



Northwest  
Territories Minister of Finance

*Michael*

SEP 05 2014

MR. MICHAEL NADLI  
CHAIR  
STANDING COMMITTEE ON GOVERNMENT OPERATIONS

**Committee Recommendations – Bill 24, *An Act to Amend the Liquor Act***

The Government of the Northwest Territories (GNWT) has reviewed the supplemental comments from the Standing Committee on Government Operations (SCOGO) in its letter dated June 25, 2014, pertaining to its report on the review of Bill 24: *An Act to Amend the Liquor Act*. The GNWT has reviewed and given consideration to the additional comments and recommendations contained within the letter. Attached is the GNWT response to those recommendations.

I hope that the information in this response helps to confirm that the GNWT is committed to working with all members of the Legislative Assembly, community leadership, individuals, and agencies in efforts to combat alcohol abuse across the Northwest Territories.

*J. Michael Miltenberger*  
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- c. Mr. Gary Bohnet, Principal Secretary
- Ms. Gail Bennett, Committee Clerk
- Mr. Mike Aumond, Deputy Minister, Finance
- Ms. Debbie DeLancey, Deputy Minister, Health and Social Services
- Ms. Sylvia Haener, Deputy Minister, Justice
- Mr. Russell Neudorf, Deputy Minister, Transportation



**GNWT RESPONSE TO COMMITTEE RECOMMENDATIONS**  
**BILL 24 FOLLOW-UP**

**Item 4 – Mental Health and Addictions Action Plan**

*Your response indicates that the Department of Health and Social Services is undertaking a review to determine the best options for the NWT with respect to withdrawal management services and their report was to have been completed by March 31, 2014. By copy of this letter to the Minister of Health and Social Services, the Committee requests that a copy of this report be provided forthwith. If this is not possible, the Committee wishes to know the reason for the delay in completing the report and a timeline for its completion.*

**GNWT Response**

The Minister of Health and Social Services provided the Report on the Review of Withdrawal Management Services to the Standing Committee on Government Operations as well as the Standing Committee on Social Programs in August 2014.

**Item 6 – Community Safety Strategy**

*The committee is pleased to see that the Department of Justice is piloting the Community Safety Strategy, but is concerned that it has been left in the hands of the community to identify a safe house and resources to support it. Because smaller communities face significant resourcing challenges, the department should consider ways to more actively support and resource safe houses in communities identifying this as a priority.*

**GNWT Response**

The purpose of the Community Safety Strategy is to work in close partnership with communities to address issues that are a priority for them, which could include safe houses. Once priorities are established, community representatives, Department of Justice (DOJ) staff and other key stakeholders develop plans to address the priorities, beginning with existing resources. Communities also have the option of identifying a safe house as a priority in their work plan to access Community Justice Program funding, which is allocated on an annual basis. Further, a safe house can be identified as a priority in annual policing plans which are established in partnership with community leadership and the RCMP. The annual policing plans are supported by action plans, which set out ways to address the priorities. If gaps in resources are identified in any of the processes, the partners can apply for additional resources through established processes.

### **Item 7 – Seizure of Vehicles**

*The Committee wishes to point out that, in some provinces, the proceeds of crime are used to pay for policing. The committee encourages further examination of the options for seizing vehicles used in bootlegging and suggests that more consideration be given to using to proceeds from crime to fund community initiatives such as the Community Safety Strategy.*

### **GNWT Response**

Bootlegging is a territorial offence. Any money received as a result of the enforcement of the *Liquor Act* goes into the Consolidated Revenue Fund, which is administered by the Department of Finance. As indicated under item 15, revenues placed in the Consolidated Revenue Fund are then allocated based on government priorities and are not targeted to specific programs.

The seizure of vehicles used for bootlegging has occurred, and continues to be an option. The law requires that a seized vehicle be professionally towed to a secured and fenced compound until it is released by the courts. Many communities do not have a towing operator licensed to transport vehicles, skidoos and ATVs, or secured and fenced compounds for their storage.

Police have also found that the vehicle typically used for bootlegging is usually a family vehicle, necessary for the day-to-day life of a family, or for work. Seizure of these vehicles punishes not only to the offender, but an entire family. Vehicles seized may not be returned for weeks/months, or the Court may order them forfeited or sold when an offender is convicted. However, it is often the case that these vehicles are of low value, and the proceeds from resale would not even cover the cost of a Sheriff traveling to the community and conducting a sale for the Court. Also, in smaller communities where the government may not have a secured fenced compound, such a location would need to be procured, at significant cost which may ultimately be worth more than the vehicle.

### **Items 8, 9 – Bootlegging**

*The Committee supports the efforts of the Department of Justice, Finance and the RCMP to combat bootlegging and substance abuse in communities. If, to this end, one of the most effective tools is tips from the public, then the Committee recommends that this be emphasized in public relations campaigns, so that community residents understand the importance of their participation in combatting this problem. Efforts should be made, starting with the very young, to encourage a “culture” that views bootlegging as unacceptable. The Committee further suggest that the Department of Health and Social Services be included in this initiative, as they have responsibility for a huge part of the GNWT’s prevention initiatives, which includes the Minister’s Forum on Addictions.*

## **GNWT Response**

The Department supports and funds a number of initiatives designed to increase awareness of the impacts of alcohol in all communities. These include the “Not Us” program which offers funding to communities for grassroots drug and alcohol awareness initiatives, awareness and training in schools on Fetal Alcohol Spectrum Disorder (FASD) and the Drug Abuse Resistance Education (DARE) program, which is designed for Grade Six students and delivered by the RCMP.

In their efforts to combat illegal activity, including bootlegging, the RCMP also advertises the Crime stoppers anonymous tip line, and information encouraging people to step forward and use Crime stoppers appears in all their media releases.

The Department and the RCMP work in partnership with communities in the NWT to develop policing plans that address the policing priorities of each community. Bootlegging and substance abuse are consistently in the top three priorities identified. The plans reflect efforts to work together to highlight the issues, raise community awareness and involvement, and develop common solutions.

A partnership is being formed with HSS on overlapping issues arising in respect of the DOJ Community Safety Strategy and the HSS Wellness plans.

## **Item 11 – Reporting of Bootlegging**

*The Committee stresses the importance of ensuring that this information is available to community residents, by advertising this on local cable channels and by community radio. Plans should also include establishing and advertising a mechanism whereby unilingual Aboriginal elders and those without access to computers or cell phones can make their complaints anonymously to someone, such as a government services officer, who could then lodge a complaint on their behalf.*

## **GNWT Response**

Although cable is made available in many communities, outside of Yellowknife most TV services are provided by satellite, which is restricted to southern programming. Where they exist, local TV channels and radio stations are used by community based agencies and the RCMP, to convey the importance of working together to combat the illegal use and sale of alcohol in our communities.

If Elders and others were to report bootlegging to a Government Services Officer, this would not be an anonymous report as provided for in the Crime stoppers program. The Government Services Officer would become a third party complainant and could find themselves subject to retribution by the bootlegger and/or drug dealer for making the complaint to the police. For the safety and anonymity of all concerned, using the Crime stoppers tip line is the preferred method of communicating information about bootlegging or other illegal activities.

DOJ and RCMP staff is in regular contact with the NWT/Nunavut Crime stoppers Board and will raise the issue of a unilingual reporter, with a view to identifying options for translation, such as Cantalk.

It should also be noted that Department and the RCMP are aware that the Crime stoppers program for the NWT/Nunavut is facing serious capacity and resourcing challenges, and that these challenges may lead to their dissolution. DOJ and RCMP staff will work with the Board to identify ways to address these challenges and allow the Board to continue their operations in the NWT.

### **Item 13 – Airport Screening**

*Committee does not accept the government's response that nothing can be done in this area owing to the fact that airport screening is done through CATSA. Airports are one of the single biggest points of access for alcohol entering small communities and the ability to screen passengers and cargo for illegal alcohol would make a significant impact on bootlegging in communities. The Committee strongly encourages the Departments of Transportation, Finance and Justice to work together, and with the federal government, to develop an approach that would provide the authority for the appropriate agency to undertake the search and seizure of illegal alcohol transported through NWT airports.*

### **GNWT Response**

The screening of passengers, baggage, or cargo related to flight safety is a federal responsibility determined by Transport Canada and enforced by the Canadian Air Transport Security Authority. The GNWT does not have a mandate or the legal authority to conduct screening of passengers, baggage, or cargo.

Individuals travelling on airlines to communities in the NWT have the right to be secure against unreasonable search and seizure, a right guaranteed by *the Canadian Charter of Rights and Freedoms*.

The GNWT and RCMP recognize and respect *Charter* rights, and take lawful steps to curb the flow of illegal alcohol into communities whenever legally possible. When the RCMP receive reliable information sufficient to obtain a search warrant, or circumstances arise which may provide authority for a warrantless search, they take the necessary steps to investigate the matter.

In order to obtain a search warrant, knowledge of a bootlegging attempt before it happens is key. Information may be provided anonymously to the RCMP through the Crime stoppers tip line.

#### **Item 14 – Restricting the Sales of Large Quantities of Alcohol**

*The Committee finds the response from the GNWT on item 14, to be inadequate. The GNWT needs to take greater initiative to discourage bootlegging, rather than simply leaving it to the communities to approach the GNWT with a proposal. Instead, the Committee recommends that as part of its campaign to discourage bootlegging, the GNWT develop a proposal for draft regulations that would have the impact of restricting the sales of large quantities of alcohol, and then make these draft regulations available to communities to adopt as they see fit. The Committee believes that communities will welcome such assistance in the effort to limit bootlegging and that the GNWT should be making it as easy as possible for communities to do so.*

#### **GNWT Response**

There are currently six communities in the NWT with an operating liquor store. Fort Simpson is the only community with restrictions in place to limit the quantity of sales of alcohol, as indicated by clause 115 of the *Liquor Regulations*. As indicated by clause 115, the actual drafting of the regulatory changes is minimal should a community support a proposal to limit sales in a community. The actual limits could differ on a community basis depending on the wishes of each community. A community can approach the Minister of Finance to look at certain restrictions; however the community needs to support the proposal.

#### **Item 15 – Liquor Profits**

*The Committee wishes to emphasize that it continues to disagree with the government on the merits of targeted funding. The Committee reminds the Minister that the proposal to allocate a percentage of the government's liquor profits to addictions awareness and treatment was supported by the Chief Coroner. The Committee also wishes to stress that allocating a percentage of the government's liquor profits would have very little overall impact on the government's ability to fund other initiatives, but would have a large positive impact on the public's perception that the GNWT does not put an interest in liquor profits ahead of concern over public welfare. In this very important instance, the Committee strongly encourages the government to re-think its approach.*

#### **GNWT Response**

The GNWT wishes to reiterate that it does not put an interest in liquor profits ahead of concerns over public welfare. As Committee is aware, the revenues from the Liquor Revolving Fund are consolidated into the Consolidated Revenue Fund and allocated on the basis of government priorities as determined annually through the budget process. Government priorities include enhancing addictions treatment programs and are funded accordingly through the annual main estimates.