

**REFERENCE MATERIAL ON WORKING GROUP
ON JUSTICE/SOLICITOR GENERAL**

**(Established pursuant to the JBNQA
Implementation Agreement, 1990)**

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Section 20 Administration of Justice (Inuit)

- 20.0.1 The existing judicial district of Abitibi is modified to include the territories of Abitibi, Mistassini and Nouveau-Québec, including Great-Whale River and the area covered by the James Bay Region Development Act (L.Q. 1971, c. 34) but not including Schefferville, Gagnonville and Fermont. The contiguous judicial districts are modified accordingly.
- 20.0.2 All concurrent jurisdictions with the other judicial districts which may exist under the Courts of Justice Act are abolished.
- 20.0.3 The Minister of Justice of Québec shall not effect any changes in the territorial limits of the judicial district of Abitibi for the territories of Mistassini and Nouveau-Québec without prior consultation with the Regional Government.
- 20.0.4 The Lieutenant-Governor in Council may authorize by proclamation the courts, the tribunals, bodies and commissions constituted or not under the Courts of Justice Act to sit outside the chief-place in the various permanent Inuit communities and settlements of the judicial district of Abitibi.
- 20.0.5 There shall be an itinerant court for the judicial district of Abitibi. The itinerant court shall sit in each community where a sub-office has been established under paragraph 20.0.4 and shall be presided over by judges having the combined jurisdictions of:
- a) a judge of the Provincial Court,
 - b) a magistrate under part XVI of the Criminal Code,
 - c) a magistrate under part XXIV of the Criminal Code,
 - d) a judge of the Court of the Sessions of the Peace,
 - e) a judge of the Social Welfare Court, and
 - f) one or two justices of the peace.
- 20.0.6 The judges and persons appointed to dispense justice in the judicial district of Abitibi shall, after prior consultation with the Regional Government, make from time to time the rules of practice judged necessary for the proper administration of justice in the said district.
- 20.0.7 The rules of practice established for the judicial district of Abitibi under paragraph 20.0.6, shall take into consideration the particular circumstances of the district, the customs, usages and ways of life of the Inuit, in order to facilitate and render justice more accessible, and may, in particular, include special rules respecting the following:

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- a) accessibility to records and registers,
 - b) postponement of hearings and trials,
 - c) days and hours for hearings, trials and examinations on discovery, and
 - d) procedures for the filing of proceedings and the issuance of writs.
- 20.0.8 All judges and other persons appointed to dispense justice in the judicial district of Abitibi shall be cognizant with the usages, customs and psychology of the Inuit people.
- 20.0.9 There shall be appointed a clerk of the itinerant court.
Assistants to the clerk of the itinerant court shall also be appointed to manage the sub-offices established under paragraph 20.0.4.
The clerk and assistant-clerks of the itinerant court shall be empowered to act as deputy-sheriff, issue writs and discharge the duties of a deputy-prothonotary of the Superior Court.
- 20.0.10 A qualified interpreter and an official stenographer qualified to take down shorthand in both French and English shall accompany the itinerant court.
- 20.0.11 The Minister of Justice of Québec must see to it that, upon demand from any Inuit party, the judgments with reasons of the courts, judges, tribunals, bodies and commissions that are not rendered orally and in open court, but in writing, are translated as of right into Inuttituut without cost, for purposes of information only.
- 20.0.12 Non-Inuit court staff shall be cognizant with the usages, customs and psychology of the Inuit people.
- 20.0.13 The Department of Justice of Québec shall, after prior consultation with the Regional Government, establish formation and training programs for Inuit for the positions of clerk and assistant-clerk of the itinerant court, sheriff, deputy-sheriff, stenographer and interpreter.
- 20.0.14 The itinerant court shall be assisted, in the exercise of its powers respecting supervised probation, by probation officers. The names of the candidates to become probation officers of the itinerant court shall first be proposed by the Regional Government to the Probation and Houses of Detention Service of the Department of Justice of Québec or by such Service to the Regional Government for consideration and approval.
- 20.0.15 Information officers shall be stationed in municipalities designated by the Department of Justice of Québec after prior consultation with the Regional Government. The names of the candidates to become information officers shall first be proposed by the Regional Government to the Department of Justice of Québec or by the Department of Justice of Québec to the Regional Government for consideration and approval.
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- 20.0.16 Non-Inuit probation and information officers shall be cognizant with the usages, customs and psychology of the Inuit people.
- 20.0.17 The Department of Justice of Québec shall, after prior consultation with the Regional Government, establish according to needs, educational and training programs for Inuit for the functions of probation and information officer.
- 20.0.18 The Department of Justice shall appoint Crown attorneys for the judicial district of Abitibi for such terms of office and upon such conditions as are required to meet the circumstances in the said district. Such appointees shall be cognizant with the usages, customs and psychology of the Inuit people.
- 20.0.19 All residents of the judicial district of Abitibi shall be entitled as of right to receive Legal Aid services in all matters, provided they qualify in accordance with the criteria of the Québec Legal Services Commission which shall be modified for this district insofar as this may be necessary, to take into consideration the cost of living, the distances involved and other factors particular to the said district.
- 20.0.20 The provisions of the Code of Civil Procedure, the Criminal Code and the Canada Evidence Act shall be modified, if deemed necessary, to suit the particular difficulties of the judicial district of Abitibi and to take into account the circumstances, usages, customs and way of life of the Inuit and to render justice more accessible to them.
- 20.0.21 The Criminal Code should be amended to allow that six jurors only be sworn in the territories of Abitibi, Mistassini and Nouveau-Québec in the judicial district of Abitibi.
- 20.0.22 Amendments should be adopted to allow Inuit, in cases where the defendant or accused is an Inuk, to be sworn as jurors according to applicable laws and regulations, even though they cannot speak French or English fluently.
- 20.0.23 The Lieutenant-Governor in Council shall appoint for the judicial district of Abitibi a coroner cognizant with the usages, customs and psychology of the Inuit people.
- 20.0.24 Sentencing and detention practices should be revised to take into account the culture and way of life of the Inuit people, and this, with their cooperation.
- 20.0.25 As quickly as possible after the execution of the Agreement and after consultation with the Regional Government, the appropriate detention institutions shall be established within the judicial district of Abitibi so that Inuit should not be, unless circumstances so require, detained, imprisoned or confined in any institution below the 49th parallel.

20.0.26 All Inuit persons, wherever they are sentenced or confined, shall, if they so desire, have the right to be detained, imprisoned or confined in small institutions located within the territory of the Regional Government if such institutions are adequate for these purposes having due regard to all circumstances.

20.0.27 The provisions of this Section can only be amended with the consent of Canada and the interested Native party, in matters of federal jurisdiction, and with the consent of Québec and the interested Native party, in matters of provincial jurisdiction.

20.0.28 However, the Native interested party hereby recognizes that for a sound administration of justice, the provisions of this Section and of Section 18 shall be read together and, to the extent possible, administered and implemented uniformly.

Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec in matters of provincial jurisdiction, and by Parliament in matters of federal jurisdiction.

Section 21 Police (Inuit)

- 21.0.1 Subject to the laws of Québec of general application, the Regional Government is hereby authorized to establish by ordinance and maintain a Regional Police Force in its territory.
- 21.0.2 The Regional Police Force shall be governed by the provisions of the Police Act (S.Q. 1968, c.17) and all other laws of Québec of general application, save where these laws are inconsistent with this Section, in which event the provisions of this Section shall prevail.
- 21.0.3 Members of the Regional Police Force shall be posted in the most populated municipalities based on the criterion of one member for every five hundred (500) inhabitants including the floating population in the Territory.
- 21.0.4 The Regional Government has the authority to make ordinances to:
- a) provide for the organization, equipment and maintenance of a Regional Police Force and the discipline of its members;
 - b) prescribe the duties and powers of the members of such force and prescribe the penalties applicable in case of infringement of the ordinances respecting discipline;
 - c) provide for the imposition of penalties, including dismissal or fine, upon any member of the Regional Police Force who accepts or demands, directly or indirectly, any sum of money, favour or alcoholic beverage as a consideration for the exercise of influence or for an act or omission in the discharge of his duties;
 - d) determine the places where the members of the Regional Police Force may reside, classify them, specify the ranks that may be assigned to them and prescribe the inspections to which they shall be subject.

Such ordinances shall apply subject to the provisions of this Section and to the by-laws of the Québec Police Commission made under section 17 of the Police Act.

After an ordinance dealing with any subject contemplated in this paragraph has been passed, the Secretary of the Regional Government must send a copy thereof to the Québec Police Commission within fifteen (15) days following its coming into force.

- 21.0.5 The Regional Government must at the request of the Québec Police Commission pass and forward to it within sixty (60) days of such request an ordinance providing for the discipline of the members of the Regional Police Force and providing for the penalties applicable in the case of infringement of such ordinance; such an ordinance shall come into force upon approval by the Québec Police Commission.

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- 21.0.6 It shall be the duty of the Regional Police Force and each member thereof to maintain peace, order and public safety in the Territory, to prevent crime and infringements of the by-laws of the municipal corporations, the ordinances of the Regional Government and the laws of the Province of Québec and to seek out the offenders.
- 21.0.7 The Regional Police Force shall be under the control of a director or chief who shall command it.
No person can fulfill the duties of director or chief or member of the Regional Police Force until he has taken the oaths prescribed in section 4 of the Police Act.
- 21.0.8 The Secretary of the Regional Government shall keep a register of all the policemen who are members of the Regional Police Force and of the special constables appointed by the chairman of the Executive Committee under paragraph 21.0.13; each such policeman and special constable may require of the Secretary a certificate attesting his appointment.
- 21.0.9 Sub-paragraphs (d) and (e) of section 3 of the Police Act respecting qualifications to become a Police Force cadet, a member of the Police Force or a municipal cadet or policeman shall not apply to Inuit members of the Regional Police Force.
- 21.0.10 With respect to Inuit members of the Regional Police Force, any by-law of the Québec Police Commission made for the purposes of qualifications required for admission in the said Police Force shall be made after prior consultation with the Regional Government.
- 21.0.11 The names of the candidates to become members of the Regional Police Force shall first be proposed by the Regional Government to the Department of Justice or by the Department of Justice to the Regional Government for consideration and approval.
After attending the Québec Police Institute and completing their courses, such candidates shall be appointed members of the Regional Police Force by the Regional Government.
- 21.0.12 The director or chief of the Regional Police Force is appointed by the Attorney-General on the recommendation of the Regional Government, and shall take the oaths prescribed in section 4 of the Police Act before any judge contemplated in section 64 of the Police Act; other members of the Regional Police Force and special constables appointed under paragraph 21.0.13 shall take the oaths prescribed in section 4 of the Police Act before the chairman of the Executive Committee of the Regional Government pursuant to the approval of the Attorney-General.
The approval of the Attorney-General shall not be necessary for special constables appointed under paragraph 21.0.13.
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21.0.13 The Council of the Regional Government may, by ordinance, authorize the chairman of the Executive Committee to appoint in writing, in case of emergency and for a period not exceeding seven (7) days, persons called special constables, to maintain peace, order and public safety in the territory of the Regional Government, to prevent crime and infringements of the by-laws of the municipal corporations, the ordinances of the Regional Government, and the laws of the Province of Québec and seek out the offenders.

Any ordinance adopted under the preceding paragraph may prescribe the maximum number of persons whom the chairman of the Executive Committee may appoint as special constables and establish the maximum remuneration that they may be paid.

21.0.14 The writing attesting the appointment of a special constable shall be made in duplicates and one of the duplicates shall be given to the person so appointed.

21.0.15 Any member of the Regional Police Force and any special constable appointed under paragraph 21.0.13 may be dismissed by any judge contemplated in section 64 of the Police Act when an application to that effect is made to him by the Attorney-General.

21.0.16 Training and course programs shall be established pursuant to the provisions of the by-laws that shall be enacted by the Québec Police Commission under paragraph (b) of section 17 of the Police Act, after consultation with the Regional Government. Québec shall pay for training and course fees and lodging for the candidates at the Québec Police Institute.

21.0.17 The Regional Government may establish by ordinance and maintain a police school. Such ordinance, to be valid, must be approved by the Lieutenant-Governor in Council.

21.0.18 Notwithstanding the provisions of paragraph 2.9 of Schedule 2 of Section 12 and of paragraph 2.9 of Schedule 2 of Section 13 of the Agreement, any ordinance passed by the Regional Government under this Section shall apply within the whole territory of the Regional Government and its application shall not be limited to municipalities.

21.0.19 Inuit people who do not meet the qualifications for admission in the Québec Police Force may be appointed special constables under section 64 of the Police Act, in which case paragraphs 21.0.9 and 21.0.10 shall apply, *mutatis mutandis*.

The names of the candidates to become special constables shall first be proposed by the Regional Government to the Department of Justice or by the Department of Justice to the Regional Government for consideration and approval.

21.0.20 The provisions of this Section can only be amended with the consent of Québec and the interested Native party.
Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec.

AGREEMENT RESPECTING THE IMPLEMENTATION OF THE
JAMES BAY AND NORTHERN QUEBEC AGREEMENT

AGREEMENT respecting the Implementation of the James Bay and Northern Quebec Agreement, dated the 12th day of September 1990.

BY AND BETWEEN: Her Majesty the Queen in Right of Canada, hereinacting through and represented by its undersigned authorized representative, the Minister of Indian Affairs and Northern Development (the "Minister")

PARTY OF THE FIRST PART

AND: Makivik Corporation, a corporation duly incorporated by statute of the Province of Quebec, hereinacting for and on behalf of the Inuit of Quebec and on its own behalf, and represented by its undersigned authorized representatives

PARTY OF THE SECOND PART

WITNESS:

- A. WHEREAS the Negotiator for the Inuit of Quebec and the Negotiator for the Government of Canada reached an agreement-in-principle on September 15, 1989 ("Agreement-in-Principle");
- B. WHEREAS on July 27, 1990 the Government of Canada by Order in Council approved the present Agreement Respecting the Implementation of the James Bay and Northern Quebec Agreement ("Agreement") and on May 4, 1990 Makivik Corporation approved this Agreement on behalf of the Inuit of Quebec; and
- C. WHEREAS this Agreement is the final agreement contemplated by paragraph G of the Preamble of the Agreement-in-Principle.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, AGREEMENTS AND UNDERTAKINGS HEREINAFTER SET FORTH, IT IS HEREBY AGREED AS FOLLOWS:

1. Definitions

In this Agreement, unless the context requires otherwise, the following words and expressions shall have the following meanings:

- 1.1. "Canada": Her Majesty the Queen in Right of Canada or the Government of Canada;

announced each week by the Bank of Canada on behalf of the Minister of Finance, which rate shall be that which is announced immediately preceding the date on which payment is made. Such interest shall be calculated monthly, not in advance, with interest on overdue interest occurring daily at the same rate until fully paid.

- 8.3. Payment hereunder shall be made by cheque made payable to "Makivik Corporation for the benefit of the Inuit of Quebec" and made available on the date of issuance thereof in the offices of DIAND during working hours to the duly authorized representative of Makivik in Ottawa, designated by Makivik for such purposes, written notice of which designation shall be given to Canada at least fifteen (15) days in advance of any such payment.

9. Acknowledgements

- 9.1. The Inuit of Quebec acknowledge that payment to them by Canada of the sum referred to in paragraph 8.1 above completely fulfills whatever financial responsibility, if any, Canada may have to the Inuit of Quebec under the JBNQA for the following:

- a) Inuit costs related to the implementation negotiations giving rise to this Agreement and to the Inuit participation in and representation on the Working Groups;
- b) Other than any rights the Inuit may have under paragraphs 2.11 and 2.12 of the JBNQA for ongoing programs and funding, any rights the Inuit may have under the JBNQA for a financial contribution by Canada for funding the following:
 - 1) The operation and administrative costs of Inuit Landholding Corporations;
 - 2) Inuit Heritage, Culture and Language Preservation;
 - 3) Wildlife studies, research, and harvest monitoring by Makivik, the KRG, or a related Inuit organization; the foregoing shall not prevent such entities from carrying out such activities themselves or with the cooperation or under the control of Canada;
 - 4) Transportation, including the various items referred to in paragraph 29.0.36 of the JBNQA, provided that Canada executes an agreement establishing a Northern Quebec Marine Transportation Infrastructure Program in accordance with the provisions of Annex E (Marine Transportation) attached hereto;

- 5) Hiring and training of Inuit conservation officers (paragraph 24.10 of the JBNQA), without prejudice to any application of Section 29 of the JBNQA (employment priority);
- 6) Establishment of detention institutions referred to in paragraphs 20.0.25 and 20.0.26 of the JBNQA, without prejudice to the rights of all Inuit persons to be detained in accordance with the provisions of paragraph 20.0.26 of the JBNQA;
- 7) Any costs related to the Umiujaq relocation (paragraph 6.4 of the JBNQA);
- 8) Training centres and related facilities (paragraph 29.0.25 of the JBNQA).

Training centres and facilities are not in the current five year (89-94) education capital plan for the Kativik School Board as presented by Quebec and approved by Canada. Canada reserves the right to oppose the inclusion of such training centres and facilities in any education capital budgets for future years; but if they are included in a capital budget approved by Canada for the period after March 31, 1994, Canada would fund its capital portion in accordance with paragraph 17.0.85 of the JBNQA.

However, if such a facility is built before March 31, 1994, Canada will pay, in accordance with paragraph 17.0.85 of the JBNQA, 25% of the overhead costs unfunded by other programs, (but will not pay other operations and maintenance costs), up to a maximum of fifty thousand 1989 dollars (\$50,000; 1989 dollars) per year. If the facility is built after March 31, 1994, the same rule shall apply except for the \$50,000 (1989 dollars) maximum.

9.2. The Inuit of Quebec acknowledge that Canada, subject to the conditions set out hereinbelow, has fulfilled and/or is fulfilling, as the case may be, any obligations it may have under the provisions of Section 29 of the JBNQA referred to below with respect to the following:

- a) Employment and Contract Priority, provided that Canada performs its obligations under Annex A (Inuit Employment and Contract Priority) hereto, and for as long as the policies proposed therein are in effect (paragraphs 29.01, 29.03, and 29.0.28 to 29.0.32 of the JBNQA);
- b) Manpower and Training, provided that Canada performs its obligations under Annex D (Manpower and Training Programs)

hereto, and for as long as the agreements proposed therein are in effect (paragraphs 29.0.1, 29.0.3, 29.0.4 and 29.0.24 to 29.0.27 of the JBNQA);

- c) Economic and Social Development, provided that Canada performs its obligations under Annex F (Socio-Economic Development) hereto, and for as long as the agreements proposed therein between the KIF/KRDC and ISTC, and between the KIF/KRDC and DIAND are in effect, (paragraphs 29.0.1, 29.0.3, 29.0.4, 29.0.33 to 29.0.35 and 29.0.37 to 29.0.39 of the JBNQA);
- d) Paragraph 29.0.36 of the JBNQA, provided that Canada executes an agreement establishing a Northern Quebec Marine Transportation Infrastructure Program in accordance with Annex E (Marine Transportation) hereto.

- 9.3. The Inuit of Quebec acknowledge that Canada, provided it participates in the Justice/Solicitor General Working Group(s) as outlined in Annex C hereto, has fulfilled its obligations under paragraphs 20.0.20 and 20.0.21 of the JBNQA.
- 9.4. For each Annex A to G, once the various recommendations, reports, draft agreements, and memoranda of understanding or draft policies, as the case may be, have been agreed to and are in effect in accordance with the provisions of the Annex in question, Canada shall have no outstanding obligations arising under the said Annex.

10. Representation and Warranty; Indemnification

- 10.1. Makivik hereby represents and warrants to Canada that it is duly acting on behalf of the Inuit of Quebec.
- 10.2. Provided Canada shall have complied with all of its financial obligations hereunder and provided Canada is in compliance with the warranty hereby given that it is not aware of any claim (as hereafter defined), Makivik Corporation or its successors ("Makivik") agrees to indemnify and hold Canada harmless from and against all manner of financial obligation or responsibility, including damages and reasonable legal and other costs, resulting from any claim or action (collectively the "claim") by the Inuit of Quebec, collectively or individually, against Canada, after the execution of this Agreement and arising from or related to any financial obligation or responsibility that Canada may have towards the Inuit of Quebec, for which Canada has obtained from Makivik, on behalf of the Inuit of Quebec, express acknowledgements under Section 9 herein, provided such acknowledgements, wherever conditional, remain in effect and subject to the conditions and on the terms set out hereinafter:

JUSTICE/SOLICITOR GENERAL

1. Definitions:

- 1.1. "JBNQA": The James Bay and Northern Quebec Agreement, entered into on November 11, 1975, as amended from time to time in accordance with paragraph 2.15 thereof;
- 1.2. "JBIO": The JBNQA Implementation Negotiations Office established pursuant to Cabinet decisions, dated June 26, 1986 and March 24, 1988, for purposes of the JBNQA Implementation Negotiations, until the Office contemplated by paragraph 4.2 of this Agreement becomes operational and, thereafter, the said Office;
- 1.3. "Makivik": Makivik Corporation, the corporation established by the Act to establish the Makivik Corporation (R.S.Q., ch. S-18.1), and constituted as the Inuit Native Party for purposes of the JBNQA pursuant to paragraph 1.11 thereof;
- 1.4. "Inuit Negotiator":
The person appointed by Makivik on March 8, 1988 to represent the Inuit of Quebec for purposes of the JBNQA Implementation Negotiations, or his successor;
- 1.5. "KRG": Kativik Regional Government, established pursuant to Section 13 of the JBNQA;
- 1.6. "Justice": Department of Justice Canada;
- 1.7. "Solicitor General":
Department of the Solicitor General Canada.

2. Agreement-in-principle:

Canada is of the view that it is impractical to fulfil the letter of the paragraphs of the JBNQA referred to in paragraph 9.3 of this Agreement.

Therefore, Canada and the Inuit of Quebec have agreed to investigate, to make recommendations, and where it is practical and within Canada's jurisdiction and has received appropriate departmental approval, to improve the justice system as it applies to the Inuit of Quebec. This may require separate Working Groups for Justice and Solicitor General issues. Quebec shall be invited to participate in both.

Canada will, if invited by Quebec, participate in a similar Quebec Working Group(s).

In addition, Canada and the Inuit of Quebec have agreed to informal but regular biannual meetings between appropriate representatives of Justice and the Solicitor General and the Inuit of Quebec to discuss progress and problems relating to Native justice.

3. Organization of the Working Group(s):

- 3.1. The Working Group will consist of a representative appointed by Justice, a representative appointed by Solicitor General, a representative appointed by Makivik and a representative appointed by the KRG. Each representative may be supported by such other persons as said representative may choose. Within two months of the date of the Order in Council approving this Agreement, these representatives shall invite two representatives of the Province of Quebec to participate in this Working Group.
- 3.2. In the event that separate Working Groups are required to deal with Justice and Solicitor General issues, each Working Group will consist of a representative appointed by the relevant federal department and a representative appointed by each of Makivik and the KRG. The provisions of paragraph 3.1 above and of Section 4 below shall apply mutatis mutandis to those separate Working Groups, with one representative of the Province of Quebec invited to participate in each separate Working Group.
- 3.3. Each party to the Working Group(s) shall be responsible for its own costs related to the Working Group(s). Unless the parties to the Working Group(s) agree otherwise, the approved in advance common costs related to the Working Group(s) shall be borne equally by the parties to the Working Group(s).

4. Plan of Action:

- 4.1. The Working Group shall meet and discuss how to achieve the agreement-in-principle stated in Section 2 above and shall make specific recommendations and proposals in order to achieve said agreement-in-principle.
- 4.2. No later than twelve (12) months following the Order in Council approving this Agreement, the Working Group shall submit its recommendations for approval to Justice, Solicitor General, the JBIO and the Inuit Negotiator, and in particular report whether any modifications to existing authorities, programs or services would be necessary to implement the said recommendations and whether any such modifications require specific Cabinet approval.

In the event any such recommendations require Cabinet approval, the JBIO shall oversee the submission of same to Cabinet. No later than twenty-four (24) months following the Order in Council approving this Agreement, Justice and Solicitor General shall make their position on said recommendations known to the JBIO and the Inuit Negotiator.

5. Implementation:

- 5.1. The JBIO shall oversee the implementation by the Government of Canada of the approved recommendations referred to in paragraph 4.2 above.

AMENDING AGREEMENT NO. 3
TO
JBNQA IMPLEMENTATION AGREEMENT (1990)

[SUBJECT: AMENDMENTS TO ANNEX C (JUSTICE/SOLICITOR GENERAL)]

AMENDING AGREEMENT NO. 3, dated this _____ day of _____, 1992.

BY AND BETWEEN: Her Majesty the Queen in Right of Canada,
hereinacting through and represented by its
undersigned authorized representative,

PARTY OF THE FIRST PART

AND: Makivik Corporation, a corporation duly incorporated
by statute of the Province of Quebec, hereinacting for
and on behalf of the Inuit of Quebec and on its own
behalf and represented by its undersigned
authorized representative,

PARTY OF THE SECOND PART

WITNESS:

A: WHEREAS the Parties wish to amend Annex C (Justice/Solicitor General) of the JBNQA Implementation Agreement (1990) in the manner set forth below; and

B: WHEREAS the Working Group established pursuant to Section 3 of Annex C, at its meeting of December 4, 1992, has recommended that these amendments be made with respect to the Plan of Action for the Working Group as set out in Section 4 of Annex C.

NOW, THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. Annex C is amended by replacing paragraph 4.2. with the following:
 - 4.2. No later than twenty-four (24) months after December 31, 1992, the Working Group shall submit its recommendations for approval to Justice, Solicitor General, the JBIO and the Inuit Negotiator, and



in particular report whether any modifications to existing authorities, programs or services would be necessary to implement the said recommendations and whether any such modifications require specific Cabinet approval. In the event any such recommendations require Cabinet approval, the JBIO shall oversee the submission of same to Cabinet. No later than thirty-six (36) months after December 31, 1992, Justice and Solicitor General shall make their position on said recommendations known to the JBIO and the Inuit Negotiator.

2. This Amending Agreement No. 3 is entered into pursuant to and in conformity with Section 16 (Amendments) of the JBNQA Implementation Agreement (1990) and shall come into force on the date first above written.

FOR AND ON BEHALF OF HER MAJESTY THE QUEEN IN RIGHT OF CANADA:

By:


Indian and Northern Affairs Canada

Slorochlee
Witness

May 12, 1993
Date

FOR AND ON BEHALF OF MAKIVIK CORPORATION:

By:


Inuit Negotiator

Don Teford
Witness

Jan 11 / 93
Date

MEMO TO: FILE

FROM: Ed Buller
Corrections Branch

DATE: March 29, 1990

SUBJECT: Preliminary Meeting of the Justice/Solicitor General
Working Group with the Inuit of Quebec, January 30,
1990

A preliminary meeting of the Working Group was held in Ottawa on January 30, 1990, to introduce the members to each other and explore the necessary activities that required the Working Group's attention.

In attendance were:

Ed Buller, Corrections Branch
Helene Chevalier, NPB
Denise Walter, NPB
Mike Thomas, CSC
Hal Pruden, Justice
Sam Silverstien, Makivik
Don Axford, Makivik

The Makivik representatives outlined the nature of the Inuit's political structure. The Katimivik Regional Government (KRG) is based on a municipal model of government and is effectively the regional self-government institution. Makivik is a private corporation that manages funds from the JBNQA and implements the JBNQA on behalf of the Inuit. KRG will participate in the Working Group as required and when they feel it is necessary.

It was explained that the Inuit of Quebec are represented on Working Groups by negotiating teams and not by Inuit executives. The Inuit participants report to their executive on a regular basis.

Justice is not high on the list of priorities for the Inuit. They are of the position that it is important to sit down with Canada and Quebec to study the issue but that they first of all need a strong information base relating to Inuit involvement in the justice system.

The issue of common costs was raised. It was acknowledged that consultations in Inuit communities would be desirable and that each participant would be responsible for his/her participation. Common

costs might, however, include hall rentals and simultaneous translation. The exact nature of common costs, and how these costs would be determined/shared is still under discussion.

It was agreed that the Working Group would not officially begin its deliberations until the Agreement between Canada and the Inuit is signed. the Working Group will have 12 months following the signing to arrive at its conclusions.

The federal participants on the Working group stressed the need to invite Quebec as soon as possible given that corrections is mainly under their jurisdiction. The Inuit indicated that Quebec is receptive to participating and the Inuit will invite them to the Working Group.

Hal Pruden indicated that Justice is not prepared to tread on Quebec's mandate or that of any other department. He felt that there was no problem discussing issues relating to the concerns of other departments if they relate in some manner to justice.

The proposed agenda for the first official meeting of the Working Group is:

1. Overview of the justice system as it relates to the Inuit. Expertise outside the Working Group may be invited if necessary. Areas should include: law enforcement, courts (legal representation, courtworkers, information), sentencing, correctional institutions (adult and young offenders), probation, parole/aftercare and substantive law and the Inuit.
2. Discussion of research data.
3. Issues raised from presentations and data.
4. Workplan development, including the need for further research, surveys and consultations.
5. Working Group meetings, including frequency and location.

The next meeting will be called once the Agreement has been signed.

Ed Buller



Solicitor General
Canada

Solliciteur général
Canada

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Mr. Georges Bedard
Senior Advisor on Government Affairs
Department of Indian Affairs
and Northern Development
25 Eddy Street, 401B
Ottawa, Ontario
K1A 0H4

Dear Georges:

Further to our telephone conversation, I would like to inform you that the members of the Justice/Solicitor General Working Group, at its September 16, 1991 meeting, determined that a continuation of its mandate was required. The Working Group has determined that it will require an extension until December, 1992, to complete its activities.

This extension will enable the Working Group to analyze information gathered by the Inuit Justice Task Force and prepare a report that is more appropriate to the Inuit people.

For your information, I am forwarding copies of notes taken at the most recent Working Group meetings. I hope there will be no problems in accepting the extension of the Working Group's mandate. I remain,

Sincerely,

Ed Buller
Senior Policy Analyst
Solicitor General Canada
991-2832

c.c. John Lemieux, Principle Negotiator for the Inuit

Canada

**JUSTICE/SOLICITOR GENERAL WORKING GROUP
WITH THE INUIT OF QUEBEC
Meeting of October 29, 1992**

Present: Sam Silverstone (Makivik Corporation) - Chair
Jacques Monette (Kativik Regional Government)
Josée Vilandré (Makivik Corporation)
Don Axford (Makivik - Ottawa)
Tina Hattem (Solicitor General)
Jim Bonta (Solicitor General)
Sharon McCue (Solicitor General)
Diane Wood (Justice)
Barbara Craig (Justice)
Rita Dagenais (Justice)
Pierre Goupil (Quebec Police Force)
Danielle Denis (Services Correctionnels du Québec)
Jacques Prigent (Ministère de la Justice)

The meeting was held in the offices of the Aboriginal Justice Directorate at 130 Albert Street, Ottawa. Mr. Silverstone gave an update on the Inuit Justice Task Force which was funded at a cost of \$250 -300,000 per year without funding support from either provincial or federal governments (except in the preparation of an information video which received funding from MSG). He said that the Inuit would be asking both governments for funding support for the publication of the final report. He further noted the difficulties of translating all materials into Inuktitut and underlined that such translation was vital to community involvement.

Mr. Silverstone then distributed a research proposal (see attached) from the Inuit, presenting it in the context of needs identified by the Task Force. He stated that he was unsure if studies done on other native peoples, such as the James Bay Cree, could be readily translated to include Inuit communities. He said that the Task Force had stated there was a need for an effective police force, Inuit or not. He said that the Task Force saw its role as to inform and to educate as well as to find out what people wanted. Task Force members felt that it would be useful to have statistics to back up what they had gathered from interviews. He noted that while some research has been done there is no comprehensive information on crime rates and offender profiles. Makivik and Kativik would find researchers for their proposed project. They do not want to lump all 14 communities together because informal information suggests that the smaller communities are unlike Kuujjuak and Kuujjuarapik. Makivik would supervise the research.

Mr. Silverstone said that the findings of the Task Force are that community members want to know what it means to have control over justice issues. The Task Force members believe that the Inuit know what works for them but they need to know how the whole system works.

Madame Denis noted that statistics may be affected by the development of services over time. Even in gathering data there may be differences because of changes e.g. how many times the itinerant court visited a community.

M. Goupil said that many statistics would be difficult to verify without talking to both offenders and victims.

Mr. Silverstone underlined that this proposal was seen as a "small bite" which would form the basis of further research.

M. Prigent noted that it was important to look at offenders who do not get to trial as well as those who do.

Mr. Bonta underlined that it was important to look at differences in the methodology of proposals. He explained that the proposal he was suggesting (see attached) would be a prospective analysis rather than a retrospective analysis like the one Mr. Silverstone had tabled and that these two approaches were fundamentally different. The advantage of retrospective analysis is that it may be done quickly to meet urgent community needs. The disadvantages of this kind of analysis are that researchers cannot be sure that all data is available in retrospective files (e.g. 15 years ago family violence information was seldom recorded); there is no standard for information collection; information is not always on file (e.g. that crime was drug/alcohol related; the researcher cannot establish "what causes a crime" retrospectively).

The disadvantage of prospective research is that it is expensive, however, this can be controlled by selecting representative communities. The advantage of a prospective study is that it would better inform policy directions for both the Inuit and the governments involved.

At Mr. Silverstone's questioning of the costs, Mr. Bonta said that he simply wanted to explore the options but he noted that different options could affect the costs. It would be up to the stakeholders how much information they wanted - and this would affect the costs. Mr. Bonta estimated that with the prospective approach it would cost roughly \$100,000 to sample four communities but that the return would probably be worth the extra expense, in that it would result in more power in terms of explanatory potential.

Mr. Axford wondered whether it would be possible to get overall numbers from sampling four communities. Mr. Bonta replied that one could learn about the general crime rate from police records but that one might be hampered by what was already in the files.

Mr. Silverstone said that a lot of what was in the Mr. Bonta's proposal had been done by the Inuit Justice Task Force (e.g. meeting with community committees, therefore that type of data will come out in the Task Force's final report). Such information may not meet all validity tests but the concerns of the communities are coming out - they feel that they have lost control.

Mr. Bonta noted that sometimes how a community perceives a problem is different from whether or not there is one.

Mr. Silverstone said that if the perception is that the system does not work, then the system does not work. The Inuit want a system that they understand and they want control of that system. They want to understand how the current system is failing them.

Mr. Bonta noted that he was simply looking for balance in the proposed research.

Mr. Axford said that retrospective research may give basic categories which can be pursued in prospective research.

M. Goupil noted that half the information being sought was in a document recently tabled by his organization. Ms McCue requested that **copies of this document be made available** to committee members. M. Goupil agreed to do so.

Mr. Silverstone said that the Inuit have people who are prepared to start the research and have it completed in six months.

Mr. Bonta said that these proposals could be looked at as different phases. He added that the feedback from the Task Force between phases could reshape the direction of the overall project. He said that he saw the proposal that they had tabled as the first step because it would be easier to get started, given the groundwork that the Task Force has done.

Mme Vilandré noted that the proposal tabled by Mr. Silverstone was important because it came from the expressed needs of the Task Force.

Ms McCue asked if the support of the Quebec government was being requested as well.

Mr. Silverstone replied that the **Inuit would make a submission to Quebec after it was known how much the Canadian government would be contributing.**

Ms McCue asked Mr. Silverstone to specify what the contributions of the Inuit would be to this research. Mr. Silverstone responded that **the breakdown which was foreseen was 1/3 from Canada, 1/3 from Quebec, and 1/3 from the Inuit** whose contribution would be in the form of office space, supervision, etc.

Mr. Prigent noted that Judge Coutu's consultations were due to commence in January and there would be a certain amount of overlap. Further, he wondered if Carol La Prairie would be prepared to give us advice with regard to the direction the research should take. Mr. Silverstone said that Ms. La Prairie had met with them previously. Ms. McCue said that perhaps she could be asked to review the final proposal and offer comments.

After the lunch break Ms. Hattem presented her suggestions for research to the committee (see attached). She explained that the research proposals were based on the earlier Inuit submission. She said that the proposals aimed at generating information relevant to the goal of increasing Inuit control and involvement in the justice system. She also noted that particular attention should be paid to youth in conflict with the law, family violence, and substance abuse-related offences even if these were not mentioned.

Mr. Silverstone underlined the importance that alternate dispute resolution would play. He said that the Task Force had developed three possible models for use in Inuit communities: lay judges, Elders committee, or a community committee. Such models were suggested because of their existence in practice in other jurisdictions.

Ms Hattem noted that the goal of furthering alternative dispute resolution requires a better understanding of the community basis for such practices. Given travel costs, she added that it was important to keep in mind that data collection on a number of topics could take place at one stage, even if specific analysis was not done until a later phase.

M. Monette said that the JBNQA stated that the criminal code could be amended to take customary practices into account. He added in that the current system was problematic e.g. for witnesses to testify because travel costs were prohibitive.

Mr. Silverstone said that given the comments, he would **withdraw the current submission and resubmit a revised version within two weeks**. He asked Mr. Axford to coordinate funding requests.

Ms. McCue said that it was important to know how the recommendations resulting from the research would inform the decisions of the working group i.e. what are the expectations of the research.

Mr. Silverstone tabled another proposal for funds to publish the final report of the Inuit Task Force on Justice (see attached). It is anticipated that this report will be completed by March 1993.

Mr. Axford proposed an amendment to the Working Group implementation agreement which would leave how and when it would report open. The Group agreed and the meeting was closed.

NEXT MEETING:

Friday, December 4, 1992 at 10 a.m.
Solicitor General of Canada Regional Office
606 Cathcart Street, 2nd Floor
Montreal, Quebec

**JUSTICE/SOLICITOR GENERAL WORKING GROUP
WITH THE INUIT OF QUEBEC
Meeting of December 4, 1992**

Present:

- Sam Silverstone (Makivik Corporation) - Chair
- Jacques Monette (Kativik Regional Government)
- Stéphane Lavallée (Makivik Corporation)
- Don Axford (Makivik Corporation - Ottawa)
- Régis Larivée (Min. de Sécurité Publique, Québec)
- Jacques Prigent (Min. Justice, Québec)
- Barbara Craig (Justice Canada)
- Lucie Demers (Solicitor General of Canada)
- Ed Buller (Solicitor General Canada)
- Jim Bonta (Solicitor General Canada)
- Sharon McCue (Solicitor General Canada)

The meeting was held in the regional office of the Solicitor General of Canada, at 606 Cathcart Street in Montreal. Corrections to previous minutes: the Ministère de la Justice and MSS also assisted in the funding of the Inuit Justice Task Force video; M. Monette works for Kativik Regional Government; there has been some funding from Quebec for the work of the Inuit Justice Task Force.

Mr. Silverstone presented the revised research proposal from the Inuit. In addition, he said that the Report of the Inuit Task Force on Justice will be ready in 4 - 5 months so he tabled a revised request for funding for publication of that report. With regard to the Quebec police consultation report, they would require funding to translate the complete report into Inuktitut. He said it was clear that the communities wanted greater involvement and, that being the case, Quebec would have to increase its assistance in the area of translation because the lack of materials in Inuktitut was becoming a problem; if consultation is a two-way street then results should be presented in such a way that feedback is possible. M. Larivée said that he would look into possible funding assistance for translation. It was suggested that Secretary of State be asked to assist with translation.

M. Stéphane Lavallée from Makivik Legal Department was introduced to the group. He would be supervising the proposed research. In presenting the research proposal Mr. Silverstone said that there was a realization the research must be done in stages. It was also understood that there were statistics available from the Police Consultation Report and the possibility of using them in the current proposal would be explored. Mr. Axford asked if such statistics would give us a sense of how many incidents are investigated as opposed to simply how many charges are laid.

Mr. Bonta said it was a positive sign that this proposal takes into account our previous discussions and moves forward. Mr. Silverstone added that the details of accessing files had not yet been worked out but the possibilities had been discussed with Judge Coutû. In addition, details with regard to work space for the researchers. Barber Craig added that, as requested at the last meeting, she had asked Carol LaPrairie about the files and Carol had said that they were in excellent shape.

Mr. Buller said that barring any unforeseen problems, Solicitor General was prepared to fund the tabled research proposal either in whole or in part sharing with Justice. He added that the milestones would be:

January 1	-	Research begins
February 1	-	Research design is completed
March 15	-	Interim report
June 30	-	Final report; contract ends

He said that Mr. Bonta and his staff would be asked for assistance wherever necessary.

Moving on the project Mr. Bonta said that it is important to decide what statistical programming methods will be used. The problem with using Apple computers would be that MSG could not help because all MSG computers are IBM. IBM has a basic statistical package which is more solid for this sort of research and MSG could offer advise and assistance because it is familiar. Given such considerations, the researchers may want to rent IBM computers for this portion of the research. Mr. Silverstone added that the structure of the research would determine the substance. Mr. Axford underlined that if the tools were known then the questionnaire can be set up so as to draw the most information from the files most efficiently.

When questioned as to whether or not paper would even be necessary for the research Mr. Bonta said that information on paper is an important form of back-up.

In considering the information gathering phase of the project, Mr. Silverstone said that the set up would require more than authorization; it would also require a space in which the researchers could work. M. Pr gent said that he would speak to Cecile Brunet about the matter and get back to Mr. Silverstone. M. Lariv e said that with regard to the access to information, permission must be given before proceeding; the contact person for this would be Michel Cloutier.

Mr. Silverstone then moved to the request for funding for the printing of the Inuit Justice Task Force Report. M. Lariv e asked if it was possible to save on costs by making the report "less pretty". Mr. Silverstone responded that experience suggested that unless something is attractive, people will not read it. Mr. Buller said that MSG and the Working Group are interested in the content of the report not the production quality and for their purposes photographs were unnecessary. Mr. Silverstone replied that the consultation documents for the communities were made more saleable by higher production values. Mr. Buller thought it was appropriate to ask all three parties involved for funding because all needed the information that would be in the Task Force Report. Mr. Silverstone said that the Task Force had not been funded until now, but now they needed help.

Mr. Buller said that he could consider funding translation and what it would cost for a User Report of equivalent size. It was agreed that MSG and Justice would discuss the matter the see if some funding would be possible. Mr. Silverstone asked if funding for postage could be included as well. Mr. Buller replied that by January MSG and Justice would have a better idea of the effect of the most recent budget cuts. Mr. Silverstone asked if it would be possible to have a response by Christmas. Mr. Buller said that was not possible, the first week in January would be more realistic to respond early in January at which time it would be known whether or not further funding in this fiscal year would be possible and if so, how much. He added that we would try to track down whether or not Secretary of State would fund translation. Mr. Buller said he thought it was important to underline that whatever funding support was given for this product would impact on later funding.

The question was raised as to how much the Cree study had cost and the response was that it was in the range of \$132,000 + Ms LaPrairie's salary but it would be less that \$100,000 if the policing elements were removed. Mr. Buller also noted that the funding came not simply from MSG but from Justice and DIAND as well.

Mr. Silverstone said that the issue of translation will be raised in the Report because it speaks to the problem of access in communities.

Mr. Axford asked if diverse publications were available. Mr. Buller affirmed that they were, and that an annual update of available publications was part of our User series. Ms Craig added that Justice had just published an Inventory of Research which they might find useful. Mr. Silverstone asked if it would be possible to have a copy and Ms Craig said she would send one.

Mr. Axford opened discussion on amending "Amendment No.3 to the JBNQA Implementation Agreement, 1990". The point of the discussion was to extend the mandate of this Working Group. He offered two options (see attached). Mr. Silverstone said that the second option would make the Working Group ongoing. Mr. Buller said that the problem with the first option was that the recommendations of the Task Force are only part of what the Working Group would use; given tight time restrictions the research may not be completed on time to assist the Group in preparing its recommendations. Mr. Silverstone said he would prefer to use a date rather than mentioning the Task Force. Mr. Buller suggested not later than December 31, 1995. Mr. Silverstone suggested December 31, 1994. Mr. Axford said that if the latter were the case then the government response could be December 31, 1995. It was agreed and Mr. Axford said that he would follow through with JBIO which is now administered in Quebec City by Guy McKenzie, RDG for the Quebec Region of DIAND.

The meeting closed with an agreement that the next meeting would be held in Quebec City .

NEXT MEETING:
Tuesday, April 6, 1993
1200 rue d'Eglise
St. Foy, Quebec

**JUSTICE/SOLICITOR GENERAL WORKING GROUP
WITH THE INUIT OF QUEBEC
Meeting of April 14, 1993**

Present: Sam Silverstone (Makivik Corporation) - Chair
Jacques Monette (Kativik Regional Government)
Josée Vilandré (Makivik Corporation)
Stéphane Lavallée (Makivik Corporation)
Jacques Auger (Min. Justice, Québec)
Jacques Prégent (Min. Justice, Québec)
Henri Gariépy (Services correctionnels, Québec)
John Giokas (Department of Justice Canada)
Lucie Demers (Solicitor General of Canada)
Jim Bonta (Solicitor General Canada)
Sharon McCue (Solicitor General Canada)

The meeting was held at the office of the Ministère de la Justice, 1200 rue d'Eglise, Ste-Foy, Quebec. After some discussion with regard to the state of payment of expenses (everything is now up-to-date), M. Lavallée presented his report on the research accomplished to date. He reported that the files used for the research go back to 1989. Because many of the 1992 files are still active, information on the charges but not the disposition is available for this year. Information in the files of earlier years is complete.

M. Lavallée has explored other information banks in the S.Q., Ministère de la Justice, and Services correctionnels with the result that he now expects to include marital status, employment, and drug abuse statistics in the offender profile. In addition, he expects to have a special section in the report on youth offenders.

Mr. Silverstone questioned the extent of funding for phase II of the Cree justice study. Mr. Giokas was unsure with regard to how much funding had come from Justice Canada. Ms McCue said that while MSG had received a request for funding it had been turned down because there was no corrections component in the proposal. Mr. Silverstone then requested a copy of the Cree proposal which had been submitted. Ms McCue replied that such proposals are seen as confidential and that he might find it more productive to ask the Cree directly, or failing that, he could try to obtain it through Access to Information.

M. Lavallée expressed concern about his ability to gather all the data on time to complete the research by June 30. Ms McCue responded that the priority was with the best possible report rather than the deadline, and that if he required an extension, he should simply inform her and a new date could be negotiated.

Mr. Bonta noted that he had met with M. Lavallée a week before and would do so again when all the data was available. At that time they would have a better idea of what a reasonable completion date might be.

M. Auger asked if the research results would include any estimates of what it would cost to put the research recommendations into effect. M. Lavallée responded that there would be no way of knowing if the recommended justice alternatives would be more or less expensive, but certainly it would be interesting to find out. M. Auger indicated that he thought that the data necessary to illustrate current costs per person/file were available, and further, that it would be most interesting to compare such costs with the projected costs of an alternative system - perhaps the alternative would not only be more effective but also less expensive.

With discussion of the research completed, the group moved on to other business. The minutes of the last meeting were approved. There was some discussion of Judge Coutu's consultations which have been rather slow getting started. Judge Coutu will travel with M. Régis Larivée (SQ) and M. Auger. In addition, Mme. Rita Dagenais of the Department of Justice Canada will attend the consultations as an observer, as well as either Mme. Lucie Demers or M. Marc Voinson of the Ministry of the Solicitor General of Canada. At this point Judge Coutu is assembling a secretariat and it is hoped the consultations can begin within the next one to two months.

Mr. Silverstone noted that a proposal was being prepared for Phase II of the Inuit justice research. Ms McCue indicated that she had understood as much and that MSG was prepared to consider funding as long as there was a corrections component to the research. Mr. Giokas said that he could not commit Justice to funding at this point but that the proposal would be considered. It was agreed that a meeting to discuss Phase II funding could be convened when Mr. Silverstone and his colleagues have a draft proposal ready. This would normally be after the final report of the phase I research has been completed.

Ms McCue asked what the next step of the Working Group should be. Mr. Silverstone replied that he would discuss the recommendations of the Inuit Justice Task Force Report (which he distributed) with his Inuit colleagues so that he could respond at the next meeting.

The next meeting will be held in **Kuujuak on August 16, 1993.**

**JUSTICE/SOLICITOR GENERAL WORKING GROUP
WITH THE INUIT OF NORTHERN QUEBEC**

Meeting of February 25, 1994

Present: Sharon McCue (Solicitor General Canada)
Jacques Monette (Kativik Regional Government)
Pierre Proulx (Ministère de la Justice, Québec)
Lorrain Audy (Chief of Police, Hull)
Don Axford (Makivik)
Stephane Lavallée (Makivik)
Sam Silverstone (Makivik)
Zebedee Nungak (Makivik)

The meeting was held in the 8th floor Boardroom of the offices of the Solicitor General of Canada, 340 Laurier Avenue West.. It should be noted that a number of people were unable to attend because of inclement weather.

The meeting opened with Sam Silverstone questioning why the Working Group was not informed of a pending agreement between the Inuit of Northern Quebec and the Aboriginal Policing Unit of Solicitor General, and further, why was there no member of this Unit on the Working Group. Sharon McCue noted that the Aboriginal Policing Unit did not exist when the Working Group was formed. Don Axford added that the policing section of the JBNQA gave responsibility to the province therefore they were not included in what is a federal working group. Sharon McCue asked if it was the wish of the Inuit to have a member of the Aboriginal Policing Unit invited to the next Working Group meeting. Sam Silverstone said that the Justice Task Force had identified six main elements to justice and it was important to deal with all of those elements (of which policing was one); that being the case, this Working Group should be informed of any efforts concerning "justice" which have been made by the federal government with the Inuit of Northern Quebec.

Jacques Monette then explained that the agreement with Aboriginal Policing was, in fact, a tripartite agreement. He added that it would take into account the particular needs of each community. Mr. Monette affirmed, in response to a question from Mr. Silverstone, that with the money coming from Aboriginal Policing a tripartite agreement would be put into place. He then introduced M. Lorrain Audy, Chief of Police for Hull, who will be offering advise on setting up police forces in the communities.

Mr. Silverstone questioned whether or not the object of these proposed community police forces was to take over from the SQ. He also inquired whether or not an Aboriginal police force was being contemplated. Mr. Monette responded that he did not know for sure but thought that the force would be mostly Inuit although the Chief would probably be non-Inuit to start. He added that he assumed that all support staff would be Inuit from KRG.

Mr. Silverstone noted that such an agreement would be in keeping with the James Bay and Northern Quebec Agreement, Section 21.01 and as such would be a regional police force under the Quebec Police Act. Mr. Monette said that the question of federal funding for policing was not a certainty given the strict requirements that would be part of such funding. Mr. Silverstone noted that some communities did not want Inuit police because they were not properly trained. Mr. Monette noted that there rested with the Inuit the power to create their own training which would be more suitable than that which is provided in Nicolette. Mr. Silverstone pointed out that in some communities the current system of policing works well; in others it does not work so well.

Sam Silverstone said that he was pleased that the problem of policing was being addressed and that Gilles Gagner was very competent to work on it. Mr. Monette underlined that the Inuit need a police force that works, not one that follows a formula.

Mr. Silverstone and Mr. Monette requested an addition to the agenda in that they wished to discuss amendments to the Criminal Code and the Canada Evidence Act as per the James Bay and Northern Quebec Agreement, 20.0.20. Mr. Silverstone noted that such a discussion would concern the federal Department of Justice and wondered why there was no representative from that department present at the meeting. Mr. Silverstone questioned whether there was a lack of interest in northern Quebec Inuit matters on the part of Justice Canada; was Justice abandoning such matters to the province of Quebec? He said that a letter would be sent to the Aboriginal Justice Directorate expressing these concerns. He noted that despite the fact that this is a federal Working Group, only the representatives of the federal Solicitor General seemed interested in the Group's concerns. He said that this gave the Inuit cause for concern; that they questioned the value of proceeding; that they may have to raise this point with the Minister at their next meeting with him. He concluded that since the additional agenda items directly concerned Justice Canada, the discussion on these items could not proceed because there was no Justice representative present.

Jacques Monette brought up the subject of detention facilities and said that the Inuit were looking for facilities in Nunavik which would be equivalent to those in the N.W.T. He was also interested in knowing if the Inuit might be included in the NWT Justice-of-the-Peace training program. Sam Silverstone noted that currently, mayors call Makivik which then makes arrangements to have one issued. He added that in many cases the mayors have been acting as though they are JPs, although he was not sure that Judge Coutu would agree with such action. Mr. Silverstone said that he wished to discuss this further but believed it was important for Justice Canada to participate in such a discussion.

Sharon McCue raised the question of how to proceed, given that the Working Group is due to provide recommendations at the end of this year. Sam Silverstone replied that the Inuit response would depend on the outcome of their discussions with Justice Canada.

The formal business portion of the meeting was concluded and those present were joined by other employees of Justice Canada and the Solicitor General of Canada for M. Stéphane Lavalée's presentation of the research, "Profile of Crime in Nunavik".

M. Lavalée opened by noting that the purpose of this presentation was strictly to present statistical data. Analysis was not included in the report. To date, he had no comments from the communities. Highlights of the report (see attached) were then presented.

After M. Lavalée's presentation Zebedee Nungak said that at any given time somewhere between five and ten Nunavik communities were without basic justice services especially policing, in addition special constables received substandard training therefore offender processing was inadequate so the 'true face' of justice in Nunavik was even more harsh than the one shown here. A further result of the inadequate training was that there was a high turnover of Inuit constables.

In response to a question on violent crime, M. Lavalée noted that 86% of the victims knew their victimizers. Mr. Nungak added, in response to a question about services for victims, that such services did not exist in Nunavik although, Jacques Monette noted that in Kujuuak there is a shelter for battered women. Mr. Monette added further that Judge Dutil has used circle sentencing as a way of trying to include victims in the justice process. Sam Silverstone said that while circle sentencing gets the community involved with the offender he not sure about the victims' needs have so far been met in such a forum.

Jacques Monette explained that Legal Aid in Nunavik is only for offenders. It costs \$6-8,000 for someone to appear in Amos. Zebedee Nungak added that there were only two lawyers available for the territory which includes Val d'Or, James Bay , and Nunavik and they the Quebec government was considering cutting one of these.

After M. Lavalée's conclusion, Mr. Nungak stated that it was the intention of the Inuit to pursue the implementation of correctional services within Nunavik.

In the afternoon a complementary presentation was made by Dr. Mylène Jacoud on her research entitled "les Inuit et la question pénale: le cas du Nouveau Québec".

There was no date set for the next Working Group meeting. It should be noted that the mandate of this Working Group ends December 1994.

MINUTES

Justice/Solicitor General Working Group with the Inuit of Northern Quebec

February 27, 1995

Aboriginal Justice Directorate, 130 Albert Street, Ottawa

Present: Sam Silverstone, Makivik - Chair
Stephane Lavallée, Makivik
Don Axford, Makivik
Jacques Monette, Kativik Regional Government
Ed Buller, Solicitor General Canada
Sharon McCue, Solicitor General Canada
Bill Badcock, Justice Canada
Rita Dagenais, Justice Canada
Josée Touchette, Justice Canada
Paul Sonnichsen, Justice Canada

Sam Silverstone opened by saying that he wanted the discussion to be concrete in terms of what has been accomplished by the Working Group. It was the opinion of the Kativik and Makivik representatives that obligations had not been fulfilled so the Group should not wind down.

Ed Buller responded that if that was the case then there would have to be a clear time - frame during which concerns of all parties would be addressed.

Sam Silverstone said he thought that a brief review of the Working Group mandate would indicate that Canada's obligations had not been relieved.

Don Axford noted that the Working Group had been seen as a way to implement the pertinent sections of the JBNOA. It had been recognized that a majority of the required changes would be provincial, however, at the time, all felt that progress in the provincial area would be more rapid than it has turned out to be. Therefore, they were still wondering how implementation of the federal portion of the Agreement might be possible.

Rita Dagenais asked whether the Inuit were dealing with individual government departments.

Sam Silverstone said that there was a group dealing with policing as well as a provincial working group whose mandate parallels the mandate of this group.

On policing, Jacques Monette said they were close to an agreement with Quebec in July but there were problems because of the confusion caused regarding how such an agreement might impact on self-government agreements. He said that he would be having

a meeting the following Wednesday in Quebec with Minister of Public Security, Serge Menard, to discuss policing. He hoped that a tripartite agreement on policing could be reached by April. Further, he added that Quebec planned to open a registry office and courtworker program in the region. The Inuit have asked to have a judge or justice of the peace in the region as well.

Rita Dagenais stated that there was a need for common understanding if recommendations on implementing the JBNOA were to be made.

Sam Silverstone stated that they needed access to information about programs across the country.

Rita Dagenais said that Justice could facilitate amendments to the Criminal Code if it was clear what was required.

Sam Silverstone said that the determination of their needs would be based in the Inuit Justice Task Force Report with legal aid and a regional police force being current priorities. Don Axford added that such recommendations would be given to Justice and Solicitor General. Sam Silverstone pointed out that it would take money to come up with detailed recommendations. Don Axford noted that in other areas e.g. health, many federal obligations had been implemented.

Having brought up the topic of funding, Sam Silverstone wished to note that they were aware that ITC had received \$450,00 from the Aboriginal Justice Initiative (AJI) but that Makivik would not be receiving any of that money. In response, Paul Sonnichsen said that the term of Justice funding to Aboriginal organizations for consultations was drawing to a close, therefore Justice would now be dealing with the organizations on an individual basis.

Sam Silverstone said that the justice requirements for Makivik were different from those of ITC because they were at a different stage in development because there was a need to study the implications of JBNOA obligations. At this point, they needed to know what funding support was available.

Ed Buller noted that after the AJI was launched there had been a lengthy discussion at a Working Group meeting in Quebec City of what funds were available. Sam Silverstone replied that he was interested in what ongoing programs were available. To this Stephane Lavallée said that he wanted to know what had been funded by the AJI.

Paul Sonnichsen stated that Justice has \$2M per annum in contribution funds. With this money Justice has funded needs analyses, alternatives to the current justice system, and operationalizing through pilot projects. He offered to send a list of the projects which had been funded to the Inuit representatives.

Sam Silverstone said that there was a major push to get a regional police force which was now seen as necessary, along with legal aid. To this, Jacques Monette added that not enough consideration was given to the plight of victims. Sam Silverstone underlined that such basic services are taken for granted in the south but are unavailable in the north.

Paul Sonnichsen explained that all justice moneys were collapsed into four envelopes:

- Aboriginal
- criminal justice improvement
- crime prevention
- Young Offenders

Ed Buller responded to the question of funding saying that the Aboriginal Corrections Unit received approximately \$375,000 annually. There were no moneys designated for contributions from that amount, so most of the work was done with contracts unless a partner could be found. The Aboriginal Corrections Unit will provide Makivik with a list of the projects which have been funded. It is unclear how much money will be available next year because, in the past, the Unit has taken advantage of associations with key initiatives such as the Family Violence Initiative to increase its funding base and this source will close at the end of this fiscal year. Related to the JBNOA, Solicitor General had provided funds for the study on Kuujjuak and Great Whale, the Cree justice research - phase I, the Inuit Justice Task Force - video and translation, a courtworker conference in Quebec, and the Waseskun House reintegration program. Sharon McCue added that provisions in the Corrections and Conditional Release Act (CCRA) allow for funding for parole supervision and also for some care and custody agreements.

Sam Silverstone stated that dealing with sections 20.0.20, 20.0.21, and 20.0.22 is contingent on knowing what the Inuit customs are. As things now stand the pertinent Canadian laws are not available in Inuktitut so they are inaccessible.

Rita Dagenais stated that there was no federal responsibility to translate laws into any language other than French and English and that translation of documents into Inuktitut was not a federal obligation under the JBNOA.

Sam Silverstone said that he was not just talking about the letter of the law but about the spirit. People cannot make decisions if they do not understand something. If section 20 is to be meaningful the relevant laws must be translated.

Rita Dagenais noted that most of section 20 is provincial. She added that most Canadians make decisions about justice issues without ever have read the legislation.

Stephane Lavalée said that basic services were to be provided, and translation is part of such services.

Rita Dagenais said that many documents which explain the Criminal Code were available and it was possible that these could be translated to facilitate better understanding.

Ed Buller noted that research money provided had been used for more hard data because of the Baffin study. Sam Silverstone said that the Baffin study may or may not be applicable.

Rita Dagenais said that the Criminal Law Section has responsibility for amendments to the Criminal Code and could recommend changes to the Act if requests were made. She added that changes which will result from the new sentencing bill may speak to some of the concerns which had been expressed.

Jacques Monette said that they would want to be on surer ground before requesting amendments. Further, he said that while the Inuit understand their aim is not to have the justice system exactly the same as it was traditionally, nevertheless, they visualize something which is not exactly Euro-Canadian either. How is it possible to reach that point without funding?

Sam Silverstone said that he needed clarification regarding what the \$20M, which was paid out to meet section 20 obligations, was for.

Ed Buller stated that a one-time payment of \$20M was given to the Inuit to meet specific federal obligations including the obligation to build a federal institution in Nunavik. The one-time payment was also to be used for Inuit participation in bilateral working groups set up under the agreement.

Don Axford questioned how a process for preparing advice on amendments might work. He thought that there were three areas to look at: customs, distance, and the legislation itself.

Jacques Monette said that there was no problem with section 20.0.22 because it has already been dealt with by Quebec.

In response to Don Axford, Ed Buller noted that the Working Group was empowered to support studies and develop resolutions.

Don Axford noted that a jointly mandated review of the sections was necessary, not one which was done solely by the Inuit. To this, Sam Silverstone questioned how it might be done.

Ed Buller said that the process would be to bring pertinent research to the table.

Sam Silverstone questioned what research support was available. In addition, Don Axford requested that research be done to provide options regarding what is possible.

Paul Sonnichsen responded that in the Cree study, the Cree were in charge and he felt that such self-administered research was the most advisable path to take.

Sam Silverstone agreed that there was work to be done but he wanted to come up with a process.

Paul Sonnichsen stated one caveat - that Makivik's list would exhaust the Aboriginal Justice Directorate's \$2M budget, so it would be necessary to prioritize what they believed to be their needs.

Ed Buller requested that Makivik deal solely with Justice on this issue of funding, there being no need to involve Solicitor General.

Rita Dagenais said that there was a parliamentary committee looking into the Young Offenders' Act and Minister Rock has specifically asked for recommendations concerning Aboriginal youth. This would provide a forum for having Inuit opinions heard. These hearings would probably not be held before the end of June.

Josée Touchette agreed to provide PLEI information to Don Axford.

Paul Sonnichsen agreed to address the Inuit request for resources to research justice customs.

Rita Dagenais said that "training and education programs for personnel working within the justice system in Nunavik" was a provincial responsibility not a federal obligation. Stephane Lavallée asked what had been provided for Indians in this regard. Rita Dagenais stated that it was the JBNQA specifically which was being discussed. Sam Silverstone said that if the primary responsibility for training was Quebec's, how would Canada support it? In this case, knowing what has been provided to other groups is important. Sharon McCue suggested that he speak to Meg Richeson of Justice who works specifically on PLEI.

Paul Sonnichsen offered to send information on NAN (Nishnawbe-Aski Nation) Legal Services in Ontario which is working with a model for all-inclusive justice service for which joint federal-provincial funding is provided.

In looking at the overall picture, Sam Silverstone said that, as a committee, the participants could "agree to disagree" on what steps should be taken in particular areas. To this, Rita Dagenais replied that there were no obstacles to a solution even the areas where there was disagreement on obligations.

Don Axford stated that it was important to know what else had been done in Aboriginal justice in other parts of the country and wondered if Paul Sonnichsen could provide such information. Paul Sonnichsen agreed to this request.

With regard to the new sentencing bill, Bill Badcock said that he would forward materials from the Sentencing Team to Don Axford. With regard to what had been done in the area

of Aboriginal sentencing, he would provide some feedback. Ed Buller noted that Pauktuutit would be making a presentation on the new sentencing bill to the Standing Committee on Justice and Legal Affairs tomorrow.

Rita Dagenais noted that it was important to remember that the administration of justice is a provincial responsibility. Sam Silverstone responded that this was technically accurate, but that true self-government would not see such a situation continue.

In response to Stephane Lavallée's question about Legal Aid support, Rita Dagenais said that Legal Aid does not have specific programs for Aboriginal people, all moneys come from the total available and is equally cost-shared between the province and the federal government.

Jacques Monette asked that Justice consider number nine on the agenda: Federal contribution to the establishment of Justice of the Peace Programs in native communities. Rita Dagenais replied that federal JP programs do not exist, all the programs available are provincially administered except when they are included in self-government agreements. Ed Buller suggested he speak to Stan Jolly in the Ontario government as someone who has had experience in this area. Jacques Monette said that it has been made clear that there will be no federal money unless Quebec co-operates by making a contribution - the problem they are facing is with Quebec Justice.

With regard to what money was available from the Aboriginal Justice Directorate, Paul Sonnichsen said that any money given would be taken from the \$2M pot. There is no separate program for JPs. Further, he said that there was already a great deal of flexibility for judges and in the *Young Offenders Act*. Rita Dagenais added that much was possible by working with Crown Attorneys such as the pre-charge diversion that was taking place in the Mackenzie region.

After Justice representatives were required to leave because of time constraints, Solicitor General representatives remained and the discussion continued. In response to a question regarding \$20M which was received from the Implementation Agreement (90), Ed Buller replied that while this meant that the Inuit had given up the right to a federal institution, they did not give up the right to be housed in the north if suitable facilities were available. He added that, with regard to agenda items 5.2 (Canadian detention system in Nunavik) and 6.1 (Establishment of appropriate detention facilities in Abitibi) discussions with Quebec would be appropriate. To this, Jacques Monette replied that Quebec was supposed to respond last August but has not.

Sam Silverstone said that while Canada was "off the hook" because of the \$20M payment they may still be required to work with the Quebec government on correctional issues.

Don Axford questioned whether any work had been done on facility design. Ed Buller said that there was some in the NWT. Sam Silverstone noted that there was already a

halfway house in Iqaluit. Ed Buller said that if and when the province was prepared to discuss correctional facilities Solicitor General Canada could become involved.

There was some discussion of research possibilities and Sharon McCue agreed to provide the phone number of Joe Johnston who was responsible for the tracking study which was done by CSC and which she had forwarded to Don Axford and Sam Silverstone this past summer. Sam Silverstone wondered if CSC would be able to track the Inuit of northern Quebec in the way they have tracked those from the NWT.

Ed Buller noted that if all Inuit federal inmates were transferred to an institution in Nunavik the institution could expect to receive reimbursement for their costs as per a standard Exchange of Service Agreement. Sharon McCue agreed to find out the terms of Exchange of Service Agreements from CSC and forward the details.

The meeting closed with Inuit representatives agreeing that, for the time being, they would work bilaterally with Justice to refine the points of discussion which were raised at this meeting.

Next meeting:

May 2, 1995

10:00 a.m.

Aboriginal Justice Boardroom
130 Albert Street, Ottawa