



STATEMENT OF CONSISTENCY

Bill 49: *Safer Communities and Neighbourhoods Act*

Sponsoring Minister: Jay Macdonald

Explanatory Note

Subsection 6(1) of the *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*, SNWT 2023, c. 36 (“*UNDRIP Implementation Act*”) requires the Government of the Northwest Territories (“GNWT”), in collaboration and cooperation with Indigenous peoples, to take all reasonable measures to ensure the laws of the Northwest Territories (“NWT”) are consistent with the Declaration set out in the Schedule of the *UNDRIP Implementation Act*.

Subsection 8(1) of the *UNDRIP Implementation Act* requires the Attorney General to prepare a Statement of Consistency on behalf of the sponsoring Minister of a bill, indicating whether or not the bill is consistent with the Declaration and the rights recognized and affirmed under section 35 of the *Constitution Act, 1982*. The sponsoring Minister must table the Statement of Consistency before the second reading of the bill in the Legislative Assembly.

A Statement of Consistency is not required if an exception under subsection 8(3) of the *UNDRIP Implementation Act* applies.

A Statement of Consistency provides legal information to the Legislative Assembly about the bill’s potential impacts on rights of Indigenous peoples set out in the Declaration and the potential impacts on rights recognized and affirmed under section 35 of the *Constitution Act, 1982*. It is not intended to be a comprehensive overview of all conceivable inconsistencies with Indigenous and Aboriginal rights. A bill may see several amendments between second reading and its ultimate passage through the Legislative Assembly. Additional considerations relevant to the consistency of a bill with the Declaration and the rights recognized and affirmed under section 35 of the *Constitution Act, 1982* may arise through that process. A Statement of Consistency will not reflect an analysis of those changes.



Background

Legislation dealing with safer communities and neighbourhoods (“SCAN legislation”) was first brought into force in Canada when Manitoba’s *Safer Communities and Neighbourhoods Act* and *Fortified Buildings Act* were passed in 2002. Saskatchewan passed SCAN legislation in 2004, which combined the content of the two separate Manitoba Acts, followed by Yukon and Nova Scotia in 2006, Alberta in 2007 and New Brunswick in 2009. The legislation in these jurisdictions uses extensive court processes for the issuance of community safety orders, which can result in evictions or the closure of buildings. Rather than using court processes, Bill 49: *Safer Communities and Neighbourhoods Act* (the “Bill”), builds upon existing mechanisms under the *Residential Tenancies Act* to allow for the issuance of community safety orders, which can include provisions terminating a tenancy agreement.

Purpose

The Bill was developed to provide civil mechanisms to stop illegal activities, as defined, that occur habitually at or near rental premises and that negatively affect the community (eg., the use, consumption, selling or production of illegal drugs). Like civil forfeiture legislation, the Bill targets properties alleged to have been used in criminal activity and does so independently of any criminal proceedings.

The Bill will empower residents to make confidential complaints about problem residences to the Director of Community Operations. On receiving a complaint, the Director will be able to investigate and, if necessary, to apply to a rental officer for a community safety order. This legislation is an important tool that seeks to improve community safety, including by allowing for the issuance of these orders.

Application

The Bill applies equally to all residents of the NWT. This Bill should be considered legislation of general application as it does not apply specifically to any Indigenous government or organization in the NWT, nor to any lands, waters or resources identified and set out in a land, resources or self-government agreement based in the NWT.

Impacts on Rights under the Declaration and Section 35 Aboriginal and Treaty Rights

The Bill does not impact rights under the Declaration, such as the right to self-determination and self-government, rights respecting lands, territories or resources, or environmental, economic, health, cultural, religious, language or other rights, nor does it impact Aboriginal and treaty rights recognized and affirmed under section 35 of the *Constitution Act, 1982*.



UNDRIP Statement of Consistency

The Attorney General has examined the Bill for any inconsistencies pursuant to the obligation under subsection 8(1) of the *UNDRIP Implementation Act*. This review involved consideration of the context in which the Bill was created, as well as the text of the Bill.

In reviewing the Bill, the Attorney General is of the opinion that the Bill is consistent with the Declaration and section 35 of the *Constitution Act, 1982*.