

**ADMINISTRATIVE JUSTICE PROJECT
ADVISORY COMMITTEE
Minutes – June 27, 2002**

In Attendance:

Committee Members

Gillian Wallace (Chair)
Phillip Bryden
Susan Christie (Secretary)
John Greschner
Fern Jeffries
Wendi Mackay
Kelly Ann Speck

Project Staff

Debbie Lovett
Bruce McKinnon

1. WELCOME
2. WHITE PAPER – Wendi reported on plans for completion and release of the AJP white paper. The paper grows out of work contained in the project’s background papers. Some of these have already been released while release of the remaining papers is expected shortly. The white paper will report on and make recommendations in each of the primary areas of concern which have been identified by the project. The paper lays out a two year administrative justice reform agenda.

The committee provided input regarding the structure and format of the paper and provided advice on consultation with key stakeholders and the public. Preliminary feedback on the content of the paper was also provided by committee members. The following issues and suggestions were articulated:

- need for the “appointments” and “performance management” sections to address security of tenure
- general need for paper to address issues of training especially in context of chair’s management role
- questions regarding the appointment of members must be examined in the context of related issues such as compensation, terms, security of tenure and re-appointment
- the project could develop recommendations to assist government in achieving an appropriate level of consistency in how statutes assign board/panel positions (chairs, vice-chairs, associate chairs, members) and powers assigned to each position.

The group was asked to consider whether the best method for achieving a desirable degree of consistency is likely to be achieved by developing a Statutory Powers and Procedures Act or rather by developing policy guidance through a “menu” of statutory provisions to be incorporated into individual statutes as appropriate. Initial feedback favoured the policy approach as it provides greater flexibility.

The role of the proposed Administrative Justice Office (AJO) in ensuring statutory consistency in appropriate areas was discussed. The Deputy Attorney General emphasized the benefits which will flow from institutionalizing the central role played by the Ministry.

3. REPORTS AND RECOMMENDATIONS

Members provided specific comments and suggestions on several of the reports provided:

Dispute Resolution

- try to avoid developing a set of rules on when mediation is appropriate and when it is not
- allow flexibility for tribunals to decide when the same individual can adjudicate a case in which they are involved as a mediator

Reviewing decisions

- Examine each enabling statute for presence or absence of privative clause
- How does each statute deal with right of appeal
- To which level of court does one appeal – need a recommendation on how to decide
- Limitation period for judicial review?
- Time limits for reconsiderations?

Members were asked to contact the author of each paper or Wendi regarding any specific comments not addressed at the meeting.

4. NEXT STEPS

Committee members provided feedback concerning the implementation plan:

- In light of concerns in some areas move first on area likely to be supported by tribunal community
- Any new expectations must be preceded by appropriate training and “buy-in” from those who will implement
- Build in a needs assessment for AJO in two years time.

Wendi reviewed the proposed timeframes for release and consultation on the various AJP documents. Members were asked for suggested on the title of the White Paper.