

Standing Committee on
Social Development



Report on Bill 2: *Missing Persons Act*

20th Northwest Territories Legislative Assembly

Chair: Ms. Jane Weyallon Armstrong

MEMBERS OF THE STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Jane Weyallon Armstrong
MLA Monfwi
Chair

George Nerysoo
MLA Mackenzie Delta
Deputy Chair

Shauna Morgan
MLA Yellowknife North

Kieron Testart
MLA Range Lake

Daniel McNeely
MLA Sahtu

Sheryl Yakeleya
MLA Dehcho

Alternates:

Richard Edjericon
MLA Tu Nedhé-Wiilideh

Julian Morse
MLA Frame Lake

Kate Reid
MLA Great Slave

**STANDING COMMITTEE ON
SOCIAL DEVELOPMENT**

REPORT ON BILL 2: *MISSING PERSONS ACT*

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STANDING COMMITTEE ON SOCIAL DEVELOPMENT

REPORT ON BILL 2: *MISSING PERSONS ACT*

A MESSAGE TO THE FAMILIES OF MISSING PEOPLE

Thank you to the families of missing people that spoke courageously on their thoughts and experiences with the Standing Committee on Social Development (Committee). Committee's thoughts are with the family and friends who have experienced the disappearance of a loved one.

RESOURCES AVAILABLE

Committee acknowledges that subject material related to Bill 2 is very challenging for many families across the Northwest Territories. Committee has included resources available for those experiencing the disappearance of a loved one and/or domestic violence, which can be found in Appendix A.

INTRODUCTION AND BACKGROUND

Bill 2: Missing Persons Act (Bill 2) is intended to assist the Royal Canadian Mounted Police (RCMP) in locating a missing person in the absence of a criminal investigation. The intent of the missing persons legislation will provide the RCMP with additional mechanisms to investigate missing persons cases in the Northwest Territories. These additional mechanisms will allow RCMP to move more quickly in investigations to locate missing persons when there is no evidence of criminal activity.

In May 2021, the Executive Council directed the Department of Justice to develop missing persons legislation in response to Missing and Murdered Indigenous Women and Girls (MMIWG) Call for Justice 5.8¹. MMIWG Call for Justice 5.8 calls for all provinces and territories to enact missing persons legislation. The Government of the Northwest Territories (GNWT) made a commitment in *“Changing Relationship: Draft Action Plan in Response to the Calls for Justice on Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People”* to develop this legislation in response to MMIWG Call for Justice 5.8².

A What We Heard Report on the drafting of Missing Persons legislation was tabled by the Minister of Justice in July 2023³.

The Minister of Justice brought Bill 2 forward to the House in the February 2024 Sitting of the 20th Legislative Assembly.

Bill 2: *Missing Persons Act* (Bill 2)⁴ received second reading on February 26, 2024, and was referred to the Standing Committee on Social Development (Committee) for review.

This report summarizes Committee's review of Bill 2, starting with our engagement with the GNWT, the RCMP, and the public. This report also describes Committee's efforts to review and strengthen Bill 2, including 3 motions to amend the Bill - all of which were adopted at the clause-by-clause review – and 9 recommendations.

PUBLIC ENGAGEMENT

On March 25, 2024, Committee received a public briefing from the Minister and his staff on Bill 2⁵. The Minister's presentation is included in Appendix B.

Between March 2024 to April 2024, Committee engaged the public. Committee hosted four public meetings in Inuvik, Aklavik, and Yellowknife - Sòmbak'è. There were two public meetings held in Yellowknife - Sòmbak'è, one of which was with the RCMP⁶ and the other was with the public⁷. A total of 55 people attended Committee's public meetings.

Committee also sought written submissions on Bill 2. We sent nine (9) targeted engagement letters to non-profit organizations. Committee received written submissions and presentations from:

- Salvation Army – Yellowknife
- Northwest Territories Disabilities Council
- YWCA Northwest Territories
- Northwest Territories Status of Women Council
- Royal Canadian Mounted Police – G Division

These submissions and presentations are also included in Appendix B.

Committee appreciates everyone who offered their feedback at public meetings and in written submissions. Committee is especially appreciative for the family and friends of missing persons who provided their thoughts and feedback on Bill 2 and missing

persons cases in the NWT. All participants welcomed Bill 2 as a positive and needed step in helping to solve missing persons cases in the NWT. Participants offered thoughtful ideas to improve the Bill and feedback on key areas that relate to missing persons.

Committee categorized public comments received into ten (10) themes.

1. **Traditional Knowledge, Indigenous leadership, and cultural safety**

Community feedback brought up the need for Indigenous leadership to be consulted and involved when dealing with missing persons cases, specifically the inclusion of traditional knowledge during search and rescue operations. There was public feedback on the inclusion of Indigenous leadership when the families of missing persons are communicating with the authorities. It was noted that families would be more comfortable talking to their own people, as they may feel intimidated by the RCMP and local authority. Public comments stated that the involvement of Indigenous leadership could be on a case-by-case basis.

There were public concerns on the deflection of responsibility or unknown responsibility for search and rescue operations in communities. A question arose regarding how we can better act when a person goes missing and how we can learn to operationalize search and rescue in smaller communities.

Committee notes these concerns, which highlight the necessity for policy work to include Indigenous people in missing persons cases and search and rescue, especially due to high rates of missing persons cases in the NWT being Indigenous peoples. Committee therefore recommends:

Recommendation 1: The Standing Committee on Social Development recommends the Government of the Northwest Territories work with Indigenous Governments and the Royal Canadian Mounted Police to establish a committee of local and community Indigenous leaders when a missing persons investigation is underway to aid with search and rescue operations, include the involvement of traditional knowledge, and facilitate communication with the affected family and loved ones.

There were concerns raised by community members on the RCMP remaining culturally responsible when dealing with missing persons cases, especially in the case of individuals fleeing domestic violence and who may not want to be found.

There were also concerns regarding the impact of RCMP attempting to enter a family violence or support shelter without permission or reasonable explanation. For the YWCA NWT, it is currently policy to deny RCMP access to their family violence shelter unless there are exceptional circumstances warranting their entry, such as threats to the health and safety of clients or staff. The YWCA NWT encourages meaningful engagement and communication from the RCMP with their shelter and

frontline workers – as the shelter’s primary concern is to advocate for their clients and their safety.

Committee sought clarity on cultural and trauma-informed training for the RCMP, and it was confirmed that they do have specific training to conduct missing persons investigations that is mandatory for all RCMP members of the G Division to participate. There is other training as well for RCMP to ensure there is a trauma-informed and culturally sensitive approach to their work.

Committee hears these concerns and presents the following recommendation to ensure that trauma-informed approaches are of the utmost importance to and practiced by the RCMP and justices when investigating missing persons cases and issuing search orders and record orders:

Recommendation 2: The Standing Committee on Social Development recommends the Government of the Northwest Territories work with the Royal Canadian Mounted Police and justices to evaluate any cultural safety programming/training being offered to Royal Canadian Mounted Police members and justices to ensure it is trauma-informed, and otherwise responsibly addresses those working with missing person cases in the Northwest Territories.

2. Privacy Protection

It was stated by members of the public at a public meeting that the urgency of finding missing people is more important to their community than the protection of someone’s privacy. There were no concerns on the privacy of missing persons, as long as common sense was considered when taking into account the protection of someone’s privacy.

Committee received a recommendation to add third party consent clauses to the legislation, similar to British Columbia’s *Missing Persons Act*. This clause requires the police to gain third party consent first before proceeding with a record access. Committee notes this suggestion but felt that the legislation covers most common scenarios that are seen in the NWT and does not require the addition of third party consent clauses.

As described in a written submission by the Salvation Army – Yellowknife division, it was recommended that care must be taken when the RCMP is requesting information that could be helpful in a missing persons investigation. It was also recommended that the information requested be pertinent to the case of the missing person. There were concerns on the potential of accidentally providing information to somebody’s abuser – which highlighted the importance of protecting a person that may be fleeing domestic violence. When ascertaining a missing person’s wellbeing, the RCMP stressed that they do not provide information that is not agreed upon by consent of the missing person for release.

During a presentation by the YWCA NWT, it was recommended that there be training for justices handling missing persons cases to ensure their approach is trauma-informed when granting access to records or search warrants. They highlighted the importance of being sensitive to the issue of domestic violence and the various dynamics that exist with missing persons cases.

It was also recommended there be training on the *Missing Persons Act* and its usage for RCMP, non-profit organizational staff, and shelter workers.

Committee takes note of this feedback and presents the following recommendation:

Recommendation 3: The Standing Committee on Social Development recommends the Government of the Northwest Territories establish training specific to the *Missing Persons Act* and its responsible, culturally appropriate usage for justices, Royal Canadian Mounted Police, non-profit staff, and shelter workers.

3. Communication

There were public concerns on the difficulty for families and friends of missing people to contact the RCMP to receive information and updates on ongoing missing persons investigations. It was highlighted that it is critical for the family affected by a missing persons investigation to be updated often so that family members do not have to consistently approach the RCMP for updates. There was a suggestion to create a liaison position to support the families of missing persons, especially with relaying information to and from the RCMP and communication regarding the investigation. Committee appreciated this suggestion, and also heard a large emphasis on ensuring local, trusted people on the ground in communities were being utilized rather than officials from elsewhere, where possible.

As such, this theme of communication with the family of a missing person has been factored in with Recommendation 1 of this report, where a committee is established on the ground in the community of the missing person to aid with communication between the family and the authorities.

4. Historical Missing Persons Cases

Clause 14 of Bill 2 requires the RCMP to prepare an annual report to be provided to the Minister of Justice on the total number of emergency demands, a description of the types of records specified, and any other prescribed information. In public meetings, there were questions about where unsolved cold and historical statistics on missing persons cases in the NWT are to be recorded and published, and whether and where that information is currently located or published. Participants requested

that the year and reason for why people are missing in the NWT also be published. Further, Committee heard feedback questioning the procedures involved with identifying human remains.

One recurring theme Committee heard from members of the public was concern about how long-standing missing persons cases will be prioritized and solved.

Committee therefore recommends:

Recommendation 4: The Standing Committee on Social Development recommends that in the formulation of regulations for the *Missing Persons Act*, the Government of the Northwest Territories require the Royal Canadian Mounted Police to include a schedule in the annual report referenced in the *Missing Persons Act* that outlines statistical missing persons information in the Northwest Territories, and that the regulations state where the annual report will be published.

5. Renaming Legislation

There were public requests to change the name of Bill 2 to recognize an individual from a high-profile missing person's case in the NWT, Frank Gruben Jr., since the media coverage of his case resulted in the expedition of missing persons legislation in the NWT. The request was to change the Bill's name to "Frank's Act".

Committee notes that in the Rules of the Northwest Territories Legislative Assembly, Rule 8.4(1) states "[. . .] The preamble and title are considered last and cannot be amended." In addition to this rule and by convention, the Legislative Assembly follows the House of Commons Procedure and Practice, where the title of a Bill must accurately reflect the content within the Bill.

Therefore, Committee makes the following recommendation:

Recommendation 5: The Standing Committee on Social Development recommends the House refers the matter of titling Bills to the Standing Committee on Procedures and Privileges to review and consider the current conventions in the titling of bills and if those conventions should be expanded.

6. Jurisdictional Consistency

There were comments made by the public on better coordinating missing persons searches and investigations between bordering jurisdictions, especially for missing persons in communities that border Alberta, the Yukon, British Columbia, and Nunavut. There was emphasis on ensuring that the Bill is consistent with legislation in bordering jurisdictions.

Committee notes these concerns and sought clarity on what jurisdictional review was completed when developing this legislation. The GNWT confirmed that the legislation

allows for interprovincial cooperation in missing persons cases, and that the department conducted a jurisdictional review of missing persons' legislation across Canada when drafting the legislation.

The Government of the Northwest Territories drafted the legislation informed by their public engagement, aspects of legislation in other jurisdictions, and how they might best align, as well as northern contexts.

7. Records Access

Community members raised questions about retrieving records from social media companies throughout a missing persons investigation. Concerns were voiced on accessing records through social media companies that are based in different countries such as the U.S., and whether that would pose difficulties or if there are policies against accessing accounts or records.

Committee sought information on accessing records through social media, and it was confirmed that information being requested would depend on the social media company, their location, and the extent to which they wish to cooperate with law enforcement. There may be difficulty in accessing data held by American-based social media companies, which usually requires working with law enforcement in the United States to get a search warrant and can be a lengthy process.

Information could be provided to RCMP through a "humanitarian request", and typically this information is limited to date, time, and location.

8. Truth and Reconciliation

Community members raised thoughts and concerns on how survivors of the "Sixties Scoop" are technically missing because their parents or family members may not know where they are or how to find them. It was suggested there be a program established to help reunify families of the Sixties Scoop.

Committee hears and believes in the importance of these concerns. Committee sought clarity on current tools and supports in place to aid survivors of the Sixties Scoop and their families.

Committee presents the following recommendation:

Recommendation 6: The Standing Committee on Social Development recommends the Government of the Northwest Territories work with the federal government in establishing legislation specific to the Sixties Scoop and creating programming to assist those impacted by the Sixties Scoop in the Northwest Territories.

9. Record Retention and Destruction

There were concerns presented by the YWCA NWT about how the legislation outlines when and how records obtained during the course of a missing person investigation should be destroyed. YWCA NWT suggests there needs to be a timeline for the destruction of records once the person is found and the case is closed. It was suggested that there be a timeline for the destruction of records once the person is found and the case is closed.

The Committee hears these concerns and presents the following recommendation:

Recommendation 7: The Standing Committee on Social Development recommends the Government of the Northwest Territories include specifics on record retention and destruction in the development of the regulations for the *Missing Persons Act*.

AMENDMENTS

Committee put forward three (3) motions to amend Bill 2. These are included in Appendix C of this report.

Motions 1 and 2

Clauses 7(4) and (5), and 8(3) and (4) of Bill 2 as proposed required a justice to consider any information that suggests a person may not want to be found in determining whether to issue a record access order and search order. As mentioned earlier in this report, RCMP have noted to Committee that regardless of the circumstance of somebody's disappearance, RCMP are required to ascertain a missing person's wellbeing. There was concern that including these clauses may cause disruption or confusion for RCMP when they are required to search and ascertain a missing person. Committee also heard feedback from non-profit organizations in ensuring that RCMP and justice's approach to missing persons cases are trauma-informed when considering the dynamics and circumstances of a person's disappearance.

Committee therefore moved to amend Clauses 7(4) and (5), and 8(3) and (4) and replace them with clauses that allow for these considerations to take place within the terms of the orders. Both motions were carried during the clause-by-clause review with the Minister's concurrence.

Motion 3

Clause 9(4) as proposed required the RCMP to consider any information that suggests that a missing person may not want to be located when determining whether to make an emergency demand. Committee recognizes the requirements of the RCMP as well as the importance of ensuring that processes related to missing person investigations are trauma-informed and consider whether a person has left or is attempting to leave a violent or abusive situation, for example.

As such, Committee therefore moved to delete Clause 9(4) and made the following recommendation (Recommendation 8), and emphasized that trauma-informed training is factored in with Recommendation 2 of this report. The motion was carried during the clause-by-clause review with the Minister's concurrence.

Recommendation 8: The Standing Committee on Social Development recommends the Government of the Northwest Territories incorporate the consideration of information that suggests that a missing person may not want to be located in the development of the Regulations for the Missing Persons Act.

CONCLUSION

On May 28th, 2024, Committee held a clause-by-clause review. Committee passed a motion to report Bill 2, as amended, to the Legislative Assembly as ready for consideration in Committee of the Whole.

This concludes the Standing Committee on Social Development's review of Bill 2.

Recommendation 9: The Standing Committee on Social Development recommends the Government of the Northwest Territories provide a response to this report within 120 days.

ENDNOTE

¹ Call for Justice #5.8 from the National Inquiry into Missing and Murdered Indigenous Women and Girls "call[s] upon provincial and territorial governments to enact missing persons legislation". Available at: https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls_for_Justice.pdf#page=19

² More information on the GNWT's "*Changing the Relationship: Draft Action Plan in Response to the Calls for Justice on Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People*" https://www.eia.gov.nt.ca/sites/eia/files/16352_gnwt_mmiwg_action_plan_8.5x11in_web.pdf

³ <https://www.gov.nt.ca/en/newsroom/gnwt-releases-what-we-heard-report-missing-persons-legislation>

⁴ Bill 2 is available at: https://www.ntassembly.ca/sites/assembly/files/bill_2_2.pdf

⁵ Video of Committee March 25, 2024, public ministerial briefing on Bill 2: Missing Person's Act available at: https://www.youtube.com/watch?v=XyF-vvevLpY&list=PLZiv8ITEMg4dqZsYMEW_--kMWhEAsBGae&index=5

⁶ Video of Committee's April 4, 2024, public meeting with the RCMP is available at: https://www.youtube.com/watch?v=To9dZ8h-xfM&list=PLZiv8ITEMg4dqZsYMEW_--kMWhEAsBGae&index=2

⁷ Video of Committee's April 17, 2024, public meeting in Yellowknife – Sòmbak'è is available at: <https://www.youtube.com/watch?v=1ld4lloafKg>

APPENDIX A

AVAILABLE RESOURCES

YWCA Northwest Territories (NWT) 24 Hour Crisis Line	Toll-free: 1-866-223-7775 In Yellowknife: 1-867-873-8257
National Inquiry Missing and Murdered Indigenous Women and Girls An independent, national, toll-free support call line is available to provide support for anyone who requires assistance.	Toll-free: 1-844-413-6649
Family Information Liaison Unit Gender Equity Division, GNWT	867-767-9025 ext. 11094 filu@gov.nt.ca
Alison McAteer House Family Violence/Protection Orders	1-866-223-7775
NWT Help Line Helpline responders are registered nurses who can also assist you with concerns related to mental wellness and addictions recovery.	811 Toll-free: 1-800-661-0844
Hope for Wellness Help Line Hope for Wellness Helpline is available 24/7 to all Indigenous people across Canada.	Toll-free: 1-855-242-3310 www.hopeforwellness.ca
Outreach Legal Aid Clinic Department of Justice, GNWT	Toll-free: 1-844-497-1319
Jordan's Principle Jordan's Principle aims to ensure all First Nations children living in Canada can access the products, services, and supports they need, when they need them. Funding can help with a wide range of health, social and educational needs, including the unique needs that First Nations Two Spirit and LGBTQIA children and youth and those living with disabilities may have.	Toll-free: 1-855-JP-CHILD (1-855-572-4453)

APPENDIX B

SUBMISSIONS and PRESENTATIONS

NORTHWEST TERRITORIES
STANDING COMMITTEE ON SOCIAL DEVELOPMENT
MISSING PERSONS ACT

Hawa Dumbuya-Sesay
Executive Director
April 17, 2024



ABOUT YWCA NWT

Vision:
Equality for women and girls in a safe Northern society

Mission:
To build safe and equitable communities where women, girls and families can realize their full potential.

Services We Provide:

- Transitional & second-stage housing with wraparound supports
- An emergency shelter for women and children fleeing violence in the home
- A territory-wide crisis line for those experiencing abuse
- Free & independent legal advice and representation for victims of sexual and family violence
- Afterschool care for families with school-aged children
- Youth empowerment programs and free family centre



NWT MISSING PERSONS ACT

We are happy to see this legislation making its way through the Northwest Territories Legislative Assembly.

YWCA NWT fully supports implementing the Calls to Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls.

Indigenous women and 2SLGBTQIA+ individuals in the territory experience high rates of violence.

Improving the response to cases of missing persons in the NWT is an important part of addressing this crisis.



OUR COMMENDATIONS

We were pleased to see explicit considerations made for domestic violence.

This issue is a pillar of YWCA NWT's work, and we commend the territorial government for including this.

We particularly liked seeing the provision that requires RCMP to obtain consent from a missing person who has been located before sharing that location with others.

Imagine the "missing person" had actually been fleeing abuse within the home. Requiring consent to share their location helps to keep their privacy and safety protected.



OUR CONCERNS

We are worried about the impact of search orders issued for “missing persons” on family violence shelters in the territory.

We’ve had incidents where RCMP attempted to enter our shelter without permission or reasonable explanation. This created harm and stress for clients who were dealing with trauma.

We do not want to see the safety, privacy, and dignity of shelters compromised.



OUR RECOMMENDATIONS

- Specific, trauma-informed parameters set around when a warrant to search a family violence shelter may be issued.
- Training for justices issuing search warrants and record access orders to inform how they are considering cases of domestic violence so safety is maintained and harm is avoided.
- Clear timelines and procedures for the destruction of records once the person reported missing is found and the case is closed.
- Continued engagement with YWCA NWT and other frontline workers who serve survivors of domestic violence to ensure the realities of gender-based violence are accounted for.





THANK YOU

Ha wa Dum buya - Sesay
Executive Director
ed@ywcanwt.ca

Nom a zu lu Khum a lo
Associate Director
orgmgr@ywcanwt.ca

Meaghan Brackenbury
Community Outreach &
Advocacy Coordinator
advocacy@ywcanwt.ca

www.ywcanwt.ca

Presentation to Standing Committee on Social Development
Bill 2: Missing Persons Act

Good evening. My name is Hawa Dumbuya-Sesay, and I am the executive director of YWCA NWT. Thank you for this opportunity to share our thoughts on the proposed Missing Persons Act.

For those who aren't familiar with our organization, let me start with a quick introduction. YWCA NWT has been active in the territory since 1966. Our mission is to create safe and equitable Northern communities where women, girls and families can realize their full potential.

We offer a variety of services to meet this mission, including transitional & second-stage housing with wraparound supports, a family violence shelter, a territory-wide crisis line for those experiencing abuse, free & independent legal advice for victims of family violence, afterschool care, and youth empowerment programs.

We also undertake a number of projects to advance gender equity in the territory and work with our national counterpart, YWCA Canada, to advocate on issues such as eradicating gender-based violence, housing for women and gender-diverse people, and affordable and reliable childcare.

To the proposed act: We are happy to see this legislation making its way through the territory's Legislative Assembly. As a nonprofit dedicated to empowering women and primarily serving Indigenous clients, we fully support implementing the 231 Calls to Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls.

The committee is no doubt aware of the high rates of violence that Indigenous women and 2-S-L-G-B-T-Q-plus individuals experience within the territory. Improving the response to cases of missing persons in the NWT is an important part of addressing this crisis.

We were also pleased to see explicit considerations for domestic violence. This issue is a pillar of YWCA NWT's work, and we commend the territorial government for including this.

A good example is the provision requiring RCMP to obtain consent from a missing person who has been located before sharing that location with others. Imagine the "missing person" had actually been fleeing abuse within the home. Requiring consent to share their location helps to keep their privacy and safety protected.

However, we do have several questions and concerns regarding the specifics of the legislation that we would like to raise. Primarily, we are worried about the impact of search orders issued for "missing persons" on family violence shelters in the territory.

We bring this concern forward because of our experiences with managing Sutherland House, the family violence shelter in Fort Smith. This shelter used to be under the YWCA NWT umbrella. During that time, we had several incidents where RCMP attempted to enter the shelter without permission or reasonable explanation. This created harm and stress for clients who were already dealing with trauma.

It is currently YWCA NWT policy to deny RCMP access to our family violence shelter unless there are exceptional circumstances warranting their entry, such as threats to the health and safety of clients or

staff. This allows us to maintain a sense of safety, privacy, and dignity within the space. We do not want to see that safety, privacy, and dignity compromised.

RCMP and justices must be truly trauma-informed so this does not happen. While the proposed Act requires justices to “consider any information” indicating domestic violence, it does not provide any guidelines on what that consideration may entail.

As such, we would like to see specific parameters around when RCMP can enter a family violence shelter for a missing person case. We want to ensure that any consideration to search a family violence shelter will only be made when there are absolutely no other alternatives are available.

We would also like to see an ongoing training requirement for justices handling those decisions to grant access to records or search warrants to RCMP. They must be sensitive to the issue of domestic violence and the various dynamics that exist to ensure they are making well-informed decisions in this regard.

We should note our procedure for when RCMP call our family violence shelter asking after a specific person. Staff will confirm if that person is staying at the shelter and safe, but it is the person’s decision as to whether they would like to speak with police themselves. This is another way that YWCA NWT protects the privacy and dignity of our clients, and we do not intend to change this.

The legislation also does not outline when and how records obtained in the course of a missing person investigation should be destroyed. We do not believe that any one should have unlimited access to other people’s records. The legislation does address the unlawful disclosure of information, but there needs to be timeline for destruction of records once the person is found and the case is closed.

YWCA NWT understands that if this legislation is passed, the Minister of Justice will be able to make regulations around the procedures and provisions of the act. We stand ready to provide further recommendations and insight into how those regulations can be trauma-informed and fully account for the realities of domestic violence.

Thank you again for this opportunity to present. We look forward to continuing this collaboration and consultation. Contact information is included in our PowerPoint presentation should you have any other questions, comments, or clarifications.



Bill 2: Missing Persons Act

Public Briefing
Standing Committee on Social Development

March 25, 2024

Contents

1. Overview/Purpose
2. Development of Bill
3. Summary of Legislation



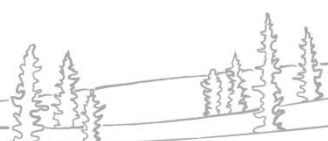
Overview/Purpose

- Increased RCMP investigative powers
 - Court orders to access information and to search premises
 - Emergency demands without a court order in specific urgent situations
- Balanced with protection of privacy
- National Inquiry into MMIWG
 - Call for Justice 5.8
 - *Changing the Relationship: Draft GNWT Action Plan in Response to the Calls for Justice*



Development of Bill 2: Missing Persons Act

- Jurisdictional Review
- Public and Stakeholder Engagement:
 - Indigenous Governments and Communities
 - RCMP “G” Division
 - Office of the Information and Privacy Commissioner
 - Department of Health and Social Services
 - Director of Child and Family Services
 - Members of the Public
- What We Heard Report



Summary of Legislation

1. Definitions
2. Court Orders (Searches and Information Access)
3. Emergency Demands
4. Access to Records
5. Factors to Consider
6. Restrictions on Use of Information
7. Public Disclosure
8. Legislative Interactions
9. Offences
10. Accountability



Definitions

- Missing Person
 - Whereabouts must be unknown despite reasonable attempts to locate them, and one of the following:
 - They must not have been in contact with people who would likely be in contact with them, or;
 - It is reasonable in the circumstances to fear for their safety because of the circumstances surrounding their absence



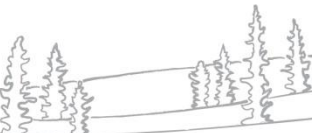
Court Orders

- Record Access Orders (s. 7)
 - A justice may require a person to produce copies of records to the RCMP
- Search Orders (s. 8)
 - A justice may authorize RCMP to enter a specific location



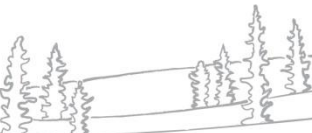
Emergency Demands

- S. 9: The RCMP may demand a person produce copies of records if they have reasonable grounds to believe:
 - The records are in the custody or under control of the person;
 - The records will assist in locating a missing person; and
 - The records may be destroyed, or a missing person may be seriously harmed, in the time it takes to make a Record Access Order.



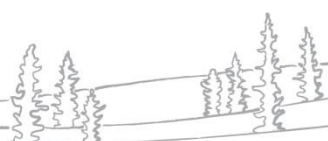
Access to Records

- Records can be key to locating a missing person
- Different records have different privacy concerns
- Emergency demands are more limited



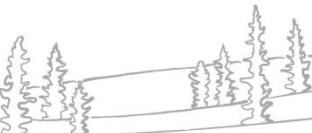
Factors to Consider

- Public interest **must** outweigh privacy interest
 - Common language
 - Ensures reasonable access to and use of information
- Missing person does not want to be found
 - Concern raised by victims' advocates in multiple other jurisdictions, including Yukon
 - Does **not** prevent a Demand or Order from being issued – just requires **consideration**



Restrictions on Use

- Section 12 limits the use of information collected under the Act
 - Missing persons investigation
 - Complying with a law
 - Consent
 - Accountability
- Important privacy safeguard



Public Disclosure

- Section 13 deals with disclosure of information collected under the Act.
- Prior to Location of a Missing Person
 - Can disclose information only if reasonable grounds to believe disclosure will assist in locating a missing person, or it is for a prescribed purpose
- After Location of a Missing Person
 - Can only disclose that it is no longer a missing persons case, that missing person has been located or is deceased
 - Missing person can consent to disclosure of information to facilitate contact between them and another person
 - RCMP can disclose information about a minor to protect their safety



Legislative Interactions

- Federal Law
 - *Privacy Act*
 - *RCMP Act*
- Territorial Law
 - *Health Information Act*
 - *Access to Information and Protection of Privacy Act*
 - *Child and Family Services Act*



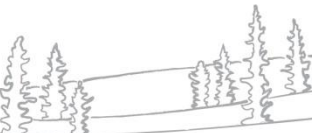
Offences

1. Failure to comply
2. Obstruction
 - Penalty: \$10,000 for individual or \$25,000 for corporation
 - Continuation for each day
3. Unlawful use or disclosure
 - Penalty: \$10,000 maximum



Accountability

- Annual Report
 - Emergency Demands
 - Number of Investigations
 - **No** personal information
- Offences
- Notice to individuals when information accessed



Regulations

- Procedures
- Provision of notice
- Disclosure of information
- Annual Reports
- Other necessary matters



Standing Committee on Social Development
Opening Remarks for a Public Briefing on Bill 2: *Missing Persons Act*

March 25, 2024
Minister of Justice

Madame Chair, I am pleased to be here today to discuss Bill 2: *Missing Persons Act*. I want to acknowledge as we begin that my thoughts and those of the Department staff who worked on this Bill are very much with the families and friends who have experienced the disappearance of a loved one. Bill 2 proposes new legislation that will provide additional tools to assist police in investigating reports of missing persons.

Today I am joined by a number of individuals from the Department of Justice:

- Brad Patzer, Assistant Deputy Minister, Attorney General;
- Mandi Bolstad, Assistant Deputy Minister, Solicitor General;
- Christina Duffy, Director of Legislation Division; and
- Mike Argue, Director of Policy and Planning Division
- Ronna Sharegan, Ministerial Special Advisor

Madame Chair, during the 19th Legislative Assembly the Government of the Northwest Territories committed to developing this legislation in response to Call for Justice 5.8 from the National Inquiry into Missing and Murdered Indigenous Women and Girls. The Northwest Territories does not currently have missing persons legislation in place, and this can slow and sometimes completely halt an investigation for a missing person in cases where there is no evidence of criminal activity.

Most Canadian jurisdictions have passed missing persons legislation. These laws allow police to seek court orders to access records and to enter premises to search for missing persons, as well as to make emergency demands in certain situations. Bill 2 operates similarly and would allow police to move quickly in their investigations, while at the same time providing for oversight and accountability when police are utilizing the powers provided for in this legislation.

The Department of Justice engaged broadly during the development of Bill 2, including with Indigenous governments, community leaders, the RCMP, the Department of Health and Social Services, the Director of Child and Family Services, the Office of the Information and Privacy

Commissioner, and with members of the general public. The feedback we received has helped to shape the legislation under consideration here today.

Thank you, Madame Chair, this concludes my opening remarks. I have kept them brief as Mr. Patzer will be providing a presentation that includes more detail on the contents of the Bill and its development. Following this, I would be pleased to answer any questions that Members may have regarding Bill 2.

Thank you.



Royal Canadian
Mounted Police

Gendarmerie Royale
du Canada

SPEAKING POINTS

Superintendent Dyson Smith
Criminal Operations Officer / acting Commanding Officer
G Division RCMP

April 4th, 2024

Appearance before the Standing Committee on Social Development

Re: Feedback for Review of Bill 2: *Missing Persons Act*

Introduction:

Supt. Dyson Smith is the Criminal Operations Officer for the G Division RCMP. He has over 23 years of service, including close to 11 years in total in the north. His experience encompasses 5 Divisions throughout the country, and more recently has fulfilled various Commissioned Officer positions in the NWT since 2018, including the North District Officer, Officer in Charge of Yellowknife Detachment, Assistant Criminal Operations Officer, and now the Criminal Operations Officer.

RCMP Obligations:

There is a legal obligation to conduct a fulsome investigation, as members must adhere to policies relating to these investigations. The following are excerpts from National Policy:

- **Missing person** means an individual reported to or by police as someone whose whereabouts are unknown, whatever the circumstances of their disappearance, and who will be considered missing until they are located.
- Locating the missing person is the primary investigational objective in a missing person complaint.
- A person is deemed to be missing until the police force of jurisdiction receives credible information confirming the missing person's identity, safety, and well-being.

Investigators have no discretion when it comes to a missing person complaint. They cannot take for granted that the person might not want to be found. Failure of members to adhere to these policies would be viewed as neglect of duty under our Code of Conduct.

Missing Persons Statistics:

2019

Persons Reported Missing = 39 (4 from fishing vessel (Indigenous males) and 3 from snowmobile through ice – Indigenous – 2 males and 1 female (1 male recovered)

Located = 33 Located (32 found safe / 1 found deceased)

= 82% Solve Rate (100% of remaining are deceased)

Race = 97% Indigenous & 3% Caucasian (One being a very wealthy person who was never found.)

Gender = 50% Female and 50% Male

72% of files attributed to Trail Cross Youth Home in Fort Smith (Issues stemmed from lack of systems.)

2020

Persons Reported Missing = 9

Located= 9 Located (8 found safe / 1 found deceased drown from boat in Tuktoyaktuk)
= 100% Solve Rate

Race = 100% Indigenous

Gender = 44% Female and 56% Male

22% of files attributed to Trail Cross Youth Home in Fort Smith (Issues stemmed from lack of systems.)

2021

Persons Reported Missing = 173

Solve Rate = 100%

Race = 100% Indigenous

Gender = 100% Female

2022

Persons Reported Missing = 301

Solve Rate = 100%

Race = 100% Indigenous

Gender = 100% Female

2023

Persons Reported Missing = 178

Solve Rate = 99% (1% is the Frank Gruben file.)

Race = 97% Indigenous & 3% Caucasian

Gender = 54% Female and 46% Male

Current Processes:

Missing Persons Steps (General)

- Gather Details and Descriptors
- Complete Missing Persons Report
- CPIC (Canadian Police Information Centre)
- Media Release (with photos if provided) –
Local and Non-Local
- Physical Checks of Known
Locations/Associates
- Tracking Cell Phones
- Monitoring Social Media
- Tracking Financial Accounts
- Follow-up on Any and All Tips/Rumors
- Police Dog (under certain conditions)
- Supervisor Reviews
- Manager Reviews
- Line Officer Reviews

Considerations for Water Searches

- Indication Subject was in the Water (boat, swimming, last seen at water's edge)
- RCMP can Initiate a Water Search if Conditions Met
- RCMP can Request JRCC (Ocean)

Considerations for Ground Searches

- Indication Subject was in a Specific Area
- Needs to Have a Starting Point
- RCMP can Initiate a GSAR if Conditions Met
- RCMP Does Not Conduct the Search, but Only Provides a Search Manager
- Search Resources Come from Community Based Groups

Civil Aviation SAR Association (CASARA) is an Option if General Search Location Known!

Without the Missing Persons Legislation, the RCMP has two mechanisms for obtaining information from organizations/institutions:

1. Humanitarian Grounds

Simply put, this is the free cooperation of organizations/institutions to assist the police by providing some information in urgent circumstances, where there are reasonable grounds to believe that there is the potential for imminent harm for the missing person. However, there is no legal obligation for cooperation in all circumstances. (i.e.: “pinging” cell phones, banking activity, social media activity, etc.)

2. Judicial Authorizations

These authorizations come in the forms of either Production Orders (to obtain records), or Search Warrants (to physically search locations). These authorizations must meet certain legal thresholds in order to be granted, and are time consuming to complete. Judicial Authorizations can only be tied to criminal investigations, so there has to be an offence alleged in order to seek these orders.

What Missing Persons Legislation Could Afford:

Legislation of this sort serve to expedite the processes that are currently sought through the Judicial Authorization process. It serves to afford these organizations/institutions with liability coverage for disclosing records that would otherwise be viewed as private. Additionally, this affords an avenue to seek information in cases where there is no evidence to support criminality.

○ **Concerns with Draft Legislation**

Clauses 7(4), 8(3), and 9(4) have to potential to be problematic in certain circumstances. These clauses require consideration to be given for granting these authorities, in circumstances where the missing person could be fleeing a domestic situation. The circumstances of their disappearance do not have any relevance in relation to the duty to locate them and ascertain their wellbeing. Privacy legislation prevents the disclosure of their location once found.

Respectfully submitted for your consideration.



Supt. Dyson Smith
Criminal Operations Officer
G Division RCMP

From: [Denise McKee \(she/her\)](#)
To: [DST LEG Committees](#)
Subject: Bill 2 :Missing Persons Act
Date: April 15, 2024 2:52:56 PM
Attachments: [image001.png](#)

EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Good Afternoon,

I am following up regarding the public hearing on Bill 2: Missing Persons Act.

My feedback is formulated through a critical disability lens and the relationship of this legislation to vulnerable persons. Having reviewed the proposed legislation, and comparable legislation in both Alberta and British Columbia, I have found that they are substantively similar in their protection of vulnerable persons.

On a broader perspective, s.8 of the Charter, guaranteeing a broad and general right against unreasonable search and seizure, and clear language that the intention of retained records is only to be used in the missing person's case, provides individual protection for all cohorts of the population. The only difference, of relevance, I found is that the B.C. legislation the police are required to attempt to gain third party consent first before proceeding and the NT legislation does not have this requirement. This is an additional step that I think would be beneficial to include in the NT legislation.

Please consider this the written feedback for the NWT Disabilities Council. As it does not require further explanation we do not need to present this feedback in person and it can be shared in writing with the committee.

Due to care for my son, I am unable to attend in person on the evening of the public hearing. Will there be a way to attend virtually?

Kind Regards,

Denise McKee

Denise McKee

Chief Executive Officer
NWT Disabilities Council
Suite 116-5102 50 Avenue
(lower level Scotia Centre)
Yellowknife, NT
867-873-8230
1-800-491-4124 (TOLL FREE)
X1A 3S8
www.nwtcd.net

Let's acknowledge that the disabled community is faced with a plethora of unacceptable situations that they have no choice but to deal with. These situations need to change. They don't even need to



The Salvation Army

Canada and Bermuda
Prairies & Northern Territories Division

Yellowknife Corps & NWT Resource
Centre

4925 45th Street
Yellowknife, NT X1A 1K6
Tel: 867-920-4673
Fax: 867-920-4096

Giving Hope Today

To: Mrs. Jane Weyallon Armstrong
Chair, Standing Committee on Social Development

From: Major Tony Brushett
Executive Director
The Salvation Army
Yellowknife, NT

Re: Feedback for Review of Bill 2: Missing Persons Act

Date: March 6, 2024

Mrs., Weyallon Armstrong,

First allow me to thank you for the opportunity to make comments on this extremely important topic, one that has often seemed overlooked when it comes to particularly Indigenous girls and women.

While this bill obviously covers the totality of our population, up north, more times than not, it does become about the female Indigenous population.

A little about myself in an effort for you to see, if indeed my opinion holds much weight. While I have been a Salvation Army officer for about 2 decades, the past 13 years have been exclusively running social service side of things, running shelter type scenarios in Ottawa, St. John's and now Yellowknife. During those years, we have had more than our fair share of missing people, both with and without police involvement. So, I will call on that experience as I go through this bill in my comments.

I've read through both versions of the Act, and while the plain language one is the easier read, the more legal one, certainly digs into the depths of the act.

Section 1 of the Act is straightforward, giving us, the definitions and I see no reason to comment on them.

Section 2 deals with, basically, the definition of the missing person. While there is context of what constitutes a missing person, there still needs to be care, in somehow, being able to weigh the legitimacy of the people who would claim that they would likely be the contact for the missing person. While, undoubtedly, almost 100% of the time, this would be the case, there are those remote times, that I personally have dealt with, whereby, the person who claims to be the loved

William and Catherine Booth
Founders

Lyndon
Buckingham
General

Lee Graves
Territorial Commander

Brian Armstrong
Divisional Commander

one who the missing person would always contact, is not always the case. So, I am confident that the RCMP and Justice's would have fairly robust ways of quantifying the legitimacy of all individuals. This would obviously be a case whereby all parties involved, take the best information available to them, and make the decision that sits best, both legally and morally.

Sections 3, 4, & 5 are almost similar to housekeeping definitions, and thus no need for comment.

Section 6 delves into the actual process for making the application to the Justice, including the written electronic correspondence being considered a legal and sworn document. I think the fact that it states that "all persons" who are part of this order are considered sworn under oath, and thus, must comply with the spirit of the order.

Section 7 digs into the actual crux of the order, and this is where all parties need to offer care and caution. When a member is requesting information that may be held by other parties that they deem "could" be helpful in assisting to find a missing person, there need to be care taken to ensure that the balance of power is not over stretched, and that the information being requested, is "only" the information that is pertinent to the case of the missing person.

Again, I go back in the past to a case when I was in Ottawa, whereby it was actually CSIS officers who came to our office and asked or ordered us to produce all documents on a certain shelter client, who had stayed with us, but was now nowhere to be found. Because those were extremely stressful times on an international level, and knowing this individual was new to the country, we immediately responded by giving them everything they asked for. It did eventually result in this individual being found, and the end results were unknown to us, but because of the information shared, there multiple other individuals who were taken and questioned over a several days period. Again, I am not in the know of the details, but several of those who were questioned and released came back to the shelter, and in their words, they "were looking for the rat who wrongfully tied them to the individual in question."

So, there is a lot in this section, and again, depending on each unique individual case, care needs to be taken not to cross lines that don't need to be crossed. I am a huge supporter of law enforcement, but I have also seen individual officers go beyond what many would consider within their purview.

While I truly believe that public interest far outweighs private interest, especially if the authorities are dealing with an individual who could be a danger to others and themselves, there again, needs to be a measure of caution and care. As you allude to in (4) of this section, there are times a person may not want to be found. And it's not always because they have broken any laws.

Again, in my line of work, many are hiding from something or someone, and we have learned to not just assume, but to get the best most reliable information before doing anything. We had another case a few years back where the female was running from an extremely abusive situation, and while her family reported her missing, and police done what they were asked to do, by finding her, it did not end well. Because it was made public that she was missing and there was fear for her well-being, when she was eventually found, it was publicized in the media that it was a successful search, and the abuser seen this in the news, and was able to determine where she was, and re-abuse her. While the spirit of this Bill is there, there always needs to be other sets of lens' on each case.

Section 8 around search orders, seems to hold the privacy of the missing person as it's highest priority. There have been many a times when police officers go to the extreme when acting on a search order, and while maybe not going beyond the spirit of the written laws, the envelopes can be pushed. So, having a Justice carefully craft the order, likely with all the available context, can certainly assist him/her in deciding if the search order outweighs any or all of the privacy of the individual who is listed as missing.

Section 9, around Emergency Demand, seems to put a lot of the control back on the member. While it is likely that 90+% of the time, the member will likely only ask for what they deem pertinent to the investigation, it does give the latitude again, for members to take the search warrant a little further, and thus, exposing the missing person (if they do not want to be found) to possible dangers. Again, if the person is missing, and for legal (justice) reasons, the members need to locate them, then all avenues, within the purview of the laws need to be available to them. But, if this is solely a missing person, then the members need to tread a little more careful if they know of potential dangers to that person, once found.

Sections 10 & 11 seem straight forward, again, keeping top of mind, the possible reasons why a person is missing.

Section 12 seems to clearly demonstrate how and when this information can be collected. Unless the missing person turns into a criminal investigation, it is important to not allow the criminal mindset to take over the minds of those who are searching for the individual.

Section 13 around public disclosure is an area that can be troublesome. While I won't go into the weeds of this section, as it does seem like a lot of factors will be in play, if and when a public disclosure is to be made, I will reiterate again, that there will be cases whereby the missing person is hiding from something traumatic, and being publicly identified can lead to additional distress, and even harm to the individual if possible sightings are also identified and shared publicly. While I don't know what they are, there must be a set of questions and criteria that needs to be answered before putting a person's "**everything**" on a public platform, unless there is a clear criminal component that makes the person a safety risk to the public, or themselves.

Sections 14 onward are very much housekeeping pieces that I would not be able to add any value to.

Mrs. Weyallon Armstrong, I'm not sure if what I've shared is of much good for what you are looking for, but I share it anyway, and you use it as you see fit, or not at all. I don't think me sitting in front of your committee would be any better, as I don't have the legal background from which this Bill was comprised from.

As I started off by saying, I have 13 years of working with the most vulnerable people in Canada, and being a person who has gotten to know many of the people I've worked with, and having been involved in more than a dozen missing person requests, I find myself initially siding with my clients, and often, without knowing context from police, am somewhat hesitant to share information if I have any, and especially when I suspect that I know why the person is hiding/missing. This of course is not the case if someone is being searched for criminal reasons, or if there are genuine concerns about the person's well-being.

My perspectives are likely narrowly made around the small vulnerable population that we serve in Canada. But, now working and living in NT, I am working with a large percentage of the Indigenous vulnerable population, and that has somewhat formed my above opinions.

I thank-you for this opportunity, and if you do need more information from me, please reach out, and I'll do what I can.

Sincerely

Tony Brushett

Tony Brushett (Major)

Executive Director - The Salvation Army

4925 45th Street, YK, NT, X1A 2P9

Email: tony.brushett@salvationarmy.ca

Phone: (867) 686-0487

The Mysterious Missing Person's Case of Frank Gruben

The disappearance of Frank Gruben, who grew up in Aklavik, is the highest-profile NWT missing persons case in recent years. His case has involved discussions of how a missing persons legislation might have helped in the days after Frank's May 6, 2023, disappearance. The anniversary is in 28 more days, one year of missing since May 06, 2023, and not one lead to his whereabouts. May 03, 2023, was the last time Laura Kalenik heard her son's voice a day before his 30th birthday.

As Laura has stated numerous times regardless of Frank's situation, he always contacted her so not hearing from him since May 3, 2023, was very unusual and concerning. Family and friends felt that he was high risk and vulnerable because he was indigenous, a mixture of Gwich'in and Inuvialuit, gay, a brother to the Indigenous women, girls and 2SLGBTQQ1A people. At this time family are not concerned about a privacy act of a person not wanting to be found they believe strongly that Frank was harmed, and they want answers and closure.

A Missing Persons Act is long overdue, before family started going public and stirring up concern, how the case was handled and why four suspects were not questioned hours after Frank was reported missing. The Fort Smith RCMP were provided with numerous tips, surveillance footage, photos, and who Frank was last seen with. Weeks after all information was shared, they were told by RCMP that in the absence of a missing persons act, hampered their ability to search for Frank Gruben, who was last seen in Fort Smith in May 2023 and has yet to be found.

Laura and her family were very vocal on why RCMP couldn't use canines as Laura had Frank's clothing, Renewable Resources, search and rescue, access records, search premises and make other emergency demands to find Frank. They also expressed "time is of the essence and timing is critical, especially when they believed Frank

might be in trouble, and every second counts.” The family also questioned why the RCMP of Fort Smith did not request assistance within or between Yellowknife and other RCMP jurisdictions as this should have been carried out promptly by all involved. It was heart wrenching when family heard the RCMP of Fort Smith state publicly on social media that there was no foul play when they didn’t even know despite all the tips they were receiving.

After hearing Superintendent Smith’s comments on Cabin Radio we now understand RCMP are already able to request information – such as cellphone records, banking activity or social media accounts – on humanitarian grounds if there’s a reason to believe someone’s health or well-being is in imminent danger.

In criminal investigations, the police can access records and search premises through court orders and search warrants, but that can take time. He stated: “It’s not like you see on Law and Order where they make a phone call and somebody issues a search warrant,” he said, adding a basic production order can take eight hours of work before it reaches a judge.

When someone is reported missing, RCMP are legally obligated to conduct a full investigation and “cannot take it for granted that person might not want to be found.”

I have also heard the Department of Health and Social Services had concerns of the Privacy protections for individuals. I believe with common sense there will be protection provided for individual cases as to what information can be shared especially in family violence situations.

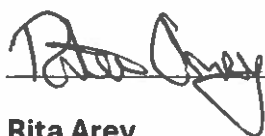
We need consultation in any community who have someone missing and I would not want to see any hold on the third reading due to the sudden request for self government involvement. Yes, be involved in consultation on missing persons’ cases in your immediate

communities but let the authorities do their jobs they are the experts especially if the Missing Persons Act of the NWT is in place.

The need for a Missing Person's Act is now:

- **RCMP will have new tools to better respond to missing persons reports, including allowing family members to report someone missing right away.**
- **They will now be able to obtain copies of records that may assist in a search, get a search warrant to enter a premises to locate a missing person and make an urgent demand for certain records without a court order.**
- **The Missing Persons Act will allow them to access cellphone records, internet records and banking records that they previously could not in a missing person investigation.**
- **The act will enable RCMP to save lives and bring closure for families.**
- **The act will also be beneficial for historic cases of missing persons in the NWT.**

Submitted by:

A handwritten signature in black ink, appearing to read "Rita Arey", is written over a horizontal line.

**Rita Arey
President of the NWT Status of Women**

APPENDIX C

MOTIONS

MOTION

MISSING PERSONS ACT

That Bill 2 be amended by deleting subclauses 7(4) and (5) and substituting the following:

Terms of order

(4) Subject to subsection (5), a justice may impose any terms on a record access order that the justice considers appropriate, including terms that specify the time frame or manner in which the copies are to be produced.

Person may not want to be located

(5) When imposing terms on a record access order, a justice shall consider any information that suggests that a missing person may not want to be located, including information that suggests that the missing person has left or is attempting to leave a violent or abusive situation.

MOTION

LOI SUR LES PERSONNES DISPARUES

Il est proposé que le projet de loi 2 soit modifié par suppression des paragraphes 7(4) et (5) et par substitution de ce qui suit :

Conditions de l'ordonnance

(4) Sous réserve du paragraphe (5), le juge de paix peut assortir l'ordonnance d'accès aux documents des conditions qu'il estime opportunes, y compris des conditions qui précisent la manière dont les copies doivent être communiquées ou le délai dans lequel elles doivent l'être.

Personne ne voulant être trouvée

(5) Avant d'assortir l'ordonnance d'accès aux documents de conditions, le juge de paix tient compte de tout renseignement suggérant que la personne disparue pourrait ne pas vouloir être retrouvée, notamment tout renseignement suggérant qu'elle a quitté ou tente de quitter une situation de violence ou de mauvais traitements.

MOTION

MISSING PERSONS ACT

That Bill 2 be amended by deleting subclauses 8(3) and (4) and substituting the following:

Terms of order

(3) Subject to subsections (4), (5) and (6), a justice may impose any terms on a search order that the justice considers appropriate.

Person may not want to be located

(4) When imposing terms on a search order, a justice shall consider any information that suggests that a missing person may not want to be located, including information that suggests that the missing person has left or is attempting to leave a violent or abusive situation.

MOTION

LOI SUR LES PERSONNES DISPARUES

Il est proposé que le projet de loi 2 soit modifié par suppression des paragraphes 8(3) et (4) et par substitution de ce qui suit :

(3) Sous réserve des paragraphes (4), (5) et (6), le juge de paix peut assortir l'ordonnance de recherche des conditions qu'il estime opportunes.

Conditions de l'ordonnance

(4) Avant de décider s'il y a lieu de rendre l'ordonnance de recherche, le juge de paix tient compte de tout renseignement suggérant que la personne disparue pourrait ne pas vouloir être retrouvée, notamment tout renseignement suggérant qu'elle a quitté ou tente de quitter une situation de violence ou de mauvais traitements.

Personne ne voulant être trouvée

MOTION

MISSING PERSONS ACT

That Bill 2 be amended by deleting subclause 9(4).

MOTION

LOI SUR LES PERSONNES DISPARUES

Il est proposé que le projet de loi 2 soit modifié par abrogation du paragraphe 9(4).