

MINISTRY OF ATTORNEY GENERAL

Law Reform, Justice, Legal Services to Government

ADMINISTRATIVE JUSTICE OFFICE

2004/2005 STRATEGIC PLAN

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Overview of the Administrative Justice Office

The Administrative Justice Office is the centre established by government to undertake law reform activities for BC's administrative justice system.

That administrative justice system is comprised of:

- more than 30 quasi-judicial tribunals responsible for impartial and independent dispute resolution,
- 17 ministries responsible for the legislative, administrative and/or financial support to the various tribunals,
- the thousands of persons who use the system each year to resolve disputes, and
- the private and public lawyers who advise the tribunals, government and the parties on administrative law issues.

The Administrative Justice Office also reflects the goals and priorities of the BC government.

As such, the focus and work of the Administrative Justice Office is, in large part, external to the Ministry of Attorney General.

The Administrative Justice Office has a budget of \$645,000 and 4.0 FTEs.

The Administrative Justice Office organization chart is attached as Appendix 3 and a list of BC's administrative tribunals and ministries with related responsibilities is attached as Appendix 4.

Ministry Vision, Mission, Culture and Values

The Administrative Justice Office shares and supports the vision, mission, culture and values of the Ministry of Attorney General.

Vision

A province governed by the rule of law with an effective justice system serving all British Columbians.

Mission

We are responsible in government for law reform, for the administration of justice, and for seeing that public affairs are administered in accordance with the law.

Culture and Values

We are dynamic and innovative leaders in justice and public administration with the following values and operating principles:

- 1. To be performance and service focused.*
- 2. To honour members of the Ministry and support them in their learning and development.*
- 3. To act with professional integrity, independent from interference.*
- 4. To be forthright and strategic.*
- 5. To be collaborative and inclusive within the justice system and with the public that we serve.*
- 6. To adhere to the core values of the British Columbia Public Service, namely integrity, accountability, responsibility, respect and fostering innovation in providing services.*

The Administrative Justice Office and the Ministry's Goals

The Administrative Justice Office contributes directly to achieving the Ministry's Goals 1 and 3.

Goal 1: A Ministry that is a leader in law reform and innovative justice processes.

The Administrative Justice Office plays a key role in fulfilling the Ministry's goal to be a leader in stimulating, influencing, coordinating and implementing administrative justice reform and innovation within the Province.

The Administrative Justice Office will develop innovative administrative justice reforms and processes that are current, fair, simple and cost-effective.

The Administrative Justice Office will be strategic and forward thinking in fulfilling its role and will foster dialogue and collaboration with the broader administrative justice community.

Goal 3: An effective civil justice system

An effective administrative justice system is a critical component of an effective civil justice system. The Administrative Justice Office will provide legislative frameworks, policy documents and other supports to enhance the effectiveness of BC's administrative justice system.

An effective administrative justice system

- is accessible and fair to the parties,
- resolves disputes in a timely way,
- operates in a manner and applies processes proportionate to the matters in dispute,
- respects and supports independence and impartiality in the decision-making function,
- is accountable for its operations.

The Administrative Justice Office will maximize the performance of the components that comprise BC's administrative justice system.

The Administrative Justice Office and the Ministry's Objectives

The Administrative Justice Office contributes to achieving the following specific Ministry Objectives:

Objective 1.1: The Ministry as a centre for promoting law reform.

The Administrative Justice Office plays the central role in modernizing BC's administrative justice legislation and processes by engaging in strategies that promote and support administrative justice law reform for government and its ministries and tribunals. The creation of the Administrative Justice Office is a clear recognition and public statement that law reform is a Ministry priority.

Objective 1.2: Innovation in [civil, criminal and] administrative justice procedures.

The Administrative Justice Office works with administrative justice participants to develop new and improved procedures to increase the effectiveness of the administrative justice system, supporting the Ministry's commitment to continuous improvement of administrative justice processes.

Objective 3.1: Accessible and efficient civil justice services as alternatives to court

The Administrative Justice Office works to improve the administrative justice system so that it offers appropriate opportunities for parties to resolve their disputes in an accessible, proportionate and cost-effective alternative to the court.

The Administrative Justice Office Objectives and Strategies

To fulfill its mandate as the centre for government's administrative justice law reform and to promote innovative policies, practices and processes within the administrative justice system, the Administrative Justice Office has set specific objectives and developed strategies to achieve those objectives.

Ministry Objective 1.1 Promoting law reform

Administrative Justice Office Objectives:

- 1.1.1 To advance and sponsor reforms for excellence in BC's administrative justice system.
- 1.1.2 To be the "resource of first choice" for government, other ministries, tribunals, practitioners and members of the public for information on and to lead initiatives related to administrative justice reform.

Administrative Justice Office Strategies:

- To research, analyze and report on emerging issues, trends, developments and practices in administrative justice in BC, Canada and internationally.
- To make its research and other relevant and up-to-date information about emerging issues in administrative justice reform easily accessible to system participants and to stimulate discussion on these issues.
- To identify and, as appropriate, influence reform by making recommendations for administrative justice reforms that may be adopted and/or adapted to enhance BC's administrative justice system.

Ministry Objective 1.2 Innovative administrative justice procedures

Administrative Justice Office Objectives:

- 1.2.1 In collaboration with administrative justice participants, to develop and promote innovative procedures to improve the administrative justice system.
- 1.2.2 To provide supports to administrative justice participants to implement new procedures effectively.

Administrative Justice Office Strategies:

- To continue to lead the implementation of the recommendations for new administrative justice procedures made in the White Paper, "On Balance: Guiding Principles for Administrative Justice Reform in British Columbia".
- To assist tribunals and other system users to implement the White Paper recommendations in a cost-effective and consistent manner.
- To provide innovative, creative and timely advice to government, ministry officials and tribunals about new ways to co-ordinate and meet responsibilities and obligations to each other and to the public for an effective administrative justice system.
- To lead and support the implementation of such other new and additional recommendations for improvements as identified through its on-going research.

Ministry Objective 3.1 Accessible and efficient alternatives to court

Administrative Justice Office Objectives:

- 3.1.1 To promote the use of administrative justice institutions as an effective alternative to the courts.
- 3.1.2: To enhance opportunities for the administrative justice system to achieve more effectively its fundamental principles of timeliness, easy access and affordable justice.

Administrative Justice Office Strategies:

- To provide strategic advice to government in the consideration and assessment of administrative institutions as an effective alternative to the courts.
- To provide strategic advice to government and administrative tribunal chairs to improve the governance, structure and operations of administrative tribunals, including reviewing and assessing legislative proposals and proposed practices.
- To develop strategies and frameworks, including policy and other supporting documents, to govern and improve the relationship between ministries and tribunals, especially related to issues of tribunal operations, accountability and independence.

Administrative Justice Office Activities and Work Plan

To implement its strategies, the Administrative Justice Office proposes to undertake the activities set out in its three year work plan, which is attached as Appendix 1. Those activities focus on completing implementation of the White Paper recommendations and identifying and implementing additional opportunities to improve BC's administrative justice system. A report on the status of the implementation of the White Paper recommendations is attached as Appendix 2.

The Administrative Justice Office will strive to deliver on its work plan in accordance with the time lines proposed. However, some flexibility may be required due to unanticipated external influences. For example, certain projects will require the active participation, cooperation and collaboration of the affected stakeholders, some of whom may be unable to respond within the proposed timeframe and may need to be accommodated. The Administrative Justice Office will attempt to develop strategies to address any such issues that may arise, which may include adjusting project scope, timelines, or other aspects.

Work plan adjustments may also be required to permit the Administrative Justice Office to participate as may be considered necessary or desirable in administrative justice projects and programs initiated by others.

PERFORMANCE MEASURES

To be developed.

APPENDIX 1 AJO THREE YEAR WORK PLAN

The focus of this work plan is to complete the implementation of the White Paper recommendations, which comprise the framework for government's administrative justice reform agenda. The work plan also reflects, to a lesser extent, the Administrative Justice Office's (AJO's) research and other efforts to lead and support implementation of additional recommendations for improvements to the administrative justice system.

The work plan is structured to address firstly the work to be undertaken to complete the implementation of the new *Administrative Tribunals Act*, which provides the legislative framework, and secondly the work to implement the other outstanding White paper recommendations, using the order and headings set out in the White paper.

PROJECT	DESCRIPTION	PURPOSE	TARGETED COMPLETION DATE
<i>a. Implementing the ATA</i>	<i>A variety of templates, models, and other standardized documents.</i> <i>AJO Objectives 1.2.1 and 1.2.2</i>	<i>To assist tribunals and the public to effectively and efficiently utilize the new powers and authorities provided by the ATA at a reduced cost and with greater consistency, so that tribunals will provide an accessible and affordable alternative to the courts.</i>	<i>Various</i>
<ul style="list-style-type: none"> • New Model Rules for Tribunals 	A compendium of best practises for tribunal rules.	To provide tribunals with a standard model they can use to develop fair and transparent processes to apply in their own unique circumstances, to ensure fair and transparent processes, with consistency where appropriate.	Summer 2005
<ul style="list-style-type: none"> • A Guide to Issuing Practise Directions 	A compendium of practise directives to support tribunals setting clear and reasonable timelines for tribunals to complete their processes.	To provide tribunals with a standard model to develop appropriate practise directives to comply with legislative requirements.	Spring 2005
<ul style="list-style-type: none"> • A Guide to Filing Stated Cases 	A guide for tribunals and the public on how to file stated cases, with precedents and other supporting documents.	To assist tribunals and the public to comply with this ATA obligation, which is a new and unfamiliar process for these tribunals and most practitioners and the public.	Spring 2005

PROJECT	DESCRIPTION	PURPOSE	TARGETED COMPLETION DATE
<ul style="list-style-type: none"> A Guide to filing Tribunal Decisions into Court 	A guide for laypersons on how to file tribunal decisions with the court, with precedents and other supporting documents	To assist successful parties exercise the new right to file tribunal decisions with the court so that they can take advantage of the court's enforcement processes.	Spring 2005
<ul style="list-style-type: none"> A Guide to Contempt Proceedings: How Tribunals can obtain a Court Order 	A guide for tribunals on how to obtain a contempt order, which is a new process under the ATA.	To assist tribunals to use the new ATA process to obtain a court order for contempt, so they can better control their processes, fairly and efficiently.	Summer 2005
<ul style="list-style-type: none"> Case management Processes 	A guide for tribunals on best practises to better manage their case loads and related supports.	To assist tribunals to achieve more effective and timely resolution of disputes.	Fall 2005
<ul style="list-style-type: none"> Regulations for fees and costs 	Research, analysis and recommendations to government for an appropriate model for tribunals to impose costs on non-compliant parties.	To provide tribunals with a valuable tool to control its processes and achieve cost effective, timely and appropriate resolution of disputes.	Spring 2005
<ul style="list-style-type: none"> Other tools and supports as identified 		To enhance the adoption of new practises and procedures, enhancing the effectiveness of the administrative justice system.	As required
<i>b. On-going advice on the ATA</i>	<i>Policy advice and information to ministry officials and tribunals on interpreting the new legislation. AJO Objectives 1.2.1 and 1.2.2</i>	<i>With any new legislation, especially legislation as complex and innovative as the ATA, numerous questions of interpretation are raised by stakeholders.</i>	As required
<ul style="list-style-type: none"> Policy advice on the interpretation and application of the new Act. 	Advice and directives on the interpretation of the ATA (e.g. how do section 61 of the ATA and the FOIPPA relate?)	To ensure consistency in interpretation and application of the new legislation, to enhance access to justice.	As requested

PROJECT	DESCRIPTION	PURPOSE	TARGETED COMPLETION DATE
<ul style="list-style-type: none"> Proclamation regulations 	<p>OIC's and supporting documents are required to bring into force the ATA provisions and consequential amendments for the 27 affected entities.</p>	<p>To bring into force the ATA provisions and consequential amendments, to meet government's goals of a consistent legislative framework.</p>	<p>Fall 2005</p>
<ul style="list-style-type: none"> Consider and prepare legislative amendments that may be required 	<p>RFL's, GCC and Cabinet documents, drafting instructions, speaking notes and all other related documents</p>	<p>To address any gaps in or other issues related to the ATA.</p>	<p>As required</p>
<i>Independence and Accountability</i>			
<ul style="list-style-type: none"> Memorandum of Understanding (MOU) 	<p><i>AJO Objectives 1.1.1 and 3.1.2</i> A draft MOU for ministries and tribunals to govern their respective roles and responsibilities, together with information and advice on negotiation of an agreement that meets the particular needs of the ministry and the tribunal.</p>	<p>To support government in its efforts to reinforce decision-making independence, to strengthen public accountability and to establish the level of independence and accountability that is appropriate to the mandates and operating circumstances of individual tribunals.</p>	<p>Summer/Fall 2005</p>
<ul style="list-style-type: none"> Protocol for Performance Measurement and evaluation 	<p>A guide to performance measurement and evaluation in support the tribunal chair responsibilities under the MOU.</p>	<p>As part of government's efforts to strengthen public accountability while respecting independence in decision-making.</p>	<p>Fall 2005</p>
<i>Appointments: Terms, Conditions and Compensation</i>			
<ul style="list-style-type: none"> Advice on TB Directive on tribunal member compensation 	<p>Advice and explanatory notes</p>	<p>To provide consistency in interpretation and application of the TB Directive.</p>	<p>As required</p>

PROJECT	DESCRIPTION	PURPOSE	TARGETED COMPLETION DATE
<ul style="list-style-type: none"> Review TB Directive 	Support to the appointment and work of the Ad hoc Committee to review and report on the TB Directive	To meet the TB Directive express requirement for an Ad hoc committee review every three years, with the first review to be undertaken in 2006	June 2006
<i>Appointments: Model and Policy instruments</i>	<i>Merit based appointments are a critical element of government's recent improvements. AJO Objective 1.2.2</i>	<i>To enhance public confidence in the administrative justice system</i>	
<ul style="list-style-type: none"> Monitor and support the recruitment and selection processes for tribunal appointments 	Support to and as necessary participate in tribunal appointment processes.	To assist ministries with tribunal responsibilities where the ministry has concerns about their ability to conduct appropriate and transparent appointment processes.	As required
<ul style="list-style-type: none"> Advice on appointment instruments 	Advice and supporting materials (eg. Standard interview questions)	To enhance public confidence in the administrative justice system by ensuring quality appointments are made.	As required
<ul style="list-style-type: none"> Consolidation of tribunal responsibility within limited number of ministries. 	<p>Research, analysis, options and recommendations.</p> <p>Consultation may be required if the decision is to proceed.</p>	To identify and advise on opportunities to enhance effective administrative justice system through consolidation of government's operational responsibilities for administrative tribunals into a limited number of ministries.	<p>Fall 2005</p> <p>Spring 2006</p>

PROJECT	DESCRIPTION	PURPOSE	TARGETED COMPLETION DATE
<i>Statutory Powers</i>	<i>AJO Objectives 1.1.1 and 1.2.1</i>	<i>Tribunals' adoption of innovative procedures ensures the best access to and utilization of resources.</i>	
<ul style="list-style-type: none"> • Monitor and support tribunals' adoption of new ATA powers and procedures 	<p>Surveys and other research to ensure appropriate implementation of the ATA. Assistance as may be required.</p>	<p>To ensure the ATA is being implemented in a manner to enhance public access to administrative justice, by the adoption of appropriate, transparent and consistent practises and procedures. To ensure government's objectives are being met.</p>	<p>Spring 2005 and on-going</p>
<ul style="list-style-type: none"> ○ Legislative proposals for the enhanced application of the ATA to tribunals already under the ATA 	<p>Consult with ministries and tribunals to determine which additional ATA provisions ought to apply, and develop appropriate legislative materials.</p>	<p>To expand the application of the ATA to those tribunals to which the ATA currently only applies in a limited way. (When the ATA was developed, certain tribunals were only partially brought under it. The goal here is to undertake a more thorough review and analysis for the broader application of the ATA.)</p>	<p>Various</p>
<ul style="list-style-type: none"> ○ Legislative proposals for the broader application of the ATA. 	<p>Consult with ministries and tribunals to expand the application of the ATA to include all of BC's quasi-judicial tribunals (the ATA only applies to some, and not all), and such other entities as may be appropriate. Develop appropriate materials to support required legislative amendments.</p>	<p>To promote broader adoption of innovative practises in the administrative justice system by expanding the application of the ATA to all tribunals and such other entities as may be appropriate.</p>	<p>Various</p>

PROJECT	DESCRIPTION	PURPOSE	TARGETED COMPLETION DATE
<ul style="list-style-type: none"> Recommendations for tribunal authority to impose monetary penalties 	Proposal for additional authorities and consultation as may be determined.	To determine if imposition of monetary penalties in the nature of damages is a useful tool for tribunals to enforce their rules of procedure and control their processes to ensure effective functioning, in the context of government's goals and objectives.	Spring 2006
<i>Dispute Resolution</i>	<i>AJO Objectives 3.1.1 and 3.1.2</i>	Dispute resolution provides a cost effective alternative to full hearing processes.	
<ul style="list-style-type: none"> Opportunities to adopt dispute resolution: information, expertise and advice on dispute resolution 	Assist tribunals to identify and implement opportunities to adopt dispute resolution (in conjunction with the DRO).	To enhance the use of dispute resolution as an alternative to the adversarial hearing process.	Summer 2005 and on-going
<ul style="list-style-type: none"> Training Opportunities for Dispute resolution. 	Dispute Resolution Training (in conjunction with the DRO)	To enhance the use of dispute resolution as an alternative to the adversarial hearing process.	Summer 2005 and on-going
<i>Standing</i>	<i>AJO Objectives 1.1.1 and 3.1.1</i>		
<ul style="list-style-type: none"> Proposals for legislated scope of tribunal standing on appeal or judicial review. 	Green/ White papers	To examine and make recommendations for options for greater legislative guidance on the scope of tribunal standing on appeal or judicial review, to provide a principled framework to enhance access to justice.	Spring 2006

PROJECT	DESCRIPTION	PURPOSE	TARGETED COMPLETION DATE
<i>Charter jurisdiction</i>	<i>AJO Objectives 3.1.1 and 3.1.2</i>		
<ul style="list-style-type: none"> Report on the application and interpretation of the ATA 	A report on the application and interpretation of these new and innovative provisions of the ATA.	To provide government with up-to-date information on the effectiveness of the Charter jurisdiction provisions of the ATA, as interpreted and applied by the tribunals and the courts.	On-going as required and as part of regular reporting.
<i>Institutional design</i>	<i>AJO Objectives 1.1.1 and 3.1.1</i>		
<ul style="list-style-type: none"> Principles and alternatives in designing administrative justice institutions and processes 	Guide for Creation of new Administrative Tribunals	To provide a policy framework for principles and alternatives in designing administrative justice institutions and processes, to promote innovative processes with appropriate consistency.	Fall 2005
<i>Operating Agreements</i>	<i>AJO Objectives 1.1.1, 1.1.2 and 3.1.2</i>		
<ul style="list-style-type: none"> Model Memorandum of Understanding 	Consult with ministry officials and administrative tribunals, review and update	To develop a modern, consistent, principled management framework	Spring/summer 2005
<ul style="list-style-type: none"> Negotiation, implementation and evaluation of MOU's 		To assist the ministry officials and tribunals to achieve a modern management framework.	Commence in Spring/summer 2005
<ul style="list-style-type: none"> A strategy for supporting training programs 	Develop and implement options for building on BCCAT initiatives. May include support for 2007 CCAT conference	To promote training as a means to develop tribunal members expertise in order to enhance public credibility and confidence in the administrative justice system.	Spring 2005 and on-going into the future

PROJECT	DESCRIPTION	PURPOSE	TARGETED COMPLETION DATE
<ul style="list-style-type: none"> Public education programs 	Website development and speaking engagements	To foster a better understanding of administrative justice issues within government and within the wider community to enhance public confidence in the system.	On-going and as required.
<i>Implementation</i>	<i>AJO Objective 1.1.1, 1.1.2 and 3.1.1</i>		
<ul style="list-style-type: none"> Develop guidelines for the creation of new administrative tribunals 	Guidelines for the design, review and assessment of administrative processes.	To improve governance and accountability.	Fall, 2005
<ul style="list-style-type: none"> Further initiatives to improve governance and accountability 	<p>Participation in other government initiatives that impact on administrative tribunals, eg Crown Agencies Secretariat</p> <p>Green/ White papers and consultation as appropriate on the application of administrative law principles, including Charter jurisdiction, for</p> <ul style="list-style-type: none"> statutory decision makers officers of the Legislature self governing professions 	To achieve a principled and modern legislative framework for the powers and processes of these various entities, similar to the improvements achieved for administrative tribunals under the ATA.	As directed by government

PROJECT	DESCRIPTION	PURPOSE	TARGETED COMPLETION DATE
3. <i>Other Initiatives</i>	<i>To meet all AJO Objectives</i>		
<ul style="list-style-type: none"> • Advice to the AG and government on administrative justice issues as they arise 	Briefing notes, policy papers, research papers as may be identified through on-going work.	To ensure the AG and the government has timely, strategic advice on administrative justice issues.	As required.
<ul style="list-style-type: none"> • Initiatives for tribunals greater and better use and sharing of technology, facilities and other assets 	Interactive web pages, case management systems, shared hearing room resources, etc.	To promote opportunities for tribunals to adopt and share technological resources to enhance access to administrative justice in a cost effective way.	Fall 2005 and on-going

APPENDIX 2
SUMMARY STATUS OF AJP WHITE PAPER RECOMMENDATIONS
As of November, 2004

Status of Recommendations	Completed	ATA	On-going	Outstanding	Not proceeding
54 recommendations:	6	17	25	4	2

Explanatory Notes:

- *Completed* means the recommendation is fully implemented and no further action is required.
- *ATA* indicates recommendations that have been implemented under the *Administrative Tribunals Act*. However, as that Act does not as yet apply to all BC tribunals, further work is required to bring those tribunals under the ATA and achieve full implementation.
- *On-going* indicates some action has been taken, but the recommendation is not fully implemented. For some of these, a completed status is not attainable, as the recommendation calls for on-going work (e.g. to monitor). BRDO (referred to below) indicates the Board Resourcing and Development Office has some responsibility for implementation.
- *Outstanding* means no steps have as yet been taken to implement these recommendations.
- *Not proceeding* indicates that the recommendation has been considered, but a decision was reached that the recommendation was no longer necessary or desirable to implement. Some of the outstanding recommendations may yet be categorized in this group.

Where a recommendation could be categorized under more than one status, the principal status is indicated. The recommendations are presented in the order of and under the headings used in the White Paper, with some recommendations addressing the same issue.

Independence and Accountability	Completed	ATA	On-going	Outstanding	Not proceeding
1. Government to commit to tribunal independence and public accountability.			✓		
2. Government to reinforce decision making independence.			✓		
3. Government to strengthen public accountability.			✓		

<i>Recommendation</i>	<i>Completed</i>	<i>ATA</i>	<i>On-going</i>	<i>Outstanding</i>	<i>Not proceeding</i>
4. Government to establish independence and accountability that is appropriate to the diverse mandates and operating circumstances of individual tribunals.			✓		
<i>Appointments: Recruitment and Selection</i>					
5. An appointment plan be prepared for each administrative tribunal.			✓ BRDO		
6. A needs assessment be prepared or updated each time tribunal appointments are required.			✓ BRDO		
7. A variety of appointments be permitted, tailored to meet the needs and circumstances of individual tribunals.			✓ BRDO		
8. Job descriptions be developed for administrative tribunal appointees.			✓ BRDO		
9. Recruitment and selection be based on open, transparent and competitive processes.			✓ BRDO		
<i>Appointments: Terms, Conditions, Compensation and Benefits</i>					
10. Establish fixed term appointments.		✓			
11. Tribunal chairs to be given the capacity to delegate responsibilities and duties to other tribunal members.		✓			
12. Government review and implement changes to tribunal members' compensation and benefits.			✓ BRDO		
<i>Appointments: Model and Policy Instruments</i>					
13. BRDO take the lead in the recruitment and selection of tribunal chairs and tribunal chairs, in consultation with BRDO, take the lead in the			✓ BRDO		

recruitment and selection of tribunal members.					
<i>Recommendation</i>	<i>Completed</i>	<i>ATA</i>	<i>On-going</i>	<i>Outstanding</i>	<i>Not proceeding</i>
14. Government reduce, from 17, the number of host ministries with responsibilities for administrative tribunals.				✓	
15. BRDO have an ongoing supervisory role in setting, monitoring and auditing recruitment and selection practices.			✓ BRDO		
16. Government clarify the roles and responsibilities of the BRDO, host ministries and tribunals through an operating agreement.			✓ BRDO		
17. Standard form of appointment agreement and if necessary, amend the Public Sector Employers Act to clarify how and to what extent that Act applies to administrative tribunals.			✓ BDRO		
<i>Statutory Powers</i>					
18. Develop a paper, Model Statutory Powers Provisions for Administrative Tribunals, setting out a comprehensive “menu” of statutory powers selectively applied on a tribunal-by-tribunal review.	✓				
19. Establish a special advisory body responsible for developing the Model Statutory Powers Provisions for Administrative Tribunals policy document and guidelines and making recommendations to the Attorney General about legislative reform.	✓				
20. Require administrative tribunals to identify the statutory powers essential to their efficient functioning, having regard to the policy document		✓			

and guidelines established by the advisory body.					
<i>Recommendation</i>	<i>Completed</i>	<i>ATA</i>	<i>On-going</i>	<i>Outstanding</i>	<i>Not proceeding</i>
21. Establish a central review mechanism to ensure consistency in tribunal powers and procedures, consisting of a “sign off” of tribunal administrative justice plans and proposed rules of practice and procedure.					✓ An official sign off on rules was determined not to be required. However, the AJO is frequently consulted on tribunal rules and will be providing model rules for tribunals.
<i>Dispute resolution</i>					
22. Administrative tribunals identify opportunities for adopting early and alternative dispute resolution techniques.			✓		
23. Government contribute to the development of information, expertise and advice on: consensual dispute resolution processes.			✓		
24. Government amend the enabling statutes of administrative tribunals to provide for tribunals to engage in consensual dispute resolution processes, including confidentiality of such processes.		✓			
<i>Standing</i>					
25. Provide unambiguous statutory provisions setting out who is entitled to appeal.		✓			
26. Provide, where open-ended standing provisions are necessary, consistency in the language of such standing provisions.		✓			
27. Enact legislation, where appropriate, authorizing intervenors, setting out criteria.		✓			

28. Provide greater legislative guidance on the scope of tribunal standing on appeal or judicial review.				✓	
29. Ensure greater scope for participation by a tribunal on appeal where the public interest would otherwise not be fully represented.				✓	
<i>Recommendation</i>	<i>Completed</i>	<i>ATA</i>	<i>On-going</i>	<i>Outstanding</i>	<i>Not proceeding</i>
<i>Charter Jurisdiction</i>					
30. Government clarify in legislation which administrative tribunals have jurisdiction to decide Charter of Rights and Freedoms issues.		✓			
31. No administrative tribunals have jurisdiction to determine that provisions in their enabling statutes are contrary to the Charter unless this jurisdiction is expressly enumerated.		✓			
32. The list of enumerated tribunals with this type of Charter jurisdiction be strictly limited.		✓			
33. A tribunal with jurisdiction to decide this type of Charter issue has a discretionary power to refer the Charter question to the British Columbia Supreme Court.		✓			
34. The Constitutional Question Act be amended to remove any possible doubt that it applies to tribunal hearings in which a constitutional question is raised.		✓			
<i>Standard of Judicial Review</i>					
35. The mechanism of statutory appeal be used where the tribunal's decisions on intrajurisdictional questions are to be reviewed on		✓			

a correctness standard. This should be reflected clearly in legislation.					
36. Clear and consistent privative clauses be used where the tribunal's decisions on intrajurisdictional questions are to be judicially reviewed only for jurisdictional error. This should also be made clear in legislation.		✓			
<i>Recommendation</i>	<i>Completed</i>	<i>ATA</i>	<i>On-going</i>	<i>Outstanding</i>	<i>Not proceeding</i>
37. Government develop policy guidelines governing the criteria for determining (1) when a tribunal's decision should be subject to statutory appeal provisions rather than subject to judicial review only and (2) when a tribunal's decision should be insulated from review for other than jurisdictional error.	✓				
38. Government conduct a tribunal-by-tribunal review to address the question of whether an administrative tribunal's statute should include a statutory appeal provision or a privative clause and consider appropriate legislative amendments.		✓			
39. Government develop a Statutory Appeals Procedure Act, providing a uniform procedure for statutory appeals to the court.					✓ Consultation with the legal community indicated existing JR procedures are satisfactory.
40. The Judicial Review Procedure Act be amended to include a limitation period of not more than 6 months, subject to a discretion in the court to relieve against it.		✓			
<i>Institutional Design</i>					
41. Establish and publicize a policy framework			✓		

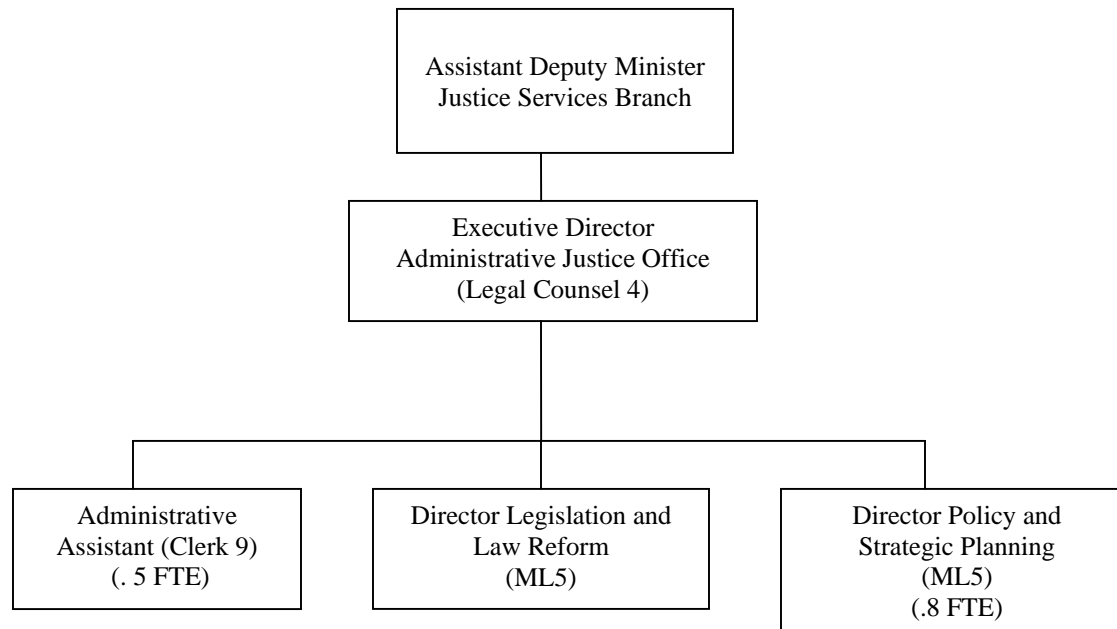
setting out principles and alternatives for decision makers involved in designing administrative justice institutions and processes.					
42. Require, as part of the approval process for legislative changes to restructure or create new administrative tribunals or review processes, analysis according to the established framework.			✓		
<i>Operating Agreements</i>					
43. Government, in consultation with administrative tribunals, review and update the model Memorandum of Understanding (MOU).			✓		
<i>Recommendation</i>	<i>Completed</i>	<i>ATA</i>	<i>On-going</i>	<i>Outstanding</i>	<i>Not proceeding</i>
44. Ministries and tribunals be encouraged to negotiate, implement and evaluate the effectiveness of the revised MOU to achieve a modern management framework.			✓		
45. Where an MOU would be inappropriate or too cumbersome and complex, ministries and tribunals be encouraged to review existing operational arrangements, and, wherever practical and appropriate, enter into written agreements addressing and clarifying areas of mutual concern.			✓		
46. The specific elements of the management framework that should be addressed on a tribunal by tribunal basis either within the MOU or within another type of operating agreement.			✓		
47. Government develop a strategy for supporting training programs building on BCCAT initiatives and foster a better understanding of administrative justice issues within government and within the wider community.			✓		
<i>Organizational Model</i>					

48. Retain the essential characteristics of the host ministry model for providing administrative supports to administrative tribunals.			✓		
49. Consider reducing the number of host ministries with operational responsibilities for administrative tribunals.				✓	
50. Amend the enabling statutes of individual tribunals to provide tribunal chairs with the statutory powers and authority they require to meet government's expectations and to fulfill their obligations under operating agreements.		✓			
<i>Recommendation</i>	<i>Completed</i>	<i>ATA</i>	<i>On-going</i>	<i>Outstanding</i>	<i>Not proceeding</i>
51. Establish an administrative justice office within the Ministry of Attorney General to develop capacity and expertise within government to address administrative justice issues.	✓				
<i>Implementation</i>					
52. Establish a small administrative justice office within the Ministry of Attorney General with a two-year time-limited mandate to provide leadership and oversight in implementing the White Paper recommendations.	✓				
53. Address, as a first priority, issues of appointments, governance and accountability.	✓				
54. Address, as priorities, the enactment of legislation to clarify the statutory powers of each administrative tribunal. The reform agenda should also encompass further initiatives to improve governance and accountability, including			✓		

the development of guidelines for the design, review and assessment of administrative processes.					
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APPENDIX 3

ADMINISTRATIVE JUSTICE OFFICE ORGANIZATION CHART



APPENDIX 4
ADMINISTRATIVE TRIBUNALS AND MINISTRIES
(under the Administrative Tribunals Act)

Tribunal	Ministry Responsible
Agricultural Land Commission	Sustainable Resource Management
BC Board of Parole	Public Safety and Solicitor General
BC Review Board	Attorney General and Minister Responsible for Treaty Negotiations
Building Code Appeal Board	Community, Aboriginal and Women's Services
Director, Business Practices and Consumer Protection	Public Safety and Solicitor General
Community Care and Assisted Living Appeal Board	Health Services
Employment and Assistance Appeal Tribunal	Human Resources
Employment Standards Tribunal	Skills Development and Labour
Farm Industry Review Board	Agriculture, Food and Fisheries
Financial Services Tribunal	Finance
Forest Practices Board	Forests
Hospital Appeal Board	Health Services
Human Rights Tribunal	Attorney General and Minister

	Responsible for Treaty Negotiations
Industry Training Appeal Board	Advanced Education
Labour Relations Board	Skills Development and Labour
Manufactured Home Park Tenancy Arbitrators	Public Safety and Solicitor General
Mediation and Arbitration Board	Energy and Mines
Mental Health Review Panels	Health Services
Passenger Transportation Board	Transportation
Property Assessment Review Panels	Sustainable Resource Management
Property Assessment Appeal Board	Sustainable Resource Management
Residential Tenancies Office	Solicitor General
Safety Standards Appeal Board	Community, Aboriginal and Women's Services
Securities Commission	Small Business and Economic Development
Utilities Commission	Attorney General and Minister Responsible for Treaty Negotiations
Workers Compensation Appeal Tribunal	Skills Development and Labour