



NOV 23 2017

MS. JULIE GREEN
MLA, YELLOWKNIFE CENTRE

Oral Question 10-18(3): Emergency Protection Orders

On October 17, 2017, you asked questions in the Legislative Assembly regarding the use of emergency protection orders (EPOs).

I would like to address the concern you raised regarding the potential misuse of the program by men who want to get back at women who have filed EPOs. The application process for EPOs is similar to other court orders in that an applicant must meet the test as set out in the *Protection Against Family Violence Act* (the Act). All EPOs are carefully reviewed by a Justice of the Supreme Court of the Northwest Territories. The Act requires EPO applicants to provide evidence showing that family violence has occurred and that the order should be made without delay to protect the victim or family property. If the Justice is not satisfied that there was evidence to support the granting of the order or any of its provisions, the court will direct a hearing to consider additional evidence from both people and may then confirm, change, or revoke the EPO. A hearing can also be scheduled if either person wants to ask the Supreme Court to change the order.

The number of EPO applications increased significantly in the 2015-16 fiscal year, indicating that victim confidence in the use of EPOs is growing. I believe that this is in large part to the Department's efforts to fulfill the mandate commitment of providing training, public information and outreach on the Act's protections. Training is provided to RCMP detachment commanders, community justice committees, victim services providers, shelter staff, and other points of contact within communities throughout the NWT. Most recently, this training was provided to shelter staff in the community of Fort Smith in September 2017 and to Wellness Court and Integrated Case Management staff in October. Victim Services volunteers in Yellowknife will be provided training on the Act at the end of this month, and planning is underway for training in the Beaufort Delta before the end of the fiscal year. In addition to this, information about the Act is distributed to all communities through mail-outs and community visits.

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Since the Act came into effect in 2005, I can confirm that it has been reviewed twice. The first was a review to identify implementation challenges after the program first launched. This resulted in new public awareness materials about long-term protection orders, improved training programs, and a new information sheet that is provided with a notice of hearing. The second review was held five-years after the program had been in operation. It was conducted by a third-party evaluator and focused on the social responses of the Court. This evaluation resulted in further improvements to training programs, and amendments to the Act. In 2013 the Act was amended to allow the Supreme Court to correct minor defects and discrepancies that are apparent on the face of the order, to allow the Minister or his delegate to review court files for research or training purposes, and to increase the maximum fine for offences under the Act, including any instance where it is found an individual has made a false claim to get an EPO.

The GNWT has a keen interest in the Aurora Research Institute report that you mentioned. I can confirm that both GNWT and RCMP staff participated in its development, and continue to provide assistance to Dr. Moffitt and her team as they continue their research into the efficacy of existing legal tools to protect victims of family violence. The study "An Initiative to Investigate Effectiveness of Emergency Protection Orders in NWT" is continued research in this area funded by the Family Violence Initiative Fund, administered by RCMP National Crime Prevention Services, and is to look specifically at the effectiveness of EPOs in the NWT. Officials with the Department of Justice are cooperating fully with the research effort, and look forward to the results of the work.

Thank you for raising this important issue as we are always interested in feedback to improve our services, especially in cases where we might be able to better support victims of family violence. If you or the Standing Committee on Social Development would like to discuss making changes to improve the EPO program, I would welcome the opportunity to meet.

If you require further information, please contact my office.



Louis Sebert
Minister of Justice

c Mr. Tim Mercer, Clerk of the Legislative Assembly
Mr. Martin Goldney, Deputy Minister, Justice
Mr. David Hastings, Legislative Coordinator