

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

LESLIE PANIPAK

Applicant

- and -

TOMASIE PANIPAK

Respondent

Transcript of Proceedings held before His Honour Chief
Judge J.R. Slaven, sitting at Clyde River, in the North-
west Territories, Tuesday, June 24th, A.D. 1986.

APPEARANCES:

MR. T. HUMPHRIES

On behalf of the Commissioner
of the Northwest Territories

MR. N. SHARKEY

On behalf of the Respondent

1 MR. SHARKEY: Thank you, sir. In the matter of Leslie
2 and Tomasio Panipak, an action on behalf of the Applicant,
3 Leslie, pursuant to the Reciprocal Enforcement of Maintenance
4 Orders Act, I appear for the Respondent, Tomasio Panipak, who
5 is present. The Applicant lives in Ontario. As you can see,
6 the order made by Judge Geiger of the County Court, Family Court
7 from Ontario makes a total figure of Nine hundred dollars for
8 an order. Mr. Tomasio Panipak advises me that his take-home
9 pay is different than that estimated by his wife in the trans-
10 cript in Ontario. He is employed here as an apprentice mechanic
11 with the hamlet. He tells me he takes home approximately
12 Sixteen hundred dollars a month, and that after his expenses
13 he has between Eight and Nine hundred dollars, closer to Nine,
14 actually, and that the other money he has is an amount--so
15 that he would be willing to make payments, should the Applicant
16 consent for the purpose of this hearing, in the sum of Four
17 hundred and twenty-five per month for the three. That would
18 leave him with almost Five hundred. As you know, if anyone
19 wants to take a vacation here it's very expensive to leave to
20 travel south. Clothing is expensive. There are all sorts of
21 miscellaneous expenses; gasoline, which I have not included
22 in his fixed costs of food and housing and utilities.

23 That's our position, sir, is that the Nine
24 hundred order is--it will always be said on behalf of a
25 Respondent that the defence says that the order is too high,
26 but in this case our position is that a Nine hundred dollar
27 order is grossly inappropriate, and I say that with respect

1 to the Judge who made the order. He only had so much--

2 THE COURT: He has to go simply on what is before him, and he's
3 going to error on the high side, he's going to error--I don't
4 know, Mr. Humphries. You're an agent for the agent of the lady
5 involved, are you?

6 MR. HUMPHRIES: That's correct, Your Honour.

7 THE COURT: Have you authority to make a deal like this, or
8 must I listen to sworn evidence from the--

9 MR. HUMPHRIES: I hesitate to call it a deal, Your Honour, but--

10 THE COURT: Well, I'm sorry. I shouldn't use the word deal.

11 MR. HUMPHRIES: I do have authority to have a discussion with
12 Mr. Sharkey, which I have done, and come to an agreement. Now,
13 it is open to Your Honour, of course, to hear evidence under
14 oath. I am not--

15 THE COURT: Well, if you as agent for the Applicant are
16 satisfied with Four-twenty-five a month.

17 MR. HUMPHRIES: I am satisfied. Mr. Sharkey has given me
18 disclosure of the income and expenses.

19 THE COURT: How should we make that? Two hundred a month
20 for each child and Twenty-five a month for the wife? Nine
21 hundred was so much for each child and so much for the wife.

22 MR. HUMPHRIES: Yes. Yes. Well, I hesitate just to give that
23 small amount to the wife. I know it's nominal. It's in word
24 only, but Twenty-five sounds a little low.

25 THE COURT: Well, I could make it One hundred and fifty for
26 each child and One hundred and twenty-five for the wife.

27 MR. HUMPHRIES: I think that would be more fair, Your Honour.

1 THE COURT: It has to be allocated, because the children cease
2 to have an entitlement when they come to a certain age.

3 MR. HUMPHRIES: Yes,

4 THE COURT: Very well. With agreement of the Respondent,
5 Mr. Panipak, and both counsel I order that Tomasie Panipak--
6 or I confirm the order of Judge L.S. Geiger, having varied it
7 for payments totalling Four hundred and twenty-five dollars a
8 month, being One hundred and fifty dollars per month for each
9 of the two children, Scirish Nutagaq and Keiko Koagaq, and
10 in the sum of One hundred and twenty-five dollars per month
11 for the Applicant, Leslie Panipak. Those payments are to be
12 made to the Territorial Court, Courthouse, Yellowknife, Box
13 550 for forwarding to the appropriate Court in Ontario.

14 Now, it's very important, Mr. Panipak, that you
15 make the payments by certified cheque or money order to the
16 Yellowknife Court so then there is never any argument between
17 you and your wife as to how much has been paid and how much
18 hasn't been paid. Our Court will send it to the Court in
19 Ontario, and it will eventually get to her. They are to be
20 made on the first day of each month. Is that as good a day of
21 the month as any, Mr. Sharkey?

22 MR. SHARKEY: We prefer the middle of the month, sir.

23 THE COURT: All right. On or before the 15th day of each
24 month commencing the 15th of July, 1986. Okay.

25 MR. SHARKEY: Thank you, sir. I wonder if in due course my
26 office could get a copy of the order, and I will undertake to
27 forward it on to Mr. Panipak.

1 THE COURT: Yes.

2 MR. SHARKEY: Thank you. I would ask, as well, simply as a
3 matter of course and for the record that you address my client
4 and make sure for the record he understands that. I do that
5 as a matter of course in these types of cases.

6 THE COURT: Very well. Mr. Panipak, the Judge in Ontario
7 said you should pay Nine hundred a month for the two children
8 and your wife, but it is agreed by all of us here that considering
9 how much you make and how much you take home a fair figure
10 would be Four hundred and twenty-five dollars a month. It will
11 all go to your wife, but it is to be One hundred and fifty for
12 each child and One hundred and twenty-five for her. And this
13 will continue until--if you lose your job or something, you have
14 no income, you can go back to the Court and ask for it to be
15 reduced, or she might come some time and ask it to be increased
16 later, and you would have to come back to Court. When the
17 children reach the age of eighteen, I think it is, you wouldn't
18 have to pay for them any more. But for the time being you are
19 to send those payments. Can you give him an envelope, Madam
20 Clerk, a couple of envelopes.

21 THE CLERK: Yes, sir.

22 THE COURT: To the Territorial Court in Yellowknife to reach
23 there on or before the 15th day of each month, and they will be
24 forwarded on to Ontario for the benefit of your wife and
25 children.

26 (AT WHICH TIME THIS MATTER WAS CONCLUDED)

27 Certified a correct transcript,

Jill MacDonald, Court Reporter.