

**CONSOLIDATION OF YOUNG OFFENDERS ACT**  
R.S.N.W.T. 1988,c.Y-1

*(Current to: October 17, 2014)*

**AS AMENDED BY NORTHWEST TERRITORIES STATUTES:**

S.N.W.T. 1991-1992,c.29

S.N.W.T. 1991-1992,c.34

S.N.W.T. 1995,c.11

S.N.W.T. 1998,c.15

S.N.W.T. 1998,c.17

**AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:**

S.N.W.T. 1998,c.34

In force April 1, 1999

**AS AMENDED BY NUNAVUT STATUTES:**

S.Nu. 2003,c.4

In force March 28, 2003

S.Nu. 2007,c.8,s.15

s.15 in force November 8, 2007

S.Nu. 2011,c.6,s.28

s.28 in force February 25, 2011

S.Nu. 2012,c.17,s.30

s.30 in force June 8, 2012

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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## YOUNG OFFENDERS ACT

### INTERPRETATION

#### Definitions

1. (1) In this Act,

"adult" means a person who is neither a young person nor a child; (*adulte*)

"alternative measures" means measures other than judicial proceedings under this Act used to deal with a young person alleged to have committed an offence; (*mesures de rechange*)

"child" means a person who is or, in the absence of evidence to the contrary, appears to be under the age of 12 years; (*enfant*)

"correctional centre" means a correctional centre as defined in the *Corrections Act*; (*centre correctionnel*)

"custody" means custody as described in subsection 28(1); (*garde*)

"disposition" means a disposition made under this Act and includes a confirmation or a variation of a disposition; (*décision*)

"Minister" means the Minister of Justice; (*ministre*)

"offence" means an offence created by an enactment or a municipal by-law; (*infraction*)

"ordinary court" means the court that would, but for this Act, have jurisdiction in respect of an offence alleged to have been committed; (*juridiction normalement compétente*)

"parent" includes, in respect of another person, any person who is under a legal duty to provide for that other person or any person who has, in law or in fact, the custody or control of that other person; (*père ou mère or père et mère*)

"progress report" means a report made in accordance with this Act on the performance of a young person against whom a disposition has been made; (*rapport d'évolution*)

"territorial director" means the territorial director appointed under section 89; (*directeur territorial*)

"young person" means a person who is or, in the absence of evidence to the contrary, appears to be at least 12, but less than 18, years of age and, where the context requires, includes any person who is charged under this Act with having committed an offence while he or she was a young person or is found guilty of an offence under this Act; (*adolescent*)

"youth court judge" means

- (a) a judge of the Nunavut Court of Justice, or
- (b) a justice of the peace appointed as a youth court judge under section 15 of the *Justices of the Peace Act*; (*juge du tribunal pour adolescents*)

"youth worker" means a person appointed under subsection 90(1) as a youth worker. (*délégué à la jeunesse*)

Forms

(2) The forms to be used for the purposes of this Act may be prescribed by regulation. S.N.W.T. 1991-1992,c.34,s.2; S.N.W.T. 1998,c.15,s.4(2); S.N.W.T. 1998,c.34,Sch.C,s.35(2); S.Nu. 2003,c.4,s.2; S.Nu. 2011,c.6,s.28(2).

## **2. Repealed, S.N.W.T. 1991-1992,c.34,s.3.**

### APPLICATION

*Summary Conviction Procedures Act*

- 3.** (1) Sections 3 to 6 of the *Summary Conviction Procedures Act* do not apply with respect to an offence alleged to have been committed by a young person unless
- (a) the young person was 16 or 17 years of age when the alleged offence was committed; and
  - (b) the alleged offence is an offence under the *All-terrain Vehicles Act*, the *Motor Vehicles Act* or a regulation or by-law made under the *All-terrain Vehicles Act* or the *Motor Vehicles Act*.

Part XXVII of *Criminal Code*

(2) Except to the extent that they are inconsistent with this Act, the provisions of Part XXVII of the *Criminal Code*, and any other provisions of the *Criminal Code* that apply in respect of summary conviction offences and relate to trial proceedings, apply to proceedings under this Act.

Attendance of young person

(3) Subject to subsection 61(2), section 650 of the *Criminal Code* applies in respect of proceedings under this Act.

Costs

(4) Section 809 of the *Criminal Code* does not apply in respect of proceedings under this Act.

Offences by children

**4.** No person shall be found guilty of an offence in respect of an act or omission on his or her part while he or she was a child.

### Limitation period

**5.** (1) Proceedings in respect of an offence may not be commenced under this Act after the expiration of the time limit set out in any other enactment or municipal by-law for the commencement of proceedings in respect of that offence.

### Proceedings when adult

(2) Proceedings commenced under this Act against a young person may be continued after he or she becomes an adult in all respects as if he or she remained a young person.

### Justice of the peace

**6.** Any proceedings that may be carried out before a justice under Part XXVII of the *Criminal Code*, other than a plea, a trial or an adjudication, may be carried out before such a justice in respect of an offence alleged to have been committed by a young person, and any process that may be issued by a justice under Part XXVII of the *Criminal Code* may be issued by such a justice in respect of an offence alleged to have been committed by a young person.

## DECLARATION OF PRINCIPLE

### Policy for Territories with respect to young offenders

- 7.** (1) It is recognized and declared by this Act that
- (a) while young persons should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offences should nonetheless bear responsibility for their contraventions;
  - (b) society must, although it has the responsibility to take reasonable measures to prevent illegal conduct by young persons, be afforded the necessary protection from such conduct;
  - (c) young persons who commit offences require supervision, discipline and control, but, because of their state of dependency and level of development and maturity, they also have special needs and require guidance and assistance;
  - (d) where it is not inconsistent with the protection of society, taking no measures or taking measures other than judicial proceedings under this Act should be considered for dealing with young persons who have committed offences;
  - (e) young persons have rights and freedoms in their own right, including those stated in the *Canadian Charter of Rights and Freedoms* or in the *Canadian Bill of Rights*, and in particular a right to be heard in the course of, and to participate in, the processes that lead to decisions that affect them, and young persons should have special guarantees of their rights and freedoms;

- (f) in the application of this Act, the rights and freedoms of young persons include a right to the least possible interference with freedom that is consistent with the protection of society, having regard to the needs of young persons and the interests of their families;
- (g) young persons have the right, in every instance where they have rights or freedoms that may be affected by this Act, to be informed as to what those rights and freedoms are; and
- (h) parents have responsibility for the care and supervision of their children, and, for that reason, young persons should be removed from parental supervision either partly or entirely only when measures that provide for continuing parental supervision are inappropriate.

#### How Act to be construed

(2) This Act shall be liberally construed to the end that young persons will be dealt with in accordance with the principles set out in subsection (1). S.Nu. 2003,c.4,s.3.

### ALTERNATIVE MEASURES

#### Alternative measures

- 8.** (1) Alternative measures may be used to deal with a young person alleged to have committed an offence instead of judicial proceedings under this Act only if
- (a) the measures are part of a program of alternative measures authorized by a person, or a person within a class of persons, designated by the Commissioner;
  - (b) the person who is considering whether to use the alternative measures is satisfied that they would be appropriate, having regard to the needs of the young person and the interests of society;
  - (c) the young person, having been informed of the alternative measures, fully and freely consents to participate in the alternative measures;
  - (d) the young person has, before consenting to participate in the alternative measures, been advised of his or her right to be represented by counsel and has been given a reasonable opportunity to consult with counsel;
  - (e) the young person accepts responsibility for the act or omission that forms the basis of the offence that he or she is alleged to have committed;
  - (f) there is, in the opinion of the Minister or agent of the Minister, sufficient evidence to proceed with the prosecution of the offence; and
  - (g) the prosecution of the offence is not in any way barred at law.

Restriction on use

(2) Alternative measures shall not be used to deal with a young person alleged to have committed an offence if the young person

- (a) denies his or her participation or involvement in the commission of the offence; or
- (b) expresses his or her wish to have any charge against him or her dealt with by the Youth Court.

Admissibility of admissions

(3) No admission, confession or statement accepting responsibility for a given act or omission made by a young person alleged to have committed an offence as a condition of his or her being dealt with by alternative measures shall be admissible in evidence against the young person in any civil or criminal proceedings.

Bar to proceedings

(4) The use of alternative measures in respect of a young person alleged to have committed an offence is not a bar to proceedings against the young person under this Act, but

- (a) where the Youth Court is satisfied on a balance of probabilities that the young person has totally complied with the terms and conditions of the alternative measures, the Youth Court shall dismiss any charge against the young person; and
- (b) where the Youth Court is satisfied on a balance of probabilities that the young person has partially complied with the terms and conditions of the alternative measures, the Youth Court may dismiss any charge against the young person if, in the opinion of the Youth Court, the prosecution of the charge would, having regard to the circumstances, be unfair, and the Youth Court may consider the young person's performance with respect to the alternative measures before making a disposition under this Act.

Laying of information, etc.

(5) Subject to subsection (4), nothing in this section shall be construed to prevent any person from laying an information, obtaining the issue or confirmation of any process or proceeding with the prosecution of any offence in accordance with law.

TEMPORARY RESTRAINT OF YOUNG PERSON AFTER ARREST

Temporary restraint

**9.** (1) No young person who is under arrest shall be detained before the making of a disposition in respect of that young person under section 20 other than by a peace officer for the purposes of arrest or temporary restraint.

### Detention separate from adults

(2) No young person who is under arrest shall be detained in any part of a place in which an adult who has been charged with or convicted of an offence under any law of Nunavut, Canada, a province or territory is detained or held in custody unless a youth court judge or, where a youth court judge is, having regard to the circumstances, not reasonably available, a justice authorizes the detention, being satisfied that

- (a) the young person cannot, having regard to his or her own safety or the safety of others, be detained in a place of detention for young persons; or
- (b) no place of detention for young persons is available within a reasonable distance.

S.Nu. 2012,c.17,s.30(2).

## RIGHT TO COUNSEL

### Right to retain and instruct counsel

**10.** (1) A young person has the right to retain and instruct counsel without delay at any stage of proceedings against him or her and before and during any consideration of whether, instead of commencing or continuing judicial proceedings against him or her under this Act, to use alternative measures to deal with him or her.

### Right to consult with adult

(2) A young person has the right to consult with an adult without delay on arrest or temporary restraint if the young person is unable to retain and instruct counsel.

### Duty of officer to advise young person

(3) A young person who is arrested or temporarily restrained shall, without delay on his or her arrest or restraint, be advised by the arresting officer or the officer in charge, as the case may be, of the right of the young person to be represented by counsel and to consult with an adult if the young person is unable to retain and instruct counsel, and shall be given a reasonable opportunity to retain and instruct counsel or to consult with an adult, as the case may be.

### Duty of justice, Youth Court or review board to advise young person

**11.** (1) Where a young person is not represented by counsel

- (a) at his or her trial, or
- (b) at a review of a disposition held before a Youth Court or a review board under this Act,

the justice before whom, or the Youth Court or review board before which, the trial or review is held shall advise the young person of the right of the young person to be represented by counsel and shall give the young person a reasonable opportunity to obtain counsel.



#### Trial or review before Youth Court or review board

(2) Where a young person at his or her trial or review referred to in subsection (1) wishes to obtain counsel but is unable to do so, the Youth Court before which the trial or review is held or the review board before which the review is held

- (a) shall refer the young person to the legal services program established under the *Legal Services Act*; or
- (b) where the young person is unable to obtain counsel through the program referred to in paragraph (a), may, and on the request of the young person shall, direct that the young person be represented by counsel.

#### Appointment of counsel

(3) Where a direction is made under paragraph (2)(b) in respect of a young person, the Minister shall appoint counsel, or cause counsel to be appointed, to represent the young person.

#### Assistance of young person by adult

(4) Where a young person is not represented by counsel at his or her trial or review referred to in subsection (1), the justice before whom or the Youth Court or review board before which the proceedings are held may, on the request of the young person, allow the young person to be assisted by an adult whom the justice, Youth Court or review board considers to be suitable.

#### Counsel independent of parents

**12.** In any case where it appears to a youth court judge or a justice that the interests of a young person and his or her parents are in conflict or that it would be in the best interest of the young person to be represented by his or her own counsel, the judge or justice shall ensure that the young person is represented by counsel independent of his or her parents.

#### Statement of right to counsel

**13.** A statement that a young person has the right to be represented by counsel shall be included in any appearance notice or summons issued to the young person, any warrant to arrest the young person, or any notice of a review of a disposition given to the young person.

### NOTICE TO PARENTS

#### Notice to parent in case of arrest

**14.** (1) Subject to subsections (3) and (4), where a young person is under arrest and temporary restraint pursuant to section 9, the officer in charge at the time the young person is detained shall, as soon as possible, give or cause to be given, orally or in writing, to a parent of the young person notice of the arrest stating the name of the young person who is being detained, the place of detention, the reason for the arrest and that the young person has the right to be represented by counsel.

Notice to parent in case of summons or appearance notice

(2) Subject to subsections (3) and (4), where a summons or an appearance notice is issued in respect of a young person, the person who issued the summons or appearance notice shall, as soon as possible, give or cause to be given, in writing, to a parent of the young person notice of the summons or appearance notice.

Notice to relative or other adult

(3) Where the whereabouts of the parents of a young person

- (a) who is under arrest and temporary restraint, or
- (b) in respect of whom a summons or an appearance notice is issued,

are not known or it appears that no parent is available, a notice under this section may be given to an adult relative of the young person who is known to the young person and is likely to assist the young person or, if no such adult relative is available, to such other adult who is known to the young person and is likely to assist the young person as the person giving the notice considers appropriate.

Notice to spouse

(4) A notice under this section shall also be given to the spouse of the young person.

Notice on direction of youth court judge or justice

(5) Where doubt exists as to the person to whom a notice under this section should be given, a youth court judge or, where a youth court judge is, having regard to the circumstances, not reasonably available, a justice may give directions as to the person to whom the notice should be given, and a notice given in accordance with such directions is sufficient notice for the purposes of this section.

Content of notice

**15.** (1) A notice under subsection 14(2) shall include

- (a) the name of the young person in respect of whom it is given;
- (b) the charge against the young person;
- (c) the time and place of appearance; and
- (d) a statement that the young person has the right to be represented by counsel.

Service of notice

(2) Subject to subsection (5), a notice under section 14 given in writing may be served personally or may be sent by mail.

Proceedings not invalid

(3) Subject to subsection (4), failure to give notice in accordance with this section or section 14 does not affect the validity of proceedings under this Act.

### Exception

(4) Failure to give notice in accordance with subsection 14(2) in any case renders invalid any subsequent proceedings under this Act relating to the case unless

- (a) a parent of the young person against whom proceedings are held attends court with the young person; or
- (b) notice has been dispensed with pursuant to paragraph (5)(b).

### Where notice not served

(5) Where there has been a failure to give a notice in accordance with this section or section 14 and none of the persons to whom such notice may be given attends court with a young person, a youth court judge or a justice before whom proceedings are held against the young person may

- (a) adjourn the proceedings and order that the notice be given in the manner and to the persons that the youth court judge or justice directs; or
- (b) dispense with the notice where, in the opinion of the youth court judge or justice, having regard to the circumstances, notice may be dispensed with.

(6) **Repealed, S.Nu. 2003,c.4,s.4.**

(7) **Repealed, S.Nu. 2003,c.4,s.4.** S.Nu. 2003,c.4,s.4.

### Order requiring attendance of parent

**16.** (1) Where a parent does not attend proceedings before a Youth Court in respect of a young person, the Youth Court may, if in its opinion the presence of the parent is necessary or in the best interests of the young person, by order in writing require the parent to attend at any stage of the proceedings.

### Service

(2) A copy of an order made under subsection (1) shall be served by a peace officer or a person designated by a Youth Court by delivering it personally to the parent to whom it is directed, unless the Youth Court authorizes service by registered mail. S.Nu. 2003,c.4,s.5.

### Failure to attend

**17.** (1) A parent who is ordered to attend a Youth Court under subsection 16(1) and who fails without reasonable excuse, the proof of which lies on that parent, to comply with the order is guilty of contempt in the face of the court punishable on summary conviction.

### Appeal

(2) An appeal from a finding of guilt under subsection (1) or a sentence made in respect of it lies to the Court of Appeal.

Warrant to arrest parent

(3) If a parent who is ordered to attend a Youth Court under subsection 16(1) does not attend at the time and place named in the order or fails to remain in attendance as required and it is proved that a copy of the order was served on the parent, a Youth Court may issue a warrant to compel the attendance of the parent.

(4) **Repealed, S.Nu. 2003,c.4,s.4.** S.Nu. 2003,c.4,s.4.

APPEARANCE

Where young person appears

**18.** (1) Where a young person against whom an information is laid first appears before a youth court judge or a justice, the youth court judge or justice shall

- (a) cause the information to be read to him or her; and
- (b) where the young person is not represented by counsel, inform the young person of his or her right to be so represented.

Waiver

(2) A young person may waive the requirement under paragraph (1)(a) where the young person is represented by counsel.

Where young person not represented by counsel

(3) Where a young person is not represented in Youth Court by counsel, the Youth Court shall, before accepting a plea,

- (a) satisfy itself that the young person understands the charge against him or her; and
- (b) explain to the young person that the young person may plead guilty or not guilty to the charge.

Where Youth Court not satisfied

(4) Where the Youth Court is not satisfied that a young person understands the charge against him or her, as required under paragraph (3)(a), the Youth Court shall enter a plea of not guilty on behalf of the young person and shall proceed with the trial in accordance with subsection 19(2).

ADJUDICATION

Where young person pleads guilty

**19.** (1) Where a young person pleads guilty to an offence charged against him or her and the Youth Court is satisfied that the facts support the charge, the Youth Court shall find the young person guilty of the offence.

Where young person pleads not guilty

(2) Where a young person pleads not guilty to an offence charged against him or her, or where a young person pleads guilty but the Youth Court is not satisfied that the facts support the charge, the Youth Court shall proceed with the trial and shall, after considering the matter, find the young person guilty or not guilty or make an order dismissing the charge, as the case may be.

## DISPOSITIONS

### General

Dispositions that may be made

**20.** Where a Youth Court finds a young person guilty of an offence, it may, where it considers it necessary to assist it in making an appropriate disposition, order a pre-disposition report to be prepared and submitted to it and it shall consider the report and any representations made by the parties to the proceedings or their counsel or agents and by the parents of the young person and any other relevant information before the Youth Court, and, notwithstanding any punishment in an enactment or a municipal by-law, the Youth Court shall then make any one of the following dispositions, or any number of them that are not inconsistent with each other:

- (a) by order direct that the young person be discharged absolutely, if the Youth Court considers it to be in the best interests of the young person and not contrary to the public interest;
- (b) impose on the young person a fine not exceeding \$1,000 to be paid at the time and on the terms that the Youth Court may fix;
- (c) order the young person to pay to any other person at the time and on the terms that the Youth Court may fix an amount by way of compensation for loss of or damage to property, for loss of income or support or for special damages for personal injury arising from the commission of the offence where the value of that is readily ascertainable, but no order shall be made for general damages;
- (d) order the young person to make restitution to any other person of any property obtained by the young person as a result of the commission of the offence within the time that the Youth Court may fix, if the property is owned by that other person or was, at the time of the offence, in his or her lawful possession;
- (e) if any property obtained as a result of the commission of the offence has been sold to an innocent purchaser, where restitution of the property to its owner or any other person has been made or ordered, order the young person to pay the purchaser, at the time and on the terms that the Youth Court may fix, an amount not exceeding the amount paid by the purchaser for the property;

- (f) subject to section 24, order the young person to compensate any person in kind or by way of personal services at the time and on the terms that the Youth Court may fix for any loss, damage or injury suffered by that person in respect of which an order may be made under paragraph (c) or (e);
- (g) subject to section 24, order the young person to perform a community service at the time and on the terms that the Youth Court may fix;
- (h) make any order of prohibition, seizure or forfeiture that may be imposed under any enactment or municipal by-law where a young person is found guilty or convicted of that offence;
- (i) place the young person on probation in accordance with sections 25, 26 and 27 for a specified period not exceeding six months;
- (j) only where pursuant to a decision of the Youth Court under section 49 or 75 and subject to sections 28, 29 and 30, commit the young person to custody, to be served continuously or intermittently for a specified period not exceeding six months from the date of committal;
- (k) impose on the young person such other reasonable and ancillary conditions as it considers advisable and in the best interest of the young person and the public.

#### Limitation on punishment

**21.** (1) No disposition shall be made in respect of a young person under section 20 that results in a punishment that is greater than the maximum punishment that would be applicable to an adult who has committed the same offence.

#### Duration of disposition

(2) No disposition made under section 20, except an order made under paragraph 20(h) or a custodial disposition made under paragraph 20(j), shall continue in force for more than one year and, where the Youth Court makes more than one disposition at the same time in respect of the same offence, the combined duration of the dispositions, except in respect of an order made under paragraph 20(h) or a custodial disposition made under paragraph 20(j), shall not exceed one year.

#### Combined duration of disposition

(3) Where more than one disposition is made under section 20 in respect of a young person with respect to different offences, the continuous combined duration of those dispositions shall not exceed one year.

#### Continuation of disposition when adult

(4) A disposition made under section 20 shall continue in effect, in accordance with the terms of the disposition, after the young person against whom it is made becomes an adult.

Commencement of disposition

(5) A disposition made under section 20 shall come into force on the date on which it is made or on a later date that the Youth Court specifies in the disposition.

Section 787 of *Criminal Code*

(6) Section 787 of the *Criminal Code* does not apply in respect of any offence committed by a young person.

Reasons for disposition

**22.** (1) Where a Youth Court makes a disposition under section 20, it shall state its reasons in the record of the case and shall

- (a) provide or cause to be provided a copy of the disposition, and
- (b) on request, provide or cause to be provided a transcript or copy of the reasons for the disposition,

to the young person in respect of whom the disposition was made, his or her counsel, his or her parents, the territorial director, where the territorial director has an interest in the disposition, the prosecutor, and, in the case of a custodial disposition made under paragraph 20(j), the review board, if any has been established or designated.

(2) **Repealed, S.Nu. 2003,c.4,s.4.**

(3) **Repealed, S.Nu. 2003,c.4,s.4.** S.Nu. 2003,c.4,s.4.

Fines

Where fine or other payment is ordered

**23.** (1) The Youth Court shall, in imposing a fine on a young person under paragraph 20(b) or in making an order against a young person under paragraph 20(c) or (e), have regard to the present and future means of the young person to pay.

Fine option program

(2) A young person against whom a fine is imposed under paragraph 20(b) may discharge the fine in accordance with the provisions of the *Fine Option Act*, to the extent that those provisions are not inconsistent with this Act.

Compensation or Community Service

Representations respecting orders under paragraphs 20(c) to (f)

**24.** (1) In considering whether to make an order under paragraphs 20(c) to (f), the Youth Court may consider any representations made by the person who would be compensated or to whom restitution or payment would be made.

Notice of orders under paragraphs 20(c) to (f)

(2) Where the Youth Court makes an order under paragraphs 20(c) to (f), it shall cause notice of the terms of the order to be given to the person who is to be compensated or to whom restitution or payment is to be made.

Consent of person to be compensated

(3) No order may be made under paragraph 20(f) unless the Youth Court has secured the consent of the person to be compensated.

Order for compensation or community service

- (4) No order may be made under paragraph 20(f) or (g) unless the Youth Court
- (a) is satisfied that the young person against whom the order is made is a suitable candidate for such an order; and
  - (b) is satisfied that the order does not interfere with the normal hours of work, training or education of the young person.

Duration of order for service

(5) No order may be made under paragraph 20(f) or (g) to perform personal or community services unless such services can be completed in 100 hours or less and within six months after the date of the order.

Agreement to performance of community service

(6) No order may be made under paragraph 20(g) unless the Youth Court is satisfied that the person or organization for whom the community service is to be performed has agreed to its performance.

## Probation

Conditions that must appear in probation orders

**25.** (1) The following conditions shall be included in a probation order made under paragraph 20(i):

- (a) that the young person bound by the probation order shall keep the peace and be of good behaviour;
- (b) that the young person appear before the Youth Court when required by the Youth Court to do so; and
- (c) that the young person notify the territorial director or the youth worker assigned to his or her case of any change of address or any change in his or her place of employment, education or training.

Conditions that may appear in probation orders

(2) A probation order made under paragraph 20(i) may include such of the following conditions as the Youth Court considers appropriate in the circumstances of the case:



- (a) that the young person bound by the probation order report to and be under the supervision of the territorial director or a person designated by the territorial director or by the Youth Court;
- (b) that the young person remain within the territorial jurisdiction of the Youth Court named in the order;
- (c) that the young person make reasonable efforts to obtain and maintain suitable employment;
- (d) that the young person attend school or such other place of learning, training or recreation as is appropriate, if the Youth Court is satisfied that a suitable program is available for the young person at such place;
- (e) that the young person reside with a parent, or such other adult as the Youth Court considers appropriate, who is willing to provide for the care and maintenance of the young person;
- (f) that the young person reside in the place that the territorial director or delegate of the territorial director may specify;
- (g) that the young person comply with such other reasonable conditions set out in the order as the Youth Court considers desirable, including conditions for securing the good conduct of the young person and for preventing the commission by the young person of other offences.

#### Communication of probation order to young person and parent

- 26.** (1) Where the Youth Court makes a probation order under paragraph 20(i), it shall
- (a) cause the order to be read by or to the young person bound by the probation order;
  - (b) explain or cause to be explained to the young person the purpose and effect of the order and ascertain that the young person understands it; and
  - (c) cause a copy of the order to be given to the young person and to a parent of the young person, if the parent is in attendance at the proceedings against the young person.

#### Copy of probation order to parent

(2) Where a Youth Court makes a probation order under paragraph 20(i), it may cause a copy of the order to be given to a parent of the young person not in attendance at the proceedings against the young person if the parent is, in the opinion of the Youth Court, taking an active interest in the proceedings.

#### Endorsement of order by young person

(3) After a probation order has been read by or to a young person and explained to the young person pursuant to subsection (1), the young person shall endorse the order acknowledging that he or she has received a copy of the order and acknowledging the fact that it has been explained to him or her.

#### Validity of probation order

(4) The failure of a young person to endorse a probation order pursuant to subsection (3) does not affect the validity of the order.

#### Commencement of probation order

(5) A probation order made under paragraph 20(i) comes into force

- (a) on the date on which the order is made; or
- (b) where the young person in respect of whom the order is made is committed to continuous custody, on the expiration of the period of custody.

#### Notice to appear

**27.** (1) A young person may be given notice to appear before the Youth Court pursuant to paragraph 25(1)(b) orally or in writing.

#### Warrant to arrest young person

(2) If a young person to whom a notice is given in writing to appear before the Youth Court pursuant to paragraph 25(1)(b) does not appear at the time and place named in the notice and it is proved that a copy of the notice was served on the young person, a Youth Court may issue a warrant to compel the appearance of the young person.

S.Nu. 2003,c.4,s.6.

### Custody

#### Open custody

**28.** (1) Custody shall be open custody.

#### Designation of place or facility

(1.1) The Minister shall designate, by order, places or facilities or classes of places or facilities that, in the opinion of the Minister, are suitable for open custody.

#### Delegation of powers or duties

(1.2) The Minister may delegate any of the powers or duties in subsection (1.1).

#### Time limit for designation

(1.3) An order under subsection (1.1) shall be made within 90 days of the day on which a young person is placed in the place or facility.

#### Class of place or facility

(1.4) A class of place or facility designated under subsection (1.1) may include a private residence, a community residential centre, a group home, a child care institution, an outpost camp or a forest or wilderness camp.

#### Place of custody

(2) A young person who is committed to custody shall be placed in custody at the place or facility that the territorial director or delegate of the territorial director may specify and may, during the period of custody, be transferred by the territorial director or delegate of the territorial director from one place or facility of custody to another.

#### Notice to parent and spouse

(3) Where a young person who is committed to custody is transferred from one place or facility of custody to another under subsection (2), the territorial director or delegate of the territorial director shall give notice of the transfer, in writing, to a parent and the spouse of the young person.

#### Holding young person separate from adults

(4) Subject to this section and section 30, a young person who is committed to custody under paragraph 20(j) shall be held separate and apart from any adult who is charged with or convicted of an offence against any law of Nunavut, Canada, or a province or territory. S.N.W.T. 1991-1992,c.29,s.2; S.Nu. 2011,c.6,s.28(3).

#### Retroactive designation

**28.1.** (1) Notwithstanding section 28, the Commissioner, on the recommendation of the Minister, may prescribe a place or facility as a place or facility of open custody where that place or facility was used between April 2, 1984 and March 1, 1992, as if it had been prescribed as a place or facility under this Act.

#### Time limit

(2) The Commissioner may not prescribe a place or facility under subsection (1) after December 31, 1992. S.N.W.T. 1991-1992,c.29,s.3.

#### Continuous custody

**29.** (1) A young person who is committed to custody under paragraph 20(j) shall be deemed to be committed to continuous custody unless the Youth Court specifies otherwise.

#### Availability of place of intermittent custody

(2) Before making an order of committal to intermittent custody under paragraph 20(j), the Youth Court shall require the prosecutor to make available to the Youth Court, for its consideration, an oral or written report of the territorial director or his or her delegate as to the availability of a place of custody in which an order of intermittent custody can be enforced and, where the report discloses that no such place of custody is available, the Youth Court shall not make such an order.

#### Transfer to adult facility

(3) Where a young person is committed to custody under paragraph 20(j), the Youth Court may, on application of the territorial director or delegate of the territorial director made at any time after the young person attains the age of 18 years, after affording the young person an opportunity to be heard, authorize the territorial director or delegate of the territorial director to direct that the young person serve his or her disposition or the remaining portion of it in a correctional centre for adults, if the Youth Court considers it to be in the best interests of the young person or in the public interest, but in any such event this Act shall continue to apply in respect of that person.

#### Notice to parent and spouse

(4) Where pursuant to subsection (3), the Youth Court authorizes the territorial director or delegate of the territorial director to direct that the young person serve his or her disposition or the remaining portion of it in a correctional centre for adults, the territorial director or delegate of the territorial director shall give notice of the transfer, in writing, to a parent and the spouse of the young person.

#### Where disposition and sentence concurrent

**30.** (1) Where a young person is committed to custody under paragraph 20(j) and is concurrently under sentence of imprisonment imposed by a court other than a Youth Court, the territorial director or delegate of the territorial director may direct that person to serve his or her disposition and sentence, or any portions of it, in a correctional centre for adults or in a place of custody for young persons.

(2) **Repealed, S.Nu. 2003,c.4,s.4.** S.Nu. 2003,c.4,s.4.

### Transfer of Disposition

#### Transfer of disposition

**31.** (1) If a disposition has been made in respect of a young person and the young person or a parent with whom the young person resides is or becomes a resident of a reciprocating jurisdiction, a youth court judge in Nunavut may, on the application of the Minister or agent of the Minister, or the young person or his or her parent with the consent of the Minister or agent of the Minister, transfer the disposition and the appropriate portion of the record to the Attorney General in the reciprocating jurisdiction.

#### Transfer before appeal completed

(2) No disposition may be transferred from Nunavut to a reciprocating jurisdiction under subsection (1) until the time for an appeal against the disposition or the finding on which the disposition was based has expired or until all proceedings in respect of an appeal, if taken, have been completed or the appeal has been abandoned.

S.Nu. 2011,c.6,s.28(3).

#### Transfer to reciprocating jurisdiction where person is adult

**32.** (1) Where an application is made under subsection 31(1) to transfer the disposition of a young person to a reciprocating jurisdiction in which the young person is an adult, a youth court judge may, with the consent of the Minister or agent of the Minister, transfer the disposition and the record of the case to the Youth Court in the reciprocating jurisdiction to which the transfer is sought, and the Youth Court to which the case is transferred shall have full jurisdiction in respect of the disposition as if that court had made the disposition, and the person shall be further dealt with in accordance with the laws of that jurisdiction.

#### Registration of disposition

(2) When a disposition has been made against a young person by a Youth Court in a reciprocating jurisdiction and a certified copy of the disposition has been transmitted by the proper officer of the reciprocating jurisdiction to the Minister, the Minister shall send the certified copy of the disposition for registration to the proper officer of the Youth Court and on its receipt the order shall be registered.

#### Effect of registration

(3) A disposition registered under subsection (2) has, from the date of its registration, the same force and effect as, and subject to this Act, all proceedings may be taken on it as if it had been, a disposition originally obtained in the Youth Court in which it is so registered, and the Youth Court has power to enforce, review and vary the order accordingly.

#### Reciprocating jurisdiction

**33.** When the Commissioner, on the recommendation of the Minister, is satisfied that reciprocal provisions are made or will be made by a jurisdiction for the enforcement of dispositions made in Nunavut, the Commissioner may by order declare it to be a reciprocating jurisdiction for the purposes of this Act. S.Nu. 2011,c.6,s.28(3).

### Appeals

#### Appeal

**34.** (1) An appeal lies under this Act from a finding of guilt, an order dismissing an information or a disposition made under section 20, in the same manner as if the finding of guilt were a conviction, the order dismissing the information were an order dismissing the information or the disposition were a sentence, in proceedings by way of summary conviction in ordinary court.

(2) **Repealed, S.N.W.T. 1998,c.34,Sch.C,s.35(3).**

#### Appeal from disposition on review

(3) No appeal lies from a disposition under sections 35, 38, 39, 40, 44 and 46. S.N.W.T. 1998,c.34,Sch.C,s.35(3).

## REVIEW OF DISPOSITIONS

### Custodial Review

Optional review of disposition involving custody

**35.** (1) Where a young person is committed to custody pursuant to a disposition, the territorial director may, on his or her own initiative, and shall, on the request of the young person, his or her parent or the Minister or agent of the Minister, on any of the grounds set out in subsection (2), cause the young person to be brought before the Youth Court at any time after two months from the date of the most recent disposition made in respect of the offence or, with leave of a youth court judge, at any earlier time, and, where the Youth Court is satisfied that there are grounds for the review under subsection (2), the Youth Court shall review the disposition.

Grounds for review under subsection (1)

(2) A disposition made in respect of a young person may be reviewed under subsection (1)

- (a) on the ground that the young person has made sufficient progress to justify a change in disposition;
- (b) on the ground that the circumstances that led to the committal to custody have changed materially;
- (c) on the ground that new services or programs are available that were not available at the time of the disposition; or
- (d) on such other grounds as the Youth Court considers appropriate.

No review where appeal pending

(3) No review of a disposition in respect of which an appeal has been taken shall be made under this section until all proceedings in respect of any such appeal have been completed.

Order of Youth Court for appearance of young person for review

**36.** (1) Where a territorial director is required under subsection 35(1) to cause a young person to be brought before the Youth Court and fails to do so, the Youth Court may, on application made by the young person, his or her parent or the Minister or agent of the Minister, or on its own motion, order the territorial director to cause the young person to be brought before the Youth Court.

Progress report

(2) The Youth Court shall, before a review under section 35, require the territorial director to cause to be prepared, and to submit to the Youth Court, a progress report on the performance of the young person since the disposition took effect.

Notice of review from person requesting it

**37.** (1) Where a review of a disposition made in respect of a young person is requested under subsection 35(1), the person requesting the review shall cause such notice as may be directed by rules of court applicable to the Youth Court or, in the absence of such direction, at least five clear days notice of the review to be given in writing to the young person, his or her parents and the Minister or agent of the Minister.

Statement of right to counsel

(2) Any notice given to a parent under subsection (1) shall include a statement that the young person whose disposition is to be reviewed has the right to be represented by counsel.

Service

(3) A notice under subsection (1) may be served personally or may be sent by registered mail.

Notice may be waived

(4) Any of the persons entitled to notice under subsection (1) may waive the right to such notice.

Where notice not given

(5) Where notice under subsection (1) is not given in accordance with this section, the Youth Court may

- (a) adjourn the proceedings and order that the notice be given in the manner and to the persons that it directs; or
- (b) dispense with the notice where, in the opinion of the Youth Court, having regard to the circumstances, notice may be dispensed with. S.Nu. 2003,c.4,s.7.

Decision of Youth Court after review

**38.** (1) Where a Youth Court reviews under section 35 a disposition made in respect of a young person, it may, after affording the young person, his or her parents, the Minister or agent of the Minister and the territorial director or delegate of the territorial director an opportunity to be heard, having regard to the needs of the young person and the interests of society,

- (a) confirm the disposition;
- (b) release the young person from custody and place the young person on probation in accordance with sections 25 to 27 for a period not exceeding the remainder of the period for which the young person was committed to custody; or
- (c) modify the terms of custody but in no case shall the period of custody be lengthened.

(2) **Repealed, S.Nu. 2003,c.4,s.4.** S.Nu. 2003,c.4,s.4.

#### Recommendation of territorial director for probation

**39.** (1) Where a young person is held in continuous custody pursuant to a disposition, the territorial director may, if the territorial director is satisfied that the needs of the young person and the interests of society would be better served if the young person were released from custody and placed on probation, cause notice in writing to be given to the young person, his or her parents and the Minister or agent of the Minister that the territorial director recommends that the young person be released from custody and placed on probation and give a copy of the notice to the Youth Court, and the territorial director shall include in the notice the reasons for his or her recommendation and the conditions that the territorial director would recommend be attached to a probation order.

#### Application to Youth Court for review of recommendation

(2) A Youth Court shall, where notice of a review of a disposition made in respect of a young person is given under subsection (1), on the application of the young person, his or her parents or the Minister or agent of the Minister made within 10 days after service of the notice, without delay review the disposition.

#### Application of subsections 35(3) and 36(2), sections 37 and 38

(3) Subsections 35(3) and 36(2) and sections 37 and 38 apply, with such modifications as the circumstances require, in respect of a review made under this section and any notice required under subsection 37(1) shall be given to the territorial director.

#### Where Youth Court does not review disposition

**40.** (1) A Youth Court that receives a notice under subsection 39(1) recommending that a young person be released from custody and placed on probation shall, if no application for a review is made under subsection 39(2),

- (a) release the young person and place the young person on probation in accordance with sections 25 to 27, in which case the Youth Court shall include in the probation order the conditions referred to in those sections that it considers advisable having regard to the recommendations of the territorial director; or
- (b) where the Youth Court considers it advisable, make no direction under this subsection unless the territorial director requests a review.

#### Where territorial director requests review

- (2) Where the territorial director requests a review under paragraph (1)(b),
  - (a) the territorial director shall cause such notice as may be directed by the rules of court applicable to the Youth Court or, in the absence of such direction, at least five clear days notice of the review to be given in writing to the young person, his or her parents and the Minister or agent of the Minister; and
  - (b) the Youth Court shall without delay, after the notice required under paragraph (a) is given, review the disposition.

(3) **Repealed, S.Nu. 2003,c.4,s.4.** S.Nu. 2003,c.4,s.4.



## Review Board

### Review board

**41.** (1) The Minister may establish or designate a review board for the purposes of this section, and, where a review board is established or designated by the Minister, that board shall, subject to this section and section 42, carry out the duties and functions of a Youth Court under sections 35 to 40 other than releasing a young person from custody and placing him or her on probation.

### Other duties of review board

(2) Subject to this Act, a review board may carry out any duties or functions that are assigned to it by the Minister.

### Notice of decision of review board

**42.** (1) A review board shall cause notice of any decision made by it in respect of a young person pursuant to sections 35 to 40 to be given without delay in writing to the young person, his or her parents, the Minister or agent of the Minister and the territorial director, and a copy of the notice to be given to the Youth Court.

### When decision of review board takes effect

(2) Subject to subsection (3), any decision of a review board under this section shall take effect 10 days after the decision is made unless an application for review is made under section 43.

### Decision respecting release from custody and probation

(3) Where a review board decides that a young person should be released on probation, it shall recommend that to the Youth Court and, if no application for a review of the decision is made under section 43, the Youth Court shall without delay on the expiration of the 10-day period referred to in subsection (2) release the young person from custody and place the young person on probation in accordance with sections 25 to 27, and shall include in the probation order the conditions referred to in those sections that the Youth Court considers advisable having regard to the recommendations of the review board.

(4) **Repealed, S.Nu. 2003,c.4,s.4.** S.Nu. 2003,c.4,s.4.

### Review by Youth Court

**43.** (1) Where the review board reviews a disposition under section 41 or 42, the Youth Court shall, on the application of the young person in respect of whom the review was made, his or her parents, the Minister or agent of the Minister or the territorial director, made within 10 days after the decision of the review board is made, without delay review the decision.

## Application of subsection 39(3)

(2) Subsection 39(3) applies, with such modifications as the circumstances require, in respect of a review made under subsection (1).

## Non-Custodial Review

## Review of dispositions not involving custody

**44.** (1) Where a Youth Court has made a disposition in respect of a young person but has not committed the young person to custody, the Youth Court shall, on the application of the young person, his or her parent, the Minister or agent of the Minister or the territorial director, made at any time after two months from the date of the disposition or, with leave of a youth court judge, at any earlier time, review the disposition if the Youth Court is satisfied that there are grounds for a review under subsection (2).

## Grounds for review

- (2) A review of a disposition may be made under this section
- (a) on the ground that the circumstances that led to the disposition have changed materially;
  - (b) on the ground that the young person in respect of whom the review is to be made is unable to comply with or is experiencing serious difficulty in complying with the terms of the disposition;
  - (c) on the ground that the terms of the disposition are adversely affecting the opportunities available to the young person to obtain services, education or employment; or
  - (d) on such other grounds as the Youth Court considers appropriate.

## Progress report

(3) The Youth Court may, before reviewing under this section a disposition made in respect of a young person, require the territorial director to cause to be prepared, and to submit to the Youth Court, a progress report on the performance of the young person since the disposition took effect.

## Application of subsection 35(3) and section 37

(4) Subsection 35(3) and section 37 apply, with such modifications as the circumstances require, in respect of a review made under this section and any notice required under subsection 37(1) shall be given to the territorial director.

## Compelling appearance of young person

**45.** (1) The Youth Court may, by summons or warrant, compel a young person in respect of whom a review is to be made under section 44 to appear before the Youth Court for the purposes of the review.

(2) **Repealed, S.Nu. 2003,c.4,s.4.** S.Nu. 2003,c.4,s.4.

#### Decision of Youth Court after review

**46.** (1) Where a Youth Court reviews under section 44 a disposition made in respect of a young person, it may, after affording the young person, his or her parents, the Minister or agent of the Minister and the territorial director or delegate of the territorial director an opportunity to be heard,

- (a) confirm the disposition;
- (b) terminate the disposition and discharge the young person from any further obligation of the disposition; or
- (c) vary the disposition or make a new disposition listed in section 20, other than a committal to custody, for a period of time, not exceeding the remainder of the period of the earlier disposition, that the Youth Court considers appropriate in the circumstances of the case.

#### New disposition

(2) Subject to subsection (3), where a disposition made in respect of a young person is reviewed under section 44, no disposition made under subsection (1) shall, without the consent of the young person, be more onerous than the remaining portion of the disposition reviewed.

#### Exception

(3) A Youth Court may under this section extend the time within which an order to perform personal or community services is to be complied with by a young person where the Youth Court is satisfied that the young person requires more time to comply with the order, but in no case shall the extension be for a period of time that expires more than 12 months after the date the disposition reviewed would expire.

(4) **Repealed, S.Nu. 2003,c.4,s.4.** S.Nu. 2003,c.4,s.4.

#### Failure to Comply

#### Information where failure to comply

**47.** (1) Where a Youth Court has made a disposition in respect of a young person, the Minister or agent of the Minister or the territorial director or delegate of the territorial director may lay an information alleging that the informant, on reasonable and probable grounds, believes that the young person has wilfully failed or refused to comply with the disposition or any term or condition of the disposition.

#### Review of disposition where failure to comply

(2) Where an information has been laid under subsection (1), the Youth Court shall, on application of the informant made at any time before the expiration of the disposition or within six months after that, by summons or warrant, require the young person to appear before the Youth Court and shall review the disposition.

#### Grounds for review

(3) Wilful failure or refusal to comply with a disposition or any term or condition of the disposition is grounds for review.

#### Application of subsection 36(2) and section 53

(4) Subsection 36(2) and section 53 apply, with such modifications as the circumstances require, in respect of a review made under this section.

#### Notice of review from territorial director

**48.** (1) Where the territorial director or delegate of the territorial director applies for a review of a disposition under subsection 47(2), he or she shall cause such notice as may be directed by rules of court applicable to the Youth Court or, in the absence of such direction, at least five clear days notice of the review to be given, in writing, to the parents of the young person in respect of whom the disposition was made and to the Minister or agent of the Minister.

#### Notice of review from Minister or agent of Minister

(2) Where the Minister or agent of the Minister applies for a review of a disposition under subsection 47(2), the Minister or agent of the Minister shall cause such notice as may be directed by rules of court applicable to the Youth Court or, in the absence of such direction, at least five clear days notice of the review to be given, in writing, to the parents of the young person in respect of whom the disposition was made and to the territorial director or delegate of the territorial director.

#### Application of subsections 37(2) to (5)

(3) Subsections 37(2) to (5) apply, with such modifications as the circumstances require, in respect of notices given under subsection (1) or (2).

#### Decision of Youth Court after review

**49.** (1) Where the Youth Court reviews under section 47 a disposition made in respect of a young person, it may, subject to subsection (3), after affording the young person, his or her parents, the Minister or agent of the Minister and the territorial director or delegate of the territorial director an opportunity to be heard, and if it is satisfied beyond a reasonable doubt that the young person has wilfully failed or refused to comply with the disposition or any term or condition of the disposition, vary the disposition or make any new disposition listed in section 20 that the Youth Court considers appropriate.

#### Limitation on custody

(2) No disposition shall be made under this section committing a young person to custody

- (a) for a period in excess of six months, where the disposition under review was not a committal to custody or was a committal to custody that has expired; or

- (b) for a period that expires more than six months after the disposition under review was to expire, where the disposition under review was a committal to custody that has not expired.

#### Postponement of performance of previous dispositions

(3) Notwithstanding any other provision of this Act, where a young person is committed to custody under this section, the Youth Court may order that the performance of any other disposition made in respect of the young person be postponed until the expiration of the period of custody.

#### Appeal

**50.** An appeal from a disposition of the Youth Court under section 49 lies as if the order were a disposition made under section 20.

**51. Repealed, S.Nu. 2003,c.4,s.4.**

#### Application of sections 21 to 33 to dispositions on review

**52.** Unless otherwise provided, sections 21 to 33 apply, with such modifications as the circumstances require, in respect of dispositions made on review.

### Progress Report

#### Additional information in progress report

**53.** (1) A person preparing a progress report in respect of a young person may include in the report the information relating to the personal and family history and present environment of the young person that the person considers advisable.

#### Written or oral report

(2) A progress report shall be in writing unless it cannot reasonably be committed to writing, in which case it may, with leave of the Youth Court, be submitted orally in court.

#### Report and record

(3) A progress report shall form part of the record of the case in respect of which it was requested.

#### Copies of progress report

**54.** (1) Where a progress report made in respect of a young person is submitted to a Youth Court in writing, the Youth Court

- (a) shall cause a copy of the report to be given to
  - (i) the young person,
  - (ii) a parent of the young person, if the parent is in attendance at the proceedings against the young person,
  - (iii) counsel, if any, representing the young person, and
  - (iv) the prosecutor; and

- (b) may cause a copy of the report to be given to a parent of the young person not in attendance at the proceedings against the young person if the parent is, in the opinion of the Youth Court, taking an active interest in the proceedings.

#### Report disclosed to other persons

(2) Where a progress report made in respect of a young person is submitted to a Youth Court, the Youth Court

- (a) shall, on request, cause a copy or a transcript of the report to be supplied to
  - (i) any court that is dealing with matters relating to the young person, and
  - (ii) any youth worker to whom the young person's case has been assigned; and
- (b) may, on request, cause a copy or a transcript of the report, or a part of it, to be supplied to any person not otherwise authorized under this section to receive a copy or transcript of the report if, in the opinion of the Youth Court, the person has a valid interest in the proceedings.

#### Disclosure by territorial director

(3) A territorial director who submits a progress report made in respect of a young person to a Youth Court may make the report, or any part of the report, available to any person in whose custody or under whose supervision the young person is placed or to any other person who is directly assisting in the care or treatment of the young person.

#### Cross-examination

**55.** (1) Where a progress report made in respect of a young person is submitted to a Youth Court, the young person, his or her counsel or the adult assisting the young person pursuant to subsection 11(4) and the prosecutor shall, on application to the Youth Court, be given the opportunity to cross-examine the person who made the report.

#### Inadmissibility of statements

(2) Except in proceedings under sections 35 to 40, 44 and 46, no statement made by a young person in the course of the preparation of a progress report in respect of a young person is admissible in evidence against the young person in any civil proceedings or proceedings related to an offence.

### TEMPORARY RELEASE FROM CUSTODY

#### Temporary absence or day release

**56.** (1) The territorial director or delegate of the territorial director may, subject to any terms or conditions that he or she considers desirable, authorize a young person committed to custody in Nunavut pursuant to a disposition made under this Act

- (a) to be temporarily released for a period not exceeding 15 days where, in his or her opinion, it is necessary or desirable that the young person be absent, with or without escort, for medical, compassionate or humanitarian reasons or for the purpose of rehabilitating the young person or re-integrating the young person into the community; or
- (b) to be released from custody on the days and during the hours that he or she specifies in order that the young person may
  - (i) attend school or any other educational or training institution,
  - (ii) obtain or continue employment or perform domestic or other duties required by the young person's family, or
  - (iii) participate in a program specified by him or her that, in his or her opinion, will enable the young person to better carry out his or her employment or improve his or her education or training.

#### Limitation

(2) A young person who is released from custody pursuant to subsection (1) shall be released only for the periods of time that are necessary to attain the purpose for which the young person is released. S.Nu. 2011,c.6,s.28(3).

#### Revocation of authorization

**57.** (1) The territorial director or delegate of the territorial director may, at any time, revoke an authorization made under subsection 56(1).

#### Arrest and return to custody

(2) Where the territorial director or delegate of the territorial director revokes an authorization for a young person to be released from custody under subsection (1) or where a young person fails to comply with any term or condition of his or her release from custody under section 56, the young person may be arrested without warrant and returned to custody.

#### Prohibition

(3) A young person who has been committed to custody under this Act shall not be released from custody before the expiration of the period of his or her custody except in accordance with subsection 56(1) unless the release is ordered under sections 35 to 51 or otherwise according to law by a court of competent jurisdiction.

## EFFECT OF TERMINATION OF DISPOSITION

Effect of absolute discharge or termination of dispositions

- 58.** (1) Subject to section 29 of the *Evidence Act* and section 12 of the *Canada Evidence Act*, where a young person is found guilty of an offence, and
- (a) a Youth Court directs under paragraph 20(a) that the young person be discharged absolutely, or
  - (b) all the dispositions made under this Act in respect of the offence have ceased to have effect,
- the young person shall be deemed not to have been found guilty or convicted of the offence except that,
- (c) the young person may plead *autrefois convict* in respect of any subsequent charge relating to the offence, and
  - (d) any court or justice may consider the finding of guilt in considering what dispositions to make or sentence to impose for any offence.

Disqualifications removed

(2) For greater certainty and without restricting the generality of subsection (1), an absolute discharge under paragraph 20(a) or the termination of all dispositions in respect of an offence for which a young person is found guilty removes any disqualification in respect of the offence to which the young person is subject pursuant to any Act by reason of a conviction.

Finding of guilt not a previous conviction

(3) A finding of guilt under this Act is not a previous conviction for the purposes of any offence under any Act for which a greater punishment is imposed by reason of previous convictions.

## PROTECTION OF PRIVACY OF YOUNG PERSONS

Publication of identity of young person

- 59.** No person shall publish by any means any report
- (a) of an offence committed or alleged to have been committed by a young person, or
  - (b) of a hearing, adjudication, disposition or appeal concerning a young person who committed or is alleged to have committed an offence,

in which the name of the young person, a child or a young person aggrieved by the offence or a child or a young person who appeared as a witness in connection with the offence, or in which any information serving to identify such young person or child, is disclosed.

Offence

**60.** A person who contravenes section 59 is guilty of an offence punishable on summary conviction.



## Exclusion from hearing

**61.** (1) Subject to subsection (2), where a Youth Court or justice before whom proceedings are carried out under this Act is of the opinion that

- (a) any evidence or information presented to the Youth Court or justice would be seriously injurious or seriously prejudicial to
  - (i) the young person who is being dealt with in the proceedings,
  - (ii) a child or young person who is a witness in the proceedings,
  - (iii) a child or young person who is aggrieved by or the victim of the offence charged in the proceedings, or
- (b) it would be in the interest of public morals, the maintenance of order or the proper administration of justice to exclude any or all members of the public from the court room,

the Youth Court or justice may exclude any person from all or part of the proceedings if the Youth Court or justice considers that person's presence to be unnecessary to the conduct of the proceedings.

## Exception

(2) A Youth Court or justice may not, pursuant to subsection (1), exclude from proceedings under this Act

- (a) the prosecutor;
- (b) the young person who is being dealt with in the proceedings, his or her parent, his or her counsel or any adult assisting the young person pursuant to subsection 11(4);
- (c) the territorial director or delegate of the territorial director; or
- (d) the youth worker to whom the young person's case has been assigned.

## Exclusion after adjudication or during review

**62.** The Youth Court, after it has found a young person guilty of an offence, or the Youth Court or the review board, during a review of a disposition under sections 35 to 51, may, in its discretion, exclude from the court or from a hearing of the review board, as the case may be, any person other than

- (a) the young person or his or her counsel,
- (b) the territorial director or delegate of the territorial director,
- (c) the youth worker to whom the young person's case has been assigned, and
- (d) the Minister or agent of the Minister,

when any information is being presented to the Youth Court or the review board the knowledge of which might, in the opinion of the Youth Court or review board, be seriously injurious or seriously prejudicial to the young person.

## MAINTENANCE AND USE OF RECORDS

## Clerk of Youth Court

**63.** The Clerk of the Youth Court shall keep, separate from records of cases in ordinary court, a complete record of every case arising under this Act that comes before the Youth Court.

## Availability of records during course of proceedings

**64.** (1) A record of a case kept pursuant to section 63 shall, during the course of proceedings in the case and during the term of any disposition made in the case, be made available for inspection on request to

- (a) counsel for or a parent of the young person to whom it relates;
- (b) the prosecutor;
- (c) any judge who hears the case on appeal;
- (d) any member of a department or agency of a government in Canada that is engaged in the supervision or care of the young person or in the administration of a disposition relating to the young person; and
- (e) any other person who is deemed by a youth court judge to have a valid interest in the proceedings against the young person or in the work of the Youth Court, to the extent directed by the judge.

## Availability of records before or after proceedings

(2) A record of a case kept pursuant to section 63 shall, on request, be made available for inspection at any time before or after proceedings in the case are completed to

- (a) the young person to whom it relates;
- (b) counsel acting on behalf of the young person;
- (c) the Minister or any person authorized in writing by the Minister for the purposes of this section;
- (d) any peace officer, for the purpose of investigating any offence that the young person is, on reasonable and probable grounds, suspected of having committed;
- (e) any court that is dealing with the young person under the *Child and Family Services Act*;
- (f) any court or justice, for the purpose of sentencing the young person after he or she becomes an adult, if the young person is found guilty of an offence under an Act of Nunavut, Canada, or a province or territory or a regulation made under that Act;
- (g) any correctional centre in which the young person is held in custody after the young person becomes an adult;
- (h) the Director of Child and Family Services, if the young person is being dealt with under the *Child and Family Services Act*;

- (i) any person, for the purpose of determining whether to grant security clearances required by the Government of Nunavut, the Government of Canada or the government of a province or territory for purposes of employment or the performance of services;
  - (j) any person who is deemed by a youth court judge to have a valid interest in the record, for research or statistical purposes, if the youth court judge is satisfied that the disclosure is desirable in the public interest; and
  - (k) any other person who is deemed, or any person within a class of persons that is deemed, by a youth court judge to have a valid interest in the record, if the youth court judge is satisfied that the disclosure is desirable in the interest of the proper administration of justice.
- S.N.W.T. 1998,c.17,s.31; S.Nu. 2011,c.6,s.28(3).

#### Disclosure of information in records and copies of records

**65.** (1) Any person to whom a record is required to be made available for inspection on request under section 64 may be given any information contained in the record and may be given a copy of any part of the record.

#### Introduction into evidence

(2) Nothing in paragraph 64(2)(e) or (f) authorizes the introduction into evidence of any part of a record that would not otherwise be admissible in evidence.

#### Disclosure for research or statistical purposes

**66.** Where a record is made available for inspection to any person under paragraph 64(2)(j), that person may subsequently disclose any information contained in the record, but may not disclose the information in any form that could reasonably be expected to identify the young person to whom it relates.

#### Application to juvenile court records

**67.** Sections 63 to 66 apply, with such modifications as the circumstances require, in respect of records of the juvenile court relating to the offence of delinquency under the *Juvenile Delinquents Act* (Canada) as it read immediately before April 2, 1984.

#### Government records

**68.** (1) A department or agency of the Government of Nunavut may keep records containing information obtained by the department or agency

- (a) for the purpose of an investigation of an offence alleged to have been committed by a young person;
- (b) for use in proceedings against a young person under this Act; or
- (c) for the purpose of administering a disposition.

#### Private records

(2) Any person or organization may keep records containing information obtained by the person or organization for the purpose of administering or participating in the administration of a disposition.

#### Availability of record to specified persons and bodies

(3) Any record kept under subsection (1) or (2) may, in the discretion of the department, agency, person or organization keeping the record, be made available for inspection to any person or body referred to in section 64 for the purposes and in the circumstances set out in those provisions.

#### Application of subsections 65(1) and (2)

(4) Subsections 65(1) and (2) apply, with such modifications as the circumstances require, in respect of records kept under subsections (1) and (2). S.Nu. 2011,c.6,s.28(3); S.Nu. 2012,c.17,s.30(4)(a).

#### Destruction of records

**69.** (1) Where a young person is charged with an offence and

- (a) is acquitted, or
- (b) the charge is dismissed for any reason other than acquittal, withdrawn or stayed and no proceedings are taken against the young person for a period of three months,

all records kept pursuant to sections 63 to 68 and all copies of such records shall be destroyed.

#### *Idem*

(2) Where a young person has not been charged with or found guilty of an offence under this or any other enactment or municipal by-law whether as a young person or an adult, for a period of two years after all dispositions made in respect of the young person have been completed, all records kept pursuant to sections 63 to 68 and all copies of such records shall be destroyed.

#### Copy given for research or statistical purposes

(3) Subsections (1) and (2) do not apply in respect of any copy of a record or part of it that is given to any person pursuant to paragraph 64(2)(j).

#### Destruction on acquittal, etc.

**70.** (1) Any record that is not destroyed under section 69 because the young person to whom it relates was charged with an offence during a period referred to in subsection 69(2) shall be destroyed without delay

- (a) where the young person is acquitted, on the expiration of the time allowed for the taking of an appeal or, where an appeal is taken, when all proceedings in respect of the appeal have been completed;
- (b) where no proceedings are taken against the young person for a period of six months, on the expiration of the six months; or

- (c) where the charge against the young person is dismissed for any reason other than acquittal, withdrawn or stayed and no proceedings are taken against the young person for a period of six months, on the expiration of the six months.

Where young person deemed not to have committed offence

(2) A young person shall be deemed not to have committed any offence in respect of which records are required to be destroyed under subsection 69(1) or (2) or 70(1).

Use of records

(3) No record or copy of a record that is required under section 69 or this section to be destroyed may be used for any purpose.

Application to delinquency

(4) Section 69 and this section apply, with such modifications as the circumstances require, in respect of records of the juvenile court relating to the offence of delinquency under the *Juvenile Delinquents Act* (Canada) as it read immediately before April 2, 1984.

Request for destruction

**71.** No person who has under his or her control or in his or her possession any record that is required under section 69 or 70 to be destroyed shall refuse or fail, on a request made by or on behalf of the young person to whom the record relates, to destroy the record.

Prohibition against possession of records

**72.** No person shall knowingly have in his or her possession any record kept pursuant to sections 63 and 68, or any copy of any such record, except as authorized or as required by those sections.

Prohibition against disclosure

**73.** (1) Subject to subsection (2), no person shall knowingly

- (a) make available for inspection to any person any record referred to in section 72, or any copy of any such record,
- (b) give any person any information contained in any such record, or
- (c) give any person a copy of any part of any such record,

except as authorized or required by sections 63 to 68.

Exception for employees

(2) Section 72 does not apply, in respect of records referred to in that section, to any person employed in keeping or maintaining such records, and any person so employed is not restricted from doing anything prohibited under subsection (1) with respect to any other person so employed.

### Offence and punishment

**74.** Every person who fails to comply with section 71, 72 or 73 is guilty of an offence punishable on summary conviction.

### Confidentiality

**74.1.** No person shall use, disclose or transfer a record kept pursuant to section 63, or any personal information obtained under this Act or in the course of his or her employment, contrary to

- (a) this Act;
- (b) the policies of the Government of Nunavut; or
- (c) the *Access to Information and Protection of Privacy Act*.  
S.Nu. 2007,c.8,s.15.

### Paramountcy

**74.2.** The provisions of this Act respecting the privacy, confidentiality, collection, use, disclosure, transfer and destruction of records and other personal information prevail despite any conflict or inconsistency with the *Access to Information and Protection of Privacy Act*. S.Nu. 2007,c.8,s.15.

## CONTEMPT OF COURT

### Contempt of Youth Court

**75.** (1) A Youth Court has the same power, jurisdiction and authority to deal with and impose punishment for contempt against the court as may be exercised by the Nunavut Court of Justice.

### Dispositions

(2) Where a Youth Court or any other court finds a young person guilty of contempt of court, it may make any one of the dispositions set out in section 20, or any number of them that are not inconsistent with each other, but no other disposition or sentence.

### Appeals

(3) An appeal from a finding of guilt under this section or a disposition or sentence made in respect of it lies to the Court of Appeal.  
S.N.W.T. 1998,c.34,Sch.C,s.35(4).

### Exclusive jurisdiction of Youth Court

**76.** (1) The Youth Court has exclusive jurisdiction in respect of every contempt of court committed by a young person against the Youth Court committed in the face of the Youth Court.

### Concurrent jurisdiction of Youth Court

(2) The Youth Court has jurisdiction in respect of every contempt of court committed by an adult against the Youth Court in the face of the Youth Court, but nothing in this subsection affects the power, jurisdiction or authority of any other court to deal with or impose punishment for contempt of court.

### Application of section 708 of *Criminal Code* in respect of adults

(3) Section 708 of the *Criminal Code* applies in respect of proceedings under section 75 in the Youth Court against adults, with such modifications as the circumstances require.

## INTERFERENCE WITH DISPOSITIONS

### Inducing a young person

**77.** Everyone who

- (a) wilfully induces or assists a young person to breach or disobey a term or condition of a disposition, or
- (b) wilfully prevents or interferes with the performance by a young person of a term or condition of a disposition,

is guilty of an offence punishable on summary conviction.

## EVIDENCE

### Issue of subpoena

**78.** Where a person is required to attend to give evidence before a Youth Court, the subpoena directed to that person may be issued by a youth court judge.

### Application of general law on admissibility of statements

**79.** (1) Subject to this section and section 80, the law relating to the admissibility of statements made by persons accused of committing offences applies in respect of young persons.

### When statements are admissible

(2) No oral or written statement given by a young person to a peace officer or other person who is, in law, a person in authority is admissible against the young person unless

- (a) the statement was voluntary;
- (b) the person to whom the statement was given has, before the statement was made, clearly explained to the young person, in language appropriate to his or her age and understanding, that
  - (i) the young person is under no obligation to give a statement,
  - (ii) any statement given by the young person may be used as evidence in proceedings against the young person,
  - (iii) the young person has the right to consult another person in accordance with paragraph (c), and

- (iv) any statement made by the young person is required to be made in the presence of the person consulted, unless the young person desires otherwise;
- (c) the young person has, before the statement was made, been given a reasonable opportunity to consult with counsel or a parent, or in the absence of a parent, an adult relative, or in the absence of a parent and an adult relative, any other appropriate adult chosen by the young person; and
- (d) where the young person consults any person pursuant to paragraph (c), the young person has been given a reasonable opportunity to make the statement in the presence of that person.

#### Exception in certain cases for oral statements

(3) The requirements set out in paragraphs (2)(b) to (d) do not apply in respect of oral statements where they are made spontaneously by the young person to a peace officer or other person in authority before that person has had a reasonable opportunity to comply with those requirements.

#### Waiver of right to consult

(4) A young person may waive his or her rights under paragraph (2)(c) or (d) but any such waiver shall be made, in writing, and shall contain a statement signed by the young person that the young person has been apprised of the right that the young person is waiving.

#### Statements given under duress

**80.** A youth court judge may rule inadmissible in any proceedings under this Act a statement given by the young person in respect of whom the proceedings are taken if the young person satisfies the judge that the statement was given under duress imposed by any person who is not, in law, a person in authority.

#### Testimony of parent

**81.** (1) In any proceedings under this Act, the testimony of a parent as to the age of a person of whom he or she is a parent is admissible as evidence of the age of that person.

#### Evidence of age by certificate or record

- (2) In any proceedings under this Act,
- (a) a birth or baptismal certificate or a copy of that purporting to be certified under the hand of the person in whose custody such records are held is evidence of the age of the person named in the certificate or copy; and
  - (b) an entry or record of an incorporated society that has had the control or care of the person alleged to have committed the offence in respect of which the proceedings are taken at or about the time the person came to Canada is evidence of the age of that person, if the entry or record was made before the time when the offence is alleged to have been committed.



#### Other evidence

(3) In the absence, before the Youth Court, of any certificate, copy, entry or record mentioned in subsection (2), or in corroboration of any such certificate, copy, entry or record, the Youth Court may receive and act on any other information relating to age that it considers reliable.

#### When age may be inferred

(4) In any proceedings under this Act, the Youth Court may draw inferences as to the age of a person from the person's appearance or from statements made by the person in direct examination or cross-examination.

#### Admissions

**82.** (1) A party to any proceedings under this Act may admit any relevant fact or matter for the purpose of dispensing with proof of it, including any fact or matter the admissibility of which depends on a ruling of law or of mixed law and fact.

#### Other party adducing evidence

(2) Nothing in this section precludes a party to a proceeding from adducing evidence to prove a fact or matter admitted by another party.

#### Material evidence

**83.** Any evidence material to proceedings under this Act that would not but for this section be admissible in evidence may, with the consent of the parties to the proceedings and where the young person is represented by counsel, be given in such proceedings.

#### Evidence of child or young person

**84.** (1) Notwithstanding the *Evidence Act*, in any proceedings under this Act where the evidence of a child or a young person is taken, it shall be taken only after the youth court judge or the justice, as the case may be, has

- (a) in all cases, if the witness is a child, and
- (b) where the youth court judge or the justice considers it necessary, if the witness is a young person,

instructed the child or young person as to the duty of the witness to speak the truth and the consequences of failing to do so.

#### Solemn affirmation

(2) The evidence of a child or a young person shall be taken under solemn affirmation as follows:

I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth and nothing but the truth.

#### Effect of evidence under solemn affirmation

(3) Evidence of a child or a young person taken under solemn affirmation has the same effect as if taken under oath.

#### Evidence of child

**85.** (1) The evidence of a child may not be received in any proceedings under this Act unless, in the opinion of the youth court judge or the justice, as the case may be, the child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth.

#### Corroboration

(2) No case shall be decided on the evidence of a child alone, but must be corroborated by some other material evidence.

#### Proof of service

**86.** (1) For the purposes of this Act, service of any document may be proved by oral evidence given under oath by, or by the affidavit or statutory declaration of, the person claiming to have personally served it or sent it by mail.

#### Proof of signature and official character

(2) Where proof of service of any document is offered by affidavit or statutory declaration, it is not necessary to prove the signature or official character of the person making or taking the affidavit or declaration, if the official character of that person appears on the face of it.

#### Seal

**87.** It is not necessary to the validity of any information, summons, warrant, minute, disposition, conviction, order or other process or document laid, issued, filed or entered in any proceedings under this Act that any seal be attached or affixed to it.

#### Transcript of evidence already given

**88.** Where a youth court judge recommences a trial pursuant to paragraph 669.2(3) of the *Criminal Code*, the youth court judge may, if the parties consent, admit into evidence a transcript of any evidence already given in the case.

## GENERAL

### Administration

#### Territorial director

**89.** The Minister shall appoint a territorial director.

#### Appointment of youth workers

**90.** (1) The Minister may appoint youth workers to perform, either generally or in a specific case, the duties and functions of a youth worker under this Act.

### Duties of youth worker

(2) The duties and functions of a youth worker in respect of a young person whose case has been assigned to the youth worker by the territorial director or delegate of the territorial director include

- (a) where the young person is bound by a probation order that requires the young person to be under supervision, supervising the young person in complying with the conditions of the probation order or in carrying out any other disposition made together with it;
- (b) where the young person is found guilty of any offence, giving such assistance to the young person as he or she considers appropriate up to the time the young person is discharged or the disposition of his or her case terminates;
- (c) attending court when the youth worker considers it advisable or when required by the Youth Court to be present;
- (d) preparing, at the request of the territorial director or delegate of the territorial director, a progress report; and
- (e) performing other duties and functions that the territorial director requires.

### Youth justice committees

**91.** (1) The Minister or delegate of the Minister may establish one or more committees of citizens, to be known as youth justice committees, to assist in any aspect of the administration of this Act or in any programs or services for young offenders.

### Appointment

(2) The Minister may appoint persons as members of a youth justice committee and, in so doing, may consider the recommendations of the appropriate council of a municipality or, in the case of an unincorporated community, the council of the community, or the appropriate band council, and the Minister may fix the term of the appointment.

### Composition

(3) Each youth justice committee shall be composed of such number of members as are appointed to it.

### Honoraria

(4) Members of a youth justice committee shall be paid the honoraria that the Minister directs.

### Functions

(5) The Minister shall specify the functions of a youth justice committee for the purposes of this section. S.Nu. 2011,c.6,s.28(3).

#### Agreements with Government of Canada

**92.** (1) The Commissioner may, with the approval of the Executive Council, enter into an agreement with the Government of Canada providing for payments by Canada to the Government of Nunavut in respect of costs incurred by the Government of Nunavut for care of and services provided to young persons dealt with under this Act.

#### Agreements with provinces, etc.

(2) The Minister may enter into agreements with any province or territory, or any social agency, society, community group or individual for the carrying out of the provisions of this Act or the *Youth Criminal Justice Act* (Canada). S.Nu. 2003,c.4,s.8; S.Nu. 2011,c.6,s.28(3); S.Nu. 2012,c.17,s.30(4)(b).

#### Administration of *Youth Criminal Justice Act* (Canada)

#### Definitions

**93.** Pursuant to subsection 2(1) of the *Youth Criminal Justice Act* (Canada), for the purposes of that Act,

"provincial director" means the territorial director; (*directeur provincial*)

"youth justice court" means the Nunavut Court of Justice or the justices of the peace appointed as youth justice court judges and designated as a youth justice court under the *Justices of the Peace Act*; (*tribunal pour adolescents*)

"youth worker" means a person appointed by the Minister to perform, either generally or in a specific case, any of the duties and functions of a youth worker under the *Youth Criminal Justice Act* (Canada). (*délégué à la jeunesse*)  
S.N.W.T. 1998,c.15,s.4(3); S.N.W.T. 1998,c.34,Sch.C,s.35(5); S.Nu. 2003,c.4,s.9.

#### Review board

**94.** (1) Pursuant to subsection 87(2) of the *Youth Criminal Justice Act* (Canada), where the Minister establishes or designates a review board under subsection 41(1) of this Act, that review board shall be a review board for the purposes of the *Youth Criminal Justice Act* (Canada).

#### Composition

(2) The composition, duties and functions of a review board under the *Youth Criminal Justice Act* (Canada) shall be the same as those of a review board under this Act. S.Nu. 2003,c.4,s.10.

## Regulations

### Regulations

**95.** The Commissioner, on the recommendation of the Minister, may make regulations

- (a) prescribing standards to be maintained by a prescribed facility;
  - (b) specifying the number of young persons that may be admitted to any prescribed facility;
  - (c) governing the visitation and inspection of any prescribed facility;
  - (d) requiring the administrators of any prescribed facility to submit to the Minister returns, reports and information with respect to the operation and management of any such facility;
  - (d.1) prescribing the forms to be used for the purposes of this Act;
  - (e) prescribing any matter or thing that by this Act may or is to be prescribed; and
  - (f) generally for carrying out the purposes and provisions of this Act.
- S.Nu. 2003,c.4,s.11.

**96. Repealed, S.Nu. 2012,c.17,s.30(3).**