

Chapter 17

AN ACT TO AMEND THE JUSTICES OF THE PEACE ACT

(Assented to May 16, 2013)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. The *Justices of the Peace Act* is amended by this Act.

2. Section 1 is amended by adding the following in alphabetical order:

“Committee” means the Justices of the Peace Appointment and Remuneration Committee established by subsection 2.1(1); (*comité*)

“remuneration” means all forms of compensation including salaries, pensions, allowances, and benefits; (*traitement*)

3. (1) The English version of paragraph 2(2)(a) is amended by striking out “and”.

(2) The English version of paragraph 2(2)(b) is amended by striking out “.” and substituting “; and”.

(2.1) Paragraph 2(2)(b) is amended by striking out “six” and substituting “12”.

(3) The following is added after paragraph 2(2)(b):

(c) has been recommended by the Committee pursuant to subsection 2.2(1).

4. The following is added after section 2:

Justices of the Peace Appointment and Remuneration Committee

2.1. (1) The Justices of the Peace Appointment and Remuneration Committee is established.

Composition of Committee

(2) The Committee is composed of:

- (a) a member recommended by the senior judge;
- (b) a judge of the Nunavut Court of Justice;
- (c) a justice of the peace; and
- (d) two representatives of the public who are not employees of the Government of Nunavut.

Appointment of Committee members

(3) Members of the Committee described in paragraphs (2)(b) to (d) shall be appointed by the Commissioner in Executive Council on the recommendation of the senior justice of the peace.

Appointment of member recommended by the senior judge

(4) The member of the Committee described in paragraph (2)(a) shall be appointed by the Commissioner in Executive Council on the recommendation of the senior judge.

Residency

(4.1) No person shall be appointed as a member of the Committee unless he or she has been a resident of Nunavut for at least 12 months.

Terms of office

(5) Members of the Committee shall hold office for a term of three years.

Chairperson and vice-chairperson

(6) The Committee shall elect a chairperson and a vice-chairperson from among its members.

Vice-chairperson

(7) If the chairperson is absent, unable to act, or that office is vacant, the vice-chairperson may act as the chair and may perform all the duties and functions of the chairperson.

Quorum

(8) A quorum of the Committee consists of the members described in paragraphs (2)(a) to (c) and at least one representative of the public.

Telephone or videoconference

(9) The Committee may meet by way of teleconference, videoconference, or other electronic means.

Confidentiality

(10) Records and proceedings of the Committee are confidential.

Liability

(11) No action or other proceedings for damages shall be brought against the Committee or its members or any person acting under the authority of the Committee for any act done in good faith in the execution or intended execution of the duty of the Committee, member or other person.

Review and recommendations

2.2. (1) The Committee shall review the applications of candidates for appointment as justices of the peace and recommend candidates who, in the opinion of the Committee, are qualified.

Criteria for recommendation

(2) In determining whether a person is qualified for appointment as a justice of the peace, the Committee's consideration shall include the person's:

- (a) knowledge of Inuit societal values;
- (b) knowledge of the Inuit language; and
- (c) knowledge of the community in which the candidate would serve if appointed.

4.1. The following is added after section 3:

Senior justice of the peace

3.1. (1) The Commissioner, on the recommendation of the senior judge, may designate a justice of the peace as the senior justice of the peace for a term of five years.

Powers and duties

(2) The senior justice of the peace has such powers and duties as may be assigned by the senior judge or prescribed.

5. (1) The following is added after subsection 7(1):

Disagreement with decision

(1.1) Disagreement with a decision made by a justice of the peace is not grounds for a complaint under subsection (1).

(1.1) The following is added after subsection 7(1.1):

Notification of complaint

(1.2) Where the senior judge receives a complaint respecting a justice of the peace or becomes aware of a matter respecting a justice of the peace that requires consideration, he or she shall advise the justice of the peace of the substance of the complaint or matter and require the justice of the peace to respond to the complaint or matter within a reasonable time, so that the senior judge may determine whether any further action need be taken.

(1.2) Paragraph 7(2)(a) is repealed.

(2) Paragraphs 7(2)(b) and (c) are repealed and the following substituted:

- (b) dismiss the complaint if, in the opinion of the senior judge, the complaint is frivolous or an abuse of process;

6. The following is added after subsection 8(2):

Senior judge may not consider appeal

(2.1) The senior judge may not consider an appeal of a decision made by the senior judge under paragraphs 7(2)(a), (b) or (d) as a member of the Review Council.

6.1. (1) Subsection 8(1) is amended by striking out “notice of the intention” and substituting “notice of intention”.

(2) The following is added after subsection 8(1):

Contents of notice

(1.1) A notice of intention to appeal must contain:

- (a) details of the complaint;
- (b) copies of the notice of the decision being appealed; and
- (c) a statement explaining the grounds on which an appeal is sought.

Dismissal

(1.2) Where the Review Council, based on the notice of intention to appeal, determines that the appeal is unfounded, unnecessary, frivolous, an abuse of process or beyond its jurisdiction, the Review Council shall dismiss the appeal.

(3) Subsection 8(2) is amended by striking out “Where a decision of the senior judge is appealed,” and substituting “Where the decision of the senior judge is appealed and the matter has not been dismissed pursuant to subsection (1.2),”.

7. Subsection 11(1) is amended by striking out “ and the senior judge.” and substituting “, the justice of the peace involved, the senior judge and, in the case of a complaint, the person who made the complaint.”.

8. Paragraph 11(2)(b) is struck out and the following substituted:

- (b) reprimand the justice of the peace;
- (b.1) suspend the justice of the peace, with or without conditions, for up to a year;
- (b.2) recommend that the justice of the peace attend training, instruction or counseling; or
- (b.3) otherwise discipline the justice of the peace; or

9. (1) Paragraphs 12(1)(a), (b) and (c) are repealed.

(2) Subsection 12(2) is repealed.

10. Section 16 is amended by adding the following after subsection (3):

Committee recommendation must be considered

(4) When establishing remuneration under subsection (1), the Commissioner in Executive Council shall consider the recommendations of the Committee made under section 16.1.

11. The following is added after section 16:

Recommendations

16.1. The Committee shall make a recommendation respecting the remuneration of justices of the peace no more than one year after this section comes into force and every five years after that recommendation.

12. (1) The English version of paragraph 18(a) is amended by striking out “; and”.

(2) The following is added after paragraph 18(a):

- (a.1) respecting the process by which a person may be selected to be appointed as a justice of the peace;
- (a.2) respecting additional criteria for a person to be appointed as a justice of the peace;
- (a.3) prescribing honoraria and expenses for members of the Committee;
and

13. This Act or any portion of this Act comes into force on a day or days to be fixed by order of the Commissioner.