

Appendix

TERMS OF REFERENCE

WHEREAS, it is desirable and in the public interest the Commission on First Nations and Métis Peoples and Justice Reform review the justice system with the intent of devising solutions to overcome systemic discriminatory practices and address attitudes based on racial or cultural prejudice;

AND WHEREAS, it is acknowledged this Commission shall not, in any way, be interpreted as an abrogation of Treaty or Aboriginal Rights;

AND WHEREAS, there shall be no negative financial effect arising from the creation of this Commission to any existing First Nations and Métis justice programs and initiatives funded by the Government of Saskatchewan;

THEREFORE, the *Commission on First Nations and Métis Peoples and Justice Reform* is hereby charged to perform its duties and functions in accordance with the following Terms of Reference:

1. The *Commission on First Nations and Métis Peoples and Justice Reform* is mandated to hold hearings regarding reforms to the justice system that will:
 - a) respond to justice-related issues of First Nations and Métis Peoples;
 - b) include in its scope of consideration all components of the criminal justice system including, but not limited to: policing, courts, prosecutions, alternative measures, access to legal counsel, corrections including community corrections, youth justice, community justice processes, and victims services; and
 - c) make reports to the Government of Canada, the Government of Saskatchewan, the Federation of Saskatchewan Indian Nations and the Métis Nation of Saskatchewan.
2. In the exercise of its mandate, the *Commission on First Nations and Métis Peoples and Justice Reform* shall:
 - a) communicate with Saskatchewan's people, and particularly with First Nations and Métis Peoples, communities, organizations and governments, as well as officials who are responsible for the management and operation of the justice system, for the purpose of generating reform proposals and setting priorities for action;
 - b) attend First Nations and Métis Peoples' communities to hear about the types of reforms that may be most useful in these communities;

- c) hold hearings at times and places that it considers desirable and necessary;
 - d) analyze proposals in light of recommendations contained in previous justice reform initiatives such as the Saskatchewan Indian and Métis Review Committees, the FSIN Strategic Plan for First Nations Corrections, the Royal Commission on Aboriginal People and the Aboriginal Justice Inquiry of Manitoba, as well as researching existing literature regarding crime, victimization and other relevant factors;
 - e) identify efficient, effective and financially responsible reforms which would improve the administration of justice and would better reflect the values and inherent strengths of Aboriginal communities and promote positive inter-community and inter-disciplinary co-operation, leading to reduced offending, reduced victimization, reduced incarceration and safer communities for First Nations and Métis Peoples;
 - f) determine and provide solutions and recommendations for reforming the justice system, thereby ensuring the fair and equitable administration of justice for all people in Saskatchewan;
 - g) examine cultural issues within the administration of justice including the accommodation of Aboriginal languages, spirituality, family values, women's issues, social structures and respect and protection of traditional livelihood and ways of life; and
 - h) take into consideration the special fiduciary relationship, exemplified by the *Royal Proclamation of 1763*, Section 91(24) of the *Constitution Act, 1867*, and Section 35(1) and Section 25 of the *Constitution Act, 1982*; as well as the constitutional relationship between Canada and the First Nations and Métis peoples with respect to Aboriginal and Treaty rights in the context of the administration of justice.
3. The *Commission on First Nations and Métis Peoples and Justice Reform* shall provide interim progress summaries every six months from the date of their appointment to the Government of Canada, the Government of Saskatchewan, the Federation of Saskatchewan Indian Nations and the Métis Nation - Saskatchewan.
 4. The *Commission on First Nations and Métis Peoples and Justice Reform* shall provide their final report to the Government of Canada, the Government of Saskatchewan, the Federation of Saskatchewan Indian Nations and the Métis Nation - Saskatchewan within three years from the date of this order.
 5. The Commission will recommend short and long-term implementation strategies and identify a vehicle to oversee the implementation of its recommendations.