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NWT's Scan, civil forfeiture laws pass third and final reading



Claire McFarlane

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The NWT Legislative Assembly in September 2026. Sarah Pruys/Cabin Radio

The NWT's proposed Scan and civil forfeiture legislation are on the verge of becoming law after each were read for a third time in the territory's legislature Tuesday.

Both are tools the GNWT would like to use to curb crime and the illicit drug trade in the territory.

Legislation must pass three readings – votes by MLAs – and receive royal assent to become a law.

Once the two acts receive royal assent, they will need accompanying regulations so they can be enforced.

The civil forfeiture bill received unanimous approval, while three Yellowknife MLAs openly voiced their concerns about the Safer Communities and Neighbourhoods – or Scan – legislation and ultimately did not vote in favour of that bill. The proposed Scan act did receive enough votes to pass third reading.

Civil forfeiture legislation would allow the GNWT to apply to a civil court to seize cash, vehicles or other property are believed to be associated with crime.

If the court agrees, the GNWT gets to keep that property and put it toward good causes (Indigenous-led healing programs were one example previously raised).

Before a vote on Tuesday, Great Slave MLA Kate Reid and Yellowknife North MLA Shauna Morgan each raised concerns about the possibility the law could encroach civil liberties.

“Any time we enable government without checks and balances to erode any kind of civil right, I have reservations. When we lower the burden of proof for punishment, I hope all of us have reservations,” said Reid.

“Although I do have the reservations on this approach and I have outlined them, as this bill does not actively harm personal liberties but rather it seizes property, I am willing to let it proceed.”

Morgan said that she has concerns about the lack of scope and specificity included in the legislation.

“The government says that it’s meant to be focused on drug crime, gangs, weapons. However, there’s nothing in the legislation that would lead the director or law enforcement to limit or focus their actions on those particular types of illegal activities,” said Morgan.

She said the law gives the director of civil forfeiture (a new position that would be created) the power to seize someone’s house, “if that house is being used as part of any illegal activity, from bootlegging to domestic violence to tax fraud.”

Though, she said she has a “hunch” that of the three offences, only bootlegging might prompt a property seizure.

She said she worries the director might have too much discretion on who or what to pursue first, which could lead to discrimination.

“I want to put on the record that I expect detailed regulations and policies will be put in place to ensure that the activities of the civil forfeiture director are not discriminatory against the poor and do not target any racialized groups, including Indigenous people,” said Morgan.

“If the intention is for the director to focus on drug and gang crime, that should be laid out explicitly.”

Dehcho MLA Sheryl Yakeleya said that while she supports the legislation, she expressed concern about what might happen to those whose homes are seized.

“We don’t have extra houses in our communities that we can just open up to other people and ensure that they have a place to stay if they end up being homeless,” said Yakeleya.

Others expressed broad support for the bill as a way to tackle a persistent issue.

“We need to take a progressive and sometimes aggressive action to put pressure on people, and we should not need to apologize for the fact that sometimes we have to use blunt tools,” said Yellowknife Centre MLA Robert Hawkins.

“Because I have not seen in my time, in my fourth term at the Assembly, the drug problems getting better.”

Game of ‘whack-a-mole’

Ahead of a vote on the third reading for the Scan legislation, Frame Lake MLA Julian Morse – who voted in opposition to the bill alongside Reid and Morgan – expressed concerns previously raised about how effective the law might be compared to other options that could be more cost effective.

He also said he worries about the possible side effects of the law.

“I don’t believe we have the resources in place to implement Scan in a way that isn’t going to exacerbate and compound the existing problems we are seeing with homelessness and the housing crisis in this territory,” said Morse.

In the legislature last week, justice minister Jay Macdonald said the proposed bill is rooted in civil law and does not rely on seeking a criminal conviction.

Scan empowers the GNWT to “receive complaints from members of the public about rental premises where people are continually disturbing or endangering their neighbours by engaging in illegal activities like drug dealing,” said Macdonald.

Concerns have previously been raised about what might happen to those who are evicted as a result of the law, even if they are not presumed to have participated in illegal activities.

Reid also raised concerns about the possible effectiveness of the law.

“Put simply, I interpret this bill as a kind of shell game, or a whack-a-mole. The bill doesn’t do much beyond perhaps kicking some drug dealers out of public housing units,” said Reid.

“There is no guarantee that they will leave the neighbourhood or community, and forcing them to do so is constitutionally unsound and does not fall within the powers of this government.”

She said the law doesn’t address the root issues like addictions.

“Selling a bill as a cure-all has the added negative effect of risking the legitimacy of us as legislators and the legitimacy of the government. Because when this bill becomes law and doesn’t make significant impacts or help fix underlying problems, I fear that residents will feel cheated,” said Reid.

Voicing support for the bill, Range Lake MLA Kieron Testart and Hawkins argued that there is no “silver bullet” for tackling crime and the illicit drug trade, but that Scan is a tool that can be deployed to help communities that are desperate for solutions.

Monfwi MLA Jane Weyallon Armstrong said she’s heard a lot of concerns about the effect of the drug trade on communities.

“I worry, too, as a parent and a grandparent. If we don’t do anything now, what life is going to be like for our young people?” asked Weyallon Armstrong.

Macdonald admitted that Scan might not be “the perfect piece of legislation,” but that doing “nothing” is not an option.

“As I stand here, I can’t say that I would be disappointed to see a young family or an elder get access to a house from an evicted drug dealer. This is a tool that will support our communities. It will make our residents feel safer,” said Macdonald.