

STANDING COMMITTEE ON RULES AND PROCEDURES
REPORT ON THE REVIEW OF THE MEMBERS' CONDUCT GUIDELINES
FIVE-YEAR LIMIT ON ELIGIBILITY FOR CANDIDACY, DEFEATED

MARCH 9, 2017

MR. O'REILLY: Thank you, Mr. Chair. I would like to move onto the second motion, which is the second recommendation from the Committee.

I move that this Assembly recommend that the Elections and Plebiscites Act be amended to include a five-year limit on eligibility for candidacy for anyone convicted of an offence of violence or threats of violence under the Criminal Code of Canada and who has not received a pardon or record suspension; and where the offence was committed against a person over whom the accused was determined by the presiding judge to be in a position of trust, authority, or intimacy; and, if applicable, that the limitation not apply to offences committed before the coming-into-force date of this amendment; and that a consequential amendment of Section 6 of the Legislative Assembly and Executive Council Act ensure consistency of qualification of sitting Members and candidates. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. The motion is an order to the motion. Mr. O'Reilly.

MR. O'REILLY: Thank you, Mr. Chair. Let us be honest here. This is the one recommendation or motion that is likely to spur quite a bit of discussion and debate, and I look forward to that. I think it is very important that all Members speak on this issue so that their views are known, and we know where everybody stands.

I would like to start by going back to the original referral motion and cast our mind back to December 17, 2015. This is shortly after we were all elected. The very first motion that we passed in this House is we wanted to refer this issue to Members' conduct to the Standing Committee on Rules and Procedures. This was the very first piece of business that we conducted in this House, and it is a very important one. It was fresh on everybody's mind at the time, and what was asked was that the Standing Committee on Rules and Procedures was asked to conduct a comprehensive and public review, including a thorough examination of conduct guidelines from other jurisdictions, both parliamentary and non-parliamentary organizations, all relevant legislation, and the rules of the Legislative Assembly of the Northwest Territories Committee report back in the fall sitting of 2016.

We did do that. We had an interim report that highlighted many of the issues that had been brought to our attention through our research. Then we went out on the road and held public consultations with regard to those issues, that were highlighted in a discussion paper as well. We received written submissions. We held three public hearings in Inuvik, Hay River, and Yellowknife, and we had lots of very careful, crafted submissions to us. As I earlier stated, I thanked all of the parties that participated in the process.

This was a long process for the committee as well, and I do want to commend all the committee members. We have been working on this for over a year, and it has come to a head today, and I look forward to the debate and discussion.

I would like to start by what, I think, the committee heard, and I do not think any of the committee members are going to disagree in any way that there is an expectation out there that Members of this House and those that would like to become Members of this House, there is an expectation of a higher standard for what we do and how we behave. I think that was universal from everybody that we heard from.

Now, people were varied in how best to do that. What we heard was that a variety of positions ranging from leave it basically to the electorate to decide, right through to anybody who has a criminal conviction should not be allowed to run ever again. That was sort of the range of opinion that we had presented to us in terms of eligibility for becoming a candidate.

Now, I think it is also fair to say that we did have some individuals talk to us to say, you know, it is common practice if you would like to become a security guard, a bylaw officer, a school bus driver, a substitute teacher, a childcare worker, even a volunteer in sports, that you have to have a criminal records checked. If there is something on there, maybe even a record of non-conviction, that you may not get the job. You may not have the opportunity to serve as a volunteer.

We did have people say to us: why is it that somebody can become an MLA without that sort of criminal records check? Anyways, it was an interesting question that was posed to us. Now, I guess I would like to say that we fully understand that there is a basic Charter right to run for public office, and that any attempt to restrict that has to be very, very carefully considered. It has to be justifiable. It has to be narrow, and we did seek the advice of the law clerk as we worked our way through that. I am glad the law clerk is here in the Chamber with us, and if there are any questions, I am sure she will be delighted to help us work our way through that.

I think it is fair to say that one of the biggest issues that we heard was concern around the epidemic of family violence that we have here in the Northwest Territories. The statistics are quite plain and clear. They are laid out in our report. Family violence rates here in the Northwest Territories are nine times the Canadian average. I am not going to go on about those, but some of the submissions that we received wanted to take us into a direction of -- well, as I said earlier, all of the submissions that we received, wanted to ensure that there was a higher standard of behaviour, higher standard of conduct for us all to make sure that politicians are in a position of trust, and there's public confidence on what we do and how we behave.

The committee looked at this issue very carefully, and we decided to help us show leadership to address this issue of the epidemic of family violence. We recommended that there should be a restriction in terms of eligibility, but it is a very narrowly defined restriction and you have to have been convicted of a Criminal Code offence that involves violence or threat of violence. If you've had a pardon this would not apply to you, but most importantly, it's a requirement in the Criminal Code that if you've been convicted of a crime of violence or threat of violence the presiding judge has to

determine whether an individual was in a position of trust, authority or intimacy. So that's how the Criminal Code system works and there has to be determination about those things.

The majority of the committee members felt that this was reasonable and justifiable in terms of Charter rights to put this forward, and we do have other jurisdictions in Canada where this is the case. Nunavut has legislation, its Elections Act, that provides for something similar, and Nova Scotia as well. If you've been convicted of a criminal matter in Nova Scotia and the sentence could be greater than five -- sorry, I had better get this right; I'm going to go back to the Committee Report. If you have been convicted of an offence -- sorry, Mr. Chair, I've just got too many papers on my desk here, but if you've been convicted of a Criminal Code offence in Nova Scotia you would be restricted from running for a period of five years afterwards. So this is not unique; in fact, the Northwest Territories had similar provisions until that was removed in 2006 as well.

So all of that to say that I know this is a very difficult matter, but this was what the committee came up with. This was not a recommendation that we put forward lightly; it involved a lot of discussion and internal debate, and I look forward to having that discussion and debate as part of the consideration of this motion. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I move that committee motion 91-18(2) be amended by inserting the words "except in cases of exceptional circumstances as determined upon application by the prospective candidate to the Supreme Court of the Northwest Territories" immediately after the words "position of trust, authority or intimacy" in the second paragraph. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. There is a motion to amend the motion. The motion is on the floor and being distributed. The motion to amend is in order. To the amendment to the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. Mr. Chair, I think one of the highest obligations of any legislator is to ensure that the rights of Canadians, and certainly in our case the rights of all Northerners, are protected including essential democratic rights, and the Charter is our guide to doing that.

I am concerned that the amendment as indicated in Committee Motion 91-18(2) does not adequately ensure that the constitutional rights of Northerners will be protected and potentially infringed by a ban for running for office, and I propose this amendment is a way to provide certainty that, should a ban be brought forward, those subject to it still have an avenue of recourse to apply by way of petition to the Supreme Court and request an exemption to the ban based on exceptional circumstances.

Should this amendment pass, there will be work required to determine those exceptional circumstances, but I believe this is the best way forward to ensure that this Assembly can both send a strong message about expected behaviour of responsible citizens in the Northwest Territories and respond to the epidemic of family violence, which is clearly indicated in both our mandate and priorities document and has been

referenced many times by the honourable Members of this House on various occasions and on various topics.

We have an obligation to be role models, but we also have an obligation to make sure that the rights of Northerners are protected, and this seeks a balance to do both. I know this topic has not been without controversy, and as the honourable Member for Frame Lake mentioned, that's a good thing. It's good that we can debate this fully and understand exactly what we're trying to achieve with recommendations such as these and motions such as these. I do believe that we have an onus to ensure without a doubt that rights are respected when we are making statements and changing the rules for the reason of addressing social ills in our territory.

So with that, Mr. Chair, I will yield my time, but I look forward to debate on this amendment and any other motion. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. To the amendment to the motion, Mr. Sebert.

HON. LOUIS SEBERT: Thank you, Mr. Chair. I see this amendment as being very problematic. Surely the decision as to whether a person can stand for election is the job of this House. I don't think we should advocate to the judiciary that job.

The amendment says "except in cases of exceptional circumstances as determined upon application by a prospective candidate to the Supreme Court of the Northwest Territories," it doesn't even give any direction to the court as to what these exceptional circumstances might be. This would remove from us and put into the courts the decision as to whether a candidate can run, and in my view it's totally unacceptable and I'm urging Members to reject this motion. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Sebert. Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chairman. Mr. Chairman, I have a question on the original motion, so I will wait until the original motion comes back up for discussion.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Beaulieu. It may not, but you can wait. To the amendment to the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I guess I would like to ask the law clerk, if I may. I know I had some concerns initially about this terminology of exceptional circumstances, but I'm just wondering if we might be able to hear from the law clerk in terms of what this would do in terms of the Charter right. Why don't we start with that? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. Mr. O'Reilly asked me to direct it to the law clerk, so I'll direct it to deputy law clerk Ms. Holland. Ms. Holland.

MS. HOLLAND: Thank you, Mr. Chair, I'll speak briefly. Given that there is little detail in the amendment to the committee motion regarding the meaning of "exceptional circumstances," it's difficult for me to say what implications this might have on the constitutionality more broadly of the proposed legislative amendments.

It is possible that something like this could potentially provide an avenue for judicial oversight in cases where the application of these legislative changes could raise

concerns about Charter validity, perhaps with respect to arbitrariness or other kinds of concerns that tend to raise red flags about Charter compliance, but as drafted, I'm not able to provide an opinion on how that would apply in this case.

CHAIRPERSON (Mr. Simpson): Thank you, Ms. Holland. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I guess I'd like to ask through you, then, another question, if I may. I've got a couple of ideas of things that could be considered as exceptional circumstances, but I'll just go ahead and throw them out there. Somebody who may be a few days or a week short if they were caught within that five year period and an election had been called and they may be a few days short of something. Presumably that is the sort of thing that could be determined through this sort of process as an exception circumstance. Is that the sort of thing that could be defined in that way? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. Ms. Holland.

MS. HOLLAND: My view is that, simply based on the discussion we are having now, that could be something that could be drafted into legislation as an example of an exceptional circumstance. Obviously, I think there would need to be more discussion regarding the particular harm that the legislature is seeking to avoid by invoking a provision like this. That said, allowing a mechanism for usual oversight where the consequences of these legislative changes could have a particularly harsh consequence for a particular individual in their circumstances may have a consequence for the constitutionality of legislation in terms of making it less likely to be found to be contrary to the Charter. That said, again, to provide a more definitive opinion I would have to see the proposed language.

CHAIRPERSON (Mr. Simpson): Thank you, Ms. Holland. Anything further, Mr. O'Reilly?

MR. O'REILLY: Thanks, Mr. Chair. I think I have put the law clerk on the hot seat long enough. I guess the other circumstance that might be construed as exceptional by some would be if someone had a Criminal Code conviction and was prohibited from running. Assuming all the conditions were still there, if someone had been through a healing process journey and had completed that sort of treatment and so on, would this be another way of defining what an exceptional circumstance could be?

Where I am going with this, Mr. Chair, is I view this as a potentially friendly amendment and worthy of probably some further work. I think, as drafting instructions, general direction, in terms of amending the original motion, I think this is helpful. I haven't really had a chance to discuss this with any of my committee colleagues. That is my personal view. I think it would also probably address some of the issues and concerns that we have heard from some members of the public. I view this as a friendly amendment. I am prepared to support it. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the amendment. Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. To the amendment. Taking into account the integrity of this institution and listening to my colleague across the way who has legal

background and looking at the amendment and the wording on exceptional circumstances, that could be defined in several ways, if passed, could go against the integrity of this institution to use something so vague that would be caught up in litigation for several weeks or several months depending on the court's schedule to really define what is exceptional. By that time, two Assemblies may have passed. To me, it doesn't strengthen the integrity of this institution to have acts of loopholes or defined as loopholes, and really not viewed to the reader as a real defined terminology on exceptional circumstances. I just point that out, Mr. Chair. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. McNeely. To the amendment. Ms. Green.

MS. GREEN: Mr. Chair, I am not sure about how the procedure would work here. I wonder if we could amend the amendment to refer this motion back to the Rules and Procedures Committee to take on the task of defining exceptional circumstances and to bring that recommendation back after that work is considered. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Ms. Green. You need to put forward a motion to amend the amendment to the motion at this point in order to do that. Do you have a motion?

MS. GREEN: I could make one. I move that recommendation number 2 of the Standing Committee on Rules and Procedures report entitled "You Are Standing For Your People" be referred back to the Rules and Procedures Committee for further clarification. Thank you.

CHAIRPERSON (Mr. Simpson): We are going to take a brief recess.

---BRIEF RECESS

CHAIRPERSON (Mr. Simpson): I call the Committee of the Whole back to order. We have a motion on the floor. Ms. Green, would you please read your motion?

COMMITTEE MOTION 92-18(2):
COMMITTEE REPORT 7-18(2), STANDING COMMITTEE ON RULES AND
PROCEDURES REPORT ON THE REVIEW OF THE MEMBERS' CONDUCT
GUIDELINES – MOTION TO REFER COMMITTEE MOTION 91-18(2) AND
AMENDMENT THERETO TO THE STANDING COMMITTEE ON RULES AND
PROCEDURES FOR FURTHER CONSIDERATION, DEFEATED

MS. GREEN: Thank you, Mr. Chair, and just a quick thanks to the staff for drafting this on the fly. Mr. Chair, I move that Committee Motion 91-18(2) as contained in Committee Report 7-18(2): Report on the Review of the Members' Conduct Guidelines and the proposed amendment thereto be referred to the Standing Committee on Rules and Procedures for further consideration in accordance with Rule 58(e). Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Ms. Green. The motion is an order to the motion. Ms. Green.

MS. GREEN: Mr. Chair, I have heard some justifiable concerns from my colleagues

about the need for greater definition around the phrase "exceptional circumstances" and some clarity about how this is going to work in the context of eligibility for being a candidate in the territorial election. I think that that is a worthy question, and I believe it is worth the committee's time to examine it, and to provide some clarification to it, and bring it back to this House for further consideration. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Ms. Green. To the motion? Mr. Sebert.

HON. LOUIS SEBERT: Thank you, Mr. Chair. I do not know how many times this committee met. I was part of the committee, of course, but it was numerous. Many had different suggestions, and ultimately, we came forward with the report that is before us today. I do not think there is any point referring this matter back to the committee. We spent enough time on it. We need to resolve it. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Sebert. To the motion? Premier.

HON. BOB MCLEOD: Thank you, Mr. Chair. To me, it looks like a circular motion. It will just keep us going around in circles, so I would not support it. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Premier. To the motion? I will return to Ms. Green to conclude debate on the motion. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. Mr. Chair, this, in fact, is not circular. This is the first time this motion has been considered by this House, and so we are asking to be able to respond to the feedback that we have received here in a constructive way, and to bring this motion back.

It isn't really circular, and it does introduce new information. If the original motion had contained the exceptional circumstances clause, I think there is a good chance we would have worked that out and worked it in, in the first place, as it provides a useful safeguard. I encourage the Members to support this motion, and I would like to ask for a recorded vote. Thank you.

RECORDED VOTE

CHAIRPERSON (Mr. Simpson): Thank you, Ms. Green. The Member has requested a recorded vote. All those in favour, please stand.

CLERK OF THE HOUSE: (Mr. Mercer): Ms. Green, Mr. O'Reilly.

CHAIRPERSON (Mr. Simpson): All those opposed, please stand.

CLERK OF THE HOUSE: (Mr. Mercer): Mr. Nadli, Mr. Nakimayak, Mr. Moses, Ms. Cochrane, Mr. Abernethy, Mr. McLeod – Yellowknife South, Mr. McLeod – Inuvik Twin Lakes, Mr. Schumann, Mr. Sebert, Mr. McNeely, Mr. Vanthuyne, Mr. Testart, Mr. Beaulieu, Mr. Thompson.

CHAIRPERSON (Mr. Simpson): All those abstained, please stand. The results of the recorded vote are 2 in favour; 14 opposed; zero abstentions. The motion is defeated.

---Defeated

CHAIRPERSON (Mr. Simpson): To the amendment to the motion. Question has been called. All those in favour. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. Mr. Chair, I appreciate the debate that emerged around this, and I just want to make a few comments. This proposal is not a loophole. It is, in fact, a safeguard, and a critical protection of the rights of Northerners on a proposal that is designed to limit the ability of a candidate to contest an election.

We have reasonable limitations to Charter of Rights. For example, hate speech in this country is not allowed, and it is a reasonable limit on the right of free speech. That is just one example, and there are many more. The honourable Minister of Justice, and I respect him greatly, he made the comment that this Assembly should not be determining who gets to run. We do that through the Elections and Plebiscites act, which was passed and gets amended by this Assembly as well, and it lays out the criteria for being a candidate. That act also lays out the ability for candidates who have conflicts with the act to make petitions to the Supreme Court of the Northwest Territories in asking for exceptions. For example, if a candidate is late in filing their returns, they can petition the court to give them leave in the form of a reasonable excuse. This exception would follow a similar course and, further, this is a motion; it is not a bill or a legislative proposal. The details of exceptional circumstances could be worked out in such time, as if it were accepted and it was drafted into law.

I do appreciate the passion around this, but it is not designed to cause confusion; it is designed to assure the public that the rights of Northerners are protected, and minimal interference is imposed upon the Charter of Rights, as a result of this proposed recommendation. However, I am entirely respectful of the will of the House, and should the amendment not pass, I will then turn to the original recommendation and make comments thereof.

I do not believe that we can support the original recommendation without an amendment that ensures rights are protected, and still allows us to make a very strong statement on an epidemic that is destroying lives in the Northwest Territories. I urge my colleagues, the honourable Members of this House, to support this amendment. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. All those in favour. All those opposed. The motion is defeated.

---Defeated

CHAIRPERSON (Mr. Simpson): Thank you, committee. Back to motion 91-18(2), the original motion. Mr. Nadli.

MR. NADLI: Thank you, Mr. Chair. I wanted to thank my colleagues for the report on the rules and procedures on the standing for your people on the review of Members' guidelines. I just wanted to thank them for the report. Mahsi, Mr. Chair.

I am Dene; I am a father; I am a grandfather. I am human; I made a mistake; I am working on myself, and I have moved on. I wanted to speak to this motion. As representatives of our people, we have a duty to study and inform ourselves about the

issues we face and take principal positions before we vote. In general, I think it is an obligation of duty for many of us to abstain on the question before us.

This having been said, I plan to abstain from voting on this recommendation, not because I am afraid to take a stand on this difficult issue, but because of the very personal connection I have with it. I don't plan to relive the history here, again, today, but I do want to provide a few observations on the recommendation before you.

I would like to start by pointing out the obvious: if this recommendation was part of the law two years ago, I would not be here today, speaking with first-hand knowledge of the road that has led so many Aboriginal people to lives of addiction, abuse, and hopelessness. Regardless of whether you feel I should be here or not, I hope you will find value in that unique perspective.

It is not the type of wisdom I am particularly proud of, but as with most of life's lessons, the truly valuable ones are learned the hard way: by making mistakes. What strikes me most about the recommendation before you now is the focus on the punishment: punishment that carries on after the offender has paid his debt to society; punishment that continues long after the offender has the opportunity to avail himself of the rehabilitative nature of our criminal justice system; punishment that adds an additional layer to the criminal law for a specific type of crime; and the holding of a specific type of public service.

We may be absolutely clear and wholeheartedly agree with the committee's conclusion that family violence is at epidemic-rate levels in the NWT. The committee provides compelling statistics that the vast majority of family violence cases are perpetrated by men against women and girls. It goes on to conclude, without evidence, that ethnicity does not play a role in determining the frequency of offenders or victims of family violence. The statistics may not be readily available, Mr. Chair, but it doesn't take a PhD to know the certainty that the incidence of family violence in our Aboriginal communities is far higher than elsewhere in the NWT and in Canada.

I know, from first-hand experience, that our correctional institutions are full of Aboriginal people convicted of this and other types of crime. A recent report on the Canadian correctional system found that the three northern territories have among the highest rates of incarceration in the world. The recommendation before you will not address this dire situation. In addition to ignoring the restorative aspirations of our criminal justice system, it extends the punitive nature of a very specific type of crime beyond what is already provided for in the Criminal Code.

Furthermore, it robs our people of their precious right to choose who they wish to represent them in this place. For a man, voting for someone with a history of family violence will always be out of the question. I certainly wouldn't recommend it to anyone as a way to improve their chances of an electoral success. For others, however, including the people of the Deh Cho riding in 2015, electing the candidate who has made mistakes, paid their debt to society, learned valuable lessons, and is willing to bring his wisdom to the debate about issues such as this one, the choice is different.

How is it that we feel the need or the right to protect our people from themselves at the

ballot box? Family violence is a serious crime; being an MLA is a serious job, but are they the only serious crimes and jobs? Why would we be more comfortable allowing someone convicted of drug trafficking, breaking and entering, bootlegging, fraud, or even a hate crime, for running for office after they have served their time? In fact, the proposed restrictions would not apply to persons convicted of random acts of violence, including assault, manslaughter, or even murder.

I say this not to lessen the importance or prevalence of family violence in the NWT, but to demonstrate the problems that come with trying to achieve important societal goals with such a blunt instrument. Why do the recommendations stop at a person's eligibility to run as a Member for the Legislative Assembly? Instead of rules in place for many types of professions and offices, do we expect some of the restrictions for people interested in running for municipal councils or education boards? What about teachers, social workers, house maintainers, water truck drivers, or appointees to territorial and regional boards and agencies?

Do they not hold positions of trust and authority in our communities? Are we calling on the Parliament of Canada to enact some of the restrictions to MPs or band councils? Where exactly do we expect people, who have committed crimes and served their sentences, to work? Do we want their elected assemblies to be so whitewashed that they have no understanding of the reasons why our communities and people are struggling so much?

Mr. Chair, I don't want this to sound like there should not be consequences for those who perpetrate family violence. There must be, but there must also be hope for rehabilitation, for healing. I like to think that my first-hand experience with A New Day program added weight and gravitas to the successful arguments made in this House to keep that program alive.

I would like to think that, by taking responsibility for my actions and for my healing, I can serve as an example to other Aboriginal men that there is an alternative to violence; that there is hope after punishment; that there is only a way forward, other than shame and recidivism.

Mr. Chair, our current legislation is not "toothless," as some have suggested. As a sitting Member of the 17th Assembly, I lost my seat as a result of my actions. This would have happened whether my actions happened at the beginning or at the end of my term. Our current legislation allows the Legislative Assembly to discipline its Members at any time and for any reason, including expulsion. I fail to see how the proposed amendments would make the situation better. In fact, the recommendation places the onus on the judge to declare that the accused was in a position of trust, authority, or intimacy in order for it to take effect. What criteria do judges apply in making this determination? Are they aware of the implications of doing so for current and future elect oral candidates? What if these exact words are not uttered or if they are not recorded as part of the sentencing? How do we expect election officials to monitor and enforce this?

The right to run for elected office is enshrined in Canada's Constitution. As legislators, we must be exceedingly careful whenever we attempt to limit such inalienable rights. Once a member of our society has served a debt to society, is it appropriate that we set

additional limits on their return to full citizenship? Is it even desirable. Are better laws made by groups of individuals who have not made mistakes and learned from them? Should not our people be the final arbiters of who should and should not represent them in this place?

I will leave you with these questions to quote from former U.S. Attorney General Robert Kennedy who said, "Circumstances of crime vary. So do motives, and so do the prospects for rehabilitation. The number of imponderables makes it impossible to sentence by formula and still sentence justly."

Mr. Chair, I worry that, by voting against this recommendation, I would send a message that I do not take responsibility for my past actions or view family violence as an epidemic problem in our territory. If I voted for it, I delegitimize my own presence here and the support of the people who elected me. I am happy that I am not a prisoner of my past, that I am able to use the lessons from my mistakes to better serve the people who I represent. This won't be the case with everyone, Mr. Chair.

We need to find creative and effective ways to address the root causes of family violence in our society. One-size-fits-all formulas that continue to punish people for their crimes long after they have paid their debt to society and deny electors their right to choose sounds to me like a step backwards and not forwards. I will be abstaining from this vote. Mahsi, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Nadli. To the motion. Ms. Green.

MS. GREEN: I would like to thank my friend and my colleague Mr. Nadli for his words. I know that they are spoken in truth and from the heart. I also know that the voters of the Deh Cho made the right choice in returning him to this Assembly as their MLA because he is a very good MLA. I very much appreciate the wisdom that he brings to our debates, as he has done here today. That said, we are not on the same page.

I want to talk about a couple of things. The reason that we are talking about family violence and not drunk driving or theft or a number of other crimes is because of the prevalence of family violence and because of its destructiveness. There is hardly a family in the NWT, and mine is included, that has not been touched by the scourge of family violence. Once touched, it marks families forever. There has to be a way out of this. Our predecessors here have taken a stand on family violence before. It is time for us to do that again. This report was the way in which the committee on rules and procedures decided to address this issue.

I want to tell you, Mr. Chair, that family violence is worse now than it was in 2006. Not only are the rates higher, there are an additional eight women who have been murdered since the end of 2011. This is a problem which is not going away. We are not making any inroads on it, no matter our good intentions and efforts and those of the people who serve both the women and the men who are caught up in this tragedy. This is the crisis of our time. It affects half the population directly and all the population indirectly. It is not acceptable. It is preventable.

We have an opportunity, as role models in the Northwest Territories, to say to our constituents and to everybody who is listening that family violence is not acceptable,

and we are prepared to be role models not accepting it.

I appreciate that this is not a view that is widely shared here. I know I am going to be disappointed by most of you. You are going to vote against this strong statement on family violence. I very much regret that. You can't unsay it. You can't make it go away by not talking about it. If it is not going to come to you in this form, it will come back again. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Ms. Green. Ms. Cochrane.

HON. CAROLINE COCHRANE: Thank you, Mr. Chair. Mr. Chair, the right to vote is an important piece of what it means to be Canadian. Voting is not just a right guaranteed to you in our democratic system, it is also a responsibility that comes with receiving the benefits of that system. All the services, all the freedoms, all the good things that you enjoy every day, all come with a price: the responsibility of voting to ensure the strength of our system.

Mr. Chair, it wasn't long ago that the right to vote wasn't extended to all Canadians. Up until 1951, women were prohibited for running for their bands' councils under the Indian Act. Only in 1960 Indigenous people in this country were given the right to vote in a free election. 1960 is the year I was born. I consider the right to vote my birthday gift, and I do not take that gift for granted. Many of my relatives older than I remember not having the right to vote.

The right to vote comes with the freedom to be able to vote for the person in your community that you believe is the best person to represent you. It gives you the right to make a decision, to support a candidate that you have faith in to represent you, and to fight for the people that they represent.

Mr. Chair, limiting the rights of an individual to run for office for five years after a conviction for a criminal offence is a step in the wrong direction. What this will do, Mr. Chair, is limit the rights of voters to choose the best candidate. Who are we to do that? The Legislative Assembly is not the criminal justice system, and a ban of this nature limits the rights of our residents to make decisions on their own about which candidate they should and shouldn't elect.

Mr. Chair, as a voter in the Northwest Territories, I want to be able to make the decision myself. I want to be able to look at someone who has been convicted of an offence and judge them for myself whether they have been able to heal. If we restrict their ability to be a contributing member of society even further, we are limiting their right to be on a healing path. We are all human, Mr. Chair. We all deserve the right to follow that path.

Do not get me wrong, Mr. Chair. I do not support family violence. We have a serious family violence problem in the Northwest Territories, one that requires the time and attention of this government, stakeholders, and our communities to help bring change. As the committee stated in its report, men make up 82 per cent of all domestic violence cases in the Northwest Territories from 2008 to 2012. These numbers are troubling. If we want to help men find the path to healing that I spoke of earlier, increasing their punishment is not the answer.

Mr. Chair, the committee stated in its report that they heard from residents that a truly rehabilitated offender might be capable of leadership and their transformation be assessed by the voters. We know all too well the impact domestic violence has, but, Mr. Chair, why are we trying to take the right from our communities to make these assessments on their own?

Voting connects citizens with the political process, Mr. Chair. It helps choose our leaders; those who share our views and those who may inspire us. The simple act of marking a ballot tells our leaders what we think about decisions that affect our lives. Marking a ballot also tells our leaders that we believe in them to be the person who we trust to lead us forward. Putting a limitation on who can run for office will take the power away from the voter and the right to make that decision on their own.

Mr. Chair, today I wear my Metis sash in honour of the day my people were granted the right to decide for ourselves; the day we got the right to vote. As a Metis woman and a Member of this Assembly I cannot, in good conscious, support a motion that would inhibit self-determination achieved through the democratic process nor the rights of candidates and voters to engage in it. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Minister Sebert.

HON. LOUIS SEBERT: Thank you, Mr. Chair. Firstly, I'd like to thank all Members and staff of the Committee of Rules and Procedures for their careful consideration of this very important issue.

In Canada all jurisdictions have legislation determining who can run for office and have prohibitions on the right of a citizen to run for office where that person has been convicted under the applicable elections legislation.

In our jurisdiction, under the Elections and Plebiscites Act and the Legislative Assembly and Executive Council Act, there is a definition as to who is eligible for election and who may serve in this Assembly. Our current legislation disqualifies candidates or Members who are convicted and imprisoned as a result of a criminal conviction, but this disqualification ends when the term of imprisonment ends and does not apply to offences which do not result in jail sentences, and a five-year prohibition on anyone convicted of a major election offence.

Our current legislation is similar to that of most jurisdictions and of all Canadian jurisdictions; only Nunavut and Nova Scotia have broader-based prohibitions on running for office. Under the House of Assembly Act in Nova Scotia, persons are barred from running or continuing to sit if they are convicted of an indictable offence punishable by imprisonment for a maximum of more than five years, and that prohibition lasts five years from the date of conviction. Again, we're talking about indictable offences. This proposal talks about indictable and summary conviction offences, applying to all offences.

In Nunavut, a Member convicted under the Legislative Assembly and Executive Council Act of an indictable offence is not able to be or remain to sit as a Member of their Assembly.

The standing committee's proposal is far broader, applying as it does to all offences of violence, summary and indictable, committed by a person over whom the accused was determined by the presiding judge to be in a position of trust, authority, or intimacy. I see this proposal as problematic in many ways. Unlike the legislation in Nunavut and Nova Scotia, it would apply to all criminal offences of violence, no matter how minor, and not only the more serious ones which are indictable.

There is a serious problem of domestic violence which we try to address in this Assembly, but the proposed legislation goes far beyond domestic violence and it includes all situations of violence where there is a position of trust, authority, or intimacy. So it would include parent-child, teacher-pupil, and employer-employee, among others.

The proposal, and this has been mentioned by Mr. Nadli, also requires the determination by a judge that the violent offence was committed against a person over whom the accused was determined by the judge to be in a position of a trust, authority, or intimacy.

A review of a criminal record will not provide this type of information, and it would be therefore necessary to examine a transcript of the case to determine the judge had made such a finding. This creates a practical problem, as transcripts are not always readily available, and as presumably the legislation would apply to an offence anywhere in Canada it would be necessary therefore to obtain transcripts from other jurisdictions. A logistical nightmare.

Section 3 of the Charter of Rights and Freedom states:

"Every citizen of Canada has the right to vote in an election of the House of Commons or of a Legislative Assembly and to be qualified for membership therein."

Certainly, the law in this area is not absolutely clear as to whether the proposed change would be subject to scrutiny under the Charter of Rights. I suggest that it likely would. Whether it would be set aside because of that, I do not know; the law and the cases are not recent nor clear.

Additionally, conceivably this legislation might be open to attack under our human rights legislation which prohibits discrimination on the basis of social condition. So there are several ways it might be attacked.

Jurisdictions outside Canada, including many in the United States, have excluded from voting or running for office those convicted of serious offences. I used to live in one of those jurisdictions, in Virginia. The effect of that type of legislation has been to disenfranchise large numbers of the poor and those from minority groups. We know that a disproportionate number of those appearing in our courts are Aboriginal, and it is logical to assume that the proposed recommendation, should it become law, would disproportionately impact our Aboriginal citizens and their right to be candidates.

As has been mentioned by Ms. Cochrane, the right to vote is sacred in our society. Canada has been a democracy for 150 years, but who has been allowed to vote has changed since 1867, when only men with property of a certain value were eligible to

vote or run for office. Restrictions on voting or running for office have been relaxed over time, clearly, with women given the right to vote federally in 1918 and in all provinces by 1940; racial restrictions on voting were not fully ended until 1960, when treaty Indians were given the right to vote.

The whole thrust of our democracy since 1867 has been to allow more, not fewer, citizens to participate by voting and running for election. We should not reverse this progress by eliminating the right to vote in the manner proposed.

This government recognizes that there is an unacceptable level of violence in our territory. We are attempting to do things about it. It is included in the mandate of the Government of the Northwest Territories and I feel that we are making progress. It's going to be difficult. We are making progress. This government is clearly committed to making progress. I suggest, however, in the end, as has been mentioned by other speakers, that we should leave this very important decision to the voters. Let the voters decide and reject this proposal. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. Thompson.

MR. THOMPSON: Thank you, Mr. Chair. Mr. Chair, this is a very touchy subject, and I was part of the committee that went around to the territories and listened to people. So first off, I would like to thank the committee for all the hard work that we put into this report. We met 19 times. We went and listened to people. We had submissions. So we have to realize this wasn't done willy-nilly; this was done through the work of a committee that was trying to make the code of conduct work well for the Members and for the people of the Northwest Territories.

I have to thank the research staff in the clerk's office for everything they did to complete this report. They worked hard, just as we did, and tried to represent what was heard.

As well, I would like to thank all the people and organizations that took the time to present to this committee. People went out of their own way to represent their viewpoints to us. Their time and thoughts were greatly appreciated, and helped us, the committee, to complete this report. Not just the one, but the whole thing.

For the record, I do not support or condone violence of any form, especially family violence. With this in mind, and as we worked on the final report, I could not support the recommendation; however, as a committee, the majority rules, and that is what is presented here today.

Mr. Speaker, I appreciate what my honourable colleagues from Thebacha, Deh Cho, Range Lake, and Yellowknife Centre have spoken about here today. It is very passionate for people. It is from the heart, people spoke, and I appreciate that. I appreciate the honesty of people speaking here.

Are we going to get the answer right? Who knows? I honestly don't know. When we look at it, I have to vote with my heart, and what my gut is telling me. I have been up front from the very beginning that I did not support this motion, so it is not because of public pressure that I am changing my opinion. I understood, and had the opportunity to be a Justice of the Peace, so I got to witness it firsthand that family violence has an impact

on the Northwest Territories. I have had the opportunity to see the devastation that has occurred. However, there are always two sides to the story, and people need to understand that.

When I was looking at this, through our whole process, our criminal justice operates that once an offender has been convicted and their debt to society has been deemed paid, that we can move on. If this motion is accepted, basically, we are charging that person a second time, or double jeopardy. I appreciate my honourable colleague from the Deh Cho in speaking about the situation. He has lived it, and I appreciate that. I have had a number of conversations with the honourable Member. However, it is not about him. I want that for the record. My decisions are not about what has happened in the past. It is on how we move forward.

We should focus on healing. We really should. Unfortunately, this is what we were tasked to assign. That wasn't our responsibility. Our responsibility was to work on a code of conduct. With this in mind, as my other colleagues have spoken about, the fail-safe is that the voters can make the decision if that person is who they want to represent them here in the Legislative Assembly. I cannot, in good conscience, make a decision for them. They make the decision on who is going to representing their riding, and sometimes they make good decisions, and we can live with that.

I have to say something that a fellow colleague spoke this to me today, and I believe it. If we had accepted this, as the honourable Member from the Deh Cho said, he would not be here today. His leadership and his experience is, in my opinion, greatly valued. If I looked at it, if we all got charged for things that we have done in our past, we would not have been here. We have all made mistakes. If you do not say you did, I would think I would call you a liar because I know there are things that I have done in my life that I should not have done, and we learn from it. It is the opportunity, as I say, to people in -- I will digress a second here. If we look at it, what is a good kid and a bad kid? Good kids learn from their mistakes, or are given that opportunity. That is what we are looking for, is good leaders, and sometimes you have to learn going down the road of hard knocks, and if you do not do that, we are not going to move forward as a society. I know this may not make the public happy with me at the end of the day, but at the end of the day, true leadership is to speak from your heart, and I have to give credit where credit is due. Everybody here is going to speak, and I respect that, but at the end of the day, I cannot support this motion, and that will be the end of it. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chairman. Mr. Chairman, I, too, served on the Rules Committee to present this report to the Assembly. As we travelled around, we heard a variety of views on this, many views. Some views, I suppose, I personally did not disagree with. I felt that many of the views were not views that took into consideration the voting public. I feel that the public has the right to vote, and the public has the right to choose the best candidate that can represent them at this level in this Assembly. I feel that if the public indicates that they want a certain Member, then we should not put additional punishments in to not allow individuals to represent people.

It is very difficult to get individuals in the House who can speak Aboriginal language. If

this is something, and the information that has come out that proportionately, this would affect Aboriginal candidates more than other candidates, and that is just from the statistics that I speak of.

When an Aboriginal group or community finds individuals who can communicate with everyone in the community, including individuals who only wish to speak Aboriginal language, it would be a shame that something like this could prevent that individual from continuing to represent the people who think so dearly of the language, and want to speak and communicate in that language. I know that I represent people in the various communities who prefer to speak the Aboriginal language when they speak to me about their issues.

I had spoken to an elder many times who had passed away two years ago who was a friend of my father's, who was in residential school with my father, and she had come to me one day and said, "You are going to run again, right?" I said, I might.

She said, "Well, you should, because we never need an interpreter with you. So, when I speak to you, I know exactly what I am saying is going to be presented to the government, or in the House, because that is exactly what I want to hear, and you understand 100 per cent of what I am saying."

If this law or this rule comes into effect, there is a possibility of that being impacted. There is a possibility that people who wish to be served by a person who is bilingual, and a person who speaks to them and about them and understands the language to a "T" that that person could be lost to them, as a person that could be possibly representing them. That, I had trouble with.

The other thing is more technical. I do not even know if it would be possible for individuals convicted of certain crimes to become eligible to have their records suspended or to be pardoned. I think that, in some instances, after the crime is committed and the punishment is served, that it takes maybe seven years, 10 years, whatever, in order for that individual to become eligible to apply for a pardon which, again, takes some time, and sometimes it is not issued. A record suspension, I think, is easier to obtain, but that is also another one that may not be issued. Depending on crimes that we are not even talking about here, an individual could end up being unable to get a record suspension. An individual, who we are targeting, saying this is based on family violence, could commit another crime which doesn't allow them to get a record suspension. Something that is not intended to be achieved here will be achieved. As a result you could end up eliminating candidates that the people want representing them.

I don't want to rehash a lot of stuff. I agree with what the Members of the House said today. I think the main issue, from my perspective, is that people have the right to vote for the person they feel best serves their interest at this level. They shouldn't be saying you are not eligible. We shouldn't be saying, and the judge shouldn't be saying that in the court of law, that you are not eligible. Somebody who suspends records somewhere in Ottawa shouldn't be saying that individual cannot represent this group of Aboriginal people in the Northwest Territories. For that reason I, too, will not support this recommendation. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chairman, and thank you to everyone who has spoken today. I certainly want to commend the Standing Committee on Rules and Procedures for all the work that they have done.

I had a big script laid out. Of course, it speaks a lot to exactly what most everybody has already spoken about here today. It has points with regard to what we are working on as the government relevant to the systemic issues that we face, especially around violence. It was going to speak to how I see this recommendation as setting double standards. I was going to speak to how we have to protect democracy. I was going to speak to how we need to leave it to the electorate to make the decisions on who they best feel will serve them in this House.

Then my colleague from the Deh Cho spoke. At the end of the day, this is about how we conduct ourselves. That is what this recommendation and all these recommendations are about. I look to my colleague, and I can certainly advocate and I think that most here in this room see the honourable Member as a voice of reason. Certainly, someone who has shared not only his personal experiences with us in the last year and change that we have been here, but he leads by example as a political figure here and shares a lot of wisdom with us. If there is anybody in here who I feel that I have learned from, as it relates to conduct, it is the honourable Member from the Deh Cho.

I feel that when we use that word, "honourable," that it is something that we hold up in the highest regard. I can honestly say that when it comes to this particular individual, he has had probably the most effect on me as it relates to the standard that is expected to conduct yourself in this House. I think we learned once again today as to why it is we really feel that this Member from the Deh Cho is, and ought to be, held in the highest regard.

I won't add my voice as it relates to all of the other points that everybody has raised. I think that everyone knows that my position is that I cannot support this recommendation. For those reasons, I won't be able to support it. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I think, to anyone observing today's debate, it is very clear that the honourable Members of this House place the rights of Northerners at the highest possible level the paramount responsibility of this Assembly, and that is to be commended. Further, anyone who heard the honourable Member from Deh Cho speak knows firsthand that the experiences he brings to this House are irreplaceable and speak to many things. That experience informs the decisions of this Assembly and makes us a stronger Assembly by having that experience shared and infused into how we discuss very complex and often painful issues.

Family violence affects everyone, whether it is your family, your neighbours, or people near and far, and it is without a doubt that it needs to be condemned in all its forms and every time it is encountered. I believe that that principle is why the standing committee has brought forward this recommendation. It is well-intentioned in that they want to make a strong statement, as they say in their report, on "creating a strong statement on

normative values for the Northwest Territories." However, when there is any fear or concern that it could impact on the rights of the individual, we have to question its validity.

In its current form, I cannot support this recommendation. One of the most important things about consensus government is that we are all here as independents. We are all here as individuals, and the only people we serve are our constituents. That is a very important principle that Northerners have chosen and expect from us. The strength of that system also means there are some trade-offs.

The committee, in its report, mentions specifically that in partisan systems, where there are political parties, there is a vetting process. In those cases, there is a higher degree of scrutiny on who can run for candidates on that party's ticket. We do not have that vetting process. That is something we have to accept as a feature of consensus government. We can try to rejig rules and to change procedures as much as possible, but fundamentally there are just some things that our system cannot accommodate.

I personally think that that is a choice that Northerners have to make. They have made a choice for consensus. We are all here as consensus politicians. As a result, we have to be responsive to that. We can only bend or modify the rules so far. We have to respect that as well.

It is very clear from the statements that have been made in this House today that placing a limit like this goes too far. Without any assurances that rights will not be infringed, it cannot be considered. I think that is an important thing to consider when we address other issues with our code of conduct, our rules, and the very system of government that we have.

With that, I will just reiterate that I think that the committee was well-intentioned, but has put forward something that raises too many questions as to whether or not it infringes upon constitutional rights. I cannot support it in this form and will not support it when it comes to a vote later today. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. Nakimayak.

MR. NAKIMAYAK: Thank you, Mr. Chair. I thank the Rules Committee for bringing this forward and also to my colleague that I have sat next to here for some time and across the room in P and P.

Definitely, today was a lot of stress, a lot of pressure. You see a sense of healing when someone can speak like that to something so powerful, and especially when it feels like someone is being zeroed in on. I definitely felt that. I think there is a sense of healing and a sense of moving forward.

We talked about candidacy and eligibility. I know I don't support family violence, but at the same time, we don't talk about healing. The Northwest Territories consists of so many different Aboriginal groups from all walks of life and the differences from poverty to wealth are so extreme that sometimes I look at something like this and I think they're so far from the actual -- some live life in poverty it's so far-fetched from that that there's nothing that reflects people who live in poverty or live in smaller communities who don't

really have a voice.

I've worked with men's healing groups, you know, in different parts of Canada and I see that men are totally, in a sense, are less looked at. As far as healing, I just had a text here from one of the leaders in my region saying that someone was just sent home. Okay, where's the after care? I think we need to focus on the after care programs for people who have attempted suicide and people who have offended and people who are struggling. We don't look at those aspects of their lives but we judge them right away at an instance, and I think that's totally unfair and I think it takes away from what an Indigenous person has to offer.

My colleague Mr. Beaulieu mentioned having Indigenous people who can speak their languages. Yesterday, we had some people talking about revitalizing language and that's something we have to focus on. Look at the Truth and Reconciliation Commission; they're looking at ways to implement that. Even here in the territories we're so far behind from colonialism and other pressures of Indigenous people from other sources. The GNWT includes Indigenous people with the mining industry, so in a sense there are some good positives there that we can focus on and build on and look at those as examples of working together.

There are Indigenous groups who are negotiating their land claims. We need to focus on those and say, okay, well, how is the system working and is it working for the people of their respective regions across the territory?

I work with Indigenous groups around the world and I see that Indigenous peoples are totally unrepresented and sometimes don't even have a voice. So, in a sense, in Canada here we're lucky that we're focusing on Indigenous peoples, including making them a priority. We need to ensure that they have a voice and that the people who they decide to elect for office is up to the people. I believe that if we take that away from Indigenous peoples or from non-Indigenous peoples then we're taking a step backwards.

Mr. Sebert mentioned earlier about the timeline of when women were able to vote or when people of different ethnicity were able to vote. I think that's a good example of which way we're going and we need to continue going that way. In that sense, I won't be voting for this motion. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. Abernethy.

HON. GLEN ABERNETHY: Thank you, Mr. Chair. Mr. Chair, I've been listening carefully as everyone has been talking this afternoon and this is clearly a tough one, a tough discussion for many individuals. I hear two conversations that I believe are separate conversations but they're being morphed into one, and those are the right of individuals to run for election, but also the major problem we have here in the Northwest Territories of domestic violence. I truly appreciate the work that the committee did, and I know what they did was not easy and they put their hearts and souls into this report, and I truly appreciate that, but at the end of the day, I'm not prepared to take away the ability of residents to choose who they want to vote for, and I also don't want to penalize or punish somebody for something that they've already been convicted for and done

their time and paid their debt to society.

That in no way, shape, or form changes how I feel about domestic violence in the Northwest Territories or my desire to fight and combat domestic violence. It is a major problem in this territory, and I would be disappointed if anybody would suggest that we don't care about domestic violence in this House if we don't support this recommendation. I find that deeply troubling.

I've listened to people in this House talk both today and at other times, and this House cares and is committed to doing work to combat domestic violence. Do we do enough? No. Do we need to do more? Yes. As a House of 19 can we do better? Certainly. Should we? Absolutely, and I think we need to continue to have this dialogue around domestic violence here in the Northwest Territories.

One of the things we know about domestic violence is not enough people talk about it. Not enough people question it. Not enough people challenge those who might be committing acts of domestic violence.

I think today in this House we've heard a real desire to talk about it, to start working together to find more solutions at a community, at a regional, at a personal level, and I think that's important and I think that's something we could take away from today and I feel we should and I feel we can, but it doesn't change the fact that I can't support this motion as it's written. I can't support this recommendation.

I think people need the ability to choose and I think, once you've paid for your crime, you should have the opportunity to heal and move forward.

So I thank the Members for the work they did on this. I know it wasn't easy; I know they poured their hearts and souls into this. We simply have a disagreement that this is the right forum to address domestic violence in this territory, and I look forward to working with all my colleagues in this House as we work to strengthen our response and our prevention and work with our residents, Aboriginal governments, community governments, people to combat domestic violence in this territory. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. I, too, would like to thank the committee for their work and efforts put into this and, admirably, I respect my friend and colleague from the Deh Cho in sharing his experiences and heartfelt statement. I truly continue and will support him, and I respect everybody's words and wise words of thought and statements. So rather than re-state them in my own presentation, I endorse everybody's statement and respect the rights of the voters, and to respect the rights of the voters I just don't see myself supporting this motion here. Keeping in mind, I do not want to see my representatives or my riding voting members dis-privileged of that; I would encourage them by giving them a ride to the poll instead. Having said that, thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Minister McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I think it's become quite evident in the Chamber today everyone's feelings on family violence, and I share those feelings. I

grew up in an era where there was a lot of drinking in the community and I've seen the change in people who have gone through this and how they've turned themselves around, and I can guarantee you that I would put my X beside their name any day. There are some people, I wouldn't give them the time of day. I appreciate the comment from the Member from Deh Cho; I think he manned up to it and took full responsibility, and I've got a lot of respect for that.

I'll be very brief, Mr. Chair. We've heard comments going around the Chamber, and I was looking at the title of the document, and the title of the document says that you are standing for your people, which is true. My position is the people who I stand for, who we all stand for, will be my judge and determine whether or not I'm qualified to stand for them or not. I will leave that decision in their hands. Who am I to judge? Who am I to judge? I think for the most part I think we respect the will of the people.

Sometimes they take a look at what people have been through, what they bring to the table, and the lessons they learned from it and they elect him, and I think we should respect that, because who are we to judge? I mean, what are we going to do next; only people born in the Northwest Territories can run? Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): To the motion. To the motion. We will return to Mr. O'Reilly to close the debate.

MR. O'REILLY: Thank you, Mr. Chair. I guess I will start with some acknowledgments of my friend the MLA from Deh Cho. I have known the Member for Deh Cho for more than 25 years, and I have the utmost respect for him. He has been a very valuable Member, and I am happy to work with him in the House committees. I regret any stress that his has caused him and his family and, certainly, that wasn't the intention of any of our work, but I want to go on the record as saying that.

I do find it necessary to address a few of the issues that were raised by my colleagues. I recognize that everybody knows that this was a difficult process for everybody on the committee, and for all of us to actually go through, but we are talking about a narrowly defined restriction on a Charter right. It is not for all Criminal Code offences. It is not a permanent prohibition; it is a five-year one. The rationale for the five years actually came from an existing prohibition for anyone who is convicted of major electoral offences. That is the rationale for the five years.

The committee felt that that was a valid prohibition, and a restriction of a Charter right than for the issue of Criminal Code convictions, where the judge finds that you were in a position of authority or intimacy with the victim. Then we felt that there should be a similar prohibition.

My colleague from Kam Lake talked about how we don't have a political party system here, so there is no vetting of candidates. We don't have that here, and we struggle with a consensus government, at times, and this is one of those struggles. I think the way that this would actually be operationalized, if it was voted on, and I certainly have the sense that that is not the case, is it would be a self-declaration process, much like the nomination forms that you fill out now for a candidate, where you indicate that you were a resident for 12 months, you are a Canadian citizen, and so on.

This would just be another part of that self-declaration process, and if anybody wanted to challenge it, the onus would be on them to bring forward evidence that somebody would not be eligible to become a candidate. I don't think there are any operational limitations to this. I think the one thing that I really want to address is that, certainly, our committee was not asked to address the issue of family violence, or overrepresentation of Aboriginal peoples in the justice system.

We were asked to deal with the issue of trust, public confidence, and leadership, and that is what the issue was. I think these other matters are equally important and, certainly, they have received a lot of attention in this House, and for me personally. I know that I brought forward the issue of additional funding for the men's healing program, to allow that to be spread across the Northwest Territories, and that became part of the ask by the regular MLAs. I certainly support those efforts, but the committee itself was asked to deal with this issue of trust and public confidence.

That is, I think, what this recommendation is about. I guess I want to make a few other remarks here, that this has been a very important debate, and I do think all of the Members who have spoken publicly about this – these are very important matters, and I recognize that this hasn't been an easier discussion or debate. It's been quite divisive, but it is a very important one to have, for the public to see our thinking on this, and to have this discussion and dialogue.

I regret that this sort of came to a head in this kind of a setting. I think it probably will be part of a continuing dialogue that we all will work together on. I guess I had hoped for a respectful and informed debate, and I think I can say that this exceeded my expectations. Thank you.

A couple of other things I want to say; that, you know, we are not all going to agree on this, and I hope that we can all find ways to respect the differences that have been expressed in House today. I know that we are all going to continue to work on these issues of conduct, family violence, and overrepresentation of Aboriginal peoples in the justice system. You should all vote with your conscience, and that is what is going to happen. Thank you for the debate and discussion, and I sincerely thank all of the Members for their thoughtful comments. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. All those in favour. Mr. O'Reilly.

MR. O'REILLY: Thank you, Mr. Chair. I would like to request a recorded vote.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. I will allow it.

RECORDED VOTE

CHAIRPERSON (Mr. Simpson): The Member requested a recorded vote. All those in favour, please stand.

CLERK OF THE HOUSE (Mr. Mercer): Mr. O'Reilly, Ms. Green.

CHAIRPERSON (Mr. Simpson): All those opposed, please stand.

CLERK OF THE HOUSE (Mr. Mercer): Mr. Nakimayak, Mr. Moses, Ms. Cochrane, Mr. Abernethy, Mr. McLeod of Yellowknife South, Mr. McLeod of Inuvik Twin Lakes, Mr. Schumann, Mr. Sebert, Mr. McNeely, Mr. Vanthuyne, Mr. Testart, Mr. Beaulieu, Mr. Thompson.

CHAIRPERSON (Mr. Simpson): All those abstaining, please stand.

CLERK OF THE HOUSE (Mr. Mercer): Mr. Nadli.

CHAIRPERSON (Mr. Simpson): The results of the recorded vote are two in favour; 13 opposed; one abstention. The motion is defeated.