



MINISTRY OF THE ATTORNEY GENERAL

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Annual Report 2012-13

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MINISTRY OVERVIEW

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 8,000 staff who deliver services in:

- criminal, civil, family and small claims courts;
- the ministry's agencies, boards and commissions;
- the prosecution of crime;
- services to victims;
- support of vulnerable Ontarians;
- legal services to government.

The ministry is guided by three key strategies that support the government priority of justice and the commitment to keep families safe and secure. They are:

- Deliver an Effective Justice System;
- Protect the Interests of Victims and Vulnerable People;
- Provide an Efficient Court System.

Deliver an Effective Justice System

Justice on Target

In 2012-13 the ministry continued to build on Ontario's strong criminal justice system with the appointment of 12 judges to the Ontario Court of Justice and 14 Justices of the Peace.

Throughout 2012-13 the ministry and its justice partners continued efforts to improve the efficiency and effectiveness of the criminal justice system and reduce delay through the [Justice on Target](#) (JOT) strategy.

JOT applies an evidence-based approach to the criminal justice system, setting goals and fostering collaboration and innovation. Local justice court leaders continue to be supported with local data and analytical tools as they implement and measure the impact of new and more effective processes.

In 1992, it took an average of 4.3 court appearances to bring a charge to completion. By 2007, this figure had more than doubled to 9.2 appearances. By June, 2012, as a result of JOT the provincial average number of court appearances dropped to 8.5 (down 8.1%). In 2007 it took an average 205 days to complete a criminal charge. By June 2012, as a result

of JOT that figure dropped to 192 (down 6.6%).

If the rising trend had continued at its 2008 rate, the average number of appearances could have been as high as 10.7 by June 2012, but instead it is almost 26% lower than where the province could have been.

In September 2012, the Justice on Target strategy continued to build on these achievements by refining both the data used and how progress is measured. Entering a new phase, and following broad consultations with all justice participant groups, the strategy transitioned from across-the-board reduction targets, to benchmarks that take into account a case's complexity.

The JOT benchmarks establish a general number of appearances and days for most adult criminal cases in the system, taking into account that every case is unique and that not every case can or should meet benchmarks 100% of the time.

Between January 1 and December 31, 2012 the province's criminal justice system completed:

- less complex cases in five appearances or less, 63.2% of the time;
- less complex cases in 90 days or less, 61.8% of the time;
- more complex cases in ten appearances or less, 67% of the time;
- more complex cases in 240 days or less, 67.7% of the time;
- combined federal/provincial cases in nine appearances or less 64.1% of the time;
- combined federal/provincial cases in 180 days or less, 64.8% of the time.

Comparing the data to the previous calendar year – January 1 to December 31, 2011– nearly every court location showed an improvement in at least one case category; five sites improved in every category; and ten sites improved in five out of six categories.

In March 2013, committees comprised of regional criminal court leaders determined specific goals for each court location in their respective regions to increase the percentage of cases meeting the benchmarks by December 31, 2013.

Throughout 2012-13 the ministry, local court leaders and justice participants continued efforts to find better ways of moving cases through the criminal justice system more effectively and promote continuous improvement against the benchmarks. For example:

- In a number of court locations streamlined intake process has been adopted, including timeline or standard number of appearances, after which most cases should be either set down for trial or otherwise resolved.
- Local court leaders are finding ways to make maximum use of existing video conferencing equipment for video pleas or private, secure consultations between defence counsel and in-custody accused to reduce the amount of time spent travelling between correctional institutions and courts.
- The Direct Accountability Program has been expanded to nearly every court site to help ensure that low-risk offenders are held accountable for their actions within their own communities. Between January 1 and December 31, 2012, Direct Accountability resulted in:
 - \$969,421 in restitution to victims
 - 94,187 hours of community service performed.

As a result of the new and more effective processes being implemented or expanded, straightforward criminal cases are being resolved sooner and justice resources are being shifted to priorities such as more serious crime and increased protection of the public.

In this way, the Justice on Target strategy is helping to ensure that existing resources are used effectively, while the fairness and integrity of the criminal justice system is protected and the independence of its participants is maintained.

In August, 2012, a report commissioned by the government in British Columbia – *A Criminal Justice System for the 21st Century* – was released, recommending the government and judiciary in that province adopt a similar approach to Ontario's Justice on Target strategy, with system-wide performance measures for timeliness and initiatives aimed at earlier resolution of criminal cases.

The Justice on Target strategy was also nominated for the 2013 [United Nations Public Service Awards](#) in the category of "Improving the delivery of public services."

Legal Aid Ontario

In 2012-13, the government invested \$60 million in [Legal Aid Ontario](#) (LAO). This funding is part of the government's investment of \$150 million in additional funding to LAO over four years that was announced in fall 2009. LAO now receives an additional \$60 million per year over its 2009 base funding.

In 2012-13, LAO held consultations and put into effect new discretionary payment guidelines for lawyers accepting legal aid certificates. This initiative aims to provide greater certainty and payment fairness for lawyers when requesting a discretionary payment, while maintaining LAO's effective stewardship of public funds.

In 2012, LAO began developing a multi-faceted strategy to improve legal aid services for clients with mental health issues. This strategy aims to help vulnerable individuals with mental health issues in a more effective, efficient and holistic manner.

LAO also implemented interim procedures to accommodate new federal refugee legislation that came into effect in December 2012, and sought feedback on a proposed new refugee law services delivery model through 13 consultation sessions. LAO continues to work on this initiative, and monitor the impact of the new federal legislation on refugee legal aid services.

Protect the Interests of Victims and Vulnerable People

Victim Services

The [Victim/Witness Assistance Program](#) (V/WAP) provides information, assistance and support to victims and witnesses of crime to increase their understanding of, and participation in, the criminal court process.

Services are provided on a priority basis to the most vulnerable victims and witnesses of violent crimes including: domestic violence, sexual assault, child abuse and sexual assault, hate crimes and to families of homicide or traffic fatality victims. Services begin once police have laid a charge and continue until disposition of the court case.

A measure that demonstrates the performance of this program is its service delivery standard, which requires that V/WAP make efforts to contact clients referred to the program within three business days. In 2012-13 the standard was achieved over 95% of the time.

The [Victim Quick Response Program](#) provides immediate assistance to victims of violent crime. Through this program, eligible victims who have no other financial means are able to access short-term counselling, financial support for crime scene cleanup, emergency expenses or funeral expenses for family members who are victims of homicide.

Measures that demonstrate the performance of this program involve the time it takes to approve requests for services. The established service standard requires that 90% of requests for emergency and funeral expenses are approved within three business days of receipt of the request, and that 90% of requests for short-term counselling are approved within five business days.

In 2012-13, those standards were met with over 95% of counselling requests approved within five business days and nearly 91% of funeral and emergency requests approved within three business days.

In April 2012, the ministry announced the expansion of the [Family Court Support Worker Program](#) to all court districts across the province. The program helps victims of domestic violence involved in the family court process navigate the court system. Family Court Support Workers keep victims of domestic violence informed and protected by:

- explaining the family court process;
- working with victims to document the history of abuse for the court;
- referring victims to specialized services and supports in the community;
- helping with safety planning related to court appearances;
- accompanying victims to court proceedings.

Also in April 2012, 13 individuals and three organizations received the Attorney General's Victim Services Award of Distinction. The awards recognize victims of crime whose courage and dedication have raised awareness of victims' issues in Ontario, and the exceptional achievements of dedicated volunteers, professionals and organizations in the field of victim services.

In summer 2012, the ministry released a call for applications to community-based agencies to design and implement an online training initiative to create consistency in service delivery and enhance service provision for victims of human trafficking across Ontario. The application period ended in September 2012, and as of March 31, 2013, contractual arrangements were being made.

In November 2012, the ministry announced new specialized support services to help Aboriginal victims of crime in remote communities on the James and Hudson Bay coast. The [Mushkegowuk Council](#) was selected to deliver the new services tailored to the needs of the Aboriginal community that help victims of sexual and physical assault, elder and child abuse, and families of homicide victims. These services will be implemented in eight communities where no support services currently exist.

Programs for Vulnerable People

The ministry supports a wide array of services for vulnerable people through community, agency and court-based initiatives. This includes decision making provided by the [Office of the Public Guardian and Trustee](#) (OPGT) for mentally incapable adults with no one else to act on their behalf.

Over the 2012-13 fiscal year, the OPGT acted as guardian for approximately 12,700 mentally incapable people. In addition, the OPGT received approximately 4,500 treatment referrals and performed 291 screening and field investigations into allegations of harm, self-neglect or abuse.

Over the past four years OPGT has responded to:

- 99% of requests for medical treatment decisions for mentally incapable adults within 24 hours;
- 99% of allegations of abuse of mentally incapable adults within 24 hours.

The ministry delivers and supports special services for Ontario's children. The [Office of the Children's Lawyer](#) represents children in child protection proceedings, litigation and custody and access disputes. The office helps over 20,000 children at any given time with the assistance of approximately 80 staff and 750 fee-for-service legal and clinical agents across the province.

The ministry also supports children through the [Supervised Access Program](#), through which non-profit organizations across Ontario provide safe settings for visits and exchanges between a child and non-custodial parents or other persons, where there are concerns about safety.

For the past five years, more than 99% of Supervised Access Centre visits and exchanges were completed without incident. Each year, the program provides over 70,000 supervised visits and exchanges.

In 2012, the Supervised Access Program celebrated its 20th anniversary of providing valuable services in Ontario. The anniversary was marked in May by a statement delivered by the Attorney General in the Ontario legislature.

Through Ontario's Civil Remedies Grants Program, in 2012-13, the ministry provided \$1.2 million in grants to 25 police services across the province to assist victims and prevent unlawful activity that leads to victimization.

Provide an Efficient Court System

Modernization and Innovation

The ministry is focusing on a modernization agenda to help meet its goal to continuously improve the provision of a fair, effective and accessible justice system. There are a number of critical initiatives, many supported by new technology, that the ministry has committed to and that are designed to improve the ways in which justice services are organized and court services are delivered to the public. In January 2013, the ministry announced the formation of a new Innovation Office, led by the Associate Deputy Minister, to support this important work.

Family Justice

In 2012-13 the ministry continued to make improvements to Ontario's family law system. With the goal of promoting a streamlined and responsive family justice system, the ministry focussed on the following initiatives:

- Ensuring consistency in the delivery of family mediation and information services. Expanded province-wide in fall 2011, the three services include a Mandatory Information Program, Family Mediation Service and Information and Referral Coordinators. The ministry conducted an evaluation to assess the efficiency of, and satisfaction with, the delivery of mediation and information services. The evaluation showed there was strong support for the service, and made recommendations aimed at ensuring its long-term sustainability.
- Developing a program to focus on the legal and emotional needs of Aboriginal people in Ontario's family justice system. The Family Law Information Program for Aboriginal Families includes written materials, available in English, French, Cree, Ojibway and Oji-Cree, and a DVD recording of the mandatory information program, adapted to address the needs and concerns of Aboriginal families. These materials are now being delivered to urban and remote aboriginal communities across Ontario.
- Working with the Family Responsibility Office on measures to improve the payment of child support by payors who are substantially in arrears.
- Modernizing the court process for family cases through review of key business processes (enforcement, divorce and order production) and developing pilots for alternative service delivery models.

Report of the Ontario Human Rights Review 2012

In 2008, Ontario launched a series of reforms that fundamentally changed the province's human rights system to better protect human rights, prevent discrimination and ensure more timely and effective access to justice. In 2011, the government appointed Mr. Andrew Pinto, a prominent human rights and employment lawyer, to conduct an assessment and provide advice on how the human rights system could be further improved.

Mr. Pinto's report was released in November 2012. The findings confirmed that Ontario is on the right track with its human rights reforms, resulting in a better system overall. Among his findings, Mr. Pinto found the new system is more effective and accessible, and allows disputes to be heard and resolved in less time. The report also included a number of findings and recommendations for consideration by the Ministry of the Attorney General and Ontario's three human rights agencies, which the ministry is currently reviewing.

These recommendations are now under active consideration.

Report on First Nations Representation On Ontario Juries

In August 2011, the ministry retained former Supreme Court of Canada Justice, Frank Iacobucci, to review the process for including individuals living in First Nations reserve

communities on the province's jury rolls. Mr. Iacobucci's report was released on February 26, 2013 and proposed a number of ways to increase First Nations representation on juries, and strengthen the province's justice system.

Mr. Iacobucci's report will help the ministry build on its ongoing efforts to improve the participation of First Nations individuals on jury rolls and the government's ongoing efforts to build constructive, co-operative relationships with First Nations partners in Ontario through mutual respect, dignity, and meaningful participation in decision-making.

As a first step, the ministry is working to address the top two recommendations: to establish an implementation committee that includes representatives from the First Nations community and various government ministries; and to set up an advisory group.

Five Year Reviews of Paralegal Regulation

In 2006, the Law Society Act was amended by the Access to Justice Act to provide for the regulation of paralegals. Under the Act, all paralegals practicing in Ontario must be licensed by the Law Society of Upper Canada. Ontario became the first jurisdiction in North America to regulate paralegals on May 1, 2007.

To help ensure that paralegal regulation has been implemented successfully, the Act required that two progress reviews be conducted after five years. The first report, conducted by the Law Society of Upper Canada, was received on June 28, 2012.

The Act also required that a person who is neither a lawyer nor a paralegal be appointed to review the regulation of paralegals in Ontario and provide a report to the Attorney General. Mr. David Morris, a professional writer, communicator and strategist, was appointed to lead this review. Mr. Morris submitted his report to the ministry on November 1, 2012.

The reports show that paralegal regulation has been implemented successfully, with clear benefits for Ontarians using paralegal services.

The recommendations in these reports are being carefully reviewed.

French Language Services Bench and Bar Advisory Committee Report

In his 2008-09 annual report, the French Language Services Commissioner recommended the creation of a Bench and Bar Advisory Committee to look at both the language rights knowledge of the judiciary and the apparent shortage of bilingual judges in Ontario.

In 2010, the French Language Services Bench and Bar Advisory Committee was created. Their report was received by the ministry in February 2012. The Bench and Bar Advisory Committee Report contains 17 recommendations related to the ministry, the judiciary and the federal Justice Minister.

In November 2012, the ministry announced it is establishing a steering committee with representatives from the justice sector and other organizations to review and develop an implementation plan that responds to the report's recommendations.

Courthouse Modernization

Throughout 2012-13 Ontario continued to work towards creating a modern, effective and accessible justice system by continuing to fund its new courthouse construction program and investing in existing courthouses.

In December 2012, the Parry Sound expansion and retrofit project was completed. The project involved relocating the local law association, and building a new conference settlement room.

In February 2013, a construction completion event was held at the new Waterloo Region Courthouse. Operational in March 2013, the new building consolidates the Superior Court of Justice and the Ontario Court of Justice into one building. The facility, located at Duke and Frederick streets in downtown Kitchener, improves access to justice for Waterloo Region by increasing the number of available courtrooms and providing better access and security while improving health and safety standards.

In 2012-13 construction work continued on three other new consolidated courthouses in Quinte, Thunder Bay and St. Thomas.

The ministry also continued to make progress on its courthouse way finding and signage initiative to make it easier for people to find the services they need within courthouses.

New signs will help to make courts more user-friendly and improve accessibility for all courthouse users. In 2012-13, new signs were installed in Kenora, Toronto, Gore Bay, Sarnia, Windsor, Hamilton, and Ottawa.

In addition to these capital projects, the ministry is constantly upgrading and renewing existing facilities.

Serve the Public Interest

Public Inquiry into Elliot Lake Mall Collapse

In July 2012, the ministry announced that the Honourable Justice Paul R. Belanger would lead an independent public inquiry into the tragic events at the Algo Centre Mall in Elliot Lake. The inquiry is focussing on three key aspects of the disaster. These areas include:

- events surrounding the collapse;
- policies and procedures of provincial and municipal governments relating to the structural integrity and safety of the mall;
- emergency response provided after the collapse.

The inquiry's public hearings began on March 4, 2013. The Commissioner's goal is to deliver a final report to the Attorney General within 12-18 months after the beginning the inquiry.

Modernizing Alcohol Regulations

On January 1, 2013, the ministry made it easier for charities to use liquor home delivery as a fundraising tool, provided that certain requirements are met.

Under amendments to the Liquor Licence Act, liquor manufacturers, such as breweries and wineries, are now permitted to establish financial relationships with licensed liquor delivery services.

This initiative builds on changes the ministry has already made to modernize Ontario's alcohol regulatory system to increase consumer choice, reduce unnecessary burdens on business, and strengthen the economy.

Tobacco Litigation

In 2012-13, the ministry continued to seek to recover past and ongoing health care costs linked to tobacco related illness caused by a breach of duty by the tobacco companies. The claim is for \$50 billion. In January 2012, Ontario was successful in opposing a motion by the foreign defendants challenging jurisdiction. The defendants appealed the decision to the Ontario Court of Appeal. The decision is currently under reserve.

Legislative Changes

The *Legislative Assembly Act* was amended to change the composition of the Board of Internal Economy so that there is an equal number of members appointed by the government party and by the opposition parties, apart from the Speaker as Chair.

Clustering adjudicative tribunals across the Justice Sector

The Drummond Report recommended that the ministry continue clustering adjudicative tribunals as clustering promotes cross-agency cooperation and coordination of operations and administration, and enhances consistency in practices, procedures and decision making.

The Social Justice Tribunals Ontario (SJTO) Cluster has accomplished a great deal in 2012-13 and is on track to accomplish much more – specifically in terms of improving the quality of,

and access to, justice.

The quality of justice has been improved through cross appointments and ongoing professional development. Access to justice has been enhanced through a number of means such as video-conferencing and increased use of hearing rooms in regional offices. SJTO is establishing e-filing functions for Landlord and Tenant Board (LTB) forms and is in the process of developing a consolidated public facing website that will make information more easily accessible.

Lease savings were achieved when the Child and Family Services Review Board/ Custody Review Board (CFSRB/CRB) and Social Benefits Tribunal (SBT) offices were co-located along with Ontario Special Education Tribunals (OSET) and Human Rights Tribunal of Ontario (HRTO). Corporate service functions, including financial and staff controllership and business services, have also been consolidated. SJTO is also implementing a new organizational structure, including a plan for further regional service delivery amongst its constituent tribunals. More changes will be coming over the course of the next couple of years that will further enhance efficiencies through additional co-location.

Table 1: Ministry Expenditures 2012 / 13

	Ministry Actual Expenditures (\$) 2012/13
Operating	1,629,774,551
Capital	51,094,700

Interim Outlook 2012/13, The Ministry of the Attorney General (Excludes Consolidations)
(Restated)

Table 2: Staff Strength as of March 31, 2012

Staff Strength (as of March 31, 2012)*	7,991.15
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* Human Resources - MAG