

Administrative Agencies in British Columbia

Administrative agencies play a key role in many areas of life in British Columbia. Their decisions affect peoples' lives in profound ways; for example, the Workers' Compensation Board decides cases about injured workers, the Mental Health Review Panels make decisions about a person's liberty, the Environmental Appeal Board deals with environmental and certain health related issues. Other subject areas include financial matters, building and construction safety, social benefits and agriculture.

In addition to their adjudicative function in deciding individual cases, many agencies carry out regulatory and rule-making tasks, such as the Security Commission and the Workers' Compensation Board.

Administrative agencies are an integral part of the justice system. The number of cases dealt with by tribunals is comparable to that of the courts. In a recent year, 123,734 new cases (excluding the Court of Appeal) were started in the Provincial Court and Supreme Court of British Columbia. During a similar time span, one of the high volume administrative tribunals received 14,460 new appeals (the Workers' Compensation Review Board); the W.C.B. itself received 184,131 new claims.

The number of administrative agencies has grown over the years, particularly since the Second World War. There have been a number of reasons for this growth:

- remove certain subject matters from the courts (e.g., labour relations)
- create a body of experts to regulate an area of business activity in the public interest (e.g., securities and utilities regulation)
- create an adjudicative forum where policy can inform adjudicative decisions
- remove political "issues" to an agency operating at arm's length to government
- create a forum to resolve certain disputes more quickly and efficiently and with less cost and formality than the courts
- reduce the number of cases going to the courts in situations where a government program is generating a significant number of judicial reviews

Partly because of the different purposes and roles of administrative agencies, there is enormous diversity among them. Although the members of many agencies are appointed by Cabinet, not all are. Some agencies have dozens of

members and employ a large staff; others have only a few members and no staff. Some hear thousands of cases a year; others hear very few. There is significant variation in the procedures used by many of the tribunals.

Despite this diversity, there are also important common features among administrative agencies. The agencies under review all adjudicate rights and accord some degree of procedural fairness when adjudicating. Many were created as an alternative to the courts, in the hope that their processes would be faster, less expensive, less formal and more accessible than the courts. Agency members bring (or develop) subject matter specialization. Most if not all agencies were created as part of a legislative scheme to implement a government policy or program. Although required to act quasi-judicially, many of these agencies use policy to help inform their decisions.

The Supreme Court of Canada recently described the hybrid nature of administrative tribunals (in *Ocean Port v. British Columbia (General Manager, Liquor Control and Licensing Branch)*):
They thus may be seen as spanning the constitutional divide between the executive and judicial branches of government.

Updated: May 28, 2002