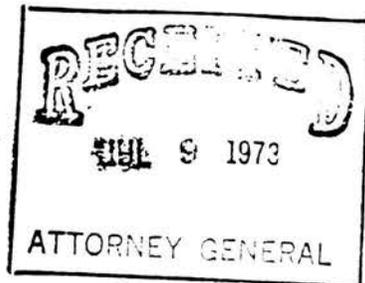




June 28, 1973.



The Honourable Leonard L. Pace, Q.C.,
Attorney General for Nova Scotia,
Provincial House,
Halifax, N.S.

Dear Mr. Pace:

My Department has recently received a proposal from the Union of Nova Scotia Indians, regarding the establishment of a courtworker programme. Experience with the courtworker programme in Alberta has shown that such a programme can perform an extremely valuable service, both for the Native people and the legal system generally.

The Department of Justice has funds to assist in the establishment and operation of Native courtworker projects in other provinces in 1973-74, and it plans to expand its involvement in this area in 1974-75. The criteria for funding under this programme are as follows:

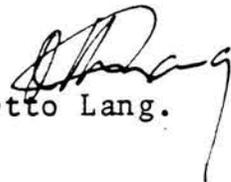
1. the programme must serve status and non-status people alike;
2. the programme must be administered by an independent service organization which has the support of both status and non-status Native people;
3. any contribution by the Department of Justice must be limited to the provision of a courtworker programme, i.e., 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 the court procedures, be apprized of their rights, and be referred to legal aid or other resource;
4. at least fifty percent (50%) of the cost of the courtworker programme must be borne by the province involved;

5. the province involved must be willing to monitor the operation of the programme, in order to assure that the service provided maintains certain minimum standards of quality;
6. provision must be made for periodic audit and evaluation at year's end.

If the Province of Nova Scotia is interested in participating in the development of a courtworker programme, officers of our two Departments could discuss the details of administration and funding. I would suggest that the point of contact in the Department of Justice be Dr. G.V. La Forest, Assistant Deputy Attorney General, or, in his absence, Mr. E.A. Tollefson of our Research and Planning Section.

I am enclosing a copy of the proposal received from the Union of Nova Scotia Indians. The proposal would have to be modified in some details to satisfy the Department of Justice programme, but it serves as a good general description of what the courtworker service would do.

Yours sincerely,


Otto Lang.

MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA



3

MINISTRE DE LA JUSTICE ET
PROCUREUR GÉNÉRAL DU CANADA

OTTAWA CANADA.
K1A 0H8.

August 10, 1973.

Chief Jack Ginnish,
Union of Nova Scotia Indians,
P.O. Box 961,
Sydney, N.S.

Dear Chief Ginnish:

In reply to your telegram received July 30, 1973, regarding the Union's courtworker programme, the Department of Justice has been in contact with Mr. Bernie Francis, Co-ordinator of the Union's courtworker programme. In a letter dated June 26, 1973, from Mr. E.A. Tollefson, of this Department, it was indicated that the Department of Justice is interested in funding a pilot courtworker project in Nova Scotia, but in order to do so we must have the co-operation of the provincial Attorney General's Department. I have personally written to the Honourable Leonard L. Pace, Q.C., Attorney General for Nova Scotia, indicating the Department's interest, and inquiring whether the Province shares this interest. My letter has been acknowledged by the Province, but, unfortunately, I understand that Mr. Pace has been ill, and as yet I have received no indication from him what his views are on this matter.

As soon as the Department has received a formal indication of the Province's intentions with regard to the development of Native courtworker services in Nova Scotia, we shall contact you again.

Yours sincerely,

✓ Otto Lang.



ATTORNEY GENERAL
NOVA SCOTIA

September 25, 1973.

Chief John Knockwood
Mic Mac Reserve
Shubenacadie, Nova Scotia

Dear Mr. Knockwood:

Re: Proposals of the Union of Nova
Scotia Indians re the establish-
ment and operation of a Native
Court Worker Program

In furtherance to the discussions which I and other members of my Department have had with representatives from the Union of Nova Scotia Indians in reference to the above matter, resulting from the submissions made by the Union to the Honourable Otto Lang, Minister of Justice, I wish to confirm my interest in considering such a program and my general support for the development of it.

I am prepared to recommend to my colleagues in the Executive Council of the Province, the development of such a native court worker program to serve the status and non-status people represented by the Union of Nova Scotia Indians and would hope that the proposals will receive their support, to enable such a program to be developed and operative in this Province as of April 1, 1974, provided of course that such a program qualifies for the financial assistance available for such projects through the Department of Justice of Canada.

I shall advise you of my colleagues position on this matter as soon as they have had an opportunity to consider the proposals.

Yours very truly

Allan E. Sullivan

RECEIVED

SEP 29 1973

PROSECUTOR GENERAL

.....

B U
September 25, 1973

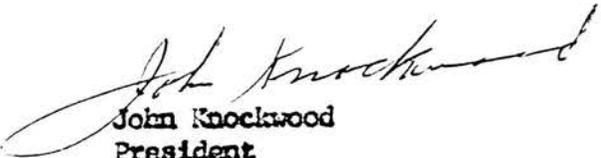
Premier Gerald Regan
Province House
Halifax, Nova Scotia

Dear Mr. Regan:

Through the Attorney General's Department the Union of Nova Scotia Indians has been discussing a Court Workers Program which will involve an education process about the White man's law to Indian people throughout the province of Nova Scotia. It would also result in a better understanding of police magistrate and in fact the whole procedure and the whole provincial services that the province has, amongst the Indian people of Nova Scotia. In short, it would be a two-way exchange which will result in better understanding on the part of the non-Indians and Indian people.

Mr. Sullivan is extremely keen about our court workers concept and he has indicated to us that he is prepared to present the concept to his colleagues in Cabinet, and by way of this letter we are asking you as a member of the Cabinet to give your full and co operative support for our venture. If you have any questions we would be only too glad to meet with you individually or as a group.

Yours in recognition
of aboriginal title,



John Knockwood
President

c.c. Stuart Killen
Executive, U.N.S.I.

24(u) legal BU
November 26, 1973

Mr. E.A. Tollefson,
Legal Research & Planning Section
Ottawa, Ontario
K1A 0H8

Dear Mr. Tollefson:

We refer to the conversations with yourself and Mr. McCaw on the proposed Court Worker's Program sponsored through the Union of Nova Scotia Indians by the Department of Justice and the Provincial Government of the Province of Nova Scotia.

We attach a revised annual budget covering the period April 1, 1973 to March 31, 1974.

We also attach a copy of the Union of Nova Scotia Indians travel regulations which are in line with the government travel regulations.

We wish to advise that the official delegates to the advisory committee are as follows;

- (1) Albert Julian - Vice President, Union of Nova Scotia Indians.
- (2) Peter Christmas - Non-status representative.

We trust this is the information you require.

Yours in Recognition
of Aboriginal Title,

S. Killen

emd

ANNUAL BUDGET

April 1, 1973 to March 31, 1974

COURT WORKERS PROGRAM

of the
Union of Nova Scotia Indians

Salary - 4 workers at \$ 8,200.00	\$ 32,800.00
Travel - 4 workers at \$ 3,500.00	14,000.00
Employee Benefits	4,500.00
Training	5,000.00
Seminars	12,000.00
Legal Fees	5,000.00
Administration - 10%	7,330.00
	<hr/>
	\$ 80,630.00
	<hr/> <hr/>

Jan 25/74

Halifax, Nova Scotia
B3J 2L6

January 25th, 1974

Mr. E. B. S. Miller
Co-ordinator of Indian Affairs
Department of Social Services
Halifax, Nova Scotia

Dear Mr. Miller:

Re: Native Courtworker Program

I have been reviewing the file on the native courtworker program and somewhere along the line the matter seems to have become bogged down. As you are aware, the Attorney General took this matter to Cabinet and received approval in principle from his colleagues for the Province to fund this program beginning April 1st, 1974. This decision was then communicated to The Honourable Otto Lang, Minister of Justice, so that the Department of Justice would fund it in the interim between the expiry of the LIP grant and April 1st when the Province would fund 50% of the program with the Federal Government. The Deputy Attorney General met with Mr. Killam of the Union of Nova Scotia Indians recently and we are left with the impression that they now have only one courtworker because the others have dropped out of the program through lack of interest and frustration or some other reason. While we have agreed to fund the program commencing April 1st, we will not do so unless we are presented with an outline of the program prepared by the Union and we are certain that there is an adequate degree of supervision and accounting.

As you know, when the first discussions were held on this matter there was some indication that the Union of Nova Scotia Indians would not be the vehicle running the program but rather that there would be some committee formed which would represent both status and non-status Indians as at that time there was

... /2

the suggestion that the non-status Indians would be forming their own organization. We are now given to understand that some accommodation has been reached whereby the Union will represent both status and non-status Indians so that there should be no problem in having the Union act as the vehicle running the program.

It is the opinion of this Department that the next step should be taken by the Union of Nova Scotia Indians and that this might be undertaken by yourself and Mr. Killam getting together to have a program put together which will set forth the details as to training, supervision and accounting. When this has been done then you and Mr. Killam should meet with the Deputy Attorney General and myself so that we can review the matter and be satisfied of its adequacy. I would appreciate it if this could be dealt with fairly soon as we do not have that much time available to us before the commencement date of April 1st if we are to commence on that date. In addition, one must also consider the fact that the Legislature will be meeting fairly soon and the Legislature must appropriate the funds for this program. I would be prepared to sit down with you at any time to discuss our approach on this matter and to offer any other assistance that I can.

Yours very truly,

Gordon S. Gale
Director (Criminal)

CSG:mf



DEPARTMENT OF JUSTICE
MINISTÈRE DE LA JUSTICE

Our file: 6350-8

Ottawa, Ont., K1A 0H8,
January 29, 1974

Mr. John Knockwood,
President,
Union of Nova Scotia Indians,
Sydney, N.S.

Dear Mr. Knockwood:

In my telegram of January 28 I indicated that the Treasury Board has ruled against permitting the Department of Justice to make contributions to Native courtworker programmes in cases in which the provincial government is not making any financial contribution. I had hoped that the provincial governments undertaking to enter into a shared-cost programme in the fiscal year 1974-75 would be a sufficient compliance with the terms and conditions laid down by Treasury Board, but this now does not appear to be the case.

I spoke with Mr. Gordon Coles, Deputy Attorney General for Nova Scotia, and he indicated that while he was pessimistic about the possibility of the Province providing any financial support for your programme prior to April 1, he was willing to discuss the matter with you. I would suggest, therefore, that you contact Mr. Coles, and if you receive some measure of provincial financial support for the operations of the courtworker programme for the balance of this financial year, contact me again.

The Department is also exploring other possible avenues of providing support, but I must say that in view of the Treasury Board ruling I do not think there is much chance that we can provide any money until the Province also agrees to do so. In the meantime, we have discussed the matter with those in charge of the Local Initiatives Programme, and they have agreed to continue funding at your existing rate until the federal-provincial agreement respecting courtworker services in Nova Scotia comes into effect - tentatively April 1, 1974.

Yours sincerely,

E.A. Tollefson

Legal Research and Planning Section.



EAT/H

Mar 19 1974

DEPARTMENT OF ATTORNEY GENERAL

MEMORANDUM

AL
FROM: DEPUTY

TO: Gordon S. Gale

Re: Native Courtworker Programme

I am enclosing the draft Agreement received from Mr. D. M. Farrell which I have perused and which appears to me to be in order. It follows the draft of previous Agreements; however I would like you to favour me with your comments on it.

You will note that it provides for 50% cost sharing. I believe we have received the budget from the Indians and we will need now to examine it to make certain that it only includes the costs which are shareable and to the extent that other items may be included we will need to have them deleted and pursue other avenues, if any be available, to deal with these items.

Due to the time frame, perhaps you could take a good look at the matter and we can get together within the next day or two.

See attached
10/2/74

Encls.

March 19, 1974



12

Mar 12/74

DEPARTMENT OF JUSTICE
MINISTÈRE DE LA JUSTICE

Room 4085, West Memorial Building
344 Wellington Street
Ottawa, Ontario K1A 0H8

March 12, 1974

Mr. Gordon F. Coles
Deputy Attorney General
Province of Nova Scotia
Provincial Administration Building
Hollis Street
Halifax, N.S. B3J 2L6

Re: Our file No. 6350-8
Native Courtworker Programme

Dear Mr. Coles:

Further to telephone conversation of March 11th, I am enclosing for your perusal a draft of the proposed agreement between our Governments covering Native Courtworker services in Nova Scotia. Would you kindly review the draft and give me your comments by telephone at your earliest convenience. In order to have payments made by Canada for the year 1974-75, the agreement must be signed by the parties prior to April 1st, 1974.

Upon receiving your comments, we shall send out from our Deputy Minister's Office copies of the agreement ready for signature. Please note the requirement under Section 3 for a submission which must be received prior to making payments under the agreement. You may reach me by telephone at (613) 995-0767.

Yours very truly

D.M. Farrell,
Legal Research and
Planning Section.

DMF:h1

Enclosure

MEMORANDUM OF AGREEMENT MADE THE DAY OF A.D. 197

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 a Native services organization responsible for the administration of a courtworker programme;

- 2 -

- 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 geographical 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 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 courtworker services 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.

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. 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 courtworker services 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;

- 3 -

- c) cost of supplies and materials and equipment, 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, equipment 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;
- g) any other costs that Canada may accept as valid and reasonable expenditures in relation to the courtworker programme.

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 the financial years 1974-75 and 1975-76.

7. Canada shall make payments of up to twelve and one-half percent (12½%) of the projected shareable costs of the courtworker programme for each financial year on or about April 1st, July 1st, October 1st and January 1st of that financial year, the exact amount of such payments to be agreed between the Parties from time to time.

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.

9. No payments shall be made by Canada for any financial year until a submission respecting the provision of courtworker services in Nova Scotia has been approved by Canada.

10. Nova Scotia shall submit to Canada no later than May 31st of each year a statement in such form as the latter may require, signed by the Provincial Auditor, indicating that the amount of the claim fairly represents the claimable portion of the actual shareable costs during 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 any other information required for the evaluation and funding of the courtworker programme by Canada as may be agreed between the Parties.

- 4 -

13. On or about September 30th, 1975, the Parties hereto, in consultation with representatives of the carrier agency or agencies, and representatives of such other agencies and organizations as may assist in the evaluation of the programme, shall review the over-all operation and effect of the courtworker programme and reach agreement as to its continuation, extension, curtailment or termination.

14. This agreement shall come into force and shall bind the Parties from April 1st, 1974 and shall continue in force until March 31st, 1976, and it may be renewed with the consent of and under the conditions agreed upon by both Parties hereto.

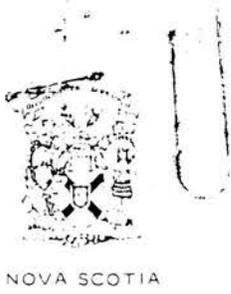
IN WITNESS WHEREOF the Honourable Otto E. Lang, Minister of Justice and Attorney General of Canada, has hereunto set his hand on behalf of Canada, and the Honourable Allan E. Sullivan, Attorney General of Nova Scotia, has hereunto set his hand on behalf of Nova Scotia.

Attorney General of
Nova Scotia

Minister of Justice and
Attorney General of Canada

Witness

Witness



Department of Social Services

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

April 16, 1974

INFORMATION ONLY

MEMORANDUM

TO: Dr. F. R. MacKinnon
Deputy Minister of Social Services

RE: COURTWORKERS' PROGRAM - INDIAN AFFAIRS -
MEETING WITH MR. GORDON F. COLES

1. Present at Meeting: Gordon Coles
Bernie Francis
E. B. S. Miller
2. Date of Meeting: Wednesday, April 10, 1974
@ 2:00 p.m.
3. Place of Meeting: Board Room, Attorney
General's Department
4. Courtworkers' program is under L.I.P. at present.
5. Program will cost approximately \$60,000. and will
be shared equally by Federal and Provincial
governments.
6. Union of Nova Scotia Indians will look after cost
of training courtworkers which will be approximately
\$22,000.



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- 2 -

7. Union has already lined up four workers; namely:
- (a) Bernie Francis who will act as Coordinator and serve Whycocomagh and Wagnatkook out of Sydney.
 - (b) Fred Phillips will serve Digby, Cambridge, Hantsport and Wilcat Reserves out of the Shubenacadie Office.
 - (c) Michael Anthony Francis will serve Micmac, Millbrook, Pictou and Afton Reserves out of Shubenacadie Office.
 - (d) Eva Francis will serve Membertou, Eskasoni and Chapel Island out of the Sydney Office.
8. Carrier Agency - The Union of Nova Scotia Indians will constitute this agency and thus represent both the status and non-status Indians.
9. Advisory Board - The Courtworkers will report to this Board. The following will compose its membership:
- (a) Albert Julien - Vice-President, U.N.S.I.
 - (b) Peter Christmas - non-status Indians
- Two Provincial Government representatives:
- (c) E. B. S. Miller
 - (d) One to be chosen from the Attorney-General's Department.
10. The Federal Government will carry the financial load for the present until the Provincial House meets and approves the plans. According to Mr. Coles, there will be no problem here.
11. Agreement will be signed as soon as arrangements can be made.

E. B. S. Miller

 E. B. S. Miller,
 Prov. Government's
 Liaison Officer,
 Indian Affairs

EBSM/pal
 c.c. Mr. Dave Gourley ✓
 Mr. Stuart Killen ✓

May 7/74

Halifax, Nova Scotia
B3J 2L6

May 7, 1974.

Mr. Bernie Francis
Coordinator
Court Worker Program
Union of Nova Scotia Indians
P. O. Box 961
Sydney, Nova Scotia

Dear Mr. Francis:

I acknowledge receipt of yours of May 1, 1974.

I agree that the members of the Provincial Magistrate's Court in particular and other Courts in general should be made aware of the Courtworker Program and we will undertake to so advise them upon the Agreement between Canada and the Province being executed.

I realize that the program is presently underway pursuant to the Local Initiatives Program, however, as the Province is not participating nor involved in the present program, I think it more appropriate that any communication by us follow the implementation of the Federal-Provincial Agreement.

I shall advise when it is anticipated the Attorney General will be in a position to sign such an Agreement with the Federal Minister.

Yours very truly

Gordon F. Coles
Deputy Attorney General

Room 4057, West Memorial Building,
344 Wellington Street,
Ottawa, Ont. K1A 0H8.

May 27, 1974.

Our file: 6350-8

Mr. Bernie Francis,
Union of Nova Scotia Indians,
P.O. Box 961,
Sydney, N.S. B1P 6J4.

Dear Mr. Francis:

Thank you for your letter of May 21, regarding the cost of staff training and community seminars.

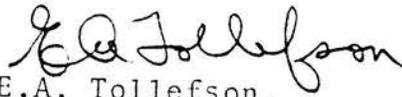
The Department of Justice does not have any funds to cover the cost of training courtworkers, but the Department of Manpower normally can provide funding under its re-training programme. I have asked Mr. C. Sparks of the Department of Manpower to get in contact with you regarding the criteria for funding under their programme.

Federal funding for the community seminars would depend upon their nature. The Department of Justice has some funds to help defray the cost of holding meetings between members of the judiciary and Native people. We introduced this item into our budget on the suggestion of Mr. George Manuel, President of the National Indian Brotherhood. The purpose of these meetings is to provide the Native people with a better understanding of the operation of the court system, and at the same time to provide the judges with a better appreciation of the problems confronting the Native people.

It is also useful to have other representatives of the justice system present at the community seminars. The R.C.M.P., probation officers and lawyers all have an interest in such a programme. As far as funding is concerned, the Department of the Solicitor General may be able to provide some assistance with regard to the cost of seminars involving the R.C.M.P., and the Provincial Government may also be able to assist with respect to the probation officers. What I would suggest is that you send me a specific proposal, outlining the type of seminar programme you have in mind - who would be involved, who it would reach,

when it would be held, what it would cost - and I will see what can be done from the standpoint of the Department of Justice, and at the same time I will refer your proposal to the Department of the Solicitor General. Our two departments co-operated in funding a somewhat similar programme in the Province of Alberta, and you may wish to get in contact with Chester Cunningham in this regard.

Yours sincerely,



E.A. Tollefson,
Director, Programmes and
Law Information Development
Section.

EAT/hm





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

OTTAWA, K1A 0J9
May 27, 1974.

Dear Mr. Francis:

As the Departmental Representative on the Sub-Committee of Native People and the Law, Mr. E. Tollefson, the Chairman, contacted me regarding your request for financial assistance in meeting the costs of training staff for the proposed Court Worker Program in Nova Scotia.

May I suggest that you discuss the training of personnel required for the Court Worker Program with the Canada Manpower Centre in Sydney. The Manager of that CMC is Mr. J. MacDowell, and he will be more than pleased to review your request with you.

I would also like to take this opportunity to wish you every success with the Court Worker Program.

Yours sincerely,

A.C. Sparks,
Consultant,
Policy Development &
Coordination,
Special Programs Branch.



YEAR END REPORT

UNION OF NOVA SCOTIA INDIANS

COURTWORKER PROGRAM

SUBMITTED TO:

JAMES L. CRANE
DEPARTMENT OF ATTORNEY GENERAL
HALIFAX, NOVA SCOTIA

During the early months of 1974, the Provincial and Federal Governments agreed to jointly fund the Native Courtworker Program, beginning the fiscal year, April 1974.

From April to December of 1974, the Courtworker Program was being subsidized by other programs in the Union, awaiting the signing of the contract between the Federal and Provincial Governments, and the forwarding of the first quarterly allotment. During this period there were two courtworkers working for the Native population of Nova Scotia.

Immediately upon receipt of the moneys from the province, steps were taken to fill the employment vacancies. Job openings were advertised, competitions were held and the best qualified candidates were selected. The four people selected began a two week orientation period under the co-ordinator of the program. They were given some briefing on the history of the Courtworker Program and its aims and objectives. Their duties and role as a Courtworker was explained to them. Some time was spent learning more about the various aspects of the law, as they met with various law enforcement agencies and were briefed by the personnel.

After two weeks, the four Courtworkers returned home to familiarize themselves with the area to which they were assigned, and to begin their duties as Courtworkers.

All field workers keep in regular contact with the co-ordinator of the Courtworker Program and the executive of the Union.

Appendix "A" describes the duties of a Courtworker. Appendix "B" shows the aims and objectives of the program.

(2)

Since April of 1974, we have become involved with approximately two hundred and seventy-two (272) cases. These cases involved the following:

INTERPRETING, OBTAINING LEGAL COUNCIL, ASSISTING IN FILING COMPLAINTS, APPLYING FOR BAIL, VIOLATIONS OF THE HUMAN RIGHTS ACT, INDIAN ACT, AND THE MOTOR VEHICLE ACT. WE DEALT WITH DIVORCE AND SEPARATION CASES, DELAYED REGISTRATION OF BIRTHS, CHANGE OF NAME CASES, CHILD WELFARE CASES, CASES WHICH COME UNDER THE CRIMINAL CODE. WE WORK CLOSELY WITH THE NATIONAL PAROLE, JOHN HOWARD SOCIETY, ASSISTING IN PRE-RELEASE PLANS AND SUPERVISING OF NATIVES ON PAROLE. ALSO TO THE SAME DEGREE, WE ASSIST THE ADULT PROBATION SERVICES IN CONDUCTING PRE-SENTENCE REPORTS AND ASSISTING IN THE SUPERVISION OF NATIVES ON PROBATION. WE MEET WITH THE NATIVE INMATES REGULARLY AND ALSO WITH THE INDIAN BAND COUNCILS AT THEIR REQUEST.

APPENDIX "B"

OBJECTIVES OF
THE COURTWORKER PROGRAM

OBJECTIVES OF THE COURTWORKER PROGRAM

The objectives of the Courtworker Program is to assist the Native People in Nova Scotia to develop a better understanding of their rights, interests, priviledges and responsibilities in relation to the criminal justice system. It is a role of the Courtworker to assist Native people wherever th ey may be in relation to the criminal justice system, to better understand the process of their relationship to it. The Courtworker attempts to bridge whatever gaps may exist between the justice system and the Native people.

One of the key features of the Courtworker program is liaison. It shall be the policy of the Courtworker to co-operate and work with the personnel of the criminal justice system in hopes of contributing to the achievement of the various goals of the system as well as contributing to the development of a more complete understanding within the justice system of the needs and concerns of the Native people.

ACTIVITIES

In addition to the general job description each Courtworker brings to his job a unique set of personal circumstances, experiences, interests and abilities. These unique features, combined with the unique and varied situation in which they operate in terms of the community, enforcement agencies, judges, court officials, lawyers and law, indicate that each Courtworker do somewhat differnet things in differnet ways in different situations.

COURTS

Attending court is the predominant activity of the Courtworker. The specific activities vary with the court concerned; law court, family court or juvenile. A general duty shall be to make themselves equally available to the courts and the Native people concerned. Through their presence in the court, the courtworker indicates their willingness to be of assistance in whatever way is required by the judicial system and more important to the Native people who are involved in the system. By attending court, the courtworker generates a series of other activities which constitute much of their work.

Many times, courtworker's find themselves being questioned by the Native people as to the general nature of their charges, the possible sentence and certain court procedures, an example being reserving plea in order to contact legal advice. Many Native people discuss details of their case with courtworkers and seek his/her advice as to what to do. The Courtworker tries to ensure that the accused has a general understanding of the situation and the kind of decisions the person will have to make. Depending on the circumstances, the Courtworker may advise the accused to discuss the matter with a lawyer. He may also suggest that it is not necessary to seek legal advice and that the accused can decide the matter for himself.

Courtworker's assist Native accused in filing applications to the Nova Scotia Legal Aid Society. This ensures the application is correctly completed and forwarded to the proper authorities.

APPEARING FOR OTHERS

One duty sometimes performed by the Courtworker is that of appearing in court for an accused who is unable to attend personally, due to legitimate reasons, such as employment. The Courtworker will explain the reason for the accused's absence and indicate what instructions, if any, he/she has received. A courtworker will NOT act as an agent if he/she feels that they are being "used" by the accused. The courtworker shall encourage the Native people to accept responsibility of appearing in court.

INTERPRETING

A Courtworker may be called upon to act as an interpreter for a Native person and for the Court. This activity may occur during the reading of the charge, outline of the circumstances to the court, the accused's remarks as to sentence or even during the trial. The Courtworker shall also be involved in explaining what has happened and is happening in the court to onlookers who do not understand the proceedings.

Many Native accused, upon pleading guilty, indicate they have nothing to say on their behalf. The Courtworker can play an important role here in providing the court with information about the accused and his circumstances which may be related to the case. In some courts, the courtworker will be encouraged to provide such information whenever he feels it important, while in other courts the courtworker will be allowed to provide relevant information only when requested.

In general, the courtworker tries to ensure that the court is aware of the circumstances of the accused, either directly to the court or through the Crown Attorney or other processes. The courtworker also encourages and provides moral support for Native people to speak up in court or their own if they have questions to ask or information to give.

EXPLAINING ORDERS, DOCUMENTS & PROCEDURES

Many Native people receive legal documents and orders which they are unable to understand. A courtworker is often called upon to provide these people with a general understanding of what it means or he/she can make necessary arrangements for the person to contact another source, such as a lawyer or the issuing body to find out exactly what is required.

In many ways, it seems that Native people see the Courtworker as a person whom they can turn to for advice on a variety of matters which generally fall within the scope of the justice system. The inquiries are not limited strictly to criminal matters. Courtworker's are consulted in regards to statutes involving child welfare, motor vehicles, highways, liquor, fish and game, city by-laws, as well as a variety of administrative and procedural matters which effect the lives of Native people but which they often fail to fully understand.

WORKSHOPS

The Courtworker should create close relations with the Native organizations and Friendship Centres within the area, and should assist and participate in regional meetings with workshops pertaining to the courts and where necessary contact and provide the necessary resource people and more important explain their role and function in the courts.

The most important concern of the courtworker is his/her image to the courts, law enforcement agencies and the general Native population. It is an accepted fact that unless you have the complete trust and co-operation of the courts and the people our effectiveness as courtworkers is completely unfulfilled.

APPENDIX "A"COURTWORKER - JOB DESCRIPTION

1. A courtworker should be available and willing to work at all times. In order to serve our people the way we should, we cannot operate on an 8:30 to 4:30 P.M. basis.
2. The Courtworker must familiarize themselves with the agencies or government departments that he or she is going to work with legal aid, parole, probation, family court, children's aid and other civic offices.
3. Attend courts, criminal, traffic, family & justice.
4. Explain court procedures and make sure the accused knows his rights, also what he is charged with and the possible sentence if found guilty.
5. Interpret when necessary.
6. Assist in obtaining lawyers or legal advice.
7.
 - (a) Make representation for bail.
 - (b) Contact family or friends for payment of bail.
8. Keep in contact with the native inmate and his family, also help the family learn about the penal system.
9. Involvement in the rehabilitation of the native offender.
 - (a) By helping the native inmate in taking steps so that he can fit into society when released. This can be done by assisting in obtaining employment, accommodation, transportation and education.
 - (b) This is why it is recommended we keep a constant contact with Social Councillors in our area.

10. Contact the Native offender and attempt to establish the problem area which has led him to difficulty with the law.
11. Help supervise natives on parole and probation.
 - (a) Assist in explaining and applying for parole and probation.
 - (b) Help in pre-release plans.
12. Assist families of persons sent to institutions and continue this assistance as long as it is needed.
13. Assist Natives in laying charges.
14. Assist Natives in other matters such as compensation, lost wages and related problems.
15. Set up workshops to help magistrates, police, other civic employees and native people establish better communications.
16. Visitations to the institutions.

CONFERENCE PROGRAM
STATEMENT OF EXPENSES

January 1/75-March 31/75

	<u>January</u>	<u>February</u>	<u>March</u>	<u>Totals</u>
Salary	1,500.00	3,250.92	5,625.70	10,376.62
Travel	80.21	1,142.30	1,507.84	2,730.35
Tel/Supplies	413.05	30.00	540.92	984.97
Employee Ben.			20.02	20.02
Meetings			200.00	200.00
	<u>1,993.26</u>	<u>4,423.22</u>	<u>7,894.46</u>	<u>14,311.00</u>
Total expenditures April 1/74 to March 31/75				44,907.00
Transferred to Land and Treaty Rights				<u>14,000.00</u>
Total actual expenditures for fiscal year 1974-75				58,907.00
Budget April 1/74 to March 31, 1975				<u>58,000.00</u>
Deficit 1974-75				<u><u>.907.00</u></u>

PROGRESS REPORT

COURT WORKER PROGRAM

FD-21/25

Approximately 439 cases have been handled by the Courtworkers Program, since January, 1973. An estimate of about 197 of these cases were dealt with between April and December 1974. However, due to the number of people who contact us on the street or through telephone calls seeking information on such things as Court dates and times, Consumer affairs, lawyers names etc., it is impossible to make an accurate estimate.

These cases involved such things as:

Interpreting, obtaining legal council, assisting in filing complaints, applying for bail, arranging settlement for payment of accounts. Violations against the Human Rights Act, the Indian Act and the Motor Vehicle Act. We dealt with divorce and separation cases, delayed registration of birth, change of name cases, child welfare cases, cases which come under the criminal code. We meet with Native inmates and also with the Indian Band Council. We work with the National Parole, the adult probation and other agencies for the betterment of the Native people.

It is impossible to compose an accurate report of the number of each type of case the Courtworker Program has dealt with thus far. The following, however, is a fairly close estimate of such.

1. Interpreting-----Some interpreting was necessary in approximately 95% of the cases dealt with, interpreting both in the court room and out.

Example-- At the lawyer's office, family court, probation office, children's aid, in the jail, while conducting post-release reports and pre-sentence reports and during counselling sessions.

2. Obtaining legal council for natives in need. Legal council was necessary in approximately 97% of the cases, and in these cases we assisted in obtaining the council. This involved calling for appointments, accompanying the person to the lawyer's office, either at the lawyers request or at the request of the person involved. Assisting in filling in legal aid applications, ect. The legal council that was obtained was not always legal aid. For those who do not qualify for legal aid and don't know any lawyer's we recommend someone to them, and again usually make the appointment.

3. Assisting in filing complaints.---- We assisted in filing 95% of the complaints that were filed by Native people. Some of these complaints were against other Native people.

Example--We have assisted several Native people in filing an assault causing bodily harm charge against another Indian person.

4. Applying for and posting bail.----There are approximately 22 instances where assistance was given in applying for and posting bail.

Example-- When a Native is remanded with no mention of bail we seek a lawyer and through him make an application for a bail hearing for that person. We assist in securing witnesses for the hearing and sometimes we testify for the Native. If bail is granted we seek out family and friends to post the bail. Sometimes in Court when bail is being set for someone, because there is no reason for him to be kept in jail or because no trial date is set right away, we ask the judge to take into consideration the fact that it is very difficult for Native people to post bail because of their financial situations, and the fact that very few Natives are property holders.

5. We intervene and arrange settlement in cases where a person cannot continue payment on his or her account for some reason, we usually reach an agreement which satisfies both parties before Court action is taken.----We dealt with approximately 20 cases of this nature.

Example-- A brief example would be one case we dealt with where the head of the household died, the wife with her nine children had to turn to welfare for the basic necessities of life. This family was left with practically nothing but accumulated bills. In fact, there were a total of eleven stores to which money was owing. Through a few phone calls, we found out that six of the higher bills were covered under death insurance and are automatically paid. This left five unpaid accounts. We went to the various stores to find out the outstanding balance of the

accounts and to notify the credit managers that Mr. X. had passed on and we were trying to arrange for payment of the bills, but that there would most likely be a waiting period.

We found out that Mr. X. had a good credit rating with all these stores, one company's credit manager stated they would be pleased if they received half of the outstanding balance. Other companies were willing to lower monthly payments so that Mrs. X. would be able to make payment easier if she had to. Since there was no way that Mrs. X. could pay at all, our next step was to approach the Band Council to find out if there was any way that they could help her. We received fairly good assistance from the Band Council and Welfare Officer in disposing of the bills.

I must point out here that not all cases of this nature were dealt with in the same manner. In some cases when monthly payments were lowered, the spouse was able to pay off the bills owing, either because the bills were for a small amount or because of a more stable financial situation.

6. Violations against the Human Rights Act.... Seven cases fell into this category, An example of the refusal of a local car rental agency to rent cars to people once they found out that the person applying was an Indian or lived on a reserve.
7. Violations against the Motor Vehicle Act.... Approximately 56 cases fell into this category. Most were minor incidents such as speeding, driving without a license, driving while suspended and driving without proper registration or insurance.
8. Violations against the Indian Act.... We handled approximately 10 cases of this nature.
An example... A person's account at a local clothing store was turned over to a collection agency. The payment was not secured and a representative from the agency went to the reserve, threatening to remove something from the home which he thought was worth what was owing, the item he wanted to take out was a refrigerator. This violates section 89 (1) of the Indian Act. (The fridge that was about to be removed from the house was given to the family through a special needs by the Band Welfare Officer.)
9. Divorce and Separation cases.... We assisted 17 Native people in applying for and receiving either a divorce or a legal separation from his or her partner.
10. Change of Name Act.... We worked under this act on four occasions.

An example of how we assisted one person was when a young man approached our program stating that he just found out that he was registered at birth under a surname different than the surname he thought was his. He gave reasons why he wanted to keep the name he had been using and asked if we could assist him. I told him about the Change of Name Act, and briefly explained the section pertaining to him. We then took the necessary steps to change his surname.

11. Delayed registration of birth...We handled approximately 23 cases of this nature. Most of the cases were elderly people who were having a problem applying for old age security, because they were not registered with the province as being born. Once a search of records showed that a person was not registered, we began to look for proof of age documents. When we have the necessary documents we fill in the required forms, enclose our proof of age documents and forward the material to Halifax.

12. Cases involving Child Welfare...We dealt with approximately 53 cases of this nature, most of which involved Children's Aid Society also. Termination of guardianship also falls into this group. The last child welfare case we dealt with was concerning a situation where the children were made wards of the C.A.S. and placed in foster homes on one of the local reservations.

A termination of guardianship case recently involved a couple from Eskasoni who had lost custody of their children and the children were made temporary wards and placed in foster homes. After six months the parents felt they would be able to take proper care of their children because they had stopped drinking and repaired their home and the man was now working. They came to the program and asked if we would help them get the children back home with them. I explained the procedure that had to be followed and took them to family court, where we made application for a termination of guardianship hearing. Just before they were scheduled to appear in court the couple started drinking and failed to show up at the appointed time. Every one concerned was quite disappointed because these people had been watched closely and everyone agreed that they had a good chance of regaining custody of the children.

13. Cases involving delayed income tax returns----We dealt with a total of 8 such cases. This type of case is fairly straight forward, however, out of the eight, five cases were slightly different because they involved people who had completed their returns mailed them in and were awaiting a refund. Quite sometime passed and not one of the five heard from the revenue department. In checking into it we found that not one of the returns was received by the Department. We checked with the local post offices but the material could not be located.

Our next move was to gather copies of the T-4 slips and fill in a delayed return.

14. We meet with the Band Councils when the need arises. Also some people have different problems on different reserves and discuss them with their Councils. We are asked by the Councils to advise on these matters dealing with law.

We have met with each Band Council in Nova Scotia, however not all of these meetings dealt with legal problems. But each meeting was concerning our positions as courtworkers.

15. We visit Natives in various Institutions---- An example are the Natives in the Springhill Institution, we try and visit them as often as we can.

The Courtworkers Program continually receives invitations from inmate organizations inviting us to come to their meetings to assist them in various ways. Unfortunately, in the past we have given very little time to the Natives in this institute because of our lack of workers and large case load.

16. Cases involving the obtaining of Canadian Citizenship----We dealt with 3 cases in which assistance was given in obtaining Canadian Citizenship for Natives. All three people were born and registered in the States and later moved to a local reserve in Nova Scotia with their family. The first case came to our attention when a person concerned came to our program for assistance. He brought with him a letter from the Immigration Department. The letter threatened that he would be deported if he failed to show up at the immigration Department on a specified date. The person concerned explained that he received several letters from these people in the past, he ignored them because he didn't know what the Immigration Department wanted of him. I called the Department and spoke to the gentleman who sent the letter, we then went down to see him. He answered several questions for us and explained why the person concerned had to be registered if he wanted to live in Canada. The proper steps were taken to register him a Canadian Citizen.

The Immigration Department representative was quite annoyed because of his numerous unsuccessful attempts to contact the Indian, he said it was due to lack of cooperation on the part of the Indian and stated that the next move would have been to have him deported. Our program was contacted by the Immigration Department for assistance with the other two cases.

17. Violations against the Criminal Code----The majority of cases we dealt with were offences which came under the C.C. We dealt with approximately 106 cases which came under the C.C., both summary and indictable offences.

Feb 5/75



ATTORNEY GENERAL
NOVA SCOTIA

Halifax, Nova Scotia
B3J 2L6

February 5, 1975

All Judges of the Provincial Magistrate's Court
Province of Nova Scotia

Gentlemen:

The Federal Department of Justice and this Department have entered into an Agreement entitled the Native Court Worker Program. The cost of this program is shared equally between the Federal Government and the Provincial Government.

The Program is designed to provide counselling other than legal to native 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, advised of their rights and referred to Legal Aid and other resources. The geographical areas in Nova Scotia have been established as follows:

COURTWORKER	AREA
David Toney	Cambridge, Hantsport and Bare River, with headquarters at Cambridge.
Mrs. Jeanette Niven	Halifax-Dartmouth area and Shubie area, with headquarters at Shubie Union Office
Peter Pierro	Truro, Sheet Harbour, Pictou and Afton, with headquarters in Afton Band Office.
Allan Bernard	Whycocomagh, Nyanza and Chapel Island, with headquarters in Whycocomagh Band Office.

continued 2/

All Judges of the Provincial
Magistrate's Court
February 5, 1975
Page -2-

Joseph Denny

Eskasoni, with headquarters in the
Eskasoni Band Office.

Eva Bernard

Co-ordinator, plus working the Sydney
area with headquarters in the Sydney
Union Office.

I solicit your cooperation in this program and request that the
court worker be granted permission to speak in court for any
native person if the court worker so requests.

Yours very truly,



R.A. MacDonald

Inspector of Legal and Registry Offices

RAMacD/frg

Feb 17/75

ATTORNEY GENERAL
NOVA SCOTIAHalifax, Nova Scotia
B3J 2L6

February 17, 1975.

Dr. F. R. MacKinnon
Deputy Minister
Department of Social Services
Halifax, Nova Scotia

Dear Dr. MacKinnon:

I acknowledge and thank you for yours of January 30th which I received upon my return from attending the National Conference on Native Peoples and the Criminal Justice System.

Before replying specifically to your letter, I wish to extend my appreciation in having Mr. Miller attend the above Conference as one of our Provincial delegates. We had a most interesting and at times provocative conference. It was most helpful to me to have the benefit of Mr. Miller's participation at the Conference.

Perhaps more than anything else the Conference did point out the need for attitudinal changes on the part of those involved in the criminal justice system and the need for the system itself to be more sensitive to Native peoples who come in conflict with the law.

Mr. Miller has offered to provide me with an overview of our Native peoples in Nova Scotia, both status and non-status with particular emphasis on their organizations and jurisdictional roles. It may well be that the Tripartite Committee should be reassessed, particularly as I understand it concerns itself primarily with status Indians.

Certainly I think the idea to provide a Directory of Government Services available to Native people to be a good one. I think as far as this Department is concerned there may be four such programs on which we can respond, namely, the Native Courtworker Program, Legal Aid, Police Services on and off Reserves and Probation.

....2

I am passing a copy of your letter to each of the Directors in this Department for their information and response.

Yours very truly



Gordon F. Coles
Deputy Attorney General

c. c. Mr. E. B. S. Miller
Mr. James L. Crane
Mr. J. W. Kavanagh, Q. C.
Mr. R. G. Conrad
Mr. Gordon S. Gale
✓ Mr. R. A. MacDonald

Department of Social Services

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



NOVA SCOTIA

OFFICE
OF
THE DEPUTY MINISTER

January 30, 1975

Mr. G. F. Coles
Deputy Attorney General
Attorney General's Department
Halifax, N. S.

Dear Mr. Coles:

Many programs are being operated by the Government of Nova Scotia on behalf of the people of this province. For the most part, these programs are directed to individuals, but others have been designed to serve organizations and businesses.

While the Native people of our province come under Federal jurisdiction, they are benefactors of a large number of provincial services. Many of these people, however, are unaware of the services that are available to them.

In order that they may have a better understanding of our provincial programs, the Tripartite Committee is planning to compile a Directory of Government Services available to the Native people of Nova Scotia.

To do a good job on such a publication, we shall need the assistance of every Department of our Government. When the work is completed, we feel that the Indians of Nova Scotia will be assisted in the realization of some, at least, of their socio-economic goals. Moreover, it may serve some purpose in impressing them with the magnitude of the catalogue of services we provide.

Attached to this letter are a few statements of the kind of write-up we propose. Perhaps these may serve as a guide. It would be appreciated if you would send your material to E. B. S. Miller, Provincial Government's Liaison Officer, Johnston Building, before the end of February.

Thank you.

Yours faithfully,


F. R. MacKinnon
Deputy Minister

Attach.

SAMPLE

DEPARTMENT: Lands and Forests

PROGRAM: Securing a Hunting License for Moose

PROCEDURE: Any resident of Nova Scotia may apply for a Moose License. If he meets the requirements as outlined on the application, his application is made available for a Moose Draw.

If his name is drawn, he is advised by letter that he is eligible to receive a Moose License provided he does the following:

- 1) Reports on a specified date as outlined in the above letter, with the necessary papers, to a Department Testing Station in his county of residence and successfully passes a written and gun handling test.
- 2) Returns by a specified date the necessary paper, duly signed by the testing officer, and the required license fee to the Department of Lands and Forests, Halifax, N. S.

When the Department receives this material, a license and a tag are forwarded to the resident, entitling him to hunt moose in a moose hunting area during the open season for moose as determined by regulation.

FOR WHOM: Any Indian person may apply on the same basis as other individuals residing in the province.

FOR FURTHER INFORMATION: Department of Lands and Forests
Special Services
6th Floor, Dennis Building
Granville Street
Halifax, N. S.
B3J 2T9
Phone: 424-4297

SAMPLE

DEPARTMENT: Social Services

DIVISION: Public Assistance Division

NATURE AND
PURPOSE:

Diabetic Assistance is a program to provide medication without charge to persons for the control of a diabetic condition. The Diabetic Assistance program is authorized under the provisions of Part 1 of the Social Assistance Act and the Diabetic Assistance Regulations.

The eligibility of the applicant is determined by subtracting the total income available to the person or family from the total amount allowed in the Regulations for food, clothing, personal needs, rent or mortgage payments, electricity, fuel and other allowances in the family budget. If these allowances are greater than the income, the applicant is eligible for Diabetic Assistance.

FOR WHOM:

Any Indian person may qualify for assistance under this program on the same basis as other persons in the province.

FOR FURTHER
INFORMATION:

Director of Provincial Social Assistance
Diabetic Assistance
Johnston Building
P. O. Box 696
Halifax, Nova Scotia
B3J 2T7
Phone: 424-4265

SAMPLE

DEPARTMENT: Development

PROGRAM: Incentives

NATURE AND
PURPOSE:

The Incentives Division acts as a source of information for all government assistance programs relating to industrial and economic development. Besides developing and maintaining a comprehensive inventory of incentives available from government sources, we directly assist individuals, groups or companies make out applications for financial assistance when this help is requested. The Incentives Division itself does not sponsor programs which provide direct financing, but it can help companies or groups in their dealings with financing agencies.

FOR WHOM:

Any Indian person may approach the Incentives Division for assistance on the same basis as any other individual in the province.

FOR FURTHER
INFORMATION:

Supervisor
Incentives Division
P. O. Box 519
Halifax, Nova Scotia
B3J 2R7
Phone: 424-4212

SAMPLE

DEPARTMENT: Social Services

PROGRAM: Municipal Social Services

NATURE AND
PURPOSE:

The Social Assistance Act authorizes the municipal level of government to provide financial assistance to persons in need on a short term basis or who require supplementation to income which is insufficient to meet their needs. For families with marginal incomes, the Municipal Social Services authority must show, on the basis of a "needs test", that hardship would result if assistance were not granted. The Act also makes provision for the payment of maintenance costs on behalf of persons in Homes for Special Care.

The municipal units generally provide for such basic requirements as food, rent, clothing, utilities and personal and household allowances. Certain items of special requirement may be included. These are: medical services and drugs, homemakers and day care services, V.O.N. services, household equipment, furniture, furnishings and supplies, expenses incidental to the education of children, household moving expenses, repairs, alterations, additions to property and burial expenses.

FOR WHOM:

Any Indian person living off the Reserve on the same basis as other individuals resident in the province.

FOR FURTHER
INFORMATION:

Department of Social Services
Municipal Social Services
Johnston Building
P.O. Box 696
Halifax, N. S.
B3J 2T7
Phone: 424-4277



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July 7/75
F

1247

ATTORNEY GENERAL
NOVA SCOTIA

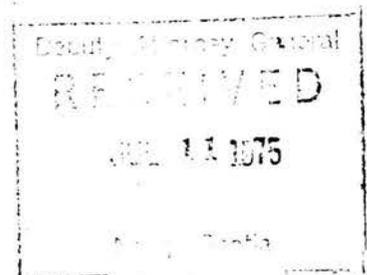
ADULT PROBATION SERVICE

P. O. Box 3245 South
Halifax, N.S. B3J 3H5
July 7, 1975Mr. Gordon Coles, Q.C.
Deputy Attorney General
Department of the Attorney General
Provincial Building
P. O. Box 7
Halifax, N.S.RE: Native Court Worker Program Pamphlet

Dear Mr. Coles:

Enclosed you will find information pamphlets forwarded from this office to all Judges, Prosecutors, Police Agencies, Jailers, and Probation Officers in the four regions of the province.

Yours very truly,

James L. Crane
DirectorJLC:ed
Enc.cc Mr. R. A. MacDonald ✓
Director

The Native Courtworker Program:

This program is among the many programs carried on by the Union of Nova Scotia Indians. Since April 1, 1974, it has been funded jointly by the Federal and Provincial governments.

The Courtworker Program was established to provide assistance to all Native people of Nova Scotia, both registered and non-registered, who find themselves in conflict with the law.

The basic philosophy of the Courtworker Program is to ensure that every Native person in the province understands the legal process in which he or she is involved, and the legal and social resources available to them.

Courtworkers: five courtworkers are assigned to various areas throughout the province.

They are as follows:

<u>Name</u>	<u>Assigned Areas</u>
David Toney	Cambridge, Bear River, Acadia, Halifax and Dartmouth.
Jeanette Nevin	Shubenacadie, Pictou and Truro
Allan Bernard	Afton, Whycocomagh, Wagmatcook and Chapel Island.
Charles Morris	Eskasoni
Eva Bernard	Sydney & Co-Ordinator

The Aims and Objectives of the Courtworker Program:

A) To assist the Micmac people in Nova Scotia to develop a better understanding of their rights, privileges and responsibilities in relation to the Criminal Justice System.

B) To be available equally to the Courts and the Native persons concerned.

C) To liaise between the Native population and the Criminal Justice System.

Duties of the Courtworkers:

1. The Courtworker must familiarize themselves with the agencies or government departments that they are going to be working with, such as, Legal Aid, Family Court, Children's Aid Society, Parole and Probation Services, etc.
2. Attend courts - criminal, traffic, juvenile and family court.
3. Explain court procedures and make sure the accused knows his rights, what he is charged with and the possible sentence if found guilty.
4. Interpret when necessary.
5. Assist in obtaining lawyers or legal advice.
6. Make representation for bail, and if necessary contact the family or friends of the accused for payment of bail.
7. Keep in contact with the native inmate and his family and inform them about the penal system.
8. Involvement in rehabilitation of the Native offender.
 - (a) by helping the native inmate in taking steps so that he can fit into society when released. This can be done by assisting in obtaining employment, accommodation, transportation and education.
 - (b) By keeping in constant contact with social counsellors and workers who can help in his rehabilitation.

9. Contact the Native offender and attempt to establish the problem area which has led to his difficulty with the law.
10. Help supervise Natives on parole and probation.
 - (a) assist in explaining and applying for parole and probation.
 - (b) help in pre-release plans.
11. Assist families of persons sent to penal institutions and continue this assistance as long as it is needed.
12. Assist Natives in laying charges.
13. Assist Natives in other matters, such as, compensation, lost wages and related problems.
14. Set up workshops to help magistrates, police and other civic employees and Native people to establish better communications.
15. Assist the courts in obtaining necessary information and interpret the offender's situation to the court.
16. Assist Native people arrested or summoned for court appearances.

UNION OF NOVA SCOTIA INDIANS



NATIVE
COURT WORKER
PROGRAM

FOR FURTHER INFORMATION
WRITE

COURT WORKER PROGRAM
P.O. BOX 961,
SYDNEY, NOVA SCOTIA

PHONE: 539-4107

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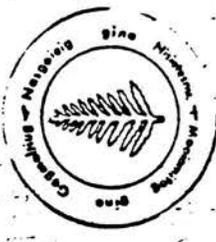
C) To Liaise between the Native population and the Criminal Justice System.

Duties of the Courtworkers:

- The Courtworker must familiarize themselves with the agencies or government departments that they are going to be working with, such as, Legal Aid, Family Court, Children's Aid Society, Parole and Probation Services, etc.
- Attend courts - criminal, traffic, juvenile and family court.
- Explain court procedures and make sure the accused knows his rights, what he is charged with and the possible sentence if found guilty.
- Interpret when necessary.
- Assist in obtaining lawyers or legal advice.
- Make representation for bail, and if necessary contact the family or friends of the accused for payment of bail.
- Keep in contact with the native inmate and his family and inform them about the penal system.
- Involvement in rehabilitation of the Native offender.
 - by helping the native inmate in taking steps so that he can fit into society when released. This can be done by assisting in obtaining employment, accommodation, transportation and education.
 - By keeping in constant contact with social counsellors and workers who can help in his rehabilitation.

9. Contact the Native offender and attempt to establish the problem area which has led to his difficulty with the law.
10. Help supervise Natives on parole and probation.
 - (a) assist in explaining and applying for parole and probation.
 - (b) help in pre-release plans.
11. Assist families of persons sent to penal institutions and continue this assistance as long as it is needed.
12. Assist Natives in laying charges.
13. Assist Natives in other matters, such as, compensation, lost wages and related problems.
14. Set up workshops to help magistrates, police and other civic employees and Native people to establish better communications.
15. Assist the courts in obtaining necessary information and interpret the offender's situation to the court.
16. Assist Native people arrested or summoned for court appearances.

UNION OF NOVA SCOTIA INDIANS



NATIVE
COURT WORKER
PROGRAM

FOR FURTHER INFORMATION
WRITE

COURT WORKER PROGRAM
P.O. BOX 961,
SYDNEY, NOVA SCOTIA

PHONE: 539-4107



ATTORNEY GENERAL
NOVA SCOTIA

*Court Workers file
Telegram
and Sept 4/75*

TO ALEX DENNY
President
Union of Nova Scotia Indians
Sydney, Nova Scotia

Sydney — c/o Mrs. Eva Bernard
126 Membertou Street
Cape Breton County, Nova Scotia
Telephone 539-5468
Office 539-4109

RE: COURT WORKERS PROGRAM.

Further to our attempt to meet you and your executive on Wednesday, September 3, 1975, re the above, it is our understanding that the Union has terminated the Court Workers Program and laid off all court workers. In accordance with the Agreement the Department requires a full accounting of funds already advanced to the Union as the carrier agency of the program.

Accordingly, a representative of our Department will be visiting your offices on Monday a.m. to review with the secretary treasurer the present financial affairs of the program.

*Signed
Sept. 7 Attorney
General.*



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Sept 9/75
SEP 10 1975
Nova Scotia

DEPARTMENT OF SOCIAL SERVICES

E. B. S. Miller
Prov. Government's
Liaison Officer
Indian Affairs

P. O. Box 696
Halifax, N. S.
B3J 2T7
Tel. 424-4188

September 9, 1975

U R G E N T

MEMORANDUM TO: Mrs. Eva Bernard
Carol Bernard
Mrs. Lorraine Cox
James Crane
Ron MacDonald ✓

The Advisory Council of the Native Court Worker Program will meet for a very important meeting in the Board Room, Adult Probation Services, 1521 Dresden Row, Halifax, Nova Scotia, on Tuesday, September 23, 1975 at 2:00 p.m.

Yours sincerely,

E. B. S. Miller

E.B.S. Miller
Prov. Government's
Liaison Officer
Indian Affairs

EBSM:ghm

cc: Dr. F. R. MacKinnon
Mr. Gordon Cole
Mr. Joe B. Marshall
Mr. Dave Gourley

*Jim Teyoung
to change date
of meeting
to 23rd
Advised*

~~TA~~

57

Oct 1/75

94

D379 FR

DY. 2B2680 SIG 424 4025

CRT HALIFAX NS 9-4 1040A ADT

ALEX DENNY, PRESIDENT UNION OF NOVA SCOTIA INDIANS

TF OFFICE 539-4109 HOME 539-5468 CARE MRS EVA BERNARD

126 MEMBERTOU ST SYDNEY NS

866
DEPT. OF ATTORNEY GENERAL
RECEIVED
OCT 1 1975
Nova Scotia

BT

RE COURT WORKER PROGRAM FURTHER TO OUR ATTEMPT TO MEET WITH YOU
AND YOUR EXECUTIVE ON WEDNESDAY SEPTEMBER 3 RE THE ABOVE IT IS OUR
UNDERSTANDING THAT THE UNION HAS TERMINATED THE COURT WORKERS PROGRAM
AND LAID OFF ALL THE COURT WORKERS. IN ACCORDANCE WITH THE AGREEMENT
THE DEPARTMENT REQUIRES A FULL ACCOUNTING OF FUNDS ALREADY ADVANCED
TO THE UNION AS THE CARRIER AGENCY OF THE PROGRAM ACCORDINGLY A
REPRESENTATIVE OF OUR DEPARTMENT WILL BE VISITING YOUR OFFICES ON
MONDAY MORNING TO REVIEW WITH SECRETARY TREASURER THE PRESENT
FINANCIAL AFFAIRS OF THE PROGRAM
DEPT OF ATTORNEY GENERAL.



58 *Nature Court*
Workers
1975

DEPARTMENT OF SOCIAL SERVICES

E. B. S. Miller
Prov. Government's
Liaison Officer
Indian Affairs

P. O. Box 696
Halifax, N. S.
B3J 2T7
Tel. 424-4188

October 20, 1975

Mr. Alex Denny
President
Union of Nova Scotia Indians
117 Memberton Street
Sydney, Nova Scotia

Dear Mr. Denny:

At a meeting of the Court Workers Advisory Council on October 16, 1975, I was asked to write you regarding the question of a future financial arrangement for the Court Workers Program. It was unanimously decided to ask the Board of Directors of the Union of Nova Scotia Indians for the assurance that all money granted by the Federal and Provincial Governments for the operation of this program be kept in a separate account. Until the intent of the Union outlines this necessary control the Attorney Generals' Department refuses to issue further funds for the operation of this program. On receipt of the Union's assurance to do this a cheque will be forwarded to your Treasurer, Carol Bernard. Please contact- Mr. Ronald MacDonald, Department of Attorney General, Halifax.

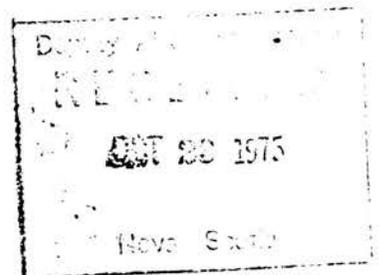
This is an excellent program and we are hoping that there will be no interruption in it.

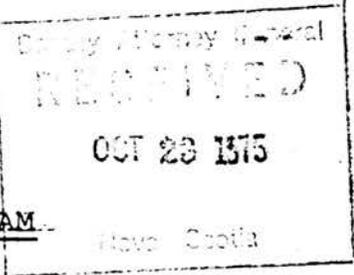
Yours sincerely,

E.B.S. Miller
Chairman

E.B.S.M/ss

Cc: Carol Bernard
Mrs. Eva Bernard
Mr. Ronald MacDonald ✓





SPECIAL MEETING

ADVISORY COUNCIL, NATIVE COURTWORKERS PROGRAM

PLACE OF MEETING: Board Room, Department of Social Services
J. W. Johnston Building
Halifax, Nova Scotia

DATE OF MEETING: Wednesday
October 16, 1975
2 p.m.

MEMBERS PRESENT: E.B.S. Miller
Mrs. Eva Bernard
Carol Bernard
Mrs. Lorraine Cox
James Crane

OTHERS PRESENT: Ron MacDonald
James MacLean
Ronald Paul
Joe Dennis
Finley Paulette
Shirley Cope

ITEMS DISCUSSED:

1. Ronald Paul, President of the Indian Brotherhood of Westmoreland Correctional Institution, Annex to Dorchester Penitentiary, spoke on behalf of his organization about the need for better communications between the Indian Inmates and the Native Court Workers. He stated that there were seven of his people at Westmoreland and twenty two at Springhill who seldom see or have a visit from a Court Worker. This, he felt, was unfortunate as most of the Inmates has personal and domestic problems and concerns which made their experience in the institutions almost unbearable at times. To have a Court Worker visit them even occasionally and talk with them would help much to resolve some of the heartaches which very often involved finances, problems at home, employment on release, etc.

James MacLean, District Representative, Sydney District, National Parole Service, Cabot House, 500 Kings Road, Sydney, N.S. said that there was no problem regarding this matter and that he would discuss the question with Eva Bernard and then write letters to the officers in charge of the Institutions and ask for permission for the Court Workers to visit the Native People there on certain days each month.

Thanks were expressed to the three representatives of the Indian Brotherhood from Westmoreland Correctional Institution and to Mr. MacLean for his offer to assist

in this problem. It was agreed that it was a good idea to have representatives of the Brotherhood meet with our Advisory Council occasionally. It was also thought that representatives of the Indian Sisterhood should be invited to the occasional meeting. The Native representatives then retired from the meeting.

2. On the question of financing the Court Workers' program Mr. Ronald MacDonald, Attorney General's Department asked for a clarification of the \$14,000 that has been transferred from the Court Workers' program to the Land and Treaty Rights. Carol Bernard stated that this money had been given to the Court Workers by the Union of Nova Scotia Indians until the grant was received from the Attorney Generals' Department to carry on the program. On receipt of the Attorney Generals' cheque this \$14,000 was returned to the Union. The end result, according to Mr. MacDonald is that 50% of this amount will have to be returned to Ottawa.
3. The second question asked by Mr. MacDonald concerned our financial standing at the moment. Carol Bernard reported that we now have a surplus of \$2,134.81 which is sufficient to carry the court workers' program to the end of October.

Mr. MacDonald stated that before further funds could be advanced for the operation of the Court Workers program the Attorney Generals' Department want immediate assurance from the Union of Nova Scotia Indians that funds for the Court Workers program will be kept in a separate account rather than placed in the pool of Union funds. A letter of intent, endorsed by the Board of Directors of the Union is required. Mr. Miller was asked to write Mr. Alex Denny, President of the Union, requesting a letter of intent outlining the necessary controls, and send copies of his request to Carol Bernard, Eva Bernard, and Ron MacDonald. In order to facilitate matters Carol Bernard stated that she would forward a telegram to Mr. Ronald MacDonald re authority from the Board of Directors who are to meet this coming week-end.

On receipt of this information Mr. MacDonald is to forward a cheque to cover the balance of funds for the Court Workers program this year.

4. Since the Native Court Workers Program is to be shared with the Non-Status Indians and Metis of Nova Scotia, Mrs. Lorraine Cox is to contact Eva Bernard and give her from time to time a list of her people in need of the program and a list of prospective Courtworkers from

the Non-Status people who might enter the competition for positions in the program.

5. Carol Bernard stated that the Records of her office were open to the Government people at Ottawa if they wish to look at them. Mr. MacDonald said that he would inform the Solicitor General's Department re the same.
6. Re the projected operating costs of \$2734.50 for the third quarter of the 1975 fiscal year, Mrs. Eva Bernard said that she would keep within this budgetted amount and only hire one more worker.
7. Re the training program for the Court Workers, it seems that Gordon Williams of the Solicitor Generals' Department promised to provide program material on training the workers but has never fulfilled his promise. Mr. MacDonald said that he would look into the question and see that the material is secured as promised.
8. Re the proposal for a new contract for 1976 and 1977, Mr. James Crane and Mr. Ronald MacDonald stated that they would have to discuss this whole question with the Attorney General and his Deputy sometime before the end of October and report to our next meeting.
9. Next meeting is to take place on Monday, November 17, 1975, at 10 a.m. in the office of the Non-Status Indian and Metis Association at Millbrook.

E.B.S. Miller
E.B.S. Miller
Chairman

Cc: Dr. F. R. MacKinnon
Mrs. Eva Bernard
Carol Bernard
Mrs. Lorraine Cox
James Crane
Ronald MacDonald
Mr. Alex Denny
Mr. Joe Marshall
Mr. Dave Gourley



ATTORNEY GENERAL
NOVA SCOTIA

ADULT PROBATION SERVICE

P.O. Box 3245 South
Halifax, N.S. B3J 3H5

October 23, 1975

Mr. R.A. MacDonald
Director of Admin. Services
Department of the Attorney General
P.O. Box 7
Halifax, N.S. B3J 2L6

Dear Mr. MacDonald:

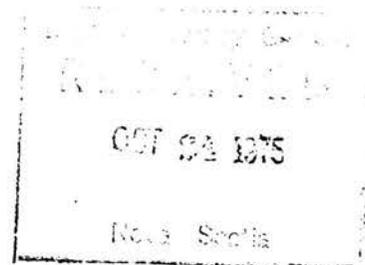
Enclosed is a copy of a letter from Lorraine Cox addressed to Mrs. Eva Bernard which I believe is indicative of the increasing friction between status and non-status Indians. I am sure you noticed with interest the apparent conflict at our last meeting on the Native Courtworker Program and Lorraine Cox appears to be taking a more positive interest in the Non-Status Indian Group.

I pass this on to you as a point of interest and a matter which should demand our attention.

Yours very truly,

James L. Crane
Director

JLC:yd
Encl.



Oct 23/75
Nature Court Worker



NON-STATUS INDIAN AND METIS ASSOCIATION OF NOVA SCOTIA

63

President — Viola M. Robinson
Vice-President — Lorraine A. Cox
Secretary-Treasurer — Barbara A. Brake

P.O. BOX 1320
TRURO, NOVA SCOTIA

TELEPHONE 902-895-6579

October 10, 1975

Mrs. Eva Bernard,
P. O. Box 961,
Sydney, Nova Scotia.

Dear Mrs. Bernard:

I have received a copy of your latest report which was received by E.B.S. Miller on October 8, 1975.

I wonder if it would be possible for you to give me a breakdown on some of the items on the Statement of Expenses. I have drawn up a form which might be of assistance to you.

Also your report states that 1,012 cases were served by this program. Could you give me a breakdown on this, i.e. the number of cases handled by each courtworker and the counties in which the cases originate.

Just for my own information could you advise me of the names of the four resource people which took part in the seminar of July 3, 1975.

Also could you advise us as to the number of cases which you have handled involving the non-status Indians?

As this program is a partnership between our organization and the Union we would like to have half of the courtworkers originating from our organization. Our membership is quite high in the western shore area and we would like to see a non-status courtworker covering that area for both the status and non-status. The Outreach program is presently being handled in much the same manner.

Yours in recognition of
Indian Unity

Lorraine Cox
Lorraine Cox

/lc

cc: E.B.S. Miller
James Crane ✓

PAYROLL FOR COURTWORKERS PROGRAM FOR SECOND QUARTER JULY 1/75 - SEPT. 30/75

JULY	<i>Gross Pay</i>	<i>Deductions</i>	<i>Net Pay</i>	<i>Travel</i>
PAY PERIOD JULY 7-18				
<u>David Toney</u>				
<u>Jeannette Nevin</u>				
<u>Charles Morris</u>				
<u>Eva Bernard</u>				
PAY PERIOD JULY 21 - AUG. 1				
<u>Eva Bernard</u>				
<u>Charles Morris</u>				
<u>Jeannette Nevin</u>				
<u>David Toney</u>				
PAY PERIOD AUGUST 5-15				
<u>Eva Bernard</u>				
<u>Charles Morris</u>				
<u>Jeannette Nevin</u>				
<u>Alan Bernard</u>				
PAY PERIOD AUGUST 18-29				
<u>Eva Bernard</u>				
<u>Charles Morris</u>				
<u>Jeannette Nevin</u>				
<u>Alan Bernard</u>				
PAY PERIOD SEPT. 1-11				
<u>Eva Bernard</u>				
<u>David Toney</u>				
<u>Charles Morris</u>				
PAY PERIOD SEPT. 15-22				
<u>Eva Bernard</u>				
<u>David Toney</u>				
<u>Alan Bernard</u>				

now 3/75

65

1247



ATTORNEY GENERAL
NOVA SCOTIA

ADULT PROBATION SERVICE

P.O. Box 3245 South
Halifax, Nova Scotia

November 3, 1975

Mr. R.A. MacDonald
Director of Administrative Services
Department of the Attorney General
P.O. Box 7
Halifax, Nova Scotia

Dear Mr. MacDonald:

Re: Native Courtworker Program

I enclose a copy of a letter of resignation submitted by Eva Bernard to the Executive of the Union of Nova Scotia Indians. It is with regret I learn of this resignation and it gives me all the more reason to doubt the justification for continuation of the program.

Perhaps you can inform me as to the status of the presentation of the new proposal to the Attorney General and further I suggest that perhaps we can meet at the earliest possible date to attempt to reconcile the entire matter.

Yours very truly,

James L. Crane
Director

JLC:yd
Encl.

NOV 4 1975

UNION of NOVA SCOTIA INDIANS

66

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

October 22, 1975

TO: BOARD OF DIRECTORS
EXECUTIVE MEMBERS

This is a letter of notification informing you that I am resigning as a Coordinator for the Courtworker Program effective November 24, 1975.

In the next two weeks, I will finish up what I have left to do.

Yours in recognition
of aboriginal title,

Eva Bernard
Eva Bernard, Coordinator
Courtworker Program

EB/bjm

*Withdraw her resignation
until further notice*

67



1892

DEPARTMENT OF SOCIAL SERVICES

E. B. S. Miller
 Prov. Government's
 Liaison Officer
 Indian Affairs

P. O. Box 696
 Halifax, N. S.
 B3J 2T7
 Tel. 424-4188
 January 21, 1976

TRIPARTITE LIAISON COMMITTEEPROVINCE OF NOVA SCOTIA

PLACE OF MEETING: Offices
 Union of Nova Scotia Indians
 117 Membertou Street
 Sydney, Nova Scotia

DATE OF MEETING: Tuesday, January 20, 1976
 1:00 P.M.

MEMBERS PRESENT: Dave Gourley
 Joe B. Marshall
 E. B. S. Miller

OTHERS PRESENT: Alex Denny

ITEMS DISCUSSED:

1. COURTWORKERS' PROGRAM

Emphasis was placed on the heavy workload of the Co-ordinator of this program, Mrs. Eva Bernard, and the fact that more courtworkers could not be employed because of Government restrictions on financing. The present agreement allows for four courtworkers and a Co-ordinator.

Mr. Miller informed the members that according to the latest report from the Attorney-General's Department, the Courtworkers' Program would have to operate on the same budget in 1976 as in 1975. A meeting of the Advisory Council on the program is to take place in Halifax on January 27th. Consideration will be given to the whole program at that time.

ITEMS DISCUSSED (CONT'D)2. MUNICIPAL SERVICES TO INDIANS AT ESKASONI

Mr. Miller reported on the meeting of January 14th between the Eskasoni Band Council and the Honourable Fraser Mooney, Minister of Municipal Affairs, at which Roger Hill, Band Manager, presented a Brief on behalf of the Council re a request for financial assistance to operate garbage, electric, etc. services on the Reserve.

Under the Municipal Services Act, the Eskasoni Reserve does not qualify for a municipal grant as the people of the Reserve do not pay property taxes, and the sharing of cost of municipal services is based solely on the ability of people to pay. There is, therefore, nothing under the Municipal Services Act, which applies solely to municipalities, whereby the Department of Municipal Affairs can help. It can, of course, extend services, but it cannot enter into an agreement with any particular body such as a Reserve. Any agreement that is undertaken must be between the Reserve and the Municipality, such as the agreement between the Municipality of Sydney and the Membertou Reserve, where the Department of Indian Affairs pays 100% of the costs.

Mr. Miller said that Mr. Mooney was prepared to work in any discussion that might facilitate the matter, but there was nothing further that he, as the Minister of Municipal Affairs, could do at this juncture under the present Act.

It was felt that the proper body to handle this matter re further discussion would be the Tripartite Committee. However, the request must come first from the Union of Nova Scotia Indians.

3. RE: MINUTES OF TRIPARTITE COMMITTEE MEETING
ON DECEMBER 17, 1975

Mr. Denny reported that there was one item missing from the above minutes about which he had written the Honourable Mr. Huskison on January 15, 1976. It relates to the fact that no consultation on any agreement

ITEMS DISCUSSED (CONT'D)

or plan concerning the Indians of Nova Scotia should take place between the Province and the Federal Government without the prior consent of the Union of Nova Scotia Indians. In other words, the Union of Nova Scotia Indians does not wish to have any provincial involvement in matters concerning them, as all matters relating to them are the responsibility of the Federal Government completely.

Mr. Miller stated that he would speak to Mr. Huskison and see that the additional item was included in the Minutes of the Tripartite Committee.

4. EXEMPTION FROM GASOLINE TAX

Mr. Joe Marshall stated that a Brief on exemption from the Gasoline Tax for Indian people was being prepared by the Union and should be ready for presentation in the near future.

Arrangements are to be made for a meeting with the Honourable Peter Nicholson as soon as the Brief is ready.

5. QUESTION RE: THE TERM "NATIVE"

Mr. Denny and Mr. Marshall asked that the question of the term "native" be discussed at a meeting of the Tripartite Committee with the possibility of deleting the word from some of the references and programs as it does not apply. Two separate organizations are involved, namely the registered Indians, who are under the absolute jurisdiction of the Federal Government and the Non-Status and Metis people who are unregistered as far as the Department of Indian Affairs is concerned.

6. NEXT MEETING

The next meeting is to take place in the Board Room, Provincial Building, Sydney, Nova Scotia, on Tuesday, March 2, 1976 at 9:00 a.m.

ITEMS DISCUSSED (CONT'D)

The reason for the meeting in Sydney is because the Provincial Advisory Council on Native People and the Criminal Justice System will be meeting at 10:00 o'clock on the same day.



.....
E. B. S. MILLER

EBSM/vw
c.c. Dr. F. R. MacKinnon
Mr. Alex Denny
Mr. Gerri Bell



DEPARTMENT
OF
ATTORNEY GENERAL
NOVA SCOTIA

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

12/2/76

March 18, 1976

Mr. Gordon Williams
Department of Justice
Ottawa, Ontario
K1A 0H8

Re: Native Courtworkers Program

Meeting held with Advisory Group on Tuesday, March 16, 1976. Advised by Union of Nova Scotia Indians that they would no longer be the carrier agency after March 31, 1976 unless the Province agreed to divide the funding between status and non-status. Attorney General advised Union on Monday, March 8, 1976 that he would not agree with this proposal. In accordance with the Agreement this will serve as notification that Program will cease on March 31, 1976. A letter respecting costing and evaluation will follow.

March 19, 1976

Ms. Eva Bernard
Director Courtworker Program
Union of Nova Scotia Indians
P.O. Box 961
Sydney, Nova Scotia
B1P 6J4

Dear Ms. Bernard:

In accordance with our meeting of Tuesday last, please be advised that I have notified the Federal Government that the Union of Nova Scotia Indians will no longer be the carrier agency after March 31, 1976. I also advised them that there will be an evaluation prepared. I have indicated to them that there may be some changes re the funding for the 74-75 year.

I anticipate that I will receive documentation from you within a week to 10 days to finalize the fiscal year 74-75 and I would hope that you will forward to me the necessary documentation to finalize the fiscal year 75-76. We have in our files documentation relating to the period April 1, 1975 to December 31, 1975 which indicates an expenditure of \$2,880.63. All that remains to finalize this fiscal year is the expenditures for the last three months.

Yours very truly,

R. A. MacDonald
Director of Administration

RAMacD/cap

March 19, 1976

Mr. Brian Moore
Department of Justice
Ottawa, Ontario
K1A 0H8

Re: Native Courtworker Program

Dear Mr. Moore:

This has further reference to the telegram received relating to the above. The Union of Nova Scotia Indians had a meeting with the Attorney General on March 8, 1976. At that meeting they requested the Attorney General to insert a clause in the Agreement which would permit the funding arrangement to be changed whereby the Federal contribution would be directed to the status Indians and the Provincial funding towards the non-status. The Attorney General advised the Union that he was not prepared to make this arrangement.

With respect to the funding arrangement for 74075, I have received further information verbally from the Union that they will be able to produce documentation indicating that the \$14,000 transferred to Land and Treaty Rights was in fact expenses incurred for the Native Courtworker Program. Accordingly, I would request that until this information is received we take no further steps to finalize the funding arrangements for the fiscal year April 1, 1974 to March 31, 1975. I expect to receive this information from the Union within a week to 10 days.

In view of the fact that the Union have notified us that they will no longer be the carrier agency consideration will have to be given to advising our Treasury Board with respect to the funding. However, we do not intend to do this for a short period as there may be some other means by which this Program could be continued.

I also wish to advise that in accordance with the Agreement there will be an evaluation of the Program prepared and submitted by the Union. I understand that this evaluation will be directed to MR. E.B.S. Miller who in turn will forward it to the Federal Government.

If you have any questions with respect to the above, please do not hesitate to contact me.

Yours very truly,

R. A. MacDonald
Director of Administration

RMacD/cap
cc: Mr. Gordon Williams



ATTORNEY GENERAL
NOVA SCOTIA

CORRECTIONAL SERVICES

P. O. Box 3245 South
HALIFAX B3J 3H5
March 30, 1976

Mr. R. A. MacDonald
Director of Administrative Services
Department of the Attorney General
P. O. Box 7
Halifax, N. S. B3J 2L6

Dear Mr. MacDonald:

RE: Native Courtworker Program

As you know, I have felt for some time that if the Native Courtworker Program could not be operated properly by native peoples, perhaps this program could be operated more efficiently and effectively by this Department. I continue to feel this way; however, in view of official statements made by representatives of the Union of Nova Scotia Indians, I am rather reluctant to assume this responsibility because I feel we may not receive their full cooperation. It seems to me that the native peoples are not fully appreciative of the efforts being made and for the program to operate properly, we must have the full cooperation of all native peoples, including the Union of Nova Scotia Indians.

In response to Mr. Gordon Williams, I would simply state that we have had a continued interest but because of the Union of Nova Scotia Indians' unwillingness to recognize any other carrier agency, I simply cannot see how we could operate this program properly.

Yours very truly,

A handwritten signature in cursive script, appearing to read "James L. Crane".

James L. Crane
Director, Correctional Services

/se

June 1, 1976

Mr. Alex Denny
President
Union of Nova Scotia Indians
117 Memberton Street
Sydney, Nova Scotia

Dear Mr. Denny:

As you are aware, the Native Courtworker Program ceased to function on March 31, 1976. Since then there have been ongoing discussions with departmental officials and the Attorney General and with representatives of the Federal Government. The Attorney General is prepared to re-establish this Program connected with this department but he is only prepared to establish it if you are prepared to express in writing that your members will not be restricted from utilizing the services rendered by the Program if they have an occasion to request assistance.

Yours very truly,

R. A. MacDonald
Director of Administration

RAMacD/cap
cc: Mr. Gordon Williams

UNION of NOVA SCOTIA INDIANS

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

July 15, 1976

Mr. R.A. MacDonald
Director of Administration,
Department of Attorney General,
P.O. Box 7,
Halifax, Nova Scotia

Dear Mr. MacDonald:

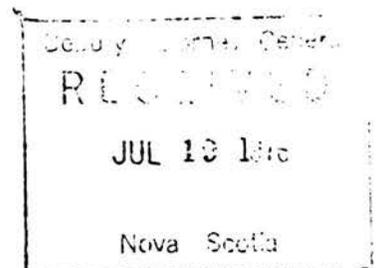
As per our telcon on July 6, 1976 this is to advise you and your attorney-general that we cannot possibly go along with what you've mentioned in your letter of June 1, 1976. I am sure it's not necessary to give you our reasons in detail.

As much as we, (the Micmac Indian people of N.S.) appreciate any meetings that might have taken place to discuss our problems, don't you think it would be about mature time for the Micmac Indian people to be included as one of do-gooders groups?

Yours in Recognition
of Aboriginal Title.


Alex Denny, President
Union of Nova Scotia Indians

AD/nm



UNION of NOVA SCOTIA INDIANS

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

July 15, 1976

Mr. R.A. MacDonald
Director of Administration,
Department of Attorney General,
P.O. Box 7,
Halifax, Nova Scotia

Dear Mr. MacDonald:

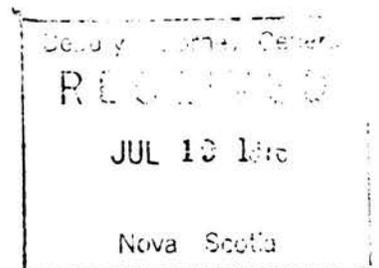
As per our telcon on July 6, 1976 this is to advise you and your attorney-general that we cannot possibly go along with what you've mentioned in your letter of June 1, 1976. I am sure it's not necessary to give you our reasons in detail.

As much as we, (the Micmac Indian people of N.S.) appreciate any meetings that might have taken place to discuss our problems, don't you think it would be about mature time for the Micmac Indian people to be included as one of do-gooders groups?

Yours in Recognition
of Aboriginal Title.


Alex Denny, President
Union of Nova Scotia Indians

AD/nm



F
Native Workers

October 19, 1976

Ms. Lorraine A. Cox
Vice-President
Non-Status Indians and Metis
Association of Nova Scotia
P. O. Box 1320
TRURO, Nova Scotia

Dear Ms. Cox:

Re: Courtworkers Proposal submitted by the
Mic Mac Native Friendship Centre

Your letter of October 14th to the Deputy Attorney General has been referred to me for reply.

The Attorney General has reviewed the matter and has determined that since the program will not be supported by the Union of Nova Scotia Indians that it will not be representative of all Native people and, therefore, he will not approve the proposal submitted by the Mic Mac Native Friendship Centre.

Yours Very truly,

Gordon S. Gale
Director (Criminal)

GSS:ap

DEPARTMENT OF ATTORNEY GENERAL

MEMORANDUM

FROM: Deputy

TO: Gordon S. Gale

The MicMac Native Friendship Centre proposal, as you will recall, is limited to a courtworker program in the Halifax area. The Attorney General asked whether it would have the support of the Union of N. S. Indians and when we met with certain of their representatives the other week they indicated that they were not prepared to express themselves in support of the Program.

Although we have indicated that we are prepared to support a program which meets the Federal terms and which has the support of both the status and non-status Indian people and is available for the assistance of both, we are not able to fund a program limited as is the Friendship Centre proposal, particularly in the absence of endorsement and support of the Program by the Union of N. S. Indians.

Would you reply to Mrs. Cox's letter of October 14 on my behalf.

18 October 1976.

October 19, 1976

Ms. Joan Glode
Executive Director
Mic Mac Native Friendship Centre
2281 Brunswick Street
HALIFAX, Nova Scotia

Dear Ms. Glode:

I wish at this time to acknowledge your letter of July 19th and our subsequent conversation concerning the Native Court Worker proposals.

I must advise you that the matter has been discussed with the Attorney General and he has concluded that he is not prepared at this time to support the program. The Attorney General has in part based his decision on the fact that the Union of Nova Scotia Indians will not endorse or support the program and in view of this the Attorney General's decision is that without this support the program will not be applicable to all Native peoples.

Yours very truly,

Gordon S. Gale
Director (Criminal)

GSG:ap

November 24, 1976

Mr. James L. Crane
Director, Correctional Services
P.O. Box 3245 South
Halifax, Nova Scotia
B3J 3H5

Dear Mr. Crane:

I have for acknowledgment your letter of November 22, 1976 re the proposal of the Mic Mac Native Friendship Centre.

As I advised you verbally, the Attorney General is not prepared to accept any proposal as it relates to the Native Courtworker Program unless that proposal provides an opportunity for all Native people to participate. The present proposal does not meet with the approval of the Union of Nova Scotia Indians and therefore as far as this Department is concerned the Program is no longer functioning.

I have so advised Treasury Board and deleted this item from our budget for this current year and for the next fiscal year.

Yours very truly,

R. A. MacDonald
Director of Administration

RAMacD/cap



ATTORNEY GENERAL
NOVA SCOTIA

CORRECTIONAL SERVICES



P. O. Box 3245 South
Halifax, N.S. B3J 3H5
November 22, 1976

Mr. R. A. MacDonald
Director of Administration
Department of the Attorney General
P. O. Box 7
Halifax, N. S. B3J 2L6

Dear Mr. MacDonald:

RE: Proposal of Mic Mac Native
Friendship Centre

As I have heard nothing further on the proposal from Joan Glode to the Deputy Attorney General concerning a Native Courtworker Program, to be coordinated by her in cooperation with this Department, I suspect the matter is no longer being pursued. In view of this, I am closing my file on the matter unless further proposals are to be made.

Yours very truly,

James L. Crane
Director, Correctional Services

/se
c.c. Mr. Gordon S. Gale
Director (Criminal)

Bw

84

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

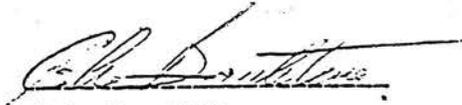
PAGE TWO

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



B 5

Parole

Libération conditionnelle

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



ADULT PROBATION SERVICE

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

01 FEBRUARY 1978

Minister of Justice
Department of Attorney General
Government of Canada
K1A 0E3

RE: Native Court Workers Program

Dear Sir:

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...../ 2

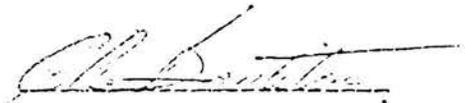
PAGE TWO

February 1, 1978

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Sincerely,



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.

TRAINING

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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

LAB 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 HAPPENED EARLY, 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 PUBLIC RELATIONS
UNSI AND NSKI CHAIRMAN

CC: OFFICE MEMORANDUM, TRI-PARTITE LIAISON OFFICES

CC: PETER JOHNSON, 1ST VICE-PRESIDENT UNSI

9:15 AM MARCH 30/78

UNSI SYD

LAB 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.

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 white society.

ANNUAL BUDGETA. Salaries:

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

B. Travel:

Coordinator	5,000	
Courtworkers - 8 @ 3,600	<u>28,800</u>	
		33,800

C. Training:

5,000

D. Expenses:

Office Rental	900.	
Equipment Rental	1,000	
Office Supplies	2,500	
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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 4. Motor Vehicle Offences
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 - (i) Intestacy, Wills & Probate
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 - (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

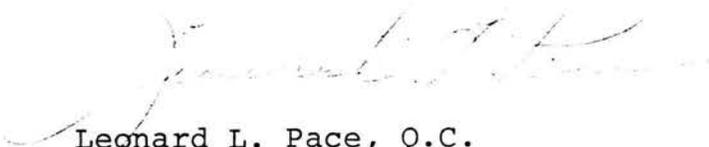
Dear Mr. Killen:

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
Indian Affairs

Sous-ministre adjoint
Affaires indiennes et du Nord
Affaires indiennes

*Set up file 78
Native Court Wishes*

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

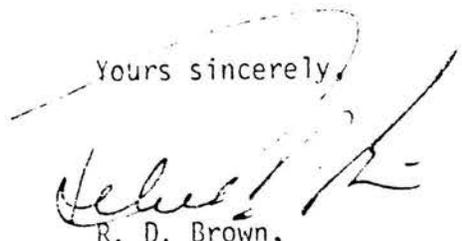
E. A. TOLLEFSON
DIRECTOR, PROGRAMS AND LAW INFORMATION
INDIAN AND INUIT AFFAIRS SECTION

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.

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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

OFFICE OF
THE PRESIDENT



MAR 13

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

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 - (ii) Panel Discussions

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UNSI SYD

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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, Sikyea 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.

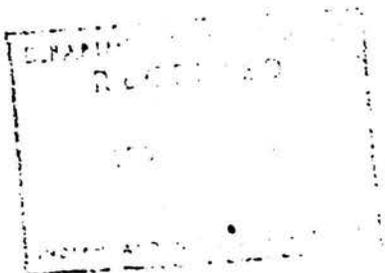
cc. R.D.G. Atlantic
Solicitor General
Deputy Solicitor General
Commissioner Simmonds
Inspector R. Gilholme
Program Support Branch

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.

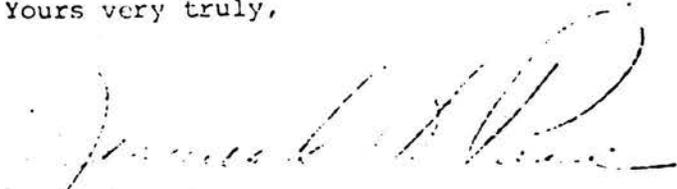
The concept of policing which this Department agreed to and approved was for the appointment of Indians to the position of Special Constable in the R.C.M.P. to be attached to the detachment policing the reserve and to assist the members of that detachment in policing the reserve. As such Indian Special 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,

ORIGINAL SIGNED BY
STU KILLEN

Stu Killen, Director
Popular Education Program

SK/bjm

UNION of NOVA SCOTIA INDIANS

142

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TELEX 019-35215

OFFICE OF
THE PRESIDENT

February 26, 1979

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

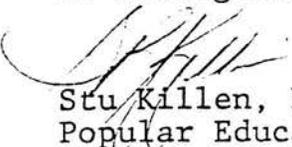
Mr. Thompson:

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.
B1P 6J4
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.

..2

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

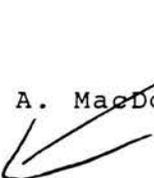
c. c. Attorney General

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 31/80

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

Piece 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

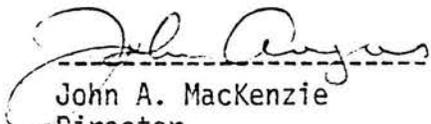
DATE: August 29, 1979

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 Whycocomagh 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

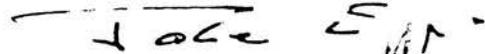
*Policing
received
Oct 5 1979*

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 stylized flourish at the end.

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 FOREWARD |
| <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 SHOULDN'T 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

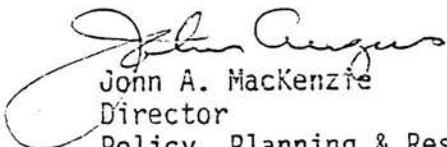
This will follow up our discussion of Friday, September 21, 1979.

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 50/50 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.

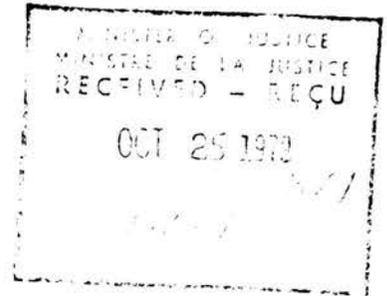
Failing a satisfactory resolution of this item, the Province indicated its intention to transfer responsibility for the current liaison function to Indian Affairs Office in Amherst.

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>	

4,110Total\$ 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

Security

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

	<u>3,000</u>
\$	<u><u>84,200</u></u>

Cardman
Sperry
Juno
Prater
Walter R. [unclear]

UNION of NOVA SCOTIA INDIANS

BW



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. MacDonald

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

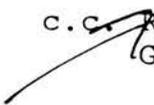
I had a talk today with Mr. Henderson and Mr. Paul, of the Nova Scotia Indian movement, and I told them that I felt that we would recommend that Indian personnel be used on reservations. I think the Indians can do far more with their own people than, say, an outside policeman can do.

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. PaulRe: 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,

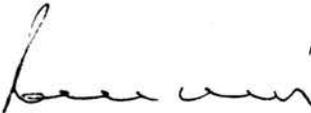
As you know, officials from our respective departments have been negotiating for some time with respect to a possible federal-provincial Native courtworker cost-sharing agreement. On January 23rd of this year a draft federal-provincial Native courtworker agreement was sent to your Mr. Ron MacDonald and 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:

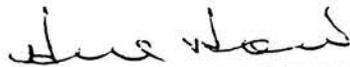
1. In this agreement:
 - a) "approved cost" means the total cost of a courtworker programme as set out in the approved submission for a given financial year;
 - b) "approved submission" means a submission respecting the provision of courtworker services in Nova Scotia for a given financial year which 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

215



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.

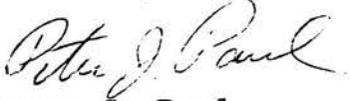
We feel that the letter of 27 November, 1979, from Gordon Coles is unresponsive; implies that Bands haven't thought out the issue of policing, and is a step backward in implementing the program.

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
BLP 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



218

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
short*



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

MEMORANDUM OF AGREEMENT MADE THE 2nd DAY OF *January* A.D. 19*80*

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 assisting in the establishment of a Native Courtworker Programme in Nova Scotia;

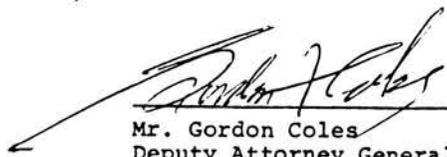
AND WHEREAS funding is needed to provide training for courtworkers and in general to make proper arrangements for the introduction of a Native Courtworker Programme in Nova Scotia;

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

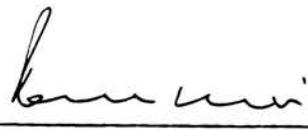
1. For the purposes of this agreement, Canada shall be represented by the Deputy Minister of Justice of Canada and Nova Scotia shall be represented by the Deputy Attorney General of Nova Scotia.
2. A budget covering the costs to be incurred pursuant to this agreement is attached to and forms part of this agreement.
3. The training of Native courtworkers and the arrangements to be made for the introduction of a Native Courtworker Programme shall be carried out by the Union of Nova Scotia Indians as per the attached budget.
4. Nova Scotia shall make available to the Union of Nova Scotia Indians the sum of \$5,000 on or before January 15, 1980 and Canada shall pay to Nova Scotia for transmittal to the Union of Nova Scotia Indians the balance of \$12,465 upon the signing of this agreement.
5. Nova Scotia shall not assign this agreement or any part thereof without the written permission of Canada, but nothing herein contained shall preclude Nova Scotia from enlisting the assistance of others in carrying out Nova Scotia's obligation under this agreement.

6. No member of the House of Commons shall be admitted to any share or part of the agreement or to any benefit arising therefrom.
7. Nova Scotia agrees to keep proper accounts and records of the revenues and expenditures for the subject matter of the agreement, including all invoices, receipts and vouchers relating thereto. Nova Scotia will provide a statement of revenues and expenditures for the period to be filed with the Minister of Justice of Canada no later than April 30, 1980.
8. The financial accounts and other records of Nova Scotia shall be accessible, during normal business hours, to the representatives of Canada or to others appointed by Canada to conduct audits. Nova Scotia shall provide the necessary facilities for the audit and shall furnish all such information as the auditors may require. Nova Scotia will keep all financial accounts and vouchers and other records for a period of at least three years after the expiry of the agreement.
9. Canada agrees to inform Nova Scotia of the financial results of any audit, and to pay to Nova Scotia as soon as possible after the completion of the audit any monies which the audit may show to be then due and owing to Nova Scotia. Nova Scotia agrees to pay to Canada, on being informed of the results of such audit, any monies which the audit may show to be then due and owing to Canada, either by reason of overpayment or otherwise.

IN WITNESS WHEREOF, Mr. Roger Tassé, Deputy Minister of Justice of Canada has hereunto set his hand on behalf of Canada and Mr. Gordon Coles, Deputy Attorney General of Nova Scotia has hereunto set his hand on behalf of Nova Scotia.



 Mr. Gordon Coles
 Deputy Attorney General
 of Nova Scotia



 Mr. Roger Tassé
 Deputy Minister of Justice
 of Canada



 Witness

 Witness

UNION OF NOVA SCOTIA INDIANS

NATIVE COURTWORKER BUDGET

December 1, 1979 to March 31, 1980

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

<u>Training</u>		1,500
-----------------	--	-------

Administration

Office rental	\$ 400	
Equipment rental	250	
Office supplies	375	
Audit & Bookkeeping	150	
Secretarial services	625	
Employee benefits	<u>375</u>	

2,115

TOTAL

\$17,465

MEMORANDUM OF AGREEMENT MADE THE 17th DAY OF *January*, A.D. 1980

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 assisting in the establishment of a Native Courtworker Programme in Nova Scotia;

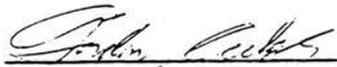
AND WHEREAS funding is needed to provide training for courtworkers and in general to make proper arrangements for the introduction of a Native Courtworker Programme in Nova Scotia;

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

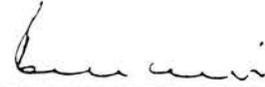
1. For the purposes of this agreement, Canada shall be represented by the Deputy Minister of Justice of Canada and Nova Scotia shall be represented by the Deputy Attorney General of Nova Scotia.
2. A budget covering the costs to be incurred pursuant to this agreement is attached and forms part of this agreement.
3. The training of Native courtworkers and the arrangements to be made for the introduction of a Native Courtworker Programme shall be carried out by the Union of Nova Scotia Indians as per the attached budget.
4. Nova Scotia shall make available to the Union of Nova Scotia Indians the sum of \$5,000 on or before January 25, 1980 and Canada shall pay to Nova Scotia for transmittal to the Union of Nova Scotia Indians the balance of \$12,465 upon the signing of this agreement.
5. Nova Scotia shall not assign this agreement or any part thereof without the written permission of Canada, but nothing herein contained shall preclude Nova Scotia from enlisting the assistance of others in carrying out Nova Scotia's obligation under this agreement.

6. No member of the House of Commons shall be admitted to any share or part of the agreement or to any benefit arising therefrom.
7. Nova Scotia shall enter into an agreement with the Union of Nova Scotia Indians setting out the terms and conditions under which the payments of \$17,465 referred to in Clause 4 of this agreement are being made. The said terms and conditions shall include a requirement for the Union of Nova Scotia Indians to provide Nova Scotia with an independent auditor's report showing how the total payments of \$17,465 have been spent and, a further requirement providing access for Canada to the financial accounts and records of the Union of Nova Scotia Indians regarding payments made pursuant to Clause 4 of this agreement. Nova Scotia shall provide Canada with a copy of the above-noted agreement and the independent auditor's report.
8. Canada shall not hold Nova Scotia responsible for the manner in which Canada's contribution of \$12,465 is managed by the Union of Nova Scotia Indians.

IN WITNESS WHEREOF, Mr. Roger Tassé, Deputy Minister of Justice of Canada has hereunto set his hand on behalf of Canada and Mr. Gordon Coles, Deputy Attorney General of Nova Scotia has hereunto set his hand on behalf of Nova Scotia.



Mr. Gordon Coles
Deputy Attorney General
of Nova Scotia



Mr. Roger Tassé
Deputy Minister of Justice
of Canada



Witness



Witness

The Union of Nova Scotia Indians, through its President, Mr. Stan Johnson, agrees to comply with the obligations placed upon the Union of Nova Scotia Indians pursuant to Clause 7 of this agreement.

Witness

Mr. Stan Johnson
President of the Union of
Nova Scotia Indians

UNION OF NOVA SCOTIA INDIANS

NATIVE COURTWORKER BUDGET

December 1, 1979 to March 31, 1980

Salaries

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

Travel

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

Training

1,500

Administration

Office rental	\$ 400	
Equipment rental	250	
Office supplies	375	
Audit & bookkeeping	150	
Secretarial services	625	
Employee benefits	375	
		<u>\$ 2,115</u>

TOTAL

\$17,465

BETWEEN:

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

AND:

THE UNION OF NOVA SCOTIA INDIANS (hereinafter referred to as the "Union")
of the Second Part

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

1. For the purposes of this agreement, Nova Scotia shall be represented by the Deputy Attorney General of Nova Scotia and the Union of Nova Scotia Indians by the President of the Union of Nova Scotia Indians.
2. Nova Scotia agrees to forward to the Union any monies received from the Federal Government of Canada immediately upon receipt of same.
3. The Union agrees to the establishment of separate accounting records relating to the operation of the Native Courtworker Program for the period of December 1, 1979 to March 31, 1980. The Union agrees that in addition to the requirements of Section 7 of the Canada-Nova Scotia Agreement executed on the 17th day of January, A.D. 1980 to permit examination of these accounting records relating to the Native Courtworker Program by any member of the Advisory Board.

IN WITNESS WHEREOF, Mr. Gordon F. Coles, Deputy Attorney General of Nova Scotia, has hereunto set his hand on behalf of the Province of Nova Scotia and Mr. Stan Johnson, President of the Union of Nova Scotia Indians has hereunto set his hand on behalf of the Union of Nova Scotia Indians.

*Original signed by Stan
Jan 18/80*

Mr. Gordon F. Coles
Deputy Attorney General
of Nova Scotia

Mr. Stan Johnson
President of the Union of Nova
Scotia Indians

Witness

Witness

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.

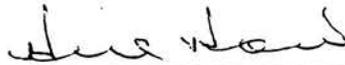
5(1) The following costs necessarily incurred by the carrier agency or agencies shall be shareable under this agreement to the extent that they were paid by Nova Scotia and were fairly attributable to the provision of a courtworker programme as described in the approved submission:

- 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.



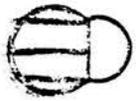
Minister of Justice and
Attorney General of
Nova Scotia

Minister of Justice and
Attorney General of Canada



Witness

Witness

**Union of Nova Scotia Indians**

OFFICE OF THE PUTU'S

January 22, 1980

9 

Mr. Gordon Coles
Attorney General's Office
P.O. Box 7
Halifax, Nova Scotia



Mr. Coles:

Attached are our brief comments on Option 3A for our report to Policy Board.

Yours in recognition
of Aboriginal Title,

Sakej

Sakej Henderson
Putu's
Union of N. S. Indians

SH/bjm
Attach.

The Union of Nova Scotia Indians, representing the Bands of Indians in Nova Scotia, have opted for Option 3A for the Reserves. Option 3A is a separate Indian police force in the Province operating solely on Federal Indian Reserves. The particular Indian police force involved is an extension of the Ameridian Police Council, a Federal Corporation operating in Quebec dealing with operations and training of Indian police, into the Reserves located in Nova Scotia. Funding is expected solely from the Federal Government for this limited police force on Reserves in Nova Scotia similar to existing arrangements on Quebec Reserves.

Over the past years, this Force has proven its ability to prevent crime on Indian Reserves. This is due to its administrative competence, its concepts of preventive law enforcements, equipment and capital construction. The Union of Nova Scotia Indians is aware that, at the present, there is a lack of police experience among Indians to administer and operate such a police force; hence, we desire to contract for these services with the Ameridian Police Council on an experimental and demonstration basis. This requires the consent of the Attorney General for the Force to operate as Special Constables under the Police Act.

By associating with an established separate Indian police force, the Indians on the Reserve will see it as independent from politics on the Reserve and an objective police force. As Indian policement from the community are trained and local jails are established on Indian Reserves, the concept of law and order for Band purposes will become more clear.



235
John
Union of Nova Scotia Indians

TELEPHONE 758-2048

TELEX 019-34576

MICMAC P.O.

HANTS CO., N. S.
John

July 4, 1980

The Hon. Jean Cretien, P.C., M.P.
Minister of Justice
Room 438-N
House of Commons
Ottawa
K1A 0A6

Dear Mr. Cretien:

Further to our correspondence and negotiations on a Native Courtworkers Program in Nova Scotia, please find attached a copy of a letter from the Native Council of Nova Scotia (Non-status Indians) to the Hon. Harry W. How, Q.C., Attorney General of Nova Scotia.

From this letter you will gather that the Union of Nova Scotia Indians (Status Indians) and the Native Council of Nova Scotia are co-sponsoring the Native Courtworkers Program, and attempting to re-vive our original request for fifty-fifty Federal/Provincial funding. It seems reasonable to us that the two senior governments should find a way to overcome difficulties that are presently preventing cooperative funding action.

We do hope that either you or Mr. How will pick up the phone and break the ice in an effort that will result in positive consideration. Should Mr. How absolutely refuse to negotiate then our only alternative would be to seek 100 percent Federal funding as indicated in my letter dated May 5/80.

This whole exercise has been most frustrating, and its results so far most disappointing. As each day goes by we see more and more of our people become further alienated from the Justice System, without hope of overcoming the dire results of such negative experiences.

Yours in Recognition
of Aboriginal Title,

Stanley Johnson
President

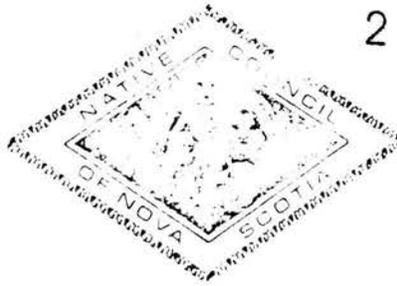
c: Warren Allmand
Chiefs of Nova Scotia
Executive, UNSI

NATIVE COUNCIL OF NOVA SCOTIA

P.O. BOX 1320
TRURO, NOVA SCOTIA
B2N 5N2

236

TELEPHONE: 895-6573
895-6084
TELEX: 019-34503



June 30, 1980

The Honourable Harry W. How Q.C.
Attorney General of Nova Scotia
Legislative Building
Halifax, Nova Scotia

Dear Mr. Minister:

Thank you for your letter dated 25th April, 1980, outlining your Government's attitude towards Native people in general and the Native Court Workers Program in particular.

Both the Native Council of Nova Scotia and the Union of Nova Scotia Indians would agree with you that the British North America Act is the crux of the matter. However, we would respectfully remind you that Native Citizens of the area, now called Nova Scotia, were not consulted in respect to the wording of this Act of the British Parliament, nor were we extended the dignity of being signatories to this document that has so disrupted the Native way of life, and channeled and controlled our people into the distressing state of dependency in which we presently find ourselves.

Furthermore, we would respectfully suggest to you that your reasoning, during our telephone conversation, referred to in your letter, doesn't "hold water"---that should the government of Nova Scotia engage in Federal-Provincial funding for the Native Court Workers Program, people of ethnic origin (Scots, English, Blacks, French, Irish, etc.) would demand similar service. Our contacts through the Multicultural Association of Nova Scotia and elsewhere indicate to us that these people hold extreme good will for Native Citizens and Native Citizens organizations. Such people have an acute awareness of the disruptions to the Native way of life occasioned by the advent of their forefathers to our Shores, and we feel any suggestion that they would play "dog in the manger", by seeking for themselves that which they do not need thus preventing Native Citizens from obtaining that which they do need, is an unjust assessment of the present dominant population of Nova Scotia. Surely, if



.... /2

VICE-PRESIDENT
DWIGHT A. DOREY

PRESIDENT
VIOLA M. ROBINSON

SECRETARY-TREASURER
BARBARA A. BRAKE

Native Citizens have arrived at the stage where we are now seeking redress to enable us to take our part in the White Man's Society, that society has progressed and evolved to the point where an infantile attitude need not be anticipated.

The two senior governments (Government of Canada and the Government of Nova Scotia) have been at "loggerheads" for generations over their conflicting interpretations of the BNA Act. Native Citizens can sympathize with the two senior governments in their failure to come to an amicable conclusion, but we are also very much aware that the two mill stones, grinding against each other, have ground grief for Native People.

The classification of Native People into Status and Non-Status Indians appears to have been arrived at from the conflicts afore mentioned. Previous to this unfortunate labelling we were classified as Treaty and non Treaty Indians. Then some government bureaucrat discovered that Native People in the Nova Scotia area signed no treaties with Immigrant Whites, the Government of the Colony of Nova Scotia, the Government of the Province of Nova Scotia, or the Government of Canada.

The classification itself is an unfortunate visitation on Native People in its divisive results. The Government of the Union of South Africa is not known for its humane legislation, but at least they have left the Black People with their unity; in this particular respect Native Citizens in Nova Scotia have not been so fortunate. However, the Union of Nova Scotia Indians, representing Status Indians, and the Native Council of Nova Scotia, representing non Status Indians, have managed to overcome this undesirable classification, and are working together for common aims and objectives. We think we are doing very successful and creditable work in our co-operative efforts.

The need of Native Court Workers is an undeniable fact in Nova Scotia. And the vast majority of Court cases in which Native People find themselves involved come directly under your Department, and are "tried" by your Judges and your Magistrates. Because Native Citizens do not have a working knowledge of the Justice system they are in grave trouble from the moment a charge is laid until the usual imprisonment takes place. And then too, there are grave instances of jeopardy by preconceived notions, as in the case of a few years ago where a magistrate in Cape Breton judged a Native Citizen to be guilty because of his place of residence---I will not go into this as it was much publicized at the time. Whilst Magistrates and Judges no longer make overt racial references in their Courts, Native Citizens have not the confidence in the Justice system that will permit them to assume that they have equality before the Court. They are desperately in need of a Court Workers Program, where they will have assistance in guiding

them through what appears to be an incomprehensible maze. There is also need of the Native Court Workers Program to assist in building a respect, not born of fear, for the Justice System in Nova Scotia.

We could go into greater lengths in our attempts to justify the Native Court Workers Program in your eyes, but we gather from your preparedness to support an application to the Federal Department of Indians and Northern Affairs, that you have no need to be convinced of the justice of our seeking.

Mr. Minister, we are also Nova Scotians. At present, non Status Indians have no legal claim for consideration under the BNA Act, as interpreted by the Government of Canada. And since the Department of Indian and Northern Affairs is a Department of the Government of Canada, and that Government insists that its interpretation of the BNA Act is correct, it seems highly unlikely that the Native Council of Nova Scotia and the Union of Nova Scotia Indians will accomplish what the Government of Nova Scotia has failed to do during the decades the two Governments have wrestled with the issue.

We are suggesting that until such time as the Government of Nova Scotia and the Government of Canada agree on the interpretation of the BNA Act respecting Native Citizens, both Governments engage in a fifty-fifty funding scheme for the Native Court Workers Program.

With this condition on funding the Government of Nova Scotia will not be compromising its position, but will be acting in a humane manner, giving consideration to a people whose special needs are clearly evident. Further, instead of the present "stand off" between the two Governments where no progress is being made, working together on this issue may well establish an atmosphere where progress towards agreement is possible. In this manner you would not be using the legal interpretation of "Indian" to grind a people, but rather giving immediate and much needed assistance pending the outcome of an agreed on interpretation. In such an undertaking the Government of Nova Scotia would gain credibility by its show of concern for and humane treatment of Native People in the Province.

The Government of Nova Scotia is an "old hand" at negotiating Federal-Provincial agreements. For instance the disagreement over offshore mineral rights didn't prevent the drilling for oil, but accommodation was worked out without either Government jeopardizing its position. Surely people are more important than oil.

We are hoping that you will approach the Federal Department of Justice, through the Honourable Jean Chretien, Minister of Justice, for an accommodation that will permit Federal-Provincial funding of our Native Court Workers Program.

Mr. Minister, our request to have a Native Courtworkers Program operating here in Nova Scotia certainly is not an unreasonable nor an unjustly one, we only ask that if our provincial government and the Federal Government can't agree on the funding formula as it exists, then agree to disagree and do something about it. We just cannot accept the excuse of either government for lack of a program thus far, nor do we intend to let the matter rest until the problem is resolved.

Thank you.

Going Forward To
A Better Future.

A handwritten signature in black ink, appearing to read "Dwight A. Dorey". The signature is written in a cursive style with a horizontal line underneath it.

Dwight A. Dorey,
VICE-PRESIDENT

DAD:vas

c.c. Hon. Jean Chretien
Hon. Laird Stirling
Stanley Johnson ✓

Ottawa, Canada
K1A 0H8

Our File: 6350-8

September 11, 1979

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

Dear Bill:

Further to our recent conversation concerning the implementation of a courtworker programme in Nova Scotia, you requested a list of items that could be included in an agenda for our meeting on October 3, 1979. I would suggest that the following matters be addressed:

- 1) Administrative structure that is to be employed to deliver the programme. For example, the number of employees, job descriptions of the employees, office location, etc.
- 2) Board structure that will be responsible for the policy direction of the programme.
- 3) A budget submission that will provide a breakdown of expenses for a programme that will operate for approximately 18 months.
- 4) Some thought should be given to the demonstrated need for the programme in terms of the number of courtworkers that are required to service the needs of Nova Scotia.
- 5) Some thought should be given to developing an agreement with the province to deliver the programme.

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*Received
Sept. 14/79*

I imagine there are many other items that you can bring to the attention of the meeting but I feel the above items must be dealt with on October 3, 1979.

See you in two weeks.

Sincerely,



G.E. Williams,
Chief,
Native Programmes.



ATTORNEY GENERAL
NOVA SCOTIA

RECEIVED
AUG - 6 1980

Halifax, N. S.
B3J 2L6

August 1, 1980

Mr. Dwight A. Dorey
Vice-President
Advisory Board Chairman
Native Council of Nova Scotia
P. O. Box 1320
TRURO, Nova Scotia
B2N 5N2

Dear Mr. Dorey:

Further to your letter of June 30th, I took the matter of your proposed Courtworker Program to the Management Board and they share my view that any such program ought to be funded entirely by the Federal Government.

As you may know, I wrote on May 1st to the Honourable John C. Munro urging that the Federal Government support your program. The reply I got on June 19th was that the Federal Government still maintains that their contribution cannot exceed fifty percent.

Frankly, I find their position on this subject very curious. If indeed it has been presented to the Federal Government as a vital and necessary program then with all the millions of dollars spent by the Department of Indian Affairs, then surely they could find the forty thousand dollars you are requesting. When I see the millions of dollars wasted on Federal programs of doubtful or no value, such as some of the L.I.P. programs we have seen in the past, then I have no sympathy with them when they suggest that they cannot fund a program which you feel is a priority item. Any Government which can afford to run a

deficit of over eleven billion dollars a year certainly
can fund this kind of a program.

I am sorry I cannot be more helpful.

Yours sincerely,



Harry W. How, ²/₃ C.



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Union of Nova Scotia Indians

TELEPHONE 758-2048
TELEX 019-34576

MICMAC P.O.,
HANTS CO., N. S.

August 26, 1980

Stuart
copy Bill Pouchette

Honourable Jean Chretien
Minister of Justice
Room 438-N
House of Commons
Parliament Buildings
Ottawa, Ontario K1A 0A6

Dear Mr. Chretien:

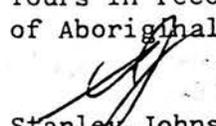
The attached letter from the Honourable Harry How, Attorney-General for the Province of Nova Scotia, points out in no uncertain terms the problem we are having establishing a courtworker program on a cooperative basis between your Department and the Province of Nova Scotia. Attorney-General Howe's views are well known, in fact on May 1, 1980, he wrote to the Minister of Indian Affairs, John C. Munro, urging that the Federal Government support the program 100%. The reply was that the Federal Government maintained that their contribution cannot exceed 50%.

Once again, the Micmacs of Nova Scotia are a political football that is being kicked around amongst the Federal and Provincial bureaucrats. We maintain that through equalization grants, the Province of Nova Scotia has an obligation to contribute funds for programs such as the courtworkers.

During your Constitutional talks, if no headway can be made with the Province of Nova Scotia, we suggest that equalization grants allotted to Nova Scotia be re-directed from the Province to the Union of Nova Scotia Indians to carry out such a program.

Mr. How's second last sentence certainly shows the intellect of the present Government here in Nova Scotia.

Yours in recognition
of Aboriginal Title,


Stanley Johnson
President

/saj

cc: Stuart Killen, Tripartite Liaison, U.N.S.I.
Dwight Dorey, Vice-President, Native Council of N.S.
Laird Sterling, Minister of Social Services, Province of N.S.



Union of Nova Scotia Indians

TELEPHONE 758-2048

245

TELEX 019-34576

MICMAC P.O.

HANTS CO., N. S.

September 29, 1980

The Hon. Jean Chretien
Minister of Justice
Room 438-N
House of Commons
Ottawa, Canada
K1A 0A6

Dear Mr. Chretien:

At a meeting on September 24/80 with Mr. Farrell, I was very disappointed to learn that you were not prepared to fund our Courtworkers Program 100% since the Province of Nova Scotia refused to provide the required 50%.

Since the Province and Federal could not agree on funding the Courtworkers Program, I have initiated an application with C.E.I.C. under the Canada Community Services Project. The initial response is very receptive however, we have run into two problems.

- 1) The proposal presented to C.E.I.C. could not fund total expenses budgetted, which will leave us with a shortfall of \$15,000. for year one.
- 2) Before Manpower would process the application they require a letter of intent that Department of Justice will give us consideration for funding in future years.

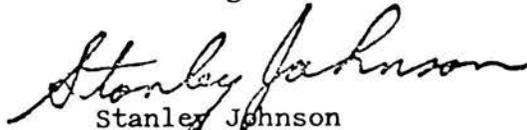
The Canada Community Services Project will fund a project on the following levels; year one - 100%, year two - 66%, and year three - 33%. However expenses will be allowed at a rate of 25% of total salary cost, which is the reason for the shortfall.

...2

The Hon. Jean Chretien
September 29, 1980
Page 2

A favorable response from your department will ensure a re-instatement of a very needed service to the Native people of Nova Scotia.

Yours in Recognition
of Aboriginal Title,


Stanley Johnson
President

/tp

c: Chiefs of Nova Scotia
Executive - UNSI ✓
Native Council of Nova Scotia
Hon. Harry Howe
J.P. LeBlanc
Wayne Abram



1980

Cost-shared Agreements:

Compensation to Victims of Violent Crimes	1
Legal Aid in Criminal Cases	1
Native Courtworker Programme	2
Unified Family Court Pilot Projects	3

Other Programmes:

Consultation and Development Fund	5
Criminal Law Reform Fund	5
Duff-Rinfret Scholarship Programme	7
Employment of Law Students by the Department of Justice	8
Employment of Law Students by Police Forces	8
Fellowships in Legislative Drafting	9
Native Law Students Programme	10
Special Projects - Legal Aid	10
Student Exchange Programme Civil Law/Common Law	12

In a time of widespread social change, Canada's system for the administration of justice is increasingly a focus for the changes affecting our society. The response of our legal system to new social trends and standards reflects society's changing view of itself.

One facet of that response to the challenge of change has been the work of the Law Reform Commission of Canada in its continuing study of the administration of justice in Canada. The Commission's reports and recommendations provide a basis for debate on the over-riding issue of how the law may be adapted to serve best the needs of both the community and the individual.

Within the Department of Justice itself, there is an ongoing process of evaluation of the law in light of changing conditions in modern society, and in light of the work of the Law Reform Commission. This process is one source of legislation brought to Parliament for amendment of the Criminal Code and other statutes. It also results in programmes being developed by the Department to meet clearly perceived needs related to the administration of justice in Canada.

A vital concern of the Department of Justice is to ensure equality of access to the legal and judicial processes. To this end, programmes were developed whose main objectives are to provide this much needed increased accessibility to the law and the legal system.

Some programmes offer outright grants and contributions to associations and individuals, others are cost-sharing programmes worked out in cooperation with the provinces, but all are aimed at making a positive impact on the quality of our judicial system, legal education and research.

COST-SHARED AGREEMENTS

be made available to eligible persons. The only exception to this rule is that where an individual has been charged with an offence, the minimum penalty for which is life imprisonment, he shall be entitled to retain and instruct any member of the Bar of the province who is prepared to act for him as a legal aid client.

Agreements with the territories are similar to those with the provinces but coverage extends to civil matters as well as criminal.

For further information write to:

Director
Programmes and Law Information
Development Section
Department of Justice
Justice Building
Ottawa, Ontario
K1A 0H8

Native Courtworker Programme

In order to encourage the development of courtworker services to assist Canada's Native People in understanding their legal rights and obtaining legal assistance, the Department of Justice has established a Native courtworker programme. The criteria for eligibility for funding under the programme are as follow:

- (1) the programme must serve status and non-status Indian people alike;
- (2) the programme must be administered by an independent service organization which has the support of the majority of Native People;
- (3) any contribution by the Department of Justice must be limited to providing courtworker services (i.e., it cannot be used to finance half-way houses, or alcohol or drug abuse programmes, etc.);
- (4) at least 50% of the cost of the courtworker programme must be borne by the Province involved;

COST-SHARED AGREEMENTS

- (ii) The application has come from, through, or with the approval of a provincial government or Minister;
- (iii) the provincial government agrees to bear at least 50% of the cost of the project;
- (iv) the project will run for a fixed term not exceeding three years;
- (v) the project is for demonstration purposes and is not designed as a supplement to existing on-going services;
- (vi) the project will be instituted according to a well developed and systematic plan which includes its research objectives;
- (vii) the project will be so designed that the court will have broad jurisdiction to adjudicate upon a wide range of legal problems relating to the family;
- (viii) the project will be an innovation in the environment in which it will operate, with a clear potential to contribute to the improvement of family court-related services;
- (ix) the project has local support;
- (x) the project will be evaluated, according to the nature and scope of the project.

For further information write to:

Director
Programmes and Law Information
Development Section
Department of Justice
Justice Building
Ottawa, Ontario
K1A 0H8

OTHER PROGRAMMES

the evaluation of the reports of the Law Reform Commission of Canada, and the taking of positive steps for implementing law reform in areas of its jurisdiction where it deems it appropriate and advisable.

The Department of Justice created the Criminal Law Reform Fund to promote legislative and non-legislative reform of the criminal law by:

- (i) enabling discussion with, and obtaining the assistance of outside authorities and experts in relation to legislative reform in specific areas of the criminal law;
- (ii) promoting and evaluating experimental projects to test the proposals for changing the criminal law;
- (iii) promoting consultation upon, and disseminating information about new approaches to problems in specific areas of the criminal law, involving both the legislative and non-legislative proposals.

Since the creation of the Fund, its priorities have been almost exclusively dictated by the reports produced by the Law Reform Commission of Canada. The Fund will continue to be used to contribute to proposals which support changes to substantive criminal law, procedures and practices including necessary revisions to the Criminal Code and other criminal law statutes.

For 1980/81, the following are considered priority areas:

- general principles of criminal law
- court procedures and practices
- dispositions and sentencing principles and procedures
- pre-trial procedures and prosecution practices
- family violence, victim/witness issues

OTHER PROGRAMMES

Closing date for submission of applications is early December. For further information, students should consult the Dean of their law school or write to:

Director
Programmes and Law Information
Development Section
Department of Justice
Justice Building
Ottawa, Ontario
K1A 0H8

Employment of Law Students by the Department of Justice

The Department of Justice each year offers summer positions and articling positions to second and third year law students interested in working for the federal government. This programme is considered part of the overall plan for recruitment of lawyers considering careers with the Public Service of Canada.

For further information write to:

Officer i/c Student Programmes
Department of Justice
Justice Building
Ottawa, Ontario
K1A 0H8

Employment of Law Students by Police Forces

The Department of Justice, in conjunction with the Canadian Association of Chiefs of Police, has developed this programme to promote a better understanding between the legal profession and the police, as well as between young people and the police. The contribution of the Department of Justice under this programme covers the salaries of law students hired during the summer vacation by individual police forces. Applications should be submitted to the Association or to the Chief of Police of the police force with which the student wishes to seek employment, by early December. Students interested in obtaining further information should write to:

OTHER PROGRAMMES

For further information write to:

Secretary
 Selection Committee
 Fellowships in Legislative Drafting
 Department of Justice
 Ottawa, Ontario
 K1A 0H8

Native Law Students Programme

The Department of Justice believes that it is extremely important to encourage students of Native ancestry to enter the legal profession. Therefore it provides a number of bursaries to Métis and non-status Indian students who have been admitted to a law school of their choice. Additionally, bursaries are available for Métis and non-status Indian students to attend special pre-law orientation courses as a condition for admission to law school. Qualified Inuit and status Indian students are eligible to receive similar support from the Department of Indian and Northern Affairs.

Applications are considered in the spring of each year. Students interested in obtaining further information should write to:

Director
 Programmes and Law Information
 Development Section
 Department of Justice
 Justice Building
 Ottawa, Ontario
 K1A 0H8

Special Projects - Legal Aid

To encourage experimental and research work in the legal aid area, the Department of Justice maintains a programme of contributions in support of special projects in legal aid, formerly known as the Community Legal Services Programme. The activities supported by this programme encompass planning, research, evaluation and training, as well as experimental pilot projects, which have as their purpose the improvement of the delivery of legal aid services. Both independent organizations and government programmes are eligible.

OTHER PROGRAMMES

In considering project proposals the Department will take into account, the following factors:

- 1) the project's potential for incorporation into a provincial or territorial legal aid programme;
- 2) whether the project has a long-range plan and sufficient local support to assure its continuance after financial support from the Department of Justice has come to an end;
- 3) the extent to which the project can document its progress and evaluate its success to ensure that useful information about the project experience is obtained;
- 4) the extent to which the activity has the support of other levels of government and is compatible with the structure and operation of the relevant provincial or territorial legal aid plan;
- 5) whether the proposal advances the priorities of the Department of Justice as these are determined from time to time.

Although any experimental or research work tending to improve the delivery of legal aid services may be supported under this programme, the Department annually attempts to identify specific priority areas for information gathering in the legal aid context.

Recipients under this programme will be required, during the life of the project, to provide the Department of Justice such information as is required for project evaluation.

Contributions under this programme will be for a one-year period. The Department of Justice recognizes that some projects may require support for a longer period than one year, and therefore, additional short-term funding may be available in some cases. The funds available under this programme are limited; consequently, not all requests for financial assistance can be met.

AUTRES PROGRAMMES

Pendant toute la durée du projet, les bénéficiaires sont tenus de fournir au ministère les renseignements dont il a besoin pour apprécier les résultats obtenus.

Les subventions octroyées en vertu du programme couvrent une période d'un an. Aussi, il peut arriver que certains projets nécessitent une subvention de plus longue durée. Vu le caractère restreint des crédits disponibles, il est malheureusement impossible de donner suite à toutes les demandes de financement reçues.

Pour obtenir de plus amples renseignements sur le sujet ou solliciter une subvention, prière d'entrer en communication avec:

Projets spéciaux - Aide juridique
Ministère de la Justice
Edifice de la Justice
Ottawa (Ontario)
K1A 0H8

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UNION of NOVA SCOTIA INDIANS

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

April 8, 1981

Hon. Laird Sterling
Tripartite Liaison
Dept. of Social Services
P.O. Box 696
Halifax, N. S.

Dear Mr. Sterling:

I have been directed by the Chiefs of the twelve Bands, which make up the Board of Directors of the U.N.S.I. to seek a letter from the Province of Nova Scotia with signature of Premier Buchanan stating the Province of Nova Scotia's official policy respecting services to Micmac people both living on and off of Indian Reserves within the Province of Nova Scotia. I am using the term "Micmac Indians" as defined by "Registered Indians" under the Indian Act, R.S.C; also, the letter should be written with Section 91(24) of the present British North America Act in mind as it relates to the provincial policy as outlined by Premier Buchanan.

We are requesting an early reply to this request; hopefully, on or before April 25, 1981. Should you have any questions of clarification on this letter, please do not hesitate to call me.

Yours in recognition
of Aboriginal Title,


Stu Killen,
Tripartite Liaison
Federal-Provincial &
Indian Gov. Relations

SK/bjm

c c: Chiefs, Nova Scotia



DEPARTMENT OF SOCIAL SERVICES

April 13, 1981

Mr. Stu Killen
Tripartite Liaison
Federal-Provincial &
Indian Gov. Relations
Union of Nova Scotia Indians
P. O. Box 961
Sydney, Nova Scotia
B1P 6J4

Dear Mr. Killen:

On behalf of the Honourable Laird Stirling I wish to acknowledge your letter of April 8th regarding the Province's official policy respecting services to Micmac people.

Please be assured your letter will be brought to the immediate attention of the Minister.

Sincerely,

Marie Ayotte
Executive Secretary

Room 755
Justice Building

File No.: 6350-22

June 11, 1981

*rec'd
June 16/81*

Mr. Bill Poulette
Executive Director
Union of Nova Scotia Indians
1-11 Membertou Street
P.O. Box 961
Sydney, Nova Scotia
B1P 6J4

Dear Mr. Poulette:

Re: Changes in Terms and Conditions of
Native Legal Information Projects

In the past it was necessary that Native legal information projects must have the approval and financial support of the government of the province or territory involved.

This has been changed to: "Native Legal Information Projects must have the approval of the government of the province or territory involved and should be cost-shared by the provincial or territorial governments, or a municipal government or an independent, private or philanthropic organization".

The purpose of this change was to broaden the areas of support and allow the project initiators greater freedom to involve other agencies in their projects.

It should be noted the projects that will be considered are projects having a preventive orientation and which are designed to provide information about the law and the legal system to Native people.

...2

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

LEGAL EDUCATION AND
COUNSELLING PROGRAM
FOR MICMACS

Presented To
Department of Justice
Native Legal Information Projects
Justice Building
Ottawa, Ont.
and
Nova Scotia Law Foundation
Law Courts Building
Halifax, N.S.

Union of Nova Scotia Indians
P.O. Box 961
Sydney, Nova Scotia
B1P 6J4
Contact Person: Bill Poulette
Co-ordinator Micmac Courtworker Program

PREAMBLE

In recognition of the needs and the same time limited facilities of specific on-going programs covering all aspects of Indian rehabilitation in criminal and other matters, this program proposal will be a planned and carefully executed endeavour to begin to bridge the limited services available to Indian people in the province of Nova Scotia. The Federal Government, specifically through the Department of Justice has been fit to finance a very apparent need that has plagued Indian people. The program will be both preventive and rehabilitative.

IDENTIFYING THE NEED FOR SUCH A PROGRAM

To state that Micmacs have been suffering from grave injustices in the past and present would be an idle statement which would meet with very little dispute.

This program recognizes that Micmac people, not merely because of the fact they are in the minority, but more specifically, are disadvantaged economically and have no adequate access to vital information affecting their well being.

In the past, the Union of Nova Scotia Indians have tried to provide a Courtworker System, Alcoholic Rehabilitation and Health Advisors, etc., to attempt to alleviate serious obstacles the Micmac people have encountered with respect to infractions of the laws; incarceration and parole.

A number of studies completed in the past have discovered that a major and startling proportion of the national inmate population was composed of Native people. Many of the Natives were not acquainted with, let alone knowledgeable of existing laws their legal rights and how to defend themselves. A report Indians and the Law conducted by Canadian Corrections Association in 1967, made major recommendations that would require vast amounts of personnel and monies to change the direction of this situation.

Such a program with respect to objectives, staffing and costs would offer to the native people a substantial services that would not deviate into an ad-hoc program. Union of Nova Indians is unanimous in concluding that a sad and tragic state exists for the aid and assistance of Micmac people in the criminal justice system. The criminal justice system includes knowledge, ability and confidence to make themselves complete for and defend their rights, the need is there and present everywhere within this province.

Even with present programs that are being offered, there is an essential absence and lack of values that represent the

philosophy of Micmac people. To the Micmacs, this is still a non-Native program established and functioning for the benefit of non-Natives.

DURATION OF PROGRAM

It is proposed for period of 6 months in order for the benefits of such a program to be realized and bear fruit, this length of time is exploratory, experimental and a learning process.

The training must be for a minimum of two months.

The method of training would be determined by the Director. It would involve many hours of exposure to some basic methods. There would be instruction on the purpose, use and effectiveness of reports. This would enable the individual worker to focus, identify, and elaborate on major issues encountered in his work. The work may require knowledge of the use and benefits of audio-visual presentations. This would widen the scope of his abilities and maximize original style. The worker must also be acquainted with the benefits that derive from the news media, such as radio, television and publications.

The worker at the utmost has to have and possess a knowledge of existing programs available to everyone. This is necessary, especially if he attempts to modify, alter or replace an aspect of a program. He has to know the resources and be confident about them, when making a presentation, criticizing objectively the aims of a program and developing his own priorities.

In this respect the training phase although initially involving an intense two month exposure to present programs, at the same time, requires an on-going educative process. The programs that are designed by the pen of a policy adviser may reflect different implications when put into operation in a program. The worker has to see how solutions are brought about in the field. Since many programs have new or changing guide-

lines being introduced each year, the worker has to keep abreast with these new changes. Also some of the on-going training may involve and should include formal training at the College of Cape Breton, it may be on counselling, behavioural sciences and research.

Once the full impact of the training phase has been absorbed, especially the field inspection of the operation of penal institutions, family courts, criminal courts (provincial), and coupled with the development of confidence for self-expression, the worker will be better prepared to enter the Work Phase.

It is here very important to stress that the success to be attained in the work phase evolves from the intense preparation and educative process of the training phase. This work phase, therefore, will, in essence, be the actual duties and functioning of the workers.

There will be many functions which the worker will be prepared to offer and also may be asked to perform. Giving, receiving and dispensing information to individuals, groups, either in a setting of one-to-one, seminars or workshops about available resources is a prime function. There may be the need to provide counselling. Counselling is a term used widely. It is both directive in the sense of being a prohibitive measure as well as a vehicle for a dialogue. Often the troubled individual or group may require a person who will listen and advise them of their present state and how to emerge from a crisis in a better frame of mind. But groups may also require guidance on basic organization and operation.

Another important feature of the workers' position will be the availability of and access to literature such as publications, reports, and laymen's interpretations of the laws. He will be a small library whom the Indian people can approach for their benefit.

The worker must attend Courts and visit Institutions where those who run afoul of the law can be assisted. Even visits can be of immense value to an individual doing time in an institution. In conjunction with this, the worker has to liaise with government departments (federal and provincial) on the needs of the Indians and often be an advocate for them to protect their rights.

It is also very important that a beneficial relationship exist between the Director and the Workers as well as between the Workers themselves. Many times, these workers will have to lean heavily on one another and this reciprocal flow has to be continuous. The reports of the workers must be on the basis and criteria that have been established in the program.

The Work Phase could be for a definite period of time. It could be on a continual or permanent basis so long as the need exists and is not being met. This of course, will be determined as the program is operating and ascertaining whether the stated goals and objectives are being reached.

OBJECTIVES - GOALS

The goals and objectives that the Union of Nova Scotia Indians have developed are the following:

1. to lessen the crime rate on the Reserves;
2. to provide up to date information on
 - (a) laws, i.e., Criminal Code, Provincial Statutes, Proposed Band Government Act
 - (b) child welfare,
 - (c) family courts, provincial courts,
 - (d) legal aid,
 - (e) parole and probation;
3. to recommend and develop related programs on social development and fostering a better system of justice;
4. development of an Indian inmate institution.

Some of these goals are immediate and others are long

term goals. Both are essential so a comprehensive service will be delivered to the Native people. It is also apparent that the Director and Workers may have a secondary objective, be they personal goals or aspirations. However, the program goals are most important and they will be evaluated within the operation of the program to determine their effectiveness and attainment.

The personnel that will be required in this program will consist of a Director, two (2) Workers, and a Secretary/Bookkeeper.

PERSONNEL

The staff of the program requires a Director who is capable of performing the following functions:

1. Develop a method of training for the Workers. This training is immediate and on-going.
2. Be responsible for staff recruitment and replacement.
3. Be responsible for acting upon concerns and requests of the staff.
4. Be responsible for managing the budget and its preparation.
5. Co-ordinate and liaise with both levels of federal and provincial government programs.
6. Co-ordinate the activities of the Workers (compile and evaluate the workers reports).
7. To publish and provide information in the news media concerning the program.
8. Staff evaluation and program evaluation.
9. Provide reports and recommendations to the Board of Directors and Executive of the Union of Nova Scotia Indians, as required.

THE DUTIES OF THE WORKERS WOULD BE THE FOLLOWING:

1. To attend the initial training and on-going training sessions.

2. To make monthly reports to the Director.
3. To compile and provide needed information on such matters as - legal rights, civil rights, laws such as the Indian Act, Child Welfare Act, Provincial Statutes, Juvenile Delinquents, Game Act and Fisheries Act.
4. Set up workshops and Seminars on and off the reserves.
5. Improve communications and relations with judges, police, probation and parole officers, C.D. workers, lawyers, social workers.
6. Attend all staff meetings.
7. To record all activities concerning the job.
8. Compile studies on the number of offences committed.

THE DUTIES OF THE SECRETARY WOULD BE:

1. Be responsible to the Director.
2. Be responsible for recording and preparing reports, minutes of meetings, etc.
3. Maintain an office in good order.
4. Maintain an up-to-date filing system.
5. Possess knowledge of general secretarial work.

The duties outlined above are not necessarily complete. There may be other functions that each of these persons will have to perform. The duties outlined are in actual fact guidelines, flexible but at the same time provide a direction for the program that must not be forgotten.

EVALUATION

In order to measure and determine the effectiveness of the program, an evaluation is most critical. This should be done on quarterly basis to determine if the stated goals and objectives are being met, forgotten or require expansion. There has to be feedback from the Reserves, Workers, Justice System, etc.,

to ensure that needs are being fulfilled. This information mechanism could be provided through the use of surveys, questionnaires, and interviews.

SUMMARY

This program will answer some of the needs of Indian people in the Province of Nova Scotia. Some of these needs are expressed and identified by Union of Nova Scotia Indians. Such a program must be set up and become operational so that Indian people can begin to assist and help themselves in this critical area.

SIX MONTHS (6) BUDGETPERSONNEL COSTS

(a)	<u>Salaries:</u>		
	- Co-ordinator (Director)	\$ 8,000	
	- 2 Workers @ 6,000 each	12,000	
	- Secretary/Bookkeeper	<u>5,000</u>	
		25,000	\$ 25,000
(b)	<u>Travel Expenses:</u>		
	- Co-ordinator	3,500	
	- 2 Workers @ 2,500 each	<u>5,000</u>	
		8,500	8,500
(c)	<u>Training Development:</u>	4,000	4,000
(a)	<u>Administrative Costs</u>		
	<u>Office & Related Expenses</u>		
	- Office Rental	750	
	- Equipment Rental	1,500	
	- Office Supplies	1,250	
	- Information Printing & Xerox	1,000	
	- Miscellaneous e.g. Bank Charges	<u>500</u>	5,000
(b)	<u>Workshops (12)</u>	3,000	3,000
TOTAL BUDGET:			<u>45,000</u>
	50%		<u>22,750</u>



THE PREMIER
HALIFAX, NOVA SCOTIA

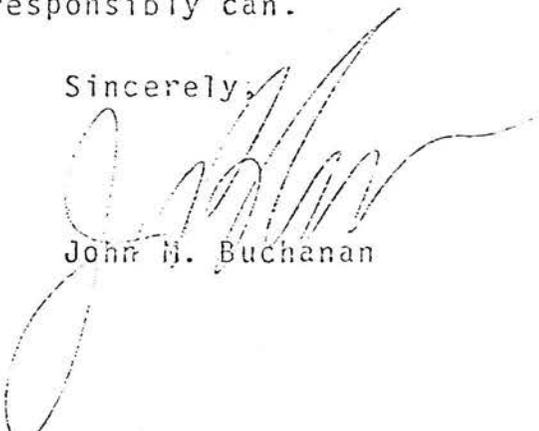
June 22, 1981

Dear Mr. Killen:

This will reply to your letter of April 8th to my colleague, the Honourable Laird Stirling, Minister of Social Services, requesting my response regarding the Province's policy in relation to the provision of services to Micmac people both on and off reserves.

As you know, section 91(24) of the British North America Act clearly states that the Parliament of Canada has exclusive legislative authority over Indians and lands reserved for Indians. Through interpretations and practice since the Act was passed, this section has been taken to mean the Federal Government has not only jurisdictional authority but responsibility for Indians. The Province of Nova Scotia has respect for and, as in past, will continue to abide by the tenets of the British North America Act. However, the Province, through the Department of Transportation, Department of Finance, and Department of Social Services will continue to assist wherever we responsibly can.

Sincerely,



John M. Buchanan

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

/bg

UNION of NOVA SCOTIA INDIANS



MICMAC P. O.
HANTS CO, N. S.
TEL. 753-2048
TELEX 019-34576

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

OFFICE OF
THE PRESIDENT

July 2, 1981

Hon. Jean Chretien
House of Commons
Room 438-N
Ottawa, Ontario

Dear Mr. Chretien:

The attached letter from Premier John Buchanan of Nova Scotia confirms our statements that the Province of Nova Scotia will not cost-share in the establishment of a Native Courtworkers Program within the Province of Nova Scotia.

In your letter of June 5, 1981, to Mr. William Poulette, our native courtworker, you suggest that you will be pursuing directly with the Attorney General of Nova Scotia. We would like to be kept informed of your discussions.

We agree that the Native Court Worker Program is making a significant contribution to the administration of justice within Canada; however, it seems fruitless for you to consistently suggest a Federal--Provincial cost-sharing of this program, while the Province of Nova Scotia maintains the stance as indicated in Premier Buchanan's letter.

We suggest that the Province of Nova Scotia's equalization payment with respect to the administration of justice be transferred directly to the Micmacs of Nova Scotia. This would have the effect of transferring the Micmacs per capita share of that equalization area directly to them. With this the bands could cooperate in establishing a Native Court Workers Program for the native people of Nova Scotia.

We wish to impress upon you that it is not acceptable for us to be caught in the middle of this cost-sharing dilemma between your Government and the Province of Nova Scotia.

Yours in recognition
of Aboriginal Title,


Noel Doucette, President
Union of Nova Scotia Indians

c c: Russell MacLellan
William Poulette

Enc.
ND/+lg



THE PREMIER
HALIFAX, NOVA SCOTIA

Rec. June 26/81

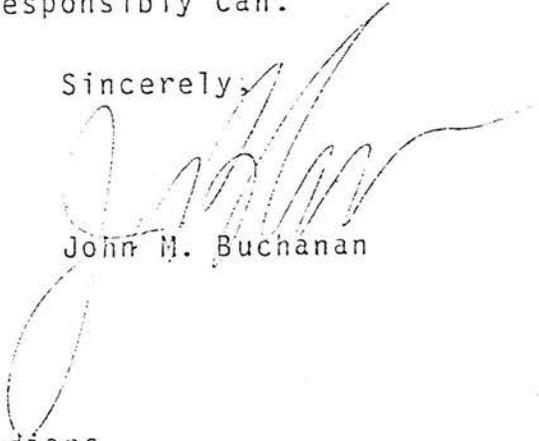
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John M. Buchanan

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

/bg

1511
says

OTTAWA (CP) — There are signs that economic recovery has taken hold in the last six months, but it is weaker than recoveries from past recessions, Statistics Canada said Tuesday.

Increases in retail sales, home construction, auto exports and real estate were cited by the agency as evidence "that a recovery of output and employment began to take hold in 1982 and that these gains were sustained early in the first quarter of 1983."

However, the agency said a pessimistic outlook for business investment and the cautious nature of increased production "are indications that the early stage of recovery may be weak compared to past recoveries."

In previous recoveries since the Second World War, the economy expanded by an average 6.9 per cent during the first year. That is seen as unlikely this time, a Statistics Canada official said.

To match the strength of previous recoveries, gross national product, a key measure of growth in the economy, would have to rise by 6.5 per cent in the next 10 months, he said. Most economic analysts are predicting less than that increase.

Williams firemen, aided by fellow volunteers from neighbouring Kings County departments, battle to save Port Williams Elementary School from fire last night. In spite of a brisk wind and lack of an adequate water supply, firemen were able to save 10 classrooms, a purpose room and library but the west wing of the structure, containing four classrooms, a french and music departments, was lost. See story page 2.

Kingsbury

How's letter violates Human Rights Act, says McDonough

By DON MacDONALD
Staff Reporter.

NDP leader Alexa McDonough has urged Attorney-General Harry How to resign from his post for written comments that she says violate the province's Human Rights Act. McDonough's call for Premier

John Buchanan to remove Mr. How from the attorney general portfolio followed her tabling in the House Thursday of a letter written by Mr. How late last year concerning the selection of a librarian at Acadia University in his home town of Wolfville.

Writing to the Indo-Canadian Association of Nova Scotia, Mr. How said he felt that "other things being equal, we ought to give native Canadians a preference for positions where government funds are a major contribution to the institution concerned."

Mr. How's letter to the association followed a letter sent by the group to Acadia University president James Perkin, complaining about discrimination against Dr. M. J. Jain with respect to selection of a librarian at the Valley institution.

Ms. McDonough first raised the matter during question period Thursday, saying the Human Rights Act "makes it unlawful for any person to discriminate against any individual for reasons of race, religion, sex, age or marital status."

The NDP leader directed a series of questions at Consumer Affairs Minister Laird Stirling, minister responsible for the Human Rights Act, concerning Mr. How's views as expressed in his letter.

Ms. McDonough wondered whether lawyers appointed by the attorney general's department served as legal counsel to the human rights commission in

Bill not necessary if bill becomes law

By MERLE MacISAAC
Staff Reporter

Scotians could be convicted, possibly jailed for motor vehicles without a court having evidence, if legislation proposed by Attorney-General Harry How becomes law.

How's Bill 36 would eliminate the necessity of evidence being called against a person accused of breaching a criminal statute if that person fails to appear in court.

An amendment to the Summary Offences Act, given first reading in

If no reply is heard after 21 days the court must issue a "warrant in default of payment." Mr. How said: "As I understand it, the fine could still be paid at that point."

But he agreed a failure to pay when one is presented with the warrant would mean jail even if the individual had forgotten about the initial ticket and had not received the mailed notice of conviction.

Roughly corresponding to the size of fines, courts normally include a default period in jail if fines are not paid.

Barney a medic

SALT LAKE CITY (AP) — Barney Clark's artificial heart was switched only after his other organs and had failed, doctors said Thursday they hailed their patient as a medical pioneer to match these westlands.

"It was essentially the death of the entire being except for the artificial heart," Dr. William DeVries, who implanted the device, told a news conference that was part eulogy, part scientific seminar.

DeVries said the decision to switch off the heart was made only after Clark had shown no neurological response several hours and Clark's wife, Lois, had been consulted.

Clark, 62, was declared dead at 10:02 p.m. Wednesday after the artificial sized device had beaten almost 13 million times. An autopsy was performed early Thursday and the funeral was scheduled for next Tuesday in SeaTac, Wash., the area Clark called home. DeVries and some other doctors planned to attend.



CP
ticks off points on his final Edmonton Thursday before t.

s spared x hikes

coming fiscal year, but Mr. Hyndman promised there would be no cutbacks in services or "people programs."
Borrowing on the Canadian markets and overseas will reach about \$1 billion, and represents a policy change which is expected to continue. The other major policy change is the reduction of the 30 per cent annual transfer of resource revenue to the Heritage Fund for the next two fiscal years.
Half that amount estimated at \$745 million will be used for budgetary revenue. Total revenue in 1983-84 is estimated at \$3.8 billion and total expenditures at \$9.7 billion.

How's letter violates

(Continued from page one)

any cases of alleged discrimination.
In reply, Mr. Stirling said the commission does rely on the attorney general's department for legal resources, and one departmental lawyer deals with matters of human rights.

However, Speaker Art Donahoe objected to the nature of the wording of further questioning from the NDP leader.

Outside the House, Ms. McDonough said the government should provide independent legal counsel for both the commission and the complainant during an upcoming commission of inquiry concerning the selection of the Acadia University librarian.

The NDP leader said the human rights commission had decided Thursday to appoint a commission of inquiry to investigate a complaint of alleged discrimination filed by Dr. Jain in relation to the selection of a librarian at the University. Human Rights commission director George McCurdy could not be reached last night for comment.

Calling for independent legal counsel, Ms. McDonough said lawyers provided by the attorney general's department "could not be expected not to be prejudiced" by the attorney general's views as expressed in his letter.

Thursday marked the second day in a row that Mr. How found himself on the hotseat for personal views expressed in letters written on departmental stationery.

Wednesday, the combined Liberal and NDP benches were up in arms for comments he made on labor relations in a letter he sent to striking EPA pilots.

Facing reporters Thursday, Mr. How admitted he should probably be more careful in his written replies because they seem to end up in the hands of the opposition.

However, the minister stuck to his written views, saying there were personal and not those of the government.

"I don't have to sympathize with some laws (passed by the former government) even though I have to enforce them," he said in an interview.

Mr. How told reporters he wrote the letter to the Indo-Canadian Association of Nova Scotia after Dr. Jain complained he was discriminated against because he was from another country.

The attorney general said he was not aware at the time of writing the letter that Dr. Jain was a Canadian citizen. Ms. McDonough told reporters yesterday that Dr. Jain is a Canadian citizen and that the person hired by Acadia University as librarian had come to Canada more recently than Dr. Jain.

Pressed on his written comments that "we ought to give native Canadians a preference for positions where government funds are a major contribution of the institution concerned," Mr. How said he leans in that direction out of a feeling that, other things being equal, persons living for some time in a country "have earned some kind of preferred position."

The minister was quick to point out that he felt that new arrivals, based on their eventual contributions to the country, would also rate similar considerations.

In his Dec. 7, 1982 letter, Mr. How said he doubted that Dr. Jain's complaint, had he gone to the United States and faced a similar situation, would have been given the same attention he apparently got in this country.

"Likewise if a Canadian had gone to India and had been there for only some 10 years, I doubt if his protest under reversed circumstances would have been given very much attention," he wrote.

"Generally, I am concerned today that on every occasion that some person of a minority race applies for a position and is not accepted, that it is popular to raise the complaint of discrimination," he wrote.

Barney Clark dies

(Continued from page one)

On his last morning, Clark was on a respirator and could not speak, although he could communicate with gestures. DeVries said Clark's last meaningful conversation was Monday or Tuesday with his wife. "It was closed

eration — must do so with the next candidate.

"The artificial heart at the autopsy looked as good as the day it was put in," DeVries said. He said only minor changes were contemplated for the de-

TRIPARTITE MEETING

DEPARTMENT OF INDIAN & NORTHERN AFFAIRS

Council of Maritime Premier Board Room

Royal Bank Towers

Halifax, Nova Scotia

June 13, 1983

M I N U T E SPRESENT:

Honourable Edmund Morris - (Chairman) Minister of Social Services
 Mr. Ron Witt - Director General, Atlantic Region, Indian & Inuit Affairs
 Mr. Noel Doucette - President, Union of Nova Scotia Indians
 Mr. Don Eldridge - Deputy Minister of Lands & Forest
 Mr. Bill Lane - D.I.A.N.D. (Halifax)
 Mr. Gordon Gale - Attorney General Department
 Mr. Peter Woods - Department of Labour & Manpower
 Mr. Gerry Cooper - D.R.E.E.
 Mr. Clarrie MacKinnon - Department of Fisheries
 Mr. Eric Lavers - Department of Finance (Provincial Tax Commission)
 Mr. E.W. Pendegast - Department of Lands & Forest
 Mr. Art Higgins - D.I.A.N.D. (Amherst)
 Mr. Wayne Abram - U.N.S.I.
 Mr. Neil Walsh - D.I.A.N.D. (Halifax)
 Mr. Allan Clark - Department of Social Services

Purpose of Meeting

To identify concerns and issues with specific programs affecting the Native population of Nova Scotia.

Background

Mr. Morris welcomed everyone to the meeting. The first items discussed on the agenda were items 6 and 7, policing on Reserves and the Court Workers Program as some members had prior commitments and asked if these issues could be discussed first.

Policing on Reserves

Mr. Ron Witt spoke on this issue concerning policing on reserves. He indicated that there was need for more policing on some reserves like Eskasoni while others like Pictou Landing and Annapolis Valley region still do not have any 3B policing, but have requested this service from the Department of Indian and Northern Affairs. Funding and co-operation for this additional service is needed from both Federal and Provincial Governments.

Mr. Gale indicated that the service is not a Provincial responsibility but a Federal responsibility, but they are willing to assist with the program. He also stated that the Province would prefer the 3B policing on Reserves rather than the way policing is done on Reserves in Quebec which is through the Amirand Policing. Apparently if this method of policing was adopted they would not be accountable to the Provincial Attorney-General Department.

Mr. Witt indicated that there is a federal Minister's sub-committee under Jack Tully who will be visiting the provincial Attorney-General Department to discuss a possible new cost-sharing arrangement for policing on Reserves.

It was suggested that there needs to be further clarification of this issue between the Federal, Provincial, and U.N.S.I. Mr Ron Witt has agreed that he will make a report at the next Tripartite meeting on the progress of these meetings.

Court Worker Program

This issue will also be included for discussing when the Federal sub-committee meets with the Provincial Attorney-General Department and the U.N.S.I. and a progress report will be made at the next Tripartite meeting. It was moved by Mr. Ron Witt and seconded by Mr. Noel Doucette that the Minutes of October 6, 1982 be received.

Employment and Training Follow-Up

Mr. Morris indicated that there is still a hiring freeze which is still in effect in the Provincial Government. At present, efforts are being made within the Provincial Government to provide affirmative action programs as well as assisting non-status Indians associated with the Native Council of Nova Scotia to find employment

Mr. Peter Woods indicated that he met with U.N.S.I. officials and Mr. Clark with regard to training certification for status Indians on Reserves.

As a result of this meeting it was agreed that wherever possible the Department of Labour and Manpower will administer the normal examination to those natives who have been jointly identified as having the necessary prerequisites.

In addition, it was also agreed that for those Natives who have been jointly identified as having the necessary essential prerequisites but may be lacking certain capabilities to attempt the written examination, a suitable practical examination will be administered to determine eligibility for certification. Mr. Doucette felt that the Department of Labour was doing an excellent job to assist in certifying natives for possible jobs in Nova Scotia. Mr. Witt informed the committee that under the Native SAP program, natives do not have to go through a competition process under the Public Services Sector and they can bypass the red tape and be hired directly into the Federal Government offices. This is allowed only for a certain number of times up to the year 1985.

Mr. Witt indicated that he also was supportive of the Department of Labour efforts in certifying natives for specific trades within the Province.

He also informed the committee that work is being done on CEIC and Public Service Inventory for Indians regarding employment as they are not accurate.

Fisheries Employment

Mr. Clarrie MacKinnon gave a report on the Native employment situation in the Department of Fisheries. He indicated that they had trained 68 natives for the fisheries industry but that the Federal Government were not issuing any more fishing licenses.

It was suggested by Mr. Doucette that a meeting should be called between UNSI, Department of Fisheries and Federal Department of Ocean and Fisheries and Department of Indian and Northern Affairs and Department of Lands and Forest to discuss licenses for lobster, Herring Gill Net, and Salmon. This meeting would also discuss a new quota system for Indian people in Nova Scotia and to report back on the progress of the meeting at the next Tripartite meeting. Mr. Clark to arrange meeting.

Taxation (Cigarettes and Alcohol)

Mr. Eric Lavers gave a report of the problem and abuses of Natives purchasing large quantities of tax free cigarettes. The Provincial Tax Commission surveyed the whole of the Province and sent a complete listing to Mr. Noel Doucette. There appears to be a control problem and Indians may not be to blame for this abuse. Mr. Doucette said that he is willing to meet with the Taxation Department to look at the alledged abuses and to work out controls for enforcement. Mr. Clark will arrange a meeting between the Department of Finance, Department of Indian and Northern Affairs and Union of Nova Scotia Indians and report back to the next Tripartite meeting in September.

Access to Crown Land and Lease of Crown Land

Mr. Doucette explained that there are certain woods which the Native people use in handicraft such as ash and these trees are being cut down for firewood and by the pulp and paper industry in their harvesting for pulp wood. The Indians would like to have access to crown lands or lease crown land in the Province for harvesting of wood used for Indian Crafts.

Mr. Doucette would also like to see more Indian people trained and employed in the forestry industry and also under the Department of Lands and Forest.

A number of reserves are also interested in getting into the Christmas Tree Industry and would like to discuss this concept with the Department of Lands and Forest officials.

Mr. Eldridge would be only too pleased to meet with the Union of Nova Scotia Industry to discuss their concerns on forestry matters and also employment opportunity under the new Forestry Agreement. Mr. Clark will arrange for this meeting between U.N.S.I., Department of Lands and Forest and the Department of Indian and Northern Affairs.

Some agenda items for the next meeting are as follows:

1. Taxation re: Cigarettes Report
2. Access and Lease of Crown Land Report
3. Fisheries Report re: Employment Opportunities
4. Attorney General Report on Court Worker and Policing on Reserves
5. Child Welfare Report for next meeting

The next Tripartite meeting will be held on Monday, September 19, 1983 in Millbrook, this to be arranged by U.N.S.I.

**TRIPARTITE MEETING
DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS,
UNION OF NOVA SCOTIA INDIANS AND
THE DEPARTMENT OF SOCIAL SERVICES**

Millbrook Band Hall
Millbrook Reserve
September 19, 1983

Present:

Honourable Edmund Morris (Chairperson) Minister of Social Services
Mr. Ron Witt - Director General, Atlantic Region, Indian & Inuit Affairs
Mr. Noel Doucette - President, Union of Nova Scotia Indians
Mr. Bill Lane - D.I.A.N.D. (Halifax)
Mr. Gerry Cooper - D.R.E.E.
Chief Stan Johnston - U.N.S.I.
Mr. Clarrie MacKinnon - Department of Fisheries
Mr. Eric Lavers - Department of Finance
Mr. Lenard LeBlanc - D.I.A.N.D. (Amherst)
Mr. Ernest Johnson - U.N.S.I.
Mr. Wayne Abraham - U.N.S.I.
Mr. Allan Clark - Department of Social Services

PURPOSE OF MEETING

The purpose of this meeting was to follow up on departmental meetings between U.N.S.I. and various provincial departments regarding concerns brought forward by previous tripartite meetings.

COURT WORKER PROGRAM

Mr. Witt indicated that 1974/75 was the last year that this court worker program was funded in the Province.

Mr. Morris asked if Mr. Witt could provide him with a summary of other provinces that are participating in the court worker program and the cost-sharing formula for each Province. Mr. Morris said he will investigate this issue with the Attorney General's Department. He also will discuss this concern in Cabinet along with other native concerns.

Mr. Witt will see if a meeting can be arranged between the Federal Department of Justice and the Provincial Department of the Attorney General during the month of October.

3B POLICING

Mr. Witt stated that the lack of policing on some Reserves is a very serious problem and he would like to see if the matter could be resolved.

Mr. Witt indicated at the present time there are three and a half ways policing is carried out on Indian Reserves in the Province.

- (a) On five Reserves, law enforcement is carried out directly by the R.C.M.P. as a part of the regular Federal/Provincial contract.
- (b) On three other Reserves, Schubencadie, Wagmatcook, and Whycomomagh law enforcement is carried out under the option 3B Policing Agreement. The cost-sharing ratio is as follows: 54 percent Provincial and 46 percent Federal.
- (c) Another method of law enforcement on the Reserves is through the Department of Indian and Northern Affairs whereby the Department pays 100 percent for (2) two Native people who are employed on the local Municipal Police Forces and are regular members of the force. The two Reserves using this system are Millbrook and Membertou.
- (d) The final method of law enforcement on Reserves in the Band constables program which is under the Department of Indian Affairs where by the Band Council hires constables on Reserves to enforce only Band by law. The Department pays 100 percent for Band Constables.

The problem which the Department of Indian Affairs is faced with are the number of requests asking for 3B Policing.

Eskasoni and Pictou Landing Reserves wish to establish 3B Policing on their Reserves, as well, other Reserves in the Province wish to do the same.

The cost-sharing arrangements of policing on Reserves provides a problem between the Federal and Provincial Governments. The Federal Government feels that it is the responsibility of the Attorney General of a Province to provide policing and that the Province should pay 100 percent of all policing arrangements. The Province has stated that since Reserves are located on Crown Lands and Indians are a responsibility of the Federal Government, then the Federal Government should pay all costs.

The Department has held a National Indian Policing Policy Review. This involved interview teams visiting each Region during February 1983, meeting with Indian, Federal, Provincial and Municipal representatives. From these interviews, a Policy Issues Report was prepared and presented to the Interdepartmental Advisory Committee.

After considerable discussion of the report, the Advisory Committee was unable to reach a consensus on the options, and agreed that a small sub-committee would evaluate the report and develop an outline for the detailed discussion paper.

TAXATION (CIGARETTES AND ALCOHOL)

Mr. Eric Lavers reported on the three meetings between U.N.S.L and the Tax Commission regarding abuse by some native people in the purchase of large quantities of tax exempt cigarettes from wholesale outlets.

Recently, the tax commission received a complaint from a wholesaler in the Sydney area regarding the resale of tax exempt cigarettes by Natives to retail outlets stating that his business is losing sales because Indians are selling tax exempt cigarettes to retail outlets at a lower price than the wholesaler can sell to the retail vendor.

Mr. Lavers stated that the Minister of Finance will be informing the 12 tobacco wholesalers in the Province that under the present legislation of the Health Services Tax, exemptions of tangible personal property is provided to Indians as defined by the Indian Act, Chapters 1-6 of the R.S. of Canada, 1970 when tangible personal property is delivered to and consumed or used on a Reserve.

Also, under the new Regulations Health Services Act, April 12, 1983 "Tobacco Products Regulations" states that;

"No vendor shall purchase any tobacco in the Province from a person other than a wholesale vendor who holds a registration certificate granted by the Commissioner for that purpose pursuant to subsection 9(1) of the Health Services Tax Act, unless otherwise authorized by that Act or Regulations made thereunder."

Mr. Morris indicated that the regulatory changes which took place in the spring of 1983 were aimed at the wholesaler so Government could better control them, it was not aimed at the Indian population.

Mr. Doucette stated that the chiefs are concerned that some Indians and non-Indians are abusing the tax exempt privilege for the rest of the native people. He indicated that the Union did not have any method of policing the situation.

Mr. Lavers said that as a result of the last meeting between U.N.S.L and the Tax Commission, Mr. Doucette requested that a letter be sent from the Minister of Finance to himself indicating the problem and what steps are being taken to correct the abuse. Mr. Lavers said that copies of the new regulatory changes have been mailed out to all wholesalers and retailers in the Province.

This topic to be placed on the next agenda.

FISHERIES REPORT RE: U.N.S.L

On August 4th the U.N.S.L, Federal Department of Ocean and Fisheries, and the Provincial Department of Fisheries met to discuss Native concerns regarding fishing licenses, aquaculture, fisheries loans, commercial fisheries, and native employment.

Mr. Doucette said that native people should be allowed to get involved in the commercial fisheries. He said that they recently had a request from buyers in the United States for 10,000 pounds of Lobster and nine million pounds of fish, but since there are very few Indians in the Province who have commercial licenses, Indians are unable to develop this resource.

It was suggested that the U.N.S.L should first get approval from Federal Government, re: commercial fisheries licenses for various species of fish and then they would be eligible for Provincial Loans.

Mr. Witt will investigate the problem with the Department of Ocean and Fisheries and report back at the next meeting.

Notes from Tripartite Meeting (Fisheries) held August 4, 1983 in
Nova Scotia Department of Fisheries Board Room
10th Floor, Maritime Centre

1. Primary focus was on licensing with considerable discussion on herring gill net (limited entry), lobster (limited entry), salmon (limited entry) and eels and gaspereaux. Mr. Glen Jefferson, representing federal Fisheries and Oceans, pointed out the requirement of past, recent participation as a main criterion for license eligibility.

Union of Nova Scotia Indians representatives made clear the possible potential of the fishery with 7 of the 12 Indian bands in Nova Scotia on or close to lucrative fishing areas.

It was determined that the entire issue of native rights and the fishery had to be addressed at the Ottawa level. The Kirby Task Force Report was also referred to as a possible stumbling block with even more emphasis on reserving the fishery primarily for full time fishermen.

The potential for development of eel and gaspereaux fisheries was outlined and the suggestion put forward that involvement should be commenced quickly before they too become totally limited entry. (Gaspereaux fishery already is partially restricted).

2. Some attention was given to the regional policy on the Indian Food Fishery. Wagamatcook Band was the only applicant for a permit this year and it was issued. There were no other applications. One hundred salmon are allowed to be taken for food fish only with a permit also required to transport the salmon to Indians elsewhere.

Mr. Jefferson said that there has been a new directive too keep away from issuing any new licenses and permits including the Indian Food Fish permit and this is in force until further notice.

3. The oyster industry and aquaculture received a good examination with special input from Linc MacLeod, Director of Estuarine and Inland Fisheries

(provincial), who outlined legislation aimed at providing the legal framework to develop policy and programs.

It was suggested that one should start small and prove capabilities and that there was the possibility of a matching grant (Max. \$10,000) providing funding is earmarked in the next fiscal year.

The matter of stacking grants i.e. \$10,000 Prov. and \$10,000 Indian Affairs will have to be addressed.

MacLeod stated that business finesse is just as important as technology. He indicated that Bras d'Or oyster production was capable of a three fold increase - 7,000 boxes to 20,000 to 30,000 boxes annually.

A copy of the new Act was to be made available and further discussion took place on surveying and associated fees.

Other items dealt with were:

- (a) Rainbow Trout Culture and Smoking Process
- (b) Irish Moss
- (c) Striped Bass
- (d) Training and Native Employment Policy - designation of positions, minimum qualifications, skills upgrading and availability of actual job descriptions.
- (e) Difference in involvement and management between federal regions - Scotia Fundy and Gulf.
- (f) Section 81 Indian Act vs. Section 4 Fisheries Act.
- (g) Enforcement and lack thereof: native people fishing at night, spearing, illegal lures, etc.

In general the meeting was interesting and entailed some excellent exchange of frank information.

FORESTRY ISSUES

A letter was received from Mr. Bob Doherty who is a member of the Forest Resource Development Agreement Liaison Committee. He is asking for reaction, re: the acceptability of the wording in the proposed amendment to the Forestry Agreement 10.2 which reads as follows:

10.2 Canada and Nova Scotia agree that Status Indians, as defined by the Indian Act, R.S.C. 1970 c. I-6 as amended, will be given opportunities to participate in the Agreement by inclusion of Indian Reserve forested lands among those lands eligible for assistance under the Forest Resource Enhancement, Private Land Program.

It was decided that Mr. Clark contact Mr. Doherty and inform him that the Tripartite Committee felt that the wording was acceptable.

Mr. Noel Doucette indicated that he was pleased with the progress of the meetings with the Department of Lands and Forest on August 9 and August 18, 1983.

In the meeting of August 18, 1983 with the Department of Lands and Forest, it was suggested that a letter be drafted by the Deputy Minister of Lands and Forest to the Deputy Attorney-General indicating that the Department of Lands and Forest is prepared to give approval to the Native population to transport firearm, ammunition, game from one Reservation to the other as well as transporting fur pelts from Reservations to the nearest Department of Lands and Forest office.

The permission of issuing permits for this purpose could be transferred from the Minister to the Band Councils of the Reserves for use by the native population for a 12 month period. This issue to be investigated further by the Department of Lands and Forest.

NATIVE CHILD WELFARE PROGRAM

Mr. Noel Doucette gave a report on the development of Native Child Welfare Program. He indicated that there was a meeting at St. Francis Xavier University and as a result of this meeting further meetings and committees were developed at the various band level.

He also indicated that 45 native candidates will be enrolling in the Maritime School of Social Worker B.S.W. Program in December. These candidates will consist of 15 Drug, Alcohol counsellors and the current Band Welfare Officers.

EMPLOYMENT AND TRAINING FOLLOW-UP

Mr. Doucette stated that the meetings with Mr. Peter Woods, Department of Labour and Manpower have been progressing very well and to date there have been four tradesman tested and have received their trades license. He also sent a list of 280 Native tradesmen names to Mr. Woods and many will eventually be taking the examination for their trades paper.

Mr. Doucette also informed the committee that there are 20 Native people interested in taking C.N.A. Nurses training courses. The funding to be worked out by the Department of National Health and Welfare and the Department of Manpower and the Doner Foundation.

TRAPPING COURSES

Mr. Doucette said that the Department of Lands and Forest provide courses in the proper techniques of trapping animals. He would like to know if the courses which Mr. Johnson gives on Indian Reserves will be acceptable by the Department of Lands and Forest as a prerequisite for Natives receiving their first trappers license.

Mr. Clark and Mr. Ernest Johnson to investigate what is involved in order for Mr. Johnson to be certified.

NATIVE ECONOMIC DEVELOPMENT FUND

Mr. Gerry Cooper from the Department of Regional Economic Expansion explained that the Native Economic Development Fund will be operational in April 1984 and he has heard that there are approximately 200 applications for assistance now in Ottawa mostly from the West and Central Canada, although applications for the assistance are not yet available in the East.

The next meeting of the Tripartite Meeting will be scheduled for Halifax, Sir John Thompson Building, Department of Indian and Northern Affairs Board Room during the month of November.

Neil
July 23/84

TRIPARTITE MEETING

DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS
UNION OF NOVA SCOTIA INDIANS AND
THE DEPARTMENT OF SOCIAL SERVICES

COUNCIL OF MARITIME PREMIERS
BOARD ROOM
10TH FLOOR - ROYAL BANK TOWERS
APRIL 16, 1984
5161 GEORGE STREET
HALIFAX, NOVA SCOTIA

PRESENT: Honourable Edmund L. Morris (Chairperson) Minister of
Social Services
Mr. Ron Witt - Director General, Atlantic Region, Indian
And Inuit Affairs
Mr. Noel Doucette - President, Union of Nova Scotia
Indians
Mr. Bill Lane - D.I.A.N.D. (Halifax)
Ms. Nalini Perera - D.I.A.N.D. (Headquarters - Ottawa)
Mr. Syd Wile - Provincial Tax Commissioner
Mr. Hugh MacIssac - Department of Lands & Forests
Mr. Peter Woods - Department of Labour & Manpower
Mr. Wayne Abram - Union of Nova Scotia Indians
Mr. Donald M. Zwicker - D.I.A.N.D. - Amherst
Ms. Barbara MacDonald - Union of Nova Scotia Indians
Mr. Gordon S. Gale - Attorney General's Department
Mr. George Richard - Nova Scotia Department of Fisheries
Dr. D. Waldkan - Medical Services Branch
Mr. Allan Clark - Department of Social Services

MINUTES OF SEPTEMBER 19TH, 1984

The Chairman, Honourable Edmund L. Morris acknowledged the minutes which were circulated to the committee members.

NATIVE COURT WORKER PROGRAM

Mr. Noel Doucette indicated that there is a need of a court worker program in the Province and that he has been in contact with the

Federal Department of Justice on this matter. The Department is willing to participate in such a program on a cost-sharing basis with the Province.

"3B Policing"

The issue of policing continues to be a problem. Mr. Gale reported that the Attorney General's Department is still waiting for a response to a letter which was sent to the D.I.A.N.D. in Ottawa with regard to this issue.

Mr. Witt stated that there are three Reserves in the Province which has the 3B Policing - Schubencadie, Wagmatcook and Whycocomagh. He also indicated that cost-sharing arrangements with the Provinces does differ from regions to region.

Mr. Witt stated that Chapel Island is in critical need of "3B Policing". Mr. Morris would like to see this matter resolved and asked Mr. Witt if he had any suggestions on how this could be moved forward. Mr. Witt stated that he would check with Ottawa to see were the study is on this issue and if it can be moved forward.

Mr. Morris indicated that he is trying to resolve many of these issues but apparently the Native Chiefs do not want the province to speak for them, that they should be exercising their own Native Rights.

Mr. Morris stated that the province's position is that you cannot have it both ways, you must deal with pragmatic matters first. It appears that Mr. Doucette only wants to talk with federal government and it appears that the door is being slammed in our faces.

In summary, there appears to be no sign of positive movement so the matter shall remain on the agenda for the next meeting and all related correspondence is to be brought up to date.

ITEM 4 - CIGARETTE TAXATION

Mr. Wile reported on the new Regulations to the Health Services Act which were made on April 12, 1983 and amended on March 13, 1984. He stated that these regulations are designed to affect tobacco wholesalers and retail vendors of tobacco as follows:

1. Wholesaler Vendors:

- A. Must be registered with the Provincial Tax Commission as a wholesaler of tobacco products.

- B. May only sell tobacco for the purpose of resale to persons who are registered as vendors under the Health Services Tax Act.
- C. Must maintain records of all purchases and sales of tobacco products as follows:

PURCHASES

- 1. Name of tobacco manufacturer from whom purchases made.
- 2. Quantities of tobacco purchased.

SALES

- 1. Name of retail vendor to whom tobacco products sold.
- 2. Retail vendors Tax Registration Number.
- 3. Quantity purchased by retail vendor.

EXEMPT SALES

- 1. Record name of purchaser and obtain a certification citing the section of the Health Services Tax Act or Regulations under which the exempt purchase is being made.
- 2. Record quantity and price of items purchased.

2. Retail Vendors:

- A. Must be registered as a vendor under the Health Services Tax Act.
- B. Must maintain records of all purchases of tobacco products as follows:
 - 1. Must record name and Registration Number of wholesaler from whom tobacco products are purchased.
 - 2. Must record quantities of tobacco products purchased and price paid.

All business records and books of account which are required to be maintained by these regulations must be kept until written permission for their disposal has been granted by the Minister.

Mr. Wile stated that the situation has gotten worse and if the situation does not improve then there will be no choice but to prosecute.

It was suggested that a copy of the new tax regulations be forwarded with the minutes.

Mr. Abram questioned what is stopping the native individual from going to the wholesaler and working out a deal. Mr. Morris cited 10(1) (ab) of the Health Services Act.

Mr. Abram stated what is stopping the native individual from buying large quantities of cigarettes having them sent to a Reserve in N.S. and then transfer them to another Reserve in other Provinces tax exempt.

Mr. Wile and Mr. Clark was asked to look into this matter further and report back at the next meeting.

ITEM 5 - LICENSING FOR FISHING

Mr. Richards from the Department of Fisheries stated that both natives and non-native are treated in the same manner as far as becoming a licensed fisherman. An individual has to work for two years before being capable of buying a license or setting up a fishing enterprise. Mr. Witt feels it is not amendable to increase licenses to Indians. At the present time, they are trying to reduce the number of Native fisherman by purchasing them back.

Mr. Doucette would like to see further meetings with both the Provincial and Federal Department of Fisheries. He feels that generations even before his forefathers they had only received permission from the tribes to fish and no requirements for a license or quota was required. Mr. Doucette asked the question why can't the native people continue to fish like their forefathers providing they stay within the boundaries of the Reserves.

Mr. Clark is to set up meetings between the Provincial and Federal Fisheries and the U.N.S.I.

ITEM 6 - TRANSPORTATION OF FIREMAN AND GAME FROM ONE RESERVE TO ANOTHER

In the meeting of August 18, 1983 with the Department of Lands & Forest, it was suggested that a letter be drafted by the Deputy Ministers of Lands & Forest to the Deputy Attorney-General indicating that the Department of Lands & Forest is prepared to give approval to the Native population to transport firearm,

ammunition, game from one Reservation to the other as well as transporting fur pelts from Reservations to the nearest Department of Lands & Forest office. The permission of issuing permits for this purpose could be transferred from the Minister to the Band Councils of the Reserves for use by the native population for a 12 month period. This issue to be investigated further by the Department of Lands & Forest.

Mr. MacIssac indicated a request from the Tripartite Committee Chairman would be required in order to have the Department of Lands and Forest grant permission of transporting firearms.

It was moved by Mr. Abram and seconded by Mr. Witt that Mr. Clark forward a copy of the minutes of the last meeting accompanied by a covering letter from the Tripartite Committee Chairman to see if this issue can be revolved.

At this point the Honourable Edmund L. Morris excused himself and appointed Mr. Witt as chairman to continue the meeting as he had another engagement which he had to attend.

ITEM 10 - HEALTH CONCERN ON RESERVES

Mr. Doucette requested that Mr. Clark arrange a meeting between the Honourable Edmund L. Morris, Dr. Sheehy, and Mr. Doucette to discuss the possibility of employing Native nursing staff at hospitals in the province.

ITEM 7 - NATIVE CHILD WELFARE AGREEMENT

On January 26, 1984, a draft agreement was tabled and a further meeting is to be held on April 17, 1984 to further discuss items within the agreement. Mr. Doucette indicated that there is a need to have this agreement finalized as soon as possible so training for Native workers entering the Maritime School of Social Work for the B.S.W. program can take place in September 1984. Mr. Clark commented that their practicum should not only be confined to Reserves but should be broader in scope.

ITEM 11 - SALES TAX ON PHONE BILLS ON RESERVES

Mrs. B. MacDonald spoke on this issue regarding taxes on native phone bills on Reserves. She has been receiving several requests regarding tax exemptions on phone and power bills.

Mr. Wile suggested instead of dealing with these individually as is now the practice. It would expediate matters if a letter from the Union of Nova Scotia Indians was sent to him requesting tax exemption from present and past phone bills rather than receiving individual letters of request.

ITEM 12 - Was deleted from the agenda

ITEM 8 - EMPLOYMENT AND TRAINING UPDATE "CERTIFICATION"

Mr. Woods reported that as of March 31, 1984 seventeen people wrote exams, fifteen completed the course; eight certified in this one occupation pilot program and that it was the most successful course to date.

The second step is to find funding to maintain an ongoing program. Discussion have been held with C.E.I.C. on this issue.

Mr. Woods stated that it costs \$1,300 per person for this program and in many cases individuals have had no previous training, not all reserves were covered under the pilot program.

A progress report on discussion with C.E.I.C. will be given at the next Tripartite Meeting.

*Minutes of Proceedings and Evidence
of the Standing Committee on*

*Procès-verbaux et témoignages
du Comité permanent de la*

Justice and Legal Affairs

Justice et des questions juridiques

RESPECTING:

Bill C-53, An Act to amend the Criminal Code in relation to sexual offences and the protection of young persons and to amend certain other Acts in relation thereto or in consequence thereof

Main Estimates 1982-83: Votes 1, 5 and 10 (Department) under JUSTICE

CONCERNANT:

Bill C-53, Loi modifiant le Code criminel en matière d'infractions sexuelles et de protection des jeunes et apportant des modifications corrélatives à d'autres lois

Budget principal des dépenses 1982-1983: crédits 1, 5 et 10 (Ministère) sous la rubrique JUSTICE

APPEARING:

The Honourable Jean Chrétien,
Minister of Justice and
Attorney General

COMPARAÎT:

L'honorable Jean Chrétien,
Ministre de la Justice et
Procureur général

WITNESSES:

(See back cover)

TÉMOINS:

(Voir à l'endos)

First Session of the
Thirty-second Parliament, 1980-81-82

Première session de la
trente-deuxième législature, 1980-1981-1982

[Texte]

Mr. Chrétien: With regard to Bill C-53, I agree with you . . . There was support by the three official spokesmen of the different parties about it.

• 1610

I said that there are some aspects of the bill I have put there for the purpose of discussion, but I was not necessarily committed to that and I will accept the recommendations and the views of the committee on that, group sex and bestiality and so on. So these things I am not obliged to proceed with, but the rest of the bill was receiving 100 per cent agreement by the Tories, NDP and the Liberals, so I think we should proceed with it, the rest of the bill, and as quickly as possible. I do not know what the work of this committee is at this time, but the sooner the better. Of course, we will need some agreement in the House of Commons in order to pass it because there is a lot of legislation before the House and we will have to determine the priorities there. But if there is a complete airing of the issue here I hope the members will be willing to make it very easy to pass third reading in the House of Commons.

In terms of the reform of the Criminal Code, of course, it is a mandate that was given to the Law Reform Commission and it is a pretty far-reaching proposition. So of course in the omnibus bill in the Criminal Code that we might introduce later in the year there will be some changes in the interim, but the major issue of . . . In fact, the mandate that was given to the Law Reform Commission is to start from scratch in trying to develop a new Criminal Code for Canadians, because the one we have has been amended so many times over the last many generations that the time has come to have a more concise Criminal Code. It will make the defence and the accused have an easier time before the courts.

You can ask the commission. We gave them five years to do that reform, and when the Law Reform Commission president is here you could question him about the progress he has made so far.

Mr. MacLellan: What is his position with respect to amendments to the Evidence Act? Is it contemplated that there are going to be changes recommended?

Mr. Chrétien: Yes, we were working on some changes to the Evidence Act, but at the same time as we have given the mandate to the Law Reform Commission to review all that, we have a kind of a dilemma because I do not want to pre-empt the work of the Law Reform Commission. At the same time, there is some reform that is needed. At any rate, in due course there will be some propositions coming from me. I just say that because we might have that as an interim measure until the Criminal Code is completely rewritten, but at this time we are contemplating some amendments to the Evidence Act.

Mr. MacLellan: Mr. Minister, until recently it has been the practice that the Court Workers Program for native people will be shared 50-50 between the Department of Justice and

[Traduction]

M. Chrétien: En ce qui concerne le projet de loi C-53 je suis d'accord avec vous . . . trois porte-parole officiels des différents partis y sont favorables.

J'ai dit que certains aspects du Bill avaient été mis là pour qu'on en discute, mais je ne suis pas nécessairement inflexible là-dessus et j'accepterai les recommandations et les idées du Comité sur ces questions, le sexe en groupe et la bestialité, et ainsi de suite. Alors, je ne suis pas obligé de faire avancer ces questions, mais on avait l'approbation entière des Tories, du NPD et des libéraux pour le reste du projet de loi, alors je pense que nous devrions procéder avec le reste aussi rapidement que possible. Je ne sais pas ce que le Comité a à faire ces temps-ci, mais le plus tôt sera le mieux. Il faudra évidemment l'approbation de la Chambre des communes pour adopter le Bill, car il y a beaucoup de lois qui sont à l'étude présentement à la Chambre et il faut déterminer les priorités. Mais si la question a été traitée à fond, j'espère que les députés seront disposés à en faciliter l'adoption en troisième lecture à la Chambre des communes.

Pour ce qui est de la réforme du Code criminel, c'est un mandat qui a été confié à la Commission de réforme du droit et c'est une tâche très vaste. Alors il y aura évidemment des changements qui seront apportés avant la présentation plus tard dans l'année du bill omnibus concernant le Code criminel, mais la principale question de . . . En fait, la Commission de réforme du droit reçu le mandat de commencer à zéro et d'élaborer un nouveau Code criminel pour les Canadiens, parce que celui que nous avons a été modifié tellement souvent au cours des dernières générations qu'il est maintenant temps d'élaborer un Code criminel plus concis. Cela va faciliter la tâche de la défense et de l'accusé devant les tribunaux.

Vous pouvez demander à la Commission. Nous lui avons donné cinq ans pour effectuer cette réforme, et quand le président de la Commission de réforme du droit sera là, vous pourrez l'interroger sur les progrès réalisés jusqu'à présent.

M. MacLellan: Quelle est sa position en ce qui concerne les modifications à la loi sur la preuve? Croit-on qu'il va y avoir des recommandations de changements?

M. Chrétien: Oui, nous avons travaillé à certains changements de la loi sur la preuve, mais en même temps nous avons donné à la Commission de réforme du droit le mandat d'étudier toute cette question, alors nous nous trouvons dans un dilemme parce que je ne veux pas empiéter sur le travail de la Commission. En même temps, on a besoin d'une certaine réforme. De toute façon, je ferai certaines propositions en temps et lieu. Je dis cela simplement parce qu'on recourra peut-être à cette mesure intérimaire en attendant la refonte complète du Code criminel, mais nous nous penchons sur certaines modifications à la Loi sur la preuve à l'heure actuelle.

M. MacLellan: Monsieur le ministre, jusqu'à tout récemment, le Programme d'assistance judiciaire destiné aux autochtones devait être partagé également entre le ministère

[Text]

the provincial governments in which that program was implemented. It is my understanding that, at least until recently, the Province of Nova Scotia has refused to pay that 50 per cent, so as a result the program has not proceeded in the Province of Nova Scotia. Is this still the case, and if so, is this the only province in Canada where this program is not being implemented because of the policies of the provincial government?

Mr. Chrétien: My information on both of your questions is that the answer is yes. It is the case in Nova Scotia and that is the only province.

Mr. MacLellan: Has there been any recent negotiation with the Province of Nova Scotia on this particular question?

Mr. Chrétien: There are some continuing negotiations on that, but the difficulty has not been resolved.

Mr. MacLellan: Is there . . . ?

Mr. Chrétien: The option is to the province to decide to be in, and if they are in we have to pay our share. That is the way the program works.

Mr. MacLellan: So the Department of Justice's position is that they are still prepared to pay the 50 per cent, and as soon as the province pays its 50 per cent then the program will proceed in the Province of Nova Scotia.

Mr. Chrétien: That is the policy of the department.

Mr. MacLellan: As well in the Province of Nova Scotia, the minister may be aware that recently legislation was introduced which has since been amended to be modified somewhat, but in the modified state it allows for the breaking of the Innkeepers Act and the Motor Vehicle Act in the interest of solving crime. There is advocacy again that the Department of Justice and the federal government implement such legislation in particular federal fields. Has the federal government given any thought to this? Has anything further proceeded on this?

• 1615

Mr. Chrétien: No. I am aware of the controversy that exists about this bill in Nova Scotia, but so far we have not had to take any position on that and what will be the effect if the bill is implemented on the federal activities within the province. In fact, I have not seen any documents on that. So far it has not been mentioned as a problem for us, but we will see when the law is passed.

Mr. MacLellan: But then, certainly the federal government does not plan on following that example?

Mr. Chrétien: At first glance, the answer is no.

Mr. MacLellan: Good. Mr. Minister, what is the present position of the department on the Crown prerogative for mercy?

Mr. Chrétien: In what way?

Mr. MacLellan: For instance, how are the applications received? How are they received, and how are they dealt with?

[Translation]

de la Justice et les gouvernements provinciaux où le programme existait. J'ai entendu dire que, du moins jusqu'à tout récemment, la province de la Nouvelle-Écosse avait refusé de payer sa part de 50 p. 100, de sorte que le programme ne fonctionnait pas dans cette province. Est-ce que c'est toujours le cas et, dans l'affirmative, est-ce que c'est la seule province au Canada où ce programme n'existe pas à cause des politiques du gouvernement provincial?

M. Chrétien: A ce que je sache, la réponse est oui à vos deux questions. C'est le cas en Nouvelle-Écosse, et c'est la seule province dans cette situation.

M. MacLellan: Y a-t-il eu des négociations dernièrement avec la province de la Nouvelle-Écosse sur cette question?

M. Chrétien: Des négociations se poursuivent constamment là-dessus, mais le problème n'a pas encore été réglé.

M. MacLellan: Y a-t-il . . . ?

M. Chrétien: C'est à la province de décider de participer au programme, et si elle choisit de le faire, nous devons payer notre part. C'est la façon dont fonctionne le programme.

M. MacLellan: Alors la position du ministère de la Justice dans cette affaire est que le ministère est toujours prêt à payer sa part de 50 p. 100, et dès que la province paiera son écot, le programme pourra fonctionner en Nouvelle-Écosse.

M. Chrétien: C'est la politique du ministère.

M. MacLellan: Le ministre sait peut-être que dans cette même province de la Nouvelle-Écosse, une loi a été adoptée récemment et modifiée quelque peu par la suite pour permettre d'enfreindre la Loi sur les hôteliers et la Loi sur les véhicules-automobiles afin de faciliter la solution de crime. Certains seraient favorables à ce que le ministère de la Justice et le gouvernement fédéral adoptent de telles lois dans des secteurs particuliers de compétence fédérale. Le gouvernement fédéral s'est-il penché sur cette question? Quelque chose a-t-il transpiré de cela?

M. Chrétien: Non. Je suis au courant de la controverse au sujet de cette loi en Nouvelle-Écosse, mais jusqu'à présent nous n'avons pas pris position sur la question et nous n'avons pas évalué l'incidence de l'application de cette loi dans la province sur les activités fédérales. En fait, je n'ai pas vu de document là-dessus. Jusqu'à présent, cela n'est pas un problème pour nous, mais nous verrons lorsque la loi sera adoptée.

M. MacLellan: Mais le gouvernement fédéral ne songe certainement pas à suivre cet exemple?

M. Chrétien: A première vue, la réponse est non.

M. MacLellan: Très bien. Monsieur le ministre, quelle est la position actuelle du ministère en ce qui concerne le droit de grâce de la Couronne?

M. Chrétien: Dans quel sens?

M. MacLellan: Par exemple, comment les demandes sont-elles reçues? Comment sont-elles reçues, et comment sont-elles traitées?

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Issue No. 113

Fascicule n° 113

Monday, December 6, 1982

Le lundi 6 décembre 1982

Chairman: Mr. Jean-Guy Dubois

Président: M. Jean-Guy Dubois

*Minutes of Proceedings and Evidence
of the Standing Committee on**Procès-verbaux et témoignages
du Comité permanent de la*

Justice and Legal Affairs

Justice et des questions juridiques

RESPECTING:Supplementary Estimates (B) 1982-83: Votes 1b and
5b—Administration of Justice Program under
JUSTICE**CONCERNANT:**Budget supplémentaire (B) 1982-1983: crédits 1b et
5b—Programme d'administration de la justice sous la
rubrique JUSTICE**APPEARING:**The Honourable Mark MacGuigan,
Minister of Justice and
Attorney General of Canada**COMPARAÎT:**L'honorable Mark MacGuigan,
Ministre de la Justice et
Procureur général du Canada**WITNESSES:**

(See back cover)

TÉMOINS:

(Voir à l'endos)

First Session of the

Thirty-second Parliament, 1980-81-82

Première session de la

trente-deuxième législature, 1980-1981-1982

[Text]

Mr. Peterson: Do you have any idea how much money we are contributing to these provincial programs of legal aid?

Mr. MacGuigan: My department has that available.

Who could give us that information here? Mr. Fairbairn will give us this.

Mr. Lyle Fairbairn (General Counsel, Programmes and Law Information Development Section, Department of Justice): In the current year we will be spending about \$29.1 million, which represents something less than half of the national costs of criminal legal aid in Canada.

Mr. Peterson: Excuse me; I am not sure I understand that. We pick up half the cost of all legal aid?

Mr. Fairbairn: Approximately half of the cost. That is in the order of about 45%.

Mr. Peterson: What would be the reason for our participating in this type of program? Not that I disapprove of it at all—to the contrary—but the administration of justice is a provincial matter. Under what type of agreement with the provinces do we provide this funding?

Mr. Fairbairn: These are cost-sharing arrangements which have existed since 1972, and the federal government became involved as a result of its concern about liberty as a subject. The program, I think, has become even more important today because it gives the greatest practical effect to legal equality in criminal matters, and in the Young Offenders Act it will be even more important to ensure that counsel are available.

Mr. Peterson: Thank you very much.

I understand that we have a native court worker program that is maintained by the Department of Justice, Mr. Minister. Could you give me a few details about that and how we got involved and how it is working out?

Mr. MacGuigan: Yes, I would be glad to do that, Mr. Chairman.

The essential purpose of the native court worker program is to provide counselling other than legal advice to native persons in the criminal justice system. The native court workers help natives—and this includes non-status Indians and the Métis—to understand the nature of the criminal charges against them and how to obtain legal aid, and frequently intervene at the request of the court to provide background information about the native accused which helps the court in the sentencing process. It exists in both territories and all provinces except Nova Scotia. The Province of Nova Scotia takes the position that natives are a federal responsibility and have not agreed to establish a program.

There is cost sharing. We pay 50% of the native court worker budgets on a current-year basis.

[Translation]

M. Peterson: Avez-vous une idée des sommes que nous contribuons à ces programmes provinciaux d'aide juridique?

M. MacGuigan: Mon ministère dispose de ces renseignements.

Qui peut me les communiquer ici? M. Fairbairn le fera.

M. Lyle Fairbairn (avocat général, Programmes et informations juridiques, ministère de la Justice): Pendant l'année en cours, nous dépenserons environ 29.1 millions de dollars, ce qui représente moins de la moitié des coûts à l'échelle nationale, au titre de l'aide juridique au criminel dans notre pays.

M. Peterson: Excusez-moi; je ne suis pas certain d'avoir compris. Nous assumons la moitié des frais de toutes les formes d'aide juridique?

M. Fairbairn: Environ la moitié des coûts, c'est-à-dire 45 p. 100.

M. Peterson: Pourquoi participons-nous à ce genre de programmes? Ce n'est pas que je désapprouve, bien au contraire, mais l'administration de la justice est un domaine de compétence provinciale. En vertu de quel arrangement avec les provinces assumons-nous cette part du financement?

M. Fairbairn: Il s'agit d'ententes en matière de partage des coûts remontant jusqu'à 1972 et auxquels le gouvernement fédéral a décidé de participer parce qu'il se préoccupait de la liberté des citoyens. Je crois que ce programme est devenu encore plus important aujourd'hui du fait qu'il établit une plus grande égalité juridique sur le plan pratique dans des questions relevant du criminel. Il prendra encore plus d'importance dans la Loi sur les jeunes contrevenants puisqu'il donnera les moyens d'avoir accès aux services d'un avocat.

M. Peterson: Merci beaucoup.

Monsieur le ministre, je crois savoir que le ministère de la Justice administre un programme d'aide juridique aux autochtones. Pouvez-vous me donner quelques renseignements là-dessus, nous dire comment nous l'avons entrepris et quels résultats il donne?

M. MacGuigan: Oui, volontiers, monsieur le président.

Le principal objectif du programme d'aide juridique aux autochtones est de fournir des services, à part l'aide juridique, aux autochtones ayant affaire avec la justice criminelle. Ce programme vient donc en aide aux autochtones, y compris les Indes de fait et les Métis, afin que ces derniers puissent comprendre la nature des accusations criminelles portées contre eux, qu'ils sachent comment obtenir les services de l'Aide juridique et qu'à la demande du tribunal, ils fournissent des renseignements sur eux s'ils sont accusés, ce qui aide lorsqu'il s'agit de déterminer les peines. Il est en vigueur dans les deux territoires et dans toutes les provinces, sauf la Nouvelle-Écosse. Cette dernière est d'avis que les autochtones relèvent du fédéral et a choisi de ne pas mettre en oeuvre ce genre de programmes.

Il y a partage des frais. Nous assumons 50 p. 100 des coûts des budgets établis sur une base annuelle.

6-12-1982

[Texte]

We feel it is an important program because many native people have an inadequate appreciation of the criminal justice system and certainly of the process of criminal justice.

• 1705

Without the kind of help they receive from native court workers, it might be difficult to ensure that they would receive fair treatment under the system. It also helps the court in satisfying itself that the native person understands the process in which he is participating.

Mr. Peterson: Mr. Minister, you have always been a very progressive person when it comes to the . . .

Mr. MacGuigan: Would you excuse me for just a moment? I have to take a telephone call. Could you stop the clock or something?

The Vice-Chairman: We will adjourn for one moment.

• 1706

• 1707

The Vice-Chairman: Mr. Peterson had the floor.

Mr. Peterson: Mr. Minister, would you care to tell us what happened with that phone call? Was that from London?

Mr. MacGuigan: No.

Mr. Peterson: You have a very strong academic background in the law. You have always been identified with progressive legal reform, and right now, as I understand it, the Department of Justice, through the Law Reform Commission, is undertaking very extensive legal reforms or suggestions. Could you bring us up to date on what is being done in this area, and where you think it will take us?

Mr. MacGuigan: Yes, I would be glad to talk about that, Mr. Chairman.

We have a five-year review under way, and that process involves the Law Reform Commission, it involves the Department of Justice, and of course it involves the minister, to whom both the Law Reform Commission and the department are responsible. It is hoped and expected that in the case of all the reforms the Law Reform Commission will have an opportunity in some fashion or other to study the matter first, although there may be some cases in which we will want to have the study jumped from the Law Reform Commission before it has actually produced any kind of report. But normally I would prefer to have a report, either a working paper, or, even better still, final recommendations by the commission, before we proceed to attempt to move to the legislative process.

I want the legislative process to begin next fall. I feel if our five-year review process is to have any credibility a year after it has begun, it has to move to the level of action. We have had

[Traduction]

Nous tenons ce programme pour important parce que bon nombre d'autochtones comprennent mal le droit criminel et certainement la procédure pénale.

Sans l'aide fournie par les auxiliaires autochtones de la Justice, il serait peut-être difficile de s'assurer que les autochtones sont traités de façon équitable par notre système judiciaire. Par ailleurs, le programme est également bénéfique pour le tribunal, car il l'aide à s'assurer que l'autochtone comprend la procédure à laquelle il est partie.

M. Peterson: Monsieur le ministre, vous avez toujours été très progressiste pour ce qui est de . . .

M. MacGuigan: Auriez-vous l'obligeance de m'excuser un moment? Je dois faire un appel téléphonique. Pouvez-vous arrêter l'horloge ou faire quelque chose de semblable?

Le vice-président: Nous allons lever la séance pour un moment.

Le vice-président: La parole était à monsieur Peterson.

M. Peterson: Monsieur le ministre, pouvez-vous dire quelle était cette communication téléphonique? Venait-elle de Londres?

M. MacGuigan: Non.

M. Peterson: Vous avez de très solides antécédents scolaires en matière de droit. En outre, vous avez toujours été associé à une réforme juridique progressiste, et en ce moment, je crois savoir que le ministère de la Justice, par le truchement de la Commission de réforme du droit, est en train d'effectuer ou d'envisager des réformes juridiques très poussées. Pouvez-vous nous indiquer ce qui se fait dans ce domaine, et nous donner une idée de la direction dans laquelle cela nous entraînera?

M. MacGuigan: Oui, avec plaisir, monsieur le président.

Un processus de réexamen de cinq ans est en cours, et il s'effectue grâce à la participation de la Commission de réforme du droit, du ministère de la Justice, bien entendu, du ministre lui-même, de qui relèvent à la fois la Commission et le ministère. Nous espérons et prévoyons qu'en ce qui a trait à toutes les réformes, la Commission de réforme du droit pourra étudier la question en premier, même si dans certains cas, nous voudrions que le dossier soit acheminé ailleurs avant que la Commission ait pu produire un rapport quelconque. Cependant, dans les circonstances normales, je préfère disposer d'un rapport, qu'il s'agisse d'un document de travail, ou mieux encore, de recommandations définitives de la part de la Commission, avant que nous ne passions à l'étape législative.

Cela dit, j'aimerais que le processus législatif soit amorcé l'automne prochain. Si notre processus de réexamen de cinq ans veut avoir une crédibilité quelconque, un an après son

HOUSE OF COMMONS

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Chairman: Mr. Claude-André Lachance

CHAMBRE DES COMMUNES

Fascicule n° 122

Le jeudi 10 mars 1983

Président: M. Claude-André Lachance

*Minutes of Proceedings and Evidence
of the Standing Committee on*

Justice and Legal Affairs

*Procès-verbaux et témoignages
du Comité permanent de la*

Justice et des questions juridiques

RESPECTING:

Main Estimates 1983-84: Votes 1 and 5—
Administration of Justice Program and Vote 10—
Canadian Unity Information Office Program under
JUSTICE

CONCERNANT:

Budget des dépenses 1983-1984: crédits 1 et 5—
Programme d'administration de la justice et crédit 10—
Programme du Centre d'information sur l'unité
canadienne sous la rubrique JUSTICE

APPEARING:

The Honourable Mark MacGuigan,
Minister of Justice and
Attorney General of Canada

COMPARAÎT:

L'honorable Mark MacGuigan,
Ministre de la Justice et
Procureur général du Canada

WITNESSES:

(See back cover)

TÉMOINS:

(Voir à l'endos)

First Session of the
Thirty-second Parliament, 1980-81-82-83

Première session de la
trente-deuxième législature, 1980-1981-1982-1983

[Texte]

Mr. MacLellan: I would just like to, if I could, Mr. Chairman, ask the deputy minister: Are there any guidelines that are given to the solicitors of the Department of Justice in the various departments as to what they should be doing? Do you have any kind of priority within the Department of Justice on this question?

• 1715

Mr. Tassé: We have a small group of lawyers, who are working in the public law and administrative law sector, who have the responsibility of coming forward with proposals for change. We are working on a program for the next few years that will guide the work of that small unit.

Mr. MacLellan: Mr. Minister, I think the last time I spoke with you in the committee you mentioned that the native court worker program in Nova Scotia was not under way because of the failure to reach an agreement with the Province of Nova Scotia and this was the only province in Canada where this program was not being undertaken. Is there any change in that? Is there anything new to add?

Mr. MacGuigan: I am informed that there is no change in that.

Mr. MacLellan: Is there anything that can be done? It is unfortunate that the native people in the Province of Nova Scotia are being deprived of this program.

Mr. MacGuigan: I will ask Mr. Fairbairn to respond to that.

The Chairman: Mr. Fairbairn.

Mr. L. Fairbairn (General Counsel, Programs and Law Information Development, Department of Justice): No, there has not been any change in that, Mr. MacLellan. The Attorney General in Nova Scotia takes the position that that program is a 100% federal responsibility and would not enter into the cost-sharing arrangements that prevail throughout the rest of Canada. There has been some correspondence exchanged on that point, but there has been no movement on it.

Mr. MacLellan: Mr. Minister, you mentioned the backlog with respect to tax appeals, which is increasing dramatically, as you mentioned. This is creating quite a hardship, as you know. There is another aspect too, and that is the *de novo* aspect. Each time an appeal is heard, if the individual wins that appeal and the department wants to appeal, the case is heard from the beginning with witnesses at the next stage, and then at the stage after that. That can put quite a hardship on some individual who has a principle that he or she wants to put before the courts. Yet, when that individual wins his or her case and the department appeals it, of course that cost is thrown back, even if just temporarily, to the individual to bring those witnesses back in from wherever they may be and to go through this case all over again. I was wondering if, perhaps, some assistance is contemplated in a situation such as this.

[Traduction]

genre de projets que nous pourrions entreprendre en vue de rationaliser une partie du droit administratif au palier fédéral.

M. MacLellan: J'aimerais demander, avec votre permission, monsieur le président, la question suivante au sous-ministre: Y a-t-il des directives à l'intention des avocats du ministère de la justice, en service dans les divers ministères au sujet de ce qu'ils devraient faire? Accordez-vous la moindre priorité à cette question au sein du ministère de la Justice?

M. Tassé: Il y a un petit groupe d'avocats qui travaillent dans le secteur du droit public et du droit administratif, et qui ont pour responsabilité de proposer des changements. Nous sommes en train de mettre au point un programme portant sur les quelques prochaines années afin d'orienter le travail de ce petit groupe.

M. MacLellan: Monsieur le ministre, je crois que la dernière fois que je vous ai parlé en comité, vous avez dit que le programme des auxiliaires de la justice autochtones en Nouvelle-Écosse n'était pas encore lancé faute d'un accord avec cette province et qu'il s'agissait de la seule province du Canada où ce programme ne fût pas en cours. Y a-t-il eu un changement? Y a-t-il du neuf?

M. MacGuigan: On me dit qu'il n'y a eu aucun changement.

M. MacLellan: Y a-t-il quelque chose qu'on puisse faire? Il est malheureux que les autochtones de la Nouvelle-Écosse se voient privés de ce programme.

M. MacGuigan: Je vais demander à M. Fairbairn de vous répondre.

Le président: Monsieur Fairbairn.

M. L. Fairbairn (avocat général, Programmes et information juridiques, ministère de la Justice): Non, il n'y a eu aucun changement à ce sujet, monsieur MacLellan. Le procureur général de la Nouvelle-Écosse pense que ce programme relève à 100 p. 100 de la compétence fédérale et il a refusé de souscrire aux mesures de partage des coûts qui ont cours à travers le reste du Canada. Il y a eu un échange de correspondance sur ce point, mais rien n'avance.

M. MacLellan: Monsieur le ministre, vous avez mentionné l'accumulation des appels en matière d'impôt qui augmente de façon marquée. Cela entraîne des difficultés, comme vous le savez. Il y a un autre aspect aussi, c'est la question de l'instruction *de novo*. Chaque fois qu'un appel est entendu, si le contribuable a gain de cause et que le ministère veuille interjeter encore appel, l'affaire doit être entendue au fond avec des témoins à chaque étape suivante. Cela entraîne des difficultés pour l'individu qui veut défendre un principe devant les tribunaux. Pourtant, lorsque ce contribuable gagne et que le ministère interjette, évidemment, il incombe au contribuable d'assumer, même si ce n'est que temporairement, les frais nécessaires à faire recomparaître les témoins et les frais nécessaires pour l'audition au fond de toute l'affaire. Je me

[Text]

Mr. MacGuigan: You mean financial assistance?

Mr. MacLellan: Financial assistance. When the matter is resolved permanently, perhaps this thing is... but in the interim it is quite a hardship.

Mr. MacGuigan: I think it is fair to say that we have not been giving any consideration to that. Perhaps the changes that I plan to make in the new session, with the legislation that I have ready to bring forward when we are able to begin the new session, will help us to resolve this problem very considerably.

Mr. MacLellan: Thank you, Mr. Chairman.

The Chairman: I intend to adjourn at 5.30 p.m. sharp. Mr. Kilgour.

Mr. Kilgour: I think he is giving me a message.

The Chairman: I do not want to be rude, but we are organizing a subcommittee at 5.30.

Mr. Kilgour: May I start with a compliment to the minister on his annual report for the department; I think that is an excellent idea and salute him for bringing it forward.

There are a number of issues I would like to ask you about, if I may, Mr. MacGuigan. The first is the question of gating. As a matter of the rule of law, do you consider that gating, after the decision of the Ontario Court of Appeal in the Marlene Moore case, is now legal, or illegal, within the Province of Ontario?

Mr. MacGuigan: As is usual once a provincial court has made a decision and since, in this case, it was the Ontario Court of Appeal, we do not engage in gating in that province, or in whatever other practice may have been brought into question by the court.

Mr. Kilgour: So there will be no more gating, at least within this province?

• 1720

Mr. MacGuigan: Of course, we are appealing the decision to the Supreme Court of Canada, but until such time as the court decides in our favour, right. Leave was granted, yes. I should also add that there is a contrary federal court decision on this same matter.

Mr. Kilgour: Changing subjects: I see you are wearing a button. On the question of appointing judges, I understand there have been 47 federal judges appointed in the last 12 months. Can you tell us how many of those appointments have been women?

Mr. MacGuigan: I cannot. I do not know whether anyone here can.

Mr. Kilgour: Next question.

Mr. MacGuigan: I suspect that Madam Justice Wilson was appointed within the last 12 months, but...

[Translation]

demandais si on envisageait d'offrir une aide dans une telle situation.

M. MacGuigan: Vous parlez d'une aide financière?

M. MacLellan: D'une aide financière. Une fois la question réglée définitivement, peut-être que ce serait... mais dans l'intervalle, c'est assez pénible.

M. MacGuigan: Je dois dire que nous n'y avons pas songé. Peut-être les changements que j'ai l'intention de présenter au cours de la nouvelle session, dans le projet de loi que je suis prêt à présenter lorsque nous pourrions commencer la nouvelle session, nous aideront-ils à résoudre ce problème dans une large mesure.

M. MacLellan: Merci, monsieur le président.

Le président: J'ai l'intention de lever la séance à 17h30 précises. Monsieur Kilgour.

M. Kilgour: Je crois qu'il essaie de me dire quelque chose.

Le président: Je ne veux pas être impoli, mais nous organisons un sous-comité à 17h30.

M. Kilgour: Puis-je commencer en félicitant le ministre pour le rapport annuel du ministère; je crois que c'est là une excellente idée et je l'en félicite.

Il y a plusieurs questions que j'aimerais soulever, avec votre permission, monsieur MacGuigan. D'abord la question du portillonnage. En droit, pensez-vous que le portillonnage, après la décision de la cour d'appel de l'Ontario dans l'affaire Marlene Moore, soit maintenant légal ou illégal en Ontario?

M. MacGuigan: Comme d'habitude, une fois qu'une cour provinciale s'est prononcée, et puisque dans le présent cas il s'agissait de la cour d'appel de l'Ontario, nous ne faisons pas du portillonnage dans cette province, pas plus que nous n'allons nous adonner à la moindre pratique réprochée par un tribunal.

M. Kilgour: Donc il n'y aura plus de portillonnage, du moins dans cette province?

M. MacGuigan: Bien entendu, nous portons l'affaire devant la Cour suprême du Canada, mais avant que la Cour ne décide en notre faveur, la réponse est non. Le pouvoir a été autorisé. J'ajouterais qu'il y a eu une décision contraire de la Cour fédérale sur la même question.

M. Kilgour: Changeons de sujet, je vois que vous portez un insigne. Au sujet de la nomination des juges, je crois comprendre que 47 juges fédéraux ont été nommés au cours des 12 derniers mois. Pouvez-vous me dire combien de femmes il y a eu parmi ces nominations?

M. MacGuigan: Je ne peux vous répondre, je ne sais pas si quelqu'un ici peut le faire.

M. Kilgour: J'ai une autre question.

M. MacGuigan: Il me semble que M^{me} le juge Wilson a été nommée au cours des 12 derniers mois, mais...