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1247



ATTORNEY GENERAL
NOVA SCOTIA

ADULT PROBATION SERVICE

P.O. Box 621,
Sydney, N.S.
BLP 6E7

01 FEBRUARY 1978

Minister of Justice
Department of Attorney General
Government of Canada
KLA OHS

RE: Native Court Workers Program

Dear Sir:

During the past fifteen years, I have been a Probation Officer serving the various Indian communities in Cape Breton, Nova Scotia. I would like to recommend and support the Native Court Workers program.

On numerous occasions, I have encountered native people as criminal offenders who had little knowledge of our laws and because of communication and language problems, had difficulty expressing themselves or grasping an understanding of our criminal justice system. The native court workers have done much to solve this problem, being of assistance primarily to the offender and also other workers in the justice system.

The court workers have also been of immense assistance in the rehabilitative process working with native Assistant Probation Officer, Alcohol and Drug Addiction workers, local Police, Band Council and other community organization and service groups.

...../ 2

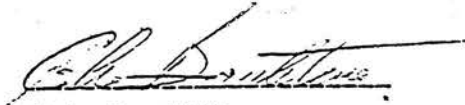
PAGE TWO

February 1, 1978

I also feel that this program could be strengthened if placed on a more permanent basis, giving the workers more training in counselling, criminal and family law, community organization and social problems.

I sincerely hope that my brief comments and opinions may be of some assistance to you.

Sincerely,



C.A. Boutilier
Probation Officer
Correctional Services

CAB/mmn



Suite 214, Cabot House
500 Kings Road
Sydney, Nova Scotia
February 7, 1978.

Mr. Bill Poulette,
Court Workers Program
Union of Nova Scotia Indians
P. O. Box 961
SYDNEY, Nova Scotia

Dear Mr. Poulette:

RE: NATIVE COURT WORKERS PROGRAM -
UNION OF NOVA SCOTIA INDIANS.

This letter will serve to indicate that the Sydney District office of the National Parole Service supports the Native Court Workers Program in the Cape Breton area and recommends to all whom it may concern that every assistance be granted to enable this very necessary and very worthwhile endeavour to continue on an ongoing basis.

This program has proved to be not only beneficial to the native people in their encounters with the law, but has been most beneficial to agencies such as ours in interpreting the native culture and also in overcoming the communication barriers which exist between the native people and our society. There is, in my opinion, a need to further develop the program so that in conjunction with various other service delivery agencies, suitable programs may be developed throughout the Cape Breton area to provide life skill training as well as suitable academic, vocational, and cultural programs to enable many of the younger native people to make an adequate adjustment to the problems associated with this area.

I would like to express also at this time my sincere appreciation for your very excellent cooperation and assistance since you have taken over the responsibility for the Native Court Worker Program. I hope that this association will continue in the future.

Sincerely,

James W. MacLean
District Director
NATIONAL PAROLE SERVICE

JWM:nn



DEPARTMENT OF JUSTICE
 JUSTICE DEPARTMENT

ADULT PROBATION SERVICE

P.O. Box 621,
 Sydney, N.S.
 B1P 6H7

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 Department of Attorney General
 Government of Canada
 K1A 0E3

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C.A. Boutilier
Probation Officer
Correctional Services

CAB/rmn

Stan Johnson

89

Union of Nova Scotia Indians
MICMAC NATIVE COURTWORKER PROGRAM
PROPOSAL

March 1, 1978

MICMAC NATIVE COURTWORKER PROGRAMINTRODUCTION

In our culture, we are set up with rules and regulations based on certain specific standards and expectations. In the Micmac culture, they will have a different set of standards and expectations. From the time that they are babies, they will learn and practice what they see and are taught. With the two different sets of behaviour and lifestyles, there are things viewed from each side which are not understood.

This Courtworker Program is a step in the development for both sides to have a more meaningful awareness of each other.

THE EXPERIENTIAL PROBLEMS

In a routine court case, a person goes through an anxiety-raising situation. Going to court is outside our normal daily routine; thus, a foreign situation. Such a situation brings about a great deal of anxiety, uncertainty and a real feeling of insecurity. These affects are very noticeable when we attend a court in our own mother tongue.

When a person must be involved in some sort of court proceeding, when it is not in their mother tongue, these anxieties are augmented. There would also be a different cultural setting to be considered. He would be surrounded by people, who, not only look and talk differently, but the actual room and its atmosphere would be something new (i.e., the lighting, benches, the stand, etc). This is a terrifying situation even when one understands what is going to happen. However, when one does not understand, we can imagine how much worse this would be, especially without the knowledge of what is going on, what the routine is, the terminology and the possible outcome of the proceedings.

When we go to trial, or are involved in a minor court case, all these anxieties are there; but when it is in another language and we must think in another language, it can all be very confusing. In looking at this one area of our culture, we can see it as a very anxiety-raising ordeal.

To look at it from another point of view, from that of a person from a different culture, we can see how confusing it would be and how easily misunderstandings can happen. When the individual is aware that whatever is said, will have some sort of affect on the outcome of the case, he would want to say the right things.

There is such a fear of answering questions wrongly because of not understanding and many time, they are afraid to say so. It would be much more simple to have someone else there who could translate into their own language. That person, who would know the terminology and procedures, would be able to explain everything to his client. Such legal things are often very difficult for us to understand; so, in coming from another culture and being used to doing things within that culture, a different way, an alternative method perhaps would not have as much meaning. The whole situation and the anxiety around it would be very confusing.

This has a lot to do in dealing with the standards and expectations of someone else, and not using the ones that the Native has adapted his life to and ones that are used in his own culture. The translator would make his client feel much more at ease and would provide understanding. He would provide a feeling of security and support. The client would know that he is not alone. This would also alleviate the greatest fear of being misunderstood.

With regard to legal help, many people don't know where to go for legal advice when they need it. They are aware of a problem but don't know what to do about it or where to go with it. In some cases, they are not even aware that help is available.

The person doing the interpreting, whose position would be that of Courtworker, would be knowledgeable about local resources. The Courtworker would be able to guide people with specific problems to the proper agencies. He would know the proper steps to take in obtaining help.

When someone is arrested, they would go through some sort of shock state, even if it is very minor. There are very real concerns of that person involved. Their

worries may be based around their spouse; their children (who will look after them), their work, and other responsibilities requiring their involvement. There are the doubts - "what's going to happen to me?" or "I can't go through this alone - please someone help me."

THE PROPOSAL

That someone, the Courtworker, whose presence provides security and reassurance, can be a liaison between the arrested person and areas of their concern. The Worker would also see that legal advice is provided as soon as possible instead of waiting until just before the court appearance. He would also meet with the lawyers, talk over the situation, provide background information on their client, and translate for either party during the procedures. Along with interpreting the Native's rights and charges, the Courtworker would also explain his responsibilities and possible sentence.

The Courtworker would help to raise bail for his client when appropriate.

In his contact with the family, the Courtworker would explain things to them; for example, the procedures and routines, the sentence, length of incarceration, visiting rights, etc. Because of the lack of education in this area, they are unaware of things that may happen. Wrong ideas and misunderstood events are very damaging to their perspective of the law. This can cause a great deal of upset in the family institution and reinforce negative views of the justice system.

As the Courtworker begins to educate the client's family, he would also offer them assistance, when necessary, while a member of their family is in a penal institution. If it were the husband or wife, they could also feel reassured that the needs of their family would be looked after.

Later, when it is time for rehabilitation, the Courtworker would be involved in helping his client. It would be helpful to the offender to see the steps involved in fitting back into society after his release. This would include helping the Native to schedule his day, time he spends with his family, seeking employment; sometimes, if necessary, look for a place to live.

The Courtworker would maintain contact with his client's Probation Officer, Social Worker or Counsellor. He would be helpful in any way necessary for the benefit of his client. This may include translating or explaining Native customs and Band expectations to his Counsellor.

In maintaining contact with the client through a lengthy period of time, involving various crisis situations, the Courtworker would become a stable figure in his client's life. This would generate a feeling of security and acceptance for the client. The Courtworker, with symbolism of the law and an authority figure, would be an important and lasting link in the liaison amongst the Native people, the Judicial System and Society as a whole.

In other situations, when the client or his family have a problem, they would know that there are proper channels to take in solving the problem and that they can trust the Courtworker to help them. This can be very beneficial in keeping a problem from becoming too complicated.

Many problems arise in the area of compensation, lost wages or insurance. Here, again, the Courtworker would know what was involved. He could explain the rules and regulations and perhaps help his client fill out the proper forms.

There are also many problems related with consumer affairs. A person may

purchase an article, take it home and find that it is faulty. They often don't know what to do with it. They see that they have paid for it and now they have it, whether it works or not. There are laws and safeguards in the standards set up by the government for such situations. The Courtworker would know how to make a claim on the warranty or if an article should be returned.

Many times, when the Native person applies for financial assistance or a loan, they do not completely understand the contract or what is actually involved in the terms of repayment. They may just sign where they are told to without realizing all the implications. The Courtworker could tell them what is involved and stress on their responsibilities to be prompt with payments to avoid extra interest. He could also explain to his client where and how to check for the company's procedures and policies.

Another aspect of the Courtworker Program is the prevention of crime. This lies in the area of education. That is, informing the Natives of expectations which the law has of them. When the people know what is expected, they will be more inclined to act appropriately. Also, when they are aware of the consequences of their wrong, unaccepted behaviour, they may want to choose alternative actions for the release of frustration, anger or whatever. The Courtworker may help, through suggestions, of other areas in which to challenge their energies.

A larger part of this education can be gained through workshops set up by the Courtworker and cooperating community resources. Some of those involved in these sessions of lectures and question periods would be: R.C.M.P., Consumer Protection, Family Court, Parole and Probation, and Human Rights. Other workshops may also bud from these sessions. This would be a very beneficial step in bridging better

Understanding and communication between the Native and the law.

THE PROGRAM OBJECTIVE

The Natives would eventually see authority figures, with defined roles, as something not only for their control but for their protection, as something to benefit them. Authority and laws may flow from enemies to friends - to be seen as something to cooperate with and not to challenge.

For such a long number of years, the white man has been dealing with the Native people on a materialistic - monetary basis. The Natives have been handed everything they need but responsibility for themselves. With the Courtworker Program, another step forward can be taken. The Native Courtworker will be working with his/her own people. Some of the control will be shifted from your hands; back to ours. It is another step in preserving our culture; yet closing the socio-economic gap with the ^{Aboriginal} white society.

ANNUAL BUDGET

97

Salaries:

Coordinator
Courtworkers - 3 @ \$9,000
Secretary/Bookkeeper

\$ 12,000
27,000
8,000

- B.L. 3

27,000 \$ 47,000

Travel:

Coordinator
Courtworkers - 3 @ \$3,600

5,000
10,800

- 30

15,800
36
122
3,000

Training:

Expenses:

Office Rental
Equipment Rental
Office Supplies
Audit & Bookkeeping
Information & Printing

900
1,000
1,500
500
1,500

5,400

TOTAL EXPENSES

\$71,200

12200
500
1500
1500
14200

TRAINING

98

Two methods of training would be determined by the Director and the persons hired.

Para-Legal Course would be sponsored by the College of Cape Breton. The Course outline would be as follows, touching on basic laws:

- A.
 - 1. History & Sources of Canadian Law
 - 2. Criminal Offences
 - 3. Drug Offences & Liquor
 - 4. Motor Vehicle Offences
 - 5. Civil Law:
 - (i) Intestacy, Wills & Probate
 - (ii) Contracts
 - (iii) Consumer Protection
 - 6. Courts:
 - (i) Procedures & Appeals
 - (ii) Sentencing
 - (iii) Corrections & Rehabilitation
- B. Attend Courts to familiarize with the roles of staff:
 - (i) Crown Prosecutor
 - (ii) Bailiff
 - (iii) Court Clerk
 - (iv) Magistrate
 - (v) Defense Counsel
- C. Workshops:
 - (i) Cultural Studies
 - (ii) Panel Discussions



P. O. Box 160
Amherst, Nova Scotia
B4H 3Z3
March 13, 1978

Ms. Carol Bernard
c/o Union of Nova Scotia
Indians
Shubenacadie Indian Reserve
Micmac Post Office
Nova Scotia
BON 2H0

Your file Votre référence

Our file Notre référence

274/18-1 (A/0)

Dear Ms. Bernard:

- Enclosed please find a copy of a memo concerning policing on Indian Reserves in the Province of Nova Scotia, which was written to The Hon. L. Pace by our Minister, The Hon. J. Hugh Faulkner.

This is being provided for your information, as requested.

Yours sincerely,

D. Gourley
A/Director - Operations
(Atlantic)
Indian and Eskimo Affairs

(Atta)

100

The Honourable L. Pace, Q.C.,
Attorney General,
Government of Nova Scotia,
Provincial Building,
Halifax, N.S.
B3J 2L6

214 / 18-1
To
J. Gen
20 1978

Dear Mr. Pace:

Some two years ago now, our respective governments agreed to cost-share a special R.C.M.P. constable program for policing services on Indian reserves in Nova Scotia. It became apparent soon after that many bands did not feel this was the best approach and, consequently, the Union of Nova Scotia Indians asked us to defer implementation until more discussion and study had taken place with the bands. This has now been done and the Union recently presented my Department with an alternative proposal which I believe is very interesting.

The Union's plan is to have band-employed constables play the primary roles of police protection and law enforcement on the reserves with the back-up support of the R.C.M.P. Needless to say, co-operation with the R.C.M.P. will have to be close. Appointments of the constables will be consistent with whatever is required by law in your province. It is felt the constables should receive basically the same training as the special R.C.M.P. constables and also that they be given the same peace officer powers (Criminal Code, provincial laws, band by-laws, etc.) with ultimate accountability to you as Attorney General. Salaries and fringe benefits should also be comparable to the special R.C.M.P. scale.

I believe the arrangement proposed is an integral part of the band government process we are promoting on reserves. It puts more control and responsibility with locally elected leaders and can go a long way to developing a better appreciation of, and respect for, the law among reserve residents in general. As well,

the presence of constables on a reserve will undoubtedly greatly reduce the need for R.C.M.P. patrols, thus freeing the latter for more provincial work.

While I have indicated my agreement in principle to the proposal, the Nova Scotia Indians have been advised they must discuss the matter with you and seek your concurrence since, in the final analysis, the decision is yours as Attorney General. They were also advised that if a band prefers the special R.C.M.P. constable program, it is free to request it from the R.C.M.P. or your Department. I understand Wyocomaugh is a case in point.

Senior officials of my Department met on February 2, 1978 with the Indian leaders who felt I should communicate with you to reopen negotiations. I think the Tripartite Committee on Indian Affairs which is active in Nova Scotia might be the appropriate mechanism to use for detailed discussions.

At the moment, we are sharing costs with the provinces on a 60% federal/40% provincial basis. As you know, new contracts for general policing services were negotiated between the R.C.M.P. and the provinces over a year ago. The cost-sharing percentages agreed to were 46% federal/54% provincial for 1978-79, 45/55 for 1979-80, and 44/56 for 1980-81. Since we started the special Indian constable program a few years back, my Department has been putting up an extra 8% to help offset high initial training costs. Since I believe it will be another 2 or 3 years before all the required constables are hired in Nova Scotia, I am prepared to continue contributing an extra amount for that purpose. For the three years shown earlier, I would suggest federal/provincial sharing formulae of 52/48, 49/51, and 46/54. I would think that by the end of the 1980-81 fiscal year (when the R.C.M.P. contracts come up for renegotiation) new recruitment will be on a small scale, training needs will be greatly reduced and, accordingly, there would no longer be any need for special extra funds from my Department for that purpose. Cost-sharing could then continue on a scale similar to that in the R.C.M.P. contract.

I look forward to having your views on these various suggestions.

Yours sincerely,

ORIGINAL SIGNED
ORIGINAL SIGNED
HUGH FAULKNER

CONNELLY:sm
February 6, 1978

J. Hugh Faulkner.

- cc. R.D.G. Maritimes
- Commissioner Simmonds
- Insp. Gilholme
- Solicitor General, Ottawa
- Deputy Solicitor General, Ottawa
- Program Support Branch

UNSI SYD

PSI PA

TD*

UNSI SYD

LAF 4885

MR ALEX DENNY

PRESIDENT

UNSI

SYDNEY N.S.

FILE 274/18-1 (16)

RE: MEETING WITH HON LEONARD PACE
28 MARCH 1978 RE POLICING SERVICES

YOUR TELEX DATED 23 MARCH 1978 ADVISING A MEETING WAS ARRANGED TO MEET WITH THE HON. LEONARD PACE, ATTORNEY GENERAL FOR THE PROVINCE OF N.S. ON TUESDAY 28 MARCH 1978 AT 10:00 AM IN HIS OFFICE WAS RECEIVED ON 28.3.78.

IT WAS FELT THAT REPRESENTATION FROM THIS DEPARTMENT WOULD NOT BE IN A POSITION TO PARTICIPATE IN NEGOTIATIONS AT THIS TIME DUE TO THE FACT THE ATTORNEY GENERAL HON LEONARD PACE, HAS NOT REPLIED TO DATE TO OUR MINISTER'S LETTER DATED 24 FEBRUARY 1978 CONCERNING THE PROVISION OF POLICING SERVICES ON INDIAN RESERVES IN NOVA SCOTIA.

WE ANTICIPATED MR PACE WILL BE IN A POSITION TO REPLY TO OUR MINISTER'S LETTER BY EARLY DATE. HAD THIS BEEN DONE, NEGOTIATIONS BETWEEN THE ATTORNEY GENERAL'S OFFICE, THE UNION OF N.S. INDIANS AND OUR DEPARTMENT SHOULD GET UNDERWAY FORTHWITH.

G. S. THOMPSON
MANAGER GENERAL
AND THIS REGION
LAF 4885 AND PSKI/CHAPLAIN

CC: OFFICE MEMORANDUM, TRI-PARTITE LIAISON OFFICES

CC: PATTY JOHNSON, 1ST VICE PRESIDENT UNSI

9:15 AM MARCH 30/78

UNSI SYD

LAF 4885



Union of Nova Scotia Indians

TELEPHONE 758-2048

TELEX 019-34576

MICMAC P.O.,

HANTS CO., N. S.

Policing Meeting

Attorney Generals Office, Halifax

March 28, 1978

The U. N. S. I. and Mic Mac Tribal Police Association met with Attorney General of N. S., Mr. L. Pace on March 28 at his office.

We met with the intentions of negotiating a suitable agreement with the Attorney General for our Mic Mac Tribal Police Force proposal.

Mr. Pace was annoyed with the letter written by Mr. Hugh Faulkner, Minister of Indian Affairs, stating that they approved in principle the Police proposal, stating that Mr. Faulkner had placed too much emphases on the funding aspect and did not look at the jurisdictional end of it. Mr. Pace questioned what authority the Band Police would come under if the force was completely controlled by Band Council. He stated that the R. C. M. P. Act nor the Provincial Police Act would apply and that he as Provincial Attorney General could not be the ultimate authority in the area of Band by-laws for instance, which are approved by a Federal body. (I. A. B.)

Mr. Pace stated that he would be replying to Mr. Faulkner's letter immediately, but he would not make a copy available to the Union.

Mr. Pace also made it evident that he favoured the Option 3B police program which was rejected by the Union Board.

Stuart Killen stated that after Mr. Pace had corresponded with Hugh Faulkner and looked at our proposal carefully, then perhaps we could sit down and start negotiating an agreeable arrangement to all parties concerned. He stated that there were sections of the proposal which would or could be revised so as to be acceptable to the Attorney General, I. A. B. and the Indian bands.

Mr. Pace agreed to meet with I. A. B. officials and a person from Federal Dept. of Justice to discuss the problem areas as he sees them. This meeting is to be arranged through the Tripartite Program of U. N. S. I..

Carol Bernard

Carol Bernard
Tripartite Liaison
May 2, 1978

attach.

UNION of NOVA SCOTIA INDIANS

P. O. BOX 961
 SYDNEY, N. S.
 B1P 6J4
 TEL. 539-4107
 TELEX 019-35215



OFFICE OF
 THE PRESIDENT

March 30, 1978

Hon. Leonard Pace
 Attorney General
 Province of Nova Scotia
 Province House
 Halifax, Nova Scotia

Dear Sir:

We refer to our meeting with you on March 28 concerning the Policing Proposal submission by the Union of N. S. Indians.

We apologize for the incompetence of the Department of Indian Affairs in relation to their not having representation nor submitting a copy of the Union's Proposal to you with the Minister of Indian Affairs letter of February 24, 1978.

The attached telex from the Regional Office indicates why there was no Federal representation at the meeting. The telex will show why it is very difficult to work with a positive attitude with officials of the Department of Indian Affairs.

We are sure that you will reiterate your concern for the lack of courtesy shown by the Department towards the March 28 meeting.

We look forward to discussing the Proposal with you during the upcoming meetings.

Yours in recognition
 of Aboriginal Title,

Stu Killen
 for Alex Denny, President

AD/bjm/sk
 Attach.

c c: Rod Brown, I.A.B., Ottawa
 R.M. Connelly, I.A.B., Ottawa
 Executive, U.N.S.I.
 Jim Maloney, President, M.T.P.F.

Dir. 5-9-0 BW

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ATTORNEY GENERAL
NOVA SCOTIA



April 4, 1978

The Honourable J. Hugh Faulkner
Minister
Indian and Northern Affairs
400 Laurier Avenue West
Ottawa, Ontario
K1A 0H4

Dear Mr. Faulkner:

I wish to acknowledge your letter of February 20th which I have delayed answering pending a meeting with the Representatives of the Union of Nova Scotia Indians. This meeting has now been held and, as I indicated to the Representatives of the Union of Nova Scotia Indians, I am expressing to you the views which I expressed to them.


The concept of policing which this Department agreed to and approved was for the appointment of Indians to the position of Special Constable in the R.C.M.P. to be attached to the detachment policing the reserve and to assist the members of that detachment in policing the reserve. As such Indian Special Constables would be members of the R.C.M.P. and as the R.C.M.P. are the provincial police in this Province then there would be no doubt about my authority over them as Attorney General of the Province of Nova Scotia. This is not the case with the concept which you propose.

The concept in your letter is really a municipal policing concept and the members of such a force would not be members of the R.C.M.P. and therefore not members of the provincial police. The Police Act of this Province does not provide for this concept and accordingly I as Attorney General would not have control over them nor would the members have the benefits of the Police Act. In addition, because of the status of reserves or federal enclaves I doubt that I as Attorney General would have any control over the type of regulations which the Band Council might enact.

April 4, 1978

My Department does not provide any grant for policing to any municipality in this Province and in fact you are asking in your letter that we do this in regard to Indian Reserves which will have a municipal policing system. Notwithstanding this I cannot see what authority I as Attorney General would have over such police that I would welcome your comments to show where I may have such authority or what legislative proposals your government plans to give such authority to me.

Yours very truly,



Leonard L. Pace



Assistant Deputy Minister
Indian and Northern Affairs

Sous-ministre adjoint
Affaires indiennes et du Nord

Indian Affairs

Affaires indiennes

April 7, 1978

Your file Votre référence

Our file Notre référence

Mr. Alex Denny,
President,
Union of Nova Scotia Indians,
P. O. Box 961,
Sydney, Nova Scotia
B1P 6J4

Dear Mr. Denny:

Thank you for your letter of March 1, 1978 outlining a proposal by your organization to establish a Micmac Native Courtworker Program. I have reviewed with interest your plans and feel they should receive serious consideration as the idea appears sound. There is little question that on many occasions Indian persons are at a distinct disadvantage when they become involved with the law.

As the Department of Justice is now responsible for court worker programs, I am taking the liberty of forwarding your proposal and attachment to that Department for their consideration. I expect you will be hearing from them within a reasonable period of time.

In closing I would like to wish you every success in your endeavours to assist Indian people who find themselves in conflict with the law.

Yours sincerely,

R. D. Brown,
Assistant Deputy Minister - Programs
(Indian and Inuit Affairs).



Union of Nova Scotia Indians

MICMAC NATIVE COURTWORKER PROGRAM

PROPOSAL

March 1, 1978

INTRODUCTION

In our culture, we are set up with rules and regulations based on certain specific standards and expectations. In the Micmac culture, they will have a different set of standards and expectations. From the time that they are babies, they will learn and practice what they see and are taught. With the two different sets of behaviour and lifestyles, there are things viewed from each side which are not understood.

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When a person must be involved in some sort of court proceeding, when it is not in their mother tongue, these anxieties are augmented. There would also be a different cultural setting to be considered. He would be surrounded by people, who, not only look and talk differently, but the actual room and its atmosphere would be something new (i.e., the lighting, benches, the stand, etc). This is a terrifying situation even when one understands what is going to happen. However, when one does not understand, we can imagine how much worse this would be, especially without the knowledge of what is going on, what the routine is, the terminology and the possible outcome of the proceedings.

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worries may be based around their spouse; their children (who will look after them), their work, and other responsibilities requiring their involvement. There are the doubts - "what's going to happen to me?" or "I can't go through this alone - please someone help me."

THE PROPOSAL

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As the Courtworker begins to educate the client's family, he would also offer them assistance, when necessary, while a member of their family is in a penal institution. If it were the husband or wife, they could also feel reassured that the needs of their family would be looked after.

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In maintaining contact with the client through a lengthy period of time, involving various crisis situations, the Courtworker would become a stable figure in his client's life. This would generate a feeling of security and acceptance for the client. The Courtworker, with symbolism of the law and an authority figure, would be an important and lasting link in the liaison amongst the Native people, the Judicial System and Society as a whole.

In other situations, when the client or his family have a problem, they would know that there are proper channels to take in solving the problem and that they can trust the Courtworker to help them. This can be very beneficial in keeping a problem from becoming too complicated.

Many problems arise in the area of compensation, lost wages or insurance. Here, again, the Courtworker would know what was involved. He could explain the rules and regulations and perhaps help his client fill out the proper forms.

There are also many problems related with consumer affairs. A person may

purchase an article, take it home and find that it is faulty. They often don't know what to do with it. They see that they have paid for it and now they have it, whether it works or not. There are laws and safeguards in the standards set up by the government for such situations. The Courtworker would know how to make a claim on the warranty or if an article should be returned.

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Another aspect of the Courtworker Program is the prevention of crime. This lies in the area of education. That is, informing the Natives of expectations which the law has of them. When the people know what is expected, they will be more inclined to act appropriately. Also, when they are aware of the consequences of their wrong, unaccepted behaviour, they may want to choose alternative actions for the release of frustration, anger or whatever. The Courtworker may help, through suggestions, of other areas in which to challenge their energies.

A larger part of this education can be gained through workshops set up by the Courtworker and cooperating community resources. Some of those involved in these sessions of lectures and question periods would be: R.C.M.P., Consumer Protection, Family Court, Parole and Probation, and Human Rights. Other workshops may also bud from these sessions. This would be a very beneficial step in bridging better

understanding and communication between the Native and the law.

THE PROGRAM OBJECTIVE

The Natives would eventually see authority figures, with defined roles, as something not only for their control but for their protection, as something to benefit them. Authority and laws may flow from enemies to friends - to be seen as something to cooperate with and not to challenge.

For such a long number of years, the white man has been dealing with the Native people on a materialistic - monetary basis. The Natives have been handed everything they need but responsibility for themselves. With the Courtworker Program, another step forward can be taken. The Native Courtworker will be working with his/her own people. Some of the control will be shifted from your hands, back to ours. It is another step in preserving our culture; yet closing the socio-economic gap with the white society.

ANNUAL BUDGETA. Salaries:

Coordinator	\$ 15,000	
Courtworkers - 8 @ \$9,000	72,000	
Secretary	<u>7,800</u>	
		\$ 94,800

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		33,800

C. Training:

5,000

D. Expenses:

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Miscellaneous	1,000	
Audit & Bookkeeping	500	
Information & Printing	<u>1,500</u>	
		<u>7,400</u>
		\$ 141,000

TRAINING

Two methods of training would be determined by the Director and the persons hired.

Para-Legal Course would be sponsored by the College of Cape Breton. The Course outline would be as follows, touching on basic laws:

- A.
1. History & Sources of Canadian Law
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 - (i) Intestacy, Wills & Probate
 - (ii) Contracts
 - (iii) Consumer Protection
 6. Courts:
 - (i) Procedures & Appeals
 - (ii) Sentencing
 - (iii) Corrections & Rehabilitation
- B. Attend Courts to familiarize with the roles of staff:
- (i) Crown Prosecutor
 - (ii) Bailiff
 - (iii) Court Clerk
 - (iv) Magistrate
 - (v) Defense Counsel
- C. Workshops:
- (i) Cultural Studies
 - (ii) Panel Discussions

ATTORNEY GENERAL
NOVA SCOTIAHalifax, Nova Scotia
B3J 2L6

April 10, 1978

Mr. Stu Killen
Union of Nova Scotia Indians
P. O. Box 961
SYDNEY, Nova Scotia
B1P 6J4

Dear Mr. Killen:

I acknowledge receipt of your letter of March 30, 1978 with reference to our meeting of March 28th. I have now made reply to the letter received from the Minister of Indian and Northern Affairs dated February 20, 1978.

I must say that I do not understand Mr. Thompson's reply, as outlined in his telex of March 19, 1978, giving the reason for the Department's non attendance, the fact that, at that time, I had not made reply to his Minister's letter. It would appear to me that in giving an intelligent reply to the Minister one would not only have to review the position of this Department with reference to policing, generally, in the Province, but also consult with the people concerned, namely the Native people as represented by the Union of Nova Scotia Indians.

I can only reiterate what I stated at the meeting, that we are prepared, at any time, to work with the officials of your Union and the Federal Government to try and bring a satisfactory conclusion to this particular problem.

Yours sincerely,


Leonard L. Pace, Q.C.

Assistant Deputy Minister
Indian and Northern Affairs

Sous-ministre adjoint
Affaires indiennes et du Nord

Indian Affairs

Alfaires indiennes

*Set up file 78
Native Court Wishes*

70

Mr. E. A. Tollefson
Director
Programmes and Law Information
Development Section
Justice Department
Justice Building
Ottawa, Ontario
K1A 0H8

RECEIVED
OFFICE OF

APR 12 1978

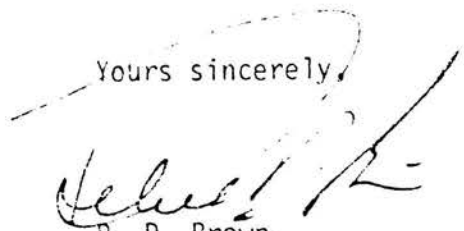
E. A. TOLLEFSON
DIRECTOR, PROGRAMS AND LAW INFORMATION
INDIAN AND INUIT AFFAIRS SECTION

Dear Mr. Tollefson:

-- I am attaching for your consideration copies of correspondence received from the Union of Nova Scotia Indians and our reply.

I trust you will take the appropriate action in acknowledging their request.

Yours sincerely,



R. D. Brown,
Assistant Deputy Minister - Programs
(Indian and Inuit Affairs).



Assistant Deputy Minister
Indian and Northern Affairs

Sous-ministre adjoint
Affaires indiennes et du Nord

Indian Affairs

Affaires indiennes

Mr. Alex Denny,
President,
Union of Nova Scotia Indians,
P. O. Box 961,
Sydney, Nova Scotia
B1P 6J4

Dear Mr. Denny:

Thank you for your letter of March 1, 1978 outlining a proposal by your organization to establish a Micmac Native Courtworker Program. I have reviewed with interest your plans and feel they should receive serious consideration as the idea appears sound. There is little question that on many occasions Indian persons are at a distinct disadvantage when they become involved with the law.

As the Department of Justice is now responsible for court worker programs, I am taking the liberty of forwarding your proposal and attachment to that Department for their consideration. I expect you will be hearing from them within a reasonable period of time.

In closing I would like to wish you every success in your endeavours to assist Indian people who find themselves in conflict with the law.

Yours sincerely,

R. D. Brown,
Assistant Deputy Minister - Programs
(Indian and Inuit Affairs).

c.c. E. A. Tollefson

05079
UNION of NOVA SCOTIA INDIANS

P. O. BOX 961
SYDNEY, N. S.
B1P 6J4
TEL. 539-4107
TELEX 019 35215



MAR 13

OFFICE OF
THE PRESIDENT

March 1, 1978

Mr. R. D. Brown
Assistant Deputy Minister
Dept of Indian Affairs
Centennial Towers
Ottawa, Ontario

Mr. Brown:

The attached represents a proposal for a Micmac Native Courtworker Program within the Province of Nova Scotia. The proposal outlines the problems and the objectives of a Micmac Native Courtworker Program within the Province of Nova Scotia.

The Union of Nova Scotia Indians will be the carrier of such a Program and we have selected the following people to negotiate the proposal with Government:

Alex Denny, President, Union of N. S. Indians
William Poulette, Courtworker, Union of N. S. Indians
Stu Killen, Research Director, Union of N. S. Indians

We would appreciate receiving from you the people with whom we will negotiate and the setting up of specific dates to begin such a negotiation.

Yours in recognition
of Aboriginal Title,

Alex Denny
Alex Denny, President
Union of N. S. Indians

AD/bjm
Attach.

c c: Solicitor General's Office

Union of Nova Scotia Indians
MICMAC NATIVE COURTWORKER PROGRAM
PROPOSAL

March 1, 1978

MICMAC NATIVE COURTWORKER PROGRAMINTRODUCTION

In our culture, we are set up with rules and regulations based on certain specific standards and expectations. In the Micmac culture, they will have a different set of standards and expectations. From the time that they are babies, they will learn and practice what they see and are taught. With the two different sets of behaviour and lifestyles, there are things viewed from each side which are not understood.

This Courtworker Program is a step in the development for both sides to have a more meaningful awareness of each other.

THE EXPERIENTIAL PROBLEMS

In a routine court case, a person goes through an anxiety-raising situation. Going to court is outside our normal daily routine; thus, a foreign situation. Such a situation brings about a great deal of anxiety, uncertainty and a real feeling of insecurity. These affects are very noticeable when we attend a court in our own mother tongue.

When a person must be involved in some sort of court proceeding, when it is not in their mother tongue, these anxieties are augmented. There would also be a different cultural setting to be considered. He would be surrounded by people, who, not only look and talk differently, but the actual room and its atmosphere would be something new (i.e., the lighting, benches, the stand, etc). This is a terrifying situation even when one understands what is going to happen. However, when one does not understand, we can imagine how much worse this would be, especially without the knowledge of what is going on, what the routine is, the terminology and the possible outcome of the proceedings.

When we go to trial, or are involved in a minor court case, all these anxieties are there; but when it is in another language and we must think in another language, it can all be very confusing. In looking at this one area of our culture, we can see it as a very anxiety-raising ordeal.

To look at it from another point of view, from that of a person from a different culture, we can see how confusing it would be and how easily misunderstandings can happen. When the individual is aware that whatever is said, will have some sort of affect on the outcome of the case, he would want to say the right things.

There is such a fear of answering questions wrongly because of not understanding and many time, they are afraid to say so. It would be much more simple to have someone else there who could translate into their own language. That person, who would know the terminology and procedures, would be able to explain everything to his client. Such legal things are often very difficult for us to understand; so, in coming from another culture and being used to doing things within that culture, a different way, an alternative method perhaps would not have as much meaning. The whole situation and the anxiety around it would be very confusing.

This has a lot to do in dealing with the standards and expectations of someone else, and not using the ones that the Native has adapted his life to and ones that are used in his own culture. The translator would make his client feel much more at ease and would provide understanding. He would provide a feeling of security and support. The client would know that he is not alone. This would also alleviate the greatest fear of being misunderstood.

With regard to legal help, many people don't know where to go for legal advice when they need it. They are aware of a problem but don't know what to do about it or where to go with it. In some cases, they are not even aware that help is available.

The person doing the interpreting, whose position would be that of Courtworker, would be knowledgeable about local resources. The Courtworker would be able to guide people with specific problems to the proper agencies. He would know the proper steps to take in obtaining help.

When someone is arrested, they would go through some sort of shock state, even if it is very minor. There are very real concerns of that person involved. Their

worries may be based around their spouse; their children (who will look after them), their work, and other responsibilities requiring their involvement. There are the doubts - "what's going to happen to me?" or "I can't go through this alone - please someone help me."

THE PROPOSAL

That someone, the Courtworker, whose presence provides security and reassurance, can be a liaison between the arrested person and areas of their concern. The Worker would also see that legal advice is provided as soon as possible instead of waiting until just before the court appearance. He would also meet with the lawyers, talk over the situation, provide background information on their client, and translate for either party during the procedures. Along with interpreting the Native's rights and charges, the Courtworker would also explain his responsibilities and possible sentence.

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- (i) Cultural Studies
 - (ii) Panel Discussions

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MR ALIX DENNY
PRESIDENT
UNSI
SYDNEY N S

FILE 271/19-1 (LG)

PROPOSED POLICING MEETING
ATTORNEY GENERAL NOVA SCOTIA
5 JUNE 1978

THIS REFERS TO A TELEPHONE CONVERSATION BETWEEN MR DENNY AND
MR TOUCHIE A COUPLE OF WEEKS AGO AND A SUBSEQUENT TELEPHONE
CONVERSATION BETWEEN BARBARA MACDONALD AND MR TOUCHIE ON
24 MAY 78 CONCERNING THE ABOVE SUBJECT

THIS IS TO ADVISE THAT ON 23 MAY 1978 MR ECH CONNELLY DISCUSSED
WITH MR GORDON GAYLE THE POSSIBILITY OF HOLDING A MEETING WITH
THE ATTORNEY GENERAL OF NOVA SCOTIA ON 5 JUNE 78 HE WAS
ADVISED IT WAS NOT POSSIBLE AT THIS TIME THE NEW ATTORNEY
GENERAL IS BEING BRIEFED ON THE MANY FACETS OF HIS MINISTRY
AND THIS HAS NOT BEEN FINALIZED TO DATE

THE INTENT OF THIS MEETING WAS TO BRING TOGETHER REPRESENTATIVES
OF THE UNSI, RCMP, ATTORNEY GENERAL FOR PROVINCE OF NOVA SCOTIA,
MR CONNELLY, REGIONAL AND DISTRICT STAFF TO DISCUSS SPECIFIC
ASPECTS OF THE POLICING SUBMISSION ON POLICING SERVICES TO INDIAN
PEOPLE LIVING ON RESERVES IN NOVA SCOTIA EVERY EFFORT IS
BEING MADE TO ARRANGE THIS MEETING AT THE EARLIEST POSSIBLE
DATE YOUR ASSISTANCE AND INPUT IN THIS IMPORTANT MATTER IS
ANTICIPATED

C S THOMPSON
DIRECTOR GENERAL
ATLANTIC REGION
INDIAN AND INUIT AFFAIRS

1:15 PM MAY 26/78

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1 AF ARES

DEPARTMENT OF ATTORNEY GENERAL

MEMORANDUM

FROM: Hon. George M. Mitchell, Q.C. TO: Mr. Gordon S. Gale
Attorney General Director (Criminal)

After our meeting with the Whycocomagh group, I had a lengthy chat with the Union and did agree to set up a Committee composed of ourselves, the Union and the Federal Government, to discuss native policing.

It was hoped that the Committee could be constituted fairly quickly and that some kind of draft agreement could be worked out that might be put into effect if a Band were to adopt the 3-B proposal. I think the Union is quite concerned about what the position of the Province will be relative to the enforcement of provincial laws on Indian Reserves.

I presume that this Committee should be set up through the Social Services Department.

Unless you have any objections, I also proposed to agree that there should be two special constables for the Whycocomagh Reserve, as I do think one is insufficient. Would you please speak to me about this on Friday, if you have a moment.

GMM/lw

August 17, 1978

135

The Honourable G. Mitchell,
Attorney General,
Government of Nova Scotia,
Halifax, N.S.

SEP 1 1978

Dear Mr. Mitchell:

May I first take this opportunity to congratulate you on your recent appointment as Attorney General and to wish you well in your new portfolio.

Your predecessor, Mr. Pace, and myself have exchanged correspondence on policing services for the Indian reserves of Nova Scotia. The purpose of my writing to you now is to reply to Mr. Pace's letter of April 4, 1978 in which he raised certain questions and problems associated with the type of policing recommended by the Union of Nova Scotia Indians. As you are no doubt aware, some of the bands in your province would prefer a municipal-type policing service instead of the special R.C.M.P. constable program. Mr. Pace's concerns centered mainly around three areas: (1) the lack of a legislative base to accommodate the Indians' request; (2) the lack of control that he as Attorney General could exercise over these constables; and finally, (3) the "status of reserves as federal enclaves" as he put it, and his lack of jurisdiction over the enforcement of band by-laws.

The R.C.M.P., the Department of Justice, and my own Department have reviewed the matter very carefully and it is our combined opinion that legislative authority exists to accommodate the Indian request. Sec. 34(1) of the 1974 Police Act of Nova Scotia empowers you to appoint special constables, to define their duties, territorial jurisdiction, etc. It is also our view that such jurisdiction could extend to full peace officer powers. In other words, special constables could be empowered by you, if you so wished, to enforce not

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only by-laws but also the Criminal Code, other federal laws, and those provincial laws that apply on Indian reserves. This, in effect, is current practice in Quebec and Ontario.

As you are no doubt aware, the Courts, including the Supreme Court of Canada, are now interpreting very widely the powers of each province over the administration of justice. It is also our view that your appointment of special constables as peace officers on reserves automatically makes them answerable to you for the performance of their duties as peace officers, since you are the ultimate authority for law enforcement in Nova Scotia. This is in accord with the general position in which police have a unique legal position in our country. Their employer, whether it is Canada, a province or a municipality, to mention only the three employers specifically recognized by federal or provincial statutes, pays the salaries of its respective police but each policeman is legally not the agent of his employer or anyone else. Each policeman, on the contrary, is legally considered to be directly responsible to the law itself for enforcing the law. This is why an action against a policeman's employer for damages for something a policeman has done in the course of his duties will fail unless some federal or provincial statute has altered the legal position. In other words, in performing their duties under the Criminal Code and provincial laws applicable to reserves, band constables are ultimately answerable to the Attorney General of the province concerned since, constitutionally speaking, the provinces have responsibility for the administration of justice and policing, including the enforcement of the Criminal Code. This does not, however, remove any of the prerogatives of the Band Council who, as the employer, can set terms and conditions about hours of work, rates of pay, supervision, priorities, etc. We cannot, however, support the desires of some Indian leaders to have bands assume even more extensive police powers.

Indian reserves are not sovereign nations or enclaves and the residents thereof are subject to federal laws, including the criminal law and generally to provincial laws of general application. Any assertion that the Criminal Code of Canada does not apply within reserves is tantamount to saying that the Parliament of Canada is unable to enact laws applicable to Indians or lands reserved for their use and occupation notwithstanding that s. 91(24) of the B.N.A. Act, 1867 gives to the Parliament of Canada exclusive authority to legislate in respect of "Indians, and lands reserved for the Indians." As well, it can only lead to the conclusion that not only is the Indian Act, a statute of the Parliament of Canada, inapplicable or unenforceable on Indian reserves, but that Canada has no sovereignty over Indian lands and consequently provincial laws have no application as well. There is considerable jurisprudence to support the opposite view, e.g. The Queen vs. George (1966) S.C.R. 2677, Sikyee vs. The Queen (1964) S.C.R. 642, and Regina vs. Francis (1970) D.L.R. (3d) 189.

Insofar as the application of Provincial laws on reserves is concerned, with the enactment of S. 87 of the Indian Act in 1951 (now s. 88) there is no question that provincial laws of general application apply to Indians on their reserves in accordance with the terms of that section: "The Queen vs. George supra. Prior to 1951 it was argued that Indian

reserves were enclaves which were withdrawn from the application of Provincial legislation, save by way of reference by virtue of federal legislation. In Cardinal v. A. G. of Alberta (1973) 13 C.C.C. (2d) 1 the question was whether an Indian on a reserve was bound by s. 37 of the Alberta Wildlife Act which prohibited any person from trafficking in big game. The Supreme Court of Canada upheld the conviction. Mr. Justice Martland speaking for the majority stated at p. 7:

"In my opinion the test as to the application of Provincial legislation within a Reserve is the same as with respect to its application within the Province and that is that it must be within the authority of s. 92 and must not be in relation to a subject-matter assigned exclusively to the Canadian Parliament under s. 91. Two of those subject are Indians and Indian reserves, but if provincial legislation within the limits of s. 92 is not construed as being legislation in relation to those classes of subject (or any other subject under s. 91) it is applicable anywhere in the Province, including Indian reserves, even though Indians or Indian reserves might be affected by it. My point is that s. 91(24) enumerates classes of subjects over which the federal Parliament has the exclusive power to legislate, but it does not purport to define areas within a Province within which the power of a Province to enact legislation, otherwise within its powers, is to be excluded."

The minority judgment was based on the enclave approach and the view that provincial laws could not apply on a reserve ex proprio vigore.

Our view is also that special constables appointed under the Police Act of Nova Scotia can enforce band by-laws on reserves. If there are federal statutes, apart from the Criminal Code, which must be provincially enforced, as is suggested by an important decision last fall of the Alberta Court of Appeal in the Queen vs. Hausar case, that is covered for the R.C.M.P. by the agreement between Canada and Nova Scotia. That agreement also covers prosecutions under the Criminal Code and under all provincial statutes and regulations. The Indians, however, want a larger direct role which I believe can be accommodated under your provincial Police Act. I would also expect the R.C.M.P. will extend the same assistance as presently accorded other municipal police forces.

The other alternative I see is the enactment of permissive legislation by Nova Scotia, namely amendments to the Police Act and the Municipal Act which would, for the purposes of the Police Act, consider Indian reserves to be municipalities. Indian bands could then have a local option. I don't believe, however, that this arrangement is very practical, politically speaking, since it might evoke among the Indians memories of the White Paper of 1969.

My staff is ready to meet with yours as soon as this can be arranged. I would hope the practice of direct Indian involvement can be continued in order to expedite action. I look forward to hearing from you.

Yours sincerely,

ORIGINAL SIGNED
ORIGINAL SIGNED
HUGH FAULKNER

CONNELLY:sm
May 24, 1978

J. Hugh Faulkner.

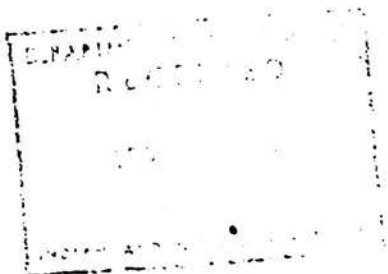
cc. R.D.G. Atlantic
Solicitor General
Deputy Solicitor General
Commissioner Simmonds
Inspector R. Gilholme
Program Support Branch

ATTORNEY GENERAL
NOVA SCOTIA



April 4, 1978

The Honourable J. Hugh Faulkner
Minister
Indian and Northern Affairs
400 Laurier Avenue West
Ottawa, Ontario
K1A 0H4



Dear Mr. Faulkner:

I wish to acknowledge your letter of February 20th which I have delayed answering pending a meeting with the Representatives of the Union of Nova Scotia Indians. This meeting has now been held and, as I indicated to the Representatives of the Union of Nova Scotia Indians, I am expressing to you the views which I expressed to them.

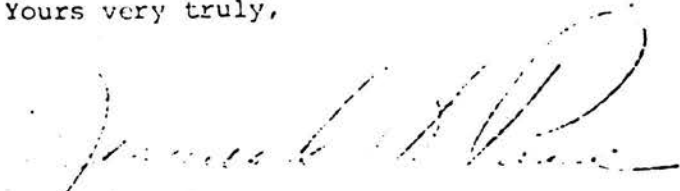
The concept of policing which this Department agreed to and approved was for the appointment of Indians to the position of Special Constable in the R.C.M.P. to be attached to the detachment policing the reserve and to assist the members of that detachment in policing the reserve. As such Indian Special Constables would be members of the R.C.M.P. and as the R.C.M.P. are the provincial police in this Province then there would be no doubt about my authority over them as Attorney General of the Province of Nova Scotia. This is not the case with the concept which you propose.

The concept in your letter is really a municipal policing concept and the members of such a force would not be members of the R.C.M.P., and therefore not members of the provincial police. The Police Act of this Province does not provide for this concept and accordingly I as Attorney General would not have control over them nor would the members have the benefits of the Police Act. In addition, because of the statutes of reserves as federal enclaves I doubt that I as Attorney General would have any control over the type of regulations which the Band Council might enact.

April 4, 1978

My Department does not provide any grant for policing to any municipality in this Province and in fact you are asking in your letter that we do this in regard to Indian Reserves which will have a municipal policing system. Notwithstanding this I cannot see what authority I as Attorney General would have over such police that I would welcome your comments to show where I may have such authority or what legislative proposals your government plans to give such authority to me.

Yours very truly,



Leonard L. Pace

UNION of NOVA SCOTIA INDIANS

141

MICMAC P. O.
HANTS CO, N. S.
TEL. 758-2048
TELEX 019-34576



P. O. BOX 961
SYDNEY, N. S.
B1P 6J4
TEL. 539-4107
TELEX 019-35215

OFFICE OF
THE PRESIDENT

February 26, 1979

Hon. Harry How
Minister
Attorney-General's Office
Province House
Halifax, Nova Scotia

Dear Sir:

The attached Position Paper on the Nova Scotia Micmac Tribal Police Force will be the subject of our discussions at our meeting with you on March 26, 1979 at 11:30 a.m.

In attendance, representing the Union of N. S. Indians will be Sakej Henderson, Research Director; James Maloney, President, Micmac Tribal Police Force; and myself.

We are asking for a Regional Office representative who will represent the Department of Indian Affairs.

Yours in recognition
of Aboriginal Title,

STU KILLEN

Stu Killen, Director
Popular Education Program

SK/bjm

UNION of NOVA SCOTIA INDIANS

142

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OFFICE OF
THE PRESIDENT

February 26, 1979

Mr. C. S. Thompson
Director General - Atlantic
Indian & Inuit Affairs
P.O. Box 160
Amherst, Nova Scotia

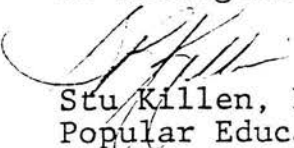
Mr. Thompson:

Representatives of the Union of N. S. Indians will be meeting with the Hon. Harry How on March 26 at 11:30 a.m. in Halifax.

The subject will be the Micmac Tribal Police Force proposal and we would appreciate your attendance at this meeting to discuss the views of Indian Affairs Branch.

We have been given the understanding that the Province of Nova Scotia will not enter into an Option 3B agreement unless the Provincial Supreme Court changes its recent rulings with respect to Provincial laws on Federal Indian Reserves.

Yours in recognition
of Aboriginal Title,


Stu Killen, Director
Popular Education Program

SK/bjm

R. A. MacDonald
Director, Programs &
Administration

Hon. Harry W. How, Q. C.
Attorney General

Attached is a Memorandum to Executive Council relative to the Native Courtworker Program. I am asking that the Executive Council review their position and permit at least the re-establishment of this Program even if it is ~~at~~ a reduced scale from what our original submission was in January, 1979, which is summarized in the Report and Recommendation.

As I indicated to you verbally, I think this is one area where the Province of Nova Scotia could show good faith with the Union of Nova Scotia Indians. I have advised the Union that this matter was being referred back to the Executive Council for further consideration and we would be in a position to inform them of the decision around April 1st.

You will recall that the Union wanted a further meeting with you to discuss why the original proposal was not approved by Treasury Board.

Attach.
RAMacD/gmc
March 16, 1979.

UNION of NOVA SCOTIA INDIANS

144



MICMAC P. O.
HANTS CO, N. S.
TEL. 758-2048
TELEX 019-34576

P. O. BOX 961
SYDNEY, N. S.
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TEL. 539-4107
TELEX 019-35215

OFFICE OF
THE PRESIDENT

March 30, 1979

Mr. Harry How
Attorney General
Province of Nova Scotia
Province House
Halifax, Nova Scotia

Dear Sir:

We appreciate your effort and your time to understand the policing concept on Indian Reserves, at our meeting of March 26, 1979.

As you are aware, there's no single solution to the complex structure of Indian Affairs especially when they send the Director of Housing to discuss policing.

We are in the process of preparing a Memorandum of Jurisdiction that would probably take a month. In the meantime, we request you advise the Federal funding agencies that you like the ideas but you have no funds to get over the cost-sharing requirements for the fiscal year, 1979-80. We remain firm in our convictions that cost-sharing arrangements are detrimental to the Provincial economy.

As you suggested, we understand that your Department will be preparing its position paper on the policing concept; also, we understand you're going to write and get an up-to-date Dept. of Justice's position paper.

Mr. Harry How

March 30, 1979

We require a letter from you to the Dept. of Justice stating that the Province's financial condition is inadequate to fund the Courtworkers Program for the fiscal year, 1979-80.

On the Centre for the Development of Band Law, we need an evaluation on the concept and the determination on any Provincial funding so that we could proceed to acquire Federal funds from different agencies.

Time is of the essence.

Yours in recognition
of Aboriginal Title,

Sakej Henderson ✕

Sakej Henderson
Putu's, U.N.S.I.

SH/bjm

MEMORANDUM

TO EXECUTIVE COUNCIL

146

NUMBER:

DEPT.:

DATE:

SUBJECT: Native Courtworker Program

SUBMITTED BY: The Honourable Harry W. How, Q. C., Attorney General

PREPARED BY: Mr. R. A. MacDonald, Director, Programs & Administration

DEPUTY MINISTER: Mr. Gordon F. Coles, Q. C.

SUMMARY:

To provide the re-establishment of a Native Courtworker Program.

The undersigned has the honour to report:

1. During the years 1974 to 1977, the Attorney General's Department was involved in a Native Courtworker Program, Provincial costs amounting to \$30,000 yearly.

2. The Program was terminated in March, 1977 as a result of a difference in opinion relating to the distribution of Federal and Provincial Government funding.

3. I originally received a request to re-establish this Program in an amount exceeding \$200,000 per annum. Subsequently, discussions with staff reduced this figure to \$71,000 resulting in a Provincial expenditure of approximately \$35,000.

4. This information was forwarded to Treasury Board January 19, 1979 requesting approval of the funds.

5. Treasury Board advised that there were no funds available for this purpose, but the Department could, if it had funds available within its approved budget, commence the Program.

6. The Department, in meeting its required budget reduction, will not be able to respond to a reallocation of funds to commence the Program.

7. The Union of Nova Scotia Indians have requested a further meeting with me to ascertain why the Province of Nova Scotia is not prepared to re-establish this Program.

8. Departmental staff have again reviewed the matter with the Union of Nova Scotia Indians and with the Federal Authority and it has been collectively agreed that if the Province cannot afford to enter into an agreement which would cost \$35,000 per year and provide for the establishment of a Program consisting of four people, being the Coordinator, three Courtworkers and a Secretary/Bookkeeper and related expenses, the Union, the Federal Authority and Departmental staff here are of the opinion that a further reduction of this Program should at least be commenced. Accordingly, we propose an alternative, that being the employment of a Coordinator and two Courtworkers at a salary cost of \$27,000, travel costs of \$12,000 and other related office expenses of \$5,400 for a total of \$44,400, the Provincial cost sharing being \$22,200.

The undersigned recommends that the Province of Nova Scotia agree to the re-establishment of this Program effective April 1, 1979.

Respectfully submitted,

Harry W. How, Q. C.
Attorney General

Halifax, Nova Scotia

January 19, 1979

Mrs. Susan Simpson
Director, Operations & Research
Treasury Board
Halifax, Nova Scotia

Dear Mrs. Simpson:

The Attorney General received a delegation of status and non-status Indians on Tuesday of this week, January 16th, to discuss a Native Courtworker Program.

You will no doubt recall that from the years 1974/75 through to 1986/77, we in fact were involved in a Native Courtworker Program. This was terminated in March of 1977 due to a difference in opinion as to the distribution of funds between the Federal and Provincial Governments. The then Minister, Mr. Pace, was not prepared to remit the monies from the Provincial Government through to the Federal Government, having the Federal Government act as the carrier agent of the Program.

The status and non-status Indians presented a report to the Premier and his colleagues and the meeting held on Tuesday recommends that the Native Courtworker Program be re-established. The Minister has expressed his support of the Program and advised the Indian delegation that he would place before Treasury Board a proposal to commence the Program on April 1, 1979.

Originally, the delegation budget proposed an overall cost of \$200,000. This was subsequently reduced for the first year to \$71,000, which will be shared 50% by the Federal Government. We will be examining with them very shortly the prospects of entering into this agreement. There is no question that this Province's involvement and the Attorney General's support is contingent

Mrs. Susan Simpson/January 19, 1979

Page 2

upon the entering into the agreement with the Federal Government and their concurrence that 50% will be paid by them.

I attach for your consideration the proposal made to the Attorney General from the Union of Nova Scotia Indians and also the attached proposed budget indicating an expenditure of \$71,200. Would you please have this submitted to Treasury Board for its consideration so that we may be in a position to advise the Union of Nova Scotia Indians in the near future.

It is my understanding that the limited Native Court-worker Program that is in operation now will terminate on March 31, 1979 if no further funds are made available. The present funding is from an educational grant of some type and only consists of one member. The Union states that if approved, the staff will include one Coordinator and three Courtworkers; two will be working out of the Cape Breton area and two on mainland Nova Scotia.

The Attorney General requests consideration of establishing this Program.

Yours very truly,

R. A. MacDonald
Director, Programs & Administration

Encl.

RAMacD/gmc



NOVA SCOTIA

TREASURY BOARD

January 30, 1979

Mr. G. F. Coles
Deputy Attorney General
Department of Attorney General
3rd Floor, Provincial Bldg.
Halifax, Nova Scotia

Dear Mr. Coles:

At its meeting of January 30, 1979, Treasury Board considered a request from your department for the addition of \$71,200. gross (\$35,600. net) to the 1979-80 budget submission for the establishment of the Native Court Worker Program. The Board declined to approve this request.

However, at the discretion of the Attorney General, the Board will allow the reallocation of funds in the final approved 1979-80 Budget, provided that that reallocation proposal has been submitted to and approved by Treasury Board. Please note that no announcements concerning the program are to be made prior to the completion of the budget process and receipt of Board approval for reallocation of funds.

Yours very truly,

S. L. WILE
SECRETARY TO TREASURY BOARD



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ATTORNEY GENERAL
NOVA SCOTIA

13 February 1979


Mr. S. L. Wile
Secretary to Treasury Board
Province of Nova Scotia

Dear Mr. Wile:

Re: Native Courtworker Program

In reply to your advice of January 30, regrettably I must advise that the 1979-80 budget estimates of this Department do not enable any reallocation of funds to enable the establishment of a Native Courtworker Program. The Attorney General has no alternative but to so advise the advocates of the Program.

Yours very truly


Gordon F. Coles
Deputy Attorney General


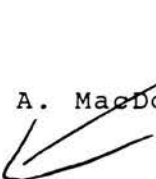
c. c. Attorney General

DEPARTMENT OF ATTORNEY GENERAL

Frb

MEMORANDUM

FROM:

Deputy TO: R. A. MacDonald Re: Native Courtworker Agreement

I understand that any continuing discussion on this subject will depend on subsequent Treasury Board approval to provide the required moneys before we can enter into any agreement with Ottawa to provide for such a program.

It may be premature to comment on the agreement, however, I question the usefulness of the motherhood statements set out in the recitals and to the extent that it is thought necessary to express them, I would think they would apply with equal authority to all Canadians and can see little purpose in singling out Native people who I consider to be Canadian notwithstanding their own protestations to the contrary.

The definition of "carrier agency" speaks of "an independent native service organization". I am not certain what this means in reality. Surely the carrier agency is not expected to be independent of the native people to be served by the Program and I find it equally difficult to consider it independent of the principals to the agreement if it is accountable to them.

Since the draft agreement is between Canada and the Province and the federal moneys will be paid to the Province, there will need to be an agreement with the carrier agency and, what consideration has been given to the terms of such a subordinate agreement between the Province and the agency and have the proposed terms of this been determined and discussed with the intended carrier agency?

February 16, 1979.



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NOVA SCOTIA

TREASURY BOARD

February 20, 1979

Mr. Gordon F. Coles
Deputy Attorney General
Department of Attorney General
3rd Floor, Provincial Bldg.
Halifax, Nova Scotia

Dear Mr. Coles:

At its meeting of February 20, 1979, Treasury Board considered your letter of February 13, advising that your department would be unable to reallocate the 1979-80 budget to allow the establishment of a Native Courtworker Program.

The Board found it difficult to understand how it could be determined that such a reallocation was not possible, given that the budgetary process itself is not yet complete, and suggests that because of the apparent priority of this program that decision be deferred to a later date.

Yours very truly,

HONOURABLE ROLAND J. THORNHILL
CHAIRMAN OF TREASURY BOARD

c.c.: Honourable Harry How
Attorney General

R. A. MacDonald
Director, Programs &
Administration

Hon. Harry W. How, Q. C.
Attorney General

With reference to your memorandum to Mr. Coles and I relating to the Native Courtworker Program, following is a progress report:

1. Program not approved when we submitted our original budget 1979/80.
2. A further submission in January, 1979. Treasury Board again declined to approve the request for a provincial expenditure of \$35,600. They did advise that if we had sufficient monies within our own budget, we had their permission to reallocate these monies for a Native Courtworker Program.
3. We took the position that we could not find these monies within existing budget allocations and therefore advised the Federal Government and the Union accordingly.
4. A Federal representative, a Mr. Mueller, met with me and suggested that we might be able to commence a program September 1, 1979 with the Federal Government paying the full cost from September 1 to March 31, 1980 and on April 1 we would pay our cost of the program for a year ending August 30, 1980. What he was suggesting is that the Federal Government would pay this fiscal year for their share of the program and we would pay for next fiscal year ending 1980/81. However, we were unable to obtain a commitment that it would be possible to even enter an agreement as of April, 1980 and as a result, I notified the Federal Government's representative that we would not be able to respond this year.
5. Certainly we can include it in our budget presentation for 1980/81. Please note that the advice given to both the Federal representative and the Union was verbal. They should now be confirmed in writing if it is not our intention to again attempt to obtain some funding for this fiscal year.

RAMacD/gmc
July 23, 1979.

Sept 1/79

Nov 3/80

50%

FROM: Aug 31/80

agmt 1/80
50

DEPARTMENT OF ATTORNEY GENERAL

MEMORANDUM

Very different

TO:



Department of Justice

Ministère de la Justice

G.E. Mueller

Chief, Program Administration

Room 932
Justice Building
Ottawa, Ontario
K1A 0H8

(613) 995-0026

Chef, Gestion des Programmes

Pièce 932
Edifice de la Justice
Ottawa, Ontario
K1A 0H8

(613) 995-0026

August 10, 1979

Mr. G. E. Mueller
Chief, Program Administration
Department of Justice
OTTAWA, Ontario
K1A 0H8

Dear Mr. Mueller:

This has further reference to our meeting at my office relating to the Native Courtworker Program.

Unfortunately, we cannot commence any type of program for the balance of this fiscal year. We are prepared to request consideration of the program in our next fiscal year beginning April 1, 1980.

I am advising the Union of Nova Scotia Indians and suggesting that we meet in early October so that an appropriate submission may at that time be prepared for consideration when our estimates are being considered this Fall.

Any thoughts you may have along these lines will be appreciated.

Yours very truly,

R. A. MacDonald
Director, Programs & Administration

RAMacD/gmb

August 10, 1979

Mr. William Poulette
Union of Nova Scotia Indians
P. O. Box 961
SYDNEY, Nova Scotia
B1P 6J4

Dear Mr. Poulette:

As you are no doubt aware, no Provincial funding will be forthcoming this fiscal year for a Native Courtworker Program. I have so advised the Federal Department of Justice.

I have also advised them that we are prepared to make a submission for the establishment of a Native Courtworker Program for the next fiscal year beginning April 1, 1980.

I would request that some time during the month of October, a meeting be arranged to discuss the matter in detail and to prepare a submission for consideration.

Would you please let me have your comments.

Yours very truly,

R. A. MacDonald
Director, Programs & Administration

RAMacD/gmb

*
JUSTICE OTT

UNSI SYD

AUGUST 28, 1979

ATTN: GORDON WILLIAMS

WE ARE VERY DISAPPOINTED THAT YOU WERE NOT ABLE TO ATTEND OUR MEETING ON AUGUST 28, 1979. WE WOULD INVITE YOU TO ATTEND OUR MEETING IN SYDNEY, AXX ON SEPTEMBER 4, 1979. IT IS VERY CRUCIAL THAT WE MEET WITH YOU WITHIN A WEEK SO THAT A DECISION ON THE FUTURE OF THE COURTWORKERS PROGRAM CAN BE MADE. WE WILL BE AVAILABLE FOR A MEETING AT ANY TIME WITHIN A WEEK.

STANLEY JOHNSON
PRESIDENT
UNION OF N S INDIANS

CC VIOLA ROBINSON
NONS

JUSTICE OTT

UNSI SYD

Department of Social Services

P. O. BOX 696, HALIFAX, N. S.

B3J 2T7

NOVA SCOTIA

MEMORANDUM

TO: The Honourable Laird Stirling
 The Honourable Bruce Cochran
 Mr. Stanley Johnson
 Mr. Blenis J. Nicholson
 Dr. Sakej Henderson
 Mr. Albert Marshall
 Mr. Robert G. Cairns
 Mr. R. S. Brookfield
 Mr. Joe B. Marshall
 Dr. Tony Johnstone
 Mr. Stu Killen
 Mr. Peter J. Paul
 Mr. Allan Clark

FROM: Mr. John A. MacKenzie

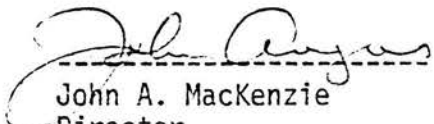
DATE: August 29, 1979

Please find attached the Minutes of the August 8, 1979 meeting between the Union of Nova Scotia Indians and the Provincial Government.

If you have any questions or concerns about the content, please call.

Also, please note our next meeting is set for Wednesday, October 24, 1979 at 1:30 p.m. in the 5th Floor Board Room of the J. W. Johnston Building, 5182 Prince Street, Halifax, Nova Scotia. I would appreciate hearing from you as to any additional items you wished placed on the Agenda for this meeting.

Thanks.


 John A. MacKenzie
 Director
 Policy, Planning & Research

JAM/cb

Attachments



MINUTES OF MEETING
 BETWEEN THE UNION OF NOVA SCOTIA INDIANS
 AND THE PROVINCIAL GOVERNMENT

August 8, 1979

5th floor boardroom
 J. W. Johnston Building

Present:	Hon. Laird Stirling - Chairman	Minister of Social Services
	Hon. Bruce Cochran	Minister of Tourism/Recreation
	Mr. Stanley Johnson	President, Union of N. S. Indians
	Mr. Blenis J. Nicholson	Department of Education
	Dr. Sakej Henderson	Union of Nova Scotia Indians
	Mr. Albert Marshall	Union of Nova Scotia Indians
	Mr. J. A. MacKenzie	Department of Social Services
	Mr. Robert G. Cairns	Department of Development
	Mr. R. S. Brookfield	Department of Finance
	Dr. Tony Johnstone	Department of Education
	Mr. Joe B. Marshall	Union of Nova Scotia Indians
	Mr. Stu Killen	Union of Nova Scotia Indians
	Mr. Peter J. Paul	Union of Nova Scotia Indians
	Mr. Allan Clark	Department of Social Services

Prior to this meeting the Union forwarded the following items for discussion.

1. Brief Presented to the Province of Nova Scotia by the Union of Nova Scotia Indians on February 1, 1976, entitled; Diesel Fuel-Gasoline - Fuel and Stove Oil - Amusement - Oil - Accommodations-Store License and Insurance Taxation Exemption Brief.
2. Proposal to the Department of Education Requesting funding for a Miq'ic Teacher Aide Training Program.
3. Tuition Agreements Between Indian Bands and Local School Boards.
4. Long Range Economic Development Plans for the Province and How the Indian Reserves Might Fit Into These Plans.
5. Ongoing and Regular Funding for the Annual Indian Summer Games.
6. Arrangements for an October 1, 1979, Meeting Between the Indians and the Provincial Government to Renew the Articles of Friendship, as Outlined in the Treaty of 1752.

Two additional items were added at the meeting, namely the Indian Court Worker Program, and the role of the Indians in the Constitutional discussions.

Item 1

Brief presented to the Province of Nova Scotia by the Union of Nova Scotia Indians on February 1, 1976, entitled; Diesel Fuel - Gasoline - Fuel and Stove Oil - Amusement - Oil - Accommodations - Store License and Insurance Taxation Exemption Brief.

This brief was originally presented to the then Minister of Finance, Mr. Peter Nicholson. Essentially the Indians are requesting exclusion from general sales tax on the above items if the items are delivered to Status Indians on Reserves. According to the Union, Reserves are the exclusive conclaves of the Federal Government. If the Province's decision is negative the Union states they will take the matter to the Courts. Ontario, Quebec, and Saskatchewan, have granted such an exemption to Indians on Reserves in their respective Provinces.

Mr. Brookfield, after raising questions respecting the legality of such an amendment and the problems of enforcement, agreed to bring the matter to the attention of his Minister and get back to the Union President, Mr. Stanley Johnson.

Item 2

Request of the Union of Nova Scotia Indians to meet with the Lieutenant Governor to renew the Articles of Friendship as outlined in the Treaty of 1752.

In June of 1978 the President of the Nova Scotia Union of Indians wrote to the Lieutenant Governor requesting this meeting. In light of the fact that the Minister of Social Services had been designated as the Government's appointee to deal with all matters relating to Indians, the request for such a meeting was referred to the Department of Social Services on the understanding that a meeting would be arranged with the Executive Branch of Government.

At today's meeting the Union emphasized the fact that such a meeting with the Lieutenant Governor was important to the Indians from a cultural, historical, and traditional perspective. It would serve to point out to the Indian people as well as the community at large the special status of the Indians and their relationship to the Crown. The meeting would be used to (1) renew the Articles of Friendship, (2) exchange gifts, (3) afford the Union the opportunity to bring before the Lieutenant Governor, Indian concerns.

Briefs would be presented on the following items:

1. Indian rights as they relate to hunting, fishing and trapping;
2. The transfer by the Province to the Indians of monies received from various forms of hidden tax and equalization grants;
3. Aboriginal Rights and the Canadian Constitution.

In light of the protocols involved - i.e. - all substantive matters are usually addressed to the Executive Branch of Government, Mr. Stirling suggested that he take this matter to the Policy Board of Government and the Premiers Office prior to responding to the Nova Scotia Union of Indians' request. There was general agreement to this approach.

Item 3

Union Proposal to the Department of Education requesting funding for a MicMac Teacher Aide Training Program.

Approximately a year ago the Union requested the Department of Education's support in setting up a special program to upgrade the teaching licenses of Indigenous MicMac Teacher aides. According to Mr. Stanley Johnson, the President of the Union, the request was twofold:

1. That the Department of Education approach the Teachers' Union to explore the feasibility of certification for the program.
2. That the Department of Education provide funding in the amount of \$57,000.00 to cover costs of instructors, tuition fees, etc.

The proposed date for implementation was September 1979.

Mr. Blenis Nicholson agreed to bring this matter up with his Minister and get back to the Union.

Item 4

Tuition agreements between Indian Bands and local school boards.

On August 16, 1978, the Union made representation to the Deputy Minister and Minister of Education requesting an amendment to the Education Act which would have the effect of reducing payments made by the Department of Indian Affairs to local school boards for the education of Indian children. The Department of Education now pays approximately \$1,500.00 for each Indian child attending public school. The average payment by a municipal taxpayer is \$150 to \$200 per child. The situation is further complicated by the poor track record of Indian children attending public schools. Approximately 90% drop out by the Grade 9 level. The Union wishes to enter into tuition agreements with each of the local school boards whereby the tuition ceiling is set at \$100 per pupil and the difference between the \$100 and the \$1,500 go to the Provincial Department of Education to establish a fund to meet other needs of Indian children receiving an education off the Reserve. The Union is insisting on the resolution of this item prior to the opening of the school term in September.

Mr. Blenis Nicholson has agreed to discuss the matter with his Minister and get back to the Union prior to the commencement of the fall term.

Item 5

The Union of Nova Scotia Indians' request for regular and ongoing funding for the Indian Summer Games.

The Union is requesting a Provincial grant in the amount of \$7,500 from the Department of Culture, Recreation, and Fitness, to help defer costs of the Indian Summer games to be held in Whycomomagh on August 24, 25, 26, 27, 1979.

Mr. Cochrane agreed to review the matter immediately and get back to the Union President, Mr. Stanley Johnson, with a decision.

Subsequent to our meeting I was informed by Mr. Cochrane's office that his Department will make a grant of \$3,000 for this year's summer games.

Item 6

Synchronization of the long-range development plans of the Province and the Indian Reserves.

The Department of Development is undertaking a four-phase economic development strategy and the Union of Nova Scotia Indians is presently completing an inventory of the resource development potential on the Reserves. It was agreed that a meeting between the Union Executive, the Department of Development, and DREE officials should be set up to ensure the complementarity of our mutual economic development efforts.

Mr. Robert Cairns agreed to assume responsibility for setting up such a meeting.

Item 7

Court Worker Program.

The Union of Nova Scotia Indians understands that the Attorney General's Department has agreed to finance the above program on a 50-50 basis with the Federal Government effective September 1, 1979, and wish confirmation of this understanding. They are requesting a letter of confirmation be forwarded to the Department of Indian Affairs and to the President of the Union of Nova Scotia Indians. Also, the Union is requesting the Province approach the Federal Department of Ministry requesting that the Government of Canada assume the greater portion of the costs involved in this program. Mr. Stirling agreed to raise this matter with the Attorney General's Department as soon as possible.

Following the meeting an inquiry was made of the Attorney General's Department and officials indicated a letter had been sent to the Nova Scotia Union of Indians indicating the terms and conditions under which the Province would participate in the Court Worker Program. Mr. Stirling discussed the contents of this letter with Mr. Peter Paul and Mr. Stu Killen while in Sydney on August 17, 1979 and was given to understand the Nova Scotia Union of Indians were satisfied with the Attorney General's response.

Item 8

The Union have requested a letter of support from the Province to the Federal Government urging that any changes to the BNA Act serve to protect Indian Rights. As well, the Union wishes to be involved with the Province in an advisory capacity on any Constitutional discussions relating to Indians and Lands Reserved for Indians.

Mr. Stirling agreed to discuss this request with the Premier and Cabinet and to get back to the President of the Nova Scotia Union of Indians.

Item 9

Tripartite Arrangements.

The Union has indicated their support for the reintroduction of the Tripartite arrangement which existed from 1970 to about a year ago. In 1969 a Tripartite Committee was set up with the Minister of Social Services, representing the Province, the Director General of Indian Affairs, and the President of the Union of Nova Scotia Indians, to deal with all items relating to Indians. This Committee was staffed with a Liaison Officer for each of the parties involved. The staffing was funded by the Department of Indian Affairs.

Mr. Stirling agreed to bring this matter to the attention of the Policy Board for a decision.

Mr. Johnson agreed to raise the matter with the Union Executive and Band Chiefs.

Finally, Mr. Stirling agreed to arrange a meeting between the Minister of Indian Affairs and Northern Development, the President of the Union of Nova Scotia Indians, and himself, before the end of October.

John A. MacKenzie
Director
Policy, Planning & Research



Doyle

BW

SEP 4 1979

Mr. Stanley Johnson,
President,
Union of Nova Scotia Indians,
P.O. Box 961,
Sydney, Nova Scotia.
B1P 6J4

Dear Mr. Johnson:

Thank you for your telex of August 1, expressing your views about the matter of policing on Indian Reserves.

Under the Constitution of Canada, the administration of justice is a Provincial matter. Certain Provinces do contract with the R.C.M. Police to provide policing services. When this force deals with matters such as those coming within the criminal code and Provincial statutes, however, it is acting as a Provincial police force even when it is handling these on Indian Reserves.

If Band-appointed constables are to have more than very minimal powers, then the wider powers must be granted by the Province, or by the R.C.M. Police acting on behalf of the Province. Consequently, appointments of constables must be approved by the Provincial Government.

While I am anxious that Bands have adequate policing services, we cannot act without Provincial involvement. Any Band Council wishing to appoint constables with more than very minimal powers should therefore discuss its proposals with Provincial authorities.

.../2

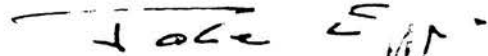
*Policing
received
Oct 5 1979*

pc.

While you state that funds are available only for arrangements providing for R.C.M. Police special constables (option 3(b)), a number of Bands in Nova Scotia are in fact now served by Band Council appointees. With regard to the general question of financial assistance, I am sure you will appreciate that my responsibility to Indian people, and to Parliament, does not permit me to provide funding without some conditions being set.

I trust this clarifies the various points you raise.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jake Epp", with a horizontal line above it and a stylized flourish to the right.

Jake Epp.

NOVA SCOTIA



OFFICE OF THE MINISTER

P.O. BOX 696
HALIFAX, N.S.
B3J 2T7

DEPARTMENT OF SOCIAL SERVICES

September 4, 1979.

Mr. Gordon Coles, Q.C.
Deputy Provincial Secretary
Province of Nova Scotia
Halifax, N.S.

Gordon
Dear Mr. Coles:

At a recent meeting of the Policy Board it was decided that I, as Minister of Social Services, would carry responsibility for co-ordinating all matters relating to Native Peoples in Nova Scotia.

To assist in this task, I would ask that you keep my office informed regarding any communication you may have with Native Peoples and/or groups representing them, such as, the Nova Scotia Union of Indians and the Native Council of Nova Scotia. Mr. John A. MacKenzie, Director of Policy, Planning and Research will be responsible for dealing with concerns of the Native Peoples on a daily basis and I would ask that you ensure he is kept informed and receives copies of any correspondence between your Department and Native Peoples or groups representing them.

Thank you kindly.

Sincerely,

Laird Stirling

Laird Stirling.

(COPIED TO ALL DIRECTORS BY DEPUTY)
September 21, 1979



NOVA
SCOTIA

ACTION REQUEST

TO Mr. R. A. MacDonald

Location Head Office

Re: Attached

- | | |
|---|---|
| <input type="checkbox"/> APPROVAL | <input type="checkbox"/> NOTE and FILE |
| <input type="checkbox"/> SIGNATURE | <input type="checkbox"/> NOTE and FORWARD |
| <input type="checkbox"/> COMMENTS | <input type="checkbox"/> NOTE and RETURN |
| <input checked="" type="checkbox"/> INFORMATION | <input type="checkbox"/> REPLY, Please |
| <input type="checkbox"/> INVESTIGATION | <input type="checkbox"/> SEE ME, Please |
| <input type="checkbox"/> DRAFT REPLY | <input type="checkbox"/> CALL ME, Please |
| <input type="checkbox"/> TRANSLATION | <input type="checkbox"/> B.F. -- Your Request |

For your information.

REMARKS
.....
.....
.....

FORM 101
MAY 1969

FROM <i>Donald H. Crane</i>	PHONE 7640	DATE 24/09/79
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171
Department of Justice Ministère de la Justice

Ottawa, Canada
K1A 0H8



MR. R.A. MACDONALD

Our File: 6350-8

September 20, 1979

Mr. William Poulette,
Union of Nova Scotia Indians,
P.O. Box 961,
Sydney, Nova Scotia.
B1P 6J4

Dear Bill:

Further to our conversation of September 20, 1979, this is to confirm the current position of the Department.

As you know, the Department requires a commitment from the province to cost-share the courtworker programme on a 50-50 basis. I had hoped to implement a scheme whereby a federal-provincial agreement would cover an eighteen-month period with the Department assuming the cost of the first nine months of the programme. Unfortunately, this was not acceptable, as I explained to you over the phone.

I would suggest that the meeting scheduled for October 3, 1979 be postponed until a later date. I understand from our conversation that the Union will negotiate with the province over the next few weeks to see if anything can be done this year. Should you be successful in those consultations, I will be available to meet with you and the province to finalize an arrangement that will reinstate the courtworker programme in your province.

May I wish you all the best in your future consultations.

Best regards,

G.E. Williams,
Chief,
Native Programmes.



Our File: 6350-8

October 18, 1979

Mr. R.A. MacDonald,
Director,
Programs & Administration,
Department of the Attorney General
of Nova Scotia,
P.O. Box 7,
Halifax, Nova Scotia.
B3J 2L6



Dear Ron:

I enclose herewith for your information the following correspondence regarding the Native Courtworker Programme in Nova Scotia:

- i) a copy of a telex, dated October 12, 1979, from Ms. Viola Robinson, President of the Native Council of Nova Scotia, to the Minister of Justice; and
- ii) a copy of a letter from the Minister to Ms. Robinson in response to the telex.

Please note that the Minister's letter has not yet been signed, as it was only prepared yesterday. I would therefore suggest that you consider the letter as confidential until it becomes official.

Yours sincerely,

G.E. Williams,
Chief,
Native Programmes.

Encl.



Ms. Viola Robinson,
President,
Native Council of Nova Scotia,
P.O. Box 1320,
Truro, Nova Scotia.
B2N 5N2

Dear Ms. Robinson:

I am in receipt of the telex from your Council, dated October 12, 1979, which referred to the need for a Native courtworker programme in your province.

I appreciate the concerns raised in your telex and have instructed my officials to continue negotiating with you and the province regarding this important matter. It is my hope that a resolution to the current problems will be found in the near future.

I understand that you and your colleagues will be meeting with provincial officials on November 8, 1979 to develop a programme proposal that will come into effect on April 1, 1980. I would appreciate it if you would keep me and my officials informed of the results of the November 8 meeting.

May I take this opportunity to wish you every success in your efforts to serve the Native people in Nova Scotia.

Yours sincerely,

Jacques Flynn

b.c.c. Ron MacDonald

11:27 AM
Oct 12/79

3-8-1

O.
JUSTICE OTT

NSIMANS TRRO

OCTOBER 12, 1979

TO: HON. JACQUES FLYNN
MINISTER OF JUSTICE - OTTAWA ONTARIO

FR: THE EXECUTIVE OF THE NATIVE COUNCIL OF NOVA-SCOTIA

RE: NATIVE COURTWORKERS PROGRAM

FOR QUITE SOME TIME NOW THE UNION OF NOVA SCOTIA INDIANS (STATUS) AND THE NATIVE COUNCIL OF NOVA SCOTIA (NON-STATUS) HAVE BEEN WORKING CONCENTRATEDLY TO RE-ESTABLISH THE NATIVE COURTWORKERS PROGRAM IN NOVA SCOTIA BUT WE HAVE FACED ONE SETBACK AFTER ANOTHER. WHEN WE FIRST SUBMITTED OUR JOINT PROPOSAL FOR FISCAL YEAR 1979/80 WE WERE ADVISED THAT FEDERAL FUNDING WAS AVAILABLE BUT PROVINCIAL FUNDING WAS NOT, DUE TO AN ALREADY STRAINED BUDGET. FURTHER DISCUSSION ON THE ISSUE DID NOTHING TO CHANGE THE PROVINCES STAND ON COST SHARING THE PROGRAM THIS YEAR. IN LATER DISCUSSIONS WITH OFFICIALS OF THE DEPARTMENT OF JUSTICE WE WERE ADVISED THAT IF THE PROVINCE WOULD COMMIT THEMSELVES TO A COST SHARED PROGRAM NEXT YEAR, THE FEDERAL GOVERNMENT WOULD FUND 100 PERCENT FOR THE REMAINING SIX MONTHS THIS YEAR. GIVEN THIS INFORMATION WE THEN APPROACHED THE PROVINCE TO TRY AND GET A FUNDING COMMITMENT FOR FISCAL YEAR 1980/81 AND WE WERE SUCCESSFUL IN THIS REGARD. IT WAS THEN THAT THE DEPARTMENT OF JUSTICE WITHDREW ITS ORIGINAL OFFER AND STATED THAT THE PROVINCE MUST COME UP WITH AT LEAST \$5,000.00 THIS YEAR OR THERE WOULD BE NO FEDERAL FUNDING. OBVIOUSLY THE PROVINCE WAS UNABLE TO PULL \$5,000.00 OUT OF THE HAT, AND AS IT LOOKS NOW OUR HOPES HAVE BEEN QUASHED FOR THIS YEAR, AND NEXT YEAR DOESN'T LOOK MUCH BETTER.

UNTIL SUCH TIME AS THE JUSTICE DEPARTMENT IS ABLE TO COME TO TERMS WITH THE PROVINCE ON AN EQUITABLE FUNDING FORMULA THEN IT APPEARS THAT THERE IS LITTLE HOPE FOR A COURTWORKERS PROGRAM IN THE FUTURE. SURELY IT MUST BE REALIZED THAT THE ECONOMIC PICTURE IN NOVA SCOTIA IS PRETTY BLANK BLEAK COMPARED TO THE WESTERN PROVINCES AND THUS SHOULDNT THE COST SHARING FORMULA REFLECT THIS DISPARITY. WE ENTERED THOSE DISCUSSIONS OVER A YEAR AGO AND AT THAT TIME THE COST SHARING ARRANGEMENT WAS 50 - 50. FROM RECENT DISCUSSIONS IT APPEARS THAT THE FEDERAL GOVERNMENT IN XX IS NOW THINKING IN TERMS OF 25 - 75, WITH NOVA SCOTIA PICKING UP 75 PERCENT OF THE COSTS. THERE WOULD BE NO POINT IN EVEN DISCUSSING THAT TYPE OF ARRANGEMENT BECAUSE THE PROVINCE WONT TOUCH IT.

WE THINK THAT IF THE JUSTICE DEPARTMENT IS REALLY SERIOUSLY CONCERNED WITH THE DELIVERY OF A COURTWORKERS PROGRAM IN NOVA SCOTIA THEN SOME CONCESSIONS MUST BE MADE. OBVIOUSLY THE FIRST STEP IS FOR ALL PARTIES CONCERNED TO SIT DOWN AND DISCUSS THIS ISSUE, RECOGNIZING OF COURSE THAT WE ARE NEGOTIATING A CXXX O COURTWORKERS PROGRAM WITH A PROVINCE THAT IS MUCH LESS PROPEROUS THAN SOME OTHERS. THE NATIVE COURTWORKERS PROGRAM IS URGENTLY NEEDINXX NEEDED IN NOVA SCOTIA TO SERVE OUR 10,000 NATIVE PEOPLE. WE THINK IT IS NOW TIME TO MAKE A DECISION ONE WAY OR THE OTHER BECAUSE WE HAVE BEEN GOING AROUND IN A CIRCLE LONG ENOUGH.

NSIMANS TRRO

HAS THIS TELEX BEEN RECEIVED?
YES
TKS

NSIMANS TRRO



NOVA SCOTIA

175

Department of Social Services

P. O. BOX 696, HALIFAX, N. S.

B3J 2T7

September 26, 1979

The Honourable Harry W. How
Attorney General
Attorney General's Department
Province of Nova Scotia
Halifax

Dear Mr. How,

Re: Native Courtworker Program

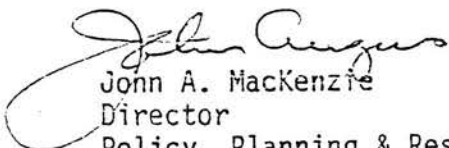
This will follow up our discussion of Friday, September 21, 1979.

Mr. Stewart Killen of the Union of Nova Scotia Indians called early last week to say that the Government of Canada would not fund the above program for the remainder of the current fiscal year unless the Province of Nova Scotia made a significant contribution which translated into dollars means they want Nova Scotia to provide at least \$5000.00 of the total funding required.

Would you please let me know if your Department is in a position to provide such funding for the current fiscal year.

Thanks.

Sincerely,


John A. MacKenzie
Director
Policy, Planning & Research

JAM/cb

c.c The Honourable Laird Stirling
Mr. Stewart Killen

Copy Put
[Signature]



UNION of NOVA SCOTIA INDIANS

B-10

MICMAC P. O.
HANTS CO, N. S.
TEL. 758-2048
TELEX 019-34576



176

P. O. BOX 961
SYDNEY, N. S.
B1P 6J4
TEL. 539-4107
TELEX 019-35215

OFFICE OF
THE PRESIDENT

Press Release

October 2, 1979.

The Union of Nova Scotia Indians, faced with termination of its Native Courtworkers Program, has sharply criticized the federal and provincial government for failure to fund the program.

"It's government bureaucracy ending the program and now native people at the grassroots level will suffer", says Bill Poulette, co-ordinator of the courtworker program.

The federal Department of Justice agreed to provide complete funding for the program to the end of this fiscal year after the Province declined immediate involvement because of budget restraint. The program would have a budget of \$45,300 for the year's last quarter. The Attorney General's Department has indicated interest in making a submission for the program next spring.

However, a last minute decision by the federal Treasury Board demanded a token \$5,000 Provincial commitment this year as a sign of good faith.

Mr. Poulette said the situation especially irks the union because more than \$16 million have been forwarded to the Province in the form of equalization grants on behalf of native people. No more than \$10,000 has ever been spent on the province's Micmac population, he said.

"Now a token \$5,000 stands to end the program, throwing the administration of justice for native people back to the archaic conditions of before", he said.

Mr. Poulette said the court system is misunderstood by native people and spawns confusion fear and disrespect. The ~~program provides more~~

program provides moral support, translation and legal advice for native persons charged with offenses and their families. Native people often don't know their rights and incorrectly plead guilty because of confusion, he said.

Native courtworkers also make proper administration easier for the court and letters supporting the program have come from the Crown Prosecutor and probation and parole officers, he added.

An important aspect of the program is crime prevention through education, Mr. Poulette said. As well as making people aware of the consequences of unaccepted behaviour, the program planned to hold workshops with representatives from police, consumer protection agencies, Family Court, parole and probation offices as guest speakers, he said.

DEPARTMENT OF ATTORNEY GENERAL

MEMORANDUM

October 12, 1979

FROM: Gordon S. Gale
Director (Criminal)

TO: Hon. Harry W. How
Attorney General

Re: Native Courtworker Program

Your memo of last week to the Deputy Attorney General was referred to me.

I have spoken to Mr. James L. Crane and he was to have had a meeting with the Union of Nova Scotia Indians concerning this matter but it was cancelled on the basis that it was pointless to meet as we do not have the funds. Apparently, the Federal Government has run out of money for this fiscal year and is looking to the Province to provide \$5,000. to the Union of Nova Scotia Indians to continue the program for the balance of this fiscal year. Mr. Crane advised the Union that he is prepared to assist them in a joint proposal for funding for the next fiscal year.

They have checked with Mr. A. E. Rennie, in the absence of Mr. R. A. MacDonald, and I am advised that there are no surplus funds that could be applied to making such a grant. Of course, they do have the appropriation for criminal injuries which has not been used but since consideration is being given to proclaiming that legislation, then I would not recommend utilizing any of its funds for this program.

For your information, I might add that the Native Courtworker Program, at present, employs only one person in the Sydney area.



c.c.: Gordon F. Coles, Deputy Attorney General

GSG/cdc

P.S. Pierre Gravelle advised that Fed govt not able to fund program for balance year on basis proposed. Has to be on a 52/52 basis. His main intention is to see advice from hand steering.

Minutes of Meeting
Between The Union of Nova Scotia Indians
and The Provincial Government

October 24, 1979

5Th Floor Boardroom

J. W. Johnston Building

Present: Hon. Laird Stirling, Chairman
 Hon. Joel Matheson
 Hon. Harry W. How, Q.C.
 Mr. Stanley Johnson
 Mr. Blenis J. Nicholson
 Mr. Bob Cairns
 Mr. Albert Marshall
 Mr. J. A. MacKenzie
 Mr. Cecil Thompson, Indian & Northern Affairs
 Mr. Art Higgins, Indian & Northern Affairs
 Mr. Peter J. Paul
 Mr. Stu Killen
 Mr. Joe B. Marshall
 Mr. John J. Paul
 Ms. Shirley Johnson
 Mr. Allan Clark

Prior to this meeting the Union forwarded the following items for discussion:

1. Mechanism of Communications: "You can't be the doctor if you are the disease."
2. Equalization Grants: "\$16 million plus dollar riddle."
 Re: Courtworkers Program
 Education - Tuition Agreements
 Gasoline Taxation
 Section 40 Housing
3. Constitutional Process: "Is there a tear in the Fig Leaf?"
4. Tax Exemption Cards: "New Questions; old answers."
5. The Hit & Run Syndrome: "Searching for an answer."
6. Renegotiations of agreement between Millbrook Band and Her Majesty re Highways.

Item 1

Mechanism of Communication:

Concern was expressed by the Union representatives and The Minister respecting communication problems being experienced particularly with respect to the October 1st meeting.

It was decided that all future correspondence will be addressed to the Liaison Officers for the parties involved and they in turn will be responsible for ensuring the communication is referred to the appropriate parties. The three Liaison Officers are:

Mr. Peter Paul	- Union of Nova Scotia Indians
Mr. Art Higgins	- Indian Affairs & Northern Development
Mr. J. A. MacKenzie	- Department of Social Services

Item 2

a) Court Worker Program:

The Attorney General wrote to the Solicitor's General Dept. in Ottawa at the request of the Union indicating that the Province would approach Management Board for funds to cost share the Court Worker Program on the understanding that the Government of Canada would carry total funding responsibility for the current fiscal year.

The Government of Canada, upon receipt of the Attorney General's letter, changed their original stance and indicated the Province must put up a token amount (\$5,000 for the current fiscal year) before they will contribute their \$45,000.

Mr. Stirling has written to Honourable Jake Epp (with copy to Mr. Peter Paul) requesting the Government of Canada honour the original funding arrangement as put forth by them.

Mr. Stu Killen, at Mr. How's request, agreed to forward a copy of Mr. Gordon Williams' letter of September 4, 1979, which outlined the change in the Government of Canada stance re funding for this program.

b) Education Tuition Agreement:

Tuition Agreement between Indian Bands and local school boards. The Union wishes to enter into tuition agreements with each of the local school boards whereby the tuition ceiling is set at \$100 per pupil.

Mr. Blenis Nicholson stated that a meeting has been set up for November 6, 1979, at 10:00 AM with The Minister of Education to discuss the legalities and how this agreement can be worked out between the local Indian Bands, the local school boards and the Department of Education. (Correspondence confirming this meeting has been forwarded to all concerned.)

c) Gasoline Taxation/Tax Exemption Cards: "New Questions; old answers"

Honourable Joel Matheson, Minister of Finance, indicated that he and his Deputy Minister had reviewed in detail the Brief presented by the Union Gasoline Taxation, etc., and would be in touch with the Union shortly to discuss possible positive courses of action before presenting Departmental recommendations to Policy Board.

In addition, the Union representatives presented a number of concerns they had respecting the administration of the exemption provisions as it relates to the Health Services Sales Tax. A meeting to follow up on these matters has been set up with Mr. Side Wile, Tax Commissioner, for Thursday, November 8, 1979, in the 1st Floor Boardroom of the Provincial Building.

d) Rural and Native Housing Program:

The Rural and Native Housing Program falls under the National Housing Act, Section 40 of Central Mortgage and Housing Corporation.

The Union would like to find out more detail on this program particularly if and how the Reserves may take advantage of its funding provisions. A tentative meeting date has been set for November 6, 1979, at 1:30 PM. Correspondence to this effect has gone to all parties involved.

e) Rural Industry Program:

A number of small industries are now operating on Reserves, such as Eskasoni. The Union would like to maximize Federal and/or Provincial funds available for support.

Mr. Bob Cairns in responding to this request, particularly as it relates to Abamoweg Wood Workers Co-Operative on the Eskasoni Reserve, agreed to set up a meeting with necessary Provincial officials.

Mr. Art Higgins of Indian Affairs and Northern Development agreed to ensure necessary Federal participation. A meeting has now been set for Tuesday, November 6, 1979, at 3:30 PM in the Department of Development, 8th Floor, Bank of Montreal, 5151 George Street, Halifax. Correspondence to this effect has gone to all parties involved.

Item 3

Constitutional Process:

Some time ago, the Union requested that a letter of support be sent from the Premier to the Prime Minister urging that any changes to the BNA Act serve to protect Indian Rights; and that the Union be involved in an advisory capacity and any and all constitutional discussions relating to Indians and Lands Reserved for Indians.

The Attorney General indicated he would review the Union Brief in detail, respond to the Union and draft a letter of support for the Premier's signature if Provincial support for the content of the brief was approved by the Policy Board.

Item 5

The Hit and Run Syndrome: Searching for an Answer

This matter was held over until the next full committee meeting.

Item 6

Renegotiation of Agreement:

This will be dealt with in a meeting with the Minister of Highways now tentatively set for November 6, 1979, at 2:00 PM on the 6th Floor of the Provincial Building.

Item 7

Tripartite Arrangements:

In 1969, a Tripartite Committee was set up with the Minister of Social Services representing the Province, the Regional Director of Indian Affairs and the President of the Union of Nova Scotia Indians to deal with all items relating to Indians. This committee was staffed with a Liaison Officer for each of the parties involved. The staffing was funded by the Department of Indian Affairs.

This funding arrangement terminated in 1975-76. The Province was informed by Indian Affairs and Northern Development that the Union had vetoed continued funding.

In 1976-77 the Liaison Officers for the Union and the Province re-wrote the terms of reference of the Tripartite Committee and re-submitted a request to Indian Affairs for re-instatement of funding.

Recently, The Honourable Laird Stirling spoke and wrote to The Honourable Jake Epp requesting re-instatement of funding for a liaison officer and secretarial staff which would cost in the vicinity of \$40,000 per year.

Mr. Stanley Johnson agreed to bring the matter to the attention of the Band Chiefs and get back to Mr. MacKenzie by mid November indicating whether the Chiefs supported the continuance of the Tripartite Arrangement; the changes in its role and function which would be required; the re-instatement of Federal funding for the Liaison staff at the Provincial level and, the terms and conditions attached to support for the latter.

Mr. Cecil Thompson indicated the position of the Department of Indian Affairs and Northern Development which is essentially that the Province should assume financial responsibility for its Liaison staff.

Mr. Stirling requested Mr. MacKenzie to draft a letter to Mr. Jake Epp reiterating a) the Province's dissatisfaction with the current arrangement and b) requesting an early response to his earlier correspondence which dealt specifically with this matter.

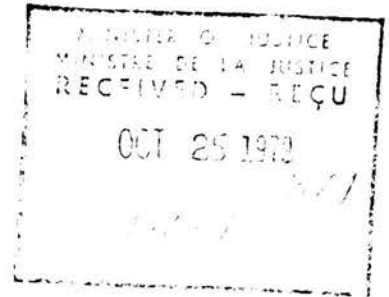
Failing a satisfactory resolution of this item, the Province indicated its intention to transfer responsibility for the current liaison function to Indian Affairs Office in Amherst.

NOTE:

The next meeting will be held on January 16, 1980, at 1:30 PM in the 5th Floor Boardroom of the J. W. Johnston Building, 5182 Prince Street, Halifax, NS.

Mr. Stavelle

OCT 24 1979



Senator the Honourable Jacques Flynn,
Minister of Justice and
Attorney General of Canada,
Justice Building,
Ottawa, Ontario.
K1A 0H8

My dear Colleague:

At my meeting with him on September 26 the Honourable Laird Sterling, Nova Scotia's Minister of Social Services, raised the issue of funding for the Native Courtworkers Program in the Province.

It is the Provincial Government's understanding that your Department would pay the total costs incurred by the program in Nova Scotia for this fiscal year, and that in the following one the Federal and Provincial Governments will share costs on a 50-50 basis.

I would therefore greatly appreciate your assistance in drafting a letter to Mr. Sterling, in which I can specifically address this question of funding. I look forward to hearing from you at your earliest possible convenience.

Yours sincerely,

Jake Epp.

COURTWORKERS PROPOSAL

to

DEPARTMENT OF JUSTICE

by

THE UNION OF N. S. INDIANS

October, 1979

Introduction

The conflict that exists between Micmac people and the justice system is manifested in a number of ways. Micmac people withdraw from participating in the justice system. The basic principles of adversarial conflict which are so much a part of the justice system are foreign and mysterious to Micmac people. The rules of the system are complex and hard to understand. They are based upon customs of European civilization and not upon Micmac ways of doing things. The system may need to adjust to needs of Micmac people thus the Courtworker's Program is a step in the development to both sides alleviating a more meaningful awareness to the Micmac people of Nova Scotia and the Criminal Justice System.

THE EXPERIENTIAL PROBLEMS

In a routine court case, a person goes through an anxiety-raising situation. Going to court is outside our normal daily routine; thus, a foreign situation. Such a situation brings about a great deal of anxiety, uncertainty, and a real feeling of insecurity. These affects are very noticeable when we attend court.

When a person must be involved in some sort of court proceeding, when it is not in their mother tongue, these anxieties are augmented. There would also be a different cultural setting to be considered. He would be surrounded by people, who, not only look and talk differently, but the actual room and its atmosphere would be something new (i.e., the lighting, benches, the stand, etc). This is a terrifying situation even when one understands what is going to happen. However, when one does not understand, we can imagine how much worse this would be, especially without the knowledge of what is going on, what the routine is, the terminology and the possible outcome of the proceedings.

When we go to trial, or are involved in a minor court case, all these anxieties are there; but when it is in another language and we must think in another language, it

can all be very confusing. In looking at this one area of our culture, we can see it as a very anxiety-raising ordeal.

To look at it from another point of view, from that of a person from a different culture, we can see how confusing it would be and how easily misunderstandings can happen. When the individual is aware that whatever is said, will have some sort of affect on the outcome of the case, he would want to say the right things.

There is such a fear of answering questions wrongly because of not understanding and many times, they are afraid to say so. It would be much more simple to have someone else there who could translate into their own language. That person, who would know the terminology and procedures, would be able to explain everything to his client. Such legal things are often very difficult for us to understand; so, in coming from another culture and being used to doing things within that culture, a different way, an alternative method perhaps would not have as much meaning. The whole situation and the anxiety around it would be very confusing.

This has a lot to do in dealing with the standards and expectations of someone else, and not using the ones that the Native has adapted his life to and ones that are used

in his own culture. The Courtworker would make his/her client feel much more at ease and would provide understanding. He would provide a feeling of security and support. The client would know that he/she is not alone. This would also alleviate the greatest fear of being misunderstood.

With regard to legal help, many people don't know where to go for legal advice when they need it. They are aware of a problem, but don't know what to do about it or where to go with it. In some cases, they are not even aware that help is available.

The person doing the interpreting, whose position would be that of Courtworker, would be knowledgeable about local resources. The Courtworker would be able to guide people with specific problems to the proper agencies. He would know the proper steps to take in obtaining help.

When someone is arrested, they would go through some sort of shock state, even if it is very minor. There are very real concerns of that person involved. Their worries may be based around their spouse; their children (who will look after them), their work, and other responsibilities requiring their involvement. There are the doubts - "what's going to happen to me?" or "I can't go through this alone -

please someone help me."

THE PROPOSAL

That someone, the Courtworker, whose presence provides security and reassurance, can be a liaison between the arrested person and areas of their concern. The Worker would also see that legal advice is provided as soon as possible instead of waiting until just before the court appearance. He would also meet with the lawyers, talk over the situation, provide background information on their client, and translate for either party during the procedures. Along with interpreting the Native's rights and charges, the Courtworker would also explain his responsibilities and possible sentence.

The Courtworker would help to raise bail for his client when appropriate.

In his contact with the family, the Courtworker would explain things to them; for example, the procedures and routines, the sentence, length of incarceration, visiting rights, etc. Because of the lack of education in this area, they are unaware of things that may happen. Wrong ideas and misunderstood events are very damaging to their perception of the law. This can cause a great deal of upset

in the family institution and reinforce negative views of the justice system.

As the Courtworker begins to educate the client's family, he would also offer them assistance, when necessary, while a member of their family is in a penal institution. If it were the husband or wife, they could also feel reassured that the needs of their family would be looked after.

Later, when it is time for rehabilitation, the Courtworker would be involved in helping his client. It would be helpful to the offender to see the steps involved in fitting back into society after his release. This would include helping the Native to schedule his day, time he spends with his family, seeking employment; sometimes, if necessary, look for a place to live.

The Courtworker would maintain contact with his client's Probation Officer, Social Worker, or Counsellor. He would be helpful in any way necessary for the benefit of his client. This may include translating or explaining Native customs and Band expectations to his Counsellor.

In maintaining contact with the client through a

lengthy period of time, involving various crisis situations, the Courtworker would become a stable figure in his client's life. This would generate a feeling of security and acceptance for the client. The Courtworker, with symbolism of the law and an authority figure, would be an important and lasting link in the liaison amongst the Native people, the Criminal Judicial System and Society as a whole.

In other situations, when the client or his family have a problem, they would know that there are proper channels to take in solving the problem and that they can trust the Courtworker to help them. This can be very beneficial in keeping a problem from becoming too complicated.

Many problems arise in the area of compensation, lost wages or insurance. Here, again, the Courtworker would know what was involved. He could explain the rules and regulations and perhaps help his client fill out the proper forms.

There are also many problems related with consumer affairs. A person may purchase an article, take it home and find that it is faulty. They often don't know what to do with it. They see that they have paid for it and now

they have it, whether it works or not. There are laws and safeguards in the standards set up by the government for such situations. The Courtworker would know how to make a claim on the warranty or if an article should be returned.

Many times, when the Native person applies for financial assistance or a loan, they do not completely understand the contract or what is actually involved in the terms of repayment. They may just sign where they are told to without realizing all the implications. The Courtworker could tell them what is involved and stress on their responsibilities to be prompt with payments to avoid extra interest. He could also explain to his client where and how to check for the company's procedures and policies.

Another aspect of the Courtworker Program is the prevention of crime. This lies in the area of education. That is, informing the Natives of expectations which the law has of them. When the people know what is expected, they will be more inclined to act appropriately. Also, when they are aware of the consequences of wrong, unaccepted behaviour, they may want to choose alternative actions for the release of frustration, or whatever. The Courtworker may help through suggestions, of other areas in which to challenge their energies.

A larger part of this education can be gained through workshops set up by the Courtworker and cooperating community resources. Some of those involved in these sessions of lectures and question periods would be: R.C.M.P., Consumer Protection, Family Court, Parole and Probation, and Human Rights. Other workshops may also bud from these sessions. This would be a very beneficial step in bridging better understanding and communication between the Native and the law.

THE PROGRAM OBJECTIVE

The Natives would eventually see authority figures, with defined roles, as something not only for their control but for their protection, as something to benefit them. Authority and laws may flow from enemies to friends - to be seen as something to cooperate with and not to challenge.

For such a long number of years, the non-Indian has been dealing with the Native people on a materialistic - monetary basis. With the Courtworker Program, another step forward can be taken. The Native Courtworker will be working with his/her own people. Some of the control will be shifted from the system, back to Micmac people. It is another step in preserving our culture; yet closing the socio-economic gap with the non-Indian society.

TRAINING

1. In-service Training, Dr. Sakej Youngblood Henderson
2. You & the Law, Brian Williston, BA., L.L.B.
3. Human Relations - Facilitator & Team
Building Relationship - Popular Education Program
4. Para-Legal Course - College of Cape Breton

PHASE ITentative Six-Month BudgetSalary

Coordinator	\$ 7,500	
Courtworkers (3)	<u>14,190</u>	\$ 21,690

Travel

Coordinator	1,500	
Courtworkers (3)	<u>5,300</u>	6,800

Training

3,000

Expenses

Rent	1,300	
Office Supplies	250	
Telephone	600	
Emp. Benefits	210	
Information & Printing	1,500	
Audit & Bookkeeping	<u>250</u>	
		<u>4,110</u>

Total

\$ 35,600

PHASE II
ANNUAL BUDGET

Salary

Coordinator	\$ 16,000	
Courtworkers - 4 @ 10,000	<u>40,000</u>	\$ 56,000

Travel

Coordinator	3,500	
Courtworkers - 4 @ 3,000	<u>12,000</u>	15,500

Training

2,500

Secretary

Expenses

Rent	2,700	
Office Supplies	500	
Telephone	1,500	
Emp. Benefits	500	
Information & Printing	1,500	
Audit & Bookkeeping	<u>500</u>	7,200

Quarterly Meetings

3,000
3,000
\$ 84,200
84,200

Cardman
Sign
Info
Return
Write back to

BW

UNION of NOVA SCOTIA INDIANS



198

MICMAC P. O.
HANTS CO, N. S.
TEL. 758-2048
TELEX 019-34576

P. O. BOX 961
SYDNEY, N. S.
B1P 6J4
TEL. 539-4107
TELEX 019-35215

OFFICE OF
THE PRESIDENT

October 26, 1979

Mr. A. E. Rennie
Coordinator of Accounting
& Administration Services
P.O. Box 7
Halifax, Nova Scotia B3J 2L6

Dear Mr. Rennie:

In regards to your letter dated September 10, 1979 re:
Interpreter Fees, a scale set by your Department at \$15.00
per hour plus \$.15 per kilometer for travel.

Enclosed you will find a bill for \$3,970.20 for Interpreter
services rendered by the Union of Nova Scotia Indians from the
period January, 1979 to August 1979 for 123 Native Micmacs who
appeared in the following areas: Sydney, Baddeck, St. Peter's,
which Magistrate and Family Courts have jurisdiction.

Also, you will find case breakdown for January, 1979 to August,
1979. I would like to direct your attention to Section marked
"Rectified;" these numbers are result of 123 Native Micmac
clients. Note: exclude last three headings (6 cases).

I will be looking forward to your reply in the very near future
concerning this matter.

Yours in recognition
of Aboriginal Title,

for
Barbara J. McDonald
Bill Poulette
Court Interpreter
Union of N. S. Indians

BP/bjm
Encl.

INTERPRETER SERVICES

January - 32.5 hours @ \$15.00	487.50
February - 30 hours @ \$15.00	450.00
March - 30 hours @ \$15.00	450.00
April - 30 hours @ \$15.00	450.00
May -32.5 hours @ \$15.00	487.50
June -32.5 hours @ \$15.00	487.50
July - 15 hours @ \$15.00	225.00
August - 30 hours @ \$15.00	<u>450.00</u>
	\$ 3,487.50
Mileage: 3218 kl @ \$.15	<u>482.70</u>
Total	<u><u>3,970.20</u></u>

TOTAL NUMBER OF CASES

Jan. 1979 - Aug. 1979

	Rectified	Discontinued Courtworker	Discontinued Client	Information Given	Number Of Cases
Sec.86 L.C.A. Illegal Possession of Liquor	10	6			16
Sec. 244 C.C. Common Assault	3		2		5
Sec. 245 C.C. Assault Causing Bodily Harm	4		15		19
Sec. 233 C.C. Dangerous Driving	2			10	12
Sec. 234 C.C. Care & Control	6			3	9
Sec. 235 C.C. Breathalyzer Refused	3				3
Sec. 236 C.C. Over 80mg Alcohol	12				12
Sec. 238 C.C. Suspended Driver	5			3	8
Sec. 322 (1) C.C. Fraudently Obtaining Food	6				6
Sec. 306 (1) C.C. Break & Enter	7				7
Sec. 171 C.C. Creating a Disturbance	28				28
Sec. 389 C.C. Arson	1				1
Sec. 84 C.C. Pointing a Firearm	5				5
Sec. 87 C.C. Concealed Weapon	2				2
Sec. 118 C.C. Assault of Police Officer	5			3	8
Sec. 294 (b) C.C. Theft over 200.00	2				2
Sec. 295 C.C. Joy Riding	3				3
Sec. 156 C.C. Indecent Assault	1				1
Sec. 105 M.V.A. Improper Passing	2				2
Sec. 96 M.V.A. Speeding over 80k/m	9			7	16
Sec. 92 M.V.A. (2) Speeding over 50k/m	6			5	6
Sec. 76(1) L.C.A. Keeping, for sale	3	2			3
Sec. 302 C.C. Robbery	1				1
Sec. 212 C.C. Murder	1				1
Sec. 3(1) N.C.A. Possession of Narcotic	5	10			15
Sec. 4(2) N.C.A. Trafficing of Narcotic	2				2
Parole	1				1
Temporary Leave of Absence	3			7	10
Landlord & Tenacies	2		1		3
TOTAL #					206



DEPARTMENT
OF
ATTORNEY GENERAL
NOVA SCOTIA

P. O. BOX 7
HALIFAX, NOVA SCOTIA
B3J 2L6

October 31, 1979

Mr. Bill Poulette
Court Interpreter
Union of Nova Scotia Indians
P. O. Box 961
SYDNEY, Nova Scotia
B1P 6J4

Dear Mr. Poulette:

I acknowledge receipt of your letter dated October 26, 1979 and regret to advise I have no knowledge of any previous commitment to reimburse your organization for interpreter fees.

In any event, Mr. R. A. MacDonald, Director, Programs & Administration, will discuss the subject with you during your upcoming meeting scheduled for November 8, 1979.

Yours very truly,

A. E. Rennie
Coordinator of Accounting
& Administrative Services

AER/gmb

Rec'd Nov. 2/79

DEPARTMENT OF ATTORNEY GENERAL

MEMORANDUM

FROM: Hon. Harry W. How, Q.C.
Attorney General

TO: Mr. Gordon F. Coles, Q.C.
Deputy Attorney General

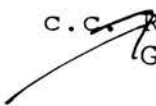
I had a talk today with Mr. Henderson and Mr. Paul, of the Nova Scotia Indian movement, and I told them that I felt that we would recommend that Indian personnel be used on reservations. I think the Indians can do far more with their own people than, say, an outside policeman can do.

What they prefer is what they call Option 3(a) which would give them the right to have their own police force. I told them that I could even support this concept because the reservation would, in that event, have the same sort of autonomy as a municipal police force does and therefore since municipalities have their own separate police, then I see no reason why the Band on the reservation could not do the same.

I told them we would of course have to try and obtain agreement from the RCMP and indeed work out some kind of arrangement whereby we could reduce our RCMP requirement in proportion to the number of reservation police. In any event, if Option 3(a) is not obtainable they would agree to what they call Option 3(b) which is that the Indian police personnel would be in the RCMP. Under this option of course they would lose a good deal of local control of the police. It would have the advantage of giving them RCMP personnel whp are of their own race.

In any event, we should look to this in connection with the drawing up of our budget for 1980-81. Personally, I would like to see any such innovations introduced this coming year, if that is at all feasible.

Nov. 6, 1979

c.c.  A. MacDonald
G. S. Gale

NOTES - Hon. Harry W. How, Q.C.

NOV. 6/79

Meeting with Mr. Henderson
Mr. Paul

Re: Indians

1. Will accept \$5,000 from Indians providing it is explained to Feds. Mr. Henderson will approach Federal Government on their and our behalf. The Premier agreed with this when I told him today.

2. I will recommend Indian personnel on reservations. Option 3(a).

3. The Indian courtworker who has been employed under Native Courtworker Programme...If the Feds. pay the grant under 1. above, then he will be paid out of that. If not, Mr. Henderson will come back to us.

Carl Gordon Wilson



Ottawa, Canada
K1A 0H8

November 16, 1979

Mr. Gordon F. Coles, Q.C.
Deputy Attorney General
of Nova Scotia
P.O. Box 7
Halifax, Nova Scotia
B3J 2L6

Dear Gordon,


As you know, officials from our respective departments have been negotiating for some time with respect to a possible federal-provincial Native courtworker cost-sharing agreement. On January 23rd of this year a draft federal-provincial Native courtworker agreement was sent to your Mr. Ron MacDonald and since that time discussions have taken place regarding the start-up date for a programme in your province. Our Mr. Williams has been the person most directly involved with these negotiations on our behalf and I understand that during the month of October a misunderstanding arose on the part of the Native leadership in Nova Scotia regarding the intentions of our Department with respect to the federal contribution under the proposed federal-provincial agreement.

I am enclosing for your information copies of correspondence between our Minister and his colleague, Mr. Epp, together with correspondence between our Minister and the Native Council of Nova Scotia, which sets out the nature of the misunderstanding and our position in this matter. I want to be sure that you receive this information first-hand as it is important that our respective departments are fully aware of all developments that might affect the implementation of a Native courtworker programme in Nova Scotia.

.../2

I understand that discussions are taking place this month between officials in your Department and the Native leadership in Nova Scotia regarding implementation of a Native courtworker programme. We stand ready to enter into a federal-provincial cost-sharing arrangement along the lines of the draft agreement sent to you earlier this year which is in similar form to federal-provincial agreements already in place in a number of other provinces. If we can be of any assistance, with respect to your discussions with the Native leadership, please do not hesitate to get in touch with me.

Yours sincerely,



Roger Tassé
Deputy Minister of Justice

Enclosures

DEPARTMENT OF ATTORNEY GENERAL

MEMORANDUM

FROM: Mr. James L. Crane TO: FILE
Director, Correctional Services

RE: Native Courtworkers Program

On November 8, 1979 Mr. R. A. MacDonald and the writer met with Messrs. Bill Paulette, ^{S. Clark} Cygag Henderson and Stu Killen at the Member-tou Reserve, Sydney, in connection with the Native Courtworkers Program which hopefully can be recommenced as of April 1, 1980.

Mr. Paulette, who has been co-ordinating activities toward the reestablishment of the Native Courtworkers Program, prepared an Agenda which was as follows:

1. Funding and Administration
2. Advisory Board
3. Financial Management System (U.N.S.I.)
4. Competition
5. Training

1. Funding and Administration - It was suggested by Mr. Henderson that the native people would be more than satisfied if the Province would agree to the 50/50 cost-sharing formula with the Government of Canada, but through the offering of time and resources the actual financial contribution would be substantially less than the 50% reflected in any contract. For instance, it was suggested that any legal advise, training, administrative assistance, office space, etc. provided by the Department of Attorney General should be reflected in the grant provided by the Province. In fact, the native people were rather emphatic in their desire to assist the Province in the reduction of the provincial grant.

It was suggested that the proposed Co-ordinator be located at Sydney and that there be four Native Courtworkers, one of which would be located at Cape Breton, Truro, Pictou/Antigonish and Yarmouth. Those present stated that there were now 206 cases in Sydney alone which were received from January to August, 1979. They also stated that there are a substantial number of natives requiring the assistance of a Native Courtworker who are located throughout the Province thus justifying the need for Courtworkers at the other aforementioned locations.

The proposal estimates a total cost of \$84,200.00 to be cost-shared by the Federal and Provincial Governments. Nova Scotia's share would then amount to \$42,100.00 which is more than the \$29,500.00 from the previous Native Courtworkers Program, but when one takes into consideration salary increases, additional Courtworkers, inflation and so on, the proposed amount is not at all exorbitant. Following considerable discussion it was agreed that the estimate as proposed would stand. It should be pointed out that the native people in no way had any expectations to assist in funding the Program for the remainder of this fiscal year. They understood that such statements came from the Government of Canada and not from the Province and thus were more than co-operative and satisfied during this meeting.

2. Advisory Board - It was agreed that any Advisory Board should comprise the following:

- a. Two members from the Native Council.
- b. Two members from the U.N.S.I.
- c. One representative from the Government of Canada
- d. Two representatives from the Province of Nova Scotia.

3. Financial Management System (U.N.S.I.) - The native people felt that they could more properly manage their financial affairs due to qualified people now with the U.N.S.I. and because of their recent acquisition of computer time. Native representatives at the meeting readily agreed that the Union was careless on financial matters during the previous Native Courtworkers Program. It was agreed by those present that financial management would remain with the Union but overseen by the Advisory Board.

4. Competition - It was agreed that if the initial proposal is accepted and it is felt that the Program will commence April 1, 1980, that the Advisory Board would be struck well in advance of April 1, 1980. The Advisory Board would in turn strike a Committee to review applications and screen candidates for the positions of Courtworkers. In addition, the Advisory Board would also determine a strategy and objectives for the commencement of the Program and duties and responsibilities for the Co-ordinator and staff. In any event, a competition would be held and candidates screened by a group selected by members of the Advisory Board.

5. Training - It was agreed that monies would be placed in the estimates for training of staff but it was also agreed that Native Courtworkers should work very closely with the Department of Attorney General's Correctional Services staff and that Courtworkers would be trained by Attorney General staff and receive similar training as Assistant Probation Officers and indeed Probation Officers employed with the Department of Attorney General.

There being no further business, the meeting was adjourned and it was agreed that Mr. R. A. MacDonald would prepare appropriate documentation for the attention of the Attorney General.

JLC/ilj
November 20, 1979



ATTORNEY GENERAL
NOVA SCOTIA

P. O. Box 7
HALIFAX, Nova Scotia
B3J 2L6

November 29, 1979

The Honourable Jacques Flynn
Minister of Justice and
Attorney General of Canada
West Memorial Building
OTTAWA, Ontario
KLA OH8

*Received
Dec 7/79*

Dear Mr. Flynn:

RE: Native Courtworker Program

This is to advise that I have held further discussions with the Union of Nova Scotia Indians with respect to the re-establishment of the above noted program. This program was terminated effective March 31, 1977, however, since that time the Union of Nova Scotia Indians have carried on a type of courtworker program with funding being supplied from other sources.

I agreed at a recent meeting with members from the Union of Nova Scotia Indians to accept \$5,000.00 from them which would be considered the Provincial contribution towards the re-establishment of the Native Courtworker Program for the period December 1, 1979 to March 31, 1980. I understand that your Department is prepared to match this contribution and also to provide some funding for training purposes. Accordingly, I enclose a signed agreement which will re-establish the program effective December 1, 1979 up to and including March 31, 1980. Article 15 of the agreement has been amended to reflect the above period. Unfortunately, I cannot give any assurance that the program will be continued beyond March 31, 1980.

I am sure you are aware that the re-establishment of this program on a permanent basis requires a decision of our Management Board, the body responsible for determining which programs this province will be involved in. You will, I am sure, agree that a continuation of this program would involve a reconsideration of the Federal responsibility for Indians under the B. N. A. Act and the fact that by a commitment to one so-called "disadvantaged" group, that I open the door for similar requests from other segments of our population such as the Negro people.


The Honourable Jacques Flynn,
Minister of Justice and
Attorney General of Canada / November 29, 1979

Page 2

In short, I have misgivings of the Province entering into special interest group representation in our courts.

If the above meets with your approval, I will ask my officials to meet with yours and with the Union to work out the details with respect to the carrier agency, the advisory board and the control of the monies and other matters.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Harry W. How".

Harry W. How

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA,
(hereinafter referred to as "Canada")

of the First Part

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE
PROVINCE OF NOVA SCOTIA (hereinafter
referred to as "Nova Scotia")

of the Second Part

WHEREAS the Parties to this agreement are desirous of promoting the right of every individual to equality before the law and the protection of law;

WHEREAS the inherent dignity and the equal and inalienable rights of all members of the human family in Canada is the foundation of freedom and justice;

WHEREAS it is difficult, if not impossible, to assure equality before the law for Native people in our criminal courts when so many Native people do not understand the nature of the charges against them, the implications of a plea, the basic court procedures and legal terminology, or their right to speak on their own behalf or to request legal counsel;

AND WHEREAS the provision of Native courtworkers in criminal courts in certain localities where there is a substantial Native population would provide great assistance in promoting equality of justice in Nova Scotia;

NOW THEREFORE this agreement witnesseth that the Parties have agreed to the following:

Definitions:

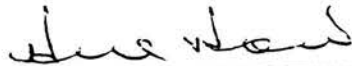
1. In this agreement:
 - a) "approved cost" means the total cost of a courtworker programme as set out in the approved submission for a given financial year;
 - b) "approved submission" means a submission respecting the provision of courtworker services in Nova Scotia for a given financial year which has been approved by Canada and the term includes amendments to an approved submission;
 - c) "carrier agency" means an independent, Native services organization responsible for the administration of a courtworker programme;

- d) "courtworker programme" means a programme of counselling other than legal, to persons charged with an offence under any federal or provincial statute or municipal by-law, in order that such persons may receive information about court procedures, be apprised of their rights, and be referred to legal aid or other resources;
 - e) "courtworker area" means a geographic area within Nova Scotia designated as requiring a courtworker programme;
 - f) "financial year" means a twelve-month period commencing April 1st in any year and ending March 31st in the following year;
 - g) "Native" means a person of North American Indian or Eskimo ancestry, whether he is registered (or entitled to be registered) pursuant to the Indian Act or not.
2. For the purposes of this agreement Canada shall be represented by the Minister of Justice and Attorney General of Canada, and Nova Scotia shall be represented by the Attorney General and Minister of Justice of Nova Scotia.
3. Not later than January 15th of each financial year, Nova Scotia shall prepare and deliver to Canada a written submission respecting the provision of a courtworker programme in Nova Scotia for the following financial year, setting out the courtworker areas, the name or names of the carrier agency or agencies, the number of courtworkers in each courtworker area, the total cost of providing the courtworker services, and any such additional information as Canada may require. A supplementary submission may be made to cover unforeseen circumstances.
4. A submission which has been approved by Canada and such amendments thereto as may be agreed upon by the Parties from time to time shall become part of this agreement.
- 5(1) The following costs necessarily incurred by the carrier agency or agencies shall be shareable under this agreement to the extent that they were paid by Nova Scotia and were fairly attributable to the provision of a courtworker programme as described in the approved submission:
- a) salaries, wages and fees paid for professional, clerical, technical, administrative and maintenance services and casual labour, along with necessary contributions to the Unemployment Insurance Commission, the Canada Pension Plan and the Workmen's Compensation Board;
 - b) costs of rent, normal utilities (such as electricity, heat, water, telephone and office equipment) the maintenance of offices, residences or other buildings and taxes;
 - c) cost of supplies and materials, shipping charges, stationery, postage, licenses and other fees;

- d) actual and reasonable travelling expenses incurred in the performance of the duty of a courtworker;
 - e) costs of insurance on buildings and materials that are used or are to be used;
 - f) actual and reasonable costs of meetings, including travelling expenses, honoraria and necessary per diem allowances, and in particular the cost of regular national or regional meetings of executive directors of Native courtworker programmes;
 - g) any other costs that Canada may accept as valid and reasonable expenditures in relation to the courtworker programme.
- 5(2) Costs attributable to the following types of activities and counselling services sometimes undertaken by courtworkers shall not be cost shareable under this agreement;
- a) alcohol and drug counselling;
 - b) work normally done by a probation or corrections officer;
 - c) family counselling not related to a criminal prosecution.
6. Canada shall pay to Nova Scotia fifty percent (50%) of the shareable costs of the courtworker programme actually paid by Nova Scotia in accordance with the approved submission, or fifty percent (50%) of the approved cost, whichever amount is the lesser, for each financial year during the term of this agreement.
7. Canada shall make a payment of twenty-five percent (25%) of the approved cost for each financial year on or about October 1st of that financial year and a further payment of up to twenty percent (20%) of the approved cost on receipt and acceptance by Canada of the semi-annual financial report referred to in clause 10(a) for that financial year.
- Canada shall make a final payment of up to five percent (5%) of the approved cost for each financial year on receipt and acceptance by Canada of the claim statement referred to in clause 10(b) for that financial year or at such time and under such other conditions as may be agreed upon by the parties hereto.
8. If Canada through payments to Nova Scotia has paid more than fifty percent (50%) of the actual shareable costs, Nova Scotia shall reimburse Canada in respect of that amount, or Canada may deduct that amount from future payments to the province under this agreement.
9. No payments shall be made by Canada for any financial year until a submission respecting the provision of the courtworker programme in Nova Scotia has been approved by Canada.
- 10(a) Nova Scotia shall submit to Canada no later than December 1st of each financial year a semi-annual financial report setting out the total shareable costs under this agreement for the first six months of the financial year, and an updated forecast of total shareable costs for the final six months of the financial year.

- b) In addition, Nova Scotia shall submit to Canada no later than June 30th of each financial year a claim statement, in such form as Canada may require and signed by the Provincial Auditor, setting out the total actual shareable costs under this agreement for the preceding financial year.
11. All claims submitted under this agreement shall be subject to verification by an auditor appointed by Canada and Nova Scotia shall make available to such auditor any books, records or accounts, including documents of the carrier agency or agencies, which the auditor may require.
12. Nova Scotia shall from time to time provide information for purposes of the continual administrative and evaluative monitoring of the programme by Canada as may be agreed between the parties.
13. Canada, in consultation with Nova Scotia and the carrier agency, shall, at its own expense, carry out a programme evaluation at intervals not longer than three years. Nova Scotia shall ensure that Canada receives the co-operation necessary for these evaluations.
14. Nova Scotia agrees to give adequate and appropriate public recognition to the contribution of Canada towards the Native courtworker programme in its informational activities relating to Native courtworkers.
15. This agreement shall come into force and shall bind the Parties from December 1, 1979 to March 31, 1980, with no commitment beyond March 31, 1980.

IN WITNESS WHEREOF the Honourable Jacques Flynn, Minister of Justice and Attorney General of Canada, has hereunto set his hand on behalf of Canada, and the Honourable Harry W. How, Minister of Justice and Attorney General of Nova Scotia, has hereunto set his hand on behalf of Nova Scotia.



Minister of Justice and
Attorney General of
Nova Scotia

Minister of Justice and
Attorney General of Canada



Witness

Witness

UNION of NOVA SCOTIA INDIANS

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MICMAC P. O.
HANTS CO, N. S.
TEL. 758 2048
TELEX 019-34576

P. O. BOX 961
SYDNEY, N. S.
B1P 6J4
TEL. 539-4107
TELEX 019-35215

OFFICE OF
THE PRESIDENT

December 3, 1979

Mr. Allan Clarke
Dept of Social Services
P.O. Box 696
Halifax, Nova Scotia B3J 2T7

Dear Sir:

We find that a meeting of policing, between the U.N.S.I., R.C.M. Police and the Department of Indian Affairs on Option 3(a) is inappropriate and retarding.

For four years, we have discussed this issue, as well as Option 3(b), with the members of the Departments. Several Bands have accepted Option 3(b); but the rest have determined that a modified 3(a) is best suited to meet their needs.

In the four-year process, we have discussed the "pros" and "cons" in an objective manner with the suggested parties to the meeting. Nine of the Bands want Option 3(a) in a similar manner as the Ameridian Police in Quebec, but under Band control. At this time, we desire that steps must be taken to implement their policy decision.

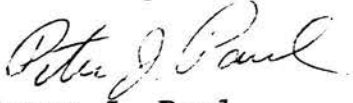
We feel that the letter of 27 November, 1979, from Gordon Coles is unresponsive; implies that Bands haven't thought out the issue of policing, and is a step backward in implementing the program.

Allan Clarke

December 3, 1979

Again, all we need is a letter confirming that Option 3(a) is considered as a valid program for policing for those consenting Bands so that funds can be obtained.

Yours in recognition
of Aboriginal Title,



Peter J. Paul
Vice-president &
Tripartite Liaison

PJP/bjm

c c: Gordon Coles, Dep. Attorney-General
Harry Howe, Attorney-General



ATTORNEY GENERAL
NOVA SCOTIA

27 November 1979

Mr. Peter J. Paul
2nd Vice President
Union of Nova Scotia Indians
P. O. Box 961
Sydney, Nova Scotia
B1P 6J4

Dear Mr. Paul:


Mr. How has asked that we set up a meeting with you, representatives of the R.C.M. Police, and possibly the Department of Indian Affairs and Northern Development to examine the question of providing policing on Indian Reserves under the so-called Option 3(a), which I understand the Attorney General approved in principle, subject to the feasibility of the implementation of such a program.

I am sure you are aware that there are "pros" and "cons" of the Option 3(a) policing program and the experiences in other provinces where it has been implemented has pointed up a number of problems which it would be useful for us to address in determining the feasibility of this form of police services on reservations in this Province.

I am asking Mr. Gordon Gale, of this Department, to follow up on this subject and arrange a meeting at a time convenient to you and others, at which time such an option can be fully considered and if found feasible, to recommend the steps to be taken. Such a meeting should be convened at the earliest since if we are to enter into such an agreement, we require formal authorization and budgetary provisions.

You can expect to hear from Mr. Gale further in the matter.

Yours very truly


Gordon F. Coles
Deputy Attorney General

*Received
Nov. 30/79*

UNION of NOVA SCOTIA INDIANS



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MICMAC P. O.
HANTS CO, N. S.
TEL. 758-2048
TELEX 019-34576

OFFICE OF
THE PRESIDENT

P. O. BOX 961
SYDNEY, N. S.
B1P 6J4
TEL. 539-4107
TELEX 019-35215

December 5, 1979

File
Native
...

Mr Gordon Williams
Room 757
Justice Building
Kent & Wellington Streets
Ottawa, Ontario K1A 0H8

Dear Gordon:

Further to our telephone conversation of December 3, 1979, you indicated another budget to cover the period from December 1, 1979 to March 31, 1979.

When you go over the budget, you will find it only covers two Courtworkers and Executive Director/Courtworker. I don't see any other alternative but to allocate the amount for travel because a number of Native communities are far apart from one another.

Another matter concerns the province signing the Provincial/Federal agreement as being reassured by the Attorney General Department. Mr. Ron MacDonald indicated the agreement just required a signature from Hon. Harry How, Q.C., Attorney General for Nova Scotia.

In hopes this will be sufficient to implement the program and will continue its service without further delay, I remain

Yours in recognition
of Aboriginal Title,

Bill
Bill Poulette
Union of N. S. Indians

BP/bjm
c c: Executive, U.N.S.I.
Ron MacDonald, A-G's Dept.
Dave Farrell, Justice Dept.

BUDGET

December 1, 1979 - March 31, 1979

Salaries

Executive Director	\$ 3,750	
Courtworkers - 2 @ \$2,500	<u>5,000</u>	\$ 8,750

Travel

Executive Director	1,900	
Courtworkers - 2 @ \$1,600	<u>3,200</u>	5,100

Training

1,500

Administration

Office Rental	400	
Equipment rental	250	
Office Supplies	375	
Audit & Bookkeeping	150	
Secretarial Services	625	
Employee Benefits	<u>375</u>	
		<u>2,115</u>

TOTAL

\$ 17,465

DEPARTMENT OF ATTORNEY GENERAL

MEMORANDUM

December 17, 1979

FROM: R. A. MacDonald
Director, Programs &
Administration

TO: Hon. Harry W. How
Attorney General



Re: Native Courtworker Program

On December 14th I received a telephone call from the Ottawa authorities relative to the above mentioned program to March 31, 1980. They are suggesting that the contract we signed and forwarded to them be deferred and that letters be exchanged representing a short contract to March 31, 1980.

I advised that I thought this would be acceptable and as soon as I was in receipt of their communication I would consult with you and obtain your views and advise them accordingly.

c.c.: Mr. Gordon F. Coles, Deputy Attorney General

RAMacD/cdc

*Dec 20/79
OK. Please advise RIA Mac*



December 21, 1979

Mr. Gordon Coles, Q.C.
Deputy Attorney General
of Nova Scotia
P.O. Box 7
Halifax, Nova Scotia
B3J 2L6

S. Tassé
Dear Mr. Coles:

Further to Mr. How's letter to Senator Flynn of November 29, 1979 regarding a Native courtworker Programme in Nova Scotia, officials of our respective departments have discussed the most appropriate means of assisting the Native people to establish a programme. As a result of these discussions we have prepared a short agreement to cover the cost of training courtworkers and preparing for the start-up of a Native courtworker programme.

I understand that you concur with this approach and enclosed are two copies of the proposed agreement which I have signed on behalf of the federal government. If you are in agreement, please sign both copies and return one copy to me for our files. Senator Flynn will be responding to Mr. How's letter of November 29 by referring to the course of action set out in this letter.

Yours sincerely,

Roger Tassé,
Deputy Minister of Justice

Enclosures