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Annual Report 2008-2009

The Ministry of the Attorney General is responsible for providing a fair and accessible justice system that reflects the needs of diverse communities across the province. The ministry employs approximately 8,300 staff who:

- Work in criminal, civil, family and small claims courts;
- Prosecute crime;
- Provide services to victims and vulnerable Ontarians;
- Provide legal services to government.

The ministry is guided by four key strategies that support the government priority of Justice and the result of “Keeping Families Feeling Safe and Secure.” They are:

Improve the Effectiveness of the Criminal Justice System;

- Better Protect Ontario’s Children;
- Protect the Interests of the Most Vulnerable;
- Deliver a Modern and Efficient Court System.

Improve the Effectiveness of the Criminal Justice System

On June 3, 2008, the Attorney General launched [Justice on Target](#), the province's first results-driven strategy to reduce delay in Ontario's criminal courts.

Since 1992, the length of time to complete a criminal charge has almost doubled from an average of 115 days to 205 days by 2007. The average number of court appearances per charge has more than doubled within the same period of time, rising from 4.3 to 9.2.

Under the new Justice on Target strategy, Ontario is setting targets to reduce court delays and appearances by 30 per cent by Spring 2012. This is the first time the province has set targets to reduce the provincial average of days and court appearances needed to complete a criminal case.

The province is also making available [criminal court statistics](#) to the public for the first time. The public will be able to follow the progress of the [strategy](#) and see the impact on courthouses in their local communities.

The first two initiatives to be implemented as part of the Justice on Target strategy were expansions of the [Dedicated Prosecution](#) and [On-site Legal Aid](#) programs that had been proven successful in reducing court appearances and delays. The ministry is in the process of implementing Dedicated Prosecution in all 17 medium and high-volume court locations in the province.

On July 23, 2008, Ontario moved forward with its Justice on Target strategy by appointing an [Expert Advisory Panel](#), including some of the best minds in the field of criminal justice, to provide advice on how to move cases through the justice system faster. Members of this panel are providing advice separately and as a group, to help strategy leaders and their teams meet their targets.

In October 2008, the Ontario Courts of Justice in Newmarket, North York and London were designated as Justice on Target "Action Sites", as part of the first phase of the Justice on Target strategy.

Since then, multi-disciplinary teams consisting of ministry officials, judges, Crowns, defence counsel, police and other local courthouse participants have been working on identifying, sharing, testing and implementing new approaches that will make the criminal justice system faster and more effective.

This Justice on Target Implementation Team is:

- working with the implementation teams in local courthouses;
- engaging the judiciary, the criminal defence bar, Crown prosecutors, police and other justice participant organizations;
- developing and implementing new initiatives to help meet the target; and
- reporting to a Results Table chaired by the Attorney General.

Ontario's Justice on Target strategy will accelerate the pace of justice and hold offenders accountable by:

- focusing more justice system resources on the most serious and violent cases, particularly those involving repeat, violent offenders;
- minimizing the risk of charges being stayed due to delay; and
- reducing the time spent by police officers in court and increasing their time on the streets, keeping our communities safe.

Legal Aid Ontario has continued to work closely with the Ministry of the Attorney General in the Justice on Target strategy to reduce delays in court by 30 per cent.

In 2008-09, the ministry worked with [Legal Aid Ontario](#) to develop a new simplified online application process for quick, one-stop legal aid applications. The ministry also worked with Legal Aid Ontario to place legal aid application offices in an additional 17 courthouses, bringing the total to 26, and serving almost 80 per cent of criminal legal aid clients province-wide. The ministry will continue to work on the development of a new, simplified online application process for quick, one-stop legal aid applications.

The ministry continued to work with its partners across Canada to improve the effectiveness of the criminal justice system. In September 2008, at a meeting of federal/provincial/territorial justice ministers in Québec City, Attorneys General from across the country committed to share information and best practices based on their own experiences in administering criminal justice. This will help the provinces achieve their mutual goals and may include:

- ways to avoid unnecessary court appearances;
- effective use of technology in the courts;
- incentives to foster early decision-making;
- evidence disclosure methods; and
- system design improvements, such as improving the flow of prosecutions through the crown's office and courts.

In November 2008, the government received the [Report of the Review of Large and Complex Criminal Cases Procedures](#) written by the Hon. Patrick LeSage and Professor Michael Code. In response, Ontario introduced reforms to the criminal justice system that will move major criminal cases through the justice system faster and more effectively by:

- introducing Major Case Crowns into police stations, to focus on the pre-charge advisory stage of large and complex cases, starting in five municipalities - Toronto, Peel Region, Ottawa, Windsor and Niagara;
- working with the federal Minister of Justice on criminal law changes aimed at improving large and complex criminal case procedures;
- establishing mandatory peer review of all large and complex criminal prosecutions by the Ministry's Major Case Advisory Committee in the early stages of large and complex prosecutions.

Also in November, the government created the Exit Point Taskforce to step up the fight against repeat violent crime, by focusing on the main “exit points” of the justice system – bail, sentencing and post-sentence.

The Exit Point Taskforce is made up of specialized senior Crown prosecutors from each region of the province, as well as centrally located Crowns, with expertise in bail, sentencing, post-sentencing and Dangerous Offender and Long-Term Offender applications.

The Taskforce Crowns advises on a number of issues including:

- bail hearings and reviews;
- sentencing submissions;
- long-term and dangerous offender applications; and
- post-sentence recognizance orders.

This Taskforce continues to work with the federal government, along with the other provinces and territories, to strengthen the provisions of the Criminal Code relating to high risk offenders, as well as the national sex offender registry.

In May 2008, in a joint letter to the federal government, the Attorney General and the Minister of Community Safety and Correctional Services repeated Ontario’s call for a national handgun ban, and outlined three ways to target the flow of guns coming into Canada from the United States, without slowing cross-border trade:

- require marking of imported firearms;
- bring firearm parts regulations into sync with Canada’s border rules; and
- add federal prosecutors to Ontario’s Guns and Gangs Task Force.

Stopping illegal gun trafficking and a national ban on handguns are part of the government's [four-point plan](#) to protect Ontario communities from gun violence.

In 2008-2009 the Attorney General appointed 12 judges to the Ontario Court of Justice and six Justices of the Peace.

On July 25, 2008, Ontario released the [Legal Aid Review](#) report written by Professor Michael Trebilcock. The province will use this report to assist in ongoing efforts to improve Ontario’s justice system and create greater access to justice for all Ontarians.

The Ministry of the Attorney General - Legal Aid Ontario Protocol for Management of Court-Ordered Publicly Funded Counsel has continued to help ensure public funds are spent effectively through greater financial oversight and assessment. Implementation of Protocol principles in court orders and general awareness of the Protocol and Legal Aid Ontario's policies and procedures applicable to these cases is growing among lawyers, Crowns and judges.

The government’s 2007 budget increased LAO’s funding by \$51 million over three years. This includes \$17 million in 2008-09. This

represents an increase in LAO's annual funding from the provincial government by 19 per cent from \$199.3 million in 2002-03 to \$237.2 million by 2009-10.

In 2008-09, the province supported a variety of programs that help Aboriginal people take responsibility for the administration of justice in their communities. These [Aboriginal community justice programs](#) help reduce criminal offending and victimization in Aboriginal communities and provide opportunities for offenders to understand and make amends for the consequences of their behaviour in ways that are appropriate and meaningful. Ontario currently funds 11 Aboriginal community justice programs in 23 communities across the province.

In August 2008 and January 2009, the Attorney General visited a number of communities to learn more about community issues and make announcements regarding Aboriginal Community Justice Programs, including Thunder Bay, Kenora, Sagamok, Manitoulin Island, Ottawa, Simcoe County and Kitchener/Waterloo.

In 2008, Ontario began two pilot efforts, one in Kenora and one on Manitoulin Island, where the Crown works closely with First Nations Policing Services to review potential charges before they are laid. The goal is to reduce the number of charges going forward, where there is not a reasonable prospect of conviction, and to seek resolution at the pre-charge stage through community-based justice alternatives.

Additionally, in 2008, Ontario developed a bail-consultation process for remote communities in the northwest region of Nishnawbe-Aski Territory. Crowns consult with First Nations Police Officers operating in remote communities before accused are removed to be sent to an urban centre for bail hearings. These consultations prevent costly and unnecessary removals, where alternative and appropriate plans for release can be developed in the absence of a bail hearing. Initial results have demonstrated that collaboration between crown and police at this juncture enhances the likelihood of informed release decisions pending trial.

In August 2008, Ontario launched a new grant program to fund community-based projects to help First Nations, Inuit and Métis victims of crime. The \$2-million [Aboriginal Victims Support Grant Program](#) will offer one-time funding for up to two years for community projects to support Aboriginal victims.

Better Protect Ontario's Children

On November 24, 2008, the government introduced family law reform legislation that would, if passed, improve access to justice, better protect and support Ontario children and families in times of family breakdown and distress, and make the family law system faster and more affordable.

The proposed legislation would:

- strengthen abuse prevention for women and children by prosecuting breaches of restraining orders as criminal offences;
- protect children by ensuring information about a violent history is before the court when making decisions to transfer custody to a non-parent;
- eliminate costly battles over the division of pensions by clarifying the law; and
- reduce family court battles and help children receive the financial support they are entitled to through automatic annual financial disclosure.

This legislation would strengthen the system in place for custody and access applications, and make it safer for children by requiring better information for judges to consider when considering the best interests of the child in custody decisions.

The ministry continues to work with justice partners across Canada to combat crimes by those who prey on children, and to support a coordinated and province-wide approach to combat Internet crimes against children, such as child exploitation and Internet luring.

In April 2008, the [Supervised Access Program](#) had its funding doubled with \$4 million extra to facilitate child custody exchanges and visits when there is a safety concern.

Effective August 1, 2008, the Attorney General announced the appointment of Debra L. Stephens as Ontario's new Children's Lawyer.

In December 2008, the Ontario Child Victim/Witness Program opened a new office in Peterborough to help children who are victims of,

or witnesses to, crime. Boost Child Abuse Prevention and Intervention is receiving \$165,000 annually to deliver the program and serve victims in Peterborough and Barrie.

Protect the Interests of the Most Vulnerable

In 2008-09, the ministry continued to expand and support services to protect the interests of the most vulnerable Ontarians.

Family law reform legislation introduced on November 24, 2008, would, if passed, strengthen abuse prevention for woman and children and make the family law system faster and more affordable.

The proposed legislation would expand eligibility for restraining orders to those who lived together for less than three years. Also, enforcement of breaches of restraining orders would be strengthened. Under the new legislation, breaches would be prosecuted under the Criminal Code.

Judges would consider a clear evidentiary test before a restraining order would be granted and they would be provided with clear authority to order specific terms in the restraining order.

On April 17, 2008, the ministry announced \$8.2 million in new provincial funding so victims of domestic violence in Ontario will now get help faster and be better protected from further harm.

As part of this funding, a new \$1.7 million Early Victim Contact initiative will mean same-day help for victims as part of Ontario's specialized court program for domestic violence cases. 23 new staff have been hired across the province as part of the [Victim/Witness Assistance Program](#). This program provides specially trained victim services workers, Crown prosecutors, police and others to work with victims, community agencies and the courts to break the cycle of violence.

The [Partner Assault Response Program](#) received \$2 million more to support victims by holding offenders accountable through court-ordered counselling and education for offenders.

The Bail Safety Program is receiving \$500,000 in permanent funding to enable integrated teams of justice professionals to improve victim safety in domestic violence bail hearings.

In August 2008, the government provided \$1.5 million to help the 42 Domestic Violence Community Coordinating Committees across Ontario. In addition to annual funding of \$800,000, this year they will also receive one-time funding of \$700,000 for special projects to support coordination activities in the community, and for public education campaigns that help raise awareness of the signs of woman abuse.

On April 15, 2008, the government announced funding to extend the [Victim Quick Response Program](#) for another year, bringing total funding for the year to \$5.8 million. Under this program, victims of violent crime can receive emergency expenses, funeral expenses and professional trauma counselling in the immediate aftermath of violent crime. Approximately 2,613 people have been assisted in this way since the program began in Fall 2007.

In addition, the government boosted the annual base funding for the Victim Crisis Assistance and Referral Services program by 20 per cent in 2008-09 to \$9.4 million, a \$1.8 million increase.

On November 27, 2008, the Attorney General presented 13 Victim Services Awards of Distinction at Queen's Park. The awards recognize both victims of crime whose courage and dedication raise the profile of victims' issues in Ontario, and volunteers and professionals who provide outstanding service to victims.

On June 8, 2008, Ontario launched a new, stronger human rights system to protect human rights, prevent discrimination and provide faster access to human rights adjudicators and legal support. The new system, made up of the [Human Rights Tribunal of Ontario](#), the [Ontario Human Rights Commission](#) and the new [Human Rights Legal Support Centre](#), reinforces Ontario's leadership in human rights. In 2008-09, the system received \$14.1 million in new one-time funding for the transition, in addition to the annual funding allocated to it for 2008-09.

In the largest single commitment to victim support ever made by an Ontario government, the province made \$100 million in one-time funding available to the [Criminal Injuries Compensation Board](#). This funding, awarded in April 2008, will be paid out over the next two to three years and will ensure that 8,000 victims of violent crime and their families receive compensation through the board.

In 2008-09, the backlog caseload at the CICB was reduced from 8,000 cases on April 1, 2008 to approximately 2,700 cases by March 31, 2009. It is expected to be eliminated by December 31, 2009.

In August 2008, the government released a report on victim compensation by the Honourable R. Roy McMurtry. The province had asked Mr. McMurtry to make recommendations on victim services following the Ombudsman's Report on the Criminal Injuries Compensation Board (CICB). The ministry is reviewing those recommendations. Mr. McMurtry's advice will help the province to accelerate integrating and making victim services more transparent.

On August 21, 2008, Maureen Armstrong was appointed as the new Chair of Ontario's Criminal Injuries Compensation Board.

Deliver a Modern and Efficient Court System

In 2008 the Ministry of the Attorney General announced reforms to the criminal, civil and family law systems that will help ensure a modern and efficient court system for all Ontarians.

In June, the government launched the Justice on Target strategy to reduce delay in Ontario's criminal courts.

In November, the government introduced family law reforms to better support families in times of family breakdown and distress, and make the family justice system faster and more affordable. The proposed family law legislation covers restraining orders, child support, improving evidence in custody hearings, pension reform and the fairer division of assets.

In addition, as a result of the Attorney General's discussions with lawyers, judges and others working in the family law system, the ministry is focusing on practical ways to improve the family justice process to make it faster, more efficient and simpler for the public to use.

In December 2008, Ontario announced new civil justice reforms that will make it less expensive to access justice and easier to use the courts to quickly resolve disputes.

The province is increasing the monetary limit of the Small Claims Court from \$10,000 to \$25,000 effective January 1, 2010. This will provide a faster and more affordable option to Ontarians and businesses that are unable to resolve their own disputes. Additional civil justice reforms arising from 25 significant changes to the rules of Ontario's civil courts will simplify, speed up, and lower the costs of resolving disputes.

In November 2008, a regulation under the Legislation Act, 2006, came into effect, making copies of statutes and regulations published on e-Laws, official copies of the law. Ontario is one of the first jurisdictions in Canada to recognize its legislation website as an official source of law.

The ministry is also committed to supporting the Justice priority by "Serving the Public Interest".

Serving the Public Interest

The Ministry of the Attorney General continued to work to provide expert legal services to government in civil and constitutional litigation and legal advice to client ministries. In August 2008, the Attorney General launched [Justice Ontario](#), a new one-stop, easy-to-use website and telephone hotline that gives all Ontarians an entry point for accessing legal resources and basic information on the most common justice-related topics in 173 languages.

In September 2008, the ministry received the Ombudsman's report on the [Special Investigations Unit](#) (SIU). In his report, Ombudsman André Marin examined the operational effectiveness of the SIU and provided 46 recommendations directed toward the SIU, the Ministry of the Attorney General, and the Government of Ontario.

In response to the issues raised in the report, the Ministry of the Attorney General has committed to a number of recommendations including providing an additional \$700,000 to fund eight new SIU staff, including civilian investigators and community outreach staff, and providing one-time funding for a Mobile Investigative Centre that will allow SIU investigators to establish an independent presence at the scene of major incidents, and conduct instant, thorough, secure and video-taped interviews with witnesses.

On October 16, 2008, Ian D. Scott was appointed as the Special Investigations Unit (SIU) Director.

On October 1, 2008, Ontario released the report of the Honourable Justice Stephen Goudge's Inquiry into Pediatric Forensic Pathology in Ontario. In response to his report and recommendations, the government introduced new legislation in October 2008, to overhaul its forensic pathology system and pursue measures to redress past injustices. The Coroner's Amendment Act (Bill 115) has passed second reading and has been referred to the Standing Committee on Justice Policy.

The proposed legislation would, if passed, establish a framework to strengthen the death investigation system, provide for greater oversight and accountability and improve coroner and pathology services in Ontario. Guided by Justice Goudge's recommendations, the legislation would build on the progress Ontario has made in the past five years to improve the province's coroners system.

In December 2008, Ontario responded further to the Goudge Report by establishing a review team for "shaken baby" death cases and a committee to consider issues of compensation related to Dr. Charles Smith's work. Legal experts will provide advice on the viability of a potential compensation process arising from the work of Dr. Charles Smith, and medical and legal experts will review criminal convictions involving "shaken baby" death cases.

The Independent Police Review Office, created under the *Independent Police Review Act, 2007*, will be up and running in 2009. The new independent civilian body will handle public complaints about police in Ontario. The Office is based on recommendations made by the Honourable Patrick J. LeSage following his extensive study of Ontario's police complaints system.

In June 2008, Gerry McNeilly was appointed Independent Police Review Director. He is currently working on the implementation of the new police complaints system that has the confidence and respect of the public and the police. In March 2009, Mr. McNeilly conducted focused consultations with community groups and police organizations throughout the province on the proposed policies, procedures and rules underlying the new complaints process.

Table 1: Ministry Expenditures 2008/2009

	Ministry Actual Expenditures (\$) 2008/09
Operating	1,404,052,900
Capital	211,869,200
Staff Strength (as of March 31, 2008)*	8,141.91

Interim Outlook 2008/09, The Ministry of the Attorney General (Excludes Consolidations) (Restated)

*Human Resources - MAG

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