



MINISTRY OF THE ATTORNEY GENERAL

[HOME](#) | [ABOUT THE MINISTRY](#) | [NEWS](#) | [FOR MEDIA](#) | [CONTACT US](#)

[HOME](#) | [PUBLICATIONS](#) | [ANNUAL REPORTS](#) | [ANNUAL REPORT 2009-2010](#)

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- Protecting mentally incapable people
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Annual Report 2009-2010

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 8,100 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 to "keep families feeling safe and secure." They are:

- Improve the Effectiveness of the Criminal Justice System
- Better Protect Ontario's Families and Children
- Protect the Interests of the Most Vulnerable
- Deliver a Modern and Efficient Court System.

Improve the Effectiveness of the Criminal Justice System

In 2009-10 the ministry continued to build on Ontario's strong criminal justice system with the appointment of 19 judges to the Ontario Court of Justice and 17 Justices of the Peace.

Throughout 2009-10 the ministry and its justice partners also continued their efforts to reduce court delay with the Justice on Target strategy. Announced on June 3, 2008, [Justice on Target](#), is 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 had almost doubled from an average of 115 days to 205 days by 2007. The average number of court appearances per charge had more than doubled within the same period of time, rising from 4.3 to 9.2.

Under the Justice on Target strategy, Ontario has set 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 number of days and court appearances needed to complete a criminal case.

In May 2009, [seven initiatives](#) to tackle delays in the criminal court process were identified as a result of the first phase of the [Justice on Target](#) strategy, in Newmarket, North York and London. The seven initiatives are:

- On-Site Legal Aid and the Simplified Online Application Process
- Two-Stage Disclosure
- Meaningful First Appearances



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- Three-Appearance Standard
- Crown Access Commitment
- Increased Availability of Plea Courts
- Direct Accountability

In June 2009, the Ontario Courts of Justice in both Brampton and Toronto's Old City Hall courthouses were engaged in the strategy. Justice participants at these two sites, two of the province's busiest criminal courts in Ontario, are adapting and building on these key initiatives and will implement new processes that suit these large sites.

In November and December 2009, six additional large-to-medium court sites were engaged in the strategy (Windsor, Sudbury, Kitchener, Etobicoke, College Park and Scarborough).

Statistics for 2009 are available on the ministry's website.

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

In 2009-10, the ministry continued to work closely with LAO to place legal aid application offices in courthouses across Ontario and develop a new, streamlined online application process for quick, one-stop legal aid applications.

Currently, onsite Legal Aid offices are in 45 courthouses across the province and additional sites may be added in the future. Additionally, the simplified on-line application process now has the capacity to service approximately 50 per cent of eligible clients. The ministry and LAO will continue to examine ways of expanding the use of the online application process during 2010-11.

In September 2009, the ministry announced the Legal Aid transformation plan. As part of that plan, the ministry invested \$150 million over four years in Legal Aid Ontario, increasing Legal Aid Ontario's base funding by \$60 million a year by 2012.

In 2009-10, the province continued to support a variety of programs that help Aboriginal people take responsibility for the administration of justice in their communities through an additional \$600,000 in provincial funding and a doubling of overall funding in partnership with the federal government.

These Aboriginal community justice programs help reduce criminal offending and victimization in the Aboriginal community and provide opportunities for offenders to understand and make amends for the consequences of their behaviour in ways that are culturally appropriate and meaningful. Ontario currently funds 10 Aboriginal community justice programs in 24 communities across the province.

Better Protect Ontario's Families and Children

On May 14, 2009 the Family Statute Law Amendment Act received Royal Assent. This legislation will provide the courts with additional information to protect and support Ontario's children and families in times of family breakdown and distress.

Legislative Reforms

On October 15, 2009, family law reforms aimed at strengthening restraining orders came into effect. A breach of a restraining order made under the new provisions will now be prosecuted as a criminal offence and allows partners who live together in a relationship for less than three years to apply for a restraining order. Both amendments increase the protections available to victims of domestic violence.

Additionally, on March 1, 2010, new provisions under the Family Statute Law Amendment Act, 2009, took effect to better protect and support children and families in times of family breakdown and distress.

Children and families involved in custody and access cases will be better supported by changes which:

- Require more detailed information for judges to consider when determining the best interests of the child in custody and access decisions
- Protect children by helping to ensure information about a violent history is before the court when making decisions to grant custody to a non-parent
- Reduce family court battles and help children receive fair levels of child support by requiring annual

disclosure of financial information relating to child support payments.

Process Reforms

In order to improve access to justice and reduce stress on families in times of family breakdown, the ministry is implementing changes to the family justice process based on four pillars of reform which will:

- Provide more information to families up front about the steps they need to take and the impact on children when relationships break down
- Enhance opportunities to identify issues, ensure early disclosure and provide community referrals to better support families in reaching resolutions
- Improve access to legal advice as well as less adversarial means of resolving issues such as mediation and collaborative family law, and
- Streamline and simplify the steps involved for those cases that must go to court.

In December 2009, family justice partners in two courts in Brampton and Milton became the first to implement process reforms and begin work to develop initiatives to help reduce the stress on families and the time necessary to reach decision points in their family courts.

Internet Crimes Against Children

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 May 2009, an amendment to the Victims' Bill of Rights took effect allowing victims of child pornography to sue offenders who have been convicted of making, distributing, possessing or accessing child pornography for damages such as emotional distress and bodily harm arising from the distress. Victims of hate crimes and other offences also have the ability to sue convicted offenders. This law will serve as a further deterrent to offenders as any lawsuit will be in addition to penalties imposed by the court.

Better Protect the Interests of the Most Vulnerable

In August 2008, Ontario announced the first recipients of the new Aboriginal Victims Support Grant Program which helps fund community based projects to help First Nations, Métis and Inuit victims of crime. A total of 20 grants were awarded to 19 Aboriginal organizations for projects that support victims of domestic violence, sexual assault, hate crimes and historic abuse in primarily underserved areas of the province.

In the summer of 2009 the Attorney General visited a number of communities to announce seven of the grant recipients situated in Toronto, Peterborough, Hamilton, Timmins and Sudbury. During these visits, the Attorney General also held community roundtables to hear from community leaders and service providers about justice issues and challenges facing First Nations, Métis and Inuit people in the criminal justice system.

The ministry is responsible for the administration of the Criminal Injuries Compensation Board (CICB), which awards compensation to victims of crime committed under certain Criminal Code offences. In August 2008, former Chief Justice Roy McMurtry's report on Financial Assistance for Victims of Violent Crime in Ontario was released.

In 2008, Ontario provided one-time funding to build on improvements made to victim services, including investing nearly \$115 million of one-time funding in the Criminal Injuries Compensation Board to benefit approximately 9,000 victims of crime and their families.

With the support of the ministry the CICB continues to reduce its caseload and eliminate its backlog of cases. By the end of 2009-10, the original backlog of 8,014 cases had been reduced by 7,952, or 99 per cent.

Deliver a Modern and Efficient Court System

In December 2008, Ontario announced new civil justice reforms based on former Associate Chief Justice Coulter Osborne's report on the civil justice system. A total of 25 changes were aimed at making the civil justice system less expensive and more effective.

On January 1, 2010, these changes took effect, making it easier, faster and more affordable for people and businesses to access justice and use Ontario's civil courts to resolve disputes. These changes include:

- Increasing the monetary limit of the Small Claims Court from \$10,000 to \$25,000
- Increasing the monetary limit of Simplified or 'streamlined' Procedure from \$50,000 to \$100,000
- Limiting pre-trial examination for discovery, where parties are questioned about their case, to one day

unless the parties agree or the court orders an extension

- Creating a general principle of proportionality in the Rules of Civil Procedure so the time and expense of each case reflects what is at stake.

Throughout 2009-10 Ontario continued to work towards creating a modern, effective and accessible justice system by funding an accelerated new courthouse construction program and investing in existing courthouses.

Construction of the new Durham Region Courthouse was completed in fall 2009. The new courthouse consolidates Superior court and Ontario court of justice services that were previously delivered from eight different court sites in Durham. The new facility features 33 courtrooms, with six being outfitted for video remand and additional courtrooms with video conferencing capabilities. Durham's new courthouse also includes two remote video testimony rooms to accommodate vulnerable and child witnesses, three motions rooms, three conference/settlement rooms, related justice services and up-to-date technology and security systems.

A major renovation and expansion of the Cornwall courthouse was completed in summer 2009, providing the community with a 19,500 square foot, one-storey addition which houses two new criminal courtrooms, six interview rooms, three jury deliberation rooms, additional holding cells, new Crown attorney's offices, a police court bureau, a relocated drop off point for in-custody individuals and a law association library.

Additionally, 2009-10 saw the completion of the Sioux Lookout courthouse, where the former OPP detachment was renovated and upgraded; including a new addition. The new facility features three distinct levels of circulation (Private Judiciary, Secure In-custody and public), a complete sally port with secure entrance for transport of in-custody accused, four group holding cells with the capacity to hold 17 individuals and day offices for use by various service providers.

As a result of a successful 2007-08 pilot program, in 2009-10 the ministry expanded the Accessibility Coordinators Program into all full-time court locations across the province. Coordinators provide information and respond to the accommodation and accessibility needs of people with disabilities. They will also liaise with local disability and service organizations to provide outside resources, such as wheelchairs or assistive listening devices, if they are required.

Serve the Public Interest

The Cornwall Public Inquiry into the institutional response to allegations of abuse of young people in Cornwall ended on February 27, 2009. The Inquiry's final report was delivered to the ministry on December 15, 2009. The comprehensive report considers the response of the justice system and other public institutions as well as processes, services and programs that would encourage community healing and reconciliation.

The government will review the report and recommendations that have been made by Commissioner Normand Glaude and will determine what further actions can be taken to help the community move forward.

Based on recommendations made by the Honourable Patrick J. Lesage following his extensive study of Ontario's police complaints system, the ministry created the Office of the Independent Police Review Director to handle public complaints about the police in Ontario.

The Office of the Independent Police Review Director officially opened its doors on October 19, 2009, with the goal of providing independent, accessible and effective oversight of complaints that will build confidence and trust in the public complaints process.

As of January 1, 2010 the Ministry of the Attorney General, ensured that all ministry services to the public are in line with Accessibility Standards for Customer Service regulations, which set out specific requirements for making customer service accessible to people with disabilities.

These standards are a commitment on the ministry's part to provide a stated level of service and include the principles of accessibility, responsiveness, reliability, caring and accountability. Service standards have been shown to improve customers' understanding of services and better manage service expectations.

In 2009-10, the ministry introduced a number of pieces of legislation aimed at serving the public interest.

The Good Government Act, 2009, was introduced in October 2009 and received Royal Assent on December 15, 2009. The statute will improve clarity, increase transparency, and enhance accountability in the province's laws, regulations and systems through a number of technical changes and general housekeeping measures.

The Act includes amendments to the Public Inquiries Act that will, when proclaimed in force, provide the government and commissioners with better tools to determine the scope and manage the cost and length of public inquiries.

The Good Government Act, 2009 also:

- Clarifies the qualification for jurors and allows for criminal *record* check of potential jurors
- Streamlines provincial offence administration, and
- Lightens the administrative burdens on charitable organizations.

In April 2009 the Apology Act, 2009, received Royal Assent, allowing people and organizations to apologize without fear that the apology will be used against them as evidence of liability in a civil court proceeding.

On May 14, 2009 the Tobacco Damages and Health Care Cost Recovery Act, 2009 received Royal Assent, permitting the government to sue tobacco companies for alleged wrongdoing to recover past and ongoing health care costs born by Ontario taxpayers due to tobacco-related illness.

Following its passage, Ontario filed a \$50 billion lawsuit against tobacco companies seeking to recover the health care costs borne by Ontario taxpayers since 1995.

Table 1: Ministry Expenditures 2009/2010

	Ministry Actual Expenditures (\$) 2009/10
Operating	1,418,336,514
Capital	119,897,000
Staff Strength (as of March 31, 2009)*	8,141.91

Interim Outlook 2009/10, The Ministry of the Attorney General (Excludes Consolidations) (Restated)
*Human Resources - MAG

[Back to top](#)

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