

A stylized graphic of a hand with fingers pointing towards the right, rendered in a light pink color with a white outline, positioned on the left side of the page.

**Department of
Justice**



**Business
Plan**

2003-2004

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INTRODUCTION

The Department of Justice, under the Minister of Justice, ensures that the government is administered in accordance with the law, oversees all matters connected with the administration of, and access to justice and gives legal advice to government departments and designated government boards and agencies.

The Department fulfils a number of functions for the Government and the people of Nunavut. Each of these functions aims to support the operation of a responsible and effective public government. The Department ensures that the affairs of the Government are conducted in accordance with the law, and that all litigation matters for the Government of Nunavut are handled effectively. The Department is also responsible for ensuring that all public bills and regulations are drafted in accordance with the Constitution of Canada, the Nunavut Act, and the principles of legal drafting recognized in Canada.

In addition, the Department is responsible for policing, which is carried out by the RCMP, under the Territorial Policing Agreement with the Solicitor General of Canada. The Department of Justice works with the RCMP to try to meet the needs of all Nunavummiut with regard to their personal safety, and harmony within their communities. The Department also administers Corrections, Community Justice, Community Corrections and Legal Registries programs, provides administrative support for the Nunavut Court of Justice and financial support to the Legal Services Board. Statutory functions are administered in a manner which ensures all Nunavummiut receive the full benefit and support of the law as it relates to their work, family relationships, commerce, estates, tenancies, access to legal representation, access to courts and other forms of dispute resolution and human rights.

Our Mission

To provide a full range of legal services to the Government of Nunavut, government departments and designated government boards and agencies, and to serve the public in promoting and protecting a peaceful society through the administration of a justice system which respects the role of community members in maintaining harmony, and which adheres to the principles and values of Inuit Qaujimagatugangit

Our Vision

Our vision reflects Inuit Qaujimagatugangit values, and promotes fairness, equality and a safe society supported by a justice system that is trusted and understood. The vision is respectful of and responsive to diversity, individual and collective rights, and community needs.

Our Principles

- The Nunavut Land Claims Agreement governs the affairs of the Government of Nunavut.
- The affairs of the government of Nunavut are to be conducted in accordance with the law.
- An effective justice system is one that protects and is endorsed by the communities it serves.
- The development of an effective Justice system needs to be supported through community involvement.
- Victims and offenders need our support for rehabilitation and healing.
- All Nunavummiut should have access to justice and receive the full benefit and support of the law.
- Partnerships and cooperation between all government departments are critical to the success of community wellness and crime prevention initiatives.
- Inuit culture and values will be respected in all we do.
- Customer service is to be fair, respectful, timely and efficient.

Our Values

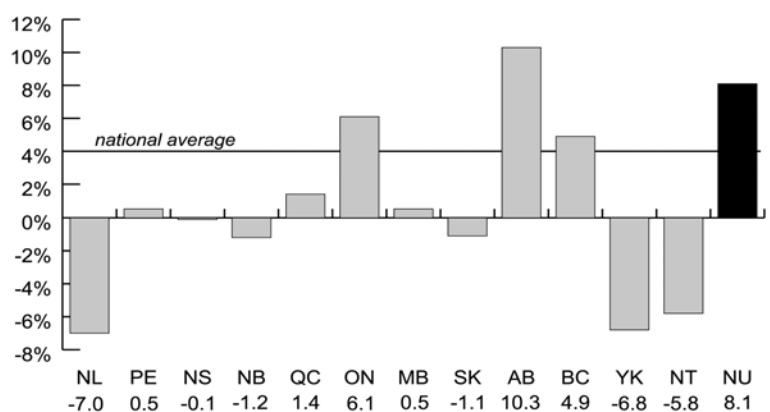
- **Integrity:** We are honest and fair at all times, in our dealings with clients and employees.
- **Service:** We deliver our services through effectiveness, promptness, courteousness and accessibility.
- **Harmony:** We achieve the Nunavut vision through unified leadership and working together with the communities and stakeholders we serve.
- **Respect:** Our clients deserve respect, dignity, courtesy, and understanding. Our employees maintain high standards of professionalism and are treated with respect.
- **Inuit Qaujimajatuqangit:** We maintain positive innovations guided by Inuit knowledge, wisdom and beliefs.
- **Public Government:** We promote justice and respect for individual rights and freedoms, the law, and the Constitution.

ENVIRONMENTAL SCAN

Nunavut faces significant challenges and opportunities as it continues its evolution as a developing government, and there are a number of unique conditions and challenges with respect to justice issues. Some of the most significant challenges are unique to Nunavut.

The first is our rapid population growth. Between 1996 and 2001, our population grew by 8.1%, which is more than double the national average. The following graphic provides a comparison with other Canadian jurisdictions.

% Change in Census Population Counts, 1996-2001



source: Statistics Canada

Nunavut also has a high concentration of young people – nearly 55% of all Nunavummiut are under 25 years of age. In every part of Canada, young people are the part of the population most likely to come into contact with the law, so the high numbers of youth in Nunavut has a direct impact on the Department of Justice.

The geographic size of Nunavut and transportation between the territory and southern Canada, and between Nunavut communities, creates another unique challenge which results in abnormally high travel and shipping costs. These costs cause substantially higher costs for the delivery of justice programs.

The lack of adequate housing causes additional social problems due to overcrowded homes. It also further complicates program delivery, since without adequate housing we are unable to recruit and retain qualified staff to deliver justice programs.

On each of the standard measurements for justice-related problems, Nunavut compares badly in relation to the rest of Canada, specifically with reference to:

- crime rates (notably violent crime),
- number of persons remanded into custody before trial,
- incarceration rates,
- sentence lengths, and
- the young age of the offender population.

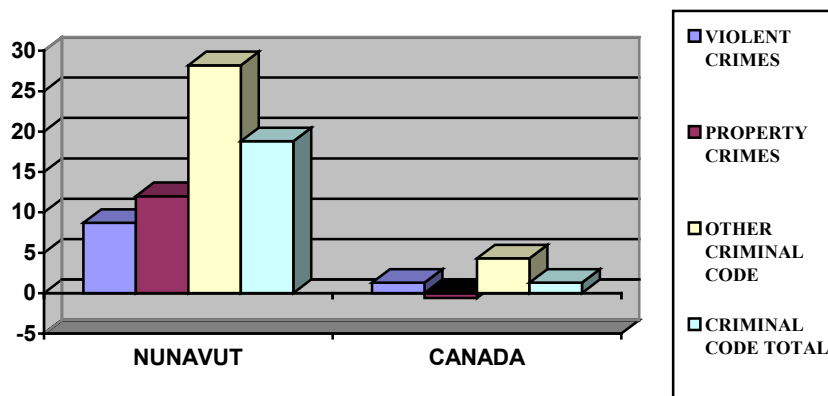
The following table provides statistics comparing crime rates in Nunavut with other Canadian jurisdictions.

Selected Criminal Code Incidents, Canada and Province/Territories for 2001

Province	Population 2001	Violent Crime ¹	Property Crime ²	Other Criminal Code Violations ³	Criminal Code Total ⁴
NL	533,761	4,762	12,190	13,127	30,079
PEI	138,514	1,033	4,086	4,262	9,381
NS	942,691	9,865	32,516	29,609	71,990
NB	757,077	7,482	21,400	20,168	49,050
QB	7,410,504	53,309	260,136	121,477	434,922
ON	11,874,436	107,211	403,718	262,000	772,929
MN	1,150,034	18,626	59,070	53,004	130,700
SK	1,015,783	18,307	59,548	58,844	136,699
AB	3,064,249	33,672	134,995	108,659	277,326
BC	4,095,934	49,851	264,246	154,070	468,167
YK	29,885	1,121	2,157	4,153	7,431
NWT	40,860	2,011	2,118	8,190	12,319
NUNAVUT	28,159	1,851	1,549	3,628	7,028
CANADA	31,081,887	309,101	1,257,729	841,191	2,408,021

Source: Juristat – Statistics Canada – Vol. 22 no.6

% Change in Crime Rate Compared to Population, 2000 to 2001



Source: Juristat – Statistics Canada – Vol. 22 no.6

~ Graph is based on % change of crime rate, in comparison to population and the previous year rate. Percent based on unrounded rates.

¹ Violent crime = homicides, sexual assaults, assaults and robbery
² Property crime = break & entering, motor vehicle theft and other theft
³ Other criminal code = offensive weapons and mischief
⁴ Criminal code total does not include traffic offences

The reasons for the high rates in each of these areas are complex, but include high levels of unemployment and poverty, low educational attainment rates, the need for more culturally relevant programs for offenders and victims, and a general alienation from the justice system.

Another factor related to our high crime rates is alcohol and drug abuse. This issue affects more than the justice system and requires the combined efforts of individuals, families, communities, government and non-government resources to help prevent and address problems resulting from alcohol and drug abuse.

All of these issues – unemployment and poverty, overcrowded and inadequate housing, and substance abuse - lead to more family conflict. Many of the crimes committed in Nunavut are crimes of family violence. Nunavut families need access to culturally-appropriate problem-solving alternatives in their home communities, that can help them move through times of conflict and to positive lifestyles.

Without improved social and justice-related services for the people of Nunavut in all communities, particularly for young people and families, the problems described above will likely increase. With these concerns in mind, the Department of Justice supports the Community Justice Committees and is developing strategies and implementing programs to attempt to resolve these problems. For instance, two pilot programs are underway – one which provides counseling to victims and offenders involved in spousal abuse in one community, and the other provides family mediation services in two communities.

There are also challenges with respect to the provision of legal services to the Government of Nunavut. There is still a lack of judicial precedents under the Nunavut Land Claims Agreement, which governs the application and interpretation of all statutes in the Territory. There is also a rapidly growing volume of opinions and legislation required as departments and agencies begin to exercise the full scope of their mandates. Further, there is an increased recognition that statutes and services should be made available to the people of Nunavut in Inuktitut.

In an effort to make the justice system more accessible to Nunavummiut, there are a number of challenges to be faced, including a severe lack of Inuktitut-speaking lawyers and other justice professionals, a shortage of resident Bar members practicing in a full range of legal areas and a shortage of Inuit RCMP officers. While these issues are being addressed currently, it will take considerable time and additional resources before the challenges are met.

Critical Issues

The following critical issues represent a broad overview of the challenges and pressures facing the Department of Justice during the planning period. Nunavut has a young and rapidly growing population.

- There is a need to enhance and expand community-based programs to support victims, prevent crime, and work with offenders.
- There is a need for specialized programming to address Nunavut's high crime rate, especially violent crime, which effects sentence lengths, incarceration, and remand rates.
- There is a need for more institutional bed space to meet the increasing demand and to repatriate all territorial male and female offenders that are being transferred to other jurisdictions.
- There is a need for training programs and materials to deal with substance abuse, mental illness, the intellectually challenged and FAS/FAE, in a corrections context
- There is a need for dispute resolution through community-based solutions, in place of southern adversarial practices or formal justice institutions.
- The justice system needs an integrated information system, which can provide better communication and information sharing between the various users.
- There is a need for more training for Court Interpreters and Legal Translators.
- Community Justice Committees need to be adequately supported if they are to be empowered with the responsibility to develop community-based solutions.
- There is a need for public legal education material about the justice system.
- There is a growing demand for legal services as government departments mature
- More Inuit staff are needed at all levels in the Department of Justice.
- More Inuit need to be provided with opportunities to be trained as justice professionals.
- There is a need to recruit, train and qualify more Inuktitut speaking RCMP officers to serve Nunavummiut and to reflect the overall Inuit Employment Plan strategy of the Government of Nunavut.
- Inuit Qaujimajatuqangit needs to be fully integrated into justice policy and programs to ensure they reflect the culture and values of Nunavummiut.

CORE BUSINESS

The programs of the Department of Justice are described, below, within seven lines of business:

- Advisory and Administrative Services
- Law Enforcement
- Legal Services Board
- Legal Support Services
- Nunavut Court of Justice
- Legal Registries
- Corrections and Community Justice

Advisory and Administrative Services

Advisory and Administrative Services includes the three programs: Office of Deputy Minister and the Assistant Deputy Minister, Policy and Planning, and Corporate Services. The line of business provides the overall leadership, policy development/ planning, and financial/administrative support, as well as support to the Akitisiraq Law School.

Objectives

- To provide leadership for the Department in order to ensure Justice meets its goals, objectives and priorities.
- To provide policy direction and acts as liaison between the Government of Nunavut and the RCMP, to ensure that policing services in Nunavut meet the needs of Nunavummiut.
- To consider Inuit Qaujimagangit as part of Department of Justice policy and program decisions, and to incorporate IQ into the policy development process.
- To advise cabinet on legal matters affecting the Government of Nunavut.
- To support the development of Inuit legal professionals who can provide services in Inuktitut and bring an understanding of Inuit culture and values to their work.
- To provide better accessibility to the Justice system for all Nunavummiut.
- To manage and improve departmental business planning and financial management processes.
- To work with other departments, communities and governments to continuously improve the administration of justice in Nunavut.
- To develop clear and concise policy proposals and to provide comprehensive and thoughtful policy analysis.
- To provide support services to the other divisions of the Department of Justice in financial administration, human resource, training and development matters.

Programs	Main Estimates (\$000)	2002-03	2003-04
Deputy Minister's/Assistant Deputy Minister's Office		661	575
<p>The Deputy Minister's/Assistant Deputy Minister's Office is responsible for the senior management of the Department, including providing leadership and setting program direction, monitoring goals, objectives, policies and budgets, and ensuring that priorities and directives are followed. The DM also serves as legal adviser to cabinet. This division also acts as liaison between the GN, the RCMP and other Justice-appointed boards, committees and agencies.</p>			
Corporate Services		696	981
<p>The Corporate Services Division provides a full range of financial and administrative management and support services to the Department. This includes business plan development and accounting services and participating in negotiations for federal/territorial agreements. The division oversees the financial aspects of the policing agreements, and also manages Human Resources functions for the Department.</p>			
Policy and Planning		699	679
<p>The Policy and Planning Division is responsible for developing departmental policy and research proposals; analyzing departmental policies; conducting justice consultations with other departments, communities and governments; developing grants and contribution agreements; coordinating access to information/protection and privacy requests; and developing departmental responses to justice issues. In addition, the Division is responsible for coordinating the Department's Inuit Qaujimajatuqangit strategy.</p>			
Akitsiraq Law School Program		327	327
<p>The Akitsiraq Law School is an Inuit-specific, degree granting program offered by the University of Victoria, Faculty of Law with the Nunavut Arctic College and the Akitsiraq Law School Society. The program is run by Nunavut Arctic College (NAC), and Department of Justice funding is provided to the NAC for operating the law school. The program's primary goal is to increase the number of Inuit among the ranks of the legal profession in Nunavut. This program is supported by both federal and territorial governments and Inuit Organizations.</p>			
Total, Advisory and Administrative Services		2,383	2,562

Accomplishments (2001 & 2002)

- Developed the departmental Inuit Employee Program plan.
- Supported the creation and implementation of the Akitsiraq Law School Program by establishing partnerships between the government and the Akitsiraq

Board, University of Victoria Law School, Nunavut Arctic College; securing funding; and recruiting Inuit students.

- Completed the RCMP Resource Review to support expanded RCMP services.
- Initiated training development programs for the Department of Justice.
- Improved internal management processes by conducting an internal review of delegation of authority to March 31, 2003, and retooling the Justice Centre capital budget.
- Conducted consultations for Nunavut Human Rights legislation across Nunavut and provided policy support for the development of draft legislation.
- Held consultations on the new Minimum Wage legislation.
- Provided policy instructions for:
 - development of the draft Interjurisdictional Support Orders Act, and
 - amendments to the Maintenance Orders Enforcement Act.

Priorities (2003-04)

- Strengthening of Inuit Employment Plan implementation.
- Develop a protocol for incorporating Inuit Qaujimajangit into policy development.
- Continued support of the Akitsiraq Law School program through participation on Sponsors Committee and Akitsiraq Board, providing work placements for students to gain on-the-job experience, and planning for future job placements in Nunavut for graduating lawyers.
- Coordinate the implementation process for the Nunavut *Human Rights Act*.
- Conduct public consultation on the *Wills Act* and *Intestate Succession Act* and begin development of Nunavut legislation.
- Policy development in the areas of additional amendments to the *Maintenance Orders Enforcement Act* to provide a variety of tools for enforcement, and amendments to the *Exemptions Act*.
- Coordinate planning for addressing family justice and victims' issues.
- Identify strategy for securing long term federal funding for initiatives such as Innusiqmut Aqqusiuqtiit (community mediation services).

Law Enforcement

Within the Department of Justice, senior management acts as a liaison between the Government of Nunavut and the Royal Canadian Mounted Police (RCMP), and oversees the financial aspects of Federal/Territorial policing agreements. The Department contracts with the Solicitor General of Canada for the provision of RCMP services under the Territorial Policing Agreement, and shares the costs associated with the RCMP Inuit Community Policing Program and the Nunavut Community Constable Program.

Objectives

- Ensure a high quality of policing services in Nunavut.
- Manage the resources and services provided via the Nunavut/RCMP policing agreement contract.

Programs	Main Estimates (\$000)	2002-03	2003-04
Law Enforcement		17,421	18,795
<p>Policing services are provided by the RCMP and contracted to the Government of Nunavut. The Nunavut Division - “V” Division – has personnel posted throughout the territory with detachments in 23 communities. There are 122 RCMP personnel in Nunavut including regular RCMP officers, civilian and public servants. In addition, the RCMP provides regular training to Community Constables, and the graduates are sworn in by RCMP under the RCMP Act and employed by the Municipalities.</p>			
Total, Law Enforcement		17,421	18,795

Accomplishments (2001 & 2002)

- Increased Inuit recruiting by training Inuit candidates at the RCMP Training Academy in Regina.
- Supported the Community Justice Committees through diversion of cases.
- The RCMP expanded the Drug Abuse Resistance Education (D.A.R.E.) program to more communities in Nunavut.
- Recognized the principle of having two police officers in each community, and opened a new detachment in Repulse Bay, and re-opened the detachments in Grise Fiord, Kimmirut and Kugaaruk.

Priorities (2003-04)

- Continue to improve the service delivery of policing by opening new RCMP Detachments in Whale Cove and Chesterfield Inlet.
- Develop and implement new policing methods to respond to the introduction of the *Youth Criminal Justice Act*
- Continue recruitment of Inuit Police Officers.
- Expand the use of Alternative and Restorative Justice through diversion program and work cooperatively with the Community Justice Committees.
- Work with communities to reduce family violence through public awareness campaign and working with the community stakeholders.
- Actively improve the detection of drugs coming into Nunavut by bringing in a drug dog and handler on a full-time basis.

Legal Services Board

The Legal Services Board is established under the Legal Services Act, and is responsible for ensuring that all eligible persons in Nunavut receive legal aid and related services. The Board is also responsible for overseeing the operation of the following regional clinics: The Maliiganik Tukisiiniakvik Law Centre and The High Arctic Office in the Baffin Region, The Keewatin Legal Services Centre Society in the Kivalliq Region and the Kitikmeot Law Centre in the Kitikmeot Region. These clinics provide legal services, court worker services, referral services and public legal education and information in their respective regions.

The Access to Justice Agreement, which governs federal and territorial funding, requires the Board to provide legal aid services, public legal education and information and Inuit Court Worker programs and services.

Objectives

- To provide quality and timely legal services to all eligible persons;
- To develop high quality systems for the provision of legal services, and
- To develop and co-ordinate territorial and local programs aimed at reducing and preventing the occurrence of legal problems and increasing knowledge of the law, legal processes and the administration of justice.

Programs	Main Estimates (\$000)	2002-03	2003-04
Legal Services Board		3,362	3,357
The Nunavut Legal Services Board provides criminal and civil legal aid services through a mixed judicare/clinic/staff lawyer system to the people of Nunavut.			
Total, Legal Services Board		3,362	3,357

Accomplishments (2001 & 2002)

- Introduced the Territorial Co-ordinator and Court Worker Liaison Officer to provide support and assistance for court workers throughout the Territory.
- Developed a plan to provide a formal training and certification program for court workers throughout the Territory.
- Promoted increased funding by participating in a large Federal Research Project focusing on "Unmet Need in Legal Aid".
- Provided public education through:
 - a weekly column, "Legally Speaking", which is published in the Territory's largest newspaper;

- reinstatement of the "Law Line" service which operates Tuesday and Thursday evenings and provides individuals with free summary advice and referrals to assist in their legal problems;
- development and implementation of a virtually private network for the Legal Services Board of Nunavut "NULAS" which connected all of our clinics and allows for better and faster communication; and
- development of a website to promote public legal education and information in Nunavut. [www.plein.ca]
- Acquisition of a database system for Legal Aid from Alberta for future use in Nunavut.

Priorities (2003-04)

- To have all Court Workers fully trained and adequately certified in criminal and civil legal aid services.
- To operationalize a new database for the provision of federal and territorial reports and to improve accountability.
- To process legal aid applications electronically, on-line and to provide on-line lawyer billing and payments.
- To develop and produce a budget and strategy for the future of the Board.

Legal Support Services

Legal Support Services provides legal services to all government departments in order to assist them in carrying out their mandates and protect the Government's legal interests. Program responsibilities include the provision of legal advice and representation, legal drafting, and the administration of estates on behalf of Nunavut residents who die without a will or are in need of protection.

Objectives

- To provide quality and timely advice to government departments on all legal matters.
- To represent the interests of the Government of Nunavut in all legal proceedings.
- To protect the interests of vulnerable children, dependent adults and Nunavummiut who have died without a will.
- To provide high quality drafting and translation services to the government and the public.
- To provide the public with access to government legislation.

Programs	Main Estimates (\$000)	2002-03	2003-04
Legal and Constitutional Advice		1,046	1,059
<p>The Legal and Constitutional Law program provides legal services to all government departments and certain government boards and agencies, and represents the interest of the Government of Nunavut in all court and tribunal proceedings. Program responsibilities include the provision of legal services in relation to all constitutional matters (constitutional development, aboriginal claims, and implementation of the Nunavut Land Claims Agreement, devolution, the Charter of Rights and Freedoms) and all litigation matters, and the drafting and review of major contracts.</p>			
Public Trustee		304	304
<p>Office of the Public Trustee program administers trust funds on behalf of minors, and administers the estates of dependent adults and Nunavummiut who have died without a will.</p>			
Legislation Division		786	783
<p>Legislation Division has four main responsibilities. The Division has the primary responsibility for maintaining, revising, consolidating and making available to the public the statutes and regulations of Nunavut. The Division also publishes the Nunavut Gazette every month. Legislation Division drafts all bills, regulations and appointments for the government. Bills are translated into Inuktitut and French, and regulations are also translated into French.</p>			
Total, Legal Support Services		2,136	2,146

Accomplishments (2001 & 2002)

- Provided comprehensive legal services, including the provision of approximately 750 legal opinions, the review of 38 contracts, the drafting of 8 contracts, and defending the Territory in 12 judicial proceedings.
- Provided legal advice to many working groups (e.g. Nanasivik Mine closing, Condominium staff housing, Claims Implementation Funding, Education Act review, Petroleum Products).
- Represented the GN at labour arbitrations, a coroner's inquest and Human Rights complaints.
- Provided Public Trustee services, including opening 23 files, closing 37 files, administering funds held on behalf of minors, and applying for Administration of estate of person in need of protection.
- Drafted and translated 31 bills, numerous regulations and other statutory documents required by the government.
- Commenced the development of a website for publishing statutory material.

- Initiated process for improved maintenance of Nunavut legislation by consolidating statutes and the conversion from WordPerfect to Word format

Priorities (2003-04)

- Manage the increased demand for legal services, while continuing to provide a high level of service.
- Provide increased legal education to client departments.
- Make representations to Government of Canada aimed at reducing time delays in processing estate tax clearance.
- Promote increased public information and awareness regarding Public Trustee services by providing more services in Inuktitut, improving communications, providing assistance to non-lawyers administering the estates of their relatives, and increasing the focus on dependant adults.
- Continue process for improving maintenance of Nunavut legislation.
- Develop a workplan for Statute Revision project.
- Launch a web page to provide public access to statutory materials.

Nunavut Court of Justice

The Court Services Division is responsible for the provision of administrative support services for the Nunavut Court of Justice. The Division also provides assistance to the public, the judiciary, legal counsel, the RCMP and other officials in all official languages.

Additional responsibilities include administration of the Sheriff's office, the Justice of the Peace Program, Coroner's Program, Family Support Program, the Commissioners for Oaths and Notaries Public Program, Labour Standards Administration, support for the Labour Standards Board, the Nunavut Criminal Code Review Board, and administration of *the Residential Tenancies Act* and the *Fair Practices Act* and the provision of access to legal research through the courthouse law library.

Objectives

- To provide efficient and timely processes relating to family, civil, and criminal court proceedings
- To develop cost-efficient, effective and integrated systems for record management
- To provide a culturally-appropriate and respectful workplace for staff by:
 - providing quality staff training and development opportunities and,
 - ensuring staff input into all court initiatives

Programs	Main Estimates (\$000)	2002-03	2003-04
Court Administration		3,350	3,228
<p>Court Administration is responsible for the provision of support services for the Nunavut Court of Justice throughout Nunavut. This includes providing information and assistance to the general public, the Judiciary, legal counsel, the RCMP, and other individuals or groups who are bringing matters before the court. The Nunavut Review Board is composed of Psychiatrists, Psychologists, experienced lawyers, and non-professional members appointed from Nunavut. The law library at the Nunavut Court of Justice provides legal information for Nunavut.</p>			
Family Support Office		101	103
<p>The Family Support Office (formerly Maintenance Enforcement Program) was opened in Iqaluit in February 2000 with a primary responsibility for collecting and disbursing child and spousal support payments. There are currently approximately two hundred open maintenance enforcement files.</p> <p>The program has recently introduced family mediation services in two Nunavut communities through a pilot project (Inuusirmut Aqqusiuqtiit), through funding provided by the Federal Government.</p>			
Justice of the Peace		455	454
<p>To recruit, train and provide ongoing support for the judges of the Nunavut Justice of the Peace Court. Nunavut Justices of the Peace share jurisdiction with the Nunavut Court of Justice over summary (less serious) Criminal Code and Nunavut statute matters. In addition, JPs are empowered to conduct bail hearings for more serious cases and have limited civil jurisdiction under some Nunavut statutes. They also perform a valuable service in their communities conducting marriage ceremonies, swearing-in various officials and signing documents.</p>			
Coroners		407	406
<p>To investigate the circumstances surrounding all reportable deaths that occur in Nunavut or as a result of events that occurred in Nunavut to determine the identity of the deceased and the facts concerning when, where, how, and by what means the deceased came to their deaths. The service is supported by the RCMP, the Fire Marshall's Office, Workers Compensation Board, Transportation Safety Board and various other agencies who work closely with the Coroner's Office. The Nunavut Coroner's Office also relies on Southern providers for such services as autopsies, and toxicology testing.</p>			

Rental and Fair Practices	88	87
A Fair Practices Officer was appointed to receive, investigate, mediate and adjudicate complaints of human rights abuses and discrimination. A finding of discrimination can result in an Order and can be filed in Court and enforced as an Order of that Court.		
Labour Standards Board/Labour Services Admin.	141	212
Labour Services administers the Labour Standards Act and its regulations, the Wage Recovery Act and Employment Agency Act. The Labour Standard Board functions independently to hear appeals under the Labour Standard Act.		
Total, Nunavut Court of Justice	4,542	4,490

Accomplishments (2001 & 2002)

- Completed the implementation of the Change of Name initiative.
- Reorganization, reassignment, and retraining of staff to allow for a smoother flow of information relative to criminal and civil cases.
- The introduction of new technologies - a computerized tracking system for all criminal court files, Digital Recording, and Video-Conferencing for the Courts and Baffin Correctional Centre.
- Commenced revision of the Rules of Court.
- Hosted a two-day workshop entitled Mental Health and The Law, in co-operation with the Nunavut Review Board.
- The expanded provision of law library services.
- Served jury notices in Inuktitut.
- Public education on the family support office through outreach visits to a number of communities.
- Implementation of a pilot program of Innusiqmut Aqqusiuqtiit, a family law mediation program combining current professional practices and Inuit Qaujimajatuqangit, including recruitment and training of five family support counselors.
- Established new processes for Rental and Fair Practices including simplifying and modernizing the application form and process, and introducing pre-hearing conferences to settle disputes without a hearing.
- Provided public education on the *Labour Standards Act* through promotional material directed at youth and the workplace, the 2002 “guide” for employer worksites, information posters and fact sheets, and visits to regional centers and communities.

Priorities (2003-04)

- Planning for the construction of a new Courthouse.
- Continue improving court circuit service to the communities.

- Implementation of new technologies – a computerized tracking system for family court files, Digital Recording Technology and Video-Conferencing for the Courts and Baffin Correctional Centre.
- Implement the new Rules of Court.
- Continued development and delivery of public information related to family law.
- To improve public awareness of the *Labour Standards Act*.

Legal Registries

In administering certain corporate and commercial laws, Legal Registries receives, reviews and processes a variety of legal documents submitted:

- To register interests in land and provide guaranteed land titles;
- To register security interests in personal property;
- To establish and maintain various forms of business organizations such as corporations, societies, partnerships and co-operative associations;
- To apply for registration as advisors and dealers engaged in the sale of stocks, bonds and mutual funds; and
- To describe and qualify the public companies and mutual funds whose shares are offered for sale in Nunavut

Objectives

- To promote effective legal and administrative systems to facilitate commercial transactions, investment opportunities and economic growth.
- To maintain accurate and current information in the various public registries in accordance with legal requirements.
- To provide enhanced certainty of title to support commercial transactions.
- To support organizational development in the business and non-profit sectors.
- To ensure fair and efficient access to capital markets.
- To ensure that advisors, dealers and traded companies treat investors fairly.

Programs	Main Estimates (\$000)	2002-03	2003-04
Land Titles Office		457	453

To administer the Land Titles Act and the Personal Property Security Act. For land titles, this includes the review and registration of survey plans and various legal documents to create ownership titles and the identification of other legal interests and mortgages affecting titled lands. A registration in the Personal Property Security Registry protects the priority of a secured creditor's claim to a debtor's personal property as against subsequent creditors or purchasers.

Corporate and Securities Registries 336 327

The corporate registry administers the Business Corporations Act, Societies Act, Partnership Act, and certain provisions of the Co-operative Associations Act.

- Documents are reviewed and processed to establish and maintain current information on corporations, societies, partnerships and co-operative associations. The securities registry administers the Securities Act, which regulates trading in investment securities. Documents are reviewed and processed:
- to license securities advisors or dealers,
- to describe and qualify the public companies and mutual funds whose shares are offered for sale, and
- to provide discretionary relief from some requirements

Total, Legal Registries	793	780
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Accomplishments (2001 & 2002)

- Finalized regulations to support *Personal Property Security Act* proclamation.
- Implemented on-line personal property security registry system.
- Implemented amendments to the *Land Titles Act* and regulations.
- Managed the development and implementation of a modernized corporate registry database that replaced four separate outdated systems.
- Processed high volumes of registrations, yielding revenues that were more than twice the amount of the total divisional budget.

Priorities (2003-04)

- Enhance staff training, especially for new staff needed in key land titles positions.
- Work in co-operation with the Department of Community Justice and Transportation on the Land Administration Review Committee to identify and solve problems with the administration and registration of territorial lands
- Monitor and adjust work assignments in corporate registry to ensure consistent turn around of all filings within target timelines
- Ensure instruction materials for non-profit societies are translated into Inuktitut, Inuinnaqtun and French.
- Initiate educational initiatives: to increase awareness of Legal Registries roles; to enhance corporate compliance with filing requirements; to educate significant client groups in land titles; and to participate with other securities administrators in investor education / financial literacy week

Corrections and Community Justice

Corrections and Community Justice administers programs that include adult and young offender institutions, Community Corrections and the Community Justice Programs. Corrections oversees the adult and young offenders facilities, including on-the-land camp operations and open-custody homes. Community Justice has the responsibility to provide community justice development, including the promotion and establishment of programs to prevent crime within the communities. The Community Corrections Program supervises offenders placed on probation or released from institutions on parole. This section is also responsible for assisting in the development of community-based programs such as diversion and public education.

Objectives

- To provide restorative justice to offenders through rehabilitation and healing.
- To seek the advice and assistance of the communities in how best to provide correctional services.
- To work in partnership and cooperation with other government departments in the development and delivery of community wellness and crime prevention programs.

Programs	Main Estimates (\$000)	2002-03	2003-04
Community Justice and Corrections Directorate		750	571
The Directorate oversees the operation of Corrections and Community Justice throughout Nunavut. We provide the direction and support to Institutions and community programs as well as develop and initiate new programs and assist in program development. The Directorate also provides the liaison with other jurisdictions across Canada.			
Community Justice Program		1,096	1,300
To provide restorative justice to communities and offenders and provide Crime Prevention Programs to the communities. Works in conjunction with community groups in providing crime prevention programs and working with offenders in the areas of mediation and Diversion.			
Community Corrections (Probation Services)		1,210	1,407
Corrections and Community Justice has been working at establishing a "stand alone" probation service for Nunavut. Probation services, that were formerly handled by Health and Social Services are now being conducted by Community Corrections Officers in the communities. Community Corrections Officers provide supervision, support and provide programming to adult and youth offenders serving sentences on probation or under conditional sentences.			

Adult Institutions and Correctional Camps	7,924	8104
Carrying out the mandate of the courts. The institutions and camps provide care, custody and control to offenders sentenced to terms of incarceration or awaiting trial.		
Young Offenders Custody / Open and Secure	2,582	2,546
To provide open and secure placement for youth as ordered by the court. The program provides treatment and care to youth sentenced to terms in custody or awaiting trial.		
Total, Corrections and Community Justice	13,562	13,928

Accomplishments (2001 & 2002)

- Completed consultant's study for development of a capital plan for institutions.
- Held training sessions for on-the-land camp operators.
- Developed additional institutional programming to deal with family violence
- Developed training programs for staff and expanded training to other departments.
- Hired additional Community Corrections Officers and continued to develop Community Corrections Program.
- Provided training for Community Justice Committees in the Family Group Conferencing dispute resolution technique.
- Secured additional federal funding for Community Justice Programs

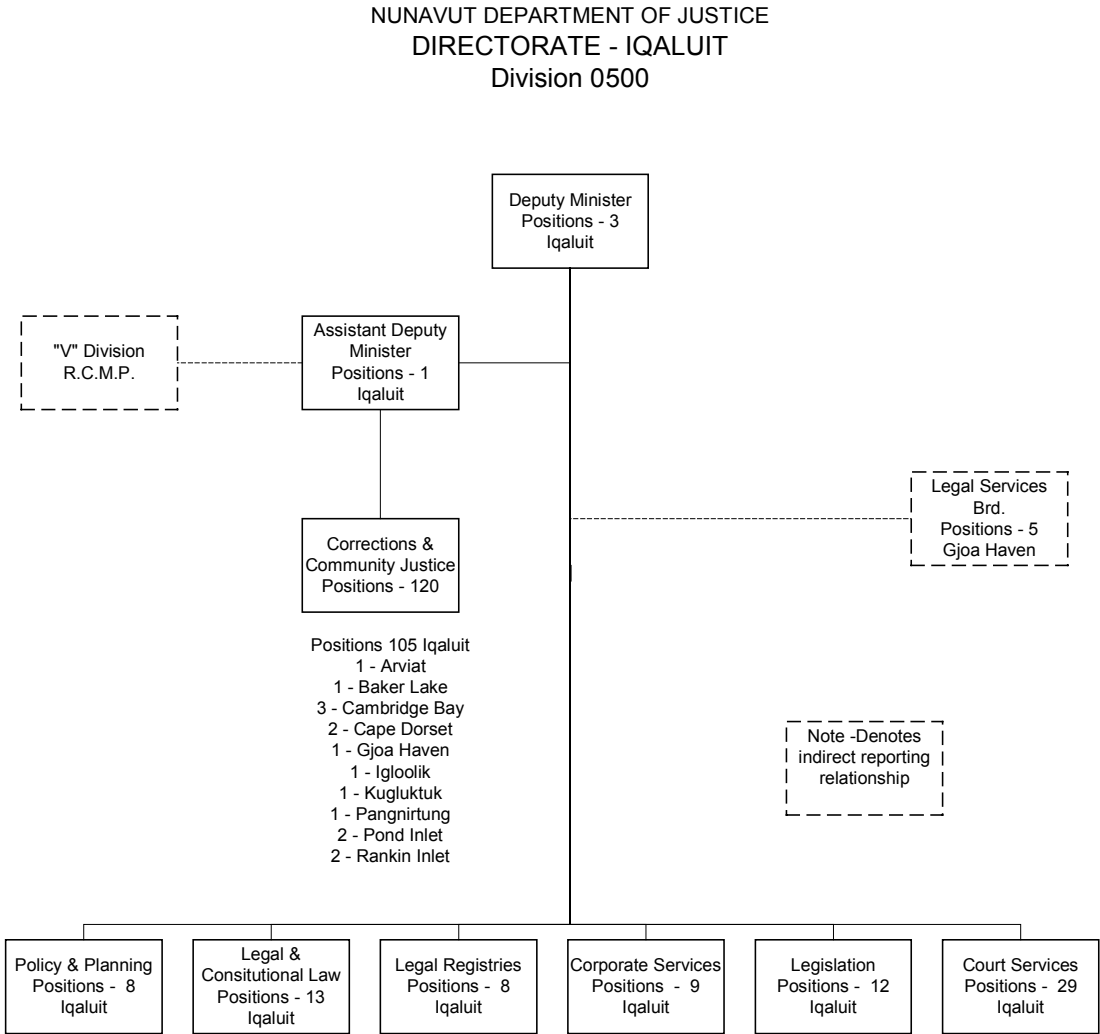
Priorities (2003-04)

- Develop a comprehensive capital plan, which includes at least one facility outside Iqaluit and the re-vamping of the Baffin Correctional Centre.
- Provide additional rehabilitative and healing programming with a stronger cultural base and with community elder participation.
- Hire and train more staff in order to reach approved staffing capacity levels in the institutions, which will allow us to provide relevant programming.
- Develop additional programming in our institutions that deal with family violence
- Work with police, crowns and communities to update the diversion protocol for Community Justice Committees.
- Develop and deliver new training programs for staff as well as Community Justice Committees in connection with the Nunavut Arctic College.
- Implement the new *Youth Justice Act*

APPENDIX A – Organizational Structure and Budget

Part 1 – Organizational Chart

The Department of Justice has an O&M budget of \$45,578 million dollars for fiscal year 2003-04, including 208 funded positions. The Department is comprised of the following six (6) Branches – Directorate, Law Enforcement, Legal Services Board, Lawyer Support Services, Registries and Court Services and Corrections and Community Justice.



Note: PY's indicate the number of Vote 1 funded Person-Years, rounded to the nearest one.

APPENDIX A

Part 2 – Departmental Roles

Directorate

The Directorate provides the senior management capacity for the Department and ensures that Justice fulfills its mandate according to specific goals, objectives and priorities. In addition, senior management is a liaison between the Government of Nunavut and the Royal Canadian Mounted Police (RCMP) and other Justice appointed committees and agencies.

The Policy and Planning Division is responsible for analyzing all departmental policies, justice consultations with other governments, access to information/protection and privacy, and responses to justice issues. In addition, the Division is responsible for coordinating the Department's Inuit Qaujimajatuqangit strategy.

The Corporate Services Division provides a full range of financial and administrative support services to the Department, including negotiating for funding with third parties and participating in negotiations relating to federal/territorial agreements. The Division also oversees the financial aspects of the Territorial Policing Agreement.

Key roles include:

- Provides senior management capacity for the Department in order to ensure Justice meets its goals, objectives and priorities.
- Develops internal policies, procedures and provides policy advice.
- Develops the departmental budget and provides financial and administrative services to the Department.
- Takes a lead role in coordinating Inuit Qaujimajatuqangit in the Department.
- Acts as a liaison between the Government of Nunavut and the RCMP, including administering all Federal/Territorial Policing Agreements.
- Trains Inuit lawyers for leading roles in the Justice System.

Law Enforcement

Within the Department of Justice, senior management acts as a liaison between the Government of Nunavut and the Royal Canadian Mounted Police (RCMP), and oversees the financial aspects of Federal/Territorial policing agreements. The Department contracts with the Solicitor General of Canada for the provision of RCMP services under the Territorial Policing Agreement, and shares the costs associated with the RCMP Inuit Community Policing Program and the Nunavut Community Constable Program.

Key roles include:

- Administration of the Territorial Policing Agreement.
- Administration of the Inuit Community Policing Program.
- Administration of the Nunavut Community Constable Program.

Legal Services Board

The Legal Services Board is established under the *Legal Services Act*. It is responsible for ensuring that all eligible persons in Nunavut receive legal aid and related services. The Board follows prescribed guidelines in determining an applicant's eligibility for criminal and civil legal services. The Board is also responsible for overseeing the operation of the following regional clinics: Maliiganik Tukisiiniakvik, Keewatin Legal Services Centre, and the Kitikmeot Law Centre. These programs provide legal services, court worker services, paralegal services and public legal education and information in their respective regions.

Key roles include:

- Ensures eligible persons in Nunavut receive criminal and civil legal services.
- Responsible for overseeing regional legal aid clinics, which provide community-based legal services, courtworker services, and paralegal and public information in their respective regions.

Lawyer Support Services

Lawyer Support Services is comprised of two divisions: Legal and Constitutional Law and Legislation

The Legal and Constitutional Law division provides legal services to all government departments and certain boards and agencies. Services provided include advice on all legal matters, legal representation before all courts and tribunals, and contract drafting and review. The Division is also responsible for legal services in relation to all constitutional matters, including constitutional development, aboriginal claims, implementation of the Nunavut Land Claims Agreement, devolution, Charter of Rights and Freedoms and all litigation relating to these matters. In addition, the Division provides for the administration of trusts on behalf of minors, and the administration of estates and trusts of Nunavut residents who die without a will or who are in need of protection because of disability. These latter services are provided through the office of the Public Trustee.

The Legislation division's mandate is to draft bills, regulations and appointments, and provide legal advice to the government regarding those documents and the legislative process. The program is also responsible for providing translation services and public access to the government's legislation.

Key roles include:

- The provision of legal advice to all government departments and certain boards and agencies.
- Legal representation as required to protect the interests of the GN
- The administration of estates on behalf of infants, deceased residents and dependant persons
- Provides legal advice to all government departments and certain boards and agencies.
- The drafting and translation of all government bills, regulations and orders into French and translation of bills in Inuktitut.

Registries and Court Services

The Court Services Division is responsible for the provision of administrative support services for the Nunavut Court of Justice. The Division also provides assistance to the public, the judiciary, legal counsel, the RCMP and other officials in all official languages.

Additionally, responsibilities include administration of the Sheriff's office, the Justice of the Peace Program, Coroner's Program, Family Support Program, the Commissioners for Oaths and Notaries Public Program, Labour Standards Administration, support for the Labour Standards Board, the Nunavut Criminal Code Review Board, and administration of *the Residential Tenancies Act* and the *Fair Practices Act* and provides access to legal research through the courthouse law library.

Legal Registries Division is responsible for administering certain corporate and commercial laws which involves managing the land titles office, personal property security registry, corporate registry, and securities registry.

Key roles include:

- Provides administration support for the Nunavut Court of Justice.
- Administers the Justice of the Peace Program.
- Enforces court orders for the financial support of spouses and/or children.
- Administers the Commissioners for Oaths and Notaries Public Program.
- Provides access to legal research through the courthouse law library.
- Provides administrative support for the Labour Standards Board.
- Provides administrative support for the Labour Standards Administration Program. Administers the Residential Tenancies and Fair Practices Acts.
- Legal Registries administers legislation that governs the registering ownership and other interests in land by providing guaranteed land titles; registering security interests in personal property; registering various forms of business organizations such as corporations, societies, partnerships and co-operative associations; regulating the trading of shares in public companies and mutual funds and licensing advisors and dealers in that industry.

Corrections and Community Justice

Corrections and Community Justice administer programs that include adult and young offender institutions, Community Corrections and the Community Justice Programs. Corrections oversees the adult and young offenders facilities, including on-the-land camp operations and open-custody homes. Community Justice has the responsibility to provide community justice development, including the promotion and establishment of programs to prevent crime within the communities. The Community Corrections Program supervises offenders placed on probation or released from institutions on parole. This section is also responsible for assisting in the development of community-based programs such as diversion and public education.

Key roles include:

- Provides communities with contribution funding to enable direct community control in the development of community justice projects.
- Administers the Victims of Crime Act.
- Administers the disposition of the Courts by providing safe and secure custody for both adult and young offenders.
- Provides treatment programs for both adult and young offenders sentenced to incarceration. The programs are designed with a view to rehabilitation, and there is an emphasis on culturally relevant programs for Inuit offenders.
- Administers on-the-land camp operators and open custody facilities.
- Provides probation/parole and other community based supervision initiatives.
- Assists in the development of community-based diversion programs and public education.

APPENDIX A

Part 3 – Financial Summary

Branch	2002 - 2003 Main Estimates		2003 - 2004 Main Estimates	
	\$000	PYs	\$000	PYs
Directorate				
Salary	1,759	17	1,846	21
Grants & Contributions	420		327	
Other O&M	204		389	
Subtotal	2,383		2,562	
Law Enforcement				
Salary	0	0	0	0
Grants & Contributions	5		0	
Other O&M	17,416		18,795	
Subtotal	17,421		18,795	
Legal Services Board				
Salary	352	5	352	5
Grants & Contributions	890		890	
Other O&M	2,120		2,115	
Subtotal	3,362		3,357	
Lawyer Support Services				
Salary	1,804	25	1,829	25
Grants & Contributions	0		0	
Other O&M	332		317	
Subtotal	2,136		2,146	
Court Services and Registries				
Salary	2,971	37	2,938	37
Grants & Contributions	0		0	
Other O&M	2,364		2,332	
Subtotal	5,335		5,270	
Corrections and Community Justice				
Salary	9,054	123	9,189	120
Grants & Contributions	630		630	
Other O&M	3,878		4,109	
Subtotal	13,562		13,928	
Total	44,199	207	46,058	208

APPENDIX B – Report on Decentralization

The Department of Justice, due to the services it provides, has only one area that is decentralized. The Legal Services Board of Nunavut has its headquarters in Gjoa Haven. The Legal Services Board is established under the *Legal Services Act*, and is an independent Board responsible for ensuring that all eligible persons in Nunavut receive legal aid and related services. The Board is also responsible for overseeing the operation of the following regional clinics: The Maliiganik Tukisiiniakvik Law Centre and The High Arctic Office in the Baffin Region, The Keewatin Legal Services Centre Society in the Kivalliq Region and the Kitikmeot Law Centre in the Kitikmeot Region. These clinics provide legal services, court worker services, referral services and public legal education and information in their respective regions.

The Access to Justice Agreement, which governs federal and territorial funding, requires the Board to provide legal aid services, public legal education and information and Inuit Court Worker programs and services.

The head office in Gjoa Haven is staffed by the Executive Director (a contract position), along with two financial administration staff and four other staff, including an office manager and a Chief Information Officer (a contract position). The chart below shows number of funded positions for this division.

Community	Number of Positions
Gjoa Haven	5

The Legal Services Board operates as an independent administrative board, with seven board members and the Executive Director. A total of 15 inuit court workers and four administrative staff are located within the clinics. There is currently a full staffing capacity of eight staff lawyers, which are contract positions. There are two lawyers in the Kitikmeot, two in the Kivalliq (Keewatin) and four in the Baffin.

Nunavut Justice plans to locate a future healing facility outside of Iqaluit.

APPENDIX C – Departmental Focus Paper

Introduction

In traditional times, the basis of the Inuit social system was respect: respect for the Elders, respect for each other, respect for the family, respect for the community, and respect for the land. Within this social system, Elders played a key role. They lived and maintained Inuit Qaujimajatuqangit (I.Q.), the Inuit values and traditional knowledge, and passed them on to the community members.

Inuit Qaujimajatuqangit has been critical in defining how Nunavut has evolved and developed. Accordingly, the Government of Nunavut is committed to incorporating Inuit Qaujimajatuqangit in all aspects of its operation. And, it is this philosophy that is integral to the development and evolution of the Department of Justice.

For example, the traditional Inuit approach to dealing with wrongdoers did not include sending the offender to prison. Instead, problems were dealt with on an individual basis and in a manner aimed at addressing the underlying problems.

A restorative justice approach, through healing facilities and programs, will strike a balance between the traditional Inuit philosophy and the need to protect the public and rehabilitate offenders.

A Strategic Plan for Correctional Facilities

To support this philosophy and to respond to the challenge that Correctional facilities in Nunavut do not meet current needs and are not able to handle future growth, the Department of Justice has prepared a planning document for correctional facilities [*McCready Report “Choosing a Path” dated April 2002*]; that shows how, over the planning horizon of 15 years, the numbers, size, distribution and type of facilities can meet current and emerging needs.

The strategic plan addresses the following key challenges:

- Criminal behavior is a serious problem in Nunavut.
- The present system does not work to change behavior.
- The location and size of correctional facilities has systematic effects.
- Limited choices of facilities leads to over classification⁵
- Best practice correctional programs have a community and healing focus.

The Department of Justice intends to move forward with many of recommendations in the McCready Report, and proposes to merge this 15-year strategic plan into the government’s five-year Capital Planning Process.

⁵ For instance, institutional adjustment, potential for escape and cause harm

To begin this important process, the Department proposes the following key initiatives to phase in implementation of this 15 year plan.

1. Correctional Healing Facilities

The McCready Report recommends the development of correctional facilities outside of Iqaluit as well as improvements to the Baffin Correctional Centre, to provide more opportunities for community-based healing.

The Corrections and Community Justice Division is currently reviewing the cost of facilities outside of Iqaluit. This will include the capital, development and operational costs, as well as the staffing needs that will be required. We are also anticipating that Correctional Services of Canada may commit funds to such a project. However, due to the urgency of the situation, we are moving ahead with these plans, even though there has been no commitment from federal officials. Communities will be consulted before a site is selected.

An interim option being considered is the development of a halfway house for offenders in a community outside Iqaluit. We are currently looking at the availability of buildings and resources in various communities.

The Department is also planning to retrofit the Baffin Correctional Centre to meet the increasing number of remands and to provide a better healing environment for inmates.

2. Women's Inmate Facility

There are currently no correctional facilities for women in Nunavut. Women serve their time at the Territorial Women's Correctional Centre, the Edmonton Institute for Women or Tanguay in Quebec, far away from their families and communities.

It is critical that separate women's facilities be established in Nunavut, and as a first step, the Department proposes to create a separate facility for women inmates in Iqaluit. The facility could be based on the model used in Fort Smith that currently houses Inuit women inmates in a residential setting.

Fortunately, the number of female inmates remains much smaller than men. Nevertheless, there is a pressing need that must be addressed over the long term.

3. Spousal Abuse Program

To address the problems of family violence, the Department, in partnership with the Federal Government, is supporting a pilot program in one community, to provide counseling to victims and offenders involved in spousal abuse. Under the program, the Courts and the RCMP can divert cases, where the offender pleads guilty, to provide intensive counseling. In these cases, sentencing is postponed until after the offender has completed the counseling program, and the success of counseling is factored into sentencing decisions.

The pilot has been in the development stage in Rankin Inlet for a year, and counselors started working with clients in September 2002. The Department proposes to evaluate its success and then expand, based on the evaluation findings and availability of funding.

Inuusirmut Aqqusiugtiit – Family Mediation Program

While recent non-adversarial innovations in the Nunavut Justice system have often focused on criminal law, few initiatives have focused on civil or family matters. Backlogs and concerns about a lack of access to family law services have been growing since Nunavut was established on April 1, 1999. The adversarial process of solving any disputes is culturally foreign to Inuit, and it has been found not to be particularly successful.

The Department of Justice has introduced a pilot program – Inuusirmut Aqqusiugtiit – to provide family mediation services in two communities. The vision is that Inuusirmut Aqqusiugtiit will provide support that allows families to resolve conflict and move on peacefully as a family unit.

Federal funding was provided to initiate the pilot program, which includes creating the infrastructure and providing training for two Inuusirmut Aqqusiugtiit in each of the two communities. These family mediators / counselors are gaining on-the-job experience, not only to work in their communities, but to act as mentors for future Inuusirmut Aqqusiugtiit.

The pilot stage of the program is not yet completed, and an evaluation of the program has not yet been done, but the initial community response to this service has been encouraging. Subject to a positive evaluation and the availability of funding, the Department proposes to formalize the pilot program and to expand the program to other communities with a view to incorporating “lessons learned” during the pilot period.

Inuit Employment Program

More Inuit staff are needed at all levels in the Department of Justice. The Department has recently updated its’ Inuit Employment Plan (I.E.P.) as part of the Government’s overall I.E.P. Implementation Strategy and Plan, which is to be presented to Cabinet in November.

The Akitsiraq Law Program, aimed at graduating a core group of Inuit lawyers to serve Nunavummiut, is progressing well.

However, additional resources will be required to implement our department’s Inuit Employment Plan. Programs such as the Management Development Program funded by the Department of Human Resources and the financial intern program funded by Nunavut Finance are examples of such additional funding required.

Information Technology Development and Support

Our geographic size and our need to communicate with the public make it especially important to build a strong foundation for IT development and support, and to find technological solutions for how we communicate and share information.

The Nunavut Court of Justice (NCJ) has been developing an integrated Court Services Information System (CSIS) to fulfill its legal and public service responsibilities. When the system is complete, the programs for each business unit will form an integrated system for sharing and exchanging data between the Courts (Criminal, Civil, Family), the Coroner, Labour Standards, Justices of the Peace, Rental and Fair Practices, corrections staff, Crowns, Legal Aid, probation officers and detention centres.

The Criminal (Adult and Youth) automated program was initiated as the first step, and it is essential that work continue on this system. The priority areas are the completion of the RCMP interface with the Courts and the commencement of the Family Court that includes the Family Support Program.

The Department also intends to seek support for three systems development projects for Legal Registries.

- The development of a database for the land titles index books, which will increase efficiency of processing land transactions.
- Implementing the National Registration Database for securities registrants within Nunavut, to provide a more harmonized system across Canada.
- Implementing a document imaging system, by scanning all land titles and corporate records for enhanced document security.

Finally, the Department is interested in the funding mechanism to be used in connection with the recent proposal to transfer the IT systems development functions of the Chief Informatics Officer (Finance) to the Director, Informatics Operations (PW&S). There are existing and ongoing financial responsibilities with regards to current and new information systems development and support. In order to ensure that the Department of Justice can adequately fund the development and support of its information systems, there needs to be an interdepartmental consultation on the ramifications of such a change. The existing envelope of funding for this area will need to be distributed among departments. It is therefore proposed that the departments work together to plan for this transfer before a final decision is made.