

APPENDIX 11

CORRECTIONS AND CONDITIONAL RELEASE ACT PROVISIONS
RELATING TO ABORIGINAL OFFENDERS

Sections 79 to 84

PART I
Institutional and Community Corrections

Definitions

79. In sections 80 to 84,

“aboriginal” means Indian, Inuit or Métis;

“aboriginal community” means a first nation, tribal council, band, community, organization or other group with a predominantly aboriginal leadership;

“correctional services” means services or programs for offenders, including their care and custody.

Programs

80. Without limiting the generality of section 76, the Service shall provide programs designed particularly to address the needs of aboriginal offenders.

Agreements

81. (1) The Minister, or a person authorized by the Minister, may enter into an agreement with an aboriginal community for the provision of correctional services to aboriginal offenders and for payment by the Minister, or by a person authorized by the Minister, in respect of the provision of those services.

(2) Notwithstanding subsection (1), an agreement entered into under that subsection may provide for the provision of correctional services to a non-aboriginal offender.

(3) In accordance with any agreement entered into under subsection (1), the Commissioner may transfer an offender to the care and custody of an aboriginal community, with the consent of the offender and of the aboriginal community.
1992, c. 20, s. 81; 1995, c. 42, s. 21(F).

Advisory Committees

82. (1) The Service shall establish a National Aboriginal Advisory Committee, and may establish regional and local aboriginal advisory committees, which shall provide advice to the Service on the provision of correctional services to aboriginal offenders.



(2) For the purpose of carrying out their function under subsection (1), all committees shall consult regularly with aboriginal communities and other appropriate persons with knowledge of aboriginal matters.

Spiritual Leaders and Elders

83. (1) For greater certainty, aboriginal spirituality and aboriginal spiritual leaders and elders have the same status as other religions and other religious leaders.

(2) The Service shall take all reasonable steps to make available to aboriginal inmates the services of an aboriginal spiritual leader or elder after consultation with

- (a) the National Aboriginal Advisory Committee mentioned in section 82; and
- (b) the appropriate regional and local aboriginal advisory committees, if such committees have been established pursuant to that section.

Parole Plans

84. Where an inmate who is applying for parole has expressed an interest in being released to an aboriginal community, the Service shall, if the inmate consents, give the aboriginal community

- (a) adequate notice of the inmate's parole application; and
- (b) an opportunity to propose a plan for the inmate's release to, and integration into, the aboriginal community.

Plans with Respect to Long-term Supervision

84.1 Where an offender who is required to be supervised by a long-term supervision order has expressed an interest in being supervised in an aboriginal community, the Service shall, if the offender consents, give the aboriginal community

- (a) adequate notice of the order; and
- (b) an opportunity to propose a plan for the offender's release on supervision, and integration, into the aboriginal community.

1997, c. 17, s. 15.

