



NORTHWEST TERRITORIES
LEGISLATIVE ASSEMBLY
TERRITOIRES DU NORD-OUEST
ASSEMBLÉE LÉGISLATIVE

MEETING GO 84-20-26

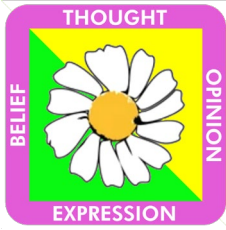
STANDING COMMITTEE ON GOVERNMENT OPERATIONS

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TUESDAY, APRIL 28, 2026
EAGLE ROOM, LEGISLATIVE ASSEMBLY
6 PM

AGENDA

1. Call to Order
2. Prayer/Reflection
3. Review and Adoption of Agenda
4. Declarations of Conflict of Interest
5. Public Matters
 - a) Bill 46: *Prevention of Proceedings That Hamper Expression on Matters of Public Interest Act*: public hearing with bill sponsor MLA George Nerysoo and the Honourable Jay Macdonald, Minister of Justice
6. In Camera Matters
 - a) Debrief
7. Date and Time of Next Meeting: Wednesday, April 29, 2026 at 9 a.m.
8. Adjournment



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

STANDING COMMITTEE ON GOVERNMENT OPERATIONS
BILL 46: *Prevention of Proceedings that Hamper Expression on Matters of Public Interest Act*

PUBLIC INPUT

April 28, 2026

Thank you, Committee, for your invitation to make a personal presentation.

Thank you also to my Sijaa (my friend), Mr. George Nerysoo, Member of the Legislative Assembly for the Mackenzie Delta, in championing this important piece of legislation and in assisting me to appear before you today.

I acknowledge the traditional lands of the Yellowknives Dene.

I also acknowledge my late parents Napoleon and Annie Norbert; my maternal grandparents, the late Chief Paul Niditchie and wife Camilla, and my paternal grandparents, the late Manuel and Caroline Norbert.

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In August 2025, I posed four questions to delegates and audience Participants of the Annual General Assembly of the Gwich'in Tribal Council.

Today, I would like to ask these same questions, revised for this occasion, if I may, to the Honourable Committee Members:

1. How many members of this Committee are descendants of residential school survivors within the NWT or in other territories or provinces?
2. How many members of this Committee are themselves residential school survivors?
3. How many members are married to or partners with residential school survivors or their descendants?

At the Gwich'in assembly that day, most delegates and audience members stood up in the affirmative to one, or more, or - in some cases - to all of the questions.

I then asked one more pertinent question: What is the main thing you remember about speaking up for yourself or another student?

The main thing I learned as a former hostel student for asking “why?” was punishment – and mostly physical punishment such as being slapped, or strapped or having my ears or hair pulled. Very soon, I learned to keep quiet and not talk and not be noticed – as we learned: not to rock the boat. Not to be a trouble-maker. And because we learned that punishment worked, we used it against other students, or younger siblings

When we grew into adulthood, we used it against those who loved us, like our spouses or our kids. But more than anything, we used it against ourselves as individuals

In her November 1994 Sir Joseph Bernier Federal Day School Turquetil Hall Investigation Report (a copy of which is filed in the Legislative Library), Madam Katherine Peterson put words to this pain:

There emerges a psychological trauma for both society and the individual - an internal conflict between the will to deny past horrors and the will to proclaim.

Experts working in the field of domestic violence and survivors of abuse contend that these experiences and abuse should be more accurately described as "torture and acts of atrocity" and that the effects (shame, guilt, self-blame, isolation, persistent distrust, explosive anger, self injury, preoccupation with suicide, dissociation, disruption of intimate relationships, loss of sustaining faith, hopelessness, despair) are both severe and very long term.

The legacy of silence still impacts many of our communities today. You have only but to read the 2015 Truth and Reconciliation Commission report for the inter-generational impacts of silencing Indigenous Peoples through the Indian Residential School Policy. Today, in some of our communities, there are some so-called leaders who use this legacy to silence our people, to silence critics, and to suppress debate on matters of public interest

When meetings of a government – any government be it public or Indigenous - are open to the press and the public, its budgets may be reviewed by anyone, and its laws and decisions are open to discussion, it is seen as transparent.

As to whether there has been a documented proceeding or clear risk of SLAPP-type lawsuits in the NWT that would support the need for this legislation, I would leave that to other submissions to speak on. I would like ask, though, in return is: how many persons have been SLAPP’ed by a lawsuit for speaking out or asking questions at a community meeting, or annual assembly? How many have been silenced over the decades? We are finally finding our voices: we cannot allow lawsuits to take them away!

I believe and I firmly request that this legislation include a provision for Legal Aid. We must assist those who cannot financially defend themselves from the large or unlimited coffers of large organizations or corporations.

There is a chilling effect on the soul when the RCMP knock on your door to serve you a 15-page notice and statement of claim from one or more plaintiffs. There is a more scary moment when one realizes that there is just enough funds to make it to the next payday or – as in my case - old age pension. No citizen should have to choose between paying for food or paying for a lawyer to defend one's right to speak.

Or does one have to turn to a civil liberties organization in Canada if this Honourable Assembly should wash its hands of this legislation proposed to stop regression? In this last regard, I refer the Committee to the September 2020 policy brief of the Yellowhead Institute entitled '*Does the Charter Apply? The Struggle to Protect Free Speech On-Reserve*' by Robert Jago.

The Department of Justice should be tasked with a territorial-wide public awareness campaign to inform our citizens as to their rights under this legislation.

In their report, the TRC Commission proclaimed:

Reconciliation is in the best interests of all of Canada.

It is necessary not only to resolve the ongoing conflicts between Aboriginal peoples and institutions of the country, but also in order for Canada to remove a stain from its past and be able to maintain its claim to be a leader in the protection of human rights among the nations of the world.

To manifest that idea, I quote excerpts by the noted American broadcast journalist Edward R. Murrow from the March 9, 1954 episode of his television program *See It Now* which helped lead to the censure of Senator Joseph McCarthy:

"We must not confuse dissent with disloyalty.

We will not walk in fear, one of another. We will not be driven by fear into an age of unreason, if we dig deep in our history and our doctrine, and remember that we are not descended from fearful men - not from men who feared to write, to speak, to associate and to defend causes that were, for the moment, unpopular.

We proclaim ourselves, as indeed we are, the defenders of freedom, wherever it continues to exist in the world, but we cannot defend freedom abroad by deserting it at home."

How often have I heard the expression '*Democracy is Fragile*'. I say that the freedom to publicly express my ideas, my concerns, without fear of being SLAPPED, is just as important and just as fragile.

On its webpage entitled 'Freedom of expression and media freedom', the Government of Canada states:

Canada believes freedom of expression is at the core of human individuality and is one of the essential foundations of a safe and prosperous society.

The right of everyone to hold opinions without interference and the right to freedom of expression are in Article 19 of the Universal Declaration of Human Rights and reaffirmed in Article 19 of the International Covenant on Civil and Political Rights. This includes the freedom to seek, receive and impart information and ideas of all kinds, whether orally, in writing or in print, or through any other media of choice.

Citizens should – and must – have to the right to ask hard questions of their elected leaders without fear of being SLAPPED by a lawsuit. They deserve to ask and to know the reason or reasons why - for example and heavens forbid – if their Premier - elected by them - should decide - for whatever reason - to move to a luxury condominium in a southern city rather than live in the Homeland he is sworn to represent.

You hold our collective and individual freedom of expression in your hands, Committee. Protect it. It is not always about not knowing what we have; sometimes, it's about failing to believe you will ever lose it. I pray, I hope that we – as a territory of Canada - never lose our freedom of expression.

I ask this Committee to be part of the Truth and Reconciliation healing journey for people to find their voices. I implore you to assist in passing my Sijaa Mr. Nerysoo's Private Member's Public Bill 46 and to ensure that no citizen is left without resources to defend their voice. And then let us celebrate with our voices during a designated '*Freedom of Expression in the Northwest Territories Day*', come next May 3rd in 2027.

Hai, Mahsi, Merci, Thank you.

Lawrence Norbert, Gwichya Gwich'in Elder
PO Box 23 38 Anjoo Tai Trail
Tsiigehtchic NT X0E 0B0
867-953-3610 (landline) 867-490-2091 (cellphone)
Instagram: Inorbert55



Bill 46 anti –SLAPP Legislation

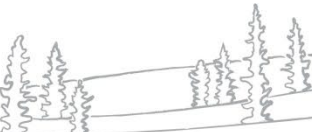
Public briefing for the Standing Committee on Government Operations

April 2026



What is anti-SLAPP legislation?

Allows for the dismissal of a lawsuit



Anti-SLAPP legislation in Canada

Four Provinces with anti-SLAPP legislation

- Ontario
- British Columbia
- Manitoba
- Quebec



Differences

NT and Ontario Legislation

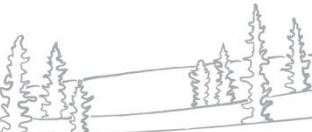
- Applications heard within 60 days
- Stay of proceedings



Differences

British Columbia and Manitoba

- Stay of Proceedings
- No 60-day deadline



Administrative bodies

- No requirement in the NT Legislation

