



Government of the Northwest Territories Response to Committee Report 26-20(1): Report on the Statutory Review of the *Legal Aid Act*

Background

The *Legal Aid Act* (the Act) requires the Legislative Assembly or one of its Standing or Special Committees to commence a review of the Act and its operations every ten years. The review must examine how the Act is administered and implemented, assess the effectiveness of its provisions, and may include recommendations for legislative changes.

The Act provides a framework for the delivery of legal aid services for residents of the Northwest Territories, including the governance and operational structure of the Legal Aid Commission, which uses an integrated staff lawyer/ private practitioner model. The Act aims to increase access to justice for eligible residents by offering legal aid services, promoting public knowledge of the law, and operating in an independent but accountable framework.

Standing Committee on Social Development tabled *Committee Report 26-20(1): Report on the Statutory Review of the Legal Aid Act* in the Legislative Assembly on October 22, 2025.

The Northwest Territories Legal Aid Commission appreciates SCOSD's thorough review and report. Its recommendations are welcome, and the Commission is reviewing its internal policies and procedures in light of them.

The following is the GNWT Response to the recommendations contained in *Committee Report 26-20(1): Report on the Statutory Review of the Legal Aid Act*.

Recommendation 1:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review and amend Section 6 of the Northwest Territories' Legal Aid Act to remove the requirement that the Executive Director of the Northwest Territories Legal Aid Commission be a lawyer.

GNWT Response:

The GNWT agrees that the requirement under section 6 for the Northwest Territories Legal Aid Commission Executive Director to be a lawyer is unnecessary. The Department of Justice will explore this potential change to the legislation further when amendments to the *Legal Aid Act* are being contemplated.

Recommendation 2:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review and amend Sections 9 and 10 of the Northwest Territories' Legal Aid Act to deem individuals automatically eligible for legal aid if they (a) already have an active Legal Aid application approval in place, or (b) have been approved in the past 12 months, so long as they confirm with the Northwest Territories Legal Aid Commission that their financial situation has not materially changed.

GNWT Response:

The GNWT welcomes suggestions like 'deemed approval' to improve efficiency in administration of the Act. The Department of Justice will explore this potential change to the legislation further when amendments to the *Legal Aid Act* are being contemplated.

Recommendation 3:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review and amend Section 8 of the Legal Aid Act to align with wording presented in Section 16(1) of the Yukon's Legal Services Society Act to ensure the provision of legal aid services is broad and nimble to address emerging legal needs in the Northwest Territories.

GNWT Response:

The GNWT understands that a broader range of available services would help improve access to justice, particularly in smaller communities. The GNWT believes the current open-ended nature of section 8, allowing for legal aid services to be provided for any other prescribed offence or matter, is sufficiently broad to capture many services not currently provided. As noted in SCOSD's Report, fiscal constraints (as well as resource retention issues) limit the services that the Legal Aid Commission can offer.

Recommendation 4:

The Standing Committee on Social Development recommends the Government of the Northwest Territories increase funding allocated to restorative justice programs in the Northwest Territories, in addition to budgeting more time for panel lawyers to conduct outreach activities during the Territorial Court Circuit.

GNWT Response:

The GNWT recognizes the impact that funding levels can have in the provision of legal aid services. Despite the GNWT's Fiscal Sustainability Strategy, funding for Legal Aid is increasing through an Access to Justice Agreement with the federal government. Historically, human resources have also been an issue in the Northwest Territories. However, the Legal Aid Commission brought on a new Outreach Lawyer at the end of 2025 and has received funding to hire a second Outreach lawyer in 2026-27. It is expected the Outreach Lawyers will conduct community visits and outreach activities as part of their regular duties.

Recommendation 5:

The Standing Committee on Social Development recommends the Government of the Northwest Territories develop specific training for staff and panel lawyers practicing in the Northwest Territories to ensure they understand the legal landscape of the Northwest Territories and remain sensitive to different cultures and ways of life of residents in smaller communities.

GNWT Response:

The GNWT agrees that specific training for staff and panel lawyers would provide deeper understanding of the Northwest Territories and its peoples. Under section 4(9) of the Act, the Commission may choose to provide training for those providing legal services. The Commission is independent from the GNWT under section 4(3). The GNWT believes it cannot direct the Northwest Territories Legal Aid Commission in matters of training, as it falls within the Commission's operational independence.

Recommendation 6:

The Standing Committee on Social Development recommends the Government of the Northwest Territories amend the Legal Aid Act and its regulations to include matters arising under the Residential Tenancies Act, as well as other housing-related legal matters, such as evictions, that may fall outside of the Residential Tenancies Act, as subjects to which legal aid services may be provided. The Government of the Northwest Territories should utilize the upcoming new federal Blueprint for a Renters' Bill of Rights to inform the development of effective legal aid services for tenants that reduce the power imbalance. To provide effective legal services, the Government of the Northwest Territories should allocate funding to the Legal Aid program to support services provided for housing-related matters.

GNWT Response:

The GNWT prioritizes the legal aid services available to cover the most serious cases involving violence, deprivation of liberty, and contentious family law matters. Fiscal and human resource constraints prohibit Legal Aid from considering housing-related issues under the *Residential Tenancies Act* (RTA). The Legal Aid Commission operates an Outreach Legal Aid program that provides access to justice for all Northwest Territories residents regardless of economic status. While the Outreach Lawyer cannot represent people in court, the clinic provides one hour of free legal advice for each legal issue. These can include tenant rights, family law, benefits claims, employment rights, mental health reviews, small claims, wills and estates, and immigration. Demand consistently outstrips availability by a wide margin. The Outreach Lawyer is also responsible for public legal education, producing guides for self-represented litigants, and travelling to small communities for outreach activities.

The GNWT looks forward to reviewing and learning from the federal Blueprint for a Renters' Bill of Rights to see how legal aid service provision to renters in the Northwest Territories might be improved.

Recommendation 7:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review and amend Section 15(2) of the Northwest Territories' Legal Aid Act to add the consideration of a pre-existing lawyer-client relationship as and when the Executive Director assigns lawyers to cases.

GNWT Response:

The GNWT agrees that a pre-existing lawyer-client relationship should be considered in lawyer assignment. The Department of Justice will explore this potential change to the legislation further when amendments to the *Legal Aid Act* are being contemplated.

Recommendation 8:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review and amend the Legal Aid Regulations under the Legal Aid Act to increase hourly rates and daily circuit rates in Table 1: Tariff of Rates by 29% to reflect rates of inflation, and that annual cost-of-living increases are built into the rates to ensure competitive pay.

GNWT Response:

The GNWT agrees that cost of living increases should be considered in lawyer compensation. The Department of Justice will explore this potential change to the legislation further when amendments to the *Legal Aid Act* are being contemplated.

Recommendation 9:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review and amend the Legal Aid Regulations under the Legal Aid Act to ensure panel lawyers are paid within fourteen (14) days of rendering an account, and include in the Legal Aid Regulations that panel lawyers be reimbursed immediately for expenses incurred, such as airfare and accommodations for court circuit work.

GNWT Response:

The GNWT agrees that lawyer compensation should be provided in a timely manner and the Northwest Territories Legal Aid Commission endeavors to do so. The Department of Justice will explore this potential change to the legislation further when amendments to the *Legal Aid Act* are being contemplated.

Recommendation 10:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review and amend the Legal Aid Regulations under the Legal Aid Act to combine Type A and B offences into one category, and to categorize sexual offences as their own category of offence.

GNWT Response:

The GNWT agrees that updates to reflect changes to federal legislation are needed, including recategorizing some types of offences in the *Legal Aid Regulations*. The Department of Justice will explore this potential change to the legislation further when amendments to the *Legal Aid Act* are being contemplated.

Recommendation 11:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review and amend Table 2: Maximum Time Allocated to Matters under the Legal Aid Regulations by doubling the maximum allocated hours, and by permitting additional hours for preparation during an ongoing trial.

GNWT Response:

The GNWT understands the constraints lawyers can face when dealing with particularly complex or sensitive cases. Maximum time allocations help the Legal Aid Commission distribute scarce resources most effectively. The GNWT is amenable to exploring options for extending time allocations in certain circumstances. The Department of Justice will explore this potential change to the legislation further when amendments to the *Legal Aid Act* are being contemplated.

Recommendation 12:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review and amend Section 3 of the Legal Aid Act to require that the Minister of Justice provide written reasoning and justification to the Northwest Territories Legal Aid Commission when they accept or reject a recommendation.

GNWT Response:

The GNWT understands SCOSD's specific concerns regarding access to justice for children and the Legal Aid Commission continues to offer dedicated services for children through the Office of the Children's Lawyer even though the Children's Lawyer position has been defunded. The GNWT notes that written reasons from the Minister are not necessary and would improperly bind the Minister from exercising ministerial responsibility. The GNWT believes the established accountability chain under section 4(3) of the Commission to the GNWT should be maintained and not reversed.

Recommendation 13:

The Standing Committee on Social Development recommends the Government of the Northwest Territories provide a response to this report within 120 days.

GNWT Response:

The GNWT is pleased to provide this response to the Standing Committee on Social Development.