



# Support program for justice-related activities in Indigenous communities and urban settings

2023-2026

Direction des Affaires autochtones du Ministère de la Justice

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# BACKGROUND AND RATIONALE FOR THE PROGRAM

For the last twenty years, the Ministère de la Justice (MJQ) has provided funding to improve access to justice for Indigenous people in Québec. The financial assistance supports a wide range of initiatives and services connected with the justice system, including support for victims and offenders. In addition, the MJQ helps develop initiatives to help Indigenous communities participate in the resolution of social conflicts via community justice structures.

Indigenous people's involvement in the justice system is characterized by a mistrust of government institutions, a poor understanding of the court process, difficulties accessing many of the services provided by the court system, and the under-use of the tools made available for alternative dispute resolution processes.

It is important to ensure that Indigenous people facing the justice system have access to locally-based services, as well as the information they need to fully understand the proceedings in which they are involved and their impact.

Last, Indigenous crime victims must be able to rely on assistance and support services.

The Program is implemented by the MJQ in keeping with its powers under the *Act respecting the Ministère de la Justice* (CQLR, c. M-19).

## PROGRAM OBJECTIVES

The Program targets the establishment of services to help Indigenous people navigate the court process, whether as victims or offenders.

### SPECIFIC OBJECTIVES

1. Promote the development of dispute resolution mechanisms for Indigenous people at the community level, by:
  - developing and maintaining community justice structures or models in Indigenous communities or urban settings;
  - providing administrative support for the organizations responsible for delivering justice services in communities or urban settings in connection with the project.

## 2. Improve access to justice by:

- increasing the range of services provided in communities or urban settings, ensuring ongoing improvement in the quality of the services provided, and involving Indigenous communities in the search for and implementation of solutions.
3. Ensure that Indigenous people have access to high-quality legal information about rights and obligations and the justice system in general.
4. Promote the creation of services for Indigenous crime victims and help them participate in the justice process.

## ELIGIBLE ORGANIZATIONS

The Program applies throughout Québec. Eligible organizations include:

- Indigenous communities recognized by the National Assembly of Québec and represented by a band council, northern villages, and Indigenous organizations responsible for providing services to or coordinating services for Indigenous communities;
- tribal councils and Indigenous governments representing recognized Indigenous communities;
- regional county municipalities and local municipalities;
- non-profit organizations (NPOs) or equivalent organizations registered with the Québec enterprise registrar (Registraire des entreprises du Québec - REQ) that offer or plan to offer services to Indigenous clients.

Eligible organizations must:

- have their head office in Québec;
- be free to determine their own mission, approach, methods and aims;
- be directed by a board of directors or equivalent body;
- produce an annual report containing a report on their activities and complete financial statements in accordance with generally recognized accounting principles.

The following are not eligible:

- individuals;
- for-profit organizations;
- cooperatives;
- organizations with a political or representational vocation;
- organizations listed in the register of enterprise ineligible for public contracts (Registre des entreprises non admissibles aux contrats publics - RENA);
- organizations that, in the two years preceding the application for financial assistance, have failed to comply with their obligations in connection with previous financial assistance awarded by the MJQ;

- organizations under the protection of the Bankruptcy and Insolvency Act (R.S.C. (1985), c. B-3) or the Companies' Creditors Arrangement Act (R.S.C. (1985), c. C-36);
- organizations that do not meet the high standards of integrity that the public is entitled to expect from the beneficiaries of financial assistance paid out of public funds.

The MJQ reserves the right to refuse to process an application for the Program if the applicant or one of its subcontractors has previously made false declarations in connection with one of its programs or is listed in the RENA. In such a case, the MJQ will notify the organization in writing to enable it to change its subcontractor if it so wishes and resubmit an application for the Program within thirty (30) days after receiving the notification by email, or during the next fiscal year.

## ELIGIBLE ACTIVITIES

The following activities provided for Indigenous clients are eligible for funding under the Program:

- Establishment of community justice services;
- Courtworker services and Gladue writer services;
- Services to assist crime victims;
- Preparation and dissemination of legal information, including legal clinics;
- Support for programs realized under court supervision; and
- Coordination of justice services.

An application for financial assistance can target one or more activities eligible for the Program.

## APPLICATIONS FOR FINANCIAL ASSISTANCE

Applications for financial assistance must be submitted to the MJQ using the form on its website. They must include all of the following elements:

- a presentation of the proposal and an explanation of its links to the mandate of the eligible organization and the Program objectives;
- a brief description of existing services in the community or urban setting concerned;
- the main client group targeted by category (offenders, victims, families, etc.);
- the planned implementation schedule for the activities;
- the expected outcomes and benefits and, where applicable, the indicators measuring the results achieved;
- the identification of the partners for the project, if any.

The application for financial assistance may cover one or more Program activities and request funding for up to three years. An eligible organization may file an application for financial assistance at any time to obtain support for the new activities it intends to put in place.

### **The application must be submitted with the following documents :**

- a form identifying the organization and presenting an outline of the proposal;
- a detailed description of the proposal;
- a detailed budget forecast, broken down by activity and budget category, showing the other sources of funding obtained or requested, if any, and the expenditures to which each source of funding will be applied;
- a letter of support from a representative having authority or a resolution by a band council, northern village, Indigenous government or tribal council, for a project under its responsibility\*;
- a letter of support from the management or a resolution of the NPO submitting the application\*;
- letters of support from the main partners;
- the organization's most recently adopted financial statements;
- the organization's most recent annual report;
- for an NPO, proof of its legal status, along with its general by-laws and letters patent;
- a list of the applications for financial assistance submitted to other Québec or federal government departments or bodies in connection with the project or mission.

### **The form is available here.**

For organizations that wish to obtain financial assistance for administrative activities directly connected to the projects supported by the Program, the application must include a list of the amounts received to fund its overall mission (routine activities) in addition to the amounts requested from the MJQ, and the names of the entities that provide funding.

During the processing of the application, the organization must be able to provide further information and documents at the MJQ's request. When an eligible organization submitting an application has already received funding for certain activities for more than one year, the MJQ may agree that some of the documents listed above need not be re-submitted.

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\* These documents may be submitted up to thirty (30) days after the application is filed.

# PROCESSING AND ASSESSMENT OF APPLICATIONS FOR FINANCIAL ASSISTANCE

All applications will be assessed upon receipt by the Direction des Affaires autochtones at the Ministère de la Justice using the following criteria :

- the relevance of the service proposed or needs expressed by the organization, given the volume of activities in the community and the client base;
- consistency with the Program objectives;
- the organization's experience and skills in the justice field;
- the collaborative efforts that will support the proposed services;
- the effectiveness and impact of the proposed means of intervention;
- the project's viability in terms of the working plan, budget and financial arrangements and the human resources available;
- previous initiatives by the organization under various projects funded by the MJQ, if applicable;
- the measurable aspect of the benefits.

The assessment may involve the Department of Justice Canada if the project is jointly funded, and it reserves the right to limit the number of applications accepted to match the available annual budgetary envelope.

## ELIGIBLE AND NON-ELIGIBLE EXPENDITURES

Expenditures are eligible if they relate directly to the activities or missions planned for the project. They include :

- expenditure on wages for the human resources directly involved in service delivery (including social benefits);
- the renting and fitting out of premises, excluding renovation or construction work;
- the renting or purchase of the equipment needed to provide the services (IT equipment, telephone costs, etc.);
- professional fees;
- promotional and advertising expenses;
- travel costs for workers or participants, which must not exceed the rates in effect in the public service;
- the costs for all the materials needed to provide the services;
- the costs for training workers;

- translation and interpretation costs;
- the costs for external financial audits.

Expenditures are non-eligible if they relate to:

- the organization's general operation, in other words routine expenditure and general operating expenses of the applicant and its partners, including the wages of regular staff members;
- activities taking place outside Québec;
- the purchase or construction of a building;
- debt financing or the repayment of current or future loans;
- activities that took place before the proposal was officially accepted;
- public relations, representation with respect to governments and authorities, and lobbying;
- all other expenditure that is not listed and specified in an agreement.

## FUNDING AVAILABLE AND AWARD OF FUNDING

### Financial assistance

The maximum amount of financial assistance that may be awarded to an eligible organization cannot exceed, for each community or urban setting served, an assistance rate of 100% of the eligible expenditures up to a maximum amount of \$85,000 per year per eligible activity as described in the relevant section. An organization may submit an application and obtain financial assistance for each activity under the Program.

The amount of the financial assistance is established on the basis of the services that the eligible organization plans to provide, the budget suggested by the organization, and the analysis of the following criteria:

- the balance between the services provided and the needs identified or anticipated;
- the organization's ability to deliver the proposed services;
- the balance between the estimated budget and the planned services;
- the reasonable nature of the expenditures budgeted;
- budget availability for the Program;
- certain specific realities, such as geographical remoteness and the extent of the needs with respect to social issues.

## Rules on cumulative funding

The financial assistance awarded by the MJQ under the Program may be combined with funding offered directly or indirectly by the MJQ, other government departments or bodies (provincial or federal), state-owned corporations, or municipal entities. The cumulative funding obtained must not exceed 100% of the eligible expenditure; the MJQ contribution under the Program may be reduced accordingly in order to respect this criterion.

For financial assistance from Québec, the term “government body” refers to public bodies within the meaning of the *Act respecting access to documents held by public bodies and the protection of personal information* (CQLR, c. A-2.1).

For financial assistance from Canada, the term “government body” refers to federal public agencies within the meaning of the *Act respecting the Ministère du Conseil exécutif* (CQLR, c. M-30).

For the rules governing cumulative funding, the term “municipal entity” refers to municipal bodies within the meaning of section 5 of the *Act respecting access to documents held by public bodies and the protection of personal information*.

The asset referred to in subparagraph 1 of the first paragraph of section 89 of the *Act establishing the Eeyou Istchee James Bay Regional Government* (CQLR, c. G-1.04) is not considered for the purposes of the rules governing cumulative funding under this Program normative framework.

For the rules governing the calculation of the cumulative funding rate, all forms of financial assistance awarded by a public body must be calculated at 100% of their value, whether or not they are repayable.

In addition, when the rate of cumulative public funding is below 100% of eligible expenditure, a minimum contribution from the beneficiary is required to ensure that government assistance does not fund the total eligible expenditure for the project.

Furthermore, financial assistance from the Business Development Bank of Canada (BDC), Farm Credit Canada (FCC) and Financière agricole du Québec (FADQ) is considered to be a private contribution if it offers no advantage, in other words if it is awarded at market rates.

## Award of funding

An organization that obtains financial assistance under the Program must implement the proposal submitted in accordance with the terms and conditions of a financial assistance agreement signed with the designated MJQ representative. The agreement, presented to the beneficiary after the announcement of funding by the Minister of Justice, includes:

- a requirement that the organization file a work plan and budget at the start of each fiscal year, which must be approved by the MJQ before the first payment is made;
- the required accounting rules;
- the requirements governing the assessment of the benefits generated by the services, including the indicators of results;
- the requirements concerning financial reports;
- the instalments of financial assistance and the steps associated with each instalment;
- the rules governing amounts that remain unspent or that are expected to remain unspent within a given fiscal year;
- the rules governing changes to the budget or in the event of a surplus;
- the claiming back from the beneficiary of any amount used for purposes other than those of the agreement.

Annual financial assistance is paid to the organization in two instalments, each representing 50% of the annual funding amount.

The first instalment for the first fiscal year covered by the agreement is paid to the organization twenty-eight (28) days after the signing of the financial assistance agreement and the receipt and approval of the expenditures forecast. In subsequent years, the first instalment is paid twenty-eight (28) days after receipt and approval of the expenditures forecast.

The second annual instalment is paid twenty-eight (28) days after receipt and approval of the interim activity, statistical and financial reports.

All instalments are subject to the availability of funds or the appropriation of credits by the National Assembly.

## Accounting rules

The financial report filed by the organization must be drawn up in accordance with generally recognized accounting standards by a professional holding the necessary permits.

For all the assistance paid under the Program, the organization must produce audited financial statements in accordance with the following rules :

- an audit engagement if it received \$150,000 or more;
- a review engagement if it received between \$50,000 and \$149,999;
- a compilation engagement if it received between \$25,000 and \$49,999.

For a government contribution of less than \$25,000, there is no requirement for the financial statement to be submitted with a compilation, review or audit engagement report.

The MJQ may, at all times, require the original copies of the documents justifying expenditure.

Payment of the last instalment for a financial assistance agreement under the Program is conditional on the submission, by the organization, of all the data needed to assess the results of the Program, including in particular the information needed to measure the results indicators specified in the program framework. The financial assistance agreement specifies the rules in this respect.

An organization that receives financial support must also submit data on the following indicators for activities funded under this Program :

- number and type of community justice structures or models developed or maintained in urban settings;
- number of Indigenous communities in which community justice structures or models are developed or maintained;
- number of services created or improved in communities or urban settings;
- number of Indigenous people living in the communities or urban settings in which services are provided;
- number of documents, products, deliverables, or information-sharing, awareness-raising and training activities provided (tools produced and other activities);
- number and type of services put in place to support Indigenous crime victims.

For projects with a maximum duration of one year, the project report must be submitted to the MJQ not later than three months after the end of the project.

For projects with a duration of two or more years, the report must be submitted to the MJQ annually not later than three months after the end of the Québec government's fiscal year.

If an organization is awarded funding for new activities while an existing agreement is in effect, the parties will amend the agreement to include the rules on the new funding. However, the initial end date of the agreement cannot be changed.

No financial commitment of the Government of Québec may be made or is valid unless there is a sufficient balance available out of an appropriation against which the expenditure arising from the commitment may be charged, in accordance with the provisions of section 21 of the *Financial Administration Act* (CQLR, c. A-6.001).

The MJQ may, at any time, terminate an agreement where it considers that the organization is no longer complying with the standards and criteria of the Program, or when the results of its actions are found to be dissatisfactory. In such a case, the organization will receive thirty (30) days prior notice.

## DURATION OF THE PROGRAM

The Program takes effect on the date on which its normative framework is adopted by a decision of Conseil du trésor and expires on 31 March 2026.

## PROGRAM REPORT

The MJQ will produce and submit to the Secrétariat du Conseil du trésor a provisional report on the Program not later than four (4) months before the Program expires. The final report may be made public. The report focuses on the following indicators:

**Objective 1:** Develop and maintain community justice structures or models in Indigenous communities or urban settings

**Indicator 1:** Number and type of community justice structures or models developed or maintained in urban settings

**Indicator 2:** Number of Indigenous communities in which community justice structures or models are developed or maintained

**Objective 2:** Increase the range of services provided in communities or urban settings, ensure the ongoing improvement of the quality of the services provided, and involve Indigenous communities in the search for solutions and their implementation

**Indicator 1:** Number of services created or improved in communities or urban settings (broken down by communities and urban settings)

**Indicator 2:** Number of persons provided with the services (broken down by communities and urban settings)

**Objective 3:** Ensure that Indigenous people have access to high-quality legal information about rights and obligations and the justice system in general

**Indicator 1:** Number of documents, products, deliverables, or information-sharing, awareness-raising and training activities provided (tools produced and other activities)

**Objective 4:** Promote the creation of services for Indigenous crime victims and help them participate in the judicial process

**Indicator 1:** Number and type of services put in place to support Indigenous crime victims

