

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.

JBNQA, par. 20.0.1
A. corr.

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.

JBNQA, par. 20.0.5
A. corr.

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 :

- 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.

JBNQA, par. 20.0.7
A. corr.

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.

JBNQA, par. 20.0.9
A. corr.

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.

JBNQA, par. 20.0.10
A. corr.

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 Inuttituuq without cost, for purposes of information only.

JBNQA, par. 20.0.11
A. corr.

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.

JBNQA, par. 20.0.13
A. corr.

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.

JBNQA, par. 20.0.14
A. corr.

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.

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.

JBNQA, par. 20.0.22
A. corr.

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.

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.

JBNQA, par. 20.0.27
A. corr.

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.

A. corr.