, Northwest Territories
7:45 p.m.

CHAIRPERSON (Ms. Lee): Mahsi. Good evening everyone. My name is Sandy Lee. I am the chair of this committee. This committee is the Standing Committee on Social Programs. The Legislative Assembly has a number of working committees and this committee is responsible for social program departments like Health and Social Services; Education, Culture and Employment; Justice; and Housing.

I think he has introduced everybody here, our committee membership. Some of the important work that committee does is there are two things, one is to make law and to pass budget. We are responsible for reviewing bills that come from those departments, those social program departments, as well as reviewing the budget. We are here today to get public input on some of the bills, and I will later ask our researcher to tell you more about those bills.

Once we get all the input from the people, we will meet again with the Minister and talk to him about what we have heard, and make changes, if necessary, and give feedback on the bills based on what people tell us.

I'd like to introduce to you our staff that are travelling with us. To my left is Robert Collinson, he's our researcher; we have Mr. Tim Mercer, he's our committee clerk; and we have Ms. Regina Pfeifer, she's also our researcher.

Now I'd like to ask Robert to tell everyone a little bit about the bills that we are reviewing.

MR. COLLINSON: Bill 1 is An Act to Amend the Partnership Act. This is aimed at lawyers and accountants who operate in partnerships. The changes in the law will mean that partners who do something wrong can be sued, but their other partners will not lose their house if they're sued. It's to protect people from losing assets; lawyers, doctors and accountants.

The next one is Bill 2, it's An Act to Amend the Condominium Act. Condominiums are sometimes row houses or high rises where you own your individual unit, but the property is owned collectively. Right now, the people who buy condominiums don't have many protections when they're buying them, and this law will give them protection.

The next one is Bill 3, it's an Act to Amend the Legal Services Act. Right now, lawyers that work for the legal aid, that are employed by the Legal Aid Board, can't work the opposite sides of the case. So this law is so that a person, a lawyer employed by the Yellowknife Law Clinic and one employed by the Beaufort-Delta Law Clinic could be on...one could represent, say, the father in a divorce case and the other one could represent the mother in a divorce case. Then there would be no conflict, even though it kind of is a conflict, this law will say that it isn't.

MR. COLLINSON: Yes, even though they're employed by the same people, it's not going to be a conflict.

The next one is Bill 5, it's an Act to Amend the Child and Family Services Act. This will, if a child gets apprehended by Social Services, right now they have up to 45 days to go to court. The way it's going to be is now they have to file the papers within four days and a hearing has to be held within nine days. So it's speeding up the process and the parents will be allowed to contest their children being apprehended a lot earlier.

The last one is Bill 7, it's the Safer Communities and Neighbourhoods Act. This is going to be a process so that people can complain about bootleggers and drug dealers. Somebody will investigate it and see if the activity is going on in a house and if it is, they'll either talk to the person and get them to stop doing it or they'll get the rental officer to have them kicked out of their house, or in the case where you own your own house, you can be kicked out of your house for 90 days if you're doing these types of illegal activities. There will be an office set up in Yellowknife and there will be investigators who will look into the complaints.

The big difference with this law is the RCMP, when they charge someone with bootlegging or drug dealing, have to be able to prove it in a court of law so they have to have absolute proof; this law is just on what they call the balance of probabilities. So, like, if somebody was bootlegging and they went to their home and they watched the home for a while and they saw, you know, four cases of booze coming out and 27 people leave with stiff arms, they'd probably have a good idea bootlegging was happening and then they'd get the process going.

The last big thing is that it's confidential. If you make a complaint, your name is not entered into the record, it doesn't go to court, it doesn't get in court documents, and it won't come out in court that you've complained about your neighbour bootlegging or drug dealing.

CHAIRPERSON (Ms. Lee): So the intent of the bill is to not affect those people who are not involved doing that, even it it's the same family. The law will go after the person who's doing it and that person will be evicted from their premises. If people around the family or that person who's been evicted wants to appeal, then they have to appeal through the Supreme Court within 14 days of the eviction.

MR. COLLINSON: Just to answer the question before about elder abuse, there is legislation that's already in place called the Family Violence Act, where elders and families that are subject to abuse can get people evicted from the homes that are

causing the abuse and keep the house. So there is already another law for that. I can get that information for you. I don't have it on me.

CHAIRPERSON (Ms. Lee): Bill 7 is the biggest one and it will have impact, good impact and some shortfalls and that's the kind of...It's the bill that we want to have input from the people here. You're welcome to ask us questions or just tell us what you think. If you need any clarification or you want to give us your opinion, you are most welcome to do that.

We will open the floor to everybody but before we do that, Chief Kochon, I would like to invite you to say a few words, if you wish. Then I'll ask our local MLA, Mr. Yakeleya, to speak as well before we go to the floor. You can speak to the microphone there.

CHIEF KOCHON: Thank you for coming here. In the community we have lots of concerns, you know, like elder abuse, too. Some of the young people, they stay with these elders and then sometimes the government they give like about seven cords of wood for the elders. These young people, they stay with them, they don't have to do anything. They're taking advantage of the elders. We've got to try working something like that to maybe have some kind of workshop to let them know that. I wouldn't mind if they continued to make a living, but sometimes they take too advantage of that. So somehow we have to have a workshop like that that they could help their community. I don't know. It just went like that. But it would be good to have some kind of workshop to make them know. It's not really right that they're doing that. The other year, too, this territorial government, they had a workshop here for the leadership, a really good one. Like how to work for your community. Sometimes there are new counsellors that go on and then it's good to have a workshop like that to make them know how they could help their community. In the past, it wasn't like that. But that's why sometimes in the past it's like these young people they go on and then there's no guidance. Sometimes they have only their leaders. A while ago the territorial government, they put a workshop for the counsellors how to be leadership and that worked really good. In Colville Lake, we'd like to like sometimes like even that water, they put a road to the water, hauling water. It would be good to, maybe down the road, maybe just give it to the community, that responsibility. It worked good like that. If a community does really good, then it's good for the government too.

Like in the past we were under Good Hope and then there's...But we're not doing good with this. They were handling all our money and then nothing went our way. So that's why when we told them we want to do our own thing, we did our settlement status here. From there, it started working good for what we want and we design it the way we want. It works really good like that. So maybe, like in the future, if they give us more of that community responsibility, give it to the communities, then it works really good like that. But if there's somebody else handling our affairs and then it's just like we can't do good like that. But if they give it to us and then, just little by little, that way it will work good and is more beneficial for everybody. Grow too. That's all I have on my mind.

CHIEF KOCHON: (Translation) He's talking about the...Can you hear me? He's asking a question. He's talking about the bootleggers and the people that travel on the

health, they seem to be bringing a lot of booze back. The ones that travel out there to go out for their health and then they come back and bring booze back. He's seen lots of that and it always seems to be when they travel out for health and they're the ones that are kind of bootlegging. It's just like the government is supporting that, so the government should really look at that medical travel. They're supposed to be out there for health, not to bring booze back and drugs, too. Then the people are asking him for money because he knows they can buy bootleg. So those things, he's really concerned about. It's not only a concern, but then there's people coming to him for money just to buy bootleg. He's kind of aware of that. He said it's hard to find these people because they're really sneaky about what they do when they sell their alcohol or their drugs. They're sneaky. Then the people that buy it off them, they won't tell anybody anything. They will just tell him that they were borrowing money for something else, but he knows that later on they were drinking so they kind of lie to him about the money they borrowed off him. There's no way you can prove it, but he says it would be nice to work on it more with the people about the bootlegging and the drug dealing and that. But the health, that's number one. (Translation ends)

...they come back and then the elders are scared of these young people. They get drunk. I really support that if they put some kind of law that hospitals under the territorial government, they could put some kind of law there not to allow the booze going back on a medical charter. Some kind of law there that will really help.

CHAIRPERSON (Ms. Lee): Just for the record, that was Chief Kochon speaking. Our researcher has some information on that.

MR. COLLINSON: There are laws right now under the Liquor Act where you could take control of alcohol coming into your community. There are rationing systems that could be put in place. I mean, you have, most of the time it's only air travel into here so you can get the airplanes most of the time and make sure the people only brought in one or two bottles and then that's personal consumption as opposed to bootlegging. It requires a plebiscite to do. They're looking at changing that law right now so it might be easier for your community, in the future, to do something like that.

CHIEF KOCHON: (Translation) The other thing is even though you regulated like one bottle, one beer, they'll use somebody else's name. Some person is probably bringing eight bottles in but they have different names, but then they would say it's not theirs. So those things, they're saying that's happening too so how can you prove that it's not theirs. Later on, they all kind of make a deal, I guess. We've seen that happen.

CHAIRPERSON (Ms. Lee): Just for your information, the Liquor Act where a lot of these things fall under, is going to be up for review after the next session. The next session is the beginning of May, so there should be public hearings on those at the end of May and June. It will be reviewed by a committee that we all belong to, so we hope to travel to communities and have more discussions on that.

As soon as that information becomes available, our researcher will work with your MLA and make sure that information is available to you in advance.

Okay. We have our band manager who's going to give us his input. If I could get you to state your name and give us your input. Just your name, for the record. We know who you are.

MR. JOSEPH KOCHON: A bit of a misunderstanding here. I don't know if you want us to speak on these acts that you have here because from the way we understood, you know, when we were talking with the legislative person there that talked with us, he said they were talking about community concerns so that's why I think we're kind of heading in that direction. So we're not sure if we have to speak on each of these bills that you have here or we get onto other topics. I just wanted clarification on that.

CHAIRPERSON (Ms. Lee): The parameter is very wide. We are here and if you want to speak specifically to what's here, that's good. If you want to talk about other things that this committee is responsible for, we are happy to hear those too.

MR. JOSEPH KOCHON: Okay. I'll just interpret myself. (English not provided)

CHAIRPERSON (Ms. Lee): So is there any other...Okay. Welcome. Please go ahead.

MR. BLANCHO: (Translation) It's Alexi Blancho. He said he entered treatment back in 1990, around there, he went out for 35 days and went out to better his life and then he's back here and he's got his own house across on the...But then he stayed with a neighbour that really likes to party and that bothered him all the time. So I don't know how he can deal with that because there are no police here and they always seem to bother him every time they party there, especially in the wintertime and then even in the summer. He's trying to better his life but then these things are happening right beside him and I don't know how he can deal with that because he's right beside him. He can't move his house so I don't know if this act would help him out. So that's the question he has. Thank you. This is about a person partying, it's not a person bootlegging or drug dealing but it's just a person...That's the question he's asking you.

CHAIRPERSON (Ms. Lee): Well, it's possible under this legislation if...This legislation doesn't just cover illegal activities or criminal activities; it includes a lot of things. One of them is a neighbour that's causing too much trouble. If this goes through and there's an investigator set up in Yellowknife, there will be a number for you to call, and he could call and complain about the neighbour. His identity will stay confidential but in a small town some people may figure it out, but it's supposed to stay confidential. There might be somebody come in and start asking him questions and maybe that will scare him off. If the investigator finds that he's real trouble then he could be evicted from his house for 90 days, even if he owns the house, and he's responsible for all the costs. I don't know if that could create some more problems in the community but if he's a...(inaudible)...then it could help him.

MR. BLANCHO: (Translation) It's the same thing...(inaudible)...to be an elder too, but the people, when they drink, they don't have no respect and so they'll wake them up at 4:00 or 5:00 in the morning. Sometimes he has no choice but to bring them home even

though it's not his business, because of cold weather and that. So those things come into play, too. So he has to be aware. He's always up and kind of being aware of people passing out and that, so, a kind of safety thing too. This isn't why he's saying that. It's not just because of the drinking, it's because of the…I know there's a couple people pass out there and he had to end up bringing them home, so it's a safety issue too.

MRS. SARAH KOCHON: (Translation) It's elder Sarah Kochon. She has about three different concerns. The first one is probably about the safety thing about somebody drinking, have a lot to drink and then they kind of pass out. Then making a nuisance with elders and that. She said you can't chase them out or throw them out, don't know where to put them, so maybe they should hire somebody to watch over the people or…That's a concern in Colville because if somebody's drinking and bothering the elders, then sometimes they say they can't chase them out because they don't know where to send them and they think that they might freeze outside. They're thinking that maybe the government should look at hiring somebody or just to make sure nobody freezes or that they don't cause anymore trouble for elders.

The other thing is nobody is taking care of the elders right now. Kind of a homecare thing. I know you guys are with social programs, so she says there's nobody taking care of…There's about at least six elders that need to be taken care of that nobody is taking care of; they're on their own. Like this elder here…(inaudible)…he's on his own. There's nobody to clean for him, nobody to wash his clothes.

The third one is that I know elders are getting, they get seven cords a year but sometimes that's not enough because they're on their own. Some elders might do okay because maybe they've got relatives or grandchildren, but some elders are on their own and once their seven cords run out they can't do anything by themselves; like Joe, he wouldn't be able to get wood for himself. Then there are a couple more elders that are the same. So those concerns she had. That's what she was talking about.

CHAIRPERSON (Ms. Lee): On these three issues we, as a committee, are traveling on these bills but we have your MLA here with you and I'm sure he…Well, he's taking all the notes and we will, as a committee, get behind him also and help him to pursue these issues with the Ministers and we'll get back to you on what we can get from the Minister responsible for elders, homecare, and increasing the amount of cords of wood you could get. That's something that other elders are asking for, too. Even in Yellowknife, fuel subsidies for seniors are not enough and that is under review right now. On the disturbances, well, we'll look into that, too, and we'll get back to you on that. Maybe you could tell the elders that the fuel subsidy is under review and there is a very good chance that it's going to be increased a little bit.

Maybe if your neighbour, if he's partying all night and he's trying to sleep during the day, maybe you should blast the music on him during the day so he can feel how disturbing that is. You could cut wood all day and keep him awake.

---Laughter

Blame it on me. Yes.

UNIDENTIFIED SPEAKER: Some of the concerns that they bring may not be relevant but then, because Colville Lake is much different than most communities, they have RCMP in most places but here it's something that we don't have: public safety. Even though we bring it to Cabinet Members, it's something that they keep saying that we don't have enough people here or it's going to cost $400,000 to start up a system here. So, you know, we so need your help as committee. You know, whenever we bring a concern forward, one way or another, we still help out one another. If someday our MLA is bringing this to the House, then it's something that we are all going to have to think about. You know, listening to these complaints, they're valid concerns, you know.

You know, you're in public life, you don't like to defer it or anything, but then for us we have to deal with it every day and we try hard to find a way to deal with those situations. Most of us, we shut off the phone at night time, that way we won't get woken up in the middle of the night. The lady said that when they need help the most in the middle of the night, they can't get a hold of anybody because everybody's shut off their phone. A lot of us, like public workers, have to go to sleep and wake up before 9:00 and go back to work. So I guess when you're talking about safe communities, you know, you feel that you are talking in that arena. If we have an RCMP here, then some of those things will kind of lower down. Just during our carnival we had two RCMP here for the whole weekend; it was just good, you know. No drinking, nothing. We had the support of the liquor store to not send any booze to here and everything. It didn't take an act to do that type of stuff, it was just cooperation. So things, you know, it's good to work on acts and everything, but then sometimes it's good to go beyond acts and, you know, we could speak on some of the acts that you have but it's good to hear out where our community is coming from. Sometimes it may not come out as clearly but I can interpret it to make it sound a little clearer. Once you respond, I can interpret in Slavey.

CHAIRPERSON (Ms. Lee): Well, I could tell you that as a committee we have been very vocal about placing more RCMP in communities where there have not been. I think there were, I don't know what the number is now, about 13 communities out of 33 without RCMP. In the last year, the government has put in three more communities, RCMP. I know Norman has been very vocal and so has Jackson and Calvin because all three of them have communities without RCMP. So the numbers are going up where the RCMP are going up. This is very relevant to this legislation. We, as a committee, have to talk about whether we would like to work toward having RCMP in every community and using more money or this act will spend other money. This act will require $250, 000 for start-up. Then we will budget $1 million a year to have those investigators in Yellowknife. So people could tell us whether they would rather see this act and have investigators, or you would like us to work on getting or having more and more communities having RCMP. So that's one of the conversations we can have.

UNIDENTIFIED SPEAKER: I was just interpreting myself and making it clear.

What happens after the third reading? It becomes law. Automatic. So once you make your presentations to the Ministers, then it goes to third reading or...

CHAIRPERSON (Ms. Lee): This bill has had two readings and then it comes to the committee, which is where it's at. We have it for 120 days and we do public consultation and then we meet with the Minister again and we tell him what we heard and we work together to improve the bill, if necessary. When we all agree, then it gets a third reading and it becomes law.

UNIDENTIFIED SPEAKER: Just the committee agrees or the whole Cabinet?

CHAIRPERSON (Ms. Lee): Well, there would have to be enough votes; Cabinet and Regular Members. It's a consensus government so usually everybody will agree on the bill.

UNIDENTIFIED SPEAKER: Is there any opposition at this time?

CHAIRPERSON (Ms. Lee): If we don't agree, then the bill dies. (Microphone turned off) ...by at least 10 votes.

I have to tell you, Norman talks constantly about issues in Colville Lake. We hear lots about your health centre and lack of RCMP and he's been bothering Minister Bell a lot. So he's working to have...Colville Lake is moving up on the list to get RCMP.

UNIDENTIFIED SPEAKER: I think that it's good that you've come here to see yourself, you know, that you see our MLA arguing on something. You know, we're far behind and, you know, we don't throw complaints or concerns to him for nothing. So we're trying to play catch-up and it's not like we're greedy for services and whatnot, but then we have to catch up everybody else. The next time you hear him complain at least you'll know where he's coming from; you know, you get to see it yourself.

CHAIRPERSON (Ms. Lee): There are a lot of good things in Colville, too; you have lots of things other people don't have. He brought us all here just to tell you he's working hard for you.

---Laughter

MRS. MARIE KOCHON: (Translation) This is Marie Kochon, that's my mother. She's talking about there's no RCMP here but they say a lot of prayers that the Creator kind of really helps us through that way. We don't see really bad things happen even though there's no RCMP. No really bad accidents happen or people hurting each other and that. She says it's been 43 years since she moved here to Colville Lake and a lot of changes since then. When she first moved here everybody used to help each other. If somebody needed a hand, they would go over there and help them out. Then all the younger people used to respect the elders; they used to listen to the elders. If the elder said something, they had to do it. They really respected that and now, 43 years later, it's a lot different. A lot of young people don't really respect elders; some of them do but a lot of them don't really listen to the elders and they take advantage of them. She's going to keep talking.

I think she's talking about a lot of young people, they're really good people, they're really nice people when they're sober and that, they do work for everybody and that but then once alcohol gets involved or drugs then they change right around and they're a totally different person sitting there. So she was concerned about that. Maybe it's because of the bootleggers or the drug dealers and that. So she's seen that first hand and she's really concerned about that. She's asking a question about if the government can look for a person, kind of, I don't know, I don't know if you can go that way but it's a question she's asking that if you can get somebody to, some kind of special constable or something for protection, for safety. Something like that. That's the questions she's asking the committee. If the government can look into something like that; a special constable or some kind of officer, I don't know.

The other thing she's talking about is the treatment centres. She notes there used to be more than one and now they have only one in Hay River, I think. That's another concern she has, is that if they can look at maybe building something in the region where maybe somebody can go out for two weeks or something who wants to help themselves or quit drinking or drugs and alcohol, both anyway. The other thing is she's just kind of telling a story about a young person who used to be really bad to drink and drugs but this person started translating for his parents and then from there he started working on himself out on the land and it really helped that person. That's just another thing that she mentioned about this young person. So just on this, that's what's she's talking about.

This new bill, Bill 7, she's talking about the...She was really concerned about the bootlegging and drug dealing. She said it's just like you're following her prayers that you guys are working on this. She just wanted to mention that. That's all she had to say.

CHAIRPERSON (Ms. Lee): Thank you. Mahsi. Is there anyone else? Chief Kochon, go ahead. If I could get you to just pull the microphone close to you.

CHIEF KOCHON: ...liquor like that. If something was ours we could have a good control of it. I know the liquor stores like that, it's the territorial government. Some of young people they order liquor and they use other people's names. It would be good to maybe have some kind of restriction or something under law. Maybe we could tell that person who sells liquor at the liquor store, maybe they could phone the people that their name is on like that. You know, like us, we don't have no control; we can't make any law. The territorial government can make laws like that. Just hear us out. Sometimes these young people order some liquor then they get a whole lot of it and they're using all these other names. Some of them don't even drink and they use their names. It would be good to have something there to, you know, like maybe that, who sells liquor, maybe he could phone those people and make sure it's right. Little things like that could really help. I know lots of our young people are suffering themselves with liquor and a lot of them could do good. Here there are just only a few people that are really trying hard for their community. (Inaudible)...they don't care. That's why we talk about this liquor. I would like the territorial government, how they work...Things for the communities, some places, you know, they treat even small and big communities, they all treat it the same.

I really like the way that they work like that, they continue to work like that. You know, some places they say there's a small community here, we've been asking for police from way back but they say we're too small. Maybe, I don't know how many years, there's still going to be lots of people here. Maybe just know that there's going to be lots of people here. I've seen it already. So I hope they get a police or MLAs really ask for police here. A while ago when they had that TB thing here and then they closed the liquor down for a month or so, the elders were really happy. Sometimes they are coming up to me and they say do something, do something to try to not allow liquor to come in the community. We're trying to find ways like that, but sometimes if I talk on it I get attacked from our young people. That's why it's really the government could try to help the community. Little things like that really help. You know, like they talk about the name, that's one of our really proud...(inaudible)...in our community. Drugs, too, getting drugs, starting the drugs, too, getting to the little kids, too, like that. They think it's okay. It's not okay. Towards the end they don't think good. Some of them are just mad for nothing. They use that drug and they get up high like that and towards the end they're not normal. They're kind of stoned all the time. So we've got to try to work somehow to try to help our community.

So it's really good you've come here to hear us. Maybe you can't do nothing on it but just know it. We let you know; that's how it is with our community. These elders talk to you. I hope someday it gets better for us. The liquor is really a problem for us here. You know, these young people could do really good for their community. Some of them can't even put a bag for you on a plane. That's how they've become so kind of low self-esteem. They have to...If they leave it, that they're a good person. They could help their community. So I just wanted to say thank you for listening to us. I'll translate myself.

(Translation) (Microphone turned off)...I said maybe somebody is ordering under their names but they don't know. They don't drink but then maybe liquor stores allow that; I don't know. I don't know what are the rules there.

CHAIRPERSON (Ms. Lee): Chief Kochon, we could tell you that we have heard the same thing in Tuktoyaktuk and Ulukhaktok. All the community people there told us that people are able to bring in liquor, lots and lots of liquor, and they use different names. In some communities, they bring in drugs by mail. There is definitely a gap in our law where there's no control at the receiving end. There's no law requiring people to pick up. If the liquor comes up under sombody's name, they should be going and picking it up or something like that. So I know you're telling us that you want us to know these things, and knowing is good, but we're also lawmakers, and we are leaders, and we are legislators, so we will make a commitment to make sure that we look at the Liquor Act to see if there's anything we could do there in response to this and we will follow up on that, because it's something that's being brought to us in every community we go so far.

We are still open to anyone. I don't know, Chief Kochon, if you wanted to say some more, or anybody else who wants to tell us anything they want us to know on this legislation. Maybe I'm opening that up too wide, but...You wanted to speak for yourself? Okay.

UNIDENTIFIED SPEAKER: I've been kind of thinking about this bill for a while. I didn't know it was a bill until now. Is it an old bill that you're just adding on, or this is a whole new bill?

---Interjection

UNIDENTIFIED SPEAKER: Okay. Because it seems that we have a lot of problem with the bootleggers and the drug dealers that we can't have control of, even the councils or whichever way we try it. They always find a way to get around it. There's no RCMP, so even if we call the RCMP they won't really act on it until you have proof and a lot of times you don't have proof, so I think this would really help people in smaller communities like this. Maybe it will, maybe it won't; but if this person we call in Yellowknife, how fast would he act? Would it work? Maybe it just won't work. The way I look at it, it won't work, so I don't know what you guys can say to that.

CHAIRPERSON (Ms. Lee): Our work here is to get public input from the public and to answer questions where we can, but we're not here to speak in favour or against a bill either. So I could tell you that currently the government is planning on hiring about three to four investigators and they will be responsible for all 33 communities. So it will depend on how many calls they get, and they will have about a million dollar budget a year. They will be allowed to hire other people to do the work, so if there's lots of calls, they'll need more people. You know, it all depends. But they will have four people to serve all the communities.

UNIDENTIFIED SPEAKER: The other question is there's a new bill. I know the government, they do things, but then sometimes it's all for nothing. So sometimes we're talking for nothing. But I hope this act would move ahead. I'm talking right from my heart, that's what I always say. I'm not going to stay quiet. It would be nice if the Minister could hear this. A lot of times government would do things, but they would kind of leave it on the shelf for a long time or they don't really act on it. They may talk a lot, but they don't act on it. So that's my concern, that when people talk, they should listen. And the elders, because their word really means something big for the future and for the better of the community. That's why we say these things. We don't say it for nothing. We live it every day, so that's why we say these things. We don't say it for nothing. We say it from our hearts and we say it for our children, because I know I have children too and I'm concerned about them because of these drugs coming in and it's affecting them. Right now, I know maybe they are doing drugs, but I won't know because they're hiding it. But I'm suspecting that they are and I don't know where it comes from. So those things, it would be nice to get control of. If this act would help, it would really be nice. Then I could call somebody and act on it right away. But right now, even when we call RCMP, you have to have proof. So if this act would help us down the road, I would really appreciate if this committee would move on it or act on it right away.

CHAIRPERSON (Ms. Lee): Thank you.

UNIDENTIFIED SPEAKER: Try to have some laws to put some in there. When the drugs are coming in, we have no control over that. One time he found drugs in the mail.

Do we have to tell the federal government? The post office? They're federal. Sometimes we could have a lot of drugs going in the mail or things like that.

It's good you came here to listen to us. Drugs and alcohol are a really big problem to the community. Those young people could do good. I'm kind of wary about those young people. Some of them, they could do good and then some of them die right away. If you do drugs or alcohol, it's like you can't feel it. That's why there's really a problem with drugs and alcohol. That's why it's good you're listening to us.

Especially the elders, when the young people get really high and drunk, the elders are really scared. When they young people run into them, they're scared of them. These elders have done a lot of work in the past and you have to really respect them. Just because of them, that's why we're still here. So that's why we really talk about the drugs and alcohol, and I hope government helps us to try to find ways to...You could pass laws, the territorial government, but we can't do that. We're not big enough to do that.

MR. CHARLIE KOCHON: We do have that problem too much, but nobody listens. This is Charlie from Colville here. Our MLA is here, too. Too much sometimes; too much. I was trained way before the young people did, but I seem to be stepped over. That's the way it's happening. We have to do that, I guess; switch back and forth. Like Brown (sic) puts it that way: end of the earth people. Well, I'm proud to be at the level of the end of the earth people.

The first thing is what's going on here. I saw a Twin Otter flying around, chopper flying around, without you knowing. We need somebody to help, like the government people. Nowadays they've got this water treatment. That's really bothering me sometimes as a leader, because you've got to fight for yourself. In other words, somebody puts it without knowing, puts the water treatment. What is that? But what can you do with the government I mean? You don't want it, but somebody else agreed to have it. But like myself, I go fight for myself and fight for my people.

Back in '85, that's when Colville Lake became status. Before that, we were under Good Hope but we had problems with that, so you had to pull away. So that's what we did. But still problems arise.

Like myself, right now, I'm unemployed now. I tried to buy myself a house. I'm the only one with a tent frame but I never used it yet because of this drug alcohol, the one that Richard is talking about, and Wilfred. We have a problem here in Colville, too. So it's all over the place, but our leaders have to do something about it. When the young people get out of hand, older people get scared. That's what it is. That's the one problem.

But another thing is, like myself...Well, like I said, I'm not employed. But what can you do? We've got no social service here. We used to have one, but then something happened. Today I was scratching around to get gas but I couldn't. Too much work these days. We let go of a dog team so we rely on skidoos, so that's another thing.

This is Colville Lake and everything is high in the Co-op. So is the rest of the country or the rest of the communities. That's what it is. But you have to tell your leaders what can they do, the government people, to help. Even myself, I could live alone but I'm trying to get...(inaudible)...but sometimes I end up in Good Hope, sometimes I end up here in Colville. Skidoo's a problem; that's what it is but I just wanted to mention that to the leaders, to our leader, like Norman, and the rest of the MLAs. I don't know who's here or whoever it is, but you've got to be heard.

Another thing is like I said today I was talking to my chief there, and maybe I have to let Norman or the rest of the MLAs to have something to do with not just Norman Wells. I used to work there for 23 years, but there's a gap there...(inaudible)...saying they just work with season, so they just put in RRSP but then that's locked up, but between there I've got to have a job and now trapping season is over and it's going to be kind of tough for that kind of person like myself or some other people.

I'm going to make it short in Slavey, but in English I want to try to point out whatever this Colville stands or myself or whatever, because in being a leader you have to really...Some people just talk for nothing and some people, they're going to do this but they never do it, so that's why the leader falls back. I mean their people doesn't want them or whatever. That's what happens sometimes. But as an MLA, like you people, what really bothers me is, like Richard was saying, about drug and alcohol. It's got to be somehow to put a stop to it or have some kind of a plebiscite maybe. Maybe. But sometimes people don't agree, but you have to. Sometimes you can't sleep for two days maybe because of this stuff and you have to say something or in a meeting get government people to help Colville or Good Hope or the rest of the communities, the Sahtu or South Slave, how these things are affecting your people. Like myself, I used to drink before but now I never drank for how many years now? But still it's still a problem there. That's the kind of thing I'm talking about.

This really bothers me from the last few years, last year. It's already there already. I see the road at the end of the point there. Water treatment they're talking about. Richard was saying maybe we would ask the MLAs if the Dene people could take control of it. But I was against it but it's there already. I can't do anything or the rest of the people. That's the way it's going. It seems like what I'm saying is not yet, let's give us time to give us time. What's going to happen after it gets operational? What's going to happen with the young people? They're going to stop hauling water and everything. Maybe some people want it, but like myself, I want to live traditional. Like Good Hope, I see some of them, they going to make fire I guess. Well, that's the way they want. Some of them don't even make fire, maybe live out in the bush. That's the way government wants I guess. Government wants us to stay in town, but that's what I did. You go to your own office here in Colville or Good Hope, nobody looks at you. That's the way it's happening now. You need help, but they will just look at you. So that's the way it's going now.

You need, like what's his name from Inuvik there? Fred Carmichael. He said put everybody on a job and some people don't even agree. How many jobs is going to be there? I don't know how many people...(inaudible)...Inuvik now. McPherson, it's a little

place. But that kind of thing really bothers people. I was a leader in the past, but I want you to hear that.

Like I said, I'm unemployed. And they're talking about a pipeline, too. Maybe that's 20 years. Who's got 20 years of education in Good Hope or this community? I mean like the Sahtu region here. Who's got 20 years of education? That's the kind of people they're going to hire on the pipeline. Am I right or wrong? I don't know.

I didn't have a chance to go to school either. I got out of school in '66. I froze my feet in...(inaudible)...75 below zero Inuvik temperature. That kind of stuff. I would like to get compensation, but I'm Dene so they wouldn't listen to me. I hope that the MLAs hear that. I can't work good. You know, I can't trap good because of my feet. That kind of stuff is arising, you know? So here, I'm trying to build a house here, but it seems like nobody is listening to me. I told the MLA a few times, but something different comes up and I can't do it. I'm just myself. That's the way I look at it now, because everybody has a house now except me. I have a little tent frame at the other end, but I never used it yet. Sometimes I make fire in there. I'm the only one here in Colville like that. I'm just about close to 60 now. So my leaders, that's what I've got on my mind. So I'm just going to switch into my language now for a little while, and then I'll say some more.

Now, I'm just going to let someone say something, but if I have time maybe I'll have to switch again or whatever. Our own people are getting like that. Sometime they shut you off or something like that, or something, because these days are getting like that. You know? No respect or whatever. That's what these things are going on. But I'll just let somebody else switch over and I'll say something again later on. Thank you very much.

CHAIRPERSON (Ms. Lee): Thank you. Thank you very much. Can I get you to state your name, just so we can record, and then ask your questions or make your statement.

MR. KAKFWI: My name is Chester Kakfwi. I'm originally from Good Hope. The questions I was going to ask was along the lines of what Wilfred said before, like it's basically having this program and trying to enforce it. It's easy in a small community to figure out who's bootlegging or who's trafficking or anything. That's the easy part. The part that the problem is in enforcing it, because there's no cops here so that's basically impossible to do.

So I have a series of questions, I guess. I'll just give you a scenario. It's like if you find a place, a property, where they're bootlegging and you follow the procedures on this SCAN program, and if you take it further and you lay charges where it comes into a criminal investigation, and you have another program -- that's Crime Stoppers -- how do you go about that? Is there a procedure when you have all three programs right there, or two programs and a criminal investigation? If so, would they conflict with each other or is there a possibility where they would conflict with each other in the courts and...(inaudible)...because of a technicality?

CHAIRPERSON (Ms. Lee): I think our researcher wants to give you some info.

MR. COLLINSON: In communities where there's RCMP, the investigators would phone them first to find out if there was a criminal investigation going on with the party that's bootlegging. So these investigators aren't going to interfere in a criminal investigation. So they'd probably stay clear of that one and just tell the people -- the person who made the complaint -- the RCMP is looking into it and we'll leave it at that for now. There's nothing in this act, it doesn't supersede criminal ones. If in the course of their investigation they come across evidence that the RCMP could use to follow up criminally, they could give it to the RCMP to use. Like, assuming, say, a bootlegger was stupid enough to keep a list of names and money owed for alcohol. They could give that to the RCMP and that's pretty good proof.

MR. KAKFWI: Okay. Under this SCAN program, that's basically just property, eh?

The other question I guess, like this program is basically all hearsay to remove somebody from a place, but then you also have the legal system. How do you separate that?

CHAIRPERSON (Ms. Lee): Well, that's an important part of this. The law says the investigators are going to be...This bill, if it becomes law, says that investigators will be retired RCMP officers. So they will be knowledgeable of our criminal law as well as this law. When they get the call and decide to look into it, they are to listen to everything, whether it's hearsay or just anybody, they're required to investigate. Then if that investigator feels that there is reasonable evidence that bootlegging is taking place, then he could ask that person to leave.

This is different from the criminal section. Under criminal law, RCMP investigates and the RCMP has to have a really high level of evidence that he could prove in court, or that he or she could prove in court. Punishment for criminal law is jail or fine. Under this law, it's civil law, it's not criminal law. So if you're charged, you're not going to be criminally liable, but you'll just lose your dwelling.

MR. KAKFWI: Yeah, that wasn't stated; civil law.

Well, that's enough for me, I guess. I can go on and on and on.

CHAIRPERSON (Ms. Lee): We are interested in hearing your questions. It's a long way to come here. We can't come here very often, so anything you want to say...We don't want you to think tonight when you go home and you're going to bed thinking, geez, I should have told them that.

So I mean we're not going to force you, but please feel free to...You don't have to have all the answers today either. Just tell us what you think; it will make us think.

MR. KAKFWI: Yeah. Well, over time I'll think of something. I just don't have the questions in my mind right now. I'm trying to get at it, but I just can't put it into words right now.

CHAIRPERSON (Ms. Lee): You can also e-mail us.

MR. KAKFWI: Oh, okay.

CHAIRPERSON (Ms. Lee): Well, you don't have an e-mail, okay. You can write it, you can call him or call us. We will be doing public hearings on this for quite a few weeks yet I think.

MR. KAKFWI: About the bootlegging thing, it's not only from here; it comes from Good Hope. They bring it in from Good Hope and then they sell it. They come for a day and make their sale and they head back up. Those things we're aware of but there's not enough proof, so those kinds of things they have to deal with. It comes from Yellowknife, too; directly from Yellowknife to here. It's in cases and there's nobody here to check into the mail. I know we don't have a right to check the mail; it's the law. We'll get in trouble ourselves if we do that. So those things you have to look at, too, that you have to know about. That's it; there's no control of it, in the mail system anyway. Once it came to me in my mailbox, I had a right. I found drugs in my mailbox and I opened it. I phoned the police first to see what kind of right I had and they said it's in your mailbox so you have a right to open it, so I opened it. When I mailed it to them, they burned it. It's because my daughter. They mailed it to my daughter; tried to use my daughter who was underage then, and that's how I got a hold of it. Now they found other ways to do it I think, so I don't know. That's why I'm trying to get. But then a lot of people don't say things in front of certain people.

Then the other thing is there's some young people that trap for themselves. They go out trapping. They get a lot of fur and when they come back, they end up spending all their money to the bootleggers and the drug dealers. They make a lot of money, some of those trappers. They get about $10,000 to...(inaudible)...The elders try to help them out on the land. They're trying to help them trap and live on their own, but then they get taken advantage of and they come back and then start spending all their money to bootlegging and drug dealing. So those things, they're really worried about. They didn't know whether they should help them anymore or something like that.

UNIDENTIFIED SPEAKER: (Translation) She's thanking all of you for coming here to listen to them. Even though they're elders, like my dad is 74 years old and my mom is 67. They still go out on the land and they still go trapping, so they make a good living and they can buy stuff for themselves because they do these things. The pension isn't enough to live on, so that's why they still go out and they're still healthy. My dad is 74 years old right now. He can still go out and haul wood and nets. I don't know if a lot of you could still do it, so he...(inaudible)...a lot of them people. Just to let you know that when you're thinking straight or have a good mind, then that's how you live. You have a good life; a healthy life.

On Bill 5, when you apprehend kids, don't they have to go through counsellors first, or do they just act on somebody's word when they apprehend kids?

MR. COLLINSON: The way the law is written right now, if somebody phones a social worker and says a child is in jeopardy, be it neglect, be it abuse, they have a duty to investigate. So they have to look into it. If they find out that it's true, then the first step

is to make sure the child is safe and they take the child. They don't have to consult with anyone other than their bosses. They don't have to have lawyers involved at that point. What this law will do is speed up the process for parents to get involved with it. So for example somebody from here went to a carnival in Fort Good Hope and left their child with somebody else who got sick and nobody else was able to take care of the child. Well, that child would be in jeopardy and the social services could take them into custody.

UNIDENTIFIED SPEAKER: The reason why I asked was we...What's the apprehend kids? There's 24 hours they can hold them and then they release them right back. Isn't the law that right now? That's what social services was saying, so maybe that's different than what I thought. They just give you 24 hours to sober up. That's if you're an alcohol drinking or something. They'll give you 24 hours to sober up and they'll return your kids.

MR. COLLINSON: I mean each social worker has a certain amount of latitude of what they can do. So I mean if this is once or twice, it doesn't happen very often, they could do that; that's within their power. But if you do it all the time, they don't have to give the child back. What this law is going to do is speed up the process for people to have a hearing. Right now it's 45 days before the parents even get a hearing in front of a judge to try and get their kids back. This way it's nine days, there's a hearing and then there's a chance that they could get their children back then. If it was a simple reason like going to carnival and the babysitter, you know, or if they have bigger issues like alcohol and drug problems, well, maybe they can straighten up within the 45 days and possibly they can go into a plan of care committee. There's all kinds of options.

CHAIRPERSON (Ms. Lee): I'd like to suggest that I give all the Members here a chance to say a few words. We will stay around and visit with you after. I'll just ask first, unless there is somebody who really wants to appear and speak to us. Chester, last chance. If not, we would like to ask anybody else who wants to speak to us on record, and after that we will have closing remarks from each Member. We will stay around and visit with you and talk one on one about anything you want to talk about. Charlie, you want to...Okay, go ahead.

MR. CHARLIE KOCHON: Is it automatically open? Okay. I'll just say it in English anyway. I won't introduce myself again. What Wilfred is saying is we have a problem here in Colville, too. It is the young people that get out of hand. Like, his parents or two of my sisters are pretty well over 60 years old. That kind of people get scared just because of one individual. I use that door on that tent frame. It's been broken open because of one individual. It's too much. So it's possible if he could move his house somewhere or something like that. I don't know, but maybe we feel like that because of him. It seems to go out of hand. That kind of thing is going on in Colville Lake. How do you feel if somebody, you come home from somewhere and your door is busted open? How do you feel? They've got no business going over there in somebody's individual tent, anybody's tent. It's locked there and it's broken open and you expect somebody...You know, they might steal something or whatever. What do they do that for? That kind of a thing is happening here in Colville, too, because of alcohol I guess;

alcohol and drugs. We have a problem here too in Colville. I mean our MLA or the rest of the MLAs here, I hope you take note of that and see what can be done. Something has to be done to stop this, because what's going to happen after that? I mean is something else going to happen to that individual or that person who breaks the door open? They call it BE and this kind of thing has to be somehow if we found out who it is, we send them to treatment maybe or something like this. We have to do something because if we just leave it like that, something might happen to this young people or whatever. Anything could happen. We've already had something happen in the past, but maybe they know already what happened in the last few days or last few weeks here in Colville. Even a small place, but there's things in the air too. I mean like a mill comes in and that's kind of problem too.

Another thing I want to say is I hope I'll see some of the MLAs about myself, how can I get if we go somewhere. Because I'm trained already, but I want to get a few locks and then maybe I'll let the MLA or somebody to help me to get into a job and maybe in Norman Wells or somewhere as our people or something like that. That's what I wanted to ask the MLA in front of everybody else, or see them in a meeting or something like this. But I hope the rest of the people, if they know the problem, then some of them don't even say anything even if they have a problem. Like our older people, sometimes it's pretty hard, you know? I mean sometimes there are social problems like if you have a power bill, too much power bill, and they have no money or something like this. That can arise, too. Sometimes I heard one of the boys say I got too much power bill, so he went to Good Hope for a while and maybe he's got his light back or power back, I don't know. That kind of a thing is happening, too, here in Colville. Like I said, sometimes if it's no jobs or if it's this person has no traps to trap or whatever, you can't have money all the time. But I was raised in the bush myself. I was raised up in the bush, but now maybe that's what the government wants to do is give you they call this thing land claim money and they give it to people and people stayed in town or whatever. That's what happened in Good Hope, too, and all the rest of the Sahtu region or South Slave people or whatever. That's what the government wants you to do I guess.

Another thing I wanted to ask you, I wonder if there's a representative from social services, because today I was trying to get gas but I couldn't because I couldn't afford gas. I couldn't go anywhere. My chief here too, they help us sometimes but sometimes not. So that's the reason I'm thinking about maybe after I get a few locks, then maybe some of our leaders could help me to get some kind of a job or an operator. But then I still need a back-up, somebody to support me to get into some kind of training or whatever. What could be done? What could be done, even individual or you talk for your whole communities or something like this? If you've been a leader, you have to think that way. But thank you very much, MLAs or whoever came here. Myself, too, sometimes I'm too busy. Sometimes I was just riding by here. I hear a Twin Otter came in, but I never seen him but I seen her. I've seen her in Yellowknife, but I was just thinking, well, it's a meeting there and I forgot your name.

CHAIRPERSON (Ms. Lee): Sandy.

MR. CHARLIE KOCHON: Lee.

UNIDENTIFIED SPEAKER: Lee.

MR. CHARLIE KOCHON: Yeah, yeah, I seen her on the TV so I recognized her right away. But thanks, Norman, and the rest of you, thank you very much to give you our concerns and what's going on in Colville Lake. Even it's small, but lots of problems arise. But thank you very much and hearing what I have to give you my two bits in there and be heard.

CHAIRPERSON (Ms. Lee): Thank you, Charlie. Thank you very much, Charlie, for spending time with us and telling us all the things that you have told us. The criminal activities among the youth, or just crimes in general, is a problem for every community in the Territories and it's unfortunate that Colville has experienced the same thing. There are RCMP and lots of other people trying to address that. This bill is just another thing that the government thinks may help. So we are doing public hearings. On your job issue...Power rates and fuel, other seniors have told us about that. All the seniors in the Territories need more assistance and the government will be coming out with an announcement that will help you a little bit.

Now, your getting a job, I'm sure Norman is going to talk to you after and help you with that. So we want to thank you very much for coming and talking to us. We really appreciate it.

MR. CHARLIE KOCHON: Can I interpret myself in Slavey?

CHAIRPERSON (Ms. Lee): Oh, sure. Go ahead.

Mahsi. Chester, did you want to use your last opportunity? I don't want to go home worried you didn't get a chance. You have to talk on the...

MR. KAKFWI: Like you say, the maximum is 90 days to close a place there. How many times can you do that? It doesn't state that.

CHAIRPERSON (Ms. Lee): From what we understand, if you rent an apartment -- well, you don't have an apartment here -- but if you're in public housing, once you get kicked out, that's it. You won't be able to qualify for public housing for six months. But under this legislation, you could be evicted over and over again throughout your life if you are found to be doing things that comes under this law. Even if you own a house, you could get kicked out of your own house for 90 days. You will be responsible for all the costs. If you go back into your house and do that again, you'll be kicked out again. So there's no time limit; there's no limit on how many times you could be kicked out until you stop doing what you're doing.

MR. KAKFWI: Okay. I guess my real question is if I rent out my house, say in Good Hope and somebody is bootlegging out of it, am I actually not allowed in the building or the house closes down for three months? Like, I'm not the one that's doing the bootlegging, just renting the house out.

MR. COLLINSON: What would happen in that case is the investigator would work with you, as the owner of the home, to have the person kicked out. Once the person is kicked out, you don't have a problem anymore; you can rent it out to somebody else. But the point is that person can't stay in your house.

MR. KAKFWI: Yeah. Answered.

CHAIRPERSON (Ms. Lee): It's really aimed at the person who's doing the wrong thing and that person will be kicked out of their home.

MR. KAKFWI: The question I have is you said you're going to be using retired RCMP officers. How much jurisdiction do they have? How much power do they have? They're not officers of the law.

MR. COLLINSON: Under this act, they will be classified as peace officers and they could be armed. They will have all the rights and privileges of police officers and they're expected to cooperate and work with police when they need help.

CHAIRPERSON (Ms. Lee): If it's okay with you, we would like to just have the Members make short concluding remarks, and the chief. Then we will stay behind and we could have one-on-one discussions if that's okay. Chester, you have a burning question?

MR. KAKFWI: No.

CHAIRPERSON (Ms. Lee): Okay. We'll have one on one because then we could answer some of the questions and we could visit, if that's okay. So I'm going to ask Mr. McLeod to start first.

MR. MCLEOD: Thank you. The concerns we heard from Colville Lake are a lot of the same concerns we hear from Ulukhaktok, Aklavik, all these other places we go. Somebody said today the more we hear about them, the stronger it is. Somebody also said that when Norman talks about them, now we'll know what he's talking about it. I've seen it first hand. Norman speaks to honey buckets sometimes and I've seen the honey buckets. So in this day and age and the technology we've got and the amount of money that we spend in some of the larger communities, there's no reason for the smaller communities to not have some of the technology that...I mean a simple little thing like a flush toilet, because it's not acceptable. We don't forget about things we hear. That's why we're on Social Programs. Things we hear we take to heart and we bring them up. So I appreciate all the concerns we've heard tonight and I've enjoyed my visit to your community. Thank you.

MR. LAFFERTY: Mahsi. (English not provided)

I would just like to highlight some key points that I've raised here today. I very much appreciate the Members that are around the table here, the community members, especially the elders that are with us tonight, and the youth and the community members. I would like to thank Norman for inviting us to the community, the beautiful

community here, traditional way of life, that's good. I wouldn't be surprised if my colleague here raises the issue in the House: no more honey buckets.

I would like to thank the chief for inviting us to the community.

There are a lot of issues raised in the community here; a lot of issues pertaining to the RCMP detachment in the community. It highlights the elders' abuse, the drug and alcohol dealings in the community. We've heard over and over by your MLA in the House and on side discussions and in Social Programs meetings, that Colville needs an RCMP detachment. I think Colville is probably next on the list to get one as well. So it won't be too far off that we can see that here. We'll certainly be pushing for that; that's our goal in the small communities. That would certainly remedy the situations that you're having in the community, especially with the elders that addressed those issues earlier.

Just to close off, thank you for inviting us to the community again. We'll certainly take back all the notes, issues that you raised here, and we'll certainly be addressing it through Norman, as well, with the Ministers and so forth. Mahsi cho.

UNIDENTIFIED SPEAKER: You might have heard this concern through Norman already, but he's going to mention it again. Sarah is her elder. It's kind of a closing remark, I guess. Norman probably heard it already. It's just the high living cost of stuff in the Co-op. Even though they bring stuff in on the trucks, the prices are getting higher. It's supposed to be getting lower, but it seems like it's getting higher and the high cost of fuel and everything. Colville is so isolated, everything goes high, even the air freight, everything. She's saying if there's some kind of subsidy for the Co-op or something that would help reduce the cost of food. A lot of elders can't go out hunting for themselves, so even though we help them it's not enough. We have to try to help them more, maybe through the stores. Sometimes they like to eat certain food in the stores and that's the concern she has so I want to bring it up now. Even though maybe Norman heard, she wanted him to hear it again over and over. They're not going to stop until they do something.

MR. POKIAK: Thank you. I'd like to thank Mr. Yakeleya for inviting us here for the public hearing, also Chief Kochon, the elders and all the people who came out to speak tonight. A lot of the issues, the issues that were raised tonight, we've heard before. I understand the need for an RCMP here. It took me just about three and a half years to finally get the RCMP in Sachs Harbour where I represent, and it's all because I raised the issue, just like Norman is doing, but also because of the help of the committee here and the rest of the Members of the Legislative Assembly. So it might take time but as you plug along, it will happen some day. Like Mr. Lafferty said earlier, Colville Lake is on a list for the RCMP, so your MLA is working hard for that and we are going to support him as much as we can.

We all know that drugs and alcohol is a problem in all the communities in the Territories. Bill 7 is trying to address issues around something like that, but it's an issue that we'd like to hear the concerns from the communities. It's not our bill, it's a government bill.

We're here to listen to the people to tell us exactly how they feel about it and we'll let the Minister know once we meet with him again before it goes to third reading. That's why we're here tonight; not only for Bill 7, but the other bills also.

I really appreciate coming down to Colville. I was expecting to come down I think it was last fall but we had to delay it and we finally made it, so I'll probably take a walk around tonight after the meeting here and take a look around. That's what I wanted to do.

Like I say, I appreciate your MLA inviting us here, the rest of the MLAs, Social Programs committee, the chief and everyone else. Thank you.

MR. BRADEN: Mahsi for coming to our meeting tonight, to Norman for inviting us, for the hospitality, and also for telling us what you think about the whole idea of being able to do more in our communities to give us more power and more ways to control what happens in our own communities. That is what one of these bills is about.

We have the same kind of issues in Yellowknife where I represent one of the ridings. They're different than here in Colville Lake or other small communities, but we also have a lot of problems with trying to figure out how to control what happens in our communities and also to look for ways to help people who are in trouble to help them help themselves.

I think one way that already exists that I know, we have this in Yellowknife and some other communities have their own community justice committee. I don't know if you have that kind of committee set up here in Colville Lake. But there are things that communities can do for themselves, that we can do for ourselves. We don't need new laws. There is already some funding, there is already some planning that can help do things. It takes more than just one idea or one set of laws to turn this around. We all really have to work together and work hard on it. But your message about what alcohol is doing and drugs is doing in your community, Norman reminds us of it many times. We hear it from Members from other communities and I know I see it in my community every day. So thank you for telling us about it from your community.

MR. YAKELEYA: These people are here. They're the boss of their own people in their own riding. Last August they were going to come here, but we had that accident in Fort Good Hope, so out of respect they didn't come to Colville Lake. But they wanted to come back sometime to Colville Lake because some of them haven't been here before. They hear it on the radio, they say they hear me speak about Colville Lake people, and some of them want to come here to see how it is for themselves and visit. A lot of them have been everywhere else and some of them haven't been to Colville Lake, so I'm really happy that they decided to ask if they could come to Colville Lake on this trip.

We're making laws for our people, but we have to hear from the elders and the people, your people, because these laws are going to be forever. These strong laws are going to be good laws. But if the law is not good, then we have to listen, to say we have to do something else.

Our life is, as I said before, changing. So you talked about how some things are changing in our life and some things you're experiencing, Mr. Braden, other MLAs, Sandy, Robert, Jackson or Calvin, their communities are already experiencing it because the lifestyle has changed. Now us in Colville Lake, you're starting to see what they've been dealing with for a while. You guys talked about it tonight and it's coming, and how do you gather some suggestions how to make ourselves strong? If we are strong, then we can not have alcohol or drugs.

One of the good things about Colville Lake I really love is the land is so clean yet. It's really clean yet. It's clean. It's good land and it helps its people. It reminds us where we come from when we were young. You know, it puts things...We appreciate it, for me. Sometimes I say Colville Lake should be no different from other communities. They're catching up. We got to let them...You know, dentist every six months. No other community should have that, but we have it here in Colville Lake. So I say we've got to...But you eat lots of good wild meat, so maybe you've got good, strong teeth, so maybe that's why the dentist only comes once every six months.

So mahsi for the chief. Mahsi, Mrs. Kochon, for saying the prayer for us. It really helps us as young leaders to keep working for our people. Thanks to the MLAs and the staff for coming here. I know they work hard and, like me, I also went to their communities and we try to help each other out and work with each other on issues and we listen to their people also. So I'm going to ask them to help me on some of the things, things you just said tonight here for our people in Colville Lake. We ask that you keep saying prayers for us because we do a lot of travelling away from our family and that. We work with you and we ask that you say a prayer for us when we travel. Mahsi.

CHAIRPERSON (Ms. Lee): Thank you. Thank you for being here with us tonight. It's a gift; one of the gifts that we have as an MLA is to be able to visit communities, and coming to Colville is a special gift. Colville Lake is very special and many people want to come here and they can't, but we, as MLAs, can come. This is my second time here and you have a very beautiful community. Also, listening to Norman...Norman talks about Colville all the time. He sits next to me and I feel like I know Colville because he tells us all about the health centre, power rates, high cost of living, dentist, your old machines in your health centre and so on.

Another thing I want to say is, all of us...These are great guys. They're all MLAs. Marie was asking...

---Laughter

Great guys. Alcohol and drug problems is in all our lives and families. We know first hand, I think. We all have families and friends and people in our communities affected by alcohol and it's a problem that we have to all work together. The elders gave us, tonight, a really clear picture of how it's affecting them personally when there are young people causing lots of trouble with alcohol. So we want to thank you very much for sharing with us your ideas, and we will commit to you to work on that and we will try to do our best to work through the problems. So thank you so much.

I would like to suggest now that the chief give us closing comments. Mrs. Kochon, if it's okay if you could do the closing prayer for us.

CHIEF KOCHON: I want to thank the MLAs for coming here to our community. I just want to tell you a little story about back a while ago when we had Stephen for our MLA. One time I went out on the land, way out on the land. I was dreaming that my dad died. I was dreaming that. I didn't know why I dreamt like that, I was thinking like that. Then when I came back here, as soon as I came back I went back and not too long after that our MLA called me -- that's Stephen Kakfwi -- and he was saying that there was two leaders that were...I don't know what they were mad at him for in public. They were just saying all kinds of things to our MLA. That's what I was dreaming of. When you see the communities, there's quite a bit of communities. People are just like children where the government is supposed to be like that. My grandfather taught me quite a bit, too. He said when you talk to people, he said you talk gentle, talk good to them even if they get mad at you. And it's really right what our elders give us advice.

So I really thank you and our MLAs. I really respect them like that. The way I see it, it's like they're a father to the people. So they try to help our community. It's good that they come here. You come here and do that some more in the future. This way you could hear the people face to face and then it's really good. That's how government could work good. Even when I said to give us more of the responsibilities, that is kind of my goal. There's a lot of things that are dangerous to our life, but other communities are kind of way far in it already. So we'd like to design it. Some work is dangerous to our rights like that. We're going to continue to...If somebody has kids, they have rights and we like to protect that, let them grow up with it. So that kind of thing, that's why maybe it's good this government handles more responsibilities to the communities. That way we could design which way we could go. We know how we could go, which way we could go. Sometimes the government puts a policy on us like that and we've got no say. Sometimes that's kind of dangerous to us. That way keeping the people's right is something that's really important to the government if they think like that to the people, protect the people's rights and then it's really good. It's a strong thing. Then that way, it grows like that. So some day I hope, maybe next year or some years down, you could come back here again. It's really good to meet like this. That way we share ideas like that, too.

A while ago, the territorial government, MACA, they put up a workshop here on how to work as a councillor and a chief. Boy, that was really good. They said when you're a councillor, you have to watch each other's back. So as leaders, it's like that that we work good. But sometimes we get on as leaders and sometimes we do something too big and sometimes that could be dangerous to the leader. That's why we've got to help one another.

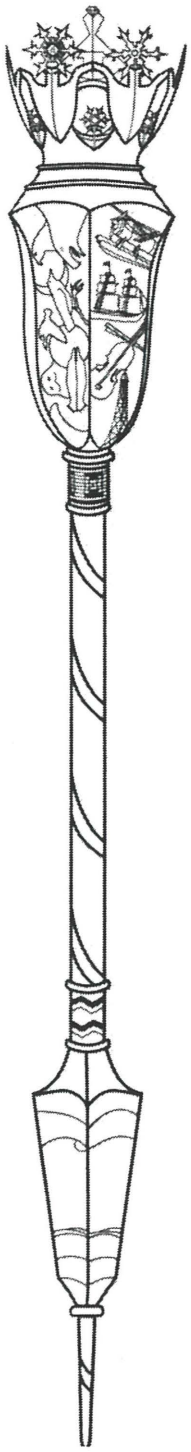
So I'm really happy you came here. I was telling Norman we were going to see that place down there, but you got here too late. But maybe sometime in the future. This weekend some of us are going down on that land. It's a sacred place down there on our land. We get water and mud from there just for people who are sick. Some of our elders have heart problems and they drink that and then their heart problem gets gone.

So there's a story about that place and we've been going there for over 10 years. We don't want to tell everybody right away because sometimes if we tell somebody, then they bother that place and somebody else takes it over. We don't want that to happen. It's just for the people. We just want to show it in a humble way. So maybe sometime if our MLAs want to, they could come there with us. We'll take a boat. Five or six hours there; three hours shortcut.

So thank you for coming here.

---Prayer

---ADJOURNMENT



Northwest Territories Legislative Assembly

Standing Committee on Social Programs

Public Meeting on
Bill 7, Safer Communities and Neighbourhoods Act

May 30, 2007
Fort Smith, Northwest Territories

Chair: Ms. Sandy Lee, MLA

STANDING COMMITTEE ON SOCIAL PROGRAMS

Chair

Ms. Sandy Lee, MLA, Range Lake, Chair

Members

Mr. Norman Yakeleya, MLA, Sahtu, Deputy Chair
Mr. Bill Braden, MLA, Great Slave
Mr. Robert McLeod, MLA, Inuvik Twin Lakes

Alternate Members

Mr. Michael Miltenberger, MLA, Thebacha

Witnesses

Mr. Grant Paziuk
Mr. Fred Daniels
Ms. Eileen Beaver
Mayor Peter Martselos
Ms. Dorothy Laviolette
Ms. Mary Pat Short
Ms. Gloria Villebrun
Ms. Lucy Villebrun
Ms. Yette Finsborg
Mr. Henry Beaver
Chief Frieda Martselos
Ms. Kim Harding

Committee Staff

Ms. Gail Bennett, Operations Assistant Clerk
Mr. Robert Collinson, Senior Research Analyst

STANDING COMMITTEE ON SOCIAL PROGRAMS
Public Meeting on Bill 7, Safer Communities and Neighbourhoods Act
May 30, 2007
Fort Smith, Northwest Territories
7:10 p.m.

CHAIRPERSON (Ms. Lee): My name is Sandy Lee. I'm MLA for Range Lake in Yellowknife. I'm also the chair of the Standing Committee on Social Programs and it's the Standing Committee on Social Programs who are here tonight to do the public hearing on Bill 7, Safer Communities and Neighbourhoods Act, which is also known as SCAN.

With me are some of the committee members. We have deputy chair, Mr. Norman Yakeleya from Sahtu. We have Mr. Robert McLeod, MLA for Inuvik Twin Lakes. We have Mr. Bill Braden, to my far left, Yellowknife Great Slave. We have Mr. Robert Collinson who is our committee researcher, and we have Ms. Gail Bennett who is our committee clerk.

I want to thank you all for being here with us today. This is one of the largest crowds we've had in our public consultation, but we always expect that in Fort Smith. We really appreciate seeing you because we know we are competing with other more important or existing sporting games sometimes. So we thank you very much.

We're only here to do one legislation, so we can devote most of our time to talking about this SCAN legislation.

As you may have heard already, we have two standing committees right now that are travelling around the Territories with consultation. Originally the other committee was travelling to Fort Smith, but we have heard, through the grapevine, that Fort Smith was very interested in commenting to us about this legislation, so we came down to hear from you and we also took the opportunity today, throughout the day from the morning, to visit at the hospital and midwifery service and Dialysis Program, and we went to Sutherland House and WALP, the museum for lunch, and met with the seniors and people working on behalf of persons with disabilities. So we are having a full day in Smith and, so far, having a really good visit.

Before we start receiving presentations from you, I'm going to ask our committee researcher, Mr. Robert Collinson, to just go over the plain language summary about what the bill is proposing to do. So I'd just like to hand it over to Mr. Robert Collinson.

MR. COLLINSON: Thank you. Bill 7, Safer Communities and Neighbourhoods Act, which I'll call SCAN from now on, is an attempt by the government to deal with some social problems that exist within the communities in the Northwest Territories. So they're targeting activities like producing, growing, selling, using illegal drugs, prostitution, solvent abuse, unlawful sale and consumption of alcohol -- in other words, bootlegging --housing or providing support to a gang or criminal organization, or the

commission and promotion of a criminal organization. Basically, they've got a catch-all here of most things that are occurring in the Territories or are occurring in southern Canada, so they've tried to put the legislation together to cover off all eventualities.

The legislation will provide a process for the review of complaints about properties that are doing these type of activities. What people will be able to do is phone a toll-free number in Yellowknife and an investigator will be assigned to the file and they will investigate and decide whether there's a reason to go further under this legislation. What will happen then is the investigator will come down or contract with somebody to investigate and they will decide whether the complaint is valid on what's called the balance of probabilities. There's a lesser burden of proof than what the RCMP have to get to get a criminal conviction.

Now, how it's supposed to work, on the first offence they should be going and talking to the people that are doing the illegal activities and asking them to kind of cease and desist their activities. If they don't do that, well, then they may go on to the next step, which is essentially having the owner of a building evicted for up to 90 days, and a renter could be evicted totally from the building. That's the ultimate consequence of the legislation.

There are, of course, some concerns with Charter implications about unreasonable search and seizure. People that are being investigated under the SCAN legislation aren't entitled to be told that they are being investigated or anything like that, so there's some concerns there.

That's it, essentially in a nutshell. The appeal provision of this, there is no real appeal provision for this. So once they've decided that you have violated the act and have went to the stage where you're going to be kicked out of your home, there is no one to appeal to. You can't appeal the court or anything else. You're essentially going. You can have the eviction notice varied, but you can't challenge the eviction.

So it's a pretty strong piece of legislation and there are concerns raised by several people about its usefulness, and especially on the side of what do you do with once you've kicked them out of the house that their in, where do they go? That's been a big concern the committee has heard. That's about it.

CHAIRPERSON (Ms. Lee): Thank you. Michael, I don't know; usually, when we travel to the communities, we invite the local MLA to say a few words if he or she wishes to, or you can make a presentation on the bill if you like, or maybe want to wait for later. But, Michael, if you want to just say a few words.

MR. MILTENBERGER: Thank you, Mr. Chairman. Firstly, I'd like to thank the committee and yourself, Madam Chair, and your colleagues for accepting the request to come to the community. The editor, Mr. Fong (sic) here, from The Journal, raised the issue and the fact that Fort Smith was missed out, I'm glad that you agreed to address that and come down. As you can see, there is a concern but I'd like to give the committee first full credit for coming down and then full credit for spending the day in the

community and taking the time to tour the committee, meet some of the groups, tour some of the facilities. We had a chance, as well, to go down to the rapids for a bit and to see all the wonderful rapids and the pelicans, so it was a full day.

I know there's going to be lots of interest on this particular piece of legislation and I'll just keep my comments on it very brief. But I would like to make the observation that in my almost 12 years as MLA, I've never seen a piece of legislation so thoroughly criticized for fundamental flaws as it has been by the Human Rights Commission, by the Bar Association, by the B.C. Civil Liberties Association, for the very fundamental issues that were raised and, in fact by some of us, when the government initially came here about the due process, the lack of ability to face your accusers. The fact now that we know they want to basically state s policy and they have given the director enormous powers with no real avenues of appeal. Everybody would agree in this community and I think across the Northwest Territories, that we'd like to deal with the drug pushers and the bootleggers and those type of folks. If you're going to do that, you have to do more than evict them. The suggestion has been made that let's give the police the tools. In fact, the mayor himself was in the paper here recently saying, making a very good suggestion that many of us agree with, that, for example in the South Slave, let's put an RCMP and a drug dog in the South Slave, let's put another one up in Inuvik as well as in Yellowknife and let's put them to work and let's actually catch the criminals and not create a law of universal application that actually wants to target criminals by just evicting them and chasing them from our neighbourhood to your neighbourhood or your community to our community.

To me, this is an ill-advised piece of legislation. It was dropped on us very, very late in the life of this Assembly and as has been pointed out, there are significant flaws in the way it's drafted. It has a law and order slant to it, but there is a fundamental problem to creating a state police force that's going to be armed with the goal that's going to be to evict people. It seems to be rather Draconian, and I have visions of the state police dressed up as Alabama sheriffs, sidearm strapped on, kicking out doors, rousting people out of their houses, all without due process, without being able to face your accusers to find out what the complaint is against you, and being forced out of your own home, not just a rental house but your own home, either that or they'll be standing on the street corner with their trench coats and their snap-brim hats on, peering into the windows trying to get video evidence that you may be doing something wrong. I'm still convinced as well that in my opinion, the biggest user of this particular state police would be the RCMP who would give them all the files that they don't think they have the evidence on so that they can start putting these folks under surveillance. So I think it's a piece of legislation that should be left and it should be checked out about the fundamental Charter issues, and it should be better written and there should be more checks and balances in it, and it shouldn't be rushed through in the last three months of this Assembly when it is a bill with so many great implications in it.

I'd also just like to thank the people for taking the time to come out tonight, because there are some fundamental human rights here that are very dear to us and the concern is that we're creating a law of general application that's going to compromise those and we're going to create more problems and do greater harm trying to catch a small

number of people that could severely impact all our own personal rights, just because of the rush to try to do something. So thank you, Madam Chair.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Miltenberger. I'd like to also recognize Mayor Martselos. Mayor Martselos, I don't know if you want to say a few words. I just want to give you an opportunity. You don't have to make a presentation on the bill, but I just want to recognize you as the...

MAYOR PETER MARTSELOS: (Microphone turned off)

CHAIRPERSON (Ms. Lee): Okay. I'd like to open the floor now for anybody who wants to make a presentation on this bill to this committee. Just feel free to come forward. I think we'll have to have the person sit on the side here because this microphone is not for amplification, it's for recording. So we have to ask you to speak up so everybody could hear. I need you to state your name and and organization you represent if you are.

Presentation By Mr. Grant Paziuk

MR. PAZIUK: My name is Grant Paziuk. That's P-A-Z-I-U-K. I don't represent any organization.

I speak in general support of this proposed legislation. I think, unfortunately, throughout Canada right now, that unfortunately the RCMP's hands are tied, in a lot of instances, trying to put drug pushers out of business from community to community, bootleggers, whatever. The problem with this though -- and there are problems; I agree with Michael -- I said it at the initial go-around, that this is a shell game that to toss one out of their home, it's the old shell game with the three walnut shells or whatever. They get tossed out of their home; well, where are they going? They're going somewhere else either in your community or some other community.

So will this act as a deterrent to people down the road? I don't know. I guess we'd have to look at Manitoba or some of the other jurisdictions that have this legislation in place and see what kind of success is there and opposition. But that's one concern, that it doesn't fix the problem.

On the plus side, though, it does give a responsiveness to people, including myself, who had a couple of renters -- I'm a landlord -- and they were engaged in illegal activities with drugs and I was fit to be tied to get any direct evidence to get them out, until they were gone and then I found evidence throughout the house from drug paraphernalia.

So it is needed legislation. Is it ready to go forward? I don't know. I think these meetings are good for sober second thought to look at that.

The one piece that I do want to speak out in concern about is that I think right now, and I could be wrong, that if someone who is given a community order to vacate their property, that they have to present an appeal to the Court of Appeal in Yellowknife, I think. I think that's a huge problem. That's cost prohibitive for way too many people,

and if we are going to speak about fair play and balance to such an act, I think those people need to be able to appeal within their own community. So that would really have to be looked it. We can't have people trekking from every reach of the territory up to Yellowknife. It's not going to work, unless SCAN is paying for them to go up and I don't think that's going to happen either.

But basically a lot of people here tonight, well, aren't here tonight; I know the views are polarized. I've heard some good points against it and some good points for it, but speaking for it once again, it's a first step in taking our communities back. It's not the end all be all. I mean there's a lot of things to look at, including why we're having so many problems to begin in the first place and what to do. There's the therapeutic kind of solutions and then there's the slap the hand on the wrist kind of solutions, and this goes towards the latter I think a little bit. So I do speak for the legislation, but definitely please take your time and look at some of the processes that are in place to make sure that there's at least a sense of natural justice. Don't hold it up to the criminal justice system because that's a flawed system in this country right now as far as I'm concerned. Thank you very much.

CHAIRPERSON (Ms. Lee): Could I ask you to take some questions, if that's okay? We usually like to ask questions to the witnesses by the Members if they have any. Mr. Braden would like to ask...

MR. BRADEN: Thank you very much, Mr. Paziuk. A point you made when you first started to speak and that you finished with is that you feel the current criminal justice system that we have is failing us, especially in this regard. I'm wondering if you might expand on that a little bit. The criminal justice system is very big.

MR. PAZIUK: It's broad.

MR. BRADEN: And what aspects of it...Can you be any more sort of specific about if there are things that we can fix within what we already have, what might they be? Madam Chair, thank you.

CHAIRPERSON (Ms. Lee): Thank you. Mr. Paziuk.

MR. PAZIUK: One aspect of that, I suppose, from my perspective would be that this process speaks to a confidentiality for complainants. While that rankles some people, I think it's a positive because when you're speaking about drug houses and drug use, particularly if organized crime started to get involved, people are very reluctant to come forward. If they know that they're going through the criminal justice system and they are going to be identified in a court of law as an eye witness, they don't want anything to do with it because the fact is they're going to find their home damaged or repercussions the next day. So that's one strength of this part of the legislation over our current system.

There is a responsiveness with this legislation that does not exist with the criminal justice system as far as timeliness. You know, if you have a neighbour and they are running drugs or having drug parties continuously and you have your little kids next door and you've complained to the police three or four times and they tell you well, we can't

do anything until we get evidence, you're frustrated, you're angry, and what are you going to do. At this least legislation gives some timeliness with a quicker response to at least hopefully move the problem out. But then it becomes someone else's problem.

I have no criticism of the RCMP when it comes to the criminal justice system. I think their hands are tied, connected to the legislation, connected to manpower issues, plus when you're in a small town it's a little harder to investigate people if they know who the RCMP are instead of bringing in undercover officers, that kind of thing.

This legislation, I think if you're not guilty you don't have much to worry about. If somebody blew the whistle on me for instance, and an investigator, if they're qualified investigators and there is a definite process there to speak to the preponderance of evidence being gathered, then I shouldn't have anything to worry about. I must say, to the no side there is a worry about vindictiveness, that somebody putting forward a complaint out of spite to somebody, where there is no grounds but there is an investigation brought forth and the questions have to be asked what if. What if an investigator somehow does find someone guilty? Where are the checks and balances? In that regard, I'll agree to the no side against this, that checks and balances are important. You can't just have it a completely sloped piece of legislation to just turf people. Okay?

CHAIRPERSON (Ms. Lee): Thank you. Any other questions or comments from the Members? Just for clarification on the appeal, from how we understand it, if a community person has suspicion that there are some illegal activities going on, you will call a 1-800 number, the investigators will be located in Yellowknife. I think government is proposing to spend about a million a year and about $250,000 for setup costs. So they'll all be investigated out of Yellowknife. If the investigators find on a reasonable probability standard that something is going on and that person is living in an apartment, they would ask the landlord to evict that person. Then if that doesn't work -- and there will be discussions going on -- if that doesn't work, they would obtain an eviction notice. Only when you get the eviction notice would you be able to appeal, and you have it appeal it, and it's a judicial review appeal. It's not like a trial. It's not like somebody saying you've been accused of this, come and defend yourself. It's an administrative law kind of review. It's a very narrow area of appeal and you can only appeal it on error of law. So it's very narrow, and you have to file your appeal within 14 days.

Now, if you're a drug dealer, he's probably not going to appeal. I don't know; maybe he will, or she. But in cases where there are people in an apartment, there were like a family of four and let's say one guy was doing the deals or doing something wrong, you could have a whole family evicted and if the family wants to appeal that, they still have to file that appeal notice to the Supreme Court within 14 days in Yellowknife. So it's sort of a judicial review kind of appeal, which is different than appeal appeal on a case. So you're not going to be able to present facts; you're just asking that whoever did it, did it wrong. That's how you're going to appeal.

MR. PAZIUK: And that's the part I am concerned about, that it has to go to the Supreme Court in Yellowknife.

CHAIRPERSON (Ms. Lee): Yes, that's your first hearing and that might be intimidating or cumbersome.

MR. PAZIUK: And it's just prohibitive in so many ways, so I think there needs to be a look to be able to have a process within the local communities for that part. Thank you.

CHAIRPERSON (Ms. Lee): Thank you. Any other comments or questions? The floor is open to anybody else who would like to come forward and just give us your comments or thoughts on this legislation. Mr. Daniels. If I could just get your to state your name and the organization you may represent, for the record, please.

Presentation By Mr. Fred Daniels

MR. DANIELS: Fred Daniels, a concerned citizen. I guess one of my problems with this whole thing if we're not really concentrating on what has to be concentrated on. Through this, you're still dependent on the court system which, in my belief, is flawed in the first place. That's where we should be looking at. Because when a person commits a murder and does 25 and that's his life and he's eligible for parole in 10 years, well then it's not justice. That is not justice to your family that he murdered one of your children or your wife or your husband. Yet he's able to come out of jail in 10 years and still live a life. He still could have children, he could still be married, still could be a grandfather. But every day when you go home and your chair is out of place because there's one person in your family that is gone because they killed them, well you go through that all the time in your life. To me, that is not justice. When a person murders somebody, they should be in there for life. And if I sound hard, well that's just what I believe in. That is justice.

You take a look at innocent people getting killed because of speeders. That's not justice when you give them two years probation or something. It's not. You go to explain to that family why he got two years probation. You take a look at that person in Edmonton which a couple kids threw a rock off a bridge, well, he can't see his grandchildren anymore. What they give them? They gave them probation. Well, that's not justice. That's a slap in that family's face. And that is what we should be concentrating on, is we should actually be getting behind the Alberta people and changing those two pieces of legislation: the youth legislation and the adult legislation. That is what we should be concentrating, not these add-on band-aid solutions and that is exactly what this is.

I don't agree with this because say if I tic someone off in my political field at some point in time and they attack me and they say Fred is selling drugs or whatever, well now they're going to kick me out of my place, or yourself or whatever it is, and there's no appeal system, I cannot clear my name, I'm known as a drug kingpin or whatever. Where is there justice for that person? How does the court say no it was all wrong allegations and that? There's a problem with that system. So my belief is like I always

said, if you want to do justice then you'll fight along with the Alberta people. Those are basically the only ones that are pushing this. I tried to get the territorial people to do this, is to push on this. Yes, we want changes to the adult and the youth justice system. Right now, some of us may not like the Prime Minister that's in there, but right now you have a Prime Minister that is willing to deal with that. There's two pieces of legislation and that is what we have to drive home, is, yes, your Canadian people want to change those and that's where we should be heading. Because in this system, you're still depending on the court system to approve everything. If the court system is a failure in itself, then how are you going to achieve that goal? You're still going back to number one. It's those two pieces of legislation that you have to change.

Right now, a kid breaks in our homes, steals our fancy TV that we worked hard to get. He's laughing at you walking out of there and the courts are basically blaming you, well, if you didn't put your house here, well, he wouldn't have broke into it. That's basically what it's coming down to; you're the guilty person, you know? It's that system that has to be changed.

Furthermore in this legislation, I'll even go further, is you take your judges and you take your Crown prosecutors. If they cannot do their job, they should be fired because they are public servants, they get paid just like any other government employee. They should be there. Because when the person is supposed to get five years and for whatever reason the Crown debates two years probation, well that's not justice. I mean how do you justify that act? You're a public servant. Your job should come into question. If you're a judge that doesn't do it's due diligence, well your thing should come into play. I mean it sounds hard core, but I mean that's where we are. If we want to fix the problem, let's do it in the first shot. Let's not stumble around and this band-aid solution is not going to work, it's just going to create other bigger problems that we're going to have to deal with and let's just deal with it head on. Those are my feelings on this thing. To me, it's just another band-aid solution. Thanks.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Daniels. If I could just ask you to stay in case there are any...

---Laughter

I should apologize for those in the back of the room. This microphone is not for amplification, it's just for recording. We don't have a...but I think if everybody speaks loud enough and if you want to move forward, I think, if you have a hard time hearing, but I just wanted to let you know that. I just wanted to ask Members if they have any questions or comments. Mr. Yakeleya.

MR. YAKELEYA: Thank you, Fred. One question I have is something that we heard down the Mackenzie in some of the communities that we visited, was they want to deal with the bootleggers and drug dealers and some of the social issues that we see in our communities; gambling. So I hear what you're saying, so I guess for myself, I was in a Deline a couple of days ago, over the weekend, and some people are saying we want to deal with the alcohol, the drugs, in our community, something for the youth. So in

principle, this legislation you guys are talking about, it's good that you're looking at it. It's the implementation and the resources that we're going to about it, they didn't take it so good. That's what we're dealing with in this legislation, dealing with some things that we've been hearing. I guess I wanted to ask you in terms of this legislation is dealing with the bootleggers, the illegal drugs that are happening, and prostitution in some of our larger centres, and we hear kids are selling drugs to kids and we have to do something. So I guess I wanted to ask your opinion. As Members, we're going to take this very seriously and how do we deal with that, from your perspective as a concerned citizen of Fort Smith?

MR. DANIELS: I guess the way we deal with it is probably longer sentences. In most cases, your treatment would have to be mandatory. It's not one of your decisions if you're going to go, you're just going to go and you have to be there. Probably more stricter supervision on these teams out there. If you're breach, well, you're back to court; it's as simple as that, that's just the way it is. Even with the teams in our community here, oftentimes I've watched officers where they basically stop a youth and the kid is drinking, he's a little bit wobbly but still nothing happens. So of course people get frustrated. But when you open that binder of the law legislation, it's probably safe to say that it's in there that no person underage will consume alcohol. Yet when a police officer says how are you doing to a child he's dragging home, oh, just go home. Then there's a problem with the system and that's a failure in itself and people see that. So what's the use of telling the police? Nothing is really going to happen.

A longer prison system. I will be perfectly honest; I used to be one of the bootleggers here in Smith myself about 20 years ago. And I went to Hay River corrections. I've never played bowling, even when...(inaudible)...had his bowling here, I never went there. It took jail to get me to go to play bowling. Eh, this is not bad after all, you know?

---Laughter

It was incarceration. It was two and a half months I spent there, but it was like a holiday. Every Sunday go cruise around in the bus; go work at the big place there; go bowling, go swimming on the weekends. I mean that stuff should be just thrown out the window. You're in jail; you're not at Sunday camp here. I was totally amazed. Like holy smoke, now I see why people want to back here. I could do time here too. They should have gave me two years.

---Laughter

You know? I don't have to worry about by bills. You have to take a look at that system, too. You want to...(inaudible)...them from there. If it makes you seem hard core, then so be it. I mean put in programs if you have to. Take out the TVs, put in programs where you have to go. Put in life skills. How many of the people that go in there basically in the construction yard don't know what's a two by four from a two by six. Teach them; teach them stuff like that so that way when they do come out at least they know their way around the construction site, painting or whatever it is. Put in those

programs rather than sitting up in the...(inaudible)...feet on the table and watching some show.

CHAIRPERSON (Ms. Lee): It's a good thing they didn't give you two years or else you wouldn't have gotten to SMCC, you have gotten somewhere else.

---Laughter

Just to clarify, the issues you're talking about in terms of sentencing and more stricter sentencing and more stronger laws on youth offenders, all those things dealing with criminal law, the reason why this is not going there is because provinces and territories can't legislate on criminal issues; it's really a federal issue. This is probably why this law is trying to do that in a kind of round about way, because the territorial government is not allowed to do criminal law and this is probably why it's not using that criminal process. Just so you know.

MR. DANIELS: I realize that. What I'm saying if could get enough push to change the federal system where it has to be changed, until then we're just simply going to go in circles.

CHAIRPERSON (Ms. Lee): And obviously...

MR. DANIELS: I mean it's the federal system that has to change.

CHAIRPERSON (Ms. Lee): Right. Territorial and provincial governments as a level of government could work with the federal government and push them to do different things, but we don't have the jurisdiction to do laws on criminal areas, just to keep that separate.

MR. DANIELS: And there is a lot of flaws. If you take a look at a 14-year-old kid, one of my kids that walked out of the house. There's nothing I could do about it. I couldn't go to the police; I couldn't go to Social Services; there was nothing. But yet if my dog was sick, I take him in the veterinarian, right away they fix him up. Kids have too much rights nowadays. It should have been back like the old days.

CHAIRPERSON (Ms. Lee): More rights than dogs.

MR. DANIELS: Exactly. Anyway, that's enough of me.

---Laughter

I'm sure others want to talk.

CHAIRPERSON (Ms. Lee): Thank you, Mr. Daniels. Thank you very much. The floor is open for anyone else. Just state your name, for the record -- we know who you are -- and make your presentation. Thank you.

Presentation By Ms. Eileen Beaver

MS. BEAVER: My name is Eileen Beaver. There's a few things that I'm kind of worried about not only as a language and cultural instructor, but as a social worker. I'm also a counsellor. One of the things I noticed, what is the actual complete definition of a dwelling? Mainly because as a First Nation family I can see if a family gets evicted whether it be in the winter or not, and they move in with their grandparents or their mother or their family and they already have been evicted for being on drugs or selling drugs or whatever, now they're also posing a danger to the rest of the family that they moved into. The other question is if they pitched up a tent, are they going to be evicted from that too? It's a dwelling. And what happens to the children? Are they going to put more money in for social services, for halfway houses, for drug and alcohol? Are they going to put money in there, because that's where you're going to be putting a lot of strains on people.

It reminds me of the Indian Act. A long time ago, if your dad signed out of the treaty to drink, it was your wife and all of your kids, and this is the same type of act that you're bringing forth. What happens if it's in the middle of winter? Are you going to provide housing for his family? Do they have to prove that they're not part of that? What if they're in an abusive relationship where the mother and the children have no say and the simple thing is acting, and because of them they're evicted? What if they don't know how to appeal and they didn't know that they have the right to appeal, because you're giving me mixed messages saying I really have no right to appeal. So I'm worried about all these things. I'm worried about it because I can see young kids who are struggling to go to school, trying to get away from a home like this maybe at times, the only safe place might be within the schools, and they're not going to say nothing because they fear that they're going to be homeless and it gets pretty cold here in the winter. I guarantee you if they called Yellowknife for help to come in, if the police feel that they're in danger here, they're not going to come investigate right away. I come from a small community where they would wait until two or three days later when it's all calmed, then they'll come in and say we heard you had problems here. You know, by that time it's two, three days later. So what are you looking at here? Trying to fix a problem of drugs or trying to create more problems within our society?

CHAIRPERSON (Ms. Lee): Thank you.

MS. BEAVER: I'm asking you guys. You guys seem to be the pros here.

CHAIRPERSON (Ms. Lee): Ah, no. I have to say, and I usually get a script as chair of the committee, that committee's work is not to advocate or defend the legislation. This is the government's legislation and we're the Standing Committee on Social Programs. The government introduces this legislation and it comes to a committee for public consultation. So the questions you're asking are very valid questions and those are the questions that we would be posing to the government when we are having a debate or we are considering our report. So there's different roles for the government and the committee members to play. But I do want to ask Robert to give you a technical definition of dwelling in the law, if it's possible.

MR. COLLINSON: So they defined building as a structure of any kind or part of a structure including an apartment, cooperative housing unit, condominium unit or a mobile home. An item like a tent could be captured under property which they define as an area of land where a building is, which were the four things I just read out, and then they could capture a tent by a portion of land were no building exists. So that could be captured there, too.

MS. BEAVER: So in other words, if you're in a situation where your husband or wife may be abusive and you have fix or six kids with you, all like ladders, you can be totally evicted from every place that he moves to?

MR. COLLINSON: Theoretically how it's supposed to work is the legislation does allow just for the offending person to be removed from the house, but in some cases, of course, that's going to be a problem because that's the person who's signed the lease. So there are issues there, definitely, and the committee is aware of them.

MS. BEAVER: The other question, the other thing that I don't really understand, if you own your building or you have your own private building, you can be evicted from that, too, if someone says you're dealing drugs and that?

CHAIRPERSON (Ms. Lee): And for those who own their own homes, they can be evicted out of their own home, but only for 90 days. So after 90 days, homeowners are allowed to go back to their home. But if you're a tenant, you probably would not be able to go back to public housing or apartments or whatever. If you get kicked out of your own house while you're gone away, say it's in the middle of winter or something and you need to take care of that property, you're responsible for paying for that cost. On your social issues of what are going to do when people get thrown out of their homes or whatever, the Minister has stated that that is not addressed by this legislation because that's a separate issue. This is a Justice bill, it's by the Minister of Justice, so the aim is to remove people involved in criminal or illegal activities, and illegal activities here include gambling, too, or disorderly behaviour. It's not just a drug trafficking.

MS. BEAVER: I see nail polish on that thing there, too. So we've got to get rid of all our nail polishes?

CHAIRPERSON (Ms. Lee): In the legislation?

MS. BEAVER: When I was passing through, the solvents.

MR. COLLINSON: Solvent abuse.

CHAIRPERSON (Ms. Lee): Solvents. Solvent abuse. So that's what the law is trying to discourage people from doing those things by evicting them from their home and getting them out of the town or out of the Territories.

MS. BEAVER: It's kind of dangerous, because sitting here, I can see you getting evicted right away under the solvent abuse.

---Laughter

You're using nail polish. Hairspray. You're using a lot of these things within your home. So if someone wanted to be vindictive, and they can, I've seen it happen. I've seen it happen to us a lot of times where people would make life virtually impossible for you. And I'm sorry, but this town is very famous for us and them.

---Laughter

UNKNOWN SPEAKER: That's for sure.

---Laughter

MS. BEAVER: You know. Us and them is a big war. My husband's age, the kids used to fight and that war is still going on, so I can see this big, big problem of us and them. It's cowboys and Indians all over again.

CHAIRPERSON (Ms. Lee): Did anybody want to comment or ask questions? Those are situations that were brought up in other communities as well. We are all small, but I just want to comment on what you said about the investigators coming and investigating right away or will they come a few days later after everything has died down. My understanding is once you call the 1-800 number in Yellowknife, the investigators can investigate for as long as they want. They can do surveillance, video, they can watch your house. They can hire an investigator in your community and you may not know or they can work with the RCMP and they will watch the house. The test is as long as the investigator feels that he can make a reasonable inference that something you are accused of is going on, then they could file an order to evict you from hour house, but the Minister will say they have to use their professional investigators. They are usually going to be retired RCMP officers who are supposed to know the rules and such and they will not deal with frivolous situations. We are not defending the legislation, I am just...

MS. BEAVER: All I am saying is that a whole bunch of Newfies coming in that are retired RCMP, nothing against Newfies, but it seems like every time we talk, it's kind of like a common joke that everybody comes from every place else, you don't even have housing for these retired police that are going to be coming into these small communities. Are you going to be paying for all their hotel bills? Some places don't even have hotels. How long are you going to permit these investigations to go on? One lawyer for residential schools charges the government $100 million. Is one investigator going to be charging you guys $100 million? That could be too. You have to keep that in mind.

CHAIRPERSON (Ms. Lee): Thank you. I think those are very good questions and something that makes us think about things. Thank you very much, Eileen. Your Worship Mayor.

Presentation By Mayor Peter Martselos

MAYOR PETER MARTSELOS: Madam Chairman, committee members, our MLA, Members, citizens from the community, welcome and especially a welcome to all of you in our beautiful community. We are always pleasured having you here, not only spending money but just to visit us. We are more than happy to receive visitors in our community.

I think a few months ago, I had the opportunity to sit down with the government officials and I know what some citizens from Fort Smith there from the community hall were talking about Bill 7. I was so pleased to hear something coming forward and I said at that particular time, it's not going to be perfect in the back of my mind. I say for the first time, the territorial government, the Minister of Justice and everybody else decided to do something to help the communities.

We do have a huge problem in our community. I talk about my community, although it's existing in every other community. Drugs is taking over the youth in our community. The youth are going to be our next leaders. They are going to take over from us, in what condition? I am not saying all the youth is like that, but what I see and what I hear, I am really concerned.

When we discussed the legislation the first time, I am on the record to say I support it. I say it's better than nothing at all. Then a few months went by and I talked to many residents from Fort Smith and I know there is lots on the legislation. We are talking the drug dealers, they found out wherever he is and you remove him from his home or apartment or wherever, I think he is going to go to some other relatives somewhere. You remove him from there, he will go someplace else. He is taking lots of time and these drug dealers, they are so smart. We can say smart because we see it with the local RCMP how many times they try to do something and they are smarter than the RCMP. They hide somewhere; they go somewhere and hide the substance. So it's an ongoing thing. It's going to go and go. Then it's human rights issues and all the different things.

So I started to think and, like I said, listen to the residents and I said maybe it's not a really good idea to go through with the legislation, but I would like to see something done. So we came to the conclusion to say I know the legislation proposes four inspectors residing in Yellowknife and this concerns me too. I don't know why Yellowknife, everything is Yellowknife. But thinking and talking with the citizens of Fort Smith, we could have one inspector reside here in the Northwest Territories and another inspector in Hay River. Hay River is very important too because it is the central location in the south. If anybody brings drugs, it goes to Hay River and from there it is contributed to the rest of the communities, Fort Resolution and Fort Smith. Then in Yellowknife, you can have the other two inspectors. We will give them one extra. If there is a need in Fort Smith and we have a huge drug bust, they can come down but there is one here already working on the case.

The other thing I say also is dogs are so important. If you have the inspector and you hear the dog, and that particular dog is going to be a mean dog, so nobody likes dogs. If you ask 99 percent of the citizens of Fort Smith if they know the dog is coming to smell drugs, they are going to come on our door and say yes, I did it. So the inspector and dog is one extra member that resides in the community. We have the RCMP, we have the dog here, if there's not enough work for the dog here, he can go to Fort Resolution and another one in Hay River or Lutselk'e or wherever. Now what I did also is I did conduct in Fort Resolution and Hay River, I said I am going one step ahead than you guys and said maybe I will get a dog. So I talked to both communities and of course the dog is about $120,000. That's not really much for the job he's doing. You recover the cost from the drug dealers anyway five times more. Fort Resolution says they don't have the money in their budget, so they have to find money somewhere. Hay River they think the money is a bit much, $40,000 for their part. So I let things go. But doing that, you are saving money from going through the legislation because the cost of all these people travelling and the appeal process and so on and so on. It's no end. Like my friend there, Freddy, are you still here? No, he left. My councillor there. We know the justice system is very soft. There is no question about it. They know. Youth and drug dealers when they do damage in our communities, they know nothing is going to happen to them.

So I want to tell to you the inspector resides in Fort Smith with the police dog is going to be beneficial to the community, no question about it. Don't forget Fort Smith has 2,500 residents. It's not a large community. We are not like Yellowknife. To me, always when I talk with the sergeant here or anybody else from the RCMP and even the rest this year, you can ask to find out who are the drug dealers. On this 2,500 people, I can sit with 10 people in the evening, I am going through and say Norm, it's not you, we know that. It's not me, it's not the MLA, it's not...(inaudible). So who is it? You can find out very easily, but there are no strong laws there to do something. So if it's this person residing in Fort Smith and you give it to do the job, maybe through legislation and maybe whatever, then we solve some of the problems. I have a big concern on the youth. If it's an adult, it's bad enough. My age or somebody's age, if you want to do things, do it yourself. But when they are doing drugs, they are selling it to 10 years old or 12 years old and seven years old. That is a problem. So we have to try our best to see how we can solve this situation. The way I see it and the way I talk to the residents of Fort Smith, it's one person who resides in Fort Smith, an experienced person, and a dog. Bill, what do you think?

---Laughter

MR. BRADEN: You've got my vote, Peter.

---Laughter

Thank you. Okay, I will try to speak up. Mayor Martselos, you are reflecting the views of many people in many of the other communities that we visited. I think we have been to six, five communities with this bill so far. Universally, the shortcomings within the police and the court system are recognized. It is very difficult for communities, especially small

communities to use those laws and get action, as Mr. Paziuk said, in a timely way, so that we can get some remedy. So this SCAN legislation, as it exists in three other provinces in the Yukon...

---Interjection

MR. BRADEN: Four other provinces? Okay. Even though it is young, within less than five years old in most places, it seems to be showing some results, but we have to try to make it work for us in the context of small communities. As Mrs. Beaver said, where there is an us and them, the potential for people to abuse this privilege or this option, the degree of authority or that the bill proposes would be given to this investigative team seems to be excessive. There are limited opportunities it seems for people who are accused or come under investigation to appeal. Something that I find concerning is that for an eviction to happen, which is a very strong response for the state, for the government to take, there is a lower threshold of proof required than for a criminal conviction, but the consequences of being thrown out of your own home or out of your house or separated from your family somehow can be very extreme. So I personally have a difficulty squaring that up and so have many other people. As Mr. Miltenberger said, a lot of fairly well-informed and expert organizations have gone through this and pointed these problems out. But the need for something in our communities to get action sooner is universally accepted. The question that I had and I wanted to ask you is can this be fixed? Should we try to repair these flaws and see if we can bring back something that is acceptable or is this proposal entirely unacceptable? Is this something we can fix?

MAYOR PETER MARTSELOS: Some good things there, some bad things. Okay? So we can try to fix the things, fix the different things. I think it's very costly also. If we do it the other way, it's less money and is working better for the smaller community at least. I am talking about my community. To have somebody in the community, an extra member of the RCMP and the other important thing is if something happens, we have an extra member here. We have to get it direct. We don't want to have to phone Yellowknife, Yellowknife tries to get in touch with the inspector. He has to be direct line to this person because right now, from one thing to the other, with the local detachment here, we phone it through Yellowknife and they give the message to the members here. Sometimes they show up and sometimes they don't. The citizens here are frustrated about that. So it's very important the person is here to be able to talk to him with the community, not from somewhere else and giving information. Sometimes people say the citizens of Fort Smith don't want to open up, they don't want to point fingers at this person. They will or they are going to talk if the person who resides here in the community. It's very important.

Again, I go to the community of Fort Smith. If you ask everyone here this evening and anyone on the street if they trust you, they will say this person is doing this, this person is doing that, this person is doing the other. There is not too many, but the main ones everybody knows. So if there is the right person here to do the job, I am not going to say he is going to clean up the stairs, but when you are making money somebody is going

to pump out somewhere, but if they know somebody is here to do the job it's going to be much better. Then the citizens are going to feel better. Did I say enough?

---Laughter

Okay.

CHAIRPERSON (Ms. Lee): Thank you.

MAYOR PETER MARTSELOS: Thank you so much for listening to me.

CHAIRPERSON (Ms. Lee): Okay.

Presentation By Ms. Dorothy Laviolette

MS. LAVIOLETTE: Hi. May name is Dorothy Laviolette and I am a parent and you are talking about drug dealers. You are talking about drug dealers and stuff. Yes, I know what it feels like because I actually have one in my neighbourhood, but when you talk about confidentiality and how you are going to protect the person, I can't see how it's possible at this present time. We read the News/North and they are talking about scanners. Well, there are a lot of scanners in town here. So when we phone the RCMP here even to make a complaint, we get Yellowknife. Then when Yellowknife phones back to the RCMP, because there is nobody in the office all the time, we have how many RCMP officers here -- about seven of them -- and we get them at home. None of them want to get out of bed. So the problem existed a long time ago. I could be raped 20 times by the same guy and the RCMP is still sleeping. It's just ridiculous.

Then we go on to talk about bootleggers and stuff. It's a small community. It's different from Yellowknife. You have any amount of RCMP officers. Here we have a few. Like I said, we phone in a complaint and all we get is the answering machine or a person that answers in Yellowknife. She makes you feel like the victim, he/she, whoever answers. They ask you all these questions, by that time, still no response, hours later. This is an ongoing situation.

The RCMP here are just pathetic. With the scanners, there is no confidentiality whatsoever. We have leaders talking about some of their citizens and stuff and then they turn around and come and sit in the room with us. It's ridiculous. So there is no confidentiality. So that's why I say I don't know how you guys are going to protect us if we do put in a complaint until the scanners are all gone.

CHAIRPERSON (Ms. Lee): I have a question about that. Can the scanners intercept your telephone lines?

MS. LAVIOLETTE: I don't think so.

CHAIRPERSON (Ms. Lee): So how do they hear?

MS. LAVIOLETTE: They pick up the RCMP.

CHAIRPERSON (Ms. Lee): Oh, the radio they use.

MS. LAVIOLETTE: Yup. So say so and so gets beaten up, they can pick up. Whoever has the scanner can pick up. So there is no confidentiality whatsoever. Then you talk about you own a home, you can get kicked out of your own home. So I guess you guys are going to have to talk to everybody who gives these people mortgages to make sure there is a clause in there, so they know if they sell drugs, they are going to lose their home, for what? Three months? So there are all sorts of little things but my complaint is there is no confidentiality. In our case, in a small community, you can take a loop around town in five or 10 minutes and you are right through town, yet you phone the RCMP, they can't come, they are too busy. They are home sleeping. That's my concern. The RCMP here are lazy. Then you have some, like Eileen said, you are talking about the aboriginal people and the non-aboriginal people, when complaints do come in and a lot of times it's about youth too, the native kids are all in and out of court, but those other ones, they get a ride home. Where is the fairness in this? We see that. We live here. It's a small community. Everyone knows when someone is sick. When someone dies, everybody gets together. So when stuff like this happens in a family where the child is in trouble, of course the native kid goes to court and the other one gets a free trip home by the RCMP. That's all I have to say.

CHAIRPERSON (Ms. Lee): Thank you very much. Thank you for sharing with us your views on this.

Presentation By Ms. Mary Pat Short

MS. SHORT: Good evening, everybody. Mary Pat Short. I am speaking initially just as a regular citizen.

---Interjection

MS. SHORT: I thought I was speaking...

---Laughter

Then I can't see what I have put together here. I know that they have already received a written submission from the Human Rights Commission. If anyone wants copies of that, I can provide that. I didn't bring them here. I am trying to make some additional points that are just some personal points. I recognize the problems that people have been talking about in communities and in our community. SCAN was introduced for real problems, but I don't support SCAN because it doesn't provide real solutions. It's just a way to move the problems and the problem people from one place to another, from the house to the tent, to the grandparents, to somewhere else, to another community. People who've been evicted have to live somewhere whether they are crowding in with relatives or moving to Yellowknife. Does moving from one residence because you've been evicted and living somewhere else really make a community any safer?

To a point that Eileen made, what happens when there are children whose parents sell drugs? Parents with children usually have first priority for public housing. But if the

parent has been evicted from public housing and because of selling drugs no one wants to accommodate them, then Social Services will have to provide a roof over the children's head so they will have to find somebody to take care of them. The NWT is already desperately short of foster parents, so that just seems like another potential problem that is created by this legislation.

I was in Yellowknife at the weekend for the Sport North awards and Sarah got an award and so I was reading the Yellowknifer. There is an article here that is talking about the views of the new chief superintendent Tom A. Middleton. He was sworn into his position just two weeks ago and some of the things that the said I think are worth thinking about because I don' t have an answer to what we should do for these problems. Our mayor has suggested an additional RCMP and drug sniffing dogs. Other people have expected Bill to provide some solutions, but he is at least coming up with some suggestion here.

He said that it's pretty apparent that a certain portion of the population has an alcohol problem. It's less visible but there's another portion of the population that has a drug abuse problem. Substance abuse is at the core of a lot of the problems that we have. The best way to curb such problems, he said -- this is Tom. A. Middleton -- is to continue the RCMP's crime reduction strategy. I don't know what that is, but maybe it's something that should be investigated because he goes on to say it integrated the activities of the RCMP, the Salvation Army, the courts, the corrections system, in order to prevent offenders from repeatedly clogging up the court system. Middleton has been encouraged by similar programs in other communities. We've even seen crime rates drop as much as 30 percent in some communities because we are focusing on the root causes of why they are committing crime. Even if we put people and keep evicting them in an endless chain, we are never getting to the basis of why the crimes are being committed.

We do a proper workup on them. We work with the Crown to show the history of the person to show how many times we've dealt with them. We recommend to the court that we have to do some serious intervention or they will just keep coming through the revolving door. I don't know what all the solution he's talking about or what the details are, but it seems to me that that should be investigated rather than putting in place a piece of legislation that creates a lot of additional problems.

Eileen mentioned some additional suggestions, other drug prevention programs for youth, additional counselling. So all of these need to be considered because they try to deal with the cause of the problem.

I have some concern too over the landlord's role. This legislation requires landlords to be part of enforcing the law. While no landlord wants their tenants to sell drugs or bootleg, as Grant was telling us he had tenants who were selling drugs, it's quite a step to make the landlord responsible for the conduct of their tenants. This means that renting property makes you responsible for the behaviour of the people you are renting to, which again, would seem to me could lead to quite a lot of problems.

I think there is also a real question about whether SCAN is a good use of public money. After all, as legislators, you are responsible for making good decisions about spending well on our behalf. I really question this.

Ms. Lee, I think you mentioned $1 million. I looked on the website in Manitoba and Saskatchewan. Manitoba has a population of one million people. They introduced SCAN in 2002. Initially they had two investigators and four employees. Now they have expanded to seven. They have investigated 13,068 complaints and this has resulted in 198 evictions over four years. Now if we put these figures in terms of the Northwest Territories, the Northwest Territories has one twenty-fifth of Manitoba's population, which would be eight evictions over four years if it was the same pattern. So we spend one million for a year for two evictions a year. Obviously I don't know that that is actually what would happen here, but that certainly would not be a good use of public money. Saskatchewan began in 2005 and they've had 778 investigations and 174 evictions. They have 10 investigators and their budget for investigation is...(inaudible)...which is pretty much $90,000 per investigator. It's going to cost more than that here with travelling and staying in hotels and sitting in cars in communities watching a given house. The money is going to be considerable. So I would propose that SCAN is not a good use of public money. There are other ways to operate.

Also on that point, this RCMP chief superintendent is saying that we need to work together to have a system to prevent offenders from repeatedly clogging up the court systems. He isn't saying I can consider that the proposed SCAN legislation uses public dollars wisely and can lead to a crime reduction because it's going to solve the problems that I see in the Northwest Territories. He is knowledgeable about the problems in the Territories, but he's suggesting something different.

Something that Robert mentioned in his summary and that our MLA referred to is, with this legislation, the Northwest Territories seems to be creating an additional layer of a criminal law that is outside of the Charter of Rights and Freedoms. Section 7 of the Canadian Charter of Rights and Freedoms says that individual rights cannot be overridden by governments without due process. Due process means knowing what you are accused of, having the opportunity to answer your accusers, having a right to an appeal. But this legislation doesn't allow for due process. What it does allow for is eviction without a trial. It's eviction without knowing the evidence against you. It's eviction without the opportunity to respond to the people who have accused you and it's eviction without full rights of appeal. There is minimal appeal.

So if the NWT is going to have legislation to deal with all of the problems that are listed in this SCAN legislation, then I think on our behalf you have an obligation to make sure that the legislation includes due process and that it is in keeping with the Canadian Charter of Rights and Freedoms, which is something we all benefit from.

Then if I can just briefly say in terms of my connection with the Human Rights Commission, section 64 of this SCAN act says no action can be taken against the Government of the Northwest Territories, the director of this safer communities or the deputy director, the Minister, the investigators or any person connected with it under the

authority of this act for anything they do in good faith in the exercise of any power conferred by this act and there are many, many powers. This potentially excludes a complaint being made under the new Human Rights Act, unless the person alleging discrimination can show that it did not occur as a result of good faith, meaning it occurred as result of bad faith.

So it's a particular concern to me that a piece of legislation would be passed that would exempt itself from the NWT's Human Rights Act. Thank you.

---Applause

CHAIRPERSON (Ms. Lee): Thank you. Any questions or comments from the panel? Mr. Yakeleya.

MR. YAKELEYA: Thank you. Mary, that was very enjoyable.

MS. SHORT: Can I turn this way now?

---Laughter

MR. YAKELEYA: I have one question. Mary, you talked about some of the stats from Manitoba. Have you looked at the impacts...You said it's been a while in Manitoba in terms of this SCAN legislation. How is it working? If you go into communities in Manitoba, northern Saskatchewan or even the Yukon or Nova Scotia, they have this act for the last four or five years, it will be nice to talk to the people in the communities as to what the differences it makes for them in the communities. We hear the stats. It's quite alarming if we had those stats and the chance for those in the Northwest Territories. That's good money gone to other things we could be using it for. So I agree with you. I want to ask the committee....

MS. SHORT: I don't really. I just went to the two websites to look for some information because of this event this evening. I don't have any detailed information on how things are working on out in the communities. But something else we have to think about is what is success? Is success just evicting people? Is that how success is going to be measured or is it going to be more of a common sense approach where success is solving the problem? Success is doing something about the young people Peter was referring to who have got the whole of the rest of their lives ahead of them. So when you ask your question of what is happening there, I think you have to give some thought of what success is.

CHAIRPERSON (Ms. Lee): I have to get you to speak into the microphone because we have to record you. We don't want to lose your words.

MS. BEAVER: May name is Eileen Beaver. I just want to add on to one of the scenarios that I was thinking of when I was sitting down. That was who is going to be editing what is a valid complaint? Is it the person who picks up the phone? Is it the police or the person that is going to do the investigation? What if I said he's selling drugs and he's my MLA? He's doing drugs and he's smoking drugs and he is my MLA. Now would the

person answering the phone say hey, that woman is nuts so I am not going to send an investigator to them? That could happen. That's one of the questions I wanted to ask. Who is safe here?

CHAIRPERSON (Ms. Lee): Thank you. The law is quite clear on that. It is the judgement of the investigator. It's a subject of standard. It's what is in his mind is reasonable. So when anybody calls that number, the inspectors will open a file on that MLA who has been accused of doing drugs. He has all the powers to investigate that MLA. On the basis of what he hears, which nobody will know about, he only has to decide on a reasonable standard in his mind. It's not based on any other. It's a subjective judgement by him, a retired RCMP officer. If he could find on a reasonable probability that there is evidence that he is actually doing that, then he will be evicted. I don't know; he could test the credibility of you as a caller too.

MS. BEAVER: But what if I had a really bad reputation and that and the reported fact could have been truth? On the other hand, there could be a lot of, like he could end up charging me for defamation of character. I can see all these things happening. I can see it happening all over the place. Like she was saying, it's not preventative, it's just causing a problem.

CHAIRPERSON (Ms. Lee): The law says very clearly that it doesn't accept anonymous calls, but all calls will remain confidential. Now there were some questions about how things could remain confidential in Fort Smith, but the law says because one of the major concerns about going after drug dealers is a lot of people are scared to speak, so this law will keep information confidential. We don't know how the investigators will keep the information confidential. We don't know what's going to happen to the files if somebody is accused of doing something, but the law says it will be confidential.

Now the other problem is this law doesn't allow MLAs to sue you. The law does not allow that. So if anybody is accused and they feel that they have been wrongly accused, they have no recourse within this legislation to sue you for defamation or for mischievous action. What they do have, what we all have, is there is a general law that's available to any of us to sue anybody for defamation, but you have to do it on your own means. You have to get your own lawyer and you have to pursue that. You may not know who filed the claim against you because it's not supposed to be known. I know those are valid questions and we want to keep that in. I am just trying to tell you what the law says as objectively as possible because we are not here to advocate or defend the legislation. We are listening to you and these are concerns that we have heard. We have so far done in public hearings in Yellowknife, Inuvik, Tuktoyaktuk, Ulukhaktok, Colville Lake and Behchoko. A lot of people have had a lot to say about this, so we welcome and we really do appreciate all the comments you are putting to us because those are things we all have to consider. Ms. Jewel.

MS. VILLEBRUN: No, Gloria Villebrun.

---Laughter

CHAIRPERSON (Ms. Lee): Villebrun, sorry.

Presentation By Ms. Gloria Villebrun

MS. VILLEBRUN: Jeannie is my sister. Anyway, I just wanted to speak up on this supposed law that you are trying to get together. I have mixed feelings about it simply because, like Eileen and a few others say, you can be accused wrongly. If somebody doesn't like you in Fort Smith, they can accuse you of being a drug dealer. Say you have lots of visitors coming to your house for coffee, all of a sudden you are a drug dealer. It's like me being accused in the paper today of something that I didn't do. Now I have to take time to write a letter and rebuttal for what I was accused of wrongly.

The other thing is I think we should spend more money on youth. I have been working with youth for over 30 years. There are a lot of youth who would like to get into sports rather than do drugs, but they can't afford it. I think you guys coming from small communities know that a lot of people are poor. I was poor myself once, I couldn't even afford a pair of skates. It's a good thing the mission gave me a pair of skates. What I am saying is if we could spend more money on the youth for sports, and I know there is Sport North, but they are so picky and choosey of who they want to help, I would like to see the youth be helped more in the little communities. Not all parents can afford to send their kids to hockey, figure skating, volleyball or baseball or whatever. There is always a fee to anything they want to do. There is a nice pool here, but I am going to put in a complaint into the mayor here pretty soon because there is hardly any time for the youth in it. It's mostly for adults and it's not his fault, it's the person who runs the pool who has to schedule the time for the youth and they are more scheduling for the adults.

So I mean let's give these kids a break. No wonder they are into drugs. They are bored. Nowadays, you can say when we were younger there was hardly anything to do, but there is so much peer pressure, we never had that when we were growing up. We have to look at trying to help the youth because they are our future. If we don't start putting some money toward them, rather than spending all this money trying to nab all the drug dealers because that's going to be impossible, you may as well admit it now. The legislation that you should be pushing forward is to have bigger fines for these drug dealers and jail time. Never mind the little piddley fines they get or a little slap on the hand. Everybody in town knows all the drug dealers and I am sure the police know too, but I know what the system is like. You have to have proof; you have to take them to court. Sometimes the RCMP are fighting a losing battle. You get them in court and the judge gives them a slap on the hand. So it's very hard to beat these drug dealers. A lot of them don't sell from their homes. You know very well that a lot of the have people selling for them. They sell on the street, so how are you going to catch them? They don't hide their drugs in their home either; everybody knows that, they're smart enough not to do that. If they're dumb enough to do that, then they deserve to get caught. The bottom line is I just think we need to spend more money on the youth and I wish that when you go back to the Premier and all your other MLAs that you do find money to put towards the kids for sports and whatnot, you know. That's all I had to say. So maybe you might want to ask me a question.

CHAIRPERSON (Ms. Lee): Thank you, Gloria. I'm sorry I got your name wrong. Any questions or comments? Thank you very much, we really appreciate it.

MS VILLEBRUN: Okay.

CHAIRPERSON (Ms. Lee): We still have some time for more presentations.

Presentation By Ms. Lucy Villebrun

MS. VILLEBRUN: Hi. My name is Lucy Villebrun. I'm just reading this paper here. It seems like the main priorities are bootlegging and drug dealing, but I think prevention needs to be thought about, you know. I mean you people are all in leadership and yet if bootlegging is such a problem, why aren't you regulating how much booze is being sold to a person every week? You know, when I go to a reserve and I want to buy gas, I can only buy so much gas every week. I don't smoke, but I'm only allowed to buy five cartons of cigarettes. Like I mean who can smoke five cartons, right? But anyhow I guess there are some people. Having said that, you know, we're regulated. So why isn't the liquor, if it's such a serious problem? Seriously. It should be looked at. That would help.

Two years ago there was an issue in our community, everybody was concerned about all the vandalism and I went to that meeting and we sat there for about three or four hours at the Roaring Rapids Hall and this is two years ago that I'm speaking now and I'm the one that stood up and spoke about a dog. Like, I had mixed looks that's for sure. They thought I was crazy, but you know what, at your points of entry to the Northwest Territories if you had that dog there, you've got no drugs coming in, you know? That's something else that needs to be addressed. No drugs, no problem.

So that's my feeling. I sit here because although I have two good boys, I'm affected by all of this. I'm a strong person, but when it comes to my kids and when something is affecting them, I'm really passionate and that's when...when I want to get something across I tend to break down, but I'm trying to be strong. I have two boys, Brandon and Brent; Brandon is 20 years old, Brent is 17. Both don't drink, smoke or do drugs. Now that's pretty darn good for boys, but you know what? It's not all my doing, it's my mom and dad too who are here and it's also Roger. You know, what I'm trying to get across to you is because of all the drugs in our community, I pulled my son out of school. He's been out of school for two years now, but Brandon graduated. He's out of here, but prevention has to start within the school too. Last year I brought this forward, I don't know whatever happened. I was really disturbed at the fact that police were refused entry into our school to do a random locker search. The government has a responsibility to provide a safe environment.

So, you know, my question to you, as leaders, is why did you allow it to get to this point? We sit here tonight, now there's bigger and better drugs. Like there's crack, crystal meth. Why did it have to get this far before you try and do something? Like Mary Pat and everybody else says, and I totally agree with them, moving people from one place to another is not the answer. It's not. We need to start preventing all this from happening. If you've got people, I don't know, like I mean if they're convicted of something within the schools or whatever, they should be expelled. That's how I feel. Everything is too lenient. That's why things escalate.

Now, I come across as sounding like as if I blame you people, but I don't. What I'm trying to say is, you know, you watch TV and you see everybody gathering in Lloydminster, Alberta, for this crystal meth conference. So they all went there for a couple of days. Well, what came out of that? I don't know because you don't hear anymore. So I think we really need to look at prevention and regulating things. Thank you.

CHAIRPERSON (Ms. Lee): Thank you. I just want you all to note, seeing as we have a captive audience here, some of us are going to be back in Fort Smith in two weeks under another hat. We'll have another committee we all sit on, there's six of us on the Social Programs committee, but there's also what's called Accountability and Oversight committee and all 11 Regular Members belong to it and one big legislation we will have with us for your input is the Liquor Act. The Liquor Act has been under review for about eight years -- about 102 years he said -- finally we have a final copy, it's quite heavy and it's totally opening up the Liquor Act. The issue of bootlegging and how to control supply of liquor, what powers communities have to pass plebiscites and such, all that will be there. So we would really appreciate you coming out and telling us about that legislation. You don't have to have an in-depth knowledge about the legislation, but your feelings about alcohol use and abuse and accessibility or anything like that. So if you could watch out for the public announcement on the time and place for that consultation, it will be two weeks in Fort Smith, but we'll be going to other communities too. Please come out. It will be on the website; MLAs' office should have it; it should be in the newspaper. So please look out for that. Thank you.

Presentation By Ms. Yetta Finsborg

MS. FINSBORG: My name is Yetta Finsborg. I don't have a lot of new things to add. I agree with the people who have spoken so far, but I did promise Mary Pat that I would still say something. I agree that we do want to have something done in our community against people who would deal drugs and who particularly when they put our children in danger, but it does seem that this legislation speaks to the violation of basic human rights. It also seems that it's somewhat...(inaudible)...sinking and lacking imagination, because what exactly is it going to accomplish to evict somebody like it has been mentioned? It just creates a whole lot of other social problems.

It was mentioned as well that no...people don't always sell from their homes and wherever there is some kind of punishment or whatever you want to call it, there will always be an opposition. So people will think, oh, how I'm going to get out of this, they will sell in restaurants, they will sell in streets, they will sell in front of the schools and we particularly don't want them to sell in front of the schools. It will go underground. So it will probably raise the price and it will be more dangerous for anybody who is involved, people who sell, as well as people who buy. We have to remember that it's not a one-way street. As soon as the police seize drugs and there's no drug dealer here, then there's a new drug dealer coming to town. Well, that person is sold out in no time and they don't sell from their home. They just sit in a restaurant and the rumours go around. So to spend all this money and add this kind of bureaucracy, it doesn't really seem to be anything but add bureaucracy and give some retired police officers another job for a lot of money, really. It's not going to cost just $1 million in the Territories because they

have to travel to all these different small communities. So it's going to be very, very expensive.

So I can only agree that this legislation seems, more or less, a waste of money, a waste of time for everyone involved. It does take a community to raise a child. It also takes a community to deal with drugs. So that is where I think we need to look. We need to get together and decide for our community what we want to do about people who deal drugs and bootleg and whatever else. Thank you.

CHAIRPERSON (Ms. Lee): Thank you very much. Go ahead.

Presentation By Mr. Henry Beaver

MR. BEAVER: I'd like to welcome you MLAs. My name is Henry Beaver and I also welcome the mayor and I also welcome the chief of Salt River, Frieda Martselos, and also the community members.

This legislation, it's really legislation that I think is disturbing in a sense because we have a lot of problems other than alcohol and drugs in the community, you know. Also housing; housing is a big problem in this community. We have people with outhouses and how are you going to throw those guys out when there's no homes? This bill takes all the rights away from individuals. It just sounds the same thing as our election code that Salt River has, the same value. It really takes away the value of what a community really wants to do itself in its own environment, in its own way.

It's interesting that the people when they talk about enforcement that they look at the RCMP as sometimes a friend or an enemy and then any time you come into a community, and any little small communities especially, you have a guy come in that's brand new you're going to recognize him right away. I mean, you know, somebody strange come peek in your window, you're going to either shoot him or, you know, and that's not what you want. You know, I agree with the mayor and, you know, it may cost $100,000 for a dog, it may cost $100,000 a year to house a police officer here and pay his salary. Once you pay for that dog, $100,000, you don't have to pay for him again. That dog isn't an employee, you know, you don't have to pay him like an RCMP. Once you buy him, he's there 'til he dies, you know? So you look at the value of what you're doing. You may buy five dogs, it may cost you half a million dollars, you could put it in five different communities, five different regions. Maybe Yellowknife should advertise we should have all the drug dealers come here and basically that's what you're advertising. You want the people to move away from the smaller communities and go into the bigger communities where it's harder for them to get caught. You're taking away rights or human rights from the people in this community, but at the same time we in Salt River here have a right of entry on the reserve, we have a reserve right in the community and if this kind of legislation is going to be put in place, then you're going to have a hard time with the people in Salt River because in the future you have to have consent to go into the reserve for entry. If this is the kind of thing that's going to take place, then you're really going to have a hard time because why should we let our people be thrown out of their homes because of a law that we can probably take care of ourselves through cheaper means of doing it?

Education is another thing that comes into play. You educate these people. If we start educating the young people now, the young mothers, the young fathers that are doing this stuff and get them away from the drugs and the alcohol, maybe the next generation 10, 15, 20 years down the road won't have this problem. I come from an alcohol and drug home. I mean the only drugs they took is rat root probably, but other than that they drank. Both my wife and I both came from the same home, but I'm happy to say that I haven't drank in my life and we have a stable home. My kids look after themselves, they have never got an impaired driving charge, they have never got an offence of drug dealing and those things. That's through our own education. We looked at it as educating our own self and hopefully that will pass onto our children and our grandchildren. I know it's starting already with my daughter. I have a grandchild that's two years old and they really learn really fast a lot of things that people do. Traditionally we try to make sure that they learn traditional ways, but that's where it starts. It doesn't start with a bill by trying to dishouse people. That's now how you do things.

A long time ago when our laws as aboriginal people, when things went bad the community said, you know, okay, Norm, you and your family or you, you're doing things that are bothering the people. So you stay here and we'll move. You look after yourself and if you still survive when we come back, then you can rejoin the clan. So that person has to look after himself, but you let the community take care of itself. The money that you guys want to spend, divide it up into five communities and let the communities deal with those things, five regions. Like that's how you do it. But by putting legislation in place, you're defeating the purpose of trying to educate the young people, trying to educate the young adults and you're scaring the hell out of the people, you know. People can have a vendetta on you and you can't sue them, you can't go after them. You've taken basically the rights of you going after that person individually. Now I know that if the police got a complaint of something that, say, Bill was doing and that was wrong, they would charge me for mischief, but in this legislation the police can't even do that to you. So I really have a problem with those kind of things.

I think this bill actually should be under the G file in the garbage, because it's not good. Let's look at other ways of doing it. Let's look at the ways of trying to deal with the issue at hand in the community. Maybe by taking young people out, maybe by getting these people educated in alcohol and drugs, maybe by learning how they use the alcohol without, you know, getting stoned every time, you know, there's no end to alcohol or drugs, or the government should just stop selling alcohol at all right now. Don't let it come into the Northwest Territories, then we have stopped one problem, and that's alcohol itself. You people, the MLAs, the Government of the Northwest Territories have that right to say no more whiskey or no more beer, no more alcohol in the Northwest Territories, period. You've stopped one problem. Next you go after drugs. If drugs is such a problem, legalize some so that the doctors can prescribe them. So that way it gets harder to get the drugs. It goes all through all the pharmacies, but there's ways other than throwing people out of their own house. That's what I don't agree with.

Some of these young people -- and they're young people -- if they go and get thrown out of their own house, they're going to go and sit with their grandparents. What's going to happen with the grandparents? What's going to happen with a grandparent that's possibly by himself or by herself and they go move in with them and all of a sudden they

do a raid on that place? Now she get's thrown out of there and the law is forcing this grandparent to disown their grandchild or their daughter, you know? That's wrong. We did that as a community a long time ago because we knew it would be good for the person, but we did it as a community and a family. That's why the idea of putting a person in this community or this area with a dog I think is a good idea. Maybe that's what you've got to look at rather than try to push this legislation down our throats. Don't be like the Wood Buffalo National Park. All of a sudden you throw legislation in front of you and say this is how you've got to live; whether you like it or not, this is your legislation and yet that's our land out there, that's our traditional land out there and we don't like that. At least I don't like it and many people in this community don't like the things that happened. I don't think people would like this. I sure don't think you would like to get thrown out of your home. Whether it's for 90 days or two nights, that's wrong.

Again, I'd like to thank you for listening to me. I'm glad to see the people from up north come and visit us at least once in a while and spend a little bit of money here. Maybe you should have a little bit more goodies and spend a little bit more money next time.

---Laughter

And next time you're going to have a meeting here, have it in a colder place. It's like an oven.

CHAIRPERSON (Ms. Lee): I'm enjoying this heat. High politics, it's great. We've waited for a whole winter. Anyway, thank you very much, Mr. Beaver, thank you.

Welcome. I hate to ask everybody's names because I know everybody knows everybody, but just for the record for the recorder. Thank you.

Presentation By Chief Frieda Martselos

CHIEF FRIEDA MARTSELOS: My name is Frieda Martselos. I just want to speak to the legislation. I read it before when you guys were here in November. I didn't come to the meeting, but I read it. This is probably the one time and the only time that I'd ever agree with our MLA that I don't like the legislation. I think it has a lot of flaws. I think dealing with drug dealers only and not dealing with the problem that they present to our young people, to everyone in the community is also a problem. I don't think spending that amount of money on this legislation, I don't know who the author of this legislation was. Who was the author of this legislation? Who?

CHAIRPERSON (Ms. Lee): This is government legislation. So the government is responsible for this legislation and sponsoring Minister, the Minister of Justice and Cabinet is giving us this legislation, but it's not an original piece of work. It is mostly copied from Saskatchewan, but that was the first legislation. There has been other SCAN legislation from Manitoba and Yukon, which also copied, and Nova Scotia is in the works, but it's mostly borrowing from original Saskatchewan legislation. But actually this one has added different things and one of them is that the investigators could be armed, and they're going to be peace officers. So they'll have a lot of power, a lot more power than original legislation.

CHIEF FRIEDA MARTSELOS: First of all, I think that bringing a piece of legislation to the communities that hasn't been developed in the Northwest Territories is wrong. I think that the leadership should be answerable to that. You know, I wouldn't want

anything forced on any of my people if I knew that I hadn't thought about it first and looked at the flaws and the pros and cons of the legislation before you go to the communities. I certainly wouldn't be going and advocating something that isn't right for the communities as a leader. I think it's very important that the leadership looks at the legislation, looks at the pros and cons, sees if it's good legislation and then goes to the communities. I don't think that you should be taking any legislation from anywhere else and trying to push it down the throats of the people of the Northwest Territories. I think that's totally wrong.

The other thing I want to say is that we're all concentrating on the drug dealers here. What about the drug dealers that affected the kids, our kids? I've been affected by that myself in my own family. I've paid thousands and thousands and thousands of dollars for help for one son because of this very problem. I don't hide it. Why would I hide it? It's not something to hide. Anybody that sweeps anything under the carpet has a problem, because I never sweep anything under the carpet. My whole life changed on April the 30th because I was an honest and sincere person and was duly elected. Because I was an honest and sincere person, I've had one month of pure hell, but in the end I will win because I'm an honest and sincere person. So when you look at this kind of legislation and it isn't coming from the heart and the leadership and bringing it across to the people of the Northwest Territories in that manner, you know, I don't know how you can sit there and tell us that this is the way it should be, and all these other things, without really looking at the problem. Like I said, it's the one time and the only time that I'll ever agree with Michael Miltenberger, and I'll go on record as saying that because I've always said what I feel and I'm always very straightforward about how I feel and that's the way I've always done my work. Honest and sincerity, I always believe that in the end it always wins anyways.

I don't feel that there's enough facilities in the Northwest Territories that could look after the addiction problems. I don't think we have enough help for the kids and for adults or for anybody that has addictions. There's many addiction problems in the Territories and it's just a handful of people that are creating those problems for our children, or for our adults, or for even some of our seniors. Everybody says you have to go to Hay River. Well, if you compare the Hay River facility to the facility that I had to pay for in order for my son to get the proper help, you can't compare the two, and yet we're spending more money on that facility. We don't have the proper facility in the Northwest Territories. We should have the proper facility in the Northwest Territories to look after those problems because it's not only the drug dealer problem, you get all the other problems with it that you have to look at.

So those are some of the things that I wanted to share with you because I think leadership should be looking at some of those things. Taking legislation from another jurisdiction is not the way to go. That's not real leadership.

CHAIRPERSON (Ms. Lee): Thank you. I'd just like to say again that this government legislation, which means government is authoring it, it's government's action and that's what governments do. Governments introduce legislation and the people have to have a say on what they think of that, which is what we're doing now. Under our system, the means of doing that is through the committee process. So once again, I just want to say we're not here to advocate for or defend the legislation. We are trying to answer

some of the questions in an objective way as we know the law. It is not an uncommon thing for governments to sort of borrow from other provinces to draft laws so then they don't have to draw up something from scratch and it saves the lawyers' time, but the fact that this bill is here means that the territorial government feels this is what they want to do. So they are taking the ownership on that and you're telling us what you think of it and we will incorporate that in our reporting back process. It is now quarter after nine.

---Interjection

CHAIRPERSON (Ms. Lee): Sure. We'll just make you the last presenter if that's okay. Everything is poignant and intelligent in this.

Presentation By Ms. Kim Harding

MS. HARDING: My name is Kim Harding and I'd just like to, in many ways, add my voice to the chorus of concerns about the human rights issues that this legislation brings up, the issues about how it's going to perhaps cause more social problems as a result of the implementation of the legislation and that it doesn't really seem to be addressing the core social problems that necessitates the implementation of legislation like this.

I'd also like to raise just one thing. Being very new to the North -- I've been here for only a year -- and hearing about this legislation and hearing some of the figures that you raised tonight, this legislation seems in many ways to be an economic boom for Yellowknife. The...(inaudible)...going to be there, the investigators are going to be based there, the appeals process, however slight it may be, will be there and being in the North and wanting to travel elsewhere in the North, $1 million a year doesn't seem like very much when you think about travelling to Inuvik, Tulita, other smaller communities. So forgive me for being cynical, but with $1 million a year I'm not sure how often you're going to be able to get to places like Fort Smith, Tulita, Deline, Sachs Harbour, places like that. So I can see either the investigator once they go to let's say Sachs Harbour, the furthest north that you can go I think, that they'd feel an onus on them if they're spending all this money to perhaps search more or search harder for this probable cause or balance of possibilities, and perhaps spending more of their time in Yellowknife than perhaps other communities deserve. So that seems to be a concern being from someplace in the North now that's other than Yellowknife.

So I'd like to, as I said, add my voice to the concerns of human rights issues, things like that, but also just add that one little caveat. So I won't take up any more of your time because it is late.

CHAIRPERSON (Ms. Lee): Thank you very much. Okay, I'm going to just invite any Members who have their closing remarks. I know it's hard for all the Members to stay quiet and listen. No. Mr. Braden. Make it short.

---Laughter

MR. BRADEN: Thank you, I will make it short. I wanted to perhaps comment very briefly on a point that Ms. Short brought forward, and others I think talked about it too. But, Mary Pat, you asked the question how do you measure success with this, and that is a very good question. Will we be able to measure reduction in crime related to addictions and community behaviour? We don't really know this because it is not intended to actually be a crime reduction piece of legislation. At least I'm not looking at

it that way. It is intended to hopefully cause people to stop what they're doing, or, you know, as a last resort it will relocate them. It's unfortunate that where this type of law is in place in other provinces and a territory it is very new. One of the questions that we asked in committee was has it been shown to actually reduce crime and addictions and bad behaviour. We don't really know that yet. So it's an aspect of, okay, measuring success. We don't really know whether or not this is truly going to help reduce the problems with addictions and the disruption it causes in our community. There's a fair amount of good faith and hope based in this, but we don't have a lot of tangible information to say that it does work. Madam Chair, I just wanted to comment on that point. It's something that we should be asking about in everything we do. What is the consequence of any kind of new law? Thank you.

CHAIRPERSON (Ms. Lee): And you just prompted one more question. You have to speak to the microphone.

MS. SHORT: Mary Pat Short. As we don't know that, then why have we got legislation that we don't know is going to lead to a solution, so meaning a reduction in offences? So I would suggest that this shouldn't be passed and shouldn't be put into place and all that money shouldn't be spent on it when we don't even have the evidence from other jurisdictions as to how effectively problems have been solved or not solved there.

CHAIRPERSON (Ms. Lee): Mr. Yakeleya.

MR. YAKELEYA: Since I'm in this riding, I want to thank Michael for inviting us to come down to Fort Smith and listen to their people for expressing their opinions to us, opportunity to listen because it's very important to what you say for us. This is a government bill that's been proposed to us. We're here to listen to the people and have our discussion and go back to the government and say this is what we heard, this is what you think we should do with it. Now we've heard a lot of communities, we've heard a lot of people and one of the things that, in looking at it for myself anyway and I'll give some serious thought here, is people always tell us in some of the smaller communities, I had this discussion in Deline a couple of days ago, and the elders there, I talked with them, and they said you've got to take the children to the land, take them out to educate them and work on them. I know we have issues in Colville Lake, they don't have an RCMP officer there. So I'm working on that issue with other Members. Is this going to really help us or really hurt us in the long run? Is this going to be like the Al Capone days and Elliot Ness, you know, knowing it doesn't work? I mean we know what happens there. So I think with this issue here is our people are very, and, like you, are very concerned about our youth and about the amount of alcohol and drugs coming into the community.

I want to say thank you to the leadership for inviting us and it's good to see Eileen and Henry there, and Mrs. Villebrun of course, and Yetta. I know some people. It's good to come to Fort Smith and I'd certainly like to say thank you for giving the opportunity for us to come down here and listen. We're going to come back, as Ms. Lee said, in another couple of weeks on the Liquor Act and it's a whole new. So I want to thank the MLA for inviting us down and hearing what you have to say. It's very important, it's very important to say because what you say means a lot, at least for me, when we have our discussions on this new legislation. So it's good.

CHAIRPERSON (Ms. Lee): Thank you. Just so that everybody...Oh sorry, Mr. McLeod from Inuvik Twin Lake.

MR. MCLEOD: I'll be very brief. We all like the intent of the bill and that's what they've tried to sell us, alcohol, drug dealers, and once you start looking into the fine print and the nitty gritty, I mean we have lot of concerns. As a couple of my colleagues said, this is not our bill, it was put in our hands by the Department of Justice to take out to the communities, listen what the people have to say and I've been listening to what people have to say is what I will base my opinion on whether I support this piece of legislation or not. From what I've been hearing in all the communities we visited, what I heard today in Fort Smith are some of the same concerns I've heard in Ulukhaktok and a big concern they had there was vindictiveness. Somebody can call and say so and so is doing this. So they'd have to send an investigator from Yellowknife to Holman Island to investigate a prank call or a vindictive call. So there's concerns about that in every community we've gone to.

Mr. Daniels before was saying that the justice system is too soft. I totally agree with him. There is no justice today. That's why we have so many problems. Kids, adults, they're not scared to do anything because there's no consequence for their action. Somebody mentioned when they do phone into the RCMP, they're made to feel like they're committing the crime. It's true, I've had to phone a couple of times and I had to go through a whole spiel as to why I was phoning. Well, after a while it's just not worth phoning. So this bill was put into our hands by Justice to hear what's being said across the Northwest Territories and it's being put in very capable hands. We will base or I personally will base my support of this bill on everything I've heard. I've been keeping a bit of a tally and I think in all the communities I've visited, I've probably seen five or six yeas and the rest of them are not in support of the bill. This was something if we just left to the government, they would have just ran it through and it would be a law today. But because the process we have, they give it to our committee, we go around and listen and we decide whether we're going to support this bill or not. If we left it up to them, it would be a law today.

A lot of you are right; it is just copied off other pieces of legislation. The Liquor Act, from what I understand -- I could be wrong -- is one that's written here in the Northwest Territories by NWT authors. I've heard, in talking to a few people that have read it, that it's a good piece of work. We can do good pieces of work. We don't have to be pirating off other communities.

So I'll leave it at that. I've enjoyed my stay here. My sister-in-law lives here so I had a chance to come down and visit with her, which was nice, and got to tour some of the places in the community. So thanks to Michael for the invite. And thanks to you folks for coming out because it is important what you have to say and we will take that back to Justice, guaranteed. Thank you.

CHAIRPERSON (Ms. Lee): Thank you very much. I just want you to know we have said we're not here to advocate or defend the bill; it's the government's bill. But I want to say to you that we're not the messenger either. We're not a recorder, we're not just going to go and repeat what we heard. We are legislators. We are a committee. We

will deliberate what you said. Often we use what we hear from the communities to back up our statements, and we have lots of options. We could try to fix this legislation; we could reject the legislation; we could pass the legislation. We do have powers to do things with this legislation, so I don't want you to think that you are just talking to just somebody who's just going to be a messenger. That's not what I was trying to impress.

It is the government's bill. We are an important part of this legislative process and you have been a very important part in that process, too.

So once again as the chair of the committee, on behalf of everybody here, thank you so much for spending this evening with us. We look forward to coming back with another legislation and we hope you will come back, too. Thank you.

---ADJOURNMENT