



Office of the Attorney General

Annual Report 2002-2003



**Prince Edward Island
Office of the Attorney General**

Annual Report

**For the Fiscal Year
April 1, 2002 to March 31, 2003**

Message of the Attorney General

The Honourable Barbara A. Hagerman
Lieutenant Governor
Province of Prince Edward Island



May it Please Your Honour:

I have the honour to submit herewith the
Annual Report of the Office of the Attorney General
for the fiscal year ended March 31, 2003.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mildred A. Dover". The signature is written in dark ink and is positioned above the printed name.

Mildred Dover
Attorney General

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Deputy Attorney General's Overview

The Honourable Mildred Dover
Attorney General
Province of Prince Edward Island
P.O. Box 2000
Charlottetown, PE C1A 7N8



Honourable Minister:

It is my pleasure to submit to you this report on the performance and outcomes for the Office of the Attorney General for the fiscal year April 1, 2002 to March 31, 2003.

This report is an accountability and information document. In keeping with the guidelines outlined in Section 10.01 of the *Financial Administration Act*, our Annual Report also serves as a historical account of departmental goals and activities by providing consistent information over extended periods of time.

The past year was both challenging and rewarding for staff working within the Office of the Attorney General. In my role as Deputy Attorney General, I have the honour and the privilege of working with a dedicated group of Islanders throughout the province who strive to serve, protect and provide justice for the people. It is my pleasure to highlight a few of this year's accomplishments:

- Prince Edward Island's *Freedom of Information and Protection of Privacy Act* was proclaimed this year, on November 1, 2002. The *Act* has two major components: a section dealing with protection of privacy outlining how the provincial government deals with personal information; and a second section, insuring that the personal information government holds about individuals is protected from unauthorized collection, use or disclosure.
- In October, the Task Force on Access to Justice released its final report outlining 42 recommendations aimed at improving Islanders' access to the justice system. The Task Force was mandated to review access to justice and identify problems with the existing system in an effort to improve access to justice, reduce the cost of litigation, simplify practice and procedures, and improve technology. In its recommendations, the Task Force identified the need for an open, supportive and consistently available justice system. Commissioned by Chief Justice Gerard Mitchell, the Task Force was established through a partnership between the Supreme Court of PEI, the PEI Branch of the Canadian Bar Association, the Law Society of PEI, and the Office of the Attorney General. I would like to take this opportunity to commend the members of the Task Force for the hard work and dedication they put into researching and preparing this report.
- A new PEI Securities Office website was launched in the summer of 2002 to provide investors and investment professionals with information on PEI securities and investor protection laws.

The website contains detailed information relating to the legal and regulatory framework governing the investment industry in the province and provides information on the firms and individuals who are licenced to sell securities or to provide investment advice in the province. The site is an important tool in our continuing efforts to make the activities of the PEI Securities Office accessible to the investing public, both in the province and across the country.

- In June 2002 the Office of the Attorney General announced a two-point strategy to address immediate and long-term issues surrounding the Prince County Courthouse. The Prince County Courthouse, which opened in 1876 as the first federally-built building on the Island after Confederation, and designated as an Heritage Building in 2001, has undergone significant renovations throughout the past 125 years. It is one of few examples left of urban 19th century public architecture which is still used to house courts. Staff of the Office of the Attorney General will work with other government departments to take a balanced approach to enhance the value of this historical building while planning a comprehensive approach to long-term facility needs.
- In the coming year, we will continue to work with our neighbouring provinces to determine ways to reduce automobile insurance rates and to maintain the rates Islanders pay at the lowest possible level in the long term. To this end, we hope to introduce amendments to the Insurance Act which will benefit both Islanders and local insurance companies.

I would like to thank all staff of the Office of the Attorney General for their continued commitment to serving Islanders and working with the justice community, families and others to address the root causes of crime and assist individuals dealing with the justice system.

Respectfully submitted,



Edison Shea
Acting Deputy Attorney General

Tour d'horizon du procureur général adjoint

L'honorable Mildred Dover
Procureure générale
Province de l'Île-du-Prince-Édouard
C. P. 2000
Charlottetown (PE) C1A 7N8



Madame la Ministre,

J'ai l'honneur de vous soumettre ce rapport sur les activités et les résultats du Bureau du procureur général pour la période allant du 1^{er} avril 2002 au 31 mars 2003.

Le présent rapport a pour objet de servir de document d'information et de responsabilité pour le ministère. Selon les lignes directrices énoncées au paragraphe 10.01 de la *Financial Administration Act* (Loi sur l'administration financière), notre rapport annuel est une source à caractère historique de renseignements cohérents échelonnés sur de longues périodes de temps.

La dernière année a été à la fois exigeante et enrichissante pour le personnel du Bureau du procureur général. À titre de procureur général adjoint, j'ai eu l'honneur et le privilège de servir avec un groupe d'Insulaires d'un bout à l'autre de la province qui s'efforce de servir et protéger le peuple, ainsi que leur dispenser la justice. C'est avec plaisir que j'attire l'attention sur certaines des réalisations du Bureau du procureur général :

- Le 1^{er} novembre 2002, la loi intitulée *Freedom of Information and Protection of Privacy Act* (Loi sur l'accès à l'information et la protection de la vie privée) a été promulguée. La loi a deux composantes majeures : une section portant sur la protection de la vie privée qui donne un aperçu de la manière dont le gouvernement provincial traite les renseignements privés; et une deuxième section veillant à ce que les renseignements personnels gardés par le gouvernement soient protégés de la collecte, de l'utilisation ou de la divulgation non autorisées.
- En octobre, le groupe de travail sur l'accès à la justice a publié son rapport final exposant 42 recommandations visant à améliorer l'accès des Insulaires à l'appareil judiciaire. Le groupe de travail avait reçu comme mandat d'examiner l'accès à la justice et de repérer les problèmes du système actuel dans un effort pour améliorer l'accès à la justice, réduire le coût des procédures, simplifier la pratique et améliorer la technologie. Dans sa recommandation, le groupe de travail a constaté le besoin d'avoir un appareil judiciaire ouvert qui offre un soutien et qui est à la disposition de tous. Ayant été institué par le juge en chef Gerard Mitchell, le groupe de travail a été établi grâce à un partenariat entre la Cour suprême de l'Î.-P.-É., la division de l'Î.-P.-É. de l'Association du Barreau canadien, l'ordre d'avocats de l'Î.-P.-É. et le Bureau du procureur général. J'aimerais profiter de cette occasion pour féliciter les membres du groupe de travail pour leur travail acharné et leur engagement à la recherche et à la préparation du présent rapport.
- Au cours de l'été 2002, le Bureau des valeurs mobilières de l'Î.-P.-É. a lancé un nouveau site Web qui offre des renseignements aux investisseurs et aux professionnels de placement sur les valeurs mobilières de l'Î.-P.-É. et sur les lois de protection des investisseurs. Le site Web renferme des renseignements détaillés liés au cadre législatif et au cadre de réglementation qui gouvernent l'industrie de l'investissement dans la province. Le site offre également des renseignements sur les cabinets et les individus de la province qui sont autorisés à vendre des valeurs ou à offrir des conseils au sujet de l'investissement. Le site est un outil important dans

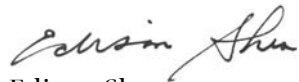
notre travail continu visant à rendre les activités du Bureau des valeurs mobilières de l'Î.-P.-É. accessible au public investisseur, à la fois dans la province et dans l'ensemble du pays.

- En juin 2002, le Bureau de procureur général a annoncé une stratégie à deux points afin de traiter les questions immédiates et à long terme liées au palais de justice du comté de Prince. Le palais de justice, premier édifice construit par le gouvernement fédéral sur l'île après la Confédération, a ouvert en 1876 et a été désigné lieu patrimonial en 2001. Ce dernier a fait l'objet de rénovations importantes au cours des 125 dernières années. Il est un des derniers exemples de l'architecture publique urbaine du 19^e siècle qui loge encore des tribunaux. Le personnel du Bureau du procureur général travaillera avec d'autres ministères afin d'aborder la question de façon équilibrée, c'est-à-dire de mettre en valeur cet édifice historique tout en planifiant une perspective étendue aux besoins à long terme des installations.
- Dans l'année à venir, nous continuerons de travailler avec nos provinces voisines afin de déterminer des façons de réduire les primes d'assurance automobile et à long terme de maintenir les primes payées par les Insulaires au niveau le plus bas possible. À cette fin, nous espérons introduire des modifications à la loi intitulée *Insurance Act* (Loi sur les assurances) qui profiteront aux Insulaires et aux sociétés d'assurances locales.

Je voudrais remercier le personnel du Bureau du procureur général pour son engagement continu à l'égard des Insulaires et pour son travail auprès de la communauté judiciaire, des familles et des individus en vue de s'attaquer aux causes profondes de la criminalité et pour aider ceux et celles qui doivent faire face à l'appareil judiciaire.

Veillez croire, Madame la Ministre, à l'expression de mes meilleurs sentiments.

Le procureur général adjoint,



Edison Shea

Office of the Attorney General

Vision

The Office of the Attorney General envisions a society, governed by law and order, where people work in partnership to prevent crime and provide a safe environment in which to live and where access to justice is available to all citizens.

Mission

The Mission of the Office of the Attorney General is to provide reliable, useful and timely advice, assistance and information in programs and services including the following:

- Aboriginal Justice
- Business Registry Services
- Consumer Protection
- Gun Control
- Financial Services, Regulation and Enforcement
- Justice Policy
- Victim Services
- Community Services
- Clinical Services
- Correctional Services
- Crime Prevention
- Justice Resource Services
- Policing
- Public Prosecution Services
- Legal Aid Services
- Legal Services
- Court Services
- Impaired Driving
- Family Violence Prevention
- Alternative Dispute Resolution

The Minister, Deputy and staff of the Office of the Attorney General are committed to providing public and client satisfaction through high quality departmental programs and services, monitoring department and clients results, and effectively managing the department's finances. The department strives to ensure legislation is relevant and to promote its compliance and enforcement, to encourage a positive work environment, to promote cooperative relationships with other governments and agencies, and to provide enhanced technological information sharing.

Aboriginal Affairs

The Attorney General is responsible for Aboriginal Affairs and for sustaining regular liaison with the Privy Council Office, Indian and Northern Affairs Canada, various provincial and territorial departments responsible for Aboriginal matters across Canada, and with local and national Aboriginal organizations.

Human Rights Act

The Attorney General is responsible for the *Human Rights Act* and provides for its proper administration through the allocation of resources.

Acts Administered by the Office of the Attorney General

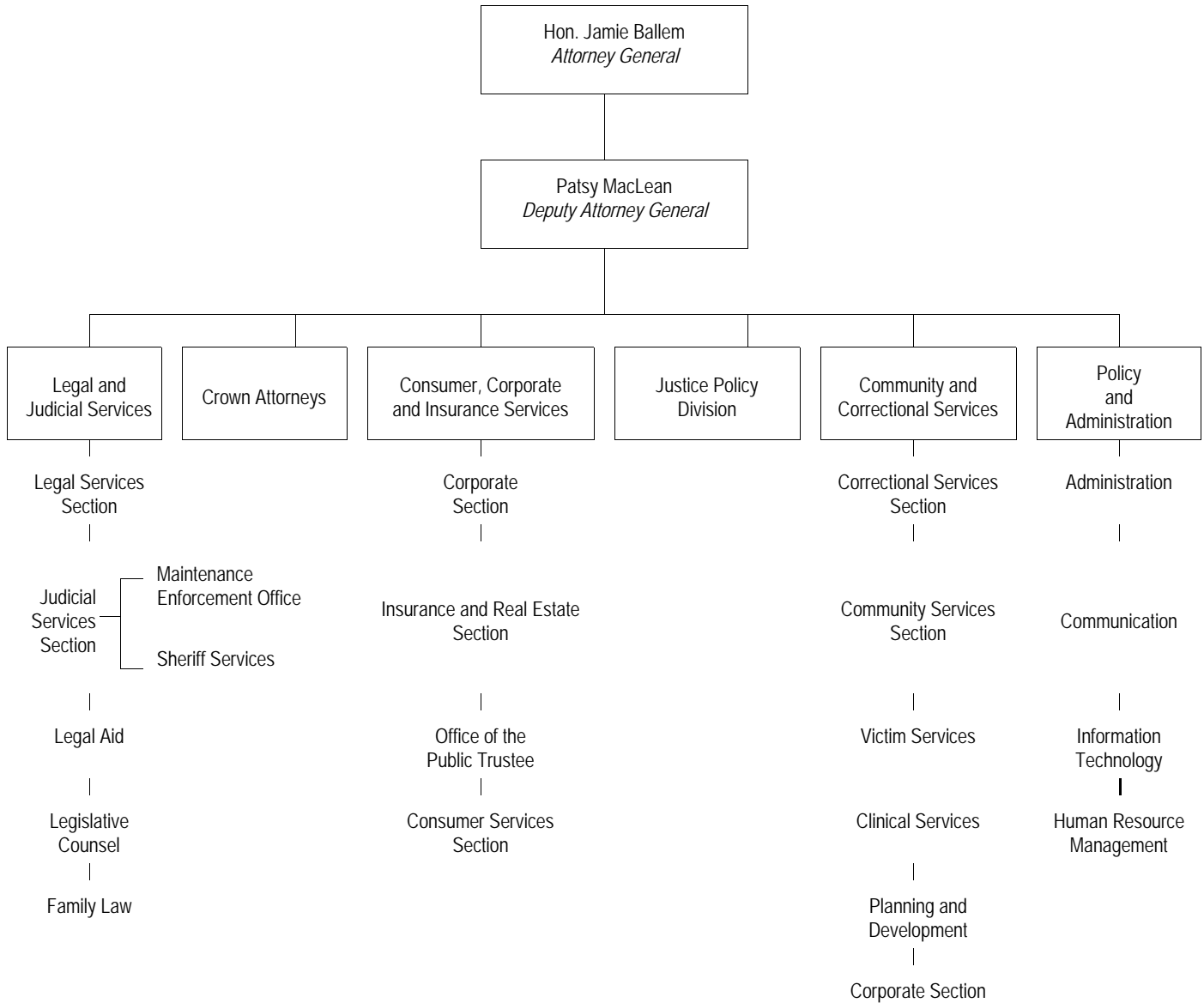
Affidavits Act
 Age of Majority Act
 Ancient Burial Grounds Act
 Appeals Act
 Apportionment Act
 Arbitration Act
 Auctioneers Act
 Bailable Proceedings Act
 Business Practices Act
 Canada-United Kingdom Judgments Recognition Act
 Canadian Judgments (Enforcement) Act
 Cemeteries Act
 Charities Act
 Child Status Act
 Co-operative Associations Act
 Collection Agencies Act
 Commorientes Act
 Companies Act
 Condominium Act
 Consumer Protection Act
 Consumer Reporting Act
 Contributory Negligence Act
 Controverted Elections (Provincial) Act
 Coroners Act
 Correctional Services Act
 Court Security Act
 Credit Unions Act
 Crown Proceedings Act
 Custody Jurisdiction and Enforcement Act
 Defamation Act
 Dependants of a Deceased Person Relief Act
 Designation of Beneficiaries Under Benefit Plans Act
 Direct Sellers Act
 Electronic Commerce Act
 Electronic Evidence Act
 Escheats Act
 Evidence Act
 Factors Act
 Family Law Act
 Fatal Accidents Act
 Films Act
 Foreign Resident Corporations Act
 Frauds on Creditors Act
 Freedom of Information and Protection of Privacy Act
 Frustrated Contracts Act
 Garage Keepers' Lien Act
 Garnishee Act
 Gulf Trust Corporation Act
 Habeas Corpus Act
 Human Rights Act
 Insurance Act
 Intercountry Adoption (Hague Convention) Act
 International Commercial Arbitration Act
 International Sale of Goods Act
 International Trusts Act
 Interpretation Act
 Investigation of Titles Act
 Judgment and Execution Act
 Judicial Review Act
 Jury Act
 Landlord and Tenant Act
 Legal Profession Act
 Licensing Act
 Limited Partnerships Act
 Maintenance Enforcement Act
 Mechanics' Lien Act
 Occupiers' Liability Act
 Partnership Act
 Perpetuities Act
 Personal Property Security Act
 Police Act
 Powers of Attorney Act
 Prearranged Funeral Services Act
 Premium Tax Act
 Private Investigators and Security Guards Act
 Probate Act
 Probation Act
 Provincial Administrator of Estates Act
 Provincial Court Act
 Public Trustee Act
 Quieting Titles Act
 Real Estate Trading Act
 Real Property Act
 Reciprocal Enforcement of Judgments Act
 Reciprocal Enforcement of Maintenance Orders Act
 Retail Business Holidays Act
 Sale of Goods Act
 Securities Act
 Sheriffs Act
 Statute of Fraud
 Statute of Limitations
 Store Hours Act
 Summary Proceedings Act
 Supreme Court Act
 Supreme Court Reporters Act
 Survival of Actions Act
 Time in Public Offices Act
 Time Uniformity Act
 Transboundary Pollution (Reciprocal Access) Act
 Trespass to Property Act
 Truck Operators' Remuneration Act
 Trustee Act
 Unclaimed Articles Act
 Unconscionable Transactions Relief Act
 Uniformity Commissioners Act
 Variation of Trusts Act
 Vendors and Purchasers Act
 Victims of Crime Act
 Victims of Family Violence Act
 Volunteers Liability Act
 Warehousemen's Lien Act
 Winding-up Act
 Young Offenders (P.E.I.) Act
 Youth Employment Act

Boards, Agencies and Commissions

Court Transcribers Examining Board
 Credit Union Deposit Insurance Corporation
 Criminal Code Review Board
 Human Rights Commission
 Judicial Remuneration Review Commission
 Law Society Council
 Public Trustee Advisory Committee
 Supreme Court Finance Committee
 Uniformity Board of Commissioners
 Victim Services Advisory Committee

Office of the Attorney General

Organizational Chart 2002-2003



Executive Summary

The fiscal year 2002-2003 has been both challenging and rewarding for staff and officials within the Office of the Attorney General. Staff began the implementation process for the *Freedom of Information and Protection of Privacy Act*, moved forward on the Impaired Driving Strategy and worked with federal and provincial counterparts to strengthen the *Youth Criminal Justice Act*. Officials within the Office of the Attorney General continued to work with Federal and International representatives on security issues, specifically issues that arose following the 9/11 disaster in 2001.

The Office of the Attorney General (OAG) is made up of the following divisions: Community and Correctional Services, Consumer Corporate and Insurance Services, the Crown Attorney's Office, Justice Policy, Legal and Judicial Services, and Access and Privacy Services. The Policy and Administration Division is shared with the Department of Community and Cultural Affairs and is responsible for such services as Human Resources, Policy and Planning, Communications and Financial Administration. The following is a brief description of each division of the Office of the Attorney General:

Community and Correctional Services Division

Enhances public safety by providing institutional facilities as well as rehabilitative and reintegrative programming to adult and young offenders. The division also provides services to victims of crime.

Consumer, Corporate and Insurance Services Division

Registers and incorporates business enterprises, cooperatives and nonprofit organizations that are formed in the province, and registers all out of province companies carrying on business in the province. Selected business enterprises such as insurance companies, securities issuers, real estate firms, credit unions and other financial institutions in the province are regulated.

Crown Attorneys Division

Represents the Attorney General and deals with all offences under the Criminal Code and provincial statutes.

Justice Policy Division

Provides advice, assists with planning and program development, coordinates policy development, promotes new initiatives and leads intergovernmental discussions in selected justice matters.

Legal and Judicial Services Division

Maintains the administrative structure for court services and public legal aid and provides legal services to government.

Policy and Administration Division

Administers the department's personnel and financial affairs, develops policy initiatives and manages specialized programs. This division is a shared resource group which serves both the Department of Community and Cultural Affairs and the Office of the Attorney General.

Access and Privacy Services Office

This division was established with the proclamation of the *Freedom of Information and Protection of Privacy Act* on November 1, 2002 to implement the *Act* and provide information on the two main components of the *Act*: to make government more open and accountable to the citizens of Prince Edward Island and to insure that the personal information held by government is protected.

Highlights

- Officials within the Office of the Attorney General worked toward the creation of a Family Law Section to offer coordinated and co-located family law services to Island families faced with legal issues. "These services include Maintenance Enforcement Office, Family Court Counsellors, Child Support Guidelines Office, Administrative Recalculation Office, and Parenting From Two Homes Program.
- The Youth Intervention Outreach Program was initiated in February 2002 to decrease the number of youth entering the formal justice system. The program is built upon a strong and positive partnership between Community and Correctional Services, the Office of the Attorney General, and municipal police and RCMP detachments. Youth Outreach Workers receive referrals exclusively from police officers, and are located across the province in four locations: Kings County District RCMP, Charlottetown Police Services, Summerside Police Services, and West Prince District RCMP. This unique program has garnered interest from all corners of the country.
- The Office of the Attorney General established an Access and Privacy Office to work towards implementation of the *Freedom of Information and Protection of Privacy (FOIPP) Act*. This section was responsible for preparing public information documents, training FOIPP Coordinators, giving presentations to government staff, and meeting with the School Boards and the Health Regions to acquaint them with the legislation in preparation for their inclusion in the scope of the *Act* by November 2003. The office also aided departments on the process of replying to requests and on the use of this legislation when answering written questions. From November 1, 2002 to March 31, 2003 there were 25 access to information requests.
- The Office of the Attorney General has been preparing for the implementation of the new *Youth Criminal Justice Act* which will come into effect on April 1, 2003. Preparations to ensure local legislation complements the new federal Youth Criminal Justice Act will continue in 2003/2004. The Office of the Attorney General will be tabling a bill in the Legislature to change the name of the *Young Offenders (PEI) Act* to the *Youth Justice Act* and to bring provincial legislation in line with the new Federal *Youth Criminal Justice Act*.

Résumé

L'année financière 2002-2003 a été à la fois exigeante et enrichissante pour le personnel du Bureau du procureur général. Le personnel a commencé le processus de mise en vigueur de la loi intitulée *Freedom of Information and Protection of Privacy Act* (Loi sur l'accès à l'information et la protection de la vie privée), a fait du progrès par rapport à la Stratégie sur la conduite en état d'ébriété, et a travaillé avec ses collègues fédéraux et provinciaux afin de renforcer la loi intitulée *Youth Criminal Justice Act* (Loi sur le système de justice pénale pour les adolescents). Les agents responsables du Bureau du procureur général ont continué de travailler avec les représentants fédéraux et internationaux sur les questions de sécurité, particulièrement les questions qui ont été soulevées après le désastre du 11 septembre 2001.

Le Bureau du procureur général est composé de cinq divisions, soit les Services communautaires et correctionnels; Consommation, corporations et assurances; le Bureau des procureurs de la Couronne; Politiques judiciaires; Services juridiques et judiciaires; et Services d'accès et de protection de la vie privée. La Division des politiques et de l'administration, dont la responsabilité est partagée avec le ministère des Affaires communautaires et culturelles, s'occupe des services comme Ressources humaines, Planification et politiques, Communications et Administration financière. Vous trouverez ci-après une brève description de chacune des divisions du Bureau du procureur général :

Services communautaires et correctionnels

La division renforce la sécurité publique en fournissant des installations institutionnelles, ainsi que des programmes de réadaptation et de réinsertion aux contrevenants adultes et aux jeunes contrevenants. La division offre également des services aux victimes de crime.

Consommation, corporations et assurances

La division est responsable de l'inscription et de la constitution en corporation des entreprises commerciales, des coopératives et des organisations sans but lucratif qui se créent dans la province, de l'inscription de toutes les entreprises basées à l'extérieur de la province qui ont des activités commerciales dans la province et de la réglementation de certaines entreprises commerciales comme les compagnies d'assurances, les émetteurs de valeurs, les sociétés immobilières, les caisses populaires et d'autres institutions financières.

Procureurs de la Couronne

La division représente le procureur général et s'occupe de toutes les infractions relevant du Code criminel et des lois provinciales.

Politiques judiciaires

La division fournit des conseils, participe à la planification et à l'élaboration des programmes, coordonne l'élaboration des politiques, fait la promotion de nouvelles initiatives, dirige les discussions du gouvernement sur des questions judiciaires et correctionnelles.

Services juridiques et judiciaires

La division s'occupe de la structure administrative des services judiciaires et de l'aide juridique et fournit des services juridiques au gouvernement.

Politiques et administration

La division est responsable de l'administration du personnel et des affaires financières du ministère, élabore des initiatives stratégiques et gère les programmes spécialisés. Cette division est une ressource partagée qui sert à la fois le ministère des Affaires communautaires et culturelles et le Bureau du procureur général.

Services d'accès et de protection de la vie privée

La division a été établie le 1^{er} novembre 2002, au moment de la mise en vigueur de la loi intitulée *Freedom of Information and Protection of Privacy Act*, afin de mettre en œuvre la loi et offrir des renseignements sur les deux composantes principales de la loi : de rendre le gouvernement plus ouvert et responsable envers les citoyens de l'Île-du-Prince-Édouard et de veiller à ce que les renseignements personnels gardés par le gouvernement soient protégés.

Points saillants et initiatives :

L'année financière 2002-2003 a été à la fois exigeante et enrichissante pour le personnel du Bureau du procureur général. Le personnel procédera à l'amélioration de la prestation des services et de l'éducation grâce à une approche axée sur le client et prévoit travailler à l'avancement des secteurs prioritaires suivants au cours du prochain exercice financier :

- Les agents responsables du Bureau du procureur général ont travaillé à la création d'une section du droit familial qui s'occupe d'offrir des services coordonnés et colocalisés aux familles de l'Île aux prises avec des questions judiciaires. Ces services incluent le Bureau provincial d'exécution des ordonnances alimentaires, les conseillers du tribunal de la famille, le Bureau des lignes directrices sur les pensions alimentaires pour enfants, le Bureau de recalcul administratif des pensions alimentaires, et le programme Positive Parenting from Two Homes.
- Le Programme d'approche et d'intervention auprès des jeunes a été mis en œuvre en février 2002 afin de réduire le nombre de jeunes qui entraînent dans l'appareil judiciaire formel. Le programme est établi sur un partenariat fort et positif entre les Services communautaires et correctionnels, le Bureau du procureur général et les détachements de la police municipale et la GRC. Les intervenants auprès des jeunes reçoivent des références exclusivement des agents de police, et ils sont situés dans l'ensemble de la province à quatre endroits : au district de la GRC du comté Kings, aux services de police de Charlottetown, aux services de police de Summerside, et au district de la GRC de Prince-Ouest. Ce programme unique en son genre a attiré de l'intérêt de tous les coins du pays.
- Le Bureau du procureur général a établi un Bureau de l'accès et de la vie privée afin de travailler à mise en vigueur de la loi intitulée *Freedom of Information and Protection of Privacy (FOIPP) Act*. La division était responsable de préparer des documents d'information pour le grand public, de former des coordinateurs FOIPP, de donner des présentations à la fonction publique, et de rencontrer les commissions scolaires et les régions sanitaires pour leur offrir des renseignements sur le projet de loi afin qu'ils soient inclus dans la portée de la loi avant novembre 2003. Le bureau a également aidé les ministères à comprendre le processus de réponse aux demandes et à comprendre l'étendue de cette loi lorsqu'ils répondent aux questions écrites. Du 1^{er} novembre 2002 au 31 mars 2003, on a reçu 25 demandes d'accès à des renseignements.
- Le Bureau du procureur général se préparait à la mise en œuvre de la loi intitulée *Youth Criminal Justice Act* (Loi sur le système de justice pénale pour les jeunes), qui entre en vigueur le 1^{er} avril 2003. Les préparations permettant de veiller à ce que la loi locale soit le complément de la nouvelle loi fédérale intitulée *Loi sur le système de justice pénale pour les adolescents* se poursuivront en 2003-2004. Le bureau du procureur général reportera la discussion d'un projet de loi à l'assemblée législative afin de modifier le nom de la loi intitulée *Young Offenders (PEI) Act* (Loi sur les jeunes contrevenants (de l'Î.-P.-É.)) à *Youth Justice Act* (Loi sur le système de justice pour les jeunes) et de mettre la loi provinciale en conformité avec la nouvelle *Loi sur le système de justice pénale pour les adolescents* fédérale.

Community and Correctional Services Division

Director: John R. Picketts

Mandate

The Community and Correctional Services Division is an essential part of the criminal justice system, mandated to enhance public safety by contributing to the rehabilitation of youth and adult offenders. The Division delivers a variety of programs through six sections: Victim Services, Community Services, Correctional Services, Clinical Services, Corporate Section and Planning and Development. The Division also contributes to public education, community development, crime prevention, research and policy and program development.

Highlights and Initiatives

- Clinical Services Section Created
- Policy Development
- Preparation for Youth Criminal Justice Act Implementation
- Youth Justice Renewal Projects
- Supervisors Training
- Workload Analysis Within Community Services
- Continued Emphasis on:
 - Employee Wellness
 - Staff Recognition
- Intermittent Offenders Profile
- Security Audit With Correctional Facilities
- Nursing/Medical Services Analysis
- Initiatives Respecting
 - Freedom of Information
 - Occupational Health and Safety
 - Records Management
- Capital and Capacity Planning
- Research on Victim Satisfaction with Alternative Measures

Priorities for 2003/2004 include

- Review of Division's Organizational Structure
- Policy Development
- Human Resource Planning
- Program Development
- Outcome Measures and Evaluation
- Community Development and Partnerships

Trend Analysis:

- Slight Increase in Adult Custody – 26,615 bed days in 2001/2002 to 28,766 bed days in 2002/2003.
- Female Custody Days rose from 1,088 in 2001/2002 to 1,140 in 2002/2003.
- Youth Custody Remained Constant at 8200 Days.
- Probation Court Reports rose from 312 in 2001/2002 to 388 in 2002/2003.
- Victim Services Cases rose from 850 in 2001/2002 to 1,046 in 2002/2003.
- Preparation of Victim Impact Statements rose from 265 in 2001/2002 to 340 in 2002/2003.

Victim Services

Victim Services provides a client-centred service for victims of crime by assisting clients throughout their involvement with the criminal justice process.

The mandate of Victim Services is to carry through on the following responsibilities:

- assist victims as needed throughout the process of their involvement with the criminal justice system;
- help victims to access other services as needed;
- receive applications for criminal injuries compensation and investigate claims on behalf of the Minister;
- assist with the preparation and filing of victim impact statements;
- assist justice personnel and community agencies in providing services to victims;
- promote the Statement of Principles set out in the *Victims of Crime Act*.

Statistical Overview

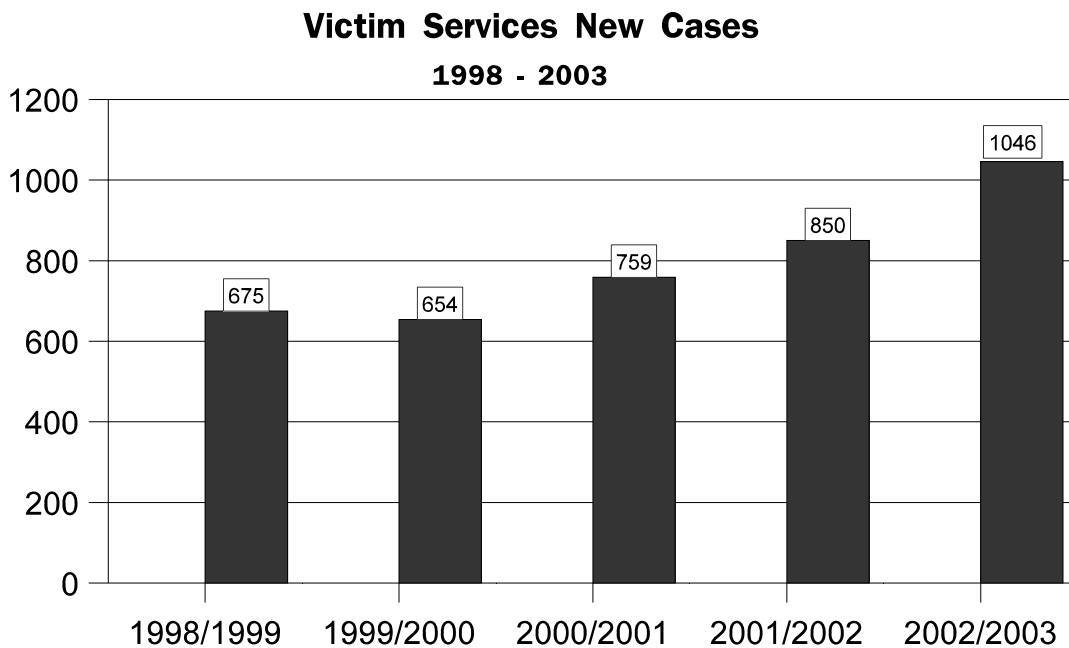
The following provides a brief statistical overview of client demand and service trends. Further information and statistics regarding the Victim Services Program and Criminal Injuries Compensation Program are contained in the *14th Annual Report of the Victims of Crime Act*. Victim Services cases are categorized in the following classifications: general, sexual abuse, wife abuse, other family abuse, and commercial/institutional abuse. The percentage breakdown of new cases by case classification in 2002/2003, and a comparison with the previous year, are noted as follows:

Victim Services New Cases		
Type of Client	Percent Breakdown	
	2001/02	2002/03
General*	48	47
Wife Abuse	32	29
Sexual Abuse	8	11
Other Family Abuse	7	8
Commercial/industrial	6	5

* General includes break and enter, damage to property, theft, general assaults, etc.

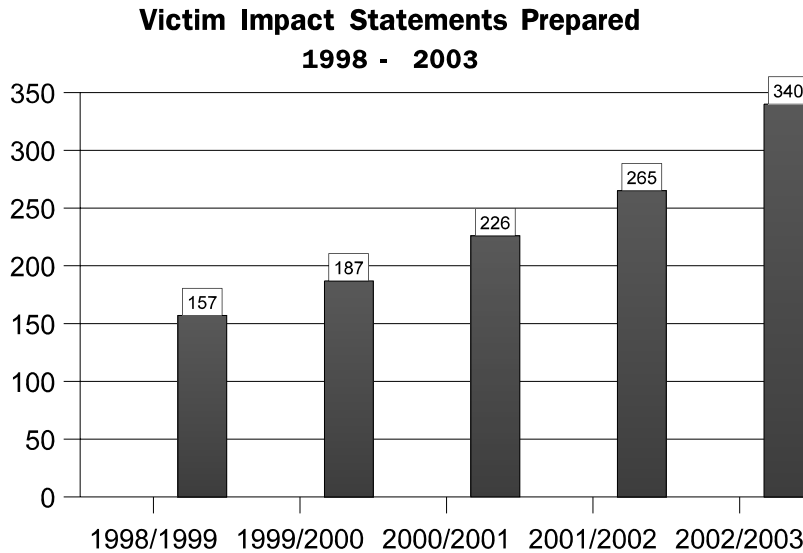
Caseload Trends

Victim Services' caseload has increased dramatically in all areas of the province in the past several years. Prior to 2000/2001, the annual number of new cases was usually in the 600-700 range, in addition to those carried forward from one year to the next. In the past several years, as illustrated in the graph below, significant increases have occurred in the annual number of new cases, with a 55 per cent increase since 1998/99. In 2002/2003, there were 1,046 new cases, in addition to approximately 470 cases carried forward from the previous year.



Victim Impact Statements

Victim Services is designated by Lieutenant Governor in Council as the program responsible for preparing and filing victim impact statements. In 2002/2003, 340 victim impact statements were prepared and filed with the court. Over the past five years, there has been a 116 per cent increase in the number of victim impact statements prepared, as illustrated in the graph below.



Under the *Victims of Crime Act*, Victim Services is responsible for receiving applications and investigating claims for criminal injuries compensation. In the 2002/2003 fiscal year, 44 new compensation applications were filed, 75 were carried over from the previous year, and 16 decisions were made. Compensation awards totalled \$56,940. One hundred and seven compensation files were carried forward to the next fiscal year.

Victims of Family Violence Act

The *Victims of Family Violence Act* came into effect in December, 1996. Under this act, Emergency Protection Orders are available 24 hours/day from designated justices of the peace. In non-emergency situations, longer-term Victim Assistance Orders are available by application to the Supreme Court. Victim Services staff assist with training and ongoing monitoring and promotion of the use of the *Victims of Family Violence Act*.

In 2002/2003, 27 Emergency Protection Orders were granted under the *Victims of Family Violence Act*, an increase of four over the previous fiscal year. The 27 Emergency Protection Orders were from eight days to 90 days in duration, with an average length of 49 days. Of the 27 orders granted, four were revoked, two were varied and one was further extended for an additional 60 days. Since the proclamation of the Act in December 1996, there have been a total of 172 Emergency Protection Orders granted.

Highlights and Initiatives

- Victim Services obtained funding from the Victims of Crime Fund, Justice Canada, to conduct research on victim satisfaction with the Alternative Measures process, and its effectiveness in addressing the needs of victims of crime. Recommendations of the report focussed on improvements in communication and information sharing; review and clarification of policies and procedures with respect to Alternative Measures, improved record keeping and case tracking procedures; appropriate human resource support for the program, and additional training and public education. Further work will be undertaken in relation to these recommendations.
- Experience with using the *Victims of Family Violence Act* for five years, together with the results of the Evaluation of the *Victims of Family Violence Act* conducted in 2000/2001, led to some amendments to the *Act* which were passed by the Legislative Assembly in May, 2002. Refresher training will be provided to police, Justices of the Peace, family law lawyers and other service providers once the amendments have been proclaimed.
- With funding assistance from the Victims of Crime Fund, Policy Centre for Victims Issues, Justice Canada, Victim Services was able to continue to support the Special Projects Officer position. Funding for this project, originally approved for two years beginning in January 2001, was extended for three additional years until March 31, 2005. The position has continued to assist in alleviating increasing workload pressures, as well as assisting with other initiatives for the benefit of victims.

Priorities for 2003/2004

Priorities for the next fiscal year include the following:

- draft amendments to *Victims of Family Violence Act* Regulations and seek approval for proclamation of the amended *Act* and Regulations;
- update training teams and provide re-training on the *Victims of Family Violence Act*;
- secure adequate resources to meet increasing demands on Victim Services staff;
- develop a sustainable method of providing victims with an opportunity to give feedback on their experiences with the criminal justice system.
- reduce the backlog in Criminal Injury Compensation claims awaiting adjudication;
- develop and update public information materials to assist victims of crime;
- conduct research in the area of restitution to examine current levels of ordering, monitoring and enforcing restitution orders in the province.

Community Services

General Overview

The Community Services Section is responsible for the planning, administration and delivery of the following community-based correctional programs and services:

- Probation Services (Adult and Young Offenders);
- Family Court Services; and,
- the Alternative Residential Placement/Community Youth Worker Program.

This section supports inter-agency initiatives and partnerships in early intervention, program development, crime prevention and/or community justice and restorative justice initiatives. Community Services personnel support/assist in public education efforts on justice and community corrections matters.

There are currently 34 full-time staff attached to Community Services working from offices situated across the province. Staff are involved in direct service delivery to clients, providing administrative support and/or program management/coordination functions. Staff resources are augmented by administrative support staff of other departments (Access PEI locations) and in program/service delivery by other provincial staff resources (i.e., other parts of the division; Education; Mental Health; Child, Family and Community Services), as well as by volunteers, student placements and project staff who are welcomed and engaged on an ongoing basis.

Probation Services

Probation Services delivers the following province-wide community-based correctional programs and services to clients and to the adult criminal and youth justice courts:

- supervision and enforcement of adult and youth probation orders;
- investigation and preparation of pre-sentence, predisposition and progress reports as requested by the courts;
- case management based on a client's assessed needs and specific requirements of the case (e.g., court orders). This may include referral to a variety of community-based services, including individual or group treatment/education programs, such as alcohol and/or drug treatment programs, education programs, mental health services, anger management programs, life skills and employment preparation programs, parenting programs, the Turning Point Program, the Sexual Deviancy Assessment and Treatment Program and a variety of other programs or services which address presenting problems and support the needs of a particular client and the conditions/requirements of his/her sentence;
- management of the Fine Option (F/O) and Community Service Work Programs (CSW);
- the development and management of alternative measures (A/M) agreements for youth and adult cases referred through Crown Counsel; and,
- supervision and management of adult conditional sentence orders.

Probation staff participate in, or support, a number of community-based initiatives or approaches (e.g., interagency case management, program development, community development, interagency committees, resolution of service delivery issues) at the individual case, program and system levels.

**Probation Services – Caseloads/workloads – Adult Offenders
Fiscal Year April 1, 2002 to March 31, 2003**

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total
Cases Under Supervision (Incl. A/M, F/O, CSO and Probation) (Note -end of Quarter)	747	769	777	820	-
New Cases Opened (Incl. A/M, F/O, Cond/Sent and Probation)	214	191	201	232	838
Court Reports	47	54	81	66	248
New Charges (breaches)	29	45	23	19	116
Probation Admissions (under a probation order)	142	131	146	158	577
Alternative Measures (A/M) Admissions	38	40	31	42	151
Conditional Sentence Order Admissions	11	10	9	12	42
Fine Options Admissions	23	10	15	20	68

**Probation Services – Caseloads/Workloads – Young Offenders
Fiscal Year April 1, 2002 to March 31, 2003**

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total
Cases Under Supervision (Note – end of quarter) (Incl. A/M, F/O, and Probation)	191	200	208	217	-
New Cases Opened (Incl. A/M, F/O, and Probation)	61	92	87	71	311
Court Reports	28	35	44	33	140
New Charges (breaches)	12	17	15	8	52
Probation Admissions	28	43	45	34	150
A/M Admissions	29	47	36	33	145
Fine Options Admissions	4	2	6	4	16

Highlights and Initiatives

- Probation Services continued its involvement in a national/international initiative that focuses on the use and enhancement of risk assessment instruments for sex offenders admitted to community supervision. The Dynamic Supervision Project is a 30-month initiative under the leadership of the Solicitor General Canada.
- The PEI Community Justice Resource Centre was moved from Community Programs to the newly formed Clinical Services Section;
- The Youth Intervention Outreach Program was expanded to include the R.C.M.P. Detachment in Montague, PEI;
- A Train-the-trainer model was used to educate employees of Community Programs on the changes in roles and responsibilities that will occur under the *Youth Criminal Justice Act*, and
- A new model for youth justice service delivery was developed through consultation with employees of Community and Correctional Services and other stakeholders who provide service to youth at risk. Youth Justice Services will provide an enhanced multi-disciplinary approach to intervention with youth and families with the intent of reducing the incidence of youth crime and the entry of young people into the formal justice system.

Priorities for 2003-2004

- Continue to advance assessment and case management strategies through training; further policy and protocol development; and, through the adoption and implementation of actuarial risk/need assessment instruments;
- Implement the Youth Justice Services Section in Community Programs and continue planning in relation to service delivery, program development and human resource allocations; and,
- Continue to refine the Youth Intervention Outreach Program service delivery model.

Family Court Services

Two Family Court Counselors, one of whom functions as team leader, provide the following province-wide services:

- the preparation of court ordered reports (home studies) respecting custody and access of children for the P.E.I. Supreme Court, Trial Division, Family Section;
- mediation services in family related matters (e.g., division of family property, child support, child custody and access);
- referral of clients to required services including: Turning Point Program; Addiction Services; Child and Family Services; Mental Health Services; Victim Services and parent education programs;
- education and information for the public and families on the effects of separation and divorce on children and separating parents;
- participation in various professional organizations dealing with family and social casework related issues (e.g., Mediation P.E.I., P.E.I. Social Work Association, Child Sexual Abuse Interagency Committee).

Family Court Services – Yearly Caseload Statistics April 1, 2002 to March 31, 2003 – Number of New Cases Opened		
	Mediation	Court Ordered Reports
April 1 to June 30	46	8
July 1 to September 30	47	14
October 1 to December 31	28	3
January 1 to March 31	48	13
TOTAL	169	38

Highlights and Initiatives

- Thirty-eight (38) home studies were completed in 2002/2003, an increase of 72 per cent from 1998/1999.

Priority for 2003-2004

- Family Court Services will be moved from Community and Correctional Services to the Family Law Section, Legal and Judicial Services Division in December 2003.

Alternative Residential Placement and Community Youth Worker Program

The mandate of this program is the prevention of youth crime and the reduction of recidivism through the support and assistance provided by staff and community residential placement resources. Emphasis is placed upon the successful reintegration of youth back into their families and the community. Staff working in this program provide the following services:

- Alternative Residential Placements through contracts with private homes across the province. After screening and departmental approval, the placements can provide residential resources for high risk/high need youth in need of safe, structured residential care outside of, or as a complement to, their natural homes;
- One-to-one casework, counselling and support services;
- Community supervision to high risk youth and their families;
- Support to alternative residential placements and youth within these homes through regular contact, consultation, case management and liaison with other agencies and community organizations;
- Preventative programs for youth and their families within the community; and
- Support to sustainable community development initiatives designed to support youth at risk in their own communities.

**Youth Intervention Outreach Program/ Alternative Residential Placements
Community Youth Worker – Caseloads/Workloads
Fiscal Year April 1, 2002 to March 31, 2003**

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total
Cases Under Supervision CYW (Note – end of Quarter)	88	90	97	100	-
New Cases Opened CYW	22	16	24	25	87
New Cases Opened YIOP	35	35	37	54	161
Alternative Residential Placements	7	6	8	8	16

Highlights and Initiatives

- As of March 31, 2003, there were 10 Alternative Residential Placement homes approved for use across the province.

Priorities for 2003-2004

- To undertake a review of the Alternative Residential Placement Program in terms of present usage, future requirements, recruitment/retention of resources, operational issues and experiences and other relevant matters in order to advance recommendations for future direction.
- To further develop and implement core group programming for youth.
- To actively recruit, assess and select additional Alternative Residential Placement resources in needed areas of the province to meet current and future requirements.
- To develop and implement a divisional protocol for the continued utilization and enhancement of Alternative Residential Placement resources as an effective and efficient alternative for open custody placements of appropriate youth cases committed to open custody dispositions by the youth courts.

Correctional Services

Correctional Services is responsible for five institutions, listed as follows: two adult facilities (Provincial Correctional Centre and Prince Correctional Centre) and three youth facilities (Tyne Valley Youth Centre, Georgetown Youth Centre, and PEI Youth Centre, Summerside).

The primary functions are sentence administration, remand, lock-up, court support, and open and secure custody. The combined bed capacity is 166, however, we are currently utilizing 158 beds for residential services. Internal programs include academic, workshop, addictions, life skills, employment preparation, anger management, community service, family awareness programs, and recreation. All facilities are available to the community for meetings, recreation, training, and educational tours.

Highlights and Initiatives

- Client demand for adult corrections remained relatively constant throughout the fiscal year. Individual clients continue to present high-risk behaviour that requires consistent levels of clinical service interventions.
- Youth custody demand has decreased resulting in the temporary suspension of residential services at the Tyne Valley Youth Centre.
- The female population numbers continue to remain high prompting the need for the ongoing development of gender specific programs.
- Risk management of aging, multi-purpose, adult facilities providing service to lock-up, remand, sentenced, intermittent, parole violators, and Exchange of Service Agreement offenders, provides many challenges to staff within Adult Custody.
- Correctional Services continues to focus on employee wellness by investing in a variety of strategies and training.
- Correctional Services has continued to work toward achieving partnerships with other government agencies and community groups, such as re-deployment of staff to Family Ties, participation in MAST Teams, program facilitation within communities and schools, offering on-the-job training to Justice Institute students, Youth Worker Program students, and community service work projects.
- Youth Custody Programs are well underway with training and preparations for the new Youth Criminal Justice Act legislation that is to be proclaimed April 2003. Several staff have participated on Youth Criminal Justice Act interdepartmental teams / interagency teams working towards assisting Community and Correctional Services to have a smooth transition in April 2003. A variety of staff participated in pilot projects in relation to the pending Youth Criminal Justice Act legislation / philosophy.
- Key staff were invited to assist another Atlantic jurisdiction with Youth Criminal Justice Act training.

Trend Analysis

- Slight increase in Adult Custody bed days: 2001/2002 – 26,615 to 2002/2003 – 28,766.
- Female custody bed days rose 2001/2002 – 1,088 to 2002/2003 – 1,140 bed days.
- Youth custody remained constant at 8,200 bed days.

Priorities for 2003-2004

- Accelerated release planning for adults.
- Improving educational programming.
- Core programming requirements.
- Divisional supervisory training.
- Monitoring / evaluating Youth Criminal Justice Act legislation impacts.
- Policy review / development.

- Review service delivery to female offenders.
- Respond to Occupational Health and Safety issues.
- Managing risk factors associated with aging correctional facilities.
- Responding to increasing risk factors associated with changing client profile / mix.
- Managing issues associated with intermittent sentences within correctional centres.
- Complete a needs analysis for client information system.
- Decision on client risk management tool.
- Review of Medical / Nursing Services.
- Security Audits.
- Initiate records management within facilities.
- Capital and capacity planning issues.

Clinical Services

The Clinical Services team is a provincial resource, which provides assessment and treatment to offenders and high risk community members. The target population of the team's services are high risk adults and youth. The team also provides training, consultation, and case management support to the Division.

Highlights and Initiatives:

- Expansion of the Team to include a Clinical Intern, an Aboriginal Caseworker, and the staff of the Community Justice Resource Centre, including the Sexual Deviance Specialist, the Turning Point (domestic violence program) Coordinator, and the Centre Coordinator.
- Where possible and when appropriate, all Team services are multisystemic in approach (e.g., including family), risk/need/strength focused, research-based, cognitive-behavioural, and culturally responsive for Aboriginal clients.
- Assessments provided in the areas of mental health, suicide risk, institutional adjustment, substance use, sexual deviance, domestic violence, anger management, risk to re-offend, needs related to criminal behaviour.
- Individual treatment provided in the areas of sexual deviance, domestic violence, anger management, motivational counseling, substance abuse interventions, supportive counseling, victim support services (specifically to victims whose partners are participating in individual or group treatment, such as the domestic violence program).
- Group treatment programs, including:
 - Anger management (men and women)
 - Turning Point programs (domestic violence intervention)
 - Adult and adolescent sexual deviance treatment
 - Relapse prevention for adults who have committed a sexual offense
- Crisis intervention related to depression, substance use, suicide risk
- Professional training within the Division of Community and Correctional Services

- Training of multi-disciplinary program facilitators to increase integration of human service personnel within active delivery of services (e.g., employees from mental health, addictions, and child protection agencies, as well as from Community and Correctional services)
- Case consultation for medical, psychiatric, child protection, federal corrections, mental health, crown attorneys, defense attorneys, policing services
- Public/professional education strategies related to core programs and core client populations presenting risk/needs to increase public/professional awareness of issues affecting clients of Community and Correctional Services
- Participation in advisory councils throughout the province.

Priorities for 2003-2004:

- Establish Clinical Services personnel as a Divisional Team.
- Research and identify Divisional Risk/Need Assessment instrument(s) for implementation/assessment in the area of risk/need/re-offending (criminal behaviour)
- Collaboration on Divisional Policy – Adult and Youth Case Management.

Corporate Services

The business manager for the Community and Correctional Services Division has responsibility for the overall financial administration of the division. Major areas of responsibility include:

- budget control, monitoring and forecasting
- processing of all divisional expenditures
- purchasing and inventory control
- contract management
- revenue management
- financial planning and analysis
- auditing and investigation services
- managing the administrative requirements
- payroll processing
- information systems development and support
- reporting

Highlights and Initiatives:

- Divisional administrative team meetings are held for all administrative support on a quarterly basis. The objective for these meetings is to ensure consistent application of policies and procedures across the division, to ensure cross training opportunities are maximized, and to raise administrative issues on the divisional level for proactive responses.
- Negotiations continued with the Federal Department of Justice for a new Inter-Provincial Agreement related to proposed new sentencing options to come into effect with the proclamation of the *Youth Justice Criminal Act*.
- Completed the first claim for the Youth Criminal Justice Base Agreement.

Priorities for 2003-2004:

- Sign an agreement with the Federal Department of Justice which will allow our Division to staff a temporary assignment for two to five years giving us capacity for assessing the risk/needs of youth in our system.
- Continue to review and improve on payroll processes including implementing the use of the PowerBuilder program to work with 24-hour operations in identifying pay and benefits as outlined in the Collective Agreement.
- Develop and implement a consistent divisional personnel file management process .
- Complete divisional review of records management to ensure records are compliant with the new Freedom of Information and Protection of Privacy legislation.
- Develop and analyze computer inventory to determine where system upgrades or improvements are required.
- Continue to support the division in financial and administrative issues.

Planning and Development Services

The Planning and Development Coordinator position was staffed in August 2001, with primary responsibilities for policy development, divisional planning, human resource planning, and coordination of development and training, and wellness activities. Fiscal year 2002/2003 was the first full year for this position and it proved to be a busy and productive one.

Highlights and Initiatives

During the fiscal year 2002-2003, the Planning and Development Coordinator was involved in the following accomplishments:

- Divisional Planning – With input from divisional staff, the Divisional Mission and Values were revised.
- Divisional Workplan – Based upon strategic priorities identified, a divisional workplan was developed.
- Policy Development – With the implementation of the Youth Criminal Justice Act (YCJA) planned for April 1, 2003, there was a critical need to develop policy to provide guidance to staff on critical operational issues related to the Act. The Coordinator chaired the YCJA Policy Development Committee, which developed all divisional policy related to the Act. In addition to the policy development, the Coordinator was involved in identifying the training needs and creating YCJA forms. The goals of the committee were achieved through a spirit of cooperation prior to the implementation of the YCJA.

- The Coordinator chaired the Health Services Review Committee with representation from Youth and Adult Custody Nursing, Correctional Services Canada Nursing, and the UPEI School of Nursing. A policy needs assessment was completed and policies were developed to provide direction and guidance in the delivery of health services within the youth and adult custody facilities. The policies were developed and implemented within the year.
- Divisional Administration policies were developed and approved.
- The Coordinator represented the Division on the Provincial Diversity Committee, which was instrumental in the development and implementation of the Provincial Diversity and Equity Policy in May, 2003. A Diversity Awareness training session was developed and delivered for supervisors and managers within the Division.

Development and Training

- A Divisional Training and Development Committee was initiated with responsibility to coordinate the development and training needs of the division.
- Facilitation training was provided to divisional employees who serve as facilitators of divisional training sessions.
- A luncheon was organized to recognize the contributions of the training facilitators.
- A new Divisional Development and Training Calendar was developed and the training provided.
- The Coordinator participated in the Atlantic Corrections Joint Training Committee which organized supervisory training at the Memramcook Institute, as well as a session on Media Relations in Corrections. Training of facilitators for the Employee Wellness Program was coordinated through this committee. The annual meeting of the committee was hosted in PEI.
- The Coordinator is a member of the Training and Development Fund Steering Committee that was formed to establish guidelines for the delivery of the \$250,000 Union Training and Development Fund.

Employee Wellness

- The Employee Wellness Program developed by Dr. Pat Fisher was delivered by divisional employees trained as wellness facilitators.
- As a follow up to the success of the wellness training provided, a Divisional Wellness Committee was established.

Human Resource Planning

- A divisional human resource analysis was completed, which provided a basis for further work.
- The Coordinator was involved in the implementation of a revised Performance Development Planning process.
- The Coordinator developed an Orientation Package for new employees.

Labour Management

- The coordinator is a member of the Divisional Labour Management Committee that was established to work with the union on broad labour relations issues of mutual concern.

Priorities for 2003-2004

In the upcoming year, priorities for Planning And Development include:

- Adult Custody Policy Review,
- Development of a Human Resources Plan,
- Involvement in the ongoing development of YCJA policies,
- Expand employee wellness activities to all sections of the division,
- Identity requirements for a Client Management System and evaluate available systems,
- Coordinate development of supervisory training.

Consumer, Corporate and Insurance Services Division

Director: Edison Shea

The Consumer, Corporate and Insurance Services Division registers and incorporates business enterprises, cooperatives and nonprofit organizations that are formed in the province, and registers all out-of-province companies carrying on business in the province. Selected business enterprises such as insurance companies, securities issuers, real estate firms, credit unions and other financial institutions in the province are regulated.

The division administers the Gun Control Program and the Orderly Payment of Debts Program. Bingos, raffles and other games are licensed under the Lottery Schemes Order. Consumers are provided with information and assistance in dealing with problems encountered in the marketplace. The Public Trustee provides protection and assistance to mentally incompetent persons by looking after their financial affairs and other needs.

Corporate Section

The Corporate Section of the division is responsible for the administration of the following acts:

<i>Companies Act</i>	<i>Licensing Act</i>
<i>Condominium Act</i>	<i>Limited Partnerships Act</i>
<i>Co-operative Associations Act</i>	<i>Partnership Act</i>
<i>Credit Unions Act</i>	<i>Securities Act</i>
<i>Foreign Resident Corporations Act</i>	<i>Winding Up Act</i>

Statistics

Following are statistics related to the various statutes administered by the Corporate Section:

Companies Act	2002-2003	2001-2002	2000-2001
Incorporations during the year			
Business corporations	332	313	374
Nonprofit corporations	42	36	34
Certificates of Good Standing issued	154	164	164
Annual returns filed under Section 80 of the <i>Companies Act</i>	4,439	4,388	4,065
Number of companies dissolved	170	0	195

Companies Act	2002-2003	2001-2002	2000-2001
Number of companies revived	24	18	21

Co-operative Associations Act

There are approximately 100 active cooperatives in the province. During 2002-2003, there were eight new cooperatives incorporated, compared to seven the previous year.

Credit Unions Act

The *Credit Unions Act* is administered by the Credit Union Central of Prince Edward Island, which also carries out inspections of credit unions. A separate report on credit unions, as compiled by the Credit Union Central, is also presented in the legislature.

Since 1992, there has been an insurance plan in place for credit unions, operated by the Credit Union Deposit Insurance Corporation (CUDIC). The insurance coverage, provided for deposits and shares in credit unions, is similar to that provided for deposits in banks and trust companies by the Canada Deposit Insurance Corporation.

On December 24, 1997, amendments to the *Credit Unions Act* were passed which increased the deposit insurance coverage to 100 per cent of credit union members' deposits held in registered retirement savings plans and registered retirement income funds.

The Credit Union Central staff communicates regularly with the department to keep it informed about the credit union movement. The Director of Consumer, Corporate and Insurance Services also serves as the Registrar of Credit Unions and is a member of the board of directors of the Credit Union Deposit Insurance Corporation.

Licensing Act

All out-of-province businesses carrying on business in this province are required to register under the *Licensing Act* regardless of whether they have an office or employees in the province. Such business organizations include banks, trust companies, loan companies, finance companies, chain stores, oil and gas companies, construction companies, manufacturers and generally all companies not incorporated under the laws of this province and having their head office or chief place of business located outside the province.

Licensing Act	2002-2003	2001-2002	2000-2001
Companies registered under the <i>Licensing Act</i>	2,646	2,672	2,404
Certificates of Good Standing issued	145	177	129

Partnership Act

The business names of sole proprietorships and partnerships are registered under the *Partnership Act* as well as trade names of corporations.

Partnership Act	2002-2003	2001-2002	2000-2001
Declarations of proprietorships, partnerships and trade names filed	1,053	983	1,072
Dissolutions filed	227	347	233

Declarations filed under the *Partnership Act* expire three years after the date of filing unless renewed.

Securities Act

The *Securities Act* regulates the sale of securities to the public and provides for the licensing of dealers, advisers and salespeople. The purpose of securities legislation is to provide investor protection and to foster efficient capital markets.

Canadian Securities Administrators (CSA)

The Canadian Securities Administrators (CSA) is comprised of the 13 provincial and territorial securities regulatory authorities in Canada. Over several years, the CSA has established and continues to develop and administer the Canadian Securities Regulatory System. The CSA functions through meetings of Commission Chairs and Registrars held at regular intervals, meetings and ad hoc interactions between executive directors, and through working committees established by the chairs and registrars.

The securities regulatory authorities share a mandate of ensuring well-regulated markets which protect investors from unfair, improper or fraudulent practices while fostering fair, efficient capital markets within each of their jurisdictions. The CSA members register individuals and companies who give advice about or trade in securities, review prospectuses, monitor continuous disclosure documents, conduct compliance reviews of registrants, grant discretionary exemptions from registration and prospectus requirements, investigate possible violations of provincial securities laws, and commence proceedings before the commission (in provinces that have a securities commission) or the Provincial Court.

In some jurisdictions the securities regulatory authority is a self-funding agency or crown corporation. In others, including this province, the securities regulatory authority operates from within a department of the provincial government.

Securities Act registrations and filings:	2002-2003	2001-2002	2000-2001
Licenses issued			
Resident salespersons	468	405	310
Nonresident salespersons	2,213	1,867	2,086
Total salespersons licensed	2,681	2,272	2,396
Brokers licensed	139	108	90
Personnel changes filed	250	304	338
Prospectuses registered	2,714	2,631	2,550
Prospectuses amendments registered	1,448	1,250	994
Certificates of Exemption	120	174	245
Annual Information Forms registered	463	517	428

Revenue

Revenue Source:	2002-2003	2001-2002	2000-2001
<i>Companies Act</i>	\$371,000	\$336,000	\$362,000
<i>Licensing Act</i>	679,000	653,000	675,000
<i>Securities Act</i>	3,269,000	2,724,000	2,536,000
Other statutes	144,000	120,000	109,000
Total revenue collected by Corporate Section	\$4,463,000	\$3,833,000	\$3,682,000

Comments

Corporate section staff spend a significant amount of time responding to inquiries from the public as much of the information filed in the section is public information. Requests for information about corporations, cooperatives, partnerships or other matters come from the legal and accounting professions, other government departments, police authorities, business people, financial institutions and the public at large.

Corporate Section Personnel

Director	Edison Shea
Deputy Registrar of Securities	Mark Gallant
Corporate Counsel	Katharine Tummon
Corporations Officer	Sandra Furlotte
Administrative Assistant	Sheila MacNevin
Securities Secretary	Lorraine Matheson
Securities Clerk	Janice Callbeck
Corporations Clerk	Joan MacKay
Corporations Clerk	Lori Stewart
Corporations Clerk	Brenda Storrington

Insurance and Real Estate

Insurance Act	2002-2003	2001-2002	2000-2001
Insurance companies licensed	212	220	230
Applicants examined	100	106	79
Number of insurance agents licensed	371	369	375
Number of insurance adjusters licensed	50	52	53

Comments

The superintendent of insurance also acts as the registrar under the *Real Estate Trading Act*. The superintendent primarily administers the *Insurance Act*. Duties of the office centre around the licensing and regulation of all insurers, agents and adjusters active in the province.

The office receives consumer inquiries and complaints and responds to each with information and/or intervention as required.

The superintendent participates in regional and national efforts to ensure the local insurance industry environment remains current and best serves the needs of all stakeholders. The ultimate goal remains to ensure the products demanded by the public are available at the lowest possible cost.

Revenue

Revenue collected under the various statutes is as follows:

Revenue Source	2002-2003	2001-2002	2000-2001
Premium tax	\$7,128,000	\$6,195,000	\$5,944,000
Fire prevention tax	350,000	345,000	248,000
Third-party auto levy	1,855,000	1,906,000	1,558,000
License fees and other	248,000	185,000	226,000
Total Insurance and Real Estate Section revenue	\$9,581,000	\$8,631,000	\$7,976,000

Comments

Premium tax at the rate of 3.5 per cent is collected on all insurance premiums (except fraternal) written in the province. The Fire Prevention Tax, which is assessed at one per cent of the total fire premium, is basically designed to defray expenses of the Provincial Fire Marshal's office. The Third Party Auto Levy is assessed on each insurer underwriting auto insurance.

The purpose of the Third Party Auto Levy is to offset provincial health care costs associated with innocent victims of automobile accidents. The levy allows the province to recover its costs in an efficient manner and is assessed on a per earned vehicle basis.

Real Estate

The registrar administers the *Real Estate Trading Act*. Duties of the office include the licensing and regulation of all agents and salespersons active in the province. The office receives consumer inquiries and complaints and responds to each with information and/or intervention as required.

<i>Real Estate Trading Act</i> Statistics	2002-2003	2001-2002	2000-2001
Agents licensed	47	49	49
Salespersons licensed	203	186	166

Insurance and Real Estate Section Personnel

Superintendent of Insurance
Administrative Assistant

Robert Bradley
Nancy Walker

Office of the Public Trustee

At March 31, 2003, the Office of the Public Trustee had 476 clients with balances in their trust accounts. Funds held in trust at March 31, 2003, totaled \$10.1 million. The funds of clients with available balances are invested in term bank deposits (\$7.1 million). The trust accounts are audited annually by the Auditor General and his report is available to the public.

The section continues to enjoy a close working relationship with the health care agencies; and as a result, is able to better control the assets of patients or guests who are considered incompetent. The role of the Public Trustee is increasing as many persons admitted to government homes are declared incompetent before admission. The Public Trustee is also called upon to represent estates of deceased persons in certain actions and, of course, continues to act as Administrator of Estates when no one else is available or qualified. The advisory committee is consulted from time to time as the need arises.

Office of the Public Trustee Personnel

Public Trustee	Les Zielinski
Deputy Public Trustee	Robert Landry
Administrative Assistant	Nancy Walker
Clerk	Della Godfrey

Consumer Services

The Consumer Services Section is responsible for the administration of the following programs:

Program	Statutory Reference
Video Classification	<i>Films Act</i>
Debtor Assistance	Orderly Payment of Debts, Part X of the <i>Bankruptcy and Insolvency Act</i>
Gun Control	Sections 84-117, <i>Criminal Code Firearms Act</i>
Consumer, Education and Information, Complaints and Inquiries	Various Provincial Statutes
Regulation of Charitable Gaming	Lottery Schemes Order, Sections 206 and 207 <i>Criminal Code</i>
Licensing of various industries	Various Provincial Statutes

Video Classification

The *Films Act* requires that all retail video outlets that rent, sell, lease or otherwise distribute movies (on video) must be licensed and ensure that videos are labelled with the proper classification sticker. Movies which have been prohibited by the Classification Board or which have yet to be classified, cannot be rented or sold. No film/video containing material of a sexually explicit nature may be rented or sold to any person under the age of 18 years.

Licensing statistics	2002-2003	2001-2002
Video Licenses issued (one- or two- year terms)	62	54

Debtor Assistance Program – Orderly Payment of Debts (OPD) Part X, Bankruptcy and Insolvency Act

Through this program, an alternative to consumer bankruptcy, a person pays off his or her debts by making a series of monthly payments to the Clerk of the Court. Through OPD, debtors are given the opportunity to retire their debts over an extended period of time, consistent with their ability, while maintaining a reasonable standard of living. The relevant statistics are as follows:

	2002-2003	2001-2002
Funds disbursed to creditor	\$268,368	\$219,432
Debtor interviews and reviews	167	196

In 2002-2003, there were 20 new Consolidation Orders compared to 22 issued in 2001-2002. Thirteen clients retired their debts in 2002-2003, as compared to seven clients in 2001-2002.

Gun Control – Sections 105-116, Criminal Code

In 2002-2003 there were 12 organizations that had business licenses under the *Firearms Act*. Seven of these are businesses licensed to sell firearms – restricted and non-restricted; one is a theatrical company, two are armed guard companies and two are museums. Seventeen businesses are licensed to sell ammunition only.

As well, there were 282 firearms Possession and Acquisition Licenses (PALS) issued for the purpose of acquiring firearms from April 1, 2002, to March 31, 2003.

There are three CFO approved shooting clubs: one in Kings County, Kings County Shooting Sports Co-operative Limited; one in Queens County, the PEI Provincial Rifle Association; and the Livingston Family Gun Club in Prince County.

In addition to licensing firearms businesses, this office issued 21 Authorizations to Carry firearms to armed guards who work within the province and 222 Authorizations to Transport firearms for various purposes.

Consumer Education and Information

Our staff participate in seminars and workshops for seniors, youth and other groups from time to time. As well they respond to media enquiries about our consumer alerts and other scams that occur in the marketplace.

Consumer Complaints and Inquiries

Consumers can obtain information or assistance under two circumstances: prior to a purchase – an inquiry; and post purchase – a complaint.

Pre-purchase inquiries – consumers can obtain copies of ratings on products, as well as generic information that gives them guidelines to consider when purchasing goods and services.

Post-purchase complaints – consumers can obtain information on their rights provided under provincial legislation or assistance with mediation when requested by either the consumer or the retailer. A complaint which involves a situation of noncompliance by a firm whose activity is subject to one of the assigned statutes is investigated, and, when necessary, corrective measures are taken.

Regulation of Charitable Gaming

The Lottery Schemes Order made pursuant to Section 207 of the *Criminal Code* empowers the province to license and set terms and conditions for the operation of charitable gaming. These include bingos, raffles, lotteries, casino nights, 50/50 draws and sports pools. The licensing and financial statistics follow:

Licensing Statistics	2002-2003	2001-2002
Lottery scheme licenses issued	866	795
Bingos licensed	42	44

Bingo Revenue and Expenses	2002-2003	2001-2002
Total receipts	\$13,321,255	\$13,375,423
Expenses		
Prizes paid out	9,462,216	9,464,830
Wages to employees	593,798	575,486
Supplies (bingo paper)	526,044	533,652
License fees	189,266	189,322
Advertising	191,654	194,038
Rent	69,379	47,650
Other expenses – utilities, management fees	158,364	127,776
Total Expenses	11,190,721	11,132,754
Total receipts minus total expenses	\$ 2,130,534	\$ 2,242,669

Licensing and Registration of Various Industries

In addition to those statutes mentioned earlier, this section also administers the following statutes which require a license or registration:

Auctioneers Act

Cemeteries Act

Charities Act

Collection Agencies Act

Consumer Reporting Act

Direct Sellers Act

Private Investigators and Security Guards Act

As well, the section is responsible for the administration of other statutes which, while no license or registration is required, do prescribe rules of conduct. They are:

Business Practices Act

Consumer Protection Act

Films Act

Pre-arranged Funeral Services Act

Licensing Statistics:	2002-2003	2001-2002
Auctioneers licensed (two-year license term)	9	12
Collection agencies licensed (two-year term)	15	22
Total number of Collection Agencies licensed	38	37
Consumer reporting agencies licensed (two-year term)	5	2
Direct sellers licensed (two-year term)		
Individuals	36	46
Companies	26	21
Private investigators and security guards		
Individuals licensed	136	160
Companies licensed	27	20

Revenue

The Consumer Services Section collects fees under various statutes, as follows:

Revenue Source:	2002-2003	2001-2002	2000-2001
Lottery Schemes Order	\$256,000	\$261,077	\$247,000
Gun control – federal funding	194,000	222,000	195,000
Other statutes	77,000	55,000	73,000
Total section revenue	\$527,000	\$538,077	\$515,000

Consumer Services Section Personnel

Manager/Chief Firearms Officer	Eric Goodwin
Provincial Firearms Officer	Vivian Hayward
Consumer Services Officer	Gwyneth Jones
Compliance Officer	Linda Peters
Secretary	Marlene Hughes
Secretary	Debbie MacKenzie

Crown Attorneys Division

Director: *Barrie L. Grandy, Q.C.*

Mandate

The Crown Attorneys' Office is mandated to represent the Attorney General in all aspects of his prosecutorial function. The Crown Attorneys' Office prosecutes offences under the *Criminal Code of Canada*, the *Young Offenders Act* and provincial statutes in the Provincial, Supreme and Appeal Courts of Prince Edward Island and in the Supreme Court of Canada. The Crown Attorneys' Office also provides legal advice on criminal law to government ministries and the police, and develops policies and procedures on issues relating to the prosecution of criminal cases.

Mission Statement

The mission of the Crown Attorneys' Division is to effectively and fairly prosecute Criminal Code, the Young Offenders Act and provincial statute offences.

Vision Statement

In attempting to achieve its mission, the Crown Attorneys' Division contributes to the government's priority of fulfilling its social responsibility for providing for public safety.

In order to accomplish its mission, the Crown Attorneys' Division has set the following goals:

- providing a prosecutorial service that reflects professional competency, dedication to public service and high ethical standards;
- providing a prosecutorial service that identifies and allocates the resources required to carry out its mission;
- providing within the prosecutorial service an environment that allows for the independent exercise of prosecutorial discretion; and
- providing a prosecutorial service that is reflective of the community it serves.

Main Activities

- (a) providing advice to the police, upon their request;
- (b) providing advice to provincial government departments, upon their request, concerning enforcement and prosecutions under provincial legislation that may lead to prosecutions;
- (c) representing the Crown at judicial interim release (bail) hearings and preliminary inquiries in indictable criminal matters;
- (d) prosecuting *Criminal Code*, *Young Offenders Act* and provincial statute offences;
- (e) representing the Attorney General in criminal appeals before the Supreme Court of Prince Edward Island;
- (f) representing the Attorney General in criminal appeals before the Supreme Court of Canada;
- (g) arranging and dealing with criminal charges transferred to and from this province;
- (h) acting for the Crown pursuant to the provisions of the *Coroner's Act*;
- (i) representing the Attorney General on the Criminal Code Review Board;
- (j) conducting criminal law refresher programs with the various police agencies in the province; and participating on a number of federal/provincial/territorial committees and consulting with task forces in relation to various criminal law initiatives, which include:
 - (i) DNA Data Bank;
 - (ii) *Firearms Act*;
 - (iii) *Corrections and Conditional Release Act* review;

- (iv) *Young Offenders Act* review;
- (v) Cross-Border Crime;
- (vi) National High Risk Offender flagging system;
- (vii) Victim Services Advisory Committee;
- (viii) Strategy for the Renewal of Youth Justice;
- (ix) FPT Sentencing Working Group
- (x) Repeat Impaired Driving Project;
- (xi) Interagency Committee on Family Violence;
- (xii) Aboriginal Community Justice Working Group;
- (xiii) Unified Law Conference (Criminal Law Section);
- (xiv) Organized Crime; and
- (v) Anti-terrorism.

Administration and Organization

The administrative office is located in Charlottetown. The Charlottetown office handles court matters in the Supreme Court in Charlottetown and the Provincial Courts located in Charlottetown, Georgetown and Souris. The Charlottetown office deals with other matters relating to the administration of prosecutions in the province. The Summerside branch office is responsible for Prince County Supreme and Provincial court matters located in Summerside as well as the Provincial Court in Alberton.

The organization of the division is, as follows:

Director – Barrie L. Grandy, Q.C., Charlottetown
Crown Attorney – Darrell E. Coombs, Charlottetown
Crown Attorney – David P. O’Brien, Q.C., Summerside
Crown Attorney – Valerie A. Moore, Charlottetown
Crown Attorney – Gerald Quinn, Summerside
Crown Attorney – John A. McMillan, Charlottetown
Crown Attorney – Terri A. MacPherson, Charlottetown
Crown Attorney – Lisa Goulden, Charlottetown
Adm. Assistant – M. Paulette Neale, Charlottetown
Adm. Support Worker – Wendy R. McKeeman, Charlottetown
Adm. Support Worker – Michele Montgomery, Summerside
Adm. Support Worker – Heather Watts, Charlottetown

Caseload

Overview

A combined total of 4,930 adult and young offender *Criminal Code* charges were laid in the fiscal year 2002-2003. The preceding five calendar years are included for comparison purposes.

Calendar Year	Adult	Young Offenders	Total
1996	3,391	1,062	4,453
1997	3,394	804	4,198
1998	4,428	729	5,157
1999	4,900	421	5,321
2000	4,036	659	4,695

Fiscal Year	Adult	Young Offenders	Total
2001-02	4,124	699	4,823
2002-03	4,353	577	4,930

Provincial statutory offences are not included in the above-noted totals. In the fiscal year 2002-2003 the Crown Attorneys' Division dealt with 211 contested provincial matters. The preceding three fiscal years are as follows:

Fiscal Year	Total
1999-2000	157
2000-01	177
2001-02	153
2002-03	211

Alternative Measures

For the fiscal year 2002-2003 a total of 75 adults had criminal matters dealt with by way of alternative measures, pursuant to s. 717(1)(a) of the *Criminal Code*. During the same period, 83 youth criminal matters went by way of the alternative measures program. There has been an increase in adult matters and a decrease in youth matters that went by way of alternative measures in the last fiscal year. The preceding three fiscal years are included for comparison purposes.

Calendar Year	Adult	Young Offenders	Total
1996	3,391	1,062	4,453
1997	3,394	804	4,198
1998	4,428	729	5,157
1999	4,900	421	5,321
2000	4,036	659	4,695

Appeals

During the fiscal year 2002-2003 there were a total of 32 appeals involving the Crown Attorneys' office. The total consisted of eight Crown appeals, 10 defence appeals, four prisoner appeals and 10 administrative appeals. The preceding three fiscal years are included for comparison purposes.

Fiscal Year	Crown	Defence	Prisoner	Administrative	Total
1990-2000	9	12	2	7	30
2000-2001	3	18	3	14	38
2001-2002	2	18	3	14	37
2002-2003	8	10	4	10	32

Legal and Judicial Services Division

Director: Charles P. Thompson

Mandate

The mandate of the Legal and Judicial Services Division is to promote the impartial administration of justice, in conjunction with the Crown Attorneys Division, through the Office of the Attorney General. The division is comprised of the following sections:

- Family Law Section
- Judicial Services Section
- Legal Aid
- Legal Services Section
- Legislative Counsel Office

Family Law Section

Mission Statement

To develop and continue family justice programs and services which promote and emphasize the best interest of the child. Federal funding has been provided since 1997 to assist the province with addressing child support issues, responding to increased demands for service, implementing changes in response to the federal initiative and enhancing enforcement of child support orders.

Main Activities

A Parent Education Program is now in place which provides education programs dealing with the needs of children after separation and divorce. Results from evaluation of this program have indicated that such parent education programs lessen parental discord over child custody, access and support issues and enable parties to proceed to earlier resolution of their problems.

The Child Support Guidelines office handles public and private requests from persons seeking information on the guidelines and those filing court applications for child support. It also collects data on child support statistics pursuant to the *Divorce Act* and the *Family Law Act* and relays this information to researchers at the Department of Justice Canada.

Legal and Judicial Services will continue to participate in Federal/Provincial/Territorial consultations in the area of family justice.

Goals

To expand the Family Law Section to include the Maintenance Enforcement Office, Family Court Counsellors, the Victims of Family Violence Program and the Family Legal Aid Program.

Judicial Services Section

Registrar: Dorothy Kitson

Mission Statement

To provide for the effective and efficient operation and maintenance of administrative services to all levels of courts in Prince Edward Island.

Main Activities

Judicial Services is responsible for administrative activities in both Civil and Criminal Courts in all three levels of Courts – Provincial Court, Supreme Court Trial Division and Supreme Court Appeal Division. Staff work with an objective to make the most effective and appropriate use of personnel and other resources to provide and manage comprehensive court services programs across the province. Such activities include:

- general administration;
- judicial administration;
- court records;
- docketing at the Supreme Court level;
- stenographic, secretarial and court clerk services;
- financial records; and
- enforcement.

Branches of Judicial Services

- Supreme Court and Provincial Court administration
- Maintenance Enforcement
- Sheriff Services
- Prothonotary's office administration

Goals

The number of litigants appearing before the courts in Prince Edward Island has grown over the past few years. In addition, the number of litigants who choose to represent themselves in court has increased. The Judicial Services Section will continue to provide quality service to all those coming before the courts, as well as continue with its efforts to provide better access to justice for all individuals.

Statistics

Provincial Courts – for a 12-month period ending 2002 the total number of charges laid in Provincial Courts were approximately 15,062. This figure includes Criminal Code, Federal Statute and Provincial Statutes offences.

Supreme Court – for a 12-month period ending 2002 the total actions started in the Supreme Court including General, Family, Divorce, Small Claims and Appeals numbered approximately 2,611. The total grants issued from the Estates Division were 400 and there were 14 applications for passing of accounts.

Maintenance Enforcement Office

Director: Debbie Conway

The Maintenance Enforcement Program continues to work in enforcing child and spousal support payment collection under the relevant legislation. Staff in this area have developed their own automated system in cooperation with staff from the Information Technology Management Group and are looking forward to receiving federal funding as a result of the Federal Child Support Initiative.

Sheriff Services

Sheriff: Frank G. Driscoll

Sheriff Services provides services to citizens, the business community, the courts and other government departments. These services include court security, inmate escorts, fine collection, process serving, execution of court orders, and bailiff services. During the 02-03 fiscal year, Sheriff Services provided 188 young offender escorts to various Young Offender Facilities on Island and 30 adult escorts, which involves travel to Federal Corrections Facilities off Island.

In the civil enforcement area, over 1,570 documents were processed and 360 new Writs of Execution were registered in the Sheriffs Registry. In terms of fine collection, 1805 drivers licence Suspension Orders were issued in support of fine collection efforts. During the year Sheriff Services collected \$406,217 in overdue fines.

Legal Aid

Introductory Note

Criminal and family legal aid services are provided under the Prince Edward Island Legal Aid Program. The program is administered under the general powers of the Office of the Attorney General. The scope of services covered by the program and financial eligibility for assistance are determined by government policy. Prince Edward Island does not have specific legal aid legislation.

The criminal legal aid services provided by the program are cost shared by Canada under a federal-provincial agreement implemented in 1973 and renewed from time to time since then.

The province receives no direct federal funding for family legal aid.

Criminal Legal Aid

The objective of the Criminal Legal Aid Program is to promote access to legal representation in the criminal trial process. Under the program, lawyers are made available to persons who would otherwise be unable to afford legal representation in serious criminal matters. As a minimum, legal aid will be provided in situations where a court applying the *Canadian Charter of Rights and Freedoms* would consider the assistance of counsel to be essential for a fair trial.

Eligibility

Eligibility for legal assistance is determined by a flexible means test. In this province, the test is conducted by staff lawyers who assess the seriousness of the legal proceedings and determine whether the applicant's present means should be sufficient to actually obtain private counsel within the time required.

Number of Approved Applications

The following numbers of criminal and YOA cases were completed during the year. Readers using this data for inter-jurisdictional comparisons on costs and caseloads are asked to note the following: Definitions of the terms "case" and "application" may vary from one province or territory to another. An applicant may have several charges arising from one incident. Likewise, charges from several incidents are often dealt with by the court at one time. Files carried over from a previous year are recorded in the year in which the file is completed. This report records the number of approved applications. An approved application consists of all of the criminal charges facing the applicant at the time the file was opened as well as any additional charges for which assistance was approved within the following three-month period. Where an applicant is approved on a second or subsequent application beyond the three-month period, an additional application is recorded.

Program Statistics – Criminal Legal Aid:

<i>Adult and Young Offenders Act (YOA)</i>	2002-2003
Number of criminal and YOA cases (approved applications) completed and closed during the year	1,187
Files referred to private counsel on a legal aid basis	103

Number of Approved Applications by Region:

	Adult	Y.O.	Totals
Charlottetown	472	91	563
Summerside	342	76	418
Alberton	45	13	58
Georgetown	83	20	103
Souris	39	6	<u>45</u>
Total			1,187

Family Legal Aid

The Family Legal Aid Program was established in 1980. The program is operated in conjunction with the Criminal Legal Aid Program which was established in 1973. Legal service for both programs is provided by a full-time staff of four lawyers and three secretaries. Private sector lawyers deliver services on a tariff basis where staff lawyers are not available.

The objective of the Family Legal Aid Program is to provide legal aid coverage for the most urgent family situations. Priority assistance also extends to related areas of law where the government is a party to a legal action against an individual. Included in this category are child welfare, adult protection, and mental health cases involving involuntary hospitalization or treatment. Legal aid services for less urgent family situations where domestic violence or abuse is not an immediate concern are provided through the Law Foundation Program.

The Law Foundation Program is a special legal aid project that was started in 1996 following the reduction in coverage under the Legal Aid Program. The Law Foundation is a statutory organization established under provincial legislation to administer interest revenues paid by financial institutions on certain types of trust accounts maintained by private law firms. The promotion of legal aid is one of the specified objectives of the Foundation.

The Law Foundation allocates an annual sum of money for legal aid purposes. The fund is administered jointly by the Foundation and the province through the Legal Aid Program. The legal services provided through the Law Foundation Program are delivered by private sector lawyers who are authorized on a case-by-case basis at legal aid tariff rates. The maximum assistance that may be authorized is 20 hours or \$1,200 per case. The administrative and legal staff of the regular Legal Aid Program process the applications and accounts for the Law Foundation Program.

Although maintaining separate identities for two relatively small programs operating under the one umbrella is somewhat awkward, there are continuing policy reasons for the distinction. The distinguishing features of the Law Foundation Program are the strict funding limitations in each case, the limited operating budget, the private sector delivery system, and the special administrative arrangements. The annual grant from the Law Foundation for this program fluctuates with interest rates and the performance of the economy. The grant for the year 2002 was \$65,500. To meet increasing demands on the program and to offset declining revenues from the Foundation, the province has had to provide supplementary operating funds.

In the past year, 171 new applications were approved for funding under the Law Foundation Program. The average amount of assistance authorized in these cases was \$727.

The Charter of Rights and Family Law:

The Charter of Rights does not contain any specific reference to legal aid. However, the interpretation of the charter by the courts does play a significant role in determining the minimum levels of legal aid coverage that must be provided by government. Charter rights to security of the person, and the right to a fair trial, may require the provision of legal counsel in cases where the government institutes legal action against an individual or family, for example, in child protection cases. The extent of free legal assistance that must be provided depends on the seriousness of each case and the potential consequences for an individual or family who are not represented.

Family litigation by one parent or spouse against another does not engage charter rights to counsel so long as the government is not a party to the legal action.

Legal Aid in Other Provinces:

All the provinces and territories of Canada participate in an informal reciprocal legal aid agreement. Under this agreement, residents of Prince Edward Island may obtain a limited range of legal services anywhere in Canada. A condition of inter-provincial coverage for family and civil legal aid is that similar service must be available to non residents in this province.

The same residency restrictions do not apply to criminal legal aid. Under the federal funding arrangements, services must be provided by provinces and territories to residents and non-residents alike.

Related Programs:

In addition to the family legal aid outlined in this report, the province provides related services to clients through a number of family justice programs. The Family Support Orders Program employs three full-time staff lawyers to obtain Child Support Orders and Agreements for parents who would otherwise be dependant on social assistance for the support in question. Family Court Counsellors provide family mediation services and family counselling. Child Support Guidelines Officers assist self-represented litigants in the preparation of Child Support Applications. Victim Assistance Workers assist victims of family violence and Maintenance Enforcement Officers collect and disburse child support payments.

Legal Services Section

Mission Statement

To fulfill the constitutional mandate of the Attorney General, as chief law officer of the Crown, by providing quality legal services to the Government of Prince Edward Island.

Main Activities

The Legal Services Section is responsible for all civil law matters. Solicitors employed in the section provide comprehensive legal advice and legal services to government, including alternate dispute resolution services, and act for government in civil suits and tribunal proceedings. The following represents the types of legal service provided to government:

- represent the Director of Child Welfare before the courts with respect to the protection of children;
- represent the Director of Maintenance Enforcement before the courts in the enforcement of court ordered financial support;
- appear before the Island Regulatory and Appeals Tribunal on ministerial appeals;
- represent the Government Self-Insurance and Risk Management Fund;
- represent the government in civil appeals before the Supreme Court of Prince Edward Island;
- represent the government in civil appeals before the Supreme Court of Canada;
- provide legal opinions on a wide range of matters to all government departments and some commissions and agencies;
- participate on a number of federal/provincial/territorial committees such as Forum on Management Issues, Aboriginal Law, Family Law and Child Custody, Environmental Lawyers in Government and Charter Conference;
- provide advice on contracts and tender documents.

Goals

The trend over the past few years has shown that the need for legal services has continually grown with an increase in its caseload and the complexity of some legal issues. The Legal Services Section will continue to maintain its current client base and existing service levels but will monitor the situation to ensure that all clients continue to receive quality service.

Legislative Counsel Office

Chief Legislative Counsel: Shawn Flynn

Mission Statement

To draft and coordinate the publication of all government bills and regulations for the Government of Prince Edward Island.

Mandate

The Legislative Counsel Office is responsible for the following services and functions:

- reviewing proposals for bills
- drafting bills and regulations for government;
- providing legal advice to government respecting legislation;
- drafting government motions respecting government bills;
- providing legal advice to the Legislative Review Committee;
- providing a variety of services to the Legislative Assembly, including
 - staffing the position of the Law Clerk,
 - drafting and formatting legislation for Private Members,
 - indexing the Private Acts of the Legislative Assembly, and
 - sending bills to the government website for the Legislative Assembly;
- maintaining the printed and electronic records of the legislation of Prince Edward Island, including:
 - preparing consolidated statutes after each Session of the Legislative Assembly for the government website;
 - updating the electronic data base of the statutes and regulations of PEI, and
 - updating the electronic histories of the amendments made to the Legislation of PEI;
- preparing the Annual Volume of the Statutes of PEI.

Main Activities

- During the Spring and Fall Sessions of 2003, 39 Government bills prepared by the Office were enacted (approximately 188 pages in total).
- In addition, 92 regulations (approximately 285 pages) were prepared by the Office.
- A number of Private Acts were also prepared (two for the spring and one for the Fall (totalling eight pages)).
- In addition, the Office worked on preparing the consolidation of the regulations of PEI for the purpose of making them available online to the public.

Goals for 2003/2004

The Legislative Counsel Office will complete the preparation of the consolidation of Regulations of PEI for the purpose of making them available online to the public.

Policy and Administration Division

Director: Kevin Barnes

Divisional Overview

The Policy and Administration Division is responsible for providing corporate management services within the department. Services include communications, financial administration, human resource management, and information technology support. These corporate services are also provided to the Department of Community and Cultural Affairs.

The mandate of the division is to support the effective management of the department through the delivery of key corporate services. In this capacity, the division works closely with the minister's office and other divisions within the department. At the same time, the Policy and Administration Division serves as a point of contact for other provincial ministries, federal government agencies, community organizations and the general public.

The following table outlines the primary management functions performed by the Policy and Administration Division:

Responsibility Area	Management Functions
Communications	Public Information, Media Relations, Communication Policy and Protocol; Decision Support, and Internal Information Systems.
Financial Administration	Fiscal Management and Budgetary Control; Financial Reporting and Analysis, Financial Administration, and Accounting Services.
Human Resource Management	Human Resource Planning and Analysis; Departmental Staffing; Payroll and Employee Benefits Administration; and Labour Relations.
Information Technology Support	Network Administration and Planning, Desktop Support, Inventory Control , IT Security, and Information Systems Development.

In addition, the division is responsible for federal-provincial policing agreements, including the Provincial Police Services Agreement, the First Nations Community Policing Services Agreement, and the Confederation Bridge Policing Services Agreement.

Highlights

During the year, the Policy and Administration Division continued to focus on providing quality corporate services to its departmental clients. Likewise, efforts were directed at improved information-sharing with other departments, levels of government and the general public.

Justice Policy Division

Provincial Policy Advisor: Phil Arbing (April to June 2002)

Ellie Reddin (October 2002 to March 2003)

Employees

The Justice Policy Division includes:

- Policy Advisor – 1 FTE – (Temporary Assignment)
- Justice Resource Service – 1 FTE – (Permanent)
- 2 Temporary Administrative Support (shared, totals approximately 1 FTE)
- 1 Consultant (contracted part-time)

Overview

This division serves as a resource to the Office of the Attorney General in the areas of policy development, and community and social development. The division:

- provides policy analysis and advice to the Attorney General and Deputy Attorney General;
- provides leadership and federal/provincial liaison regarding justice research, statistics, and information systems;
- develops policing policy for the Province, co-ordinates police training and contributes to national policing policy;
- serves as a provincial liaison for Federal/Provincial/Territorial officials and working groups;
- supports strategies for family violence prevention, restorative/community justice, Aboriginal justice, impaired driving, crime prevention/community safety, healthy child development, and public legal education;
- manages the Freedom of Information and Protection of Privacy request process for the Office of the Attorney General;
- provides consultation to community and government agencies; and
- encourages community involvement in justice issues.

Highlights and Initiatives

Crime Prevention/Community Safety

During the year, participation continued in support of the National Crime Prevention Strategy particularly in the Joint Management Committee process related to the Community Mobilization Program. This involves promoting the program, soliciting and reviewing proposals, as well as recommending action in providing resources through the Federal Department of Justice. These resources support the work of community groups to prevent crime and reduce victimization particularly in regard to children, youth, women and Aboriginal people. The emphasis is on community mobilization and partnerships.

Steps have also been taken to review, revise and update the Provincial Crime Prevention Strategy which was first announced in 1995. The strategy will set out a provincial framework, principles and priorities and a context for crime prevention initiatives.



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