



IDENTIFICATION

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

PURPOSE OF THE POSITION

In accordance with the provisions of the *Public Trustee Act*, The Commissioner in Executive Council appoints a Public Trustee to ensure fulfilment of the statutory responsibilities under the *Public Trustee Act*, the *Guardianship and Trusteeship Act*, and other relevant legislation, and is responsible and accountable for the management, direction and administration of the Public Trustee Program in the Northwest Territories (NWT).

The focus of the Public Trustee is to manage the financial affairs of individuals who are unable to do so themselves, such as members of the vulnerable population, those with disabilities, or those without a suitable representative after death.

SCOPE

The Public Trustee position is located in Yellowknife and reports to the Assistant Deputy Minister Attorney General for administrative purposes. As a statutory officer, the Public Trustee is a fiduciary authority appointed under the *Public Trustee Act* by the Government of the Northwest Territories (GNWT) to protect and manage the legal and financial interests of vulnerable residents of the NWT and administer estates of deceased persons when there is no one else to do so or where it meets the criteria for the Office of the Public Trustee to administer. The powers and duties of the Public Trustee are set out under the *Public Trustee Act*, the *Guardianship and Trusteeship Act*, the *Powers of Attorney Act*, the Rules of Court, the Estate Administration Rules, and other legislation, as well as judge- made law.

The Public Trustee works closely with the Public Guardian appointed under the *Guardianship and Trusteeship Act*, which is appointed by the Minister of Health and Social Services. Many of the cases handled through the Public Trustee Program are legally complex, often complicated by the diversity of culture, language and geography. The increased complexity of managing the



Public Trustee Program requires significant analysis and a creative approach, particularly for files where the represented person or the deceased lives/lived outside of Yellowknife.

The nature of the duties requires that the Public Trustee has a significant scope of discretion to make decisions, and these have a direct impact on the financial and legal affairs of children and other vulnerable persons, and estates. The recommendations, advice or decisions made and provided by the Public Trustee include:

- Determining if any lawsuits should be pursued by an estate, a minor or a person under disability. The nature of the lawsuits can range from debt collection to wrongful death actions to residential school claims.
- Negotiating settlements of claims.
- Determining if potential settlements are fair and equitable.
- Determining whether or not proposed investments are appropriate.

The Public Trustee oversees the development and delivery of policies and procedures in relation to the Public Trustee Program. They also make recommendations on regulations and for relative legislative changes. The recommendations have direct legal and financial implications for the individuals and estates served by the Public Trustee Program. This can, in turn, affect various processes within the Department of Justice and the GNWT as a whole.

The Public Trustee also has control over and responsibility for a great deal of personal and financial information and must ensure appropriate safeguards are in place to maintain confidentiality. Failure to do so will undermine public confidence in the Public Trustee Program and could have negative implications for individuals affected by a privacy breach.

The Public Trustee supervises three to five employees and manages an annual Operations and Maintenance budget of approximately \$600,000. The Public Trustee also directly supervises the administration of approximately 300 Public Trustee files and manages the Public Trustee Common Fund, which totals approximately \$9 million. The Public Trustee Common Fund has receipts and disbursements, each totaling approximately \$2 million per year.

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.
- Assists individuals with obtaining necessary documents and identification.



- 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 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 the Commissioner of the NWT or a judge of the Supreme Court.
- Works with represented persons to ensure their 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 division expenditures and provides monthly internal variance reports based on an annual Operations and Maintenance budget of \$600,000.
- Manages the Public Trustee Common Fund, which is approximately \$9 million.
- Manages and processes 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.

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 to NWT communities 2-3 times per year depending on in-person demand and logistics of the case. There is also a chance that a case will require travel outside of the NWT.

The role also has a responsibility to make final legal and financial decisions that directly affect lives, including members of the vulnerable population such as children, those with disabilities



and adults with cognitive impairment. These decisions also expose the incumbent to persons who are experiencing emotional distress as a result of the death or injury of a family member and who may, as a result, be very emotional and critical, and sometimes abusive depending on 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 represent the needs and interests of all persons under the financial care of the Public Trustee.
- Ability to apply basic accounting principles and accepted standards.
- 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.
- Sensitivity 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 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:

A college diploma in social work, health, business or public administration, and three (3) years working with vulnerable populations within the legal and/or health care system, and two (2) years' experience managing an annual budget and direct reports.

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