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## Emotional debate over election ban

*Motion to bar perpetrators of domestic violence from seeking office defeated*

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### SOMBA K'E/YELLOWKNIFE

After a heated and emotional debate, MLAs overwhelmingly voted to reject a motion that would have imposed a five-year ban on people convicted of family violence from running for territorial office.

Frame Lake MLA Kevin O'Reilly and Yellowknife Centre MLA Julie Green voted in favour of the motion on March 9, while 13 other MLAs voted against. Deh Cho MLA Michael Nadli abstained.

[Related: Nadli addresses the Legislative Assembly](#) ↗

"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," said Nadli, who was convicted in 2015 of assaulting his spouse but was released from jail in time to be elected to a second term.

The current legislation disqualifies candidates or members with criminal convictions only if they are in jail, and does not apply to offenses that don't result in jail sentences. Nunavut and Nova Scotia are the only territories in the country with similar bans.

"There is an expectation of a higher standard for what we do and how we behave," said committee chair Kevin O'Reilly, who voted in favour of the ban. "We did have people say to us, 'Why is it that somebody can become an MLA without that sort of criminal records check?'"



Convicted wife abuser Michael Nadli abstained from vote -

But that wasn't the takeaway other MLAs had from the proposed ban. Nadli objected to the fact its focus is on 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," he said.

"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."

Not everyone agreed with this assessment of the motion. Yellowknife Centre MLA Julie Green, who spoke strongly in favour of it prior to the vote, said she believes she and her colleagues need to be good role models for their constituents.

"I know I am going to be disappointed by most of you," she said. "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."

Others, including Thebacha MLA Louis Sebert, were concerned that if passed, the motion would mean fewer indigenous people in the halls of power.

"The effect of that type of legislation has been to disenfranchise large numbers of the poor and those from minority groups," he said. "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."

Last week, the Yellowknife Women's Society made the same argument in a written submission to the committee while the motion was under consideration.

The society's board chair, Anusa Sivalingam told News/North the ban would be "more punitive than healing."

Nadli agreed, stating that while he wouldn't recommend his past as a way to get into office "it doesn't take a PhD" to know family violence statistics within aboriginal communities are far higher than in the rest of the NWT or Canada.

"Where exactly do we expect people who have committed crimes and served their sentences to work," he asked. "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?"

He told the room he believes by taking responsibility for his actions, he is in good position to serve as an example to other indigenous men in the North.

He said he wants to be an example of hope and show there are other ways to move forward from domestic violence other than "shame and recidivism."

Range Lake MLA and minister responsible for the status of women Caroline Cochrane said she believes ultimately it is the voters, not the assembly, who

should decide whether an individual should be elected into office.

"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," she said.

The vote was based on a recommendation made by the Standing Committee on Rules and Procedures on Feb. 28. The recommendation was to bar people convicted of offenses of violence or threats of violence against a person "whom the accused was determined by the presiding judge to be in a position of trust, authority or intimacy," be barred from running for a seat in the legislative assembly for five years.

O'Reilly, Green, Tu Nedhe-Wiilideh MLA Tom Beaulieu, Nahendeh MLA Shane Thompson and Justice Minister Louis Sebert sit on the committee.

During session last week, Kam Lake MLA Kieron Testart suggested a revision that would have included a provision for the ban to be waved in "exceptional circumstances," which was also voted down.



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