



## **JUDICIARY CELEBRATES GRAND OPENING OF NEW COURTHOUSE IN WAGMATCOOK FIRST NATION**

Thursday, June 21, 2018 (Wagmatcook, NS) – Members of the Nova Scotia Judiciary were in Wagmatcook First Nation today to celebrate the grand opening of the province's newest courthouse, marking another important step toward reconciliation with the Indigenous community and improved access to justice for more Nova Scotians.

The new courthouse is in line with a recommendation from the Royal Commission on the Donald Marshall Junior prosecution, calling for more Provincial Court sittings on Nova Scotia reserves, and follows the Calls to Action outlined in the 2015 report of the Truth and Reconciliation Commission.

"This is an incredibly significant day, for many reasons," said Michael MacDonald, Chief Justice of Nova Scotia. "The report of the Truth and Reconciliation Commission made it painfully clear that the justice system in Canada is not working as it should for Indigenous people, especially children. The consultation and collaboration with First Nations leaders to develop this new Court is unprecedented in this province, and will go a long way to ensuring Indigenous restorative justice traditions and customs are incorporated at every stage of the court process.

"The new courthouse also means improved access to justice for Cape Bretoners living in Victoria County," said the Chief Justice. "Those residents now have access to court services closer to home, which we know is especially important in rural communities."

The Provincial Court of Nova Scotia began hearing criminal matters in Wagmatcook on April 4. The Supreme Court of Nova Scotia (Family Division) held its first sitting there on June 6. That Court will deal with child protection matters only, to start.

"This is the beginning of a new justice experience journey for our people, as identified in the Marshall Inquiry and the Truth and Reconciliation Commission Calls to Action," said Chief Norman Bernard of Wagmatcook First Nation. "It is proud day for Mi'kmaq people."

"Today, we as Mi'kmaq are making history with the opening of this court, which happens to be one-of-a-kind here in Canada," said Chief Rod Googoo of We'koqma'q First Nation. "It's an historic day, not only for the Mi'kmaq, but for all the Aboriginal people across Canada. We are a very proud community, here in We'koqma'q, to have partnered with Wagmatcook, the Judiciary and others on this unique court."

This is believed to be the first time a superior court in a Canadian province will hold regular sittings in a First Nations community.

“Nova Scotia is making history with its efforts to work with and understand our Indigenous community, particularly in the context of the justice system,” said Joseph Kennedy, Chief Justice of the Supreme Court of Nova Scotia. “It has taken so many people to get to this point, in particular Judge Laurie Halfpenny MacQuarrie and Associate Chief Justice Lawrence O’Neil. They are to be commended for their dedication and leadership on this important initiative.”

“This is another step toward reconciliation, as outlined in the TRC’s calls to action,” said Associate Chief Justice O’Neil of the Supreme Court (Family Division). “It also builds on the work our Court has done since meeting with First Nations leaders in Membertou in 2016. We went there to listen and learn about the unique problems facing the Indigenous community, and now we are able to start addressing some of the issues contributing to those problems, starting with child protection.”

The Provincial Court has been sitting once a week, on Wednesdays, for arraignments, bail hearings, criminal trials and sentencings, both for Indigenous and non-Indigenous individuals from Wagmatcook, We’koqma’q, and Victoria County. The Court also features Gladue and Healing to Wellness programs for Indigenous offenders only.

Indigenous people seeking bail or awaiting sentencing will typically have their matter referred to the Gladue Court, which incorporates Indigenous restorative justice traditions and customs, and includes extensive community input.

The Wellness to Healing court program is for Indigenous offenders who plead guilty or accept responsibility for their actions, and are at a high risk to reoffend. This program looks at the underlying factors that contribute to the person coming into conflict with the law. The sentencing process is delayed up to 24 months to allow offenders time to proceed through their individualized healing plans.

“It is so heartening to see this Court move from a mere concept to reality,” said Pamela Williams, Chief Judge of the Provincial and Family Courts, and Chair of the province’s Wellness Courts Working Group. “Unlike the traditional adversarial approach of the regular criminal courts, wellness court programs, like the ones now available in Wagmatcook, develop and administer a support plan that is unique to the needs of each individual participant, including the distinct racial and cultural needs of the offender.”

Both the courtroom design and program models were developed in close consultation with the First Nations community, including the Chief, Council, Elders, and the service providers in both Wagmatcook and We’koqma’q.

“It is an absolute honour and privilege for me to see this First Nations Court open today and to be its presiding judge,” said Judge Halfpenny MacQuarrie. “This Court has been years in the making; it was borne out of a desire that these communities have local access to justice in a meaningful way and I truly believe we have achieved that goal. My role now is to continue the work that the Chiefs and I, along with their Councils, Elders and many others, have started to ensure an Indigenous legal approach to criminal law.”

Today’s grand opening featured a repatriation ceremony in which an eagle feather was presented to Judge Halfpenny MacQuarrie, as the presiding Provincial Court judge in Wagmatcook. The eagle feather is one of the most sacred and spiritual symbols in First Nations culture, and is used in many traditions in the Indigenous community.

The new courthouse is located on the 1<sup>st</sup> Floor of the Wagmatcook Culture & Heritage Centre on Highway 105. For contact information or more details on the Gladue and Healing to Wellness court programs, please visit [www.courts.ns.ca](http://www.courts.ns.ca).

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