

Sahtú Ragóa (Hunting Laws) and Approaches to Wildlife Harvesting

Environment and Natural Resources - Public Listening Information Requests - Round 1 - Additional Materials

January 15, 2020

Government of Northwest Territories

Topic 2: Hunting Laws

2.4 In its 2016 ?ekwé hé Dene Ts'ĮĮ - Sustaining Relationships Hearing Report (BNE Hearing Report), accepted by the Minister, the SRRB asked the following: "DélĮnę and the Government of the NWT are requested to immediately begin a process for determining whether and how the restorative justice code for pekwé pepa hegerįchá gha gópų (enforcement) in Délįnę's Belare Wíle Gots', é Pekwé plan will be recognized as an "Alternative Measures" option under the Wildlife Act" (Hearing Decision 38). Can Délįnę and ENR indicate whether there have been any discussions about how the proposed restorative justice code developed by Délįnę will be recognized as one of the "Alternative Measures" for enforcement under the Wildlife Act? If not, what would assist in further dialogue on this? (SRRB)

The GNWT and Déline have not yet met to discuss if the restorative justice code for pekwé pepa hegerichá gha gó po (enforcement) in the Déline's Belare Wíle Gots'é Pekwé plan can be recognized as an "Alternative Measures" option under the *Wildlife Act*.

Alternative Measures under the *Act* may only be used to deal with a person who is charged with an alleged offence under the *Act*. Due to this, Alternative Measures under the *Act* cannot be used to deal with alleged offences of community caribou plans. Alleged offences of a community caribou plan are separate and apart from the *Act* and can be dealt with in the manner deemed appropriate by the community. This can include restorative justice measures such as a sentencing circle, however this process could not involve Alternative Measures under the *Act* as in these circumstances there would not be an alleged offence under the *Act*.

Even when a person is facing a charge under the *Wildlife Act*, there are still conditions that must be satisfied for Alternative Measures to be used. In summary these are as follows:

- the measures must be part of a program of alternative measures authorized by the Minister of Justice;
- the person considering use of alternative measures must be satisfied that their use would be appropriate, having regard to the needs of the alleged offender and the interests of society;
- the alleged offender must be fully informed of the alternative measures and fully and freely consent to their use;
- prior to consenting to use of alternative measures, the alleged offender must be advised of the right to counsel and be given a reasonable opportunity to consult counsel; and
- in the opinion of the Attorney General of the Northwest Territories, there must be sufficient evidence to proceed with prosecution of the alleged offence.

The *Act* also prohibits the use of Alternative Measures for an offence under the *Act* if the alleged offender denies participation or involvement in committing the offence or expresses a desire to have a charge dealt with by a court.

The GNWT is prepared to arrange a meeting with Déline to allow for further discussion on Alternative Measures and their use under the *Act*, and to provide additional clarity on the distinction between Alternative Measures under the *Act* as opposed to the use of restorative justice measures for a contravention of Déline's Belare Wíle Gots', é ?ekw é plan.