



Action Committee on Modernizing Court Operations

TERMS OF REFERENCE INDIGENOUS ADVISORY GROUP

1. Overview

The Action Committee on Modernizing Court Operations (Action Committee) is a national leadership body co-chaired by the Chief Justice of Canada, the Right Honourable Richard Wagner, and the Minister of Justice and Attorney General of Canada, the Honourable Arif Virani. It provides guidance for addressing challenges, and highlights opportunities and innovative practices to modernize court operations and/or improve access to justice for court users.

In recognition of the unique position of Indigenous peoples in Canadian society, and the challenges they have historically faced in accessing the Canadian justice system, an Indigenous Advisory Group (IAG) is established, in consultation with Indigenous partners. This group will support the Action Committee's mandate and ensure Indigenous perspectives are adequately considered in the Action Committee's ongoing work.

2. Mandate

To support the Action Committee in fulfilling its mandate:

1. The IAG will contribute to Action Committee work products to ensure they adequately and accurately reflect the perspectives of Indigenous persons. To that end, the IAG members will draw upon their professional and lived experience and consider the diversity of Indigenous people in Canada, including First Nations, Métis, and Inuit, and those living in both rural/remote and urban communities.
2. Indigenous persons may be involved in the justice system in a range of roles, including as litigants, victims, witnesses, accused persons, legal counsel, or judicial decision-maker. The IAG will identify and prioritize topics of particular interest to Indigenous persons who engage with the courts, and develop related guidance for consideration and publication by the Action Committee. This guidance will further the Action Committee's mandate of supporting equitable court modernization. As with all of the Action Committee's guidance, it will be of a non-prescriptive and operational nature.

3. Composition

The IAG is chaired by Chief Justice Shannon Smallwood of the Supreme Court of the Northwest Territories. In addition to the Chair, the membership of the IAG is drawn from a combination of the judiciary and Indigenous Legal Organizations and Service-Delivery Agencies that work with Indigenous persons in the courts. It is representative of the three Indigenous distinctions within Canada (First Nations, Métis, Inuit), in as broad a geographic diversity as possible, including voices that can speak to the experience of Indigenous people living in both urban and rural/remote settings. The following organizations, which have been selected to represent as broad a range of roles that Indigenous people play in the justice system as possible, are represented at the IAG:



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- BC First Nations Justice Council
- Native Counselling Services of Alberta
- Yorkton Tribal Council (Saskatchewan)
- Aboriginal Legal Services (Ontario)
- Native Para-Judicial Services of Quebec
- Makivik Justice Department (Quebec)
- Elsipogtog Health & Wellness Centre (New Brunswick)
- Carcross/Tagish First Nation (Yukon)

4. Role of the Chair

The role of the Chair will include the following:

1. Develop the agenda for IAG meetings, with input from other IAG members
2. Chair meetings and confirm decisions and steps agreed upon by members
3. Represent the IAG at Action Committee and Technical Working Group meetings
4. Work closely with the Chair of the Technical Working Group of the Action Committee to ensure that both groups are aware of the work of the other, and that this work is coordinated and aligned.

5. Meetings and Timelines

The IAG will meet by teleconference or videoconference. While meetings will normally be on a monthly basis, the schedule of meetings may vary, as determined by the Chair. Between meetings, IAG members may advance their work by e-mail or other means agreed upon by the Chair. Agendas for IAG meetings will be developed by the Chair, with input from other members and with the support of the Secretariat of the Action Committee, as requested.

As the Action Committee has agreed to continue to operate until at least the fall of 2024, the IAG will also operate until that date.

6. Circle of Trust

All members of the IAG will endeavour to create an environment that is conducive to sharing ideas and experiences openly. To that end, members – and any other individual who may attend IAG meetings – will be mindful of the need to treat meeting discussions and draft documents as confidential, subject to consultations with third parties, where appropriate.

7. Operational Support

Operational support will be provided by the Department of Justice Canada through the Secretariat for the Action Committee, which also supports the Action Committee and its Technical Working Group.