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Ministry of Attorney General 2023/24 Service Plan Framework

Goal	Objectives	Key Strategies	Performance Measures
Goal 1: The justice sector is fair and accessible	Objective 1.1: Enhance the user experience and modernize the justice system	<ul style="list-style-type: none"> Advance the Courthouse Capital Asset Management Plan, including courthouse replacement and renovations, infrastructure remediation and enhancements in facilities across the province. Improve access to justice for British Columbians through initiatives such as application modernization, virtual proceedings, enhancements to e-filing, online guided pathways, plain language, smart forms to help navigate the court system, and a Digital Evidence and Disclosure Management System. Advance justice modernization and court digital transformation initiatives, such as use of online resolution of violation ticket disputes, process improvements and technology deployment to support the Virtual Bail Initiative. Continue to improve early resolution services offered to families remotely and in-person at Family Justice Centres and Justice Access Centres. Support the 19 boards and tribunals accountable to the Ministry with business operations, transformation, innovation, and modernization, including the Civil Resolution Tribunals, Mental Health Review Board and BC Human Rights Tribunal. 	<p>PM1a: Percentage of respondents who agreed that the Parenting After Separation program gave them a better understanding of the family justice system including its relevant laws and services.</p> <p>PM1b: Percentage of respondents who agreed that the program gave them a better understanding of alternatives to court.</p> <p>PM1c: Percentage of respondents who agreed that the program gave them a better understanding of making decisions in the best interests of the children.</p> <p>PM1d: Percentage of eFiled Court Documents.</p>
	Objective 1.2: Increase access to justice	<ul style="list-style-type: none"> Advance the <i>Legal Profession Act</i> reform initiative to create a single and modernized regulator for all legal service providers in the province, including lawyers, notaries public and licensed paralegals. The proposed reforms will lead to improved access to legal services for British Columbians. Further family justice reform initiatives, including developing initiatives to support those experiencing intimate partner violence, and moving forward initial phases of <i>Family Law Act</i> modernization. Advance reform of the <i>Family Compensation Act</i> to facilitate increased transparency and access to compensation for families who lose a loved one. Continue to advance work toward implementing the Comprehensive Bail Program to expand access to justice across the province and 	

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		<p>improve fairness and effectiveness of bail hearings for all justice participants.</p> <ul style="list-style-type: none"> • Continue to work with and provide funding support to Legal Aid BC. • In partnership with the Ministry of Health, the Ministry of Mental Health and Addictions, and the Ministry of Children and Family Development, implement the Rights Advice Service for patients who are involuntarily detained under the <i>Mental Health Act</i>. 	
Goal 2: British Columbian communities are protected and resilient	Objective 2.1: Improved community and public safety for all British Columbians.	<ul style="list-style-type: none"> • The BC Prosecution Service will assign dedicated prosecutors and professional staff to repeat violent offending coordinated response teams, in connection with police and probation officers, as part of the Safer Communities Action Plan, in response to concerns about repeat violent offending and recommendations coming from <i>A Rapid Investigation into Repeat Offending and Random Stranger Violence in British Columbia</i>. • Apply the BC Prosecution Service Bail Policy to seek pre-trial detention of repeat violent offenders whenever the risk they pose to public safety cannot be reduced to an acceptable level by a release on bail conditions. • Support the BC First Nations Justice Council to develop a pilot project to support Indigenous peoples who come into conflict with the law, operating out of the Prince George Indigenous Justice Centre. • Develop and implement new federally funded pilot programs to support those experiencing intimate partner violence as they navigate the family justice system. • Contribute to the development and implementation of the province's gender-based violence action plan. • Collaborate on a provincial framework for assisting people victimized by non-consensual disclosure of intimate images. 	PM2a: Number of B.C. communities engaged in projects that build intercultural trust and understanding and reduce racism and systemic barriers.
	Objective 2.2: Address systemic racism and support Indigenous and other racialized communities to respond to public incidents of racism and hate.	<ul style="list-style-type: none"> • Introduce a new <i>Anti-Racism Act</i> that better serves everyone in British Columbia. In developing this legislation, the Ministry will also work closely with Indigenous partners and communities to address Indigenous-specific racism, to fulfill its commitment to Action 3.6 of the <i>Declaration Act</i> Action Plan. • Work with the Ministry of Citizens Services to implement the <i>Anti-Racism Data Act</i> to reduce systemic racism and pave the way for race-based data collection essential to modernizing sectors like policing, healthcare, and education. 	

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		<ul style="list-style-type: none"> Engage communities through the Resilience BC Anti-Racism Network and related initiatives to provide them with information, supports and training they need to respond to, and prevent future incidents of racism. Honour the Japanese-Canadian community by providing lasting recognition of historical wrongs. 	
Goal 3: The justice sector is safe and responsive to Indigenous peoples	Objective 3.1: Facilitate self-determination and restoration of traditional Indigenous justice systems in partnerships with Indigenous leadership and communities.	<ul style="list-style-type: none"> In partnership with the Ministry of Public Safety and Solicitor General, the Federal Government and Indigenous communities, continue work with the BC First Nations Justice Council to advance the B.C. First Nations Justice Strategy and work with the Metis Nation BC to develop, endorse and advance the Metis Justice Strategy. Improve access to culturally appropriate justice service, including expanding the network of Indigenous Justice Centres to 15 centres across the province, in alignment with the First Nations Justice Strategy and the Safer Communities Action Plan. Advance design of a legal aid model for Indigenous peoples and develop a comprehensive work plan to transfer control of legal aid services to the BC First Nations Justice Council. Reduce Indigenous over-representation in the criminal justice system through ongoing policy review and changes, justice sector employee education, expansion of Indigenous courts, and outreach and partnerships with Indigenous communities. Continue to promote resources and available supports to help Indigenous peoples navigate administrative boards and tribunals. Support treaty negotiations and enforcement of the laws of Treaty Nations through changes to provincial statutes as needed. In consultation and cooperation with Indigenous peoples, continue reviewing and ensuring alignment of B.C. laws with UNDRIP for all statutes within the Ministry's mandate including new and amending bills. 	PM3a: Number of Indigenous clients supported at Indigenous Justice Centres.

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	<p>Objective 3.2: Advance reconciliation through use of the Directives of Civil Litigation involving Indigenous peoples.</p>	<ul style="list-style-type: none">• Continue to work with Indigenous peoples on the implementation of the Directives and training of counsel, as well as performance metrics and changes as identified.• Review active litigation to ensure the Directives are being implemented as intended, which may include making pleadings amendments.• Work with the Ministry of Indigenous Relations and Reconciliation on identifying potential avenues for negotiation of the dispute, such as forms of alternative dispute resolution.• Seek early internal government meetings to discuss effects of litigation on the work of reconciliation and try to identify collaborative ways to resolve all or part of the potential or newly filed legal proceedings.• When litigation has concluded, meet with clients to discuss preventing similar litigation in the future; as well as debriefing with counsel for the Indigenous parties to identify potential areas for improvement.	
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Table 1: Progress Status of Current (2022) Mandate Letter Items

MANDATE LETTER ACCOUNTABILITY	STATUS
2022 Mandate Letter: Continue to work with the Minister of Public Safety and Solicitor General, Indigenous communities and the BC First Nations Justice Council to advance the First Nations Justice Strategy.	In progress – The BC First Nations Justice Strategy (the Strategy), was signed on March 6, 2020, and an implementation workplan was approved by Cabinet in July 2021. Since then, there has been significant progress made on the Strategy. Of the 25 strategies contained within it, there has been significant progress on:
2020 Mandate Letter: Work with the Minister of Public Safety and Solicitor General, Indigenous communities, and the BC First Nations Justice Council to advance the First Nations Justice Strategy and to improve access to culturally appropriate justice, including continuing to establish Indigenous Justice Centres across the province.	<p>Strategy 4: Establishing a Network of Indigenous Justice Centres (IJC): There are three IJCs operating in Prince George, Prince Rupert, and Merritt as well as a Virtual Indigenous Justice Centre (VIJC), all of which provide legal advice and representation to Indigenous clients with criminal or family law legal matters who may not otherwise have access to legal representation. The Province has committed to funding the network of 15 IJCs as described in the Strategy by the end of 2024, with a centre set to open in Chilliwack this spring, five to open in major urban centres (Kelowna, Nanaimo, Surrey, Vancouver, and Victoria) this year, and five more IJCs scheduled to open next fiscal.</p> <p>Strategy 9: Establishing an Indigenous Justice Secretariat: On March 6, 2023, B.C. appointed the Executive Director of the Indigenous Justice Policy and Legislation Division, Colleen Spier, to the role of ADM for the newly formed Indigenous Justice Secretariat. This is as described in Strategy 9, which calls for B.C. to establish the Indigenous Justice Secretariat to advance the Strategy through coordination throughout the Provincial Government and the broader justice sector.</p> <p>Strategy 16: Establish an annual Justice Summit on First Nations Issues. The BCFNJC hosted a First Nations Justice Forum on March 6-8, 2023, which provided a space for First Nations rights holders, leadership, and subject matter experts to attend and hear updates on Strategy implementation and provide their input and feedback. Topics covered at the forum included community safety and policing, First Nations women's justice, Indigenous courts, the National</p>

	<p>Indigenous Justice Strategy, and the future of legal services for Indigenous Peoples, including the expansion of Indigenous Justice Centres.</p> <p>Strategy 17: January 20, 2022, the BCFNJC, BC and Canada announced the signing of a Tripartite Memorandum of Understanding to support their shared agenda, including the implementation of the BC First Nations Justice Strategy, and collaboration on the development of a National Indigenous Justice Strategy. Canada has also provided funding to support IJCs, Gladue and capacity for the Council. In July 2022, B.C. hosted the first Annual Tripartite Minister's Meeting, including Canada's Attorney General, B.C.'s Attorney General and Solicitor General, and BCFNJC.</p> <p>There continues to be progress across other areas of the Strategy as well. This includes securing funding from Canada to develop an Indigenous Women's Justice Plan (Strategy 11), developing cultural competency standards for the justice system (Strategy 20), and the Province funding the development of a workplan to transition Indigenous Legal Aid Services from Legal Aid BC to BCFNJC.</p>
<p>2022 Mandate Letter: Advancing recommendations from the German Report and the Cullen Commission on money laundering.</p>	<p>In Progress - JSB is advancing a small number of recommendations, including changes to the Notaries Act as part of our overall project to modernize the regulation of legal professionals. The Law Society is also advancing a number of recommendations relating to the regulation of lawyers. The remaining coordination work and recommendations are being advanced by the Anti Money Laundering Secretariat within the Ministry of Finance.</p>
<p>2020 Mandate Letter: Advance recommendations from the findings of the Cullen Commission and the German Report to fight money laundering.</p>	
<p>2022 Mandate Letter: Taking significant steps to honour Japanese Canadian internment survivors and their families.</p>	<p>In progress - Ministry staff have delivered \$62 million out of the \$100 million commitment that BC Government made in May 2022. These funds sent to the Japanese Canadians Legacies Society (JCLS) are to support the new initiatives outlined in the communities' historical wrongs redress proposal, which covered six pillars of work.</p>

	<p>The ministry is working closely with Citizens' Services and JCLS to help assess and manage the work required for the "monument" initiative, which is one of the remaining two redress pillars.</p>
<p>2022 Mandate Letter: Adopting the Anti-Racism Data Act to dismantle systemic racism and improve access to government programs and services for Indigenous, Black, and other people of colour.</p>	<p>In progress – MARB working with CITZ on the Anti-Racism Data Act implementation. In Fall of 2022, the Anti-Racism Data Committee was appointed. The committee is made up of 11 members that represent a wide cross-section of racialized communities and geographic regions of B.C.</p> <p>In collaboration with Indigenous Governing Entities (IGEs) and the Committee, on June 1, 2023, government will release a list of anti-racism research priorities, and will also release statistics and other information that is relevant to our anti-racism efforts.</p>
<p>2022 Mandate Letter: Continue to move forward to support the judiciary in the modernization of B.C.'s courts and legal processes to make it easier for the public to navigate our justice system and to better support victims and families.</p>	<p>In Progress -The Court Digital Transformation Strategy (2019-2023) continues to guide the priorities for court modernization. In collaboration with the three levels of Court, Court Services Branch is in the process of refreshing the roadmap of priorities for the Court Digital Transformation Strategy for its next cycle. The roadmap will take into consideration all of the advances made in the last four years and leverage those to continue to meet citizens' expectations for access to justice.</p> <p>Other justice modernization initiatives continue to move forward, with a focus on achieving:</p> <ul style="list-style-type: none"> - Improved access to justice and timely resolution of matters. - Enhanced online, integrated and efficient citizen experiences. - More reliable virtual proceedings, including secure access to court materials, modernized court infrastructure/connectivity, - Less costly and adversarial resolution options for citizen issues, including family justice, housing, and small claims matters. - Modernized justice processes and tools that meet sector needs and reduce the risks created by interruptions to service delivery.

<p>2022 Mandate Letter: Work with community partners, including B.C.'s Human Rights Commissioner, to develop and pass an Anti-Racism Act to better serve everyone in B.C.</p>	<p>In progress – MARB have been working with the B.C.'s Human Rights Commissioner's office, and have begun the Interim approach with Indigenous Governing Entities to help co-develop the Anti-Racism legislation and inform the RFD. Consultation and engagement will continue and expand to include other Racialized communities throughout the process. The legislation is scheduled to be introduced in Spring 2024.</p>
<p>2022 Mandate Letter: In collaboration with the Parliamentary Secretary for Gender Equity, take steps to address non-consensual disclosure of intimate images.</p>	<p>In progress – The Legislature passed legislation in the Spring 2023 session that will, once it comes into force by regulation at a future date, provide new forms of redress for people who have experienced the harm of having their intimate images distributed without consent. The legislation will also assist people who have received threats that their intimate images will be distributed. Work is currently under way to develop regulations and prepare for implementation.</p>
<p>2022 Mandate Letter: Support the Minister of Public Safety and Solicitor General and the work of the Minister of Mental Health and Addictions to build safe and healthy communities through implementation of the Safer Communities Action Plan.</p>	<p>In progress – BCPS is working with BC Corrections and Policing and Security Branch to support the Safer Communities Action Plan through the development and implementation of the Repeat Violent Offending Intervention Initiative (ReVOII).</p> <ul style="list-style-type: none"> • ReVOII builds on the prior prolific offender program. • ReVOII involves dedicated Crown prosecutors, dedicated probation officers and correctional supervisors, along with targeted enforcement and enhanced investigation and monitoring of repeat violent offenders ("prioritized individuals") by police agencies. • ReVOII will serve the entire province through the stand-up of community hubs led by BC Corrections in 12 locations throughout the province that will identify, track and case manage prioritized individuals. BC Corrections Community Hubs will stand up on May 1, 2023. • BCPS has identified the members of five Regional ReVOII Prosecution Teams that will begin working on May 1, 2023 to provide independent criminal law advice and prosecutorial services to each of the BC Corrections Community Hubs.

	<ul style="list-style-type: none"> • BCPS has made system enhancements to permit improved tracking and reporting on ReVOII prioritized individuals and to enhance information available to prosecutors for use at charge assessment, bail, trial and sentencing. • Goals of ReVOII include early intervention in cases involving prioritized individuals, and to assist Crown Counsel in making informed decisions about charge assessments and prosecutions through improved information sharing from investigative agencies to Crown Counsel. ReVOII will assist Crown Counsel in advocating for better crafted judicial interim release considerations along with sentences that are aimed at lessening the risk prioritized individuals pose to the community. • ReVOII also intends to focus on helping prioritized individuals through enhanced community supervision, case management and release planning for those transitioning from custody into the community, as well as helping prioritized individuals gain access to available culturally appropriate supports/resources where they identify as indigenous, and much needed mental health and addictions treatment by engaging community stakeholders and service providers. <p>Through the Safer Communities Action Plan, the Province has committed to funding 10 additional Indigenous Justice Centres to bring the network of 15 IJC's as described in the BC First Nations Justice Strategy by the end of 2024. A centre is set to open in Chilliwack this spring, then 5 to open in major urban centres (Kelowna, Nanaimo, Surrey, Vancouver, and Victoria) this year, and 6 more IJC's scheduled to open next fiscal year.</p>
<p>2022 Mandate Letter: Support all ministries to deliver initiatives listed in the Action Plan required by the Declaration on the Rights of Indigenous Peoples Act, to keep building strong relations based on recognition and implementation of the inherent rights of Indigenous Peoples protected in Canada's constitution.</p>	<p>In progress – Action 3.12: Prioritize implementation of the First Nations Justice Strategy. The BC First Nations Justice Strategy (the Strategy) was signed on March 6, 2020, and an implementation workplan was approved by Cabinet in July 2021. Since then, there has been significant progress made on the Strategy. Of the 25 strategies contained within it, there has been significant progress on:</p> <ul style="list-style-type: none"> • Strategy 4: Establishing a Network of Indigenous Justice Centres (IJC's) • Strategy 9: Establishing an Indigenous Justice Secretariat

<p>2020 Mandate Letter: Support the Minister of Indigenous Relations and Reconciliation to deliver the action plan required under DRIPA to build strong relationships based on recognition and implementation of the inherent rights of Indigenous peoples protected in Canada's constitution.</p>	<ul style="list-style-type: none"> • Strategy 16: Establish an annual Justice Summit on First Nations Issues. • Strategy 17: January 20, 2022, the BCFNJC, BC and Canada announced the signing of a Tripartite Memorandum of Understanding to support their shared agenda, including the implementation of the BC First Nations Justice Strategy, and collaboration on the development of a National Indigenous Justice Strategy. • There continues to be progress across other areas of the Strategy as well. This includes securing funding from Canada to develop an Indigenous Women's Justice Plan (Strategy 11), developing cultural competency standards for the justice system (Strategy 20), and the Province funding the development of a workplan to transition Indigenous Legal Aid Services from Legal Aid BC to BCFNJC. <p>Action 3.13: Prioritize endorsement and implementation of the Métis Justice Strategy: The ministry has received the draft Métis Justice Strategy (MJS) from MNBC and continues to facilitate government consultation on the MJS and its accompanying draft Implementation Workplan <small>Advice/Recommendations; Cabinet Confidences</small></p>
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Table 2: Progress Status of 2020 Mandate Letter Items Not in 2022 Mandate Letter (AG Component Only)

MANDATE LETTER ACCOUNTABILITY	STATUS
2020 Mandate Letter: Work with the Minister of Public Safety and Solicitor General (PSSG) and the Minister of Mental Health and Addictions (MHA) to fast track the move toward decriminalization by working with police chiefs to push Ottawa to decriminalize simple possession of small amounts of illicit drugs for personal use. In the absence of prompt federal action, develop a made-in-B.C. solution that will help save lives.	<p>Health Canada granted an exemption from the <u>Controlled Drugs and Substances Act</u> to the Province of B.C. This is effective from January 31, 2023 to January 31, 2026. Under this exemption, adults (18 years and older) in B.C. are not arrested or charged for possessing small amounts of certain illegal drugs for personal use.</p> <p>The Ministry of Attorney General no longer is assigned this accountability in their mandate letter, going forward it will be led by the Ministry of Mental Health and Addictions with support from the Ministry of Public Safety and Solicitor General.</p>

Table 3: Progress Status of 2022 Mandate Letter Items (Parliamentary Secretary)

MANDATE LETTER ACCOUNTABILITY	STATUS
2022 Mandate Letter: Support the Attorney General's work with community partners, including B.C.'s Human Rights Commissioner, to develop and pass an Anti-Racism Act to better serve everyone in B.C.	<p>In progress – MARB have been working with the B.C.'s Human Rights Commissioner's office and have begun the Interim approach with Indigenous Governing Entities to help co-develop the Anti-Racism legislation and inform the RFD. Consultation and engagement will continue and expand to include other Racialized communities throughout the process.</p> <p>Advice/Recommendations; Cabinet Confidences</p>
2020 Mandate Letter: Conduct a full review of anti-racism laws in other jurisdictions and launch a stakeholder consultation to inform	

the introduction of a new Anti-Racism Act that better serves everyone in B.C.	
2022 Mandate Letter: Continue work to advance the anti-racism hotline.	In progress - Government will assess the options for creating an Anti-Racism Hotline and look to potentially align this work with recommendations that came out of the From Hate to Hope Report from BC's Human Rights Commissioner.
2022 Mandate Letter: Work with community partners to create an anti-black racism strategy in recognition of the International Decade for the People of African Descent.	<p>In progress - Government conducted extensive engagement with the Black community in 2021 to inform potential initiatives related to the work and recognition of the International Decade for the People of African Descent. The B.C. Government also funded the Black in British Columbia (BC) Convener pilot project through a \$0.100 million grant. As part of the Convener role, The African Arts and Cultural Community Contributor Society (AACCCS) led a community assessment process of the performance of our government, and provided their findings and recommendations through their report called Black In B.C.</p> <p>Work will continue with the Black community and an Anti-Black Racism strategy will follow the introduction of the Anti-Racism Act. The Act will provide the necessary guidelines and actions required for anti-racism strategies. This information will help inform the process and development of specific anti-racism strategies.</p>
2022 Mandate Letter: Work with community partners to create an anti-Asian racism strategy.	In progress - Work for this mandate item will begin late 2023/early 2024. An Anti-Asian Racism strategy will follow the introduction of the Anti-Racism Act. The Act will provide the necessary guidelines and actions required for anti-racism strategies. This information will help inform the process and development of specific anti-racism strategies.
2022 Mandate Letter: Work with the Japanese Canadian Legacies Society to deliver the Province's redress initiatives that honour the legacy of Japanese Canadians in B.C.	In progress - Ministry staff have delivered \$62 million out of the \$100 million commitment that BC Government made in May 2022. These funds sent to the Japanese Canadians Legacies Society (JCLS) are to support the new initiatives outlined in the communities' historical wrongs redress proposal, which covered six pillars of work.
2020 Mandate Letter: Honour the Japanese-Canadian community by providing lasting recognition of the traumatic internment of	The ministry is working close with Citizens' Services and JCLS to help assess and manage the work required for the "monument" initiative, which is one of the remaining two redress pillars.

more than 22,000 Japanese-Canadians during World War II in libraries, communities and at the BC Legislature.	
2022 Mandate Letter: Support the Minister of Tourism, Arts, Culture and Sport in consultation with affected communities to advance emerging museum programs and proposals, including the Chinese Canadian museum, a South Asian Museum, and a provincial Filipino cultural centre.	In progress - This work is being led by the Ministry of Tourism, Arts, Culture and Sports (TACS), but PS Elmore has met with the Minister of TACS and senior executives to determine how she can help move this important work forward and provide her full support throughout the process.
2022 Mandate Letter: Support the Minister of Citizens' Services to continue collaborating with community partners on implementation of the Anti-Racism Data Act to dismantle systemic racism and improve access to government programs and services for Indigenous, Black, and other people of colour.	In progress – MARB working with CITZ on the Anti-Racism Data Act implementation. In Fall of 2022, the Anti-Racism Data Committee was appointed. The committee is made up of 11 members that represent a wide cross-section of racialized communities and geographic regions of B.C. In collaboration with Indigenous Governing Entities (IGEs) and the Committee, on June 1, 2023, government will release a list of anti-racism research priorities and will also release statistics and other information that is relevant to our anti-racism efforts.
2020 Mandate Letter: Work with B.C.'s new Human Rights Commissioner and other stakeholders to introduce legislation that will help reduce systemic discrimination and pave the way for race-based data collection essential to modernizing sectors like policing, health care and education.	



December 7, 2022

Honourable Niki Sharma
Attorney General
Parliament Buildings
Victoria, BC V8V 1X4

Dear Attorney General Sharma:

Thank you for agreeing to serve as Attorney General. I trust in your leadership at this critical time to deliver results for the people of British Columbia.

British Columbians continue to recover from and respond to the upheaval caused by the COVID-19 pandemic and climate related natural disasters, while global inflation is driving up costs for more households and the world's economic outlook is concerning. Now more than ever, we need to focus on building a secure, low emission, sustainable economy, and a province where everyone can find a good home – whether you live in a rural area, in a city, or in an Indigenous community. We will continue working toward true and meaningful reconciliation by supporting opportunities for Indigenous Peoples to be full partners in the inclusive and sustainable province we are building together.

Our government is committed to delivering on the mandate British Columbians gave us in 2020. Together we can make life better for people in B.C., improve the services we all rely on, and ensure a sustainable province for future generations.

As we renew our work, my priority as Premier is to deliver results that people can see and feel in four key areas:

- **Attainable and affordable housing:** In the wake of soaring prices and record migration to B.C., we will take on the important work of building new homes that are actually attainable for the middle class, while continuing our work to address the housing crisis for those in distress on our streets.

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**Office of the
Premier**

Web Site:
www.gov.bc.ca

Mailing Address:
PO Box 9041 Stn Prov Govt
Victoria BC V8W 9E1

Location:
Parliament Buildings
Victoria

- **Safer communities:** To address concerns about public safety, both for the people struggling with mental health and addiction on our streets, as well as the feeling that downtown centres are not as safe as they were before the pandemic, we will work with our partners at all levels of government, the justice and health care systems, the non-profit sector, and community leaders to find solutions for this complex challenge facing our province, and work overtime to seize the assets of high-level criminals.
- **Improved health care:** Amid unprecedented pressures we will continue to work to strengthen our public health care system, from family doctors to new hospitals, so care is there for each of us when we need it.
- **A sustainable, clean, secure, and fair economy:** We will continue our work investing in British Columbians, fighting racism and promoting equity, and building a clean economy that addresses our obligations to combat climate change by driving down emissions, while creating good, family supporting jobs.

As Attorney General, part of your unique role is to ensure the rule of law is protected as a foundational principle in British Columbia. One of the greatest challenges and opportunities of modern British Columbia is to find ways to meaningfully recognize the two systems of law in our province – Indigenous and Colonial – that co-exist and are recognized by our Constitution, our Courts, and by our government through the Declaration on the Rights of Indigenous Peoples incorporated into provincial law.

In addition to this historic work and partnership with Indigenous Peoples that you will continue, British Columbians expect government to enhance and build on remarkable modernization work undertaken in our Courts and Tribunals during the COVID-19 pandemic. Virtual bail hearings, remote testimony, virtual courts, and other innovations were embraced across the justice system during the pandemic. Our government will continue to support the Courts of British Columbia in further enhancing processes and services.

Currently, public concern about community safety coming out of the pandemic is also front of mind for British Columbians. The public, and our government, believes that social and health issues like mental health, addiction, and poverty are not matters for the criminal law, and yet many people struggling with these issues end up in conflict with the criminal law and the justice system in our province. Our response to this issue requires your ongoing support with colleagues in Cabinet and community members across the province.

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Since 2020, our government has made considerable progress on important initiatives including:

- Launching the First Nations Justice Strategy with the BC First Nations Justice Council and the federal government toward dismantling systemic racism and discrimination from our justice system and revitalizing Indigenous legal traditions.
- Advancing recommendations from the German Report and the Cullen Commission on money laundering.
- Taking significant steps to honour Japanese Canadian internment survivors and their families.
- Adopting the *Anti-Racism Data Act* to dismantle systemic racism and improve access to government programs and services for Indigenous, Black, and other people of colour.

As you continue to make progress on items in the previous mandate letter, over the remaining period of this mandate I expect you to prioritize making progress on the following:

- Continue to work with the Minister of Public Safety and Solicitor General, Indigenous communities and the BC First Nations Justice Council to advance the First Nations Justice Strategy.
- Continue to move forward to support the judiciary in the modernization of B.C.'s courts and legal processes to make it easier for the public to navigate our justice system and to better support victims and families.
- Work with community partners, including B.C.'s Human Rights Commissioner, to develop and pass an *Anti-Racism Act* to better serve everyone in B.C.
- In collaboration with the Parliamentary Secretary for Gender Equity, take steps to address non-consensual disclosure of intimate images.
- Support the Minister of Public Safety and Solicitor General and the work of the Minister of Mental Health and Addictions to build safe and healthy communities through implementation of the Safer Communities Action Plan.
- Support all ministries to deliver initiatives listed in the Action Plan required by the *Declaration on the Rights of Indigenous Peoples Act*, to keep building strong relations based on recognition and implementation of the inherent rights of Indigenous Peoples protected in Canada's constitution.

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To assist you in meeting the commitments we have made to British Columbians, you are assigned a Parliamentary Secretary for Anti-Racism Initiatives. You will work closely together and ensure your Parliamentary Secretary receives appropriate support to deliver on the priorities outlined in the mandate letter issued to them.

Our work together must continue to evolve to meet the changing needs of people in this province. Issues not contemplated by this letter will come forward for government action and I ask you to bring such matters forward for consideration by the Planning and Priorities Committee of Cabinet, with the expectation that any proposed initiatives will be subject to the usual Cabinet and Treasury Board oversight and include measurable outcomes for British Columbians. Your ministry's priorities must reflect our government's overall strategic plan as determined by Cabinet.

British Columbians expect their elected representatives to work together to advance the public good. That means seeking out, fostering, and championing good ideas regardless of their origin. I expect you to reach out to elected members from all parties as you deliver on your mandate. Further, you will build thoughtful and sustained relationships both with title holders and through public and stakeholder engagement plans that incorporate diverse perspectives early in the policy development process. Federal partnerships and resources will be particularly important and, on behalf of our government, you will engage with the federal government on advancing priorities to improve the lives of British Columbians.

As a Cabinet, we will uphold the highest standards of ethics, collaboration, and good conduct in service of the public, and as a Minister of the Crown, you are expected to review, understand, and act according to the *Members' Conflict of Interest Act*. You will establish a collaborative working relationship with your Deputy Minister, and the public servants under their direction, who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities. Your Minister's Office must meet the highest standards for integrity and provide a respectful, rewarding environment for all staff.

The rural and urban challenges that we face are urgent and complex. In response, we must be forward-thinking, strategic, and ready to work across disciplines and old divisions in new ways. Labour shortages are a major issue globally, and British Columbia is no exception, including in the public service. Maintaining the BC Public Service as an employer of excellence will be key to retaining and recruiting the diverse professionals we rely on to deliver essential services, advice, and analysis.

.../5

At the core of this work is listening and responding to the priorities of people in B.C. Together, we can deliver results in very real ways – ways that people can see, feel, and touch, and that change their lives for the better. Thank you for doing this important work with me.

Sincerely,

A handwritten signature in black ink, appearing to read "David Eby", with a long horizontal flourish extending to the right.

David Eby, KC
Premier



December 7, 2022

Mable Elmore, MLA
Parliamentary Secretary for Anti-Racism Initiatives
Parliament Buildings
Victoria, BC V8V 1X4

Dear Parliamentary Secretary Elmore:

Thank you for agreeing to serve as Parliamentary Secretary for Anti-Racism Initiatives. I trust in your leadership at this critical time to deliver results for the people of British Columbia.

British Columbians continue to recover from and respond to the upheaval caused by the COVID-19 pandemic and climate related natural disasters, while global inflation is driving up costs for more households and the world's economic outlook is concerning. Now more than ever, we need to focus on building a secure, low emission, sustainable economy, and a province where everyone can find a good home – whether you live in a rural area, in a city, or in an Indigenous community. We will continue working toward true and meaningful reconciliation by supporting opportunities for Indigenous Peoples to be full partners in the inclusive and sustainable province we are building together.

Our government is committed to delivering on the mandate British Columbians gave us in 2020. Together we can make life better for people in B.C., improve the services we all rely on, and ensure a sustainable province for future generations.

As we renew our work, my priority as Premier is to deliver results that people can see and feel in four key areas:

.../2

**Office of the
Premier**

Web Site:
www.gov.bc.ca

Mailing Address:
PO Box 9041 Stn Prov Govt
Victoria BC V8W 9E1

Location:
Parliament Buildings
Victoria

- **Attainable and affordable housing:** In the wake of soaring prices and record migration to B.C., we will take on the important work of building new homes that are actually attainable for the middle class, while continuing our work to address the housing crisis for those in distress on our streets.
- **Safer communities:** To address concerns about public safety, both for the people struggling with mental health and addiction on our streets, as well as the feeling that downtown centres are not as safe as they were before the pandemic, we will work with our partners at all levels of government, the justice and health care systems, the non-profit sector, and community leaders to find solutions for this complex challenge facing our province, and work overtime to seize the assets of high-level criminals.
- **Improved health care:** Amid unprecedented pressures we will continue to work to strengthen our public health care system, from family doctors to new hospitals, so care is there for each of us when we need it.
- **A sustainable, clean, secure, and fair economy:** We will continue our work investing in British Columbians, fighting racism and promoting equity, and building a clean economy that addresses our obligations to combat climate change by driving down emissions, while creating good, family supporting jobs.

As Parliamentary Secretary, you will assist the Attorney General in carrying out ministerial duties in the House and speaking on the government's behalf when issues arise in the absence of the Attorney General. You will also play an important role in engaging British Columbians by representing the Attorney General at public events, delivering speeches on behalf of the Attorney General, or acting as a spokesperson for the government's position. You will reach out to stakeholders, businesses, civil society, and people across B.C. to better understand their perspectives and bring their views to the Attorney General.

You will work with the Attorney General to help advance these shared responsibilities:

- Support the Attorney General's work with community partners, including B.C.'s Human Rights Commissioner, to develop and pass an Anti-Racism Act to better serve everyone in B.C.
- Continue work to advance the anti-racism hotline.
- Work with community partners to create an anti-black racism strategy in recognition of the International Decade for the People of African Descent.

.../3

- Work with community partners to create an anti-Asian racism strategy.
- Work with the Japanese Canadian Legacies Society to deliver the Province's redress initiatives that honour the legacy of Japanese Canadians in B.C.
- Support the Minister of Tourism, Arts, Culture and Sport in consultation with affected communities to advance emerging museum programs and proposals, including the Chinese Canadian museum, a South Asian museum, and a provincial Filipino cultural centre.
- Support the Minister of Citizens' Services to continue collaborating with community partners on implementation of the *Anti-Racism Data Act* to dismantle systemic racism and improve access to government programs and services for Indigenous, Black, and other people of colour.

The Attorney General is responsible and accountable for their ministry and their mandate; all key decisions will be made by them. You will understand the Attorney General's policy goals, develop a deep understanding of the issues, build thoughtful and sustained relationships both with title holders and through public and stakeholder engagement plans, and provide your best advice to the public service as they develop options for decision by the Attorney General.

You will collaborate with the Attorney General, ministry, and the Premier's Office to develop a workplan to guide your efforts, including detail on how the professional public service will support your work.

All members are expected to review, understand, and act according to the *Members' Conflict of Interest Act* and conduct themselves with the highest level of integrity. As a Parliamentary Secretary, your conduct will reflect not only on you, but on the Attorney General and our government.

You will establish a collaborative working relationship with the Attorney General, the Attorney General's staff, and the public servants who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities.

The rural and urban challenges that we face are urgent and complex. In response, we must be forward-thinking, strategic, and ready to work across disciplines and old divisions in new ways. Labour shortages are a major issue globally, and British Columbia is no exception, including in the public service. Maintaining the BC Public Service as an employer of excellence will be key to retaining and recruiting the diverse professionals we rely on to deliver essential services, advice, and analysis.

.../4

At the core of this work is listening and responding to the priorities of people in B.C. Together, we can deliver results in very real ways – ways that people can see, feel, and touch, and that change their lives for the better. Thank you for doing this important work with me.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Eby", with a long, sweeping horizontal line extending to the right.

David Eby, KC
Premier

Service Plan Performance Measure Comparison

Performance Measure AG Service Plan (2022-23)	Performance Measure AG Service Plan (2023-24)	Rationale
PM 1.1 Number of substantive client service activities provided (via Family Justice Services Division) (Replaced with 1a, b, c)	<p>PM1a: Percentage of respondents who agreed that the Parenting After Separation program gave them a better understanding of the family justice system including its relevant laws and services. (new)</p> <p>PM1b: Percentage of respondents who agreed that the program gave them a better understanding of alternatives to court. (new)</p> <p>PM1c: Percentage of respondents who agreed that the program gave them a better understanding of making decisions in the best interests of the children. (new)</p>	<p>Replaced former PM 1.1 that included the raw input of number of activities provided by Family Justice Services Division, to provide a PM that reflects how the Ministry's Parenting After Separation (PAS) Program facilitates user understanding of navigating the justice system.</p> <p>PAS measures are indicators of improved capacity of families to use the justice system.</p> <p>Punjabi PAS will further expand the program's reach, benefiting people who may experience a language barrier to the justice system. The Ministry will be doing a "soft launch" of this program at the beginning of April.</p>
	PM1d: Percentage of eFiled Court Documents. (new)	New PM added to demonstrate progress in the Ministry's focus on modernizing processes or court forms to enhance the user-experience and array of options when interfacing with the justice system.
PM 1.2: Number of Indigenous clients supported at Indigenous Centres. (now 3a)		Carried over, shifted from former Goal 1 to current Goal 3.

PM 3.1: Number of B.C. communities engaged in projects that build intercultural trust and understanding and reduce racism and systemic barriers.	PM2a: Number of B.C. communities engaged in projects that build intercultural trust and understanding and reduce racism and systemic barriers. (carried)	Carried over, shifted from former Goal 3 to current Goal 2
	PM3a: Number of Indigenous clients supported at Indigenous Centres. (carried)	Carried over, shifted from former Goal 1 to current Goal 3

2023/24 ESTIMATES NOTE

Last updated: April 3, 2023

BUDGET 2023 OVERVIEW – KEY MESSAGES

KEY MESSAGES:

- The overall budget for the ministry is \$773.322 million, an increase of \$65.136 million, or 9.20 per cent, over last year's (restated) budget for ministry key initiatives in 2023/24.
- Budgetary increases predominantly focus on improving access to justice and keeping communities safe.
- The overall Budget 2023 increase includes:
 - \$34.812 million for Shared Recovery Wage Mandate;
 - \$16.035 million for additional 10 Indigenous Justice Centres;
 - \$2.900 million to support the BC Human Rights Tribunal;
 - \$2.804 million to support weekday evening After Hours Bail;
 - \$2.429 million to support courthouse related facilities projects;
 - Minor Capital Asset Management Plan (Minor CAMP) \$1.792 million, Vancouver Law Courts Inn renovations \$0.900 million, and Port Coquitlam Law Courts Supreme Court Registry staffing \$0.298 million
 - \$2.148 million to support additional staffing and operational costs at the Independent Investigations Office;
 - \$2.045 million to support virtual bail expansion for the North, Interior and Vancouver Island regions;
 - \$0.219 million for the Community Legal Assistance Society Human Rights Clinic; and
 - A \$0.041 million minor housekeeping budget adjustment.
- The increase also includes confirmation of prior year decisions:
 - \$1.785 million increase primarily a Budget 2021 decision to support legal clinics.
- The Electoral Boundaries Commission operates independently from the Ministry of Attorney General:
 - \$0.147 million for the Electoral Boundaries Commission.

Page 029 of 112

Withheld pursuant to/removed as

Cabinet Confidences ; Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: April 12, 2023

JUSTICE SECTOR AND COURT MODERNIZATION

KEY MESSAGES:

- The Ministry is committed to fair, equitable and timely access to justice through technology innovation and justice reform.
- Through collaborative efforts, justice and court modernization initiatives to date have resulted in significant accomplishments in numerous areas across the justice sector.
- This work enables efficiencies to be created and increases accessibility to court services in a digital forum.
- These initiatives support everyone in the justice system, including the judiciary, court services staff, media, other partners, and most importantly members of the public who interact with the justice system.
- Outcomes of these efforts include:
 - Improved access to justice and timely resolution of matters for people in B.C.
 - Enhanced, integrated, and efficient experiences, including online.
 - Reliable proceedings, including secure access to court materials, modernized court infrastructure and increased connectivity.
 - Less costly and adversarial resolution of issues in key areas such as family justice and small claims.
 - Modernized justice processes and tools that meet sector needs and reduce the risks created by interruptions to service delivery.

FINANCES:

- Budget allocations for Courts Modernization focus on access to justice by delivering on citizen centred services in the areas of modern electronic filing services, on-demand access to court materials, scheduling, virtual proceeding enablement, delivery, and training.

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BACKGROUND:

- Court Modernization Funding by Budget and Fiscal Year in \$ Million

Budget	2021/22	2022/23	2023/24	2024/25	Total
Budget 2021	5.496	5.271	4.910		15.677
Budget 2022		3.909	4.072	4.072	12.053
Total	5.496	9.180	8.982	4.072	27.730

- Over the past three years, many improvements have been made in digital service delivery, application enhancements, and the enablement of virtual appearances.
- Individual initiatives include:
 - **Application Modernization** – automating court form submission and eliminating manual data entry, improved infrastructure to enable digital services.
 - **Digital Identity**– enhancing digital identity and secure access tools. For example, Family Duty Counsel has secure access to Provincial Family Court documents, and the ability to verify if counsel is a Law Society member in good standing.
 - **Enhanced Connectivity** – WiFi expanded to over 50 courthouses, enabling both public and secured connectivity options in courtrooms and adjacent hallways
 - Bandwidth capacity increases, provincial implementation of modern network technology and proactive network health reporting in conjunction with network architecture review improves the end user experience.
 - **Virtual Appearances** – Use of MS Teams and Zoom for virtual civil, family, and criminal proceedings across courts, boards, and tribunals province-wide.
 - Expansion of Cisco videoconferencing units - an additional 150 devices and endpoints over the last 3 years, bringing the number of devices and endpoints located in courthouses, correctional centres, police detachments and boardrooms around the province to over 500.
 - **Virtual Bail Initiative** - The aim of this initiative is to reduce community displacement and expand video access to accused for bail hearings and conversations with counsel, improve communication and information sharing between all involved stakeholders across the justice sector, and enhance the overall efficiency of the bail process, ultimately improving access to justice.
 - **e-Filing Services** – Enablement of processes to support electronic submission of family forms, representation grant, chamber binders, divorce forms, Supreme Court civil forms and Court of Appeal forms.
 - Includes guided pathways to assist with form completion, e-filing, and integration with case tracking systems.

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- **Traffic Court Online** – created a web landing page (tickets.gov.bc.ca) and a self-resolution information tool, with plans to create end-to-end digitized virtual processes to resolve Violation Ticket cases and enable options for Early Resolution.
- **Family Justice enhancements** – virtual support for clients seeking help with separation and divorce (Family Justice Services), expanded the Early Resolution Model to Surrey, and launched an informal trial pilot which provides litigants in Kamloops with a less adversarial trial option.
- **Online Booking and Court Services Scheduling enhancements** – development of web-based applications that assist in managing resources allocations. Online bookings provide an avenue for court users to submit requests in a modern, more efficient application.
 - Development of a Sheriff Scheduling and an Interpreter Scheduling system.
 - Supreme Court Online Booking: Creating a more equitable process for allocating booking opportunities for Trial Management Conferences, Judicial Case Conferences and Case Planning Conferences.
- **Digital access to court materials**
 - Access to court audio and documents enabled for counsel using verifiable credentials.
 - Supports judicial viewing of electronic documents and records in support of virtual proceedings.
- **Modernization of Legacy Systems**
 - Upgrades to the Oracle forms-based systems, which are in use in multiple applications across the Justice sector, are under way.
 - The Court Fees and Fines modernization project will replace the 40-year-old legacy Accounts Receivable and Collections system.
- For CSB, these projects and initiatives are aligned with the *Court Digital Transformation Strategy*, which provides a clear roadmap of the shared government and judicial priorities to improve services and accessibility for citizens.
 - The Strategy also builds on technology investments already made, expertise of justice partners, and the support of the judiciary to deliver user-centred services.

Contact: Paul Craven, ADM, Justice Services Branch	Government Financial Information
Contact: Jenny Manton, ADM, Court Services Branch	

2023/24 ESTIMATES NOTE

Last updated Date: April 21, 2023

HATE REPORT & MINISTRY RESPONSE

KEY MESSAGES:

- AG and Human Rights Commissioner met shortly after the comprehensive report regarding the inquiry into hate in the pandemic which was released March 7, 2023.
- Ministry staff as well as other affected ministries, are looking at the Commissioner's recommendations very carefully.
- Regarding recommendations to ensure adequate funding for the Human Rights Tribunal to process complaints, I am pleased to say that Budget 2023 gave an additional \$13.9 million over three years to the Tribunal to improve its processes, which includes support towards the Community Legal Assistance Society.
- With respect to the recommendations to amend the *Human Rights Code* (the Code), Ministry staff are carefully analyzing each of the recommendations for potential inclusion in the Code.
- The findings from the Human Rights Commissioner's report on incidents of hate during the pandemic will also inform the Province's approach to dismantling systemic racism.

If asked if Housing is a Human Right:

- The right to adequate housing is recognized in international human rights law and as you know we are working hard as a government on the housing issue.
- It is fundamental that we get people housing so that they have the stability necessary to access other supports that help to provide them with stable and safe living situations.

FINANCES:

- There are currently no financial impacts.
- The BC Human Rights Tribunal is experiencing a backlog of complaints. Adding new protected grounds to the Code in the future will add to the scope of the Tribunal's work and will require additional resources and funding.

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- Budget 2023 gave an additional \$13.9 million over three years of funding to the BC Human Rights Tribunal and the Community Legal Assistance Society.
 - This year (2023/24), funding for the BC Human Rights Tribunal increased by \$2.900 million and by \$0.219 million for the Community Legal Assistance Society.
- Funding in Budget 2023 was announced prior to the release of the report and before the recommendations pertaining to the inquiry were made public.
- Adding to or expanding the mandate of the Human Rights Commissioner will also require additional funding.

Cabinet Confidences; Government Financial Information

BACKGROUND:

There are three recommendations that the Office of the Human Rights Commissioner has made with respect to amending the Code:

- 1) Introduce legislation for consideration by the legislative assembly to amend s.7 (discriminatory publication) of the Code to clarify that it applies regardless of whether publications are online or offline.
- 2) Introducing legislation for consideration by the legislative assembly to amend s.7, along with other substantive sections of the Code containing prohibited grounds of discrimination, to include social condition as a prohibited ground of discrimination for the purposes of hateful publications.
- 3) Amendment to the Code to provide the Human Rights Commissioner with the legislative mandate to provide independent oversight on the implementation of Government's strategy to address hate as laid out in the report.

Confidential Advice to Minister:

Legal Information

Legal Information

Legal Information

Advice/Recommendations; Cabinet Confidences

Advice/Recommendations; Cabinet Confidences

Advice/Recommendations; Cabinet Confidences

Advice/Recommendations

Confidential

Advice/Recommendations

Advice/Recommendations

Adding social condition to all grounds has been on a list of possible Code amendments from various stakeholders since at least 2017 and the OHRC published a paper on the issue in 2020. In addition, the public's intolerance for crime and violence associated with some encampments was also flagged as a potential issue.

Advice/Recommendations

Advice/Recommendations

The Code already empowers the Commissioner to follow up on the implementation of recommendations with a further report which can be published and provided to the legislature where the Commissioner considers there has been a failure to address them.

Contact: Paul Craven, ADM, Justice Services Branch	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated Date: March 21, 2023

CONDUCT OF BAIL HEARINGS (INDICTABLE MATTERS)

KEY MESSAGES:

- In February 2017, the Alberta Court of Queen's Bench determined that there is no legal authority for police officers to conduct bail hearings in indictable matters, including hybrid offences where the Crown has not yet elected whether to process indictably or summarily (In the *Matter of Hearing Office Bail Hearings (Re)*, 2017 ABQB 74).
- At the time of the Alberta court ruling, police conducted most of the initial bail hearings that occurred outside of regular court sitting hours in BC. Understanding and accepting that this was legally insupportable, and inconsistent with practice in most of the rest of the country, BC Prosecution Service (BCPS) worked with the court to implement a weekend and statutory holiday Crown-led bail program.
- The Attorney General issued a Directive to the BCPS April 4, 2022, to implement a Comprehensive Bail Program by the end of the 2022 calendar year.
- The BCPS Comprehensive Bail Program (CBP) has three components:

1) Weekend Bail

- Crown Counsel assumed conduct of all weekend bail hearings, starting in November 2018.
- Five weekend bail hub locations operate in Vancouver, Surrey, Victoria, Kelowna, and Prince George. Current staffing requirements for weekends are seven Crown Counsel and thirteen Legal Assistants (total of 20 FTEs). Total base funding received for weekend bail is \$3.289 million.

2) Evening Bail

- An evening bail program has been in place in the Vancouver/Coastal Region for many years. On March 28, 2022, evening bail expanded to the North Region, and on September 26, 2022, to the Interior, on January 9, 2023, to the Island, and March 13, 2023, to the Fraser Region.
- Funding of \$1.851 million and 14 FTEs has been provided in Fiscal Year 23/24 to operate a province-wide evening bail program.

3) Virtual Weekday Bail

- Implementation of the daytime weekday program is as follows: Northern pilot (April 2021); Interior (April 25, 2022); Island (January 9, 2023). The Provincial Court wishes to have all phases of the CBP implemented by June 2023.

Confidential

- The date of expansion to the Vancouver and Fraser Regions has not yet been determined.
- Standardized processes and remote hearings should reduce prisoner movement, enhance the provision of legal services in remote locations, and provide scheduling flexibility in all venues, including the Lower Mainland. These changes contribute to creating a more resilient justice system that can better respond to closures or delays due to extreme events, including those related to weather, pandemics, or infrastructure outages that could otherwise disrupt the bail process.

FINANCES:

- The base budget allocation for the Weekend bail program is \$3.289 million and 20 FTEs.
- The BCPS fiscal 2023/24 base budget for Evening bail is \$1.851 million and 14 FTEs.
- The Ministry of Attorney General has been provided \$2.045 million for virtual bail in Fiscal 23/24 and \$2.806 million for Fiscal 24/25.
- BCPS resource requirements for Daytime Virtual Bail will be determined as the program nears implementation completion.

BACKGROUND:

- BCPS and its justice partners developed a new process of after-hours charge approval and bail hearings in response to the Alberta judgment. The Court has incorporated some of its elements in the daytime virtual bail program in response to the pandemic.

Contact: Brian Anderson, Executive Director, Business Operations, BCPS	Government Financial Information
Contact: Paul Sandhu, Director, Legal Operations, BCPS	

2023/24 ESTIMATES NOTE

Last updated: March 20, 2023

CROWN COUNSEL ASSOCIATION BARGAINING

KEY MESSAGES:

- The Agreement between the Employer and BC Crown Counsel Association expired on March 31, 2019 and key provisions of it remain in force until a new Agreement is reached.
- The expired Agreement had been in effect since April 1, 2007, and involved linking general wage increases of Crown Counsel salaries to that of Provincial Court Judges, plus an additional annual amount as a “catch up” provision. At the expiry of the Agreement, top Crown Counsel salaries had reached the intended target of 85 per cent of Judges’ salaries.
- The parties commenced bargaining a new Agreement in January 2019.
- Negotiations broke off in March 2019 for an arbitration to determine whether the annual salary adjustment provisions in the Agreement (including the pay link to Provincial Court Judges) would continue beyond the March 31 expiry.
- In December 2019, the arbitrator ruled that the annual salary adjustment provisions would continue as long as the current Agreement remains in force, but without the additional “catch up” amount.
- Attempts to reach an Agreement through bargaining have taken place in 2020, and most recently in July 2021. The most recent attempts confirmed that an impasse remains.
- The previous Agreement remains in effect and the salary linkage to Provincial Court Judges continues. Crown Counsel received a general wage increase of 1.51 per cent increase to Crown Counsel salaries effective April 1, 2019, 2.22 per cent effective April 1, 2020, an additional 2.26 per cent increase on April 1, 2021, and a further 2.21 per cent on April 1, 2022. The April 1, 2023 percentage increase is yet to be determined.

FINANCES:

- No funding is currently allocated to this initiative.

Confidential

STATISTICS:

- There are currently approximately 487 Crown Counsel Association members and a further 27 who are inactive (i.e., on parental leave) employees.
- Included Crown Counsel salaries currently range from \$95,061 to \$257,222 annually and average approximately \$176,500.

BACKGROUND:

BARGAINING HISTORY SINCE 2019:

- The parties returned to the bargaining table in February 2020 and also commenced negotiations on essential service levels at that time.
- In March 2020, the parties paused again to allow time for the BC Crown Counsel Association to consult with their members and confirm their bargaining mandate regarding the salary linkage to Provincial Court Judges.
- Negotiations reached an impasse in August 2020 despite both parties expressing a willingness to arrive at an agreement through bargaining.
- Further attempts to negotiate took place in July 2021. The sessions clarified that both parties were unmoved from their positions, and that an impasse remained.
- Budget 21 provided funding of \$8.6 million to fund the 2019-2021 increases, including lockstep and benefits.

Contact: Brian Anderson, Executive Director, Business Operations,
BCPS

Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: March 20, 2023

R v. JORDAN; JUDICIAL STAY FOR UNREASONABLE DELAY

KEY MESSAGES:

- On July 8, 2016, the Supreme Court of Canada established binding timelines for the processing of criminal cases in Canada.
- Systemic delay (excluding delay attributable to the defence) that extends beyond the established timelines is presumptively “unreasonable” under s. 11(b) of the *Charter of Rights and Freedoms*. The established timeline for Provincial Court criminal cases is 18 months and the established timeline for BC Supreme Court criminal cases is 30 months.
- Unless Crown Counsel can justify systemic delay that exceeds these thresholds on the basis of “exceptional circumstances”, the constitutional right to be tried within a reasonable time is violated and the prosecution is liable to be terminated by a judge.
- The BC Prosecution Service (BCPS) has been actively working on reducing systemic delay for a number of years and continues to do everything it can to meet the timelines established by the Supreme Court of Canada in the cases it prosecutes.
- Over the past few years, there is a general trend of fewer judicial stays in criminal cases in B.C. – from 16 provincially prosecuted cases in 2017, to three in 2022.

FINANCES:

- No financial impacts.

BACKGROUND:

- Starting in 2012, BCPS has implemented several process reforms that were specifically designed to address the problem of delay. These reforms were substantially completed in December 2015 and include:
 - Enhanced Crown File Ownership to reduce file churn;
 - Province-wide Quality Standards for proactive criminal case management, including front-end disclosure and online charge assessment;
 - Increased flexibility on the use of Direct Indictments;
 - Implementation of a province-wide electronic “File Closing Survey” to gather business intelligence on material process and file developments;
 - A Major Case Management model to bring a project management approach to BCPS’s largest prosecutions.

Confidential

- As part of an ongoing process of continuous improvement, the BCPS has been developing and rolling out new reforms and initiatives since 2016. These include:
 - A Comprehensive Disclosure Strategy aimed at increasing efficiencies and reducing delay in criminal case disclosure.
 - A Continuous Improvement Plan that is focused on streamlining the BCPS's administrative processes.
 - The development of an electronic Crown Counsel Scheduling System, which will facilitate integrated electronic case scheduling with the Provincial Court.
 - The implementation of a technology platform to facilitate the end-to-end management of digital evidence and disclosure. The Digital Evidence and Disclosure Management System (DEMS) will enhance efficiency, privacy and security; protect against future cost and resource pressures; and contribute to the modernization of the Justice Sector.
- The BCPS's completed reforms, coupled with its ongoing initiatives, help the Prosecution Service to mitigate concerns about delay that have been raised by the Supreme Court of Canada.

Contact: Dan McLaughlin, Communications Counsel, BCPS

Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: March 20, 2023

PROSECUTING HATE CRIMES

KEY MESSAGES:

- The BC Prosecution Service (BCPS) is studying the Report of the BC Human Rights Commissioner “From Hate to Hope” (released March 7, 2023) on systemic responses to hate incidents arising during the COVID pandemic. The Report is 482 pages long with many recommendations directed at social media platforms, the BC Government at large and the Ministries of Education and Child Care, Public Safety and Solicitor General, and Attorney General.
- The recommendations relevant to the BCPS are wide-ranging and include:
 - better data collection about sentencing in hate-crime cases; and
 - suggested changes to the Crown Counsel policy on hate crimes (HAT 1) relating to its general approach, gender-based crimes and restorative justice.
- The BCPS was consulted during the drafting of the Report, explained its role and provided successive rounds of data. The Report is deserving of careful consideration. This is being done at the executive, policy, and technical levels at BCPS.
- Though the Report asks that the Attorney General “institute reforms to Crown directives”, the BCPS has an on-going independent policy review process.
- The Crown Counsel policy on hate crimes (HAT 1) provides guidance to prosecutors dealing with offences that are motivated by the offender’s bias, prejudice, or hate towards others. The policy notes that these offences are driven by bigotry and intolerance for others and are to be regarded as serious matters.
- BC Prosecution Service has a designated resource counsel group with members across the province available to advise Crown Counsel dealing with these offences. Resource material addressing case law, subject-matter publications, and links to partner agencies are made available for further assistance to prosecutors. In addition, the lead Hate Crime resource counsel meets monthly with the police-based BC Hate Crime Team, in addition to larger in-person meeting with both resource counsel and representatives from various police services.

FINANCES:

- No financial impacts at this time.

Confidential

BACKGROUND:

- HAT 1 reminds prosecutors that the *Criminal Code* contains specific offences and sentencing provisions relating to hate crimes and that, for all offences, the *Criminal Code* provides that when an offence was motivated by hate, that motivation is an aggravating factor on sentencing.
- The policy encourages prosecutors to lead evidence necessary to prove hate based or racist motivation at trial to allow the court to recognize this motivation as a statutorily imposed aggravating factor on sentence. However, this work is not being tracked statistically (currently under review).
- No comment can be provided about any hate-related prosecutions that are currently before the courts.
- A BCPS representative was available for consultation during the drafting of “From Hate to Hope”. Before that, the BCPS worked with the Cross-Ministry Working Group on Anti-Racism and Anti-Hate and contributed expertise to the Anti-Racism Network – Resilience BC.
- The BCPS stands ready to provide legislative review should provincial anti-hate offences be put forward.

Contact: Trevor Shaw, Director, Criminal Appeals and Special Prosecutions, BCPS	Government Financial Information
Contact: Dan McLaughlin, Communications Counsel, BCPS	

2023/24 ESTIMATES NOTE

Last updated: April 12, 2023

REPEAT VIOLENT OFFENDING INTERVENTION INITIATIVE

KEY MESSAGES:

- Following the report “*A Rapid Investigation into Repeat Offending and Random Stranger Violence in British Columbia*”, the Province announced the *Safer Communities Action Plan*.
- Included within that plan was contingency funding to support the creation and implementation of the Repeat Violent Offending Intervention Initiative (ReVOII), a program that builds on a key recommendation of the report by adapting the prior prolific offender management model to tackle repeat violent offending in B.C.
- The BC Prosecution Service, along with BC Corrections and Policing and Security Branch (PSB) has worked on the development of ReVOII, with BC Corrections acting as the lead agency.
- ReVOII is structured to meet the unique needs of each community and designed to work with local stakeholders and other existing programs, such as situation tables and Assertive Community Treatment teams, through collaborative information sharing.
- Twelve hubs led by BC Corrections will begin operating May 1, 2023, throughout every region of the province and support all B.C. communities from Hubs located in Nanaimo, Victoria, Vancouver, Surrey, New Westminster, Abbotsford, Kamloops, Kelowna, Cranbrook, Prince George, Williams Lake and Terrace. Hub locations were determined based on the greatest number of individuals under supervision and/or incarcerated that met the criteria for ReVOII, and the ability of those sites to support surrounding communities.
- Once implemented, the Hubs will work to identify an initial cohort of 400 priority cases for investigation/intervention and to compile materials to assist dedicated prosecutors in making principled and informed decisions about charge assessments, bail release, and prosecutions. The initial cohort size was established based on the prior prolific offender case management and prosecution workloads, along with what can reasonably be managed with currently available resources. As ReVOII is implemented, this cohort size may need to be re-evaluated.
- The BC Prosecution Service has stood up a regional ReVOII Prosecution Team in each of the five BCPS regions (Northern, Interior, Fraser, Vancouver, and Vancouver Island). Each regional team will have members who live and work in the communities in the region, are familiar with local issues and concerns, and have established working relationships with local police officers and corrections staff. They will provide criminal law advice and independent prosecutorial support services in conjunction with the 12 ReVOII Community Hubs.

Confidential

- The BC Prosecution Service has assigned the following dedicated resources to support ReVOII:
 - 1 Crown Counsel Manager responsible for working with BC Corrections and PSB in program design and implementation, as well as supervision of the program structure within the BCPS;
 - 20 Crown Counsel assigned to five regional ReVOII Prosecution Teams; and
 - 21 Professional Staff assigned throughout the province, in various roles, to provide necessary administrative support to the ReVOII Prosecution Teams.

FINANCES:

- FTEs:
 - ReVOII Crown Counsel: 21 Crown Counsel including 1 Crown Counsel Manager;
 - ReVOII Professional Staff: 21 BC Prosecution Service Professional Staff including: 6 paralegals and 15 senior legal analysts.
- Cabinet Confidences; Government Financial Information

BACKGROUND:

Repeat Violent Offending Intervention Initiative (ReVOII)

- ReVOII is a coordinated case management response that will attempt to tackle repeat violent offending in British Columbia and involves dedicated Crown prosecutors and dedicated probation officers and correctional supervisors, along with strategic enforcement and enhanced investigation and monitoring of repeat violent offenders (“prioritized individuals”) by police agencies.
- ReVOII will provide Crown Counsel with offender specific information that will assist in advocating for better crafted judicial interim release considerations, along with sentences that are aimed at lessening the risk prioritized individuals pose to the community.
- Those who engage in repeated acts of violence within the community present a public safety risk. To address that risk, an initial cohort of 400 prioritized individuals province-wide will be identified for case management through ReVOII once it begins operating in May 2023.
- ReVOII will also be supported by the new Special Investigation and Targeted Enforcement Program (SITE) that provides expanded resources through \$16M in funding over three years to strengthen targeted police investigations of repeat violent offending cases and enhance coordination between police agencies.

Confidential

BC Prosecution Service – Regional ReVOII Prosecution Teams

- Dedicated regional prosecution teams will handle violent offences committed by prioritized individuals, from charge assessment through to bail, and sentencing.
- Legal Information
- Crown Counsel will receive enhanced information from BC Corrections and police agencies about prioritized individuals to assist with decision making.
- Crown Counsel will continue to serve in accordance with their constitutional obligations as independent ministers of justice by applying the law and BC Prosecution Service policy to their discretionary decision making. Crown Counsel will continue to make decisions in accordance with the law and principles governing the BCPS Indigenous Justice Framework where a prioritized individual is Indigenous.
- Enhancements have been made to BCPS internal processes and procedures to equip Crown Counsel with timely and detailed information about prioritized individuals to assist in decision making and advocating for appropriate detention/release considerations.

Contact: Michael Fortino, A/Deputy Director, Special Justice Programs, BCPS	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: March 20, 2023.

SPECIAL PROSECUTIONS

KEY MESSAGES:

- Special Prosecutors are appointed by the Assistant Deputy Attorney General, when they consider it in the public interest to do so, usually to avoid any potential for real or perceived improper influence in the administration of justice.
- Special Prosecutors are senior outside lawyers who are able to make their decisions independently of both government and the BC Prosecution Service.
- In order to protect the integrity and independence of the Special Prosecutor system, it would not be appropriate for me as Attorney General to comment on, or discuss, any ongoing matter that is being managed by a Special Prosecutor.

Contact: Dan McLaughlin, Communications Counsel, BCPS

Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: March 24, 2023

ASSESSMENT OF CRIMINAL, FAMILY, AND CIVIL SCHEDULING TIMELINESS

KEY MESSAGES:

- The Ministry is committed to reducing delays and improving the timeliness of matters coming before the courts.
- It is recognized that there is a need to make improvements and reduce delays. We have supported this area with program enhancements and technology innovations.
- The justice system has developed innovative solutions and adaptive processes that continue to provide and improve access to justice through electronic and virtual methods in both the Supreme Court and Provincial Court.
- In collaboration with the Provincial Court, innovative processes such as the Early Resolution and Case Management Model in Victoria and Surrey, are helping people resolve their family law matters, often without needing to go to court – significantly reducing caseload pressures. Those who do proceed to court are better prepared, making each appearance more meaningful and productive.
- The federal government and the Province of B.C. have agreed to increase the statutory judicial complement of the BC Supreme Court by five judges in budgets 2021 and 2022. The Provincial Court also received funding to increase the effective judicial complement by three judges.

STATISTICS:

- The collection of scheduling data lies within the jurisdiction of the Courts and is dependent on the data being published to be reportable. Only the Provincial Court publishes its trial scheduling timelines against established timeliness. The Supreme Court does not publish an equivalent output.

Confidential

- One indicator of timeliness is the Provincial Court Office of the Chief Judge's (OCJ) Time to Trial Update reports, which report on time to trial metrics. The most current data is from September 30, 2022. This OCJ report is typically released twice a year, reporting on the March and September survey results, approximately 3 months after the survey completes. The next report could be expected to be released in June/July 2023 for the March 31, 2023 time period.

Criminal matters

- As of September 2022, the time to schedule a criminal adult trial was:
 - Less than 2 days – delay of 5.8 months (OCJ standard 6 months)
 - 2 to 4 days – delay of 7.8 months (OCJ standard 7 months)
 - 5 days or more – delay of 8.1 months (OCJ standard 8 months)
- In 2022, there were five Provincial Court Adult cases and three Supreme Court cases judicially stayed due to systemic delay. This is the lowest number of cases judicially stayed since 2010 when the Provincial Court released the report: "Justice Delayed: A Report of the Provincial Court of British Columbia Concerning Judicial Resources."
- In early 2023 (January 1, 2023, to February 28, 2023), there have been two Provincial Court Adult cases judicially stayed.

Family matters

- As of September 2022, the time to schedule a general family trial was:
 - Less than 2 days – delay of 5.0 months (OCJ standard 4 months)
 - 2 to 4 days – delay of 6.3 months (OCJ standard 5 months)
 - 5 days or more – delay of 7.1 months (OCJ standard 6 months).
- As of September 2022, the time to schedule a child protection hearing was:
 - Less than 2 days - current delay 4.7 months (OCJ standard 3 months)
 - 2 to 4 days - delay of 5.7 months (OCJ standard 4 months)
 - 5 days or more - delay of 6.3 months (OCJ standard 6 months).

Confidential

Civil matters

- As of September 2022, the time to schedule a small claims trial was:
 - Less than 2 days – delay of 6.1 months (OCJ standard 4 months)
 - 2 to 4 days – delay of 6.4 months (OCJ standard 6 months)
 - 5 days or more – delay of 6.6 months (OCJ standard 8 months).

BACKGROUND:

- The September 2022 OCJ Semi-Annual Time to Trial Report shows that 11 out of 15 categories continue to exceed OCJ established standards, including: Criminal trials between 2-4 days long, Criminal trials equal to or more than 5 days, Small Claims settlement conferences, Small Claims trials less than two days, and all types of Family trials.
- Overall, the results of the last Time to Trial report indicates that most measures are over the OCJ established standard, with the variability range being 1.4 months below the standard to 1.7 months above the standard. B.C. has been diligent in monitoring judicial stays due to systemic delay since the *R. v. Jordan* Supreme Court of Canada decision in 2016.
- The courts introduced several initiatives to reduce delays in the justice system including:
 - Mandatory pre-trial conferences for all Criminal, Family, and Small Claims trials.
 - Implementation of new and more accessible remote attendance options for court participants, including witnesses, which can improve availability and result in earlier appearance dates. This is especially beneficial for those in remote communities who may otherwise be required to undertake multi-day travel.
 - The Virtual Bail model enables more efficient use of judges, through improved scheduling, communication, and coordination within the justice system. The model expanded from the North region to the Interior (April 25, 2022) and Vancouver Island (January 9, 2023) regions this fiscal year. Further expansion is planned for the Vancouver Coastal and Fraser regions next fiscal year.

Confidential

- Evaluations of the Early Resolution Process in Victoria and in Surrey show indications of reduced number of cases proceeding to court, improved understanding and readiness for participants, and more effective and efficient use of Court.
- The Child Support Recalculation Service reduces the need for families to return to court to ask a judge to vary or review their child support.
- Service of documents by email reduces the time to effect service which is a modernized option that can reduce time and costs to parties.
- The Informal Family Trial Pilot in Kamloops, implemented in May 2022, is a voluntary process designed to be less formal and reduce conflict between parties.
- Timeliness can be impacted by several factors:
 - The proportion of judicial resources devoted to criminal, civil, and family matters in conjunction with the relative caseload.
 - Some lengthier delays can be due to a limited number of court sitting days at smaller court locations. These smaller locations cannot accommodate larger trials and have difficulties reacting to caseload fluctuations.
 - Other key drivers of civil and family case timeliness include capacity, participant readiness, implementation of more efficient processes, alternatives to court, and overall caseload trends.
 - Remote attendance options allow for improved flexibility in scheduling.

Contact: Cindy Eng, Manager, Performance Measurement and Business Intelligence, Court Services Branch	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: March 24, 2023

ADEQUATE FUNDING FOR COURTS

KEY MESSAGES:

- Budget 2023 provides new funding to address existing pressures in the Court Services Branch (CSB).
- This funding includes support for the wage increases under the collective agreement, the expansion of Crown-Led After Hours Bail, Court Modernization, and to operate the Court Fees and Fines Management System.
- CSB is managing funding pressures related to amortization for capital assets, and continued COVID-19 related costs. CSB is also working to expand daytime virtual bail to the lower mainland.
- The branch is also managing the inflationary costs of non-salary items including interpreters, transcriptions, and vehicles.

FINANCES:

- Budget 2023 and prior budget decisions include funding increases of \$13.573 million and 2.34 FTEs for the following items:
 - Wage mandate funding (\$13.048 million/0 FTEs) to support negotiated collective agreement costs and management salary adjustments.
 - Crown-Led After-Hours Bail Expansion (\$0.215 million/2.34 FTEs) to expand the service. CSB will be providing increased after-hours support for this program. This will support the rollout of evening bail to all areas of the province as current volumes.
 - Prior Year decisions (\$0.310 million)
- This funding will be used to support approved service delivery growth, negotiated labour agreements, modernization efforts to support virtual hearings and online filing, as well as supporting increased complements of Provincial and Superior Court justices.
- Budget 2023 also included ministry funding for Northern, Interior and Vancouver Island Virtual Bail, which will be allocated to branches at a future date.

Contact: Chris Steinbach, Director, Finance and Administration, Court Services Branch	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: March 27, 2023.

RECRUITMENT AND RETENTION FOR COURT ADMIN AND SHERIFF SERVICE

KEY MESSAGES:

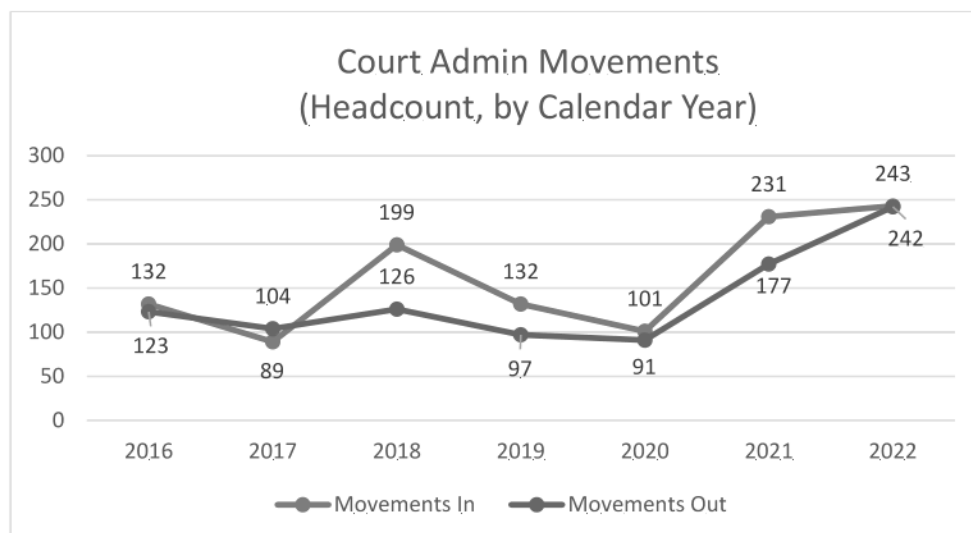
- The Ministry of Attorney General is working to improve recruitment and retention in both Court Administration and in the BC Sheriff Service.
- Government has worked to increase compensation to improve staff retention. The 18th (2019) and 19th (2022) collective agreements provided Sheriffs and Court Clerks with new temporary market adjustments and reclassifications to increase pay beyond the annual increases awarded to all employees. These amount to up to 15.9%.
- The Ministry continues to explore other options to recruit and retain the employees who provide these valuable court administration and sheriff services.

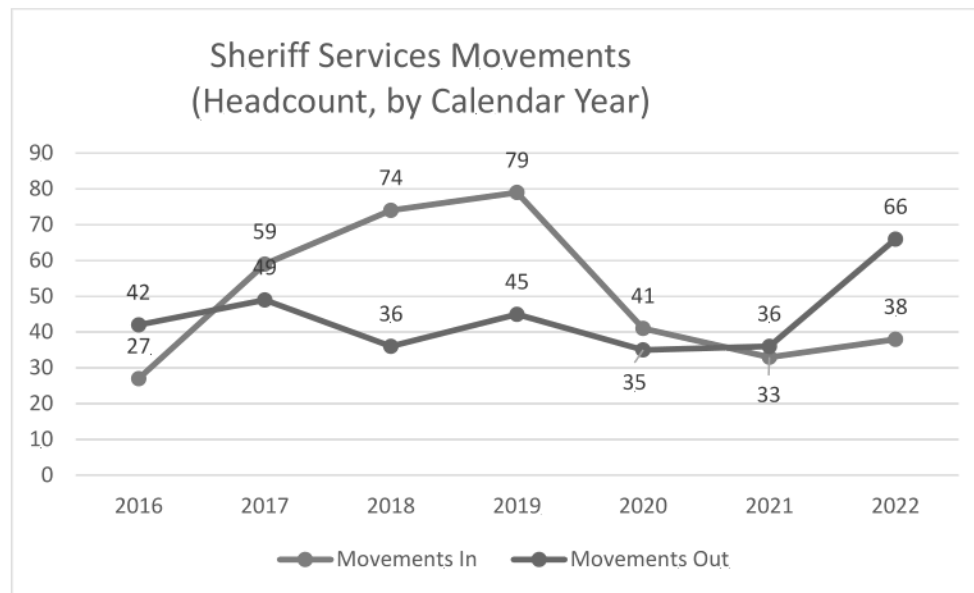
FINANCES:

- \$13M was provided to the Court Services Branch for the wage mandate in 2023/24. A portion of this funding will be used to support new and existing temporary market adjustments that increase salaries to improve staff retention.

STATISTICS:

- Net movements in both the sheriff service and court admin are shown in the tables below.





BACKGROUND:

- Government has taken a number of measures to improve retention for both the Sheriff Service and Court Admin. These include:
 - Temporary Market Adjustments (TMA) in the 18th (April 2019 to March 2022) and 19th (April 2022 to March 2025) BCGEU collective agreements. Most front-line sheriffs now get an additional 9.2% as a TMA on top of the salary lifts provided in each agreement, with some sheriffs getting an additional 15.9% TMA on top of the salary lifts provided to all employees.
 - Court clerks were moved from Clerk 11 with a two grid TMA to Clerk 12 with a 3 grid adjustment bringing the top pay from \$57,408.72 to \$60,707.45 – a 5.75% increase.
- In 2017, government also increased the number of training spots available for sheriffs to three classes of 24 recruits per year for a total of 72 per year. Recruitment has not been sufficient to fill these spots.
- In 2021, only 33 of 72 (45.8%) training seats were filled and only 38 of 72 (52.8%) were filled in 2022. The most recent class started in 2023 and filled 10 out of 24 potential seats (41.7%).
- In order to meet operational requirements and mitigate the risk of impacts to the court the sheriff service is:
 - Incurring significant overtime and travel costs, both to complete work outside of the normal working hours and to get sheriffs to understaffed locations. \$175k has been expensed in 2022/23 for temporary sheriff relocations to address staff shortages.
 - Managers, supervisors, training and protective intelligence officers are being assigned to operational duties. This approach is not sustainable.

Confidential

- Leave is being denied on a regular basis with negative impacts to the employees and increased leave liability charges.
- As a result, staff engagement and morale is deteriorating and more staff are calling in sick. In 2022, STIIP use by the Sheriff Service rose by 30% over 2021 (30 FTE hours vs 23 FTE hours)
- Between January 1st, 2023 and March 27th, 2023, 21 hearings were impacted by the lack of sheriff availability. In twenty of these cases, the judges decided to proceed while one matter was delayed until the sheriff service could transport the accused.
- For the Sheriff Service, officers frequently depart for local police forces and the RCMP. These police force pay officers \$30k-\$40k per year more.
- Court Administration is also experiencing higher than normal attrition with an increasing number of employees leaving the branch. While 9% left in 2019, the number increased to 21% in 2022.

Contact: Chris Steinbach, Director, Finance and Administration, Court Services Branch	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: March 23, 2023.

DECLARATION ACT ACTION PLAN

KEY MESSAGES:

- We are deeply committed to advancing reconciliation in B.C. – guided by the Declaration on the Rights of Indigenous Peoples Act, and with meaningful consultation and co-operation with Indigenous Peoples.
- The process of aligning B.C. laws to the UN Declaration will take time but we are committed to this work and doing it right in consultation and co-operation with Indigenous Peoples.
- On March 30, 2022, the Declaration Act Action Plan (Action Plan) was launched during a special event and tabled in the Legislature.
- The Action Plan outlines significant actions the Province will undertake in consultation and cooperation with Indigenous peoples over the next five years to advance reconciliation.
- The Ministry is leading five actions within the Action Plan:
 - Action 2.3: Issue guidelines from the Attorney General of B.C. to the Ministry's legal counsel regarding the conduct of civil litigation involving the rights of Indigenous peoples.
 - Action 3.6: Introduce anti-racism legislation that addresses Indigenous-specific racism.
 - Action 3.10: Implement improvements to public safety oversight bodies and complaints processes, such as enhanced investments in the B.C. Human Rights Tribunal and new models for including Indigenous laws in complaints resolution (with the Ministry of Public Safety and Solicitor General).
 - Action 3.12: Prioritize implementation of the First Nations Justice Strategy to reduce the substantial overrepresentation of Indigenous peoples involved in, and impacted by, the justice system. This includes affirming First Nations self-determination and enabling the restoration of traditional justice systems and culturally relevant institutions (with PSSG).
 - Action 3.13: Prioritize endorsement and implementation of the Métis Justice Strategy to reduce the substantial overrepresentation of Métis Peoples in and impacted by the justice system. This includes affirming Métis self-determination and enabling the restoration of traditional justice systems and culturally relevant institutions (with PSSG).

Confidential

- The litigation guidelines referred to in Action 2.3 were released as the Directives on Civil Litigation involving Indigenous Peoples on April 21, 2022. Implementation and training on the directives are currently underway.
- The remaining action items continue to progress forward, including implementation of the BC First Nations Justice Strategy, the finalization of the Métis Justice Strategy, development of anti-racism legislation that will address the broader challenges of systemic racism in B.C., and improvements to public safety oversight bodies and complaints processes.

FINANCES:

- Unless already funded, initiatives focused on the actions of the Action Plan will be subject to the regular Treasury Board approval process.
- Budget 2023/24 provides a total of \$21.661M towards items in the BC First Nations Justice Strategy, Action 3.12 in the Action Plan. Of the \$21.661M a \$16.035M uplift for Indigenous Justice Centres was provided as a result from the Budget 2023 decisions.

STATISTICS:

- The Action Plan was co-developed with Indigenous peoples, including approximately 150 meetings with Indigenous leadership, over 100 written submissions, contributions to an online engagement website, and direct input on the consultation draft.

BACKGROUND:

- The Declaration on the Rights of Indigenous Peoples Act (*Declaration Act*) passed into law on November 26, 2019, and brought the articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into B.C. law.
- Section 4 of the *Declaration Act* requires the government to prepare and implement an action plan to achieve the objectives of UNDRIP.
- The Ministry of Indigenous Relations and Reconciliation (MIRR) led the development of the Action Plan on behalf of the government and continues to maintain overall responsibility for the advancement and reporting of the Action Plan.
- At the time of the release of the Action Plan, the Ministry was also responsible for a sixth action, Action 4.25, related to increasing both on- and off-reserve housing. As the responsibility for housing has now transferred to the Ministry of Housing, the Ministry is no longer directly involved in the advancement of this action.

Confidential

- The Ministry is also participating in three actions within the Action Plan: ending violence against Indigenous women, girls and 2SLGBTQQIA+ people; police reform; and addressing the disproportionate impacts of the overdose public health emergency on Indigenous peoples.
- Section 5 of the *Declaration Act* requires the Minister of Indigenous Relations and Reconciliation to prepare a report each year for the 12-month period ending on March 31 that summarizes the government's efforts to implement the articles of UNDRIP. The annual report is required to be presented by June 30 each year.

Contact: Colleen Spier, ADM, Indigenous Justice Secretariat	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: March 23, 2023

INDIGENOUS JUSTICE CENTRES

KEY MESSAGES:

- As part of our Safer Communities Action Plan, the Province has approved funding for the BC First Nations Justice Council (BCFNJC) to implement 10 additional Indigenous Justice Centres (IJC's) in the next two years.
- This is in addition to the three centres currently open in Prince George, Prince Rupert and Merritt/Nicola Valley, and two new centres, through previous year funding, the first of which is planned to open this spring in Chilliwack.
- This funding commitment will enable Strategy 5A of the BC First Nations Justice Strategy ("the Strategy") to be fully realized with a network of 15 IJC's open within 5 years of the Strategy being signed.
- The 10 new IJC's will be implemented over two years; in the first year, five large centres will open in urban areas such as Kelowna, Nanaimo, Surrey, Vancouver, and Victoria. The locations of the five IJC's in the second year are yet to be identified.
- Indigenous Justice Centres play an integral role in developing Indigenous justice services capacity for Indigenous Peoples. IJC's take a culturally safe, holistic approach by providing wraparound services.
- Indigenous Justice Centres are primarily focussed on criminal and child protection matters, including delivery of Gladue services, and also facilitate client connections to support services such as mental health and addictions treatment, employment, and housing.
- In September 2022, as a result of a recommendation from an independent investigation into 'repeat offenders', the Province committed to fund the development of a pilot program to support Indigenous people with repeat interactions with the justice system. The BC First Nations Justice Council will develop the pilot program to be operated from the Prince George Indigenous Justice Centre.

FINANCES:

- Budget 2023/24 provides \$16.035M in new funding for the expansion of the 5 new IJC's; \$2.3M continued operations of Prince George, Prince Rupert, Merritt IJC's, and Chilliwack opening Spring 2023; and \$0.650M towards the operation of the Virtual IJC.
- The Government of Canada provides funding of \$8.910M for operations and expansion of IJC's and VIJC (2021/22 to 2025/26)

Confidential

STATISTICS:

- Number of clients served per center from April 1, 2022 – February 28, 2023

Centre	Criminal	Child Protection	Other	Outreach Services	Total Clients Served	
Prince George	10	7	37	17	71	
Merritt	18	6	2	0	26	
Prince Rupert	78	6	1	17	102	
Virtual Indigenous Justice Centre	41	11	5	0	57	

BACKGROUND:

- In March 2020, three physical IJCs opened in Prince George, Prince Rupert, and Merritt.
- In October 2021, a Virtual IJC opened, providing services to Indigenous clients in remote locations and/or where it is difficult to access to legal services.
- Budget 2022 committed funding to add 2 additional IJCs, one of which is set to open in Chilliwack in Spring 2023.
- Budget 2023 includes \$16.035M of funding for 5 new IJCs planned to be in Vancouver, Victoria, Nanaimo, Surrey, and Kelowna.
- The remaining five IJCs are planned to open in 2024 in yet to be determined locations.

Contact: Colleen Spier, ADM, Indigenous Justice Secretariat

Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: March 23, 2023

BC FIRST NATIONS JUSTICE STRATEGY

KEY MESSAGES:

- The Ministry is working with the BC First Nations Justice Council (BCFNJC) on the implementation of the BC First Nations Justice Strategy (“the Strategy”).
- The Strategy includes Provincial funding for 15 Indigenous Justice Centres in five years that will be implemented by the BC First Nations Justice Council.
- The Province is already funding the first three operational Indigenous Justice Centres (IJC) and a Virtual Indigenous Justice Center (VIJC) with two additional IJC (Chilliwack and one TBD) anticipated to open in 2023.).
- As part of our Safer Communities Action Plan, the Province has approved funding for BCFNJC to implement 10 additional Indigenous Justice Centres (IJC) in the next two years, IJC in alignment with the Strategy’s goal of 15 centres in five years.
- The Province is also funding the development of a repeat offenders pilot program, designed and led by the BCFNJC to support Indigenous Peoples with repeat interactions with the justice system. The pilot will operate in the Indigenous Justice Centre in Prince George.
- The Ministry has implemented an Indigenous Justice Secretariat to fulfill the commitment made by government in Strategy 9 of the BC First Nations Justice Strategy.
- The Secretariat is led by an Indigenous Assistant Deputy Minister,, Colleen Spier, who is responsible for leading the Province’s implementation of the BC First Nations Justice Strategy in partnership with the BCFNJC.

FINANCES:

- Budget 2023/24 provides a total of \$21.661M towards items in the Strategy:
 - \$16.035M in new funding for the expansion of the 5 new IJC’s;
 - \$2.3M continued operations of Prince George, Prince Rupert, Merritt IJC’s, and Chilliwack opening Spring 2023;
 - \$1.676M Gladue services and reports;
 - \$0.700M was provided in Budget 2018/19 on-going;
 - \$0.546M reprofiled form funding previously provided to Legal Aid BC; and
 - \$0.430M cost sharing agreement with Canada;
 - \$0.650M towards the operation of the VIJC; and
 - \$1.00M capacity funding for staffing the Indigenous Justice Secretariat.

Confidential

- Federal Funding:
 - \$8.910M Operations and Expansion of IJCs and VIJC (2021/22 to 2025/26)
 - \$0.500M Annually for three years for BCFNJC Capacity (2021/22 to 2023/24)
 - \$0.100M Gladue Principles annually for three years
 - \$0.400M National Indigenous Strategy (2021/22 – 2023/24)
 - \$0.900M Development of an Indigenous Women’s Justice Plan.

STATISTICS:

- From April 1, 2022 to February 28, 2023, BCFNJC has received 474 requests for Gladue reports, and 271 reports have been completed. 107 are in progress, 36 are pending assignment to a Gladue Writer, and 60 are on hold or cancelled.
- In fiscal year 2021-22, BCFNJC completed 242 Gladue Reports for clients in their first year of delivering the service.
- BCFNJC served 71 clients at the Prince George IJC, 26 at the Merritt IJC, 102 at the Prince Rupert IJCs, and 57 through the Virtual IJC for the period of April 1, 2022 – February 28, 2023.

BACKGROUND:

- The Strategy was endorsed on February 26, 2020, and an Implementation Workplan (“Workplan”) was approved at Cabinet in July 2021. The ministry continues to advance the Strategy in accordance with that Workplan, on a cost-neutral basis, while seeking funding.
- Advancing the Strategy is an Action in the Declaration Act Action Plan, and an item in the Attorney General’s Mandate Letter.
- BCFNJC, Canada, and the Province signed a Tripartite Memorandum of Understanding (MOU) in 2021 that committed to advancing the work under the Strategy and to collaborating on the National Indigenous Justice Strategy. Public Safety Canada indicated March 13, 2023, that they are also signing onto this MOU, but this information has not been announced.

Contact: Colleen Spier, ADM, Indigenous Justice Secretariat	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: March 23, 2023

MÉTIS JUSTICE STRATEGY

KEY MESSAGES:

- The Province received the Métis Nation of BC (MNBC) Board approved draft embargoed Métis Justice Strategy (MJS) on December 22, 2021.
- The Province is currently working with MNBC to develop an implementation workplan to guide the implementation of the MJS. Provincial consultation on the workplan and final MJS was anticipated to conclude in May 2022.
- Provincial consultations are ongoing, as MNBC has added an additional Recommendation 12 on Youth Justice, that is currently undergoing revisions through consultation with Ministry of Children and Family Development (MCFD) and MNBC.
- The Province will be seeking endorsement this fiscal for the MJS and its Implementation Workplan, reflecting the distinctions-based approach in the Action Plan, and the separate mandate of MNBC.
- The Province is currently working with MNBC and the BC First Nations Justice Council (BCFNJC) on areas of alignment between the BC First Nations Justice Strategy (BCFNJS) and the MJS on initiatives currently underway, such as the Indigenous Justice Centres (IJC) and Gladue. Conversations are ongoing to include Métis specific Gladue training and include Métis staff and/or services within IJC.

FINANCES:

- Budget 2023/24 does not provide funding for the Métis Justice Strategy.

BACKGROUND:

- In April 2019, in response to the BCFNJC's change in mandate, the MNBC formed its own justice council, Métis Nation British Columbia Justice Council (MNBCJC), to address the ways the justice system interacts with Métis people within B.C. and to inform a MJS developed in partnership with AG and PSSG.
- The development of the draft Métis Justice Report, which provided the foundation for the Strategy, occurred after seven regional consultation sessions were held to ensure participation of community members from the 38 Métis Chartered communities. The draft Strategy was delayed longer than expected; having been impacted by the COVID-19 Pandemic, the MNBC election, the addition of the 12th recommendation and other related emerging issues.

Confidential

- In January 2021, the MNBCJC provided an embargoed draft of the MJS to the Indigenous Justice, Policy, and Legislation Division (IJPLD). IJPLD consulted with 11 ministries on the draft MJS and received oral and written feedback. The draft MJS received a positive response from partner ministries and only minor suggested changes were delivered to the MNBCJC on July 30, 2021. All but one of the suggested changes were incorporated into the final embargoed Strategy.

Contact: Colleen Spier, ADM, Indigenous Justice Secretariat	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: March 22, 2023

ALIGNMENT OF LAWS UNDER SECTION 3 OF THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT (DRIPA)

KEY MESSAGES:

- In consultation and cooperation with Indigenous Peoples, the Ministry continues to review and align B.C. laws with the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) as per section 3 of B.C.'s *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) for all statutes within the Ministry of Attorney General's mandate, including new and amended bills.
- Whenever staff review one of these statutes, they analyze it through a section 3 lens and seek to work collaboratively with Indigenous partners to align the legislation with the UN Declaration.
- In addition to staff-generated ideas, staff have regular engagement with Indigenous umbrella organizations, through which Indigenous partners can identify items that are of priority to them. Staff will then work collaboratively with Indigenous partners to address legislation through the DRIPA lens.
- Examples of UNDRIP alignment undertaken in our statutes includes:
 - amending the *Human Rights Code* to specifically identify that "Indigenous identity" is a prohibited ground of discrimination;
 - amendments to the *Interpretation Act* to ensure that all laws are interpreted in a manner that is consistent with, and does not derogate from, aboriginal and treaty rights, including being consistent with UNDRIP; and
 - most recently, amendments to the *Judicial Review Procedure Act* that clarify the process a court must follow when reviewing decisions made by government under section 6 or 7 DRIPA agreements (i.e., where prior consent of an Indigenous governing body comes before the government decision).
- Looking forward, staff have identified potential amendments to decolonize the Escheat Act and have informed Indigenous partners of this intent. This could potentially increase the land available to satisfy pre-existing claims and provide Indigenous governments responsibility for the property of their deceased members, where appropriate.

Confidential

- A significant current project is modernizing the regulation of legal professionals in B.C., including to require cultural competency training for lawyers and other regulated legal service providers, consistent with Call to Action 27 of the Truth and Reconciliation Commission.

FINANCES:

- This work has been conducted within existing resources to date.
- Capacity funding has been requested for Indigenous partners to be able to participate in alignment work. Staff continue to seek that funding at a systemic level to discharge government's obligations under s. 3.

BACKGROUND:

- The Ministry of Attorney General is responsible for over 130 statutes (with 120 of these within the purview of Justice Services Branch) that fall within the Attorney General's constitutional mandate.
- Statutes cover a wide variety of areas in the administration of justice, including electoral law, justice system constituting legislation (*Constitution Act*, *Interpretation Act*, and others), human rights law, private civil law, and so forth.
- The Declaration Act Secretariat has begun to guide and assist the Province in meeting its obligation to ensure legislation is consistent with the UN Declaration, and that policy and legislation are developed in consultation and cooperation with Indigenous Peoples.

Contact: Linda Canham, Senior Policy & Legislation Analyst, Justice Services Branch	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: March 16, 2023

VIRTUAL BAIL INITIATIVE

KEY MESSAGES:

- A modern, accessible, and efficient court system requires new approaches along with the use of advanced technology.
- Significant efforts and investments have been made in hardware and infrastructure to enhance the quality and efficiency of virtual proceedings across the justice system.
- The Virtual Bail Initiative aims to reduce community displacement and expand video access to accused for bail hearings and conversations with counsel, improve communication and information sharing between all involved stakeholders across the justice sector, and enhance the overall efficiency of the bail process, ultimately improving access to justice.
- The Virtual Bail Initiative has advanced long-term bail reform plans, in addition to providing an immediate response to the COVID-19 pandemic. It has also included the implementation of Crown-led weekday evening bail, and the modernization of video-conferencing technology.
- Funding of \$3 million for the expansion of virtual bail was announced November 20, 2022, in the Safer Communities Action Plan. "To support timely, effective bail hearings that will protect the public and meet constitutional obligations, the Province is investing more than \$3 million per year to expand virtual bail hearings throughout B.C."
- To date, through collaboration across the justice sector, standardized virtual bail processes have been implemented in the North, Interior and Island regions for daytime as well as Crown-led evening bail.
- The standardized process implemented in these three regions allows for resource sharing across regions, supports consistent service delivery in the event of staffing and/or hiring shortages, and improves the ability to recruit for key positions supporting virtual bail across the justice sector through the virtual nature of the work.
- The Virtual Bail Initiative has resulted in a more resilient justice system that can better respond to closures or delays due to extreme events including those related to weather, pandemics, or infrastructure outages that could otherwise disrupt the bail process.

FINANCES:

- Funding has been approved for the North, Interior and Island Regions, supporting resourcing and technology installations.

Confidential

Estimated Operating Costs (\$M)	Fiscal 22/23	Fiscal 23/24	Fiscal 24/25
Northern Region	1,943	1,943	1,943
Interior and Island Regions	2,045	2,806	2,806

BACKGROUND:

- While many courts across the country continue to struggle with higher case volumes than pre-COVID, the BC Provincial Court has managed to address delays through many different innovations, resulting in BC experiencing approximately the same times to trial now as pre-COVID benchmarks. The success of the pandemic recovery response means that BC does not need to provide significant additional funding to address a backlog, something faced by Ontario and other provinces.
- In the North, Island, and Interior Regions, the virtual bail model includes the following:
 - Consistent cut-off times, which also support Crown-led weekday evening bail and integrate with the weekend bail program;
 - Justice sector partner triage meetings in the morning and afternoon to coordinate and schedule timing of appearances;
 - Scheduling of remanded matters in the morning and new-in-custody matters in the afternoon;
 - Regional MS Teams channels for document and information sharing, as well as for instant messaging and video calls between justice sector partners;
 - Dedicated bail “Quarterback”/Coordinator positions for Sheriff, Crown Counsel, JCM, and Registry staff; and
 - Installation of video-conferencing devices to increase video appearances (instead of audio-only/telephone) by accused people.
- In rural and remote communities, accused will appear virtually from RCMP detachments, reducing what may have previously been significant time in custody and long-distance transportation for the purpose of a bail hearing, only for the accused to be released far from home with no means of returning.
- In larger communities with full-time court sitting five days per week, accused will appear virtually from sheriff cellblocks in courthouses.
- Work is underway to determine the model for Vancouver Coastal and Fraser Regions.

Contact: Zac Kremler, A/Executive Director, Justice Services Branch	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: March 17, 2023

BRITISH COLUMBIA HUMAN RIGHTS TRIBUNAL

KEY MESSAGES:

- Government's ongoing public commitment to protecting human rights has led to established priorities on important issues such as accessibility, reconciliation, anti-racism and the re-establishment of the Office of the Human Rights Commissioner.
- These priorities have raised awareness of human rights in B.C. and have contributed to an incremental increase in human rights complaints between 2017-2020, resulting in a backlog of cases.
- Over the past 10 years, the BC Human Rights Tribunal (BCHRT) on average has had a 27% increase in delegated budget to service a 210% increase in the number of cases and a 400% increase in active cases.
- BCHRT was initially structured and funded to process approximately 1,100 cases per year. In fiscal 2021-2022, complainants filed 3,192 new cases.
- The 2020 release of Justice Ardith Walpetko We'dalx Walkem's report *Expanding Our Vision: Cultural Equality & Indigenous Peoples' Human Rights Report* and the recent release of the Declaration Act Action Plan have also put additional focus on the need for new services to meet the needs of Indigenous Peoples.
- Since the BCHRT Chair's initial appointment in August 2021, she has established a pandemic-specific case program, completed preliminary rounds of stakeholder consultations, and developed and launched multiple pilot projects, including reforming complaint processes, increasing accessibility and re-allocating resources to cases to improve efficiency.
- The Community Legal Assistance Society (CLAS) provides free legal services to disadvantaged people, including people bringing claims to the BCHRT. In 2020-21, calls to the CLAS inquiry line doubled and, compared to the previous year, staff provided advice to nearly triple the number of clients.
- The Province increased funding for the BCHRT and CLAS in early 2023. The additional funding will support the BCHRT in addressing the increased caseload, allow the tribunal to appoint more members, and hire additional support staff to meet clients' needs.
- The funding will also support the tribunal's ongoing work to implement the recommendations outlined in the 2020 report, including the onboarding of Indigenous navigators to help Indigenous Peoples navigate the tribunal's process.

Confidential

- Ministry staff are working collaboratively with the BCHRT to attempt to address the challenges through managing human resources, process improvements, securing financial resources, and technological advancements.

FINANCES:

- The AG Agencies, Boards, Commissions and Other Tribunals Estimates budget for fiscal 2023/24 is \$48.279 million.
- Budget 2023 provides a \$3.1 million increase to the base budget for the Tribunal and CLAS
Cabinet Confidences; Government Financial Information
- From this funding, the BCHRT operating budget for 2023/24 will increase to \$6.756 million.
- The BCHRT is supported by 31 FTEs (members and staff in both full and part-time positions).

BACKGROUND:

- The BCHRT is an independent, quasi-judicial body created under the BC Human Rights Code, responsible for accepting, screening, mediating, and adjudicating human rights complaints.
- Ministry staff are supporting the BCHRT to effectively manage its growing caseload which is the result of systemic and unprecedented challenges within the past five years.
 - These matters include the additions of Indigenous identity and gender identity and expression to the BC Human Rights Code, passing the Accessible British Columbia Act, passing the Declaration on the Rights of Indigenous Peoples Act, establishment of the Office of the Human Rights Commissioner, the “MeToo” movement, the “Black Lives Matter” movement and many pandemic-related complaints.
- The ministry has been actively working with the BCHRT on a number of efforts aimed at addressing its caseload which consist of:
 - relieving current resource and budgetary pressures in addition to forecasting future budget needs as related to case volumes;
 - developing and implementing a new case management system to process complaints efficiently;
 - updating BCHRT’s website for an online public portal for submitting complaints; and
 - identifying opportunities for improving business and operational processes along with providing an implementation plan.
- The ministry continues ongoing dialogue with the tribunal and is confident the measures outlined above will, in time, address the complaint volumes and backlogged files.

Contact: Zac Kremler, A/Executive Director, Justice Services Branch

Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: March 23, 2023

FAMILY VIOLENCE

KEY MESSAGES:

- Family violence is defined broadly in the *Family Law Act* (FLA) to include physical and sexual abuse, psychological and emotional abuse including intimidation, harassment, coercion or threats, restrictions on personal/financial autonomy, stalking, intentional damage to property, and in the case of a child, exposure to family violence.
- Family Justice Services Division (FJSD) has staff across the province at Justice Access Centres and Family Justice Centres providing a variety of supports for families, including those experiencing violence.
- FJSD puts great emphasis on ensuring staff have specialized knowledge about the dynamics of family violence (including coercive control) and its effect on families and children. Staff are specially trained and skilled at identifying and responding to these issues in practice, including determinations related to the appropriateness of mediation.
- The Early Resolution Model under the Provincial Court Family Rules is operating in Victoria and Surrey. The Model builds on existing family justice services to provide individuals with family law matters early access to information and referrals, assistance resolving disputes out-of-court and support to increase preparedness for those proceeding to court.
- The ministry received temporary funding from the federal Justice Partnership and Innovation Program to explore supports for those experiencing violence against women in families as they navigate the family court system. This includes a support worker program, improving access to information, and ways to improve the experience of providing testimony and being cross-examined in family court.
- As part of the *Family Law Act* Modernization project, the ministry is looking at ways to improve the Protection Order regime and how family violence is considered in decisions about guardianship, parenting arrangements and contact with a child. This will include reviewing the risk factors that the court must consider when assessing family violence in the context of the best interests of the child and whether to make a protection order.

FINANCES:

- The temporary federal Justice Partnership and Innovation Program funding is \$1 million unmatched for each of fiscal 2022/23, 2023/24, 2024/25, and 2025/26.

BACKGROUND:

- A key step in the Early Resolution Model is the needs assessment with a Family Justice Counsellor. This provides early and on-going screening for family violence, identification of legal and non-legal needs, access to legal information, referrals to community organizations and legal advice, and support to prepare for the appropriate next step.
- The Model does not mandate consensual dispute resolution (e.g., mediation). While all parties seeking to resolve a family law matter complete the needs assessment and a parenting education course (Parenting After Separation), the consensual dispute resolution requirement (CDR) only applies to families for whom participation in a mediation or collaborative family law process is appropriate.
- CDR may not be appropriate due to issues such as family violence, power imbalances, or capacity to participate. If concerns are identified during needs assessment (or during the CDR process if new concerns arise), through discussion with the parties, consideration may be given to whether the CDR process can be designed to provide a supportive, safe environment where parties can participate safely, freely and meaningfully (e.g. attendance of support persons, shuttle mediation). If this cannot be achieved (including if a survivor of family violence remains fearful of using a CDR process), parties are not required to participate in CDR. In these cases, parties will be supported in preparing for the court process and referred to relevant community resources.
- In registries that are not designated as early resolution registries, FJSD services are available either on a voluntary basis or as required in family justice registries where the applicant is required to meet with a family justice counsellor. The services, including screening for family violence, are the same: it is the degree to which parties are compelled to engage in the service before filing a court application that differentiates an early resolution registry from other registries throughout the province.
- All Parenting After Separation courses include a section on family violence that covers information on the impact on children and parenting as well as safety measures.
- Ministry staff are participating in the Gender-Based Violence Action Plan work being led by the Gender Equity Office and the Ministry of Public Safety and Solicitor General.
- Ministry staff are active on a number of cross-sector coordinating committees, including Violence Against Women in Relationships (VAWIR) groups, Community Coordination on Women's Safety (CCWS) working group, as well as presentations to and operational and ongoing dialogues with service providers.

Contact: Nancy Carter, Executive Director, Justice Services Branch

Government Financial Information

2023/24 ESTIMATES NOTE

Last Updated: March 23, 2023

LEGAL AID BRITISH COLUMBIA FUNDING

KEY MESSAGES:

- The Province is committed to improving access to legal services for all British Columbians and has an ongoing mandate to “improve and support legal aid, including First Nations legal services, dispute resolution services for families and expanded poverty law services to increase access to justice”.

FINANCES:

Government Financial Information

BACKGROUND:

- LABC is the key provider of legal aid services on behalf of the BC government.
- The services provided by LABC include information, advice, and representation for financially eligible persons for serious family, child protection, and criminal law matters.

Confidential

- Legal representation is also available for immigration and refugee matters, Mental Health Review Board Hearings, BC Review Board hearings, and those who have a prison issue for which the Charter of Rights and Freedoms establishes a right to counsel.

Business Information; Government Financial Information

Confidential

If asked about service delivery overlaps with legal clinics and Indigenous Justice Centres

- The eight legal clinics administered by the Law Foundation (poverty law, housing law, child and youth law, disability law and immigration and refugee law) deliver services that are not provided by LABC. The services offered at the Immigration and Refugee (I&R) clinic have been developed to avoid overlap with LABC's I&R services and to provide supplemental services and referrals as appropriate.

Business Information; Government Financial Information

- Gladue report writing services were transitioned to the BC First Nations Justice Council's (BCFNJC) Gladue Services Department on April 1, 2021, and are no longer provided by LABC.

Business Information; Government Financial Information

STATISTICS:

Clients Served (Numbers from Annual Service Plan Report 2021/22)

Area of Law	2021/22		2020/21		2019/20	
	Service Requests	Contracts	Service Requests	Contracts	Service Requests	Contracts
Criminal	21,460	17,661	20,267	16,756	24,256	20,221
Family	8,531	4,215	8,515	4,566	8,131	4,400
CFCSA ¹	2,435	1,609 ²	2,641	1,838 ²	2,925	2,085 ²
Immigration	1,876	1,419	1,444	1,035	2,480	1,941
Appeals of Administrative Tribunal Decisions ³	106	46	146	67	93	17
Total	34,408	24,845	33,013	24,262	37,885	28,664

All volumes in this table reflect both standard and appeal service requests and contracts.

¹ LABC provides services to eligible clients facing child protection issues under the CFCSA.

² Includes PLC cases and contracts referred to the private bar.

³ These are judicial appeals and prerogative writ applications that do not fit strictly into other areas of law but involve a challenge to the applicant's liberty or security. Most are prison law cases, but some mental health law cases and other cases involving liberty interests are included. The significant increase in 2020/21 over previous years is attributable to a number of COVID-19 prison law cases that happened early in the fiscal year.

Contact: Wendy Jackson, Executive Director, Justice Services Branch

Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: March 13, 2023

LEGAL PROFESSIONS REGULATORY REFORM

KEY MESSAGES:

- The Ministry is working on a legislative proposal that aims to increase access to legal services for people in British Columbia, while modernizing and consolidating the regulatory framework for all regulated legal service providers in BC.
- Key components of the proposal include:
 - The creation of a new category of regulated legal service provider called licensed paralegals; and
 - The establishment of a consolidated single statute and regulator for all regulated legal service providers in BC (lawyers, notaries, and licensed paralegals) with a clear public interest mandate and a modernized governance framework.

FINANCES:

- This project relates to independent regulators that are self-funded (through fees paid by the professionals they regulate). The intention is to create a new regulator that will also be self-funded by licensee fees.
- It is not anticipated that there will be associated financial implications for Government.

BACKGROUND:

Project Rationale

- Access to legal help (e.g. to a professional) is one component of a broader access to justice problem. At present when a person has a legal problem, their choices are generally limited to hiring a lawyer or trying to solve the problem by themselves.
- In B.C. we do have the benefit of notaries, who have graduate level training and can provide some limited legal services to the public, but they are regulated separately from lawyers and are governed under an outdated statute.
- Many jurisdictions across North America are creating alternative categories of skilled and regulated legal service providers that can provide additional options for the public.
- This project will create a new option for British Columbians in licensed paralegals and will ensure greater consistency in the way that all legal service providers are regulated.

Confidential

Project Status

- The Ministry published an intentions paper in Summer 2022 as a vehicle for feedback and input from stakeholders and partners. The paper was published alongside an online survey.
- The Ministry received almost 100 individual written submissions and 775 individuals completed the online survey. A report will be published in the coming months to report back on what we heard.
- The Ministry continues to engage with a number of stakeholders and partners, including the current regulators and foundations, Indigenous partners, and the courts.

- Advice/Recommendations; Cabinet Confidences

If asked about funding legal aid via PST on lawyers' services

- There has never been any structured link between the tax on legal services and legal aid funding.
- The tax collected on legal services is no different from any other type of tax revenue.
- The revenue goes directly to government general revenues, which fund all government services, including legal aid.
- The government has made significant investments in legal aid over the last number of years. Budget 2023 includes \$128.397M in provincial and federal government funding for Legal Aid BC (LABC); \$103.736M of which is provided by the provincial government. This is an increase of \$13.425M over LABC's 2022/23 budget and a total increase of \$53.722M over their 2016/17 budget.
- The Province also funds a network of eight legal clinics, which are administered by the Law Foundation. The Province has committed \$0.250M per year of operation for each legal clinic.
- Legal aid services continue to be an important avenue to provide access to justice, but they are not, and cannot be, the only solution to the access to legal services crisis.

If asked about the 2018 amendments to the *Legal Profession Act*

- The *Legal Profession Act* (LPA) was amended in 2018 to enable the Law Society to establish a category of membership called licensed paralegals, and to establish a scope of practice for them.
- Those amendments have not yet been brought into force – after they were passed in 2018 the Law Society requested that government not bring them into force until additional consultation was completed.

Confidential

- The Law Society then elected to seek to improve access to legal services through an “innovation sandbox”, where non-lawyers can apply to the Law Society to provide certain legal services to the public. If approved, the Law Society agrees not to prosecute the person for the unauthorized practice of law. There are currently approximately 30 participants in the sandbox.
- In early March 2023, the benchers unanimously passed a resolution to ask government to bring the 2018 amendments into force.
- Over the course of the current legislative project, the Ministry has been working in close collaboration with not only the Law Society, but the Notaries Society and the BC Paralegal Association. The Ministry looks forward to continuing to work with the Law Society to determine whether and how to bring these amendments into force in a way that complements the broader legislative project underway and ensures this close collaboration and consultation with other legal professionals continues.

Contact: Katie Armitage, Legal Counsel, Justice Services Branch	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: April 26, 2023.

FAMILY COMPENSATION ACT

KEY MESSAGES:

- Grieving families need better support when there is a wrongful death.
- That's why we're working to update the *Family Compensation Act* to give families an opportunity to address the injustice they have faced.
- Our government has received a great deal of feedback on the existing *Family Compensation Act* (FCA).
- We have heard that the current legislation should be reformed to expand access to justice and benefits for families grieving the loss of a loved one due to the wrongful act of another.
- As the government and private insurers are usually the defendants in wrongful death cases, we must also ensure any increase in compensation for families is fair to rate payers and taxpayers.
- Grieving families need better support when there is a wrongful death, and that is why we are working to update the *Family Compensation Act* to give families an opportunity to address the injustice they have faced. My ministry continues to advance work on this important file.

FINANCES:

Cabinet Confidences

BACKGROUND:

- The *Family Compensation Act* (FCA) permits spouses, parents, and children to sue a party that caused the death of a family member.
- The FCA only allows for pecuniary damages to be awarded to compensate financial loss suffered due to the death of a family member. Awards include lost financial support, funeral expenses, and medical and hospital expenses incurred on behalf of the victim.
- A recently filed *Charter* challenge contends that the classes of family members entitled to bring claims under the FCA are underinclusive, as they exclude claims by Indigenous siblings who have suffered a financial loss. It is further contended that this exclusion is inconsistent with the Province's obligations under the *Declaration on the Rights of Indigenous Peoples Act*.

Confidential

- A key criticism of the FCA is that for families who do not experience a loss of financial support (for example if a dependent child or elderly parent dies) it is not financially worthwhile to pursue a claim under the existing legislation.
- Advice/Recommendations; Cabinet Confidences
- Several advocacy groups, including “In Their Name” and the BC Wrongful Death Law Reform Society, continue to petition government to address the FCA’s lack of non-pecuniary damages. They argue the FCA denies families the ability to get justice and deter negligence by others.
- While the FCA does not explicitly allow for bereavement damages, courts may award some non-pecuniary damages to minor children of deceased parents, to compensate for the loss of guidance, care, and companionship of the parent.
 - The conventional amount is \$35,000, which is the rough upper limit awarded to minor children for the loss of a parent. The amount is adjusted based on factors like age and the level of involvement of the parent in the child’s life.

Cabinet Confidences

Contact: Renée Mulligan, Legal Counsel, Justice Services Branch

Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: March 23, 2023

LAW FOUNDATION LEGAL CLINICS

KEY MESSAGES:

- The Province funds a network of eight legal clinics, which are administered by the Law Foundation. The legal clinic model is achieved by adding a lawyer and support staff to existing advocacy programs.
- The Province provides \$250K annually to operate each clinic. This includes four community law clinics, based in Kamloops, Kelowna, Prince George, and Surrey, as well as four speciality clinics, focused on housing law, disability law, immigration and refugee law, and a child and youth clinic. Each of the specialty clinics are located in Vancouver but can assist people throughout the province.
- The clinics provide free legal information, advice, and representation to low-income individuals in locations where a need for poverty law and specialized services are identified. In addition, the clinic lawyers provide public legal education, and support Law Foundation funded advocates and lawyers in the province through resources, training, and advice.

If Asked About Overlap with Legal Aid BC (LABC) Services and Indigenous Justice Centres

- The legal clinics provide services that are complementary, but do not compete with or displace, existing LABC services. The clinics provide services to address poverty law and speciality law legal issues that are not offered by LABC.
- The services offered at the Immigration and Refugee clinic have been developed to avoid overlap with LABC's services and to provide supplemental services and referrals as appropriate.
- The child and youth clinic delivers free legal information, advice and representation for children and youth. The Society for Children and Youth is the only program in B.C. that delivers a full range of legal services to children and youth.
- The legal clinics' focus on poverty law, as well as disability, housing, child and youth, and immigration and refugee law, also distinguishes them from services offered through other clinic service delivery models such as Parent Legal Centres (PLCs) and Indigenous Justice Centres (IJC).
- PLCs provide services to support parents in resolving issues that led to child protection concerns.
- IJCs provide culturally appropriate information, advice, support, and representation primarily on criminal law and child protection issues, as well as facilitating client connections to supports such as housing, mental health and addictions treatment, and employment services.

Confidential

FINANCES:

- The Province has committed \$0.250M per year for operation of each legal clinic.

BACKGROUND:

- The Law Foundation of BC has a legislated mandate to ensure access to justice in five areas: legal education, legal research, legal aid, law reform, and law libraries. In 2021, the Law Foundation provided funding for approximately 171 continuing and on-track grants, and 38 projects. It funds over 20 clinic lawyers and over 110 advocates, who provide services in 50 communities across British Columbia.
- The Law Foundation is well positioned to leverage the existing advocacy network and provincial funding to create full-service clinics that meet the legal needs of British Columbians with a range of legal problems.
- In August 2019, the Law Foundation Board of Governors approved grants of \$250,000 to seven existing advocacy centres to create the legal clinics. In August 2021, the Board of Governors approved the eighth grant, to the Society for Children and Youth.
- The first seven legal clinics were operational between November 2019 and April 2020. The Child and Youth legal clinic became operational in early 2022.
- The Law Foundation has contracted with Penny Cooper & Associates to conduct an evaluation of the legal clinics, with a targeted completion of September 2023.

Law Foundations Clinics Locations 2023/2024:

Location	Type	Host Organization
1. Vancouver	Housing Law Clinic	Tenant Resource and Advisory Centre
2. Kamloops	Community Law Clinic	Kamloops and District Elizabeth Fry Society
3. Surrey	Community Law Clinic	SOURCES Community Resources Society
4. Prince George	Community Law Clinic	Prince George Urban Aboriginal Justice Society
5. Vancouver	Disability Law Clinic	Disability Alliance BC Society
6. Kelowna	Community Law Clinic	Kamloops and District Elizabeth Fry Society
7. Vancouver	Immigration and Refugee Legal Clinic	Immigrant Services Society of BC
8. Vancouver	Child and Youth Legal Clinic	Society for Children and Youth of BC

Contact: Wendy Jackson, Executive Director, Justice Services Branch

Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: April 21, 2023.

INDEPENDENT INVESTIGATIONS OFFICE OF B.C.

KEY MESSAGES:

- The Independent Investigations Office of BC (IIO) is a civilian-led oversight of law enforcement body established as a police force under the *Police Act* to investigate incidents of death or serious harm involving police officers and special provincial constables in British Columbia.
- September 10, 2022 marked the 10th anniversary of the IIO's establishment.
- The IIO strives to bring transparency and accountability to policing in the province and has established goals to conduct fair, unbiased and thorough investigations of police-involved incidents that lead to serious harm or death.
- The IIO has recently developed an Indigenous Engagement Plan to increase engagement with Indigenous individuals and community leadership. The Indigenous Engagement Plan is aligned with the IIO's strategic plan objective to foster and maintain relationships, particularly with Indigenous Peoples as they continue to be overrepresented as Affected Persons in IIO investigations. The plan also strives to further the IIO's commitment to upholding the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation report.
- In the past year, the IIO retained an Indigenous Civilian Monitor to review the integrity of its investigation into an officer-involved shooting in an Indigenous community. The Civilian Monitor concluded that the investigation was conducted in a fair and transparent manner.

FINANCES:

\$ in Millions	2022/23 Estimates Restated	Anticipated Trends 2023/24	Anticipated Trends 2024/25	Anticipated Trends 2025/26
Budget	\$9.093	\$11.564	\$11.591	\$11.591
FTEs*	65	78	78	78

*FTEs are not budgeted

- Budget 2023 provides a base budget lift of \$2.148 million for additional staffing and operational costs.

Confidential

STATISTICS:

Staffing:

- The IIO has not yet been able to hire its full complement of 30 frontline investigators (the fiscal 2024 budget lift will bring this number to 35). As of April 21, 2023 the IIO will have 24 frontline investigators on staff.
- Last quarter, the IIO was operating with the fewest number of investigators since 2017, with only 21 of 30 positions filled.
- The IIO's current frontline investigator staffing composition consists of 58% of staff without policing experience, and 42% with previous policing experience.

Investigations:

- Since fiscal 2017/18, the number of notifications received, and investigations carried out, has consistently increased.
- In fiscal year 2022/23, the IIO received 385 notifications of incidents that could potentially involve serious harm or death. This is an increase from the 323 notifications received last year.
- Of the 368 notifications received, the IIO has commenced 203 investigations to date (an increase of 5% from fiscal year 2021/22).
- British Columbia experienced a dramatic increase in the number of police-involved shootings in fiscal year 2022/23. The IIO opened 26 such case files, representing a significant upward trajectory from an average of seven police-involved shooting investigations annually. The cause of this increase is undetermined.
- In fiscal year 2022/23, the IIO has:
 - Concluded 64 investigations with the release of a public report;
 - Concluded 43 with the publication of a media release; and
 - Referred 10 investigations to Crown Counsel for consideration of charges.
 - (Note: investigations concluded this year may have been opened during the current fiscal year or a prior fiscal year).

Average Length of Time to Conclude an Investigation:

- At the conclusion of fiscal year 2022/23, the average number of days to complete an investigation was 87.
- This is an increase from 2021/22 when the average was 68 days and is a significant increase from the lowest average of 46 days for the first three quarters of 2019/20.

Confidential

- The increase in the average number of days to conclude an investigation is due to the combination of an increasing workload, increasing complexity of cases, and the IIO's limited ability to recruit and retain a full complement of investigators.

BACKGROUND:

- The IIO is established within the Ministry of Attorney General as a separate voted appropriation to support the independence of the office.
- Some aspects of the IIO operations fall under the superintendence of the Ministry of Public Safety and Solicitor General. These matters include standards related to training, use of force, cooperation between law enforcement agencies, and investigative standards.
- The IIO is under the leadership of a Chief Civilian Director (CCD), who is, by statute, not permitted to have ever served as a police officer.
- Mr. Ronald J. MacDonald, KC was appointed as the CCD of the IIO on October 24, 2017, and reappointed for a second term on October 24, 2022 until October 24, 2025.
- Upon the completion of an IIO investigation, the CCD of the IIO considers whether or not there are reasonable grounds to believe that an officer may have committed an offence. If the CCD concludes those grounds exist, he may refer the matter to Crown Counsel for consideration of charges. If the CCD does not find that reasonable grounds exist, a public report that includes the reasons for the decision, a synopsis of the incident, and a summary of the results of the investigation is published on the IIO website if it is in the public interest to do so.

Contact: Sarah Mason, Senior Policy & Legislation Analyst, Justice Services Branch	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: April 12, 2023

LEGAL SERVICES BRANCH COST RECOVERY

KEY MESSAGES:

- The Legal Services Branch (“LSB”) of the Ministry of Attorney General recovers the costs associated with providing most legal services to government.
- The charge-back rates were last reviewed and increased effective April 2021.

FINANCES:

- Estimates – Fiscal Year Ending March 31, 2024 - Vote 14 – Ministry Operations Pages 38 - 39.

	2022/23 Restated	2023/24 Estimates	Anticipated Trends 2024/25	Anticipated Trends 2025/26
Budget (\$000)	28,317	32,267	32,555	32,555
FTE's	615	642	642	642

BACKGROUND: (Subject to solicitor-client privilege)

Legal Information

Contact: Kyle Pollner, Executive Director	Tel: 778-974-2928	Government Financial Information
Contact: Richard Peachman, Director of Finance, LSB	Tel: 778-974-2927	

2023/24 ESTIMATES NOTE

Last updated Date: Mar 15, 2023

LEGAL SERVICES BRANCH LITIGATION COSTS

KEY MESSAGES:

- Information regarding the cost of litigation is generally privileged and cannot be disclosed. If an exception is to be made, it can only be done after the litigation has concluded, and any other privilege that attaches must be considered.
- Litigation costs include the hourly rate for legal services provided to the Province, as well as disbursement costs (including expert reports and travel) incurred by the Province with respect to a legal proceeding.
- The Legal Services Branch maintains a record of all litigation costs.

FINANCES:

- Estimates – Fiscal Year Ending March 31, 2024 - Vote 14 – Ministry Operations pages 38 - 39.
- Estimates – Fiscal Year Ending March 31, 2024 - Vote 16 – *Crown Proceeding Act* page 42.
- The CPA Budget is \$24.5M annually. This budget is used to pay judgments, arbitration awards, settlements and court ordered costs.

BACKGROUND: (subject to solicitor-client privilege)

Legal Information

Confidential

Legal Information

Contact: Kyle Pollner, Executive Director, LSB	Tel: 778-974-2928	Government Financial Information
Contact: Kate Saunders, Supervising Counsel – Litigation, LSB	Tel: 250-356-8592	

2023/24 ESTIMATES NOTE

Last updated: March 15, 2023

CROWN PROCEEDING ACT SETTLEMENTS

KEY MESSAGES:

- The *Crown Proceeding Act* (“CPA”) vote is a statutory appropriation. Expenditures to the account can be of three (major) types:
 1. payments as a result of judgements;
 2. payments as a result of settlements; and
 3. the creation of liabilities where there is a reasonable prospect of loss, and where that loss can be quantified. These liabilities are charged to the *Crown Proceeding Act* account on an accrual basis when the prospect of loss and quantum of loss can be determined with reasonable certainty.
- Settlement amounts can be only disclosed once a proceeding has concluded, and the Attorney General has tabled the annual report before the Legislature under s. 15 of the *CPA*. This is the only mechanism for the disclosure of information relating to settlement amounts.

FINANCES:

- The *CPA* Budget is \$24.5M annually. This budget is used to pay judgments, arbitration awards, settlements and court ordered costs.

BACKGROUND: (subject to solicitor-client privilege)

- Litigation defence costs incurred to defend the Province are recovered by LSB from client ministries. Settlements and judgments are paid from the *CPA* budget.
- The *CPA* establishes both the process and the timing of disclosure of settlement amounts. Section 15 requires that prescribed information be tabled in the Legislature each year, and thus be released publicly.
- Settlement costs for cases during Fiscal Year 2021/22 are expected to be reported to the Legislature in May 2023 and should not be disclosed before then.
- Settlement costs for cases during Fiscal Year 2022/23 will not be reported to the Legislature until February or March 2024 and should not be disclosed before then.
- Estimates – Fiscal Year Ending March 31, 2024 - Vote 16 – *Crown Proceeding Act* page 42.

Contact: Kyle Pollner, Executive Director, LSB	Tel: 778-974-2928	Government Financial Information
Contact: Kate Saunders, Supervising Counsel – Litigation, LSB	Tel: 250-356-8592	

2023/24 ESTIMATES NOTE

Last updated: March 13, 2023

OUTSIDE COUNSEL RETAINERS

KEY MESSAGES:

- The *Attorney General Act* establishes the Attorney General's roles as the legal advisor to government and the representative of government in legal proceedings.
- The Legal Services Branch ("LSB") is empowered under the Act to provide legal advice to client ministries and retain, contract or employ persons to provide legal services.
- Legal services are generally provided to ministries and agencies by legal counsel employed within LSB. However, where there is a conflict, a requirement for particular expertise, services in another geographic area, and/or workload pressures, outside counsel are retained. These retainers are supervised by LSB legal counsel.
- Outside counsel fees are managed according to the Outside Counsel Fee Tariff.

FINANCES:

- Estimates – Fiscal Year Ending March 31, 2024 - Vote 14 – Ministry Operations Pages 38 - 39.

STATISTICS (subject to solicitor-client privilege):

Legal Information

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BACKGROUND: (Subject to solicitor-client privilege)

- Selection of outside counsel is carried out according to the following process, which ensures compliance with core government procurement policies:
 - Outside counsel are chosen from LSB's Outside Counsel Prequalified List. Outside counsel may prequalify by submitting an application to LSB including work history, years of call, expertise and references. If a firm is applying to get on the prequalified list, every lawyer in that firm who wishes to be qualified must submit the required information.
 - In addition, lawyers wishing to do government work directly with individuals at risk, such as children, must undergo a criminal record check.
 - All outside counsel applications are submitted to LSB's Manager of Procurement and Contracts who reviews the information and follows up as appropriate (e.g., reference checks) before adding lawyers.
 - Supervisors within LSB and client ministries must both approve outside counsel appointments in accordance with the fee tariff. Final approval for outside counsel appointments rests with the Assistant Deputy Attorney General, LSB.
- LSB is reviewing and updating its retainer policy and procedures for outside counsel.
- The process is designed to be fair, accessible, efficient, transparent, cost-effective, well documented, accountable, enhance internal Branch capacity where appropriate, ensure that necessary legal expertise is retained for particular tasks and to continue to comply with government general procurement policies and applicable agreements.

Contact: Kyle Pollner, Executive Director	Tel: 778-974-2928	Government Financial Information
Contact: Richard Peachman, Director of Finance, LSB	Tel: 778-974-2927	

2023/24 ESTIMATES NOTE

Last updated: March 6, 2023

EMPLOYEE INDEMNITY POLICY AND PRACTICES OVERVIEW

KEY MESSAGES:

- Providing legal assistance and indemnities to public servants acting in the course of their employment is essential to the protection of the Crown's interest, the fair treatment of public servants and the effective management of government.
- Indemnity coverage is provided to public servants under the *Excluded Employees (Legal Proceedings) Indemnity Regulation* (Regulation), under collective agreements, and where applicable by way of *ad hoc* special indemnities pursuant to s. 72 of the *Financial Administration Act* when indemnity coverage is not otherwise available.
- Indemnity coverage under the Regulation is available to current or former excluded employees and members of the executive branch of government. Coverage is not available under the Regulation for Members of the Legislative Assembly, except for those serving as members of the executive council in relation to matters arising from that role.

If asked about the total amount expended on employee indemnities

- The Risk Management Branch of the Ministry of Finance is the appropriate source of this information.

If asked about a specific indemnity

- Government cannot disclose any information about indemnity coverage, including whether coverage has been requested, provided, denied or terminated. The only exceptions are where: disclosure is required by law; disclosure is to persons involved in the coverage; or the persons involved consent. [If pressed: Questions regarding the potential existence of specific indemnities are better answered by my colleague the Honourable Katrine Conroy, Minister of Finance].

FINANCES:

- Refer to Risk Management Branch, Ministry of Finance.

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BACKGROUND:

- The Regulation and applicable collective agreements set out situations where coverage is available, eligibility requirements for coverage, and establish processes for granting and receiving coverage.
- There are also circumstances analogous to those covered by the Regulation, where coverage is provided as a special indemnity under s. 72 of the *Financial Administration Act* and s. 2 of the *Guarantees and Indemnities Regulation*. In such circumstances, no coverage is available under the Regulation or a collective agreement, but it is in government's interest to provide someone with an indemnity.
- The Risk Management Branch of the Ministry of Finance is the appropriate source of information about the total amount expended on indemnities. Except in very limited circumstances, government cannot disclose information about coverage provided to employees and members of the Executive Council.
- When a specific indemnity has been concluded under the Regulation, the amount of the indemnity is disclosed in the aggregate with other indemnities concluding within the same fiscal year. The Risk Management Branch discloses this information in the Consolidated Revenue Fund Guarantees and Indemnities Authorized and Issued report for each fiscal year.

Contact: Kelly Hazlett, Legal Counsel, LSB	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: March 27, 2023

ANTI-RACISM LEGISLATION

KEY MESSAGES:

- Everyone deserves fair and equitable access to programs and services they need to live a good life.
- Systemic racism and colonial biases have shaped the development and delivery of programs and services for generations, and this continues to hurt Indigenous, Black and other racialized peoples throughout B.C. To identify and address racism at a systemic level, government has committed to a whole-of-government approach by introducing two pieces of anti-racism legislation:
 - 1) Anti-racism data legislation (ARDA) paves the way to safely collect, use and disclose race-based data to help identify systemic racism in programs and services across government.
 - 2) A broader anti-racism legislation <sup>Advice/Recommendations; Cabinet
Confidences</sup> will move beyond identification and require government to act to address systemic racism across government.
- By mandate letter, the B.C. Attorney General, Honourable Niki Sharma and Parliamentary Secretary for Anti-Racism Initiatives, Mable Elmore, are mandated to:
 - Work with community partners, including B.C.'s Human Rights Commissioner, to develop and pass an Anti-Racism Act to better serve everyone in B.C
- The B.C. Human Rights Commissioner's report on incidents of hate during the pandemic was published on March 7, 2023 and findings from this reports will also inform the Province's approach to dismantling systemic racism.
- As the Province moves forward with the public co-development and engagement on the broader anti-racism legislation, a distinctions-based engagement process with Indigenous partners is under way. Ministry staff have met with staff from Métis Nation BC, Modern Treaty Nations and BC Association of Aboriginal Friendship Centres. Legislation co-development sessions are underway with First Nations rights holders, First Nations Leadership Council, BC Alliance of Modern Treaties and Urban Indigenous groups.

FINANCES:

- The external engagement consultation plan for the anti-racism legislation is a continuation of the extensive community led engagement from the ARDA.
- The anti-racism legislation has an engagement budget of <sup>Government Financial
Information</sup>
- The engagement approach will leverage previously acquired data from the ARDA engagement process as well as the use of the recently approved Interim Approach.

STATISTICS:

- Thirty-six per cent of British Columbians and 51 per cent of Metro Vancouver residents self-identified as a visible minority or Indigenous in 2016 (Census 2016).

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- In Canada, between 2019 and 2020, the number of police-reported crimes motivated by race or ethnicity increased 80%, from 884 (45% of total hate crimes) to 1,619 (61% of total hate crimes), accounting for most of the national increase in hate crimes. Much of the rise in targeting race or ethnicity between 2019-2020 was the result of crimes targeting:
 - East or Southeast Asian populations (+202 incidents or +301%)
 - Indigenous populations (+44 incidents or +152%)
 - Black populations (+318 incidents or +92%)
 - South Asian populations (+38 incidents or +47%)
- Between 2019 and 2020, race or ethnicity related incidents in B.C. increased by 122% (from 161 incidents to 357 incidents), while those related to religion and sexual orientation did not change substantially.
- The Vancouver Police Department reported that in Vancouver, anti-Asian hate crime rose by 717% from 2019 (12 incidents) to 2020 (98 incidents).

BACKGROUND:

- Enacted in 2017, Ontario's *Anti-Racism Act* primarily focused on data collection for anti-racism purposes, initiated the creation of Ontario's Anti-Racism strategy and established an Anti-Racism Directorate.
- On March 24, 2022, Nova Scotia introduced the *Dismantling Racism and Hate Act*, which moves beyond anti-racism to focus on systemic hate, equity, and racism.
- On March 29, 2022, the Federal government launched national consultations for Canada's first ever National Action Plan on Combatting Hate. Findings from the national consultations may influence the province's anti-racism legislation.
- The Province of BC has several initiatives underway across government to address racism such as amendments to the *Police Act* targeted for completion in 2026, ongoing actions by the "In Plain Sight" Report task team addressing Indigenous specific racism in healthcare and, the recent release of a provincial K-12 Anti-Racism in Education Action Plan in January 2023.
- Anti-racism legislation will formalize the obligations of public bodies already doing Anti-Racism work and eventually require all public bodies to develop plans to address systemic racism in their organizations.

Cabinet Confidences

2023/24 ESTIMATES NOTE

Last updated: March 22, 2023

JAPANESE CANADIAN RECOGNITION

KEY MESSAGES:

- Our government recognizes the significant harm that came to Japanese Canadians as a result of government actions before, during and after the Second World War.
- That's why, to honour the Japanese Canadian community, we have committed to providing lasting recognition of the traumatic internment of more than 22,000 Japanese Canadians during World War II.
- Since 2019, we have been working with the Japanese Canadian community on a path forward that honours survivors and acknowledges these injustices.
- As a result of engagement with the community, through the National Association of Japanese Canadians (NAJC), we are supporting the Japanese Canadian Legacies Society (JCLS) and their community partners with a \$100-million funding package to deliver new initiatives and community programs.
- The Province will work closely with the Japanese Canadian Legacies Society (JCLS) to support these important initiatives during the coming months and years.

FINANCES:

- Ministry staff has delivered ^{Government}_{Financial Information} in funding to the JCLS to support new programs and are currently assessing options for the remaining initiatives, including a monument and community space.

BACKGROUND:

- One of Parliamentary Secretary Mable Elmore's mandate commitments is to "work with the Japanese Canadian Legacies Society to deliver the Province's redress initiatives that honour the legacy of Japanese Canadians in B.C."
- NAJC submitted several proposals to the Province in 2019, 2020, 2021 and 2022 outlining the level of recognition they are seeking. In the most recent submission, the Japanese Canadian Legacies Society are asking for funding and support for the following initiatives:
 - **Health and Wellness** - implement health and wellness programs for internment-era survivors; and support intergenerational trauma counselling.

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- **Heritage, Community and Education** - preservation and access to Japanese Canadian history and heritage, as well as the development of teaching materials and updating curriculum for Japanese Canadian history in B.C. schools.
- **Monument** - to commemorate and remember.
- **Community** – create recreational and cultural space.
- In May 2022, the Province announced a \$100 million redress package to provide lasting recognition of historical wrongs committed by the Province of B.C. against Japanese Canadians during the Second World War.
- This investment builds on the \$2 million funding the Province provided to the Nikkei Seniors Health Care and Housing Society in May 2021 for health and wellness supports for Japanese Canadian internment-era survivors.

Contact: Haiqa Cheema, Assistant Deputy Minister, Multiculturalism and Anti-Racism Branch	Government Financial Information
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2023/24 ESTIMATES NOTE

Last updated: March 22, 2023.

RESILIENCE BC ANTI-RACISM NETWORK

KEY MESSAGES:

All British Columbians have the right to feel safe in their communities. However, since the pandemic, there has been a significant increase in hate-related crimes being reported.

- We're working at the government level to address systemic racism through the implementation of the Anti-Racism Data Act and the development of broader anti-racism legislation, but we know that to dismantle systemic racism in B.C. we also need to work at the community level.
- Our Resilience BC Anti-Racism Network offers a more strategic and coordinated approach for responding to racism and hate in B.C. communities by leading anti-racism and anti-hate work at local and regional levels.
- The Resilience BC Anti-Racism Network has a centralized "Hub" that anchors the program and provides support to 35 "Spoke organizations" to lead anti-racism and anti-hate work at local and regional levels to deliver service in 40 communities.
- Spoke organizations are the key community contacts for our government in the event of an alleged incident or hate, offering multilingual information and videos on what to do if a person is the victim or witness of a hate incident.

FINANCES:

- The annual program budget for Resilience BC is ^{Government Financial Information}
Government Financial Information and is supported by two FTEs.

STATISTICS:

- In 2020, B.C. reported the second largest jump in hate crimes nationally at +198 following Ontario. When adjusted for population size, B.C. reports the largest jump (Statistics Canada).
- 2021 national police data shows another 26% increase in reported hate crimes from 2020, and a 2-year jump of 72% from 2019 (Statistics Canada).
- The BC Office of the Human Rights Commissioner (BCOHRC) report from Hate to Hope (March 2023) noted over ½ of respondents (56%) felt the increase in hate incidents was due to a normalization of hate incidents online and elsewhere.
- The BCOHRC report identified that respondents were most likely to report that the hate incident was motivated by race, ethnicity, or ancestry (60%), followed by political beliefs (20%), religious or spiritual beliefs (19%), or cultural markers or traditions (19%).

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BACKGROUND:

- Resilience BC was announced on November 20, 2019, during Multiculturalism Week as the successor to the Organizing Against Racism and Hate (OARH) program that ran for ten years (2009-2019).
 - The Victoria Immigrant and Refugee Centre Society (VIRCS) was renewed to continued delivering services for the fourth year as the Hub for the Resilience BC Anti-Racism Network.
 - Thirty-five organizations deliver Spoke services in 40 communities in rural and urban communities across the province since August 2020.
 - In May 2021, the Resilience BC Anti-Racism Network launched a new website with resources, multilingual information for victims and bystanders of hate incidents and videos available in 13 languages including Chinese, Japanese, Vietnamese, Korean, Tagalog, Punjabi, and Hindi. The videos were made in partnership with the Vancouver Asian Film Festival (VAFF).
 - In 2020/21, the Ministry invested an additional ^{Government Financial} in Resilience BC in one-time initiatives as part of the Anti-Racism Restart and Recovery Initiatives under Stronger BC:
Government Financial Information
-
- Resilience BC was identified under Schedule 5 of the Partnership Agreement for the Conservation of Southern Mountain Caribou (2020) to support the Cariboo Recovery Anti-Racism Project ^{Government Financial Information}
Government Financial Information and contracted SFU's Morris J. Wosk Centre for Dialogue to work with ministry staff and the Saalt'ee and West Moberly First Nations to conduct the review and develop the report due for release in the summer of 2023.

Contact: Haiqa Cheema, Assistant Deputy Minister, Multiculturalism and Anti-Racism Branch

Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: April 6, 2023

CHINESE CANADIAN MUSEUM, A SOUTH ASIAN MUSEUM, AND A PROVINCIAL FILIPINO CULTURAL CENTRE (TACS)

KEY MESSAGES:

- B.C. has seen an alarming increase of hate crimes against Asian Canadians and other racialized people throughout the pandemic.
- We know we need to address hate and discrimination in B.C. through a variety of different channels.
- This includes through the upcoming Chinese Canadian Museum, South Asian Museum and the Provincial Filipino Cultural Centre.
- These developments will highlight the unique contributions and histories of each community.
- This is just one way we're building a more inclusive and welcoming province where diversity is celebrated.
- **Chinese Canadian Museum:** The Chinese Canadian Museum is expected to open their permanent home to the public in July 2023, to coincide with the 100th Anniversary of the Chinese Immigration Act.
- **South Asian Museum:** In December 2022, government reaffirmed its commitment "to work in consultation with affected communities to advance.... a South Asian Museum"
- We are now planning for the launch of community engagement to inform this work.
- **Provincial Filipino Cultural Centre:** In December 2022, the Province committed to work in consultation with affected communities to advance emerging museum programs and proposals including a provincial Filipino cultural centre for artifacts, documents, and stories.
- Next steps include community engagement that will be planned in consultation with the Filipino community.

FINANCES:

- **South Asian Museum:** Government, through the Multiculturalism and Anti-Racism Branch, provided ^{Government}Financial for the South Asian Canadian Legacy Project to support a website, education curriculum supplements, a book, an exhibition, history site inventories, and community specific projects.

BACKGROUND:

- The December 2022 Minister's mandate letter for the Minister of Tourism, Arts, Culture and Sport (TACS) directs the Minister to "work in consultation with affected communities to advance emerging museum programs and proposals including the Chinese Canadian Museum, a South Asian Museum, and a provincial Filipino cultural centre" with the support of the Parliamentary Secretary for Anti-Racism Initiatives, Mable Elmore (PS Elmore).
- **Chinese Canadian Museum:** The Province announced its commitment to establish a Chinese Canadian Museum in the 2019 throne speech and provided the City of Vancouver a \$1-million grant to support museum planning and programming.
- In 2020, the Province provided an \$8 million endowment to establish the Chinese Canadian Museum Society, and \$2 million in funding to complete the planning and initial development, including identifying potential sites, for the Museum's home.
- On February 11, 2022, the B.C. Government provided \$27.5 million to the Chinese Canadian Museum Society of British Columbia to support continued planning and operations of the society, as well as the purchase of the historic Wing Sang Building.
- On April 12, 2023, the Province announced an additional \$10 million through TACS to support renovations and operating costs as the museum prepares for its public opening on July 1, 2023.
- **South Asian Museum:** The genesis of this museum comes from the Punjabi Canadian Legacy Project (2014-2018) and the South Asian Canadian Legacy Project (2020-2022) led by the South Asian Studies Institute and supported through funding from the Multiculturalism and Anti-Racism Branch, within the Ministry of the Attorney General.
- The approach, initial project funding, and corresponding outputs, are similar to that of the Chinese Canadian legacy project, a precursor to developing the Chinese Canadian Museum.
 - On March 29, 2022, former Minister Mark met online with representatives of the South Asian Legacy Project.
 - On April 12, 2022, former Minister Mark attended the official unveiling of the South Asian Canadian Legacy project products at Surrey City Hall.
- **Provincial Filipino Cultural Centre:** PS Elmore is the first B.C. MLA of Filipino heritage and has been an advocate for the Filipino-Canadian community in Vancouver, who have been calling for a Filipino cultural centre since her initial election as an MLA in 2009. PS Elmore has publicly proposed a location in the Marine Gateway area, near the Marine Drive Skytrain station in South Vancouver.
- In December 2022, the Mubuhay House Society, in partnership with National Pilipino Canadian Cultural Centre and the UBC School of Community and Regional Planning,

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consulted with 57 representatives from the Filipino Canadian community in Vancouver to identify the gaps and needs relating to cultural space. The vision is for a centre that supports artistic and cultural production and fosters social sustainability, including a performance and exhibition space, a dance & martial arts training centre, language school, innovation/tech hub, industrial kitchen, non-profit community offices, childcare spaces, affordable housing, and a senior's centre.

Contact: Haiqa Cheema, Assistant Deputy Minister, Multiculturalism and Anti-Racism Branch

Government Financial Information

2023/24 ESTIMATES NOTE

ANTI-ASIAN RACISM

Last updated: March 27, 2023

KEY MESSAGES:

- Canada has seen a rise in anti-Asian racism during COVID-19, with a dramatic increase in violent attacks and harassment toward Asian communities and those who appear to be Asian in British Columbia.
- Everyone has the right to live without the fear of violence and any form of discrimination, yet racist hate has a long history in B.C. and still exists today.
- B.C. is committed to supporting communities to address racism and hate by providing them with direct funding support.
- The Province is proud of all the positive contributions Asian Canadians have made and continue to make. We commit to stand with them against racism.
- Provincial programs and initiatives such as the Resilience BC Anti-Racism Network, our Multiculturalism and Anti-Racism Grants Program, and our annual awards ceremony support communities in their critical work to address racism and champion their success.
- By mandate letter, the B.C. Attorney General, Honourable Niki Sharma and Parliamentary Secretary for Anti-Racism Initiatives, Mable Elmore, are mandated to:
 - Work with community partners, including B.C.'s Human Rights Commissioner, to develop and pass an Anti-Racism Act to better serve everyone in B.C.
 - Work with community partners to create an anti-Asian racism strategy.
 - Work with the Japanese Canadian Legacies Society to deliver the Province's redress initiatives that honour the legacy of Japanese Canadians in B.C.
 - Support the Minister of Tourism, Arts, Culture and Sport in consultation with affected communities to advance emerging museum programs and proposals, including the Chinese Canadian museum, a South Asian museum, and a provincial Filipino cultural centre.
- The B.C. Human Rights Commissioner's report on incidents of hate during the pandemic was published on March 7, 2023 and findings from this reports will also inform the Province's approach to dismantling systemic racism.
- In the Spring of 2022 the Province introduced B.C's first Anti-Racism Data Act to identify systemic barriers faced by Indigenous, Black and people of colour when accessing government programs and services so they can be addressed.
- As the Province moves forward with the public co-development and engagement on the broader anti-racism legislation, consultation with Asian Canadian British Columbians is planned through an engagement questionnaire, virtual townhall sessions, and in community focus groups.

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- Other anti-racism initiatives include a province-wide anti-racism awareness campaign; proclaiming Anti-Racism Awareness Week in May; developing an anti-racism action plan for kindergarten to Grade 12; and developing a multilingual racist-incident hotline for British Columbians to report racist incidents and receive support and referrals.

FINANCES:

Government Financial Information

- 4.5 FTEs support this through Resilience BC, Multiculturalism Grants program, and Historical initiatives (National Association of Japanese Canadians).

STATISTICS:

- Police-reported hate crimes in B.C. have been trending upwards since 2017, with a rate of 5.2 to 10.1 per 100,000 population in 2020, the highest increase across Canada, according to Statistics Canada.
- According to data from the Vancouver Police Department, there were 204 hate incidents or crimes reported in the city from March 2020 to December 15, 2022: 98 in 2020, 62 in 2021, and 44 in 2022.
- In Richmond, police recorded 46 hate crimes and incidents in 2021, up from 34 in 2020; 67 per cent were related to racial discrimination, and of the people targeted, 61 per cent were Asian.
- According to a report published in 2022 by the Chinese Canadian National Council Toronto Chapter and Project 1907, there is a continued and concerning rise in anti-Asian racism and xenophobia across Canada, with reports by South Asian and Southeast Asian people increasing dramatically from 2020 to 2021, by 318 per cent and 121 per cent, respectively.
- Prior to COVID-19, Statistics Canada estimated that two-thirds of all hate crimes and racist incidents go unreported to police, partly due to mistrust of the police by some Indigenous, racialized and faith communities, and a lack of public awareness about rights and protective laws related to racism and hate.

BACKGROUND:

- A report published by B.C.'s Office of the Human Rights Commissioner in March 2023 confirmed hate-related incidents rose exponentially during the first years of the COVID-19 pandemic and the rise in anti-Asian hate was found to be "particularly acute".
- The Resilience BC Anti Racism Network has a centralized "Hub" that anchors the program and provides support to 34 "Spoke organizations" to lead anti-racism and anti-hate work at local and regional levels deliver service in 40 communities.

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- In 2021, The Hua Foundation received ^{Government Financial Information} as part of the Anti-Racism Restart and Recovery Initiatives under Stronger BC, to serve as the Resilience BC Community Convener addressing Anti-Asian Racism. Their report and community catalogue was released in the Fall of 2022.
- The Resilience BC Anti-Racism Network website was also launched in May 2021 with resources, multilingual information for victims and bystanders of hate incidents, and videos available in 13 languages including Chinese, Japanese, Vietnamese, Korean, Tagalog, Punjabi, and Hindi. The videos for the website were made in partnership with the Vancouver Asian Film Festival (VAFF).
- Sixty organizations are set to receive Multiculturalism and Anti-Racism Grants of up to \$5,000 to support community-based projects annually that promote multiculturalism and address racism. Of the sixty, over half self identify as BIPOC led agencies, with at least eight of these organizations addressing anti-Asian racism through their projects.

Contact: Haiqa Cheema, Assistant Deputy Minister, Multiculturalism and Anti-Racism Branch

Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: March 23, 2023

ANTI-BLACK RACISM

KEY MESSAGES:

- The Province greatly values the history, contributions, and accomplishments of Black communities in B.C.
- Unfortunately, Black British Columbians continue to face disproportionate barriers and are overrepresented in the criminal justice system because of systemic racism.
- An Anti-Black Racism Strategy will be developed after the introduction of the Anti-Racism Act in Spring 2024.
- Programs and initiatives such as the Resilience BC Anti-Racism Network, Multiculturalism and Anti-Racism Grants Program, Proclamations Program, and the annual Multiculturalism and Anti-Racism Awards ceremony support communities in their critical work to address racism and champion their success.
- Under the Resilience BC Framework, we funded the Black in British Columbia (BC) Convener pilot project. As part of the Convener role, The African Arts and Cultural Community Contributor Society (AACCCS) led a community assessment process of the performance of our government and provided their findings and recommendations through their report called *Black in BC*.
- The Ministry is also addressing systemic racism and introduced the Anti-Racism Data Act in 2022 and continue to work towards an anti-racism act that is Advice/Recommendations; Cabinet Confidences

FINANCES:

- The Ministry has \$0.540 million to support Resilience BC programming and \$0.300 million for the Multiculturalism and Anti-Racism Grants program in FY2023/24.
- 4.5 FTEs support this through Resilience BC, Multiculturalism Grants program, historical wrongs initiatives (International Decade for People of African Descent).

STATISTICS:

- Statistics Canada's report shows that the number of police-reported hate crimes targeting race or ethnicity almost doubled (+80 per cent) in 2020 – the result of more crimes targeting the Black population at +318 incidents – making the Black population the most commonly targeted group overall for 2020.

Confidential

- The 2016 population census recorded 43,500 Black people in B.C., representing one per cent of the provincial population in 2016 and almost four per cent of the Black population in Canada. The Black population continues to grow in BC. Between 1996 and 2016, the population almost doubled in size. (Statistics Canada, 2019)
- The number of people of African ancestry in the province is likely higher when considering those of mixed heritage or those who identify differently within the 40,465 individuals identifying as visible minorities.

BACKGROUND:

- In 2021, Parliamentary Secretary Rachna Singh hosted a series of 10 community meetings with community members and Ministers on themes ranging from education, justice and community safety, health, arts and culture, employment, migration, and housing.
 - Members of Black communities in B.C. provided recommendations to address long-standing and emerging issues of systemic racism.
- In December 2022, one of Parliamentary Secretary Mable Elmore's mandate items is to work with community partners to create an anti-black racism strategy in recognition of the International Decade for the People of African Descent.
- The Resilience BC Anti-Racism Network has a centralized "Hub" that anchors the program and provides support to 35 "Spoke" organizations who provide service to 40 communities which lead anti-racism and anti-hate work at local and regional levels.
 - There are at least 5 Spoke agencies who are working to directly address anti-Black racism in both urban and rural communities including Kelowna, Ridge Meadows, Cowichan Valley, New Westminster and Vancouver.
 - In 2021, the African Art and Cultural Community Contributor Society (AACCCS) received a \$0.100 million grant from the Province as the Resilience BC Community Convener on anti-Black racism.
 - In February 2022, AACCCS released its *Black in BC Report* that identifies the needs of Black British Columbians. The Province is reviewing the findings and recommendations from this report to inform further action.
- The Ministry has taken steps to recognize and celebrate Black histories and excellence in B.C. by proclaiming August 1, 2021, as Emancipation Day for the first time in B.C.'s history to mark the date on which slavery was abolished across Canada in 1834, proclaiming Black Excellence Day on January 14, 2022, and has been celebrating Black History Month for several years.

Contact: Haiqa Cheema, Assistant Deputy Minister, Multiculturalism and Anti-Racism Branch

Government Financial Information

2023/24 ESTIMATES NOTE

Last updated: March 23, 2023.

INTERNATIONAL DECADE FOR THE PEOPLE OF AFRICAN DESCENT (IDPAD)

KEY MESSAGES:

- The Province greatly values the history, contributions, and accomplishments of Black communities in B.C, and recognize that Black British Columbians continue to face disproportionate barriers as a result of systemic racism and discrimination.
- Our government has taken steps to better understand experiences of Black British Columbians as we move towards meaningfully recognizing the International Decade for People of African Descent (IDPAD).
- Programs and initiatives such as the Resilience BC Anti-Racism Network, our Multiculturalism and Anti-Racism Grants Program, our Proclamations Program, and our annual Multiculturalism and Anti-Racism awards ceremony support communities in their critical work to address racism and champion their success.
- Under the Resilience BC Framework, we funded the Black in British Columbia (BC) Convener pilot project through a \$0.100 million grant. As part of the Convener role, The African Arts and Cultural Community Contributor Society (AACCCS) led a community assessment process of the performance of our government, and provided their findings and recommendations through their report called *Black in BC*.
- Government brought into law the Anti-Racism Data Act in 2022 and continues to work towards introducing a broader anti-racism act in 2024.

FINANCES:

Government Financial Information

- 4.5 FTEs support this through Resilience BC, the Multiculturalism Grants program, historical wrongs initiatives (International Decade for People of African Descent).

STATISTICS:

- Statistics Canada's report shows that the number of police-reported hate crimes targeting race or ethnicity almost doubled (+80 per cent) in 2020 – the result of more crimes targeting

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the Black population at +318 incidents – making the Black population the most commonly targeted group overall for 2020.

- The 2016 population census recorded 43,500 Black people in B.C., representing one per cent of the provincial population in 2016 and almost four per cent of the Black population in Canada. The Black population continues to grow in B.C. Between 1996 and 2016, the population almost doubled in size. (Statistics Canada, 2019)
- The number of people of African ancestry in the province is likely higher when considering those of mixed heritage or those who identify differently within the 40,465 individuals identifying as visible minorities.

BACKGROUND:

- In 2021, Parliamentary Secretary Rachna Singh hosted a series of 10 community meetings with experts, leaders and advocates from Black communities and Ministers on themes ranging from education, justice and community safety, health, arts and culture, employment, migration, and housing.
 - Members of Black communities in B.C. provided recommendations to address long-standing and emerging issues of systemic racism.
 - The Ministry is seeking funding to support initiatives before formally recognizing IDPAD.
- In December 2022, one of Parliamentary Secretary Mable Elmore's mandate items is to work with community partners to create an anti-black racism strategy in recognition of the International Decade for the People of African Descent.
- The Resilience BC Anti-Racism Network has a centralized "Hub" that anchors the program and provides support to 35 "Spoke" organizations who provide service to 40 communities which lead anti-racism and anti-hate work at local and regional levels.
 - There are at least 5 Spoke agencies who are working to directly address anti-Black racism in both urban and rural communities including Kelowna, Ridge Meadows, Cowichan Valley, New Westminster and Vancouver.
- The Ministry has taken steps to recognize and celebrate Black histories and excellence in B.C. by proclaiming August 1, 2021, as Emancipation Day for the first time in B.C.'s history to mark the date on which slavery was abolished across Canada in 1834, proclaiming Black Excellence Day on January 14, 2022, and has been celebrating Black History Month for several years.

Contact: Haiqa Cheema, Assistant Deputy Minister, Multiculturalism and Anti-Racism Branch

Government Financial Information

2023/24 ESTIMATES NOTE

ANTI-RACISM DATA ACT

Last updated: March 27, 2023

KEY MESSAGES:

- On May 2, 2022, government introduced the *Anti-Racism Data Act* to identify systemic barriers faced by Indigenous, Black and people of colour when accessing government programs and services so they can be addressed.
- The Act became law on June 2, 2022.
- The Ministry of Attorney General and the Ministry of Citizens' Services worked collaboratively to develop the legislation. The legislation was informed by the thoughts of more than 13,000 British Columbians through engagement with Indigenous Peoples and racialized communities, as well as key partners, such as the B.C. Human Rights Commissioner, First Nations Leadership Council, the BC Association of Aboriginal Friendship Centres and Métis Nation BC. It is one of the first pieces of legislation to be co-developed with Indigenous Peoples under the Declaration on the Rights of Indigenous Peoples Act.
- The Act focuses on four key areas:
 - 1) Continued collaboration with Indigenous Peoples in a way that recognizes the unique identity of First Nations and Métis communities in B.C.
 - 2) Working with racialized communities in implementing the legislation. This includes the creation of a provincial anti-racism data committee to collaborate with government on how data is collected and used.
 - 3) Increasing transparency and accountability while preventing and reducing harms to Indigenous Peoples and racialized communities.
 - 4) Requiring government to release data on an annual basis, and to periodically review the act.
- The Province is currently moving forward with the public co-development and engagement on broader anti-racism legislation to be introduced in 2024. Consultation with Indigenous Peoples, Black and people of colour is taking place in the Spring/Summer 2023.

FINANCES:

- All current work is being done within existing ministry resources.

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BACKGROUND:

- In June 2020, Premier Horgan requested that the Office of the Human Rights Commissioner (OHRC) provide guidance, advice, and recommendations for action on intersectional disaggregated data.
- In the Fall of 2020, the OHRC released a report titled, “Disaggregated demographic data collection in British Columbia: The grandmother perspective,” and Dr. Turpel-Lafond released a report entitled, “In plain sight: Addressing Indigenous-specific racism and discrimination in B.C. health care.” Both reports call for the Province to collect demographic data to identify systemic racism, deliver more equitable services, and uphold people’s rights.
- Cabinet Confidences; Government Financial Information
- Between April 2021 and March 2022, citizens were invited to engage in the discussion through three engagement streams:
 - 1) Indigenous engagement
 - 2) Community-led engagement
 - 3) Online public survey
- An Indigenous engagement specialist (Quintessential Research Group), BC Association of Aboriginal Friendship Centres (BCAAFC), and Métis Nation British Columbia (MNBC) each received funding to lead sessions directly with Indigenous community members and individual First Nations.
 - The province also worked directly with Indigenous leadership organizations — including the First Nations Leadership Council (FNLC), BCAAFC and MNBC. Information about the legislation was also presented at various stages to First Nations chiefs at the general assemblies of the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs.
- Community-led engagement - Almost 70 organizations across the province hosted engagement sessions from November 2021 to the end of January 2022, holding 425 meetings – both in person and virtual, and reaching approximately 10,000 people. Former PS Singh met with Indigenous, Black, and people of colour (IBPOC) community groups for more targeted feedback.
- Online public survey - An online anonymous EngageBC survey in multiple languages ran from September 2021 to January 2022 to collect perspectives from the public with over 2,800 responses.
- Cabinet Confidences; Government Financial Information

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- On September 23, 2022, the Province announced the 11 members, including the chair, of the Anti-Racism Data Committee. Committee members represent a wide cross-section of racialized communities and geographic regions of B.C.
- The committee's goals are to ensure:
 - Implementation of the *Anti-Racism Data Act* is informed by the lived experience and expertise of racialized people.
 - Their work aligns with the broader goal of the legislation to identify and eliminate racism in government programs, policies, and services and to advance racial equity.
 - Continued connection and collaboration with racialized communities.
- The committee will collaborate with the Province on a number of initiatives to help identify and eliminate systemic racism in the public sector, including:
 - Data directives, to guide how government collects, uses and shares information.
 - Data standards, to determine type of personal information collected, used and shared.
 - Research priorities, where the Province should focus its efforts to identify and address systemic racism
 - Reviewing annual statistics prior to release to prevent community harms.

Contact: Haiqa Cheema, ADM, Multiculturalism and Anti-Racism Branch	Government Financial Information
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