



IDENTIFICATION

Department	Position Title	
Justice	Public Trustee	
Position Number	Community	Division/Region
82-2743	Yellowknife	North Slave

PURPOSE OF THE POSITION

The Public Trustee is a statutory officer appointed under the *Public Trustee Act* by the Commissioner in Executive Council and is accountable for the overall leadership, direction, and administration of the Public Trustee Program for the Northwest Territories.

The position exercises independent fiduciary authority and is responsible for protecting, managing, and safeguarding the legal and financial interests of vulnerable individuals and estates, including minor children, missing persons, adults with cognitive impairment or disabilities, and deceased persons where there is no appropriate private representative.

The Public Trustee is accountable for ensuring the lawful, ethical, and prudent administration of trusts, estates, and investment assets, and for making final, binding legal and financial decisions that have significant and lasting impacts on represented persons, beneficiaries, the courts, and the Government of the Northwest Territories (GNWT).

SCOPE

The Public Trustee is located in Yellowknife and reports administratively to the Assistant Deputy Minister, Attorney General, Department of Justice, while functioning independently as a statutory decision-maker under multiple pieces of legislation. The role has territory-wide authority.

Operating in a statutory, financial, and social environment, the position applies professional judgment, interpretation and analysis, and exercises ethical decision-making in the application of legislation, court orders, policy, and fiduciary standards. The incumbent of this position maintains public confidence in the Public Trustee Program and the GNWT by ensuring appropriate decisions are made within the applicable parameters and considerations.

The position provides subject-specific advice and recommendations on policy, regulatory, and



legislative development, and influences GNWT-wide practices related to estates, trusts, guardianship, and protection of vulnerable persons. The position represents the GNWT in interjurisdictional forums, working with Public Trustees, Public Guardians, courts, legal counsel, financial institutions, and government partners across Canada, and engages with Indigenous governments, service providers, media, families, and the public on sensitive and high-profile matters.

Statutory and Professional Authority

The Public Trustee's powers and duties arise from, but are not limited to:

- *The Public Trustee Act*
- *The Guardianship and Trusteeship Act*
- *The Powers of Attorney Act*
- The Rules of Court
- The Estate Administration Rules
- Related territorial, and federal legislation, as well as judge-made law

Within this legislative framework, the Public Trustee exercises broad discretion and is empowered to make final determinations regarding:

- Acceptance and administration of trusteeship and estate files
- Litigation determinations, including whether to initiate, defend, negotiate, or settle claims
- Approval of settlements and assessments of fairness and equity
- Investment decisions and financial strategies for trust and estate assets

Decisions made by the Public Trustee directly affect the financial security, legal rights, and personal well-being of represented persons, as well as the financial exposure and legal obligations of the GNWT.

DIMENSIONS:

- Reporting Positions 4 direct
- Compensation & Benefits \$537,000
- Operations & Maintenance \$750,000
- Grants & Contributions (\$0)
- Capital (\$0)
- Oversight of approximately 300 active trusteeship and estate files
- Stewardship of the Public Trustee Common Fund (~\$12 million) and additional registered investments (~\$2 million)
- Oversight of more than 6,000 financial transactions annually totaling approximately \$2 million in receipts and disbursements



RESPONSIBILITIES

1. Administers the Public Trustee Program and acts as a liaison on behalf of individuals who require public trustee services, such as members of the vulnerable population, those with disabilities, or those without a suitable representative after death.

- Reviews and investigates referrals of persons who might require trusteeship services by analyzing physical, mental and social assessments to determine a person's need for trusteeship.
- Liaises with governmental departments and other levels of government as required, including close coordination with the Office of the Public Guardian, health and social services professionals, family and friends and private guardians of represented persons.
- Liaises with media as required.
- Makes final financial decisions on behalf of represented persons under public trusteeship in accordance with legislation and court orders.
- Makes final decisions on all matters relating to estates and trusts for which the Public Trustee Acts as administrator and in respect to the financial and legal interests of members of the vulnerable population such as children, those with disabilities, and adults with cognitive impairment.
- Acts as a guardian in such capacity as authorized or required by a judge of the Supreme Court.
- Works with employees to ensure represented person's financial needs are met, while ensuring clients and others are appropriately apprised of file status.
- Ensures that all assets are located and brought under administration and that all heirs of deceased persons are located.

2. Manages human resources activities and financial requirements within the Public Trustee Office, which includes oversight of the Public Trustee Common Fund.

- Supervises employees to ensure effective delivery of the Public Trustee Program and that appropriate procedures are followed for handling property and trust money.
- Oversees the quality of service provided to clients and the public by employees.
- Oversees training of new employees and ensures that existing skills are current.
- Provides mentorship to junior positions as required.
- Ensures appropriate safeguards are in place to maintain file confidentiality, mitigating a privacy breach.
- Manages unit expenditures and provides monthly internal variance reports based on an annual Operations and Maintenance budget of \$750,000.
- Manages the Public Trustee Common Fund, which is approximately \$12 million.
- Manages registered funds and investments held in trust, which is approximately \$2 million.
- Manages the daily transactions for the Public Trustee Common Fund, which has receipts and disbursements, totaling approximately \$2 million per year.



3. Provides recommendations on the development of, and amendments to established policies, guidelines, legislation and educational materials.

- Meets with Public Trustees and Public Guardians in other jurisdictions and participates in provincial, territorial and national meetings.
- Implements established policies and procedures.
- Collaborates on the development of new legislation and legislative amendments in the area of estates, trusts and children's law.
- Oversees the preparation and distribution of public educational materials on estates, wills, trusts, powers of attorney, and other like information for use by members of the public and for public distribution.

4. Applies quality assurance processes and instructs legal counsel as it pertains to the Public Trustee Program and associated legislative acts.

- Reviews and approves the filing of applications to the Court, naming the Public Trustee or private individuals as trustee.
- Reviews private trustee applications, assists proposed private trustees with court documents and assists private trustees to meet their financial reporting requirements with the Supreme Court of the NWT.
- Assists private trustees to ensure they are complying with their responsibilities under court orders and the applicable legislation ensuring that appropriate legal steps are taken to obtain letters of administration to deal with estates.
- Implements quality assurance measures to ensure legal matters relating to estates of deceased persons, members of the vulnerable population such as children, those with disabilities and adults with cognitive impairment are properly concluded.
- Consults with legal counsel to determine if any lawsuits should be pursued and that estates are administered equitably and according to law.
- Participates in the negotiations and finalization of settlements.

5. Upholds and consistently practices personal diversity, inclusion, and cultural awareness, as well as safety and sensitivity approaches in the workplace.

WORKING CONDITIONS

Physical Demands

No unusual demands.

Environmental Conditions

No unusual demands.



Sensory Demands

No unusual demands.

Mental Demands

The incumbent is required to travel 2-3 times per year depending on in person demand and logistics of the case.

The Public Trustee makes final legal and financial decisions that directly affect lives of vulnerable people, and during the course of work the incumbent may interact with persons who are experiencing emotional distress, and who may be critical and irate at the decision outcome made on behalf of the represented person.

The position has no control over the volume of work, and encounters competing priorities, and deadlines set by the Court.

KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge of and/or the ability to acquire and apply knowledge of the *Trustee Act* and the *Guardianship and Trusteeship Act* and associated Regulations.
- Knowledge of and/or the ability to acquire and apply knowledge of wills, estates, trusts, family, real estate.
- Knowledge of and/or the ability to acquire knowledge of medical terminology, medical procedures, and analytical and cognitive testing models.
- Knowledge of or ability to acquire knowledge of court proceedings.
- Written and oral communication skills.
- Negotiation skills.
- Organizational skills.
- Ability to use analytical and decision-making processes to make informed decisions concerning the financial well-being of represented persons.
- Ability to prepare materials for the information and education of various public and professional groups or organizations.
- Ability to diligently maintain a fiduciary duty and represent the needs and interests of all persons under the financial care of the Office of the Public Trustee.
- Knowledge of accounting principles and bookkeeping accepted standards.
- Ability to review annual tax filings and tax slip creation for estates, individuals and businesses.
- Ability to apply judgment, critical thinking, and logical risk assessment;
- Ability to navigate accounting for trust monies and related trust account requirements.
- Awareness of current Indigenous Aboriginal and Northern resident issues.
- Ability to manage diverse activities and issues, directly and through direct reports.



- Ability to be sensitive to northern cultures, people and situations and the ability to motivate service users to address complex issues.
- Ability to solve problems in varying situations requiring analytical, interpretative and evaluative skills.
- Ability to work and act independently, with little or no supervision and subject to governing legislation, law and policies.
- Ability to deal diplomatically and constructively with individuals who may be critical, emotional or hostile, utilizing conflict management and resolution skills.
- Ability to explain complex legal concepts and issues to a diverse array of individuals using plain language.
- Ability to supervise, mentor and lead direct reports.
- Ability to understand and interpret financial legislation and procedures;
- Ability to manage emotions in a client-facing role while dealing with challenging clients and clients in distress.
- Ability to understand and manage registered investment accounts (RDSP, TFSA, RRSP, RRIF, LIF, RESP, DPSP, FHSA) and investments (GICs, Bonds, Stocks, Mutual Funds etc..) on behalf of represented person and apply Know Your Client investment principles.
- Ability to commit to actively upholding and consistently practicing personal diversity, inclusion and cultural awareness, as well as safety and sensitivity approaches in the workplace.

Typically, the above qualifications would be attained by:

Relevant bachelor's degree in social work, law, business, or commerce, and 5 years of relevant experience that includes working with vulnerable individuals, and technical experience such as (but not limited to) financial planning and budgeting, and estate and trust administration; also including 2 years of supervisory experience.

Equivalent combinations of education and experience will be considered.

ADDITIONAL REQUIREMENTS

Position Security (check one)

- ☐ No criminal records check required
- ☐ Position of Trust – criminal records check required
- ☒ Highly sensitive position – requires verification of identity and a criminal records check

French language (check one if applicable)

- ☐ French required (must identify required level below)
Level required for this Designated Position is:
ORAL EXPRESSION AND COMPREHENSION

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
READING COMPREHENSION:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
WRITING SKILLS:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

☐ French preferred

Indigenous language: Select language

☐ Required

☐ Preferred