



Standing Committee on Oversight of Government Operations and Public Accounts

*Report on the Review of the
2016-2017 Annual Report of the Legal Services Board of Nunavut*

**2nd Session of the 5th Legislative Assembly of Nunavut
Fall 2018 Sitting**

Chairperson

John Main

Co-Chairperson

Cathy Towtongie

Members

Tony Akoak
Joelie Kaernerik
Mila Kamingoak
Pauloosie Keyootak
Adam Arreak Lightstone
Simeon Mikkungwak
Margaret Nakashuk
Patterk Netser
Emiliano Qirngnuq
Paul Quassa
Allan Rumbolt

www.assembly.nu.ca

Introduction

On June 14, 2018, the *2016-2017 Annual Report of the Legal Services Board of Nunavut* was formally tabled in the House by the Minister of Justice.

The Standing Committee on Oversight of Government Operations and Public Accounts held a hearing on the report from October 1-2, 2018. The standing committee's hearing was held in the Chamber of the Legislative Assembly and was televised live across the territory. The hearing was open to the public and news media to observe from the Visitors' Gallery. The transcripts from the standing committee's hearing may be downloaded from the Legislative Assembly's website.

The standing committee notes its appreciation to the Chairperson of the Board of Directors of the Legal Services Board and her colleagues and staff for their attendance as witnesses during the hearing.



Observations and Recommendations

Issue: Annual Reporting and Business Planning Requirements

Section 9 of the *Legal Services Act* provides that:

Annual report of Board

9. (1) The Board shall prepare an annual report and submit it to the Minister in accordance with Part IX of the *Financial Administration Act*.

Legislative Assembly

(2) Every report submitted under subsection (1) shall be laid before the Legislative Assembly at the earliest possible time after it is received by the Minister.

The Legal Services Board's 2016-2017 annual report was not tabled in the Legislative Assembly until June 14, 2018, almost fifteen months after the end of the 2016-2017 fiscal year. As of November 1, 2018, the Board's 2017-2018 annual report had not yet been tabled in the Legislative Assembly.

On June 14, 2018, the annual Ministerial *Letters of Expectation* to the Chairpersons of the Boards of Directors and/or Governors of the Government of Nunavut's major Crown agencies and territorial corporations (Nunavut Arctic College, Nunavut Business Credit Corporation, Nunavut Development Corporation, Nunavut Housing Corporation and Qulliq Energy Corporation) for the 2018-2019 fiscal year were tabled in the Legislative Assembly. These *Letters of Expectation* provide for standardized financial reporting requirements in a number of areas.

Although the Department of Justice's annual business plans include specific priorities for the Legal Services Board, the Board itself does not appear to prepare a stand-alone business plan for tabling in the Legislative Assembly.

Although the Government of Nunavut's major Crown agencies and territorial corporations (Nunavut Arctic College, Nunavut Business Credit Corporation, Nunavut Development Corporation, Nunavut Housing Corporation and Qulliq Energy Corporation) prepare separate annual reports on their contracting, procurement and leasing activities, the Legal Services Board currently does not.

Although the standing committee fully appreciates and recognizes the need for the Legal Services Board to have a significant degree of operational autonomy and independence from the government, it is, nonetheless, mindful that the Board receives significant amounts of public funding on an annual basis and must be accountable for its expenditures.

Standing Committee Recommendation #1:

The standing committee recommends that the Government of Nunavut's response to this report clarify, in detail, the reasons for the delay in tabling the 2016-2017 annual report of the Legal Services Board.

The standing committee further recommends that the Minister of Justice begin the practice of providing an annual *Letter of Expectation* to the Chairperson of the Board of Directors of the Legal Services Board which is broadly consistent with those that are currently provided to the Chairpersons of the Board of Directors and/or Governors of the Nunavut Arctic College, the Nunavut Business Credit Corporation, the Nunavut Development Corporation, the Nunavut Housing Corporation and the Qulliq Energy Corporation.

The standing committee further recommends that the Legal Services Board begin the practice of preparing an annual, stand-alone business plan for transmittal to the Minister responsible for the Legal Services Board and subsequent tabling in the Legislative Assembly.

The standing committee further recommends that the Legal Services Board begin the practice of either preparing an annual, stand-alone report on its contracting, procurement and leasing activities for transmittal to the Minister responsible for the Legal Services Board and subsequent tabling in the Legislative Assembly, or including comprehensive information on these activities in the annual report which is required under section 9 of the *Legal Services Act*. The information should be presented in a format that is broadly consistent with that which is currently published by the Nunavut Arctic College, the Nunavut Business Credit Corporation, the Nunavut Development Corporation, the Nunavut Housing Corporation and the Qulliq Energy Corporation.

Issue: Budgets and Business Cases

The 2018-2019 main estimates of the Department of Justice were approved by the Legislative Assembly during its spring 2018 sitting. The 2018-2019 main estimates included \$11,818,000 in direct public funding for the Legal Services Board.

The *2016-2017 Annual Report of the Legal Services Board* indicates that:

“The Board submitted a new business case to its primary partner, the Government of Nunavut, for additional funds to implement the strategic plan, Inuit Employment Plan, Success Plan and the Court Worker Plans. The plans are useful inasmuch as identifying key areas of required improvements for operational efficiency and service delivery effectiveness but it takes resources to implement. Another key area identified for significant improvements is the Court Worker program by providing court workers the much-needed support and training, both at the individual, regional and territorial level. The Board recognizes that it requires a full-time dedicated employee, an Access to Justice Director, to provide the Court Workers this support but also to work with other justice partners with respect to potential or improved partnerships such as restorative/community justice, family abuse intervention orders and public legal education.”

The Department of Justice’s current business plan indicates that the Legal Services Board’s budget is projected to remain unchanged in the upcoming 2019-2020 and 2020-2021 fiscal years.

In her formal opening comments to the standing committee, the Chairperson of the Board of Directors of the Legal Services Board stated that:

“The LSB remains underfunded and may have to cut services in the near future to avoid deficit. The business case is focused on forced growth factors, such as increased number of court weeks, increased applications for legal aid assistance, increased travel and operational costs in line with annual inflation, transferring administrative duties from lawyers to clinic directors to stabilize clinic management and enhanced management support in the regions, at the same time fulfilling our land claim obligations under Article 23 and respond to increase in crime severity and more complex cases, increase in inquest applications, and increases in requests for services both in family and civil law. The business case also includes an assessment of costs to move forward to the next stages in implementing the LSB’s strategic plan, Inuit Employment Plan, our court worker program enhancement plan, and the LSB’s succession plan, including creating summer and articling positions for students of the Nunavut Law Program, and access to justice director position which would coordinate and support the court workers and public legal education mandates of the LSB.”

However, the standing committee's televised hearing revealed a lack of clarity as to the specific reasons for why the Legal Services Board's recent budget and/or business case submissions to the Department of Justice and/or the Financial Management Board were not approved.

Standing Committee Recommendation #2:

The standing committee recommends that the Government of Nunavut's response to this report clarify, in detail, the process by which the Legal Services Board's business case that is referred to on page 2 of its 2016-2017 annual report was submitted and considered by the Department of Justice and/or the Financial Management Board.

The standing committee further recommends that the Government of Nunavut's response to this report clarify, in detail, the specific directives and/or guidelines that are issued by the Financial Management Board to entities that fall under Schedule A of the *Financial Administration Act*, including the Legal Services Board, in respect to the development and submission of budget proposals, requests and business cases.

Issue: Gjoa Haven Office

The *2016-2017 Annual Report of the Legal Services Board* indicates that:

“The Board and the Government of Nunavut continue to investigate and assess the Gjoa Haven office structure ... ascertaining which Government of Nunavut positions were properly approved and to ensure that there is a proper organizational chart that reflects both formal government ratification and operational reality.”

In her formal opening comments to the standing committee, the Chairperson of the Board of Directors of the Legal Services Board stated that:

“The Legal Services Board and the Government of Nunavut’s [Department of] Justice, with the [Department of] Finance are working together to ascertain what is the true number of employees in the Gjoa Haven office, including which positions were approved through the Government of Nunavut’s Human Resources process, including job descriptions and funding.”

Although the standing committee recognizes the importance of maximizing the efficiency of the organizational structures of Government of Nunavut entities, it is also mindful of the importance of ensuring that any organizational changes made to entities in decentralized communities do not result in any net loss of positions within the communities.

Standing Committee Recommendation #3:

The standing committee recommends that the Government of Nunavut’s response to this report provide a detailed update on the status of the review of the Legal Services Board’s Gjoa Haven office.

Issue: Residency Requirements for Senior Employees of Statutory Bodies and Territorial Corporations

Testimony provided to the standing committee during its televised hearing revealed that the current Chief Executive Officer of the Legal Services Board resides in the province of New Brunswick and the current Comptroller of the Legal Services Board resides in the province in Manitoba.

The standing committee strongly opposes the practice of permitting senior employees of Government of Nunavut entities to reside in any jurisdiction other than the one that they are employed to serve.

Standing Committee Recommendation #4:

The standing committee recommends that the Government of Nunavut prohibit, through the use of such mechanisms as directives made under the *Financial Administration Act* and Ministerial *Letters of Expectation*, the practice of permitting senior employees of statutory bodies listed in Schedule A of the *Financial Administration Act*, or territorial corporations listed in Schedule B of the *Financial Administration Act*, from being a resident of a jurisdiction other than Nunavut. This recommendation does not apply to any entities currently listed in Schedule C of the *Financial Administration Act*.

Issue: Federal Funding for Legal Aid in Nunavut under the Canada-Nunavut Access to Justice Services Agreement

The Government of Canada has signed Access to Justice Services Agreements with each of the three territorial governments. These intergovernmental agreements are “the means by which the Government of Canada financially supports the delivery of access to justice services in Northern communities, including legal aid, indigenous courtwork services and public legal education and information.”

The 2016-2017 Public Accounts of Canada indicate that the Government of Nunavut received \$2,457,315 during the 2016-2017 fiscal year under the agreement. The 2017-2018 Public Accounts of Canada indicate that the Government of Nunavut received \$2,615,613 during the 2017-2018 fiscal year under the agreement, which represents a 6.44% increase over the preceding fiscal year.

The *2016-2017 Annual Report of the Legal Services Board* indicates that its Chief Operating Officer “also sits, with officials of the Department of Justice Nunavut, Department of Justice Canada and other provincial/territorial legal aid plans, on the Provincial/Territorial Working Groups arising from the Access to Justice Services Agreement. The representatives meet regularly to discuss issues arising from the operation of the agreements, funding formulae, and the court worker programs.”

However, the standing committee’s televised hearing revealed a lack of clarity respecting the design and operation of the funding formula

Standing Committee Recommendation #5:

The standing committee recommends that the Government of Nunavut’s response to this report clarify, in detail, the design and operation of the funding formula under the current *Canada-Nunavut Access to Justice Services Agreement*.

Issue: Honoraria for Members of the Board of Directors of the Legal Services Board and Tariff of Rates for Resident Lawyers

Section 2 of the *Legal Services Regulations* made under the authority of the *Legal Services Act* include the official rates paid to the Chairperson and members of the Board of Directors of the Legal Services Board to attend meetings of the Board. However, these rates have not changed since the regulations were inherited by Nunavut on April 1, 1999. It is unclear if the Chairperson and members of the Board of Directors of the Legal Services Board are currently remunerated under this provision of the *Legal Services Regulations* or under the provisions of *Financial Administration Manual Directive 810*.

The *Legal Services Regulations* made under the authority of the *Legal Services Act* also include the official *Tariff of Rates* for resident and non-resident lawyers performing legal aid work. In order to provide an incentive for more lawyers to live and practice in Nunavut, resident lawyers are paid at a higher rate than non-resident lawyers. However, these rates have not been increased since the 2000-2001 fiscal year, almost two decades ago.

Standing Committee Recommendation #6:

The standing committee recommends that the Government of Nunavut's response to this report clarify, in detail, how the Chairperson and the members of the Board of Directors of the Legal Services Board are currently remunerated.

The standing committee further recommends that the Government of Nunavut's response to this report clarify, in detail, its timeline for reviewing and amending the *Legal Services Regulations* in respect to the rates paid to the Chairperson and members of the Board of Directors of the Legal Services Board and the *Tariff of Rates* for resident lawyers performing legal aid work.

Issue: Police Oversight

Significant discussion of this issue took place during the standing committee's televised hearing. The standing committee emphasizes that its strong support for the front-line officers of the Royal Canadian Mounted Police is complemented by its recognition of the importance of having appropriate accountability frameworks and mechanisms in place in respect to the institution.

The 2016-2017 annual report of the Legal Services Board indicates that:

“There continues to be a steady and increasing need for services in the areas of residential tenancy, employment law, poverty related issues, human rights, and excessive use of police force matters.”

On October 23, 2018, the Minister of Justice publicly stated in the Legislative Assembly that:

“Serious incidents are anything that causes injury or death of an individual that involves the RCMP employee or when it appears that an employee of the RCMP may have contravened a provision of the *Criminal Code of Canada* or other enactments. Serious incidents are reviewed by the Ottawa Police Service or the Calgary Police Service under the terms of a memorandum of understanding that the Department of Justice has with those police forces ... serious incidents could be reviewed by a civilian oversight board. The department is open to considering what options might be available to us.”

The standing committee recognizes that the capacity may not exist, at this time, for Nunavut to establish its own stand-alone civilian police oversight agency. However, the standing committee notes that on December 15, 2011, the Government of Yukon announced that it had entered into an agreement with the Government of Alberta “for the use of the Alberta Serious Incident Response Team (ASIRT) to conduct investigations into serious incidents involving the Royal Canadian Mounted Police.” It is the understanding of the standing committee that the Government of Yukon contributes a portion of ASIRT's annual budget.

The standing committee further notes that news media reports indicate that the same agency has been engaged to conduct at least one review of a matter involving the Royal Newfoundland Constabulary.

The standing committee further notes that it is of the understanding that the *Canada-Nunavut Territorial Police Services Agreement*, which was renewed for a 20-year term in April of 2012, provides for a contract management committee that has the mandate to address budgetary and resource issues. The standing committee further notes that a recent news media report indicates that the Government of Nunavut has “provided ‘V’ Division with \$1.575 million to install video cameras at detachments throughout the territory.”

Standing Committee Recommendation #7:

The standing committee recommends that the Government of Nunavut's response to this report include copies of the Memoranda of Understanding that were referenced in the Minister of Justice's formal Statement to the Legislative Assembly of October 23, 2018.

The standing committee further recommends that the Government of Nunavut enter into exploratory discussions with the Government of Alberta concerning the advisability and practicability of entering into an intergovernmental agreement for the use of the Alberta Serious Incident Response Team to investigate serious incidents occurring in Nunavut involving the Royal Canadian Mounted Police.

The standing committee further recommends that the Government of Nunavut's response to this report provide a detailed description of the work of the contract management committee established under the *Canada-Nunavut Territorial Police Services Agreement* in relation to the installation and use of security cameras, body cameras and related technologies in the Royal Canadian Mounted Police's Nunavut detachments, and that this description include a detailed accounting of all expenditures incurred, and installations undertaken, by the Royal Canadian Mounted Police's 'V' Division between April 1, 2013 and March 31, 2018.

Issue: *Public Guardianship and Trusteeship Act*

Section 7 of the *Public Guardianship and Trusteeship Act* provides, in part, that:

Appointment of guardian

7. (1) The Court may, on hearing an application for a guardianship order, make a guardianship order where it is satisfied that

(a) the applicant has fulfilled the requirements of sections 2 to 4; and

(b) the person in respect of whom an application is made

(i) is an adult,

(ii) is in need of a guardian because the person

(A) is not able, by himself or herself or with assistance, to understand information that is relevant to making a decision concerning his or her own health care, nutrition, shelter, clothing, hygiene or safety, or

(B) is not able, by himself or herself or with assistance, to appreciate the reasonably foreseeable consequences of a decision referred to in clause (A) or a lack of such a decision, and

(iii) will substantially benefit from the guardianship order.

In her formal opening comments to the standing committee, the Chairperson of the Board of Directors of the Legal Services Board stated that:

“It has been brought to the LSB’s attention [that] there are Nunavummiut being subjected to guardianship applications with no legal representation or assistance. This includes individuals who do not appear to be a threat to themselves or to anyone else. Some are merely low-functioning and/or homeless and may not have met the legal test for public guardianship. This may very well be a Charter infraction regarding the right to legal representation if the government wishes to restrict or remove a person’s freedom to make their own decisions, including where they live, or what they do, or for how long.”

The standing committee notes that the 2016-2017 annual report of the Director of Child and Family Services, which was tabled in the Legislative Assembly on September 14, 2017, indicated that:

“As at March 31, 2017, the Public Guardian was responsible for 230 active files ... the Department [of Family Services] is continuing to work with the Departments of Justice and Finance to explore modelling the Public Guardian as a separate entity, similar to the Public Trustee Office, affiliated with the Department of Justice ... given the Department of Family Services’ efforts in separating the Public Guardian from the Child and Family Services Division, future annual reports [of the Director of Child and Family Services] will no longer contain statistics pertaining to this program.”

Standing Committee Recommendation #8:

The standing committee recommends that the Government of Nunavut’s response to this report clarify, in detail, its position regarding the concerns noted by the Chairperson of the Legal Services Board in respect to the *Public Guardianship and Trusteeship Act*.

The standing committee further recommends that the Government of Nunavut’s response to this report provide a detailed statistical breakdown of the number of individuals who are, as of November 1, 2018, under guardianship orders made pursuant to the *Public Guardianship and Trusteeship Act*, and that this breakdown indicate how many of the persons are currently residing outside of Nunavut.

The standing committee further recommends that the Government of Nunavut’s response to this report provide a detailed update on the status of its work to “explore modelling the Public Guardian office as a separate entity, similar to the Public Trustee Office affiliated with the Department of Justice.”

Issue: Co-ordination of Public Legal Education Programs and Initiatives

Section 7 of the *Legal Services Act* provides that:

Objects of Board

7. The objects of the Board are

- (a) to ensure the provision of legal services to all eligible persons;
- (b) to ensure that the legal services provided and the various systems for providing those services are the best that circumstances permit; and
- (c) to develop and co-ordinate territorial or local programs aimed at
 - (i) reducing and preventing the occurrence of legal problems,
 - (ii) increasing knowledge of the law, legal processes and the administration of justice, and
 - (iii) providing public education and outreach with respect to human rights.

Although the 2016-2017 annual report of the Nunavut Human Rights Tribunal, which was tabled in the Legislative Assembly by the Minister of Justice on June 14, 2018, indicates that “education is the backbone of any human rights code,” it also claims that “the mandate of the Tribunal does not include public education, nor should it. Public education and outreach is the responsibility of the Legal Services Board.”

The 2015-2016 annual report of the Nunavut Law Foundation, which was tabled in the Legislative Assembly by the Minister of Justice on June 14, 2018, indicates that it “provides provides grants for the purpose of encouraging and supporting projects and initiatives that generally serve to advance greater awareness of the law and promote greater access to justice in Nunavut.”

The standing committee sees merit and value in greater co-operation between appropriate entities in the design and delivery of public legal education programs and initiatives in Nunavut.

Standing Committee Recommendation #9:

The standing committee recommends that the Government of Nunavut’s response to this report clarify, in detail, the extent to which the Department of Justice, the Legal Services Board, the Nunavut Law Foundation and the Nunavut Human Rights Tribunal co-ordinate the design and delivery of public legal education programs and initiatives in Nunavut.

Issue: Amendments to the *Legal Services Act*

Section 4 of the *Legal Services Act* currently provides that:

Chairperson

4. (1) At its first meeting in each fiscal year, the Board shall elect a chairperson from among its members.

Vacancy

(2) Where the position of chairperson becomes vacant during the fiscal year, the Board may fill the vacancy pending the first meeting of the Board in the next fiscal year.

During the standing committee's televised hearing, the following exchange took place:

Mr. Quassa: Thank you, Mr. Chairman. I'll just proceed with that. Does the board of directors support amending the *Legal Services Act* to provide for multi-year terms for its chairperson? Do you support that idea? Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Redfern.

Ms. Redfern: By default, for the last ten years, I have held the majority of the position of chair, but I understand and appreciate where the Member is coming from. It's important to have stability and consistency. I did not expect to return this fourth time, but given the amount of turnover in the organization at the board level, the board felt it was important to make me chair again. I agree and support that a three-year term instead of every year affirming it would provide more stability for the organization. Thank you, Mr. Chairman.

The standing committee considers the witness's testimony to be persuasive.

Standing Committee Recommendation #10:

The standing committee recommends that the Government of Nunavut introduce a bill during the life of the 5th Legislative Assembly to amend section 4 of the *Legal Services Act* to provide for a three-year term of office for the Chairperson of the Board of Directors of the Legal Services Board.

The standing committee further recommends that the Minister of Justice invite the Board of Directors of the Legal Services Board to submit formal recommendations concerning other specific potential amendments to the *Legal Services Act* and/or the *Legal Services Regulations*, and that these recommendations be included in the Legal Services Board's 2018-2019 annual report.

**Issue: Establishment of an Advisory Committee under Section 27 of the
 *Legal Services Act***

Section 27 of the *Legal Services Act* currently provides that:

Definition of "advisory committee"

27. (1) In this section, "advisory committee" means an advisory committee established under subsection (2).

Advisory committee

(2) **The Minister may establish an advisory committee** to advise the Minister and, if requested by the Board, to advise the Board on

- (a) matters of general and regional concern affecting the provision of legal services;
- (b) the administration of this Act and the regulations; and
- (c) the objects of the Board.

Composition of advisory committee

(3) The advisory committee shall be composed of

- (a) the senior judge of the Nunavut Court of Justice or another judge nominated by the senior judge;
- (b) one lawyer in private practice; and
- (c) other persons selected by the Minister.

Appointment of members

(4) The members of the advisory committee under paragraphs (3)(b) and (c) shall be appointed by the Minister.

Expenses

(5) Members of the advisory committee shall be reimbursed for the prescribed expenses.

During its televised hearing, the standing committee was advised that "... it was decided and determined that it would be very unwieldy to have an advisory committee ...". However, the testimony provided to the standing committee was unclear as to the specifics of how, when and why this determination was made, or the position of the Minister in this matter.

Standing Committee Recommendation #11:

The standing committee recommends that the Government of Nunavut's response to this report clarify, in detail, its position respecting the establishment of an advisory committee under section 27 of the *Legal Services Act*.

Issue: Activities of the Nunavut Justice Efficiency Committee/Court Users Committee

The *2016-2017 Annual Report of the Legal Services Board* indicates that:

“In previous years the Chief Operating Officer sat on the justice efficiency committee, which comprised senior officials in the Justice Department, the Royal Canadian Mounted Police, the Public Prosecution Service of Canada as well as the Senior Judge of the Nunavut Court of Justice. Together we’d examine systemic issues with a view to finding ways to increase efficiencies, maximizing value for dollars and make the experience for Nunavummiut navigating court processes less cumbersome and difficult. The Committee met once this year under a new title - Court Users Committee.”

During the standing committee’s televised hearing, Members requested an update on recent activities of this body, but were informed that it had been “dissolved.” However, the testimony provided to the standing committee was unclear as to the specifics of how, when and why this determination was made.

Standing Committee Recommendation #12:

The standing committee recommends that the Government of Nunavut’s response to this report clarify, in detail, the status of the Nunavut Justice Efficiency Committee/Court Users Committee.

Issue: Choice of Counsel

Section 40 of the *Legal Services Act* provides that:

Right of eligible person

40. Where an eligible person is charged with an offence, other than a prescribed offence, for which the maximum penalty is life imprisonment, the eligible person may for his or her defence select any lawyer who is resident in Nunavut and prepared to act on behalf of the eligible person.

In September of 2014, the Board of Directors of the Legal Services Board approved an amended *Criminal Choice of Counsel Policy*.

However, section 5.1 of the Legal Services Board's *Criminal Law Coverage and Eligibility Policy*, which was also approved by the Board in September of 2014, indicates that:

“Due to a lack of a resident, private criminal defence bar in Nunavut, the Legal Services Board is currently unable to fulfill its obligations under section 40 of the Act ... until there is a satisfactory increase in the number of resident, criminal law lawyers willing and able to take on section 40 files, which would enable the Legal Services Board to meet its statutory and common law choice of counsel commitments, the Chief Executive Office is provided with the sole authority and discretion to assign counsel to those accused facing the possibility of life imprisonment.”

The standing committee considers this inconsistency to be troubling.

Standing Committee Recommendation #13:

The standing committee recommends that the Government of Nunavut's response to this report clarify, in detail, what specific actions the Legal Services Board is currently taking to achieve a “satisfactory increase in the number of resident, criminal law lawyers willing and able to take on section 40 files.”

Issue: Financial Eligibility for Legal Aid

A number of the Legal Services Board's policies include a Financial Eligibility Grid. This is used to help determine an applicant's eligibility for legal aid.

The current business plan of the Government of Nunavut's Department of Justice indicates that the Legal Services Board "amended the legal aid financial eligibility policy and guidelines to improve assessment capacity and updated financial guidelines" during the 2017-2018 fiscal year.

The standing committee emphasizes the importance of ensuring that the income thresholds in the Legal Services Board's Financial Eligibility Grid take into account the high cost of living in Nunavut and the expense for citizens to engage private legal counsel.

Standing Committee Recommendation #14:

The standing committee recommends that the Government of Nunavut's response to this report clarify, in detail, the Legal Services Board's methodology for determining the current income thresholds in its Financial Eligibility Grid.

The standing committee further recommends that these income thresholds be periodically reviewed every three to five years.

Issue: Tabling of Legal Services Board Policies

The 2016-2017 annual report of the Legal Services Board indicates that it “assisted three families in different type of inquests, including death within police custody and suicide inquest ... the organization has become increasingly involved in a number of inquests, which has posed some challenges, especially inquests that may or may not fall within the organization’s mandate.” The current business plan of the Government of Nunavut’s Department of Justice indicates that the Legal Services Board “formalized an inquest participation policy” during the 2017-2018 fiscal year.

The current business plan of the Government of Nunavut’s Department of Justice also indicates that the Legal Services Board “amended the legal aid financial eligibility policy and guidelines to improve assessment capacity and updated financial guidelines” during the 2017-2018 fiscal year. The current business plan of the Government of Nunavut’s Department of Justice indicates that the Legal Services Board “drafted a non-harassment policy” during the 2017-2018 fiscal year.

Standing Committee Recommendation #15:

The standing committee recommends that the Government of Nunavut’s response to this report include copies of the Legal Services Board’s “inquest participation policy,” “legal aid financial eligibility policy” and “non-harassment policy.”