



April 9, 2013

## DECISION BRIEFING NOTE

### Issue: Liquor Auctions

#### Background:

- In the fall of 2012, it came to the Province's attention that a Victoria theatre (the Belfry) was using privately donated wine as part of their auction, and that other charitable and non-profit organizations have increasingly been using liquor auctions to raise funds, which is not permitted under the existing provisions of the Act.
- Under the existing legislation, auctions are permitted only as part of a charitable purpose Special Occasion Licence, and the liquor had to be either purchased by the licensee or donated by a liquor manufacturer.
- s.12
- In March 2013, government passed amendments to the Liquor Control and Licensing Act to provide additional opportunities for charities and non-profit organizations to raise funds through the auctioning of liquor.
- Once proclaimed, the Act amendments will provide authority for the General Manager of the Liquor Control and Licensing Branch to issue auction permits for charitable and non-profit organizations to raise funds for charitable purposes, which are defined in legislation as the relief of poverty, the advancement of education and religion, and other purposes beneficial to the community such as fundraising that benefits recreation, sports, athletics, culture, the disabled, youth, or senior citizens.
- Charitable and non-profit organizations will have the ability to auction small volumes of liquor for charitable purposes without a permit.
- s.12
- Under the expanded eligibility of the Act amendments, non-profit organizations, such as service clubs, churches, other religious groups, community organizations, university clubs, college clubs and other organizations operated solely for non-profit benefit, as well as registered charities will be able to raise money for charity, as long as all of the proceeds of the auction go to the charitable purpose.



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- Permit applicants will be vetted to ensure they are a legitimate organization. The Act amendments give power to require that records are kept of the money raised and how and when the money is spent.
- Organizations who qualify for liquor auctions will also be able to receive liquor donations from any lawful source. Under the current legislation, the liquor must either be purchased by the licensee or donated by a liquor manufacturer or agent.
- In addition, the Act amendments make provision for unlicensed individuals, such as from an estate sale, to re-sell the liquor to the Liquor Distribution Branch, which can then re-sell the product to the public or licensees under its current private liquor sale policy. This will provide a means to sell privately owned liquor while maintaining government control over liquor sales and ensuring taxes are paid.

**Decision required:**

s.12

## SUMMARY OF TREASURY BOARD/CABINET REPORT BACKS

### Items Without Firm Deadlines

	Format	Title/Subject	Branch	Issue/Status	Required By or Due
	TB Submission				
	TB Submission				
	Cabinet Submission				
	TB Submission				

s.12, s.13, s.17



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#### **Virtual Justice Access Centre (Justice Services)**

- Justice access centres enable an integrated approach to delivery of family and civil justice services, helping citizens to navigate the justice system and participate constructively in reaching out-of-court solutions. The proposed virtual access centre will increase access to services by leveraging technologies and the Internet to provide a simple access point to the civil/family justice system as well as the information and tools that will help citizens achieve resolution.

#### **Expansion of Justice Access Centres (Justice Services)**

- The development of a Justice Access Centre in Victoria is underway, thereby improving access to civil and family justice information and services for people in southern Vancouver Island. This will be the province's third Justice Access Centre, the others being in Nanaimo and Vancouver.

#### **Revised Child Support Establishment (Justice Services)**

- Parents receiving income assistance or living out-of-province are required to make application to court for family support and to enrol subsequent orders in the Family Maintenance Enforcement Program for enforcement. In consultation with courts and the Ministry of Social Development, the proposed revised case management model will transfer resources from lawyers and court to case managers and a newly established child support registrar, speeding the process while reducing the demands on the court and their registries.

#### **Reducing Backlog in Child Welfare Matters (Justice Services)**

- Ministry-wide effort to increase availability of court time by deploying additional judicial resources, for a limited period of time, to court locations with the longest documented delays. The project will also encourage uptake of options such as mediation to resolve child welfare disputes. These steps will increase the timeliness of decisions about the care of vulnerable children.

s.12

s.13, s.17

s.13



May 31, 2013

**BRIEFING NOTE  
CROWN AGENCIES**

s.12

s.14



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**Key Contact:**

Name: David Merner  
Title: Executive Director, Justice Services Branch  
Telephone: 250-387-6888



REF #4

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## DECISION BRIEFING NOTE

s.12

s.17

**Decisions required:**

s.1§.12



REF #4

April 9, 2013

s.12





REF #5

June 4, 2013

## DECISION BRIEFING NOTE

s.12



REF #5

June 4, 2013

s.12

May 6, 2013

## DECISION BRIEFING NOTE

**Issue: Community Social Services Employers' Association (CSSEA) Collective Bargaining Ratification and Impact on Ministry Budget**

### Background:

- The CSSEA represents the interests of employers providing community social services on behalf of the provincial government. CSSEA is the accredited bargaining agent for agencies that are members of CSSEA whose employees are represented by a trade union and whose contracts with the provincial government amount to more than \$250,000.
- On April 22, 2013, CSSEA announced that an agreement with the Community Social Services Bargaining Association, which represents 10 unions, had been ratified for its two main bargaining components, community living services and general services. The agreement was negotiated based on the government's cooperative gains mandate.
- Of primary significance to the Ministry, included in the agreement were several wage increases, including:
  - Members that are at Step 1, no matter what Grid they are in, will receive a 1% increase effective April 1, 2013.
  - All members will receive a general wage increase of 1.5% on April 1, 2013.
  - All members will receive a general wage increase of 1.5% on January 1, 2014.
- Two Ministry Branches are affected:
  - Of the Community Safety and Crime Prevention Branch's 410 active victim service and violence against women programs, 170 are full CSSEA members (approximately 41.5%), 60 are associate members (approximately 14.6%) and 179 are not affiliated with CSSEA (approximately 43.7%).
  - Community Corrections Division of the Corrections Branch has 70 community based social service programs. Of these programs, 4 are full CSSEA members (approximately 5.7%), 4 are associate members (approximately 5.7%) and 62 are not affiliated with CSSEA (approximately 88.6%).

s.12



REF #7

May 6, 2013

s.12, s.17, s.16



REF #8

April 5, 2013

## DECISION BRIEFING NOTE

s.12



REF #8

April 5, 2013

Decision required:

s.12

March 19, 2013

## DECISION BRIEFING NOTE

**Issue: Electoral Boundaries Commission Statutory Mandate**

### Background:

- The Electoral Boundaries Commission Act requires that an independent Electoral Boundaries Commission (EBC) be appointed within one year after every second provincial general election. The next EBC must be appointed by May 14, 2014.
- The Act requires that the EBC be composed of:
  - a judge or retired judge of the Supreme Court or Court of Appeal;
  - the Chief Electoral Officer; and
  - a person nominated by the Speaker of the Legislative Assembly after consultation with the Premier and Leader of the Official Opposition.
- Section 9 of the Act sets out the criteria that govern EBCs in determining electoral district boundaries. EBCs are to observe the principle of representation by population but may deviate from strict population parity among districts by up to 25 per cent above or below the provincial average, and by more than 25 per cent if the EBC determines that “very special circumstances” exist to justify the departure.
- The current statutory direction for determining boundaries was created in 1989 and has not been amended since.
- The last EBC presented its preliminary report on August 15, 2007, and its final report on February 14, 2008. Its interim report recommended reducing the number of electoral districts in the North, Cariboo and Kootenay regions of the province. Following debate and introduction of legislative amendments by government in the House, the EBC produced a final report with a recommended map of 83 electoral districts. This would have reduced the number of districts in the Cariboo and the North only. In response to the legislation they also added a supplemental map of 85 electoral districts that did not reduce the number of districts in any region.
- The supplemental electoral map was adopted by the Legislature. At the time of adoption in 2008, a total of ten electoral districts had a population that was more than 25 per cent below the provincial average. In making its recommended 83-district map, the EBC found that only four of those districts could be said to fall within the “very special circumstances” provision of the Act. As well, five districts were very close to being 25 per cent above the provincial average.



REF #9

March 19, 2013

s.12

s.12, s.14





REF #11

April 9, 2013

## DECISION BRIEFING NOTE

s.12

s.13, s.14

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REF #11

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s.13, s.14

s.12  
s.13, s.14

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REF #14

May 8, 2013

## DECISION BRIEFING NOTE

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REF #15

May 7, 2013

## DECISION BRIEFING NOTE

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REF #15

May 7, 2013

Decision required:

s.12

May 7, 2013

## DECISION BRIEFING NOTE

**Issue:** Calls for a National Inquiry into the Issue of Missing and Murdered Women Across Canada.

**Background:**

- In Canada, Aboriginal females are nearly three times more likely than non-Aboriginal women to experience violent victimization, including family violence and violence by strangers.
- In the last two years there has been growing interest among Aboriginal and non-Aboriginal national and international organizations about the large number of missing and murdered women in Canada, and in particular the disproportionate amount of missing and murdered Aboriginal women and girls.
- Many organizations have called for a national inquiry into the issue of missing and murdered women in Canada, including:
  - the Assembly of First Nations;
  - the Native Women's Association of Canada;
  - the Métis National Council;
  - the Inuit Tapiriit Kanatami;
  - the June 2011 National Aboriginal Women's Forum;
  - the November 2012 National Aboriginal Women's Summit (and previous summits); and
  - several United Nations Committees, including the UN Committee on the Elimination of Discrimination Against Women (UNCEDAW) and most recently the UN Human Rights Council.
- In April 2013, at the Aboriginal Affairs Working Group meeting in Winnipeg, nine of Canada's Ministers responsible for Aboriginal Affairs, agreed to press for a national inquiry into missing and murdered Aboriginal women across the country.
- BC's Minister of Aboriginal Affairs did not attend the meeting due to the interregnum.
- s.13
- In 2010 BC appointed the Missing Women Commission of Inquiry to understand what went wrong in the investigation of missing and murdered women in Vancouver's downtown eastside in order to ensure the mistakes of the past are not repeated.

May 7, 2013

- The inquiry resulted in a comprehensive list of recommendations which are currently being analyzed and/or implemented. Recommendations are likely to be relevant to other jurisdictions and have been shared across the country.
- s.13, s.17
- In February 2013, the federal government established an all-party House of Commons committee to hold hearings on the issue of missing and murdered indigenous women and propose solutions to address the root causes of violence.
- In March 2013, the Government of Canada approved three requests for visits from the UN CEDAW Committee, the Inter-American Commission on Human Rights and from the Special Rapporteur on the Rights of Indigenous Peoples. The UNCEDAW visit is part of the UNCEDAW inquiry into missing and murdered Aboriginal women in Canada.
- In April 2013 the United Nations Human Rights Council adopted the report on the Universal Periodic Review of Canada's human rights record, which included recommendations from several countries calling for a national strategy to address the high number of missing and murdered Aboriginal women.
- BC has been a leader at the national level in addressing issues related to missing women since 2006 chairing the Federal/Provincial/Territorial (FPT) Missing Women Working Group and leading the work and analysis for its 94-page report, which was made public in January 2012.
- In fall 2012 FPT Ministers Responsible for Justice 

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s.16
- In the last decade, there have been numerous reports on violence against Aboriginal women, including reports about those who have gone missing or have been murdered. 

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s.16



REF #16

May 7, 2013

**Decision required:**

- **90 Day Issue**
- The government will be asked for its position on calling a national inquiry into the issue of missing and murdered women.



May 6, 2013

## DECISION BRIEFING NOTE

**Issue: Mandatory Imposition and Doubling of Federal Victim Surcharge**

**Background:**

- On April 30, 2013, Bill C-37, an Act to amend the Criminal Code (alternative title: “Increasing Offenders’ Accountability for Victims Act”), passed third reading in Canada’s Senate and subsequently received Royal Assent. The purpose of the bill is to double the federal victim surcharge amounts and to make them mandatory for all offenders convicted of a criminal offence. More specifically, Bill C-37 will:
  - Eliminate judicial discretion in waiving the surcharge as judges can currently waive the surcharge if it can be shown to cause undue hardship to the offender;
  - Increase the federal victim surcharge from 15% to 30% of a fine imposed by the court;
  - Increase the victim surcharge from \$50 to \$100 for offences punishable by summary conviction if no fine is imposed by the court; and,
  - Increase the victim surcharge from \$100 to \$200 for offences punishable by indictment if no fine is imposed by the court.
- The federal victim surcharge is a financial penalty imposed on convicted offenders at the time of sentencing. It is added to any other penalty imposed by the court when an offender is discharged or when the offender is convicted of an offence under the Criminal Code or under the Controlled Drugs and Substances Act.
- The federal victim surcharge was originally established in 1989 to help fund provincial and territorial victim services. Like provincial victim fine surcharges, the federal victim fine surcharge is directed to the province’s Victim Surcharge Special Account to be distributed for programs and services that benefit victims of crime.

s.12  
s.13, s.16, s.17



REF #17

May 6, 2013

**Decision required:**

- **90 Day Issue**

s.12



REF #23

April 10, 2013

## INFORMATION BRIEFING NOTE

**Issue:** Community Safety Act

**Background:**

- On March 14, 2013, the Community Safety Act received Royal Assent. The legislation requires a regulation to bring it into force.
- The legislation uses civil remedies to hold property owners accountable for the adverse effects and threats to public safety resulting from the ongoing or habitual occurrence of specified unlawful and disruptive activities on their properties, such as:
  - Use, sale and production of illegal drugs;
  - Prostitution;
  - Illegal sales or purchase of liquor;
  - Sale or consumption of intoxicating substances;
  - Child sexual abuse;
  - Unlawful possession or storage of prohibited firearms or restricted weapons; and
  - Gang or organized crime activities.

s.12

**Decision required:**

s.12



REF #27

April 29, 2013

## INFORMATION BRIEFING NOTE

s.12



REF #27

April 29, 2013

s.12

Ministry of Justice  
GOVERNMENT ELECTION COMMITMENTS

Platform Commitment	
Work with the Legal Services Society to expand LSS work in criminal and family law situations.	<div>s.13, s.17</div> <div>s.12</div>
Move traffic tickets out of the provincial courts into an administrative tribunal freeing up valuable court time and resources for more important matters.	<div>s.13</div> <div>s.13</div> <div>s.13</div>

**Ministry of Justice**  
**GOVERNMENT ELECTION COMMITMENTS**

<p>Develop a framework for specialized courts, including domestic violence courts.</p>	<p>White Paper 2 committed to working closely with the Judiciary and other justice system participants to explore the establishment of a framework for domestic violence courts by March 31, 2014 and to develop an evidence-based, integrated, and strategic approach for specialized court initiatives in the province by March 31, 2015.</p> <p style="text-align: center;">s.12 s.12 s.12</p>	<p style="text-align: center;">s.12, s.13</p>	<p>None.</p>
<p>Work with police departments and communities in Metro Vancouver and the Capital Regional District to determine whether a regional policing system can better meet the needs of citizens while being affordable to taxpayers in those two regions.</p>	<p>Consultation with local governments on service delivery model is a key action item in the draft BC Policing and Community Safety Plan, currently in final public consultation phase. Consultation end date and release of final plan will need to be determined. This is also included in the recommendations of the Missing Women Commission of Inquiry.</p>	<p style="text-align: center;">s.12, s.13, s.17</p>	



**Ministry of Justice**  
**GOVERNMENT ELECTION COMMITMENTS**

Continue to implement the recommendations of the Geoffrey Cowper report to improve the timeliness of justice in our court system.	Work underway. Two White Papers on justice reform released. An inaugural Justice Summit held and a second summit planned for Fall 2013.  s.12, s.13 s.12, s.13	s.12, s.13	A new Justice Reform and Transparency Act was passed and most provisions in force this spring.
Work with former Lieutenant-Governor Steven Point to implement the recommendations contained in the report of the Missing Women Commission of Inquiry.	Work underway. Preliminary response to recommendations set out in Draft BC Policing and Community Safety Plan (currently under consultation) and White Paper 2. Steve Point resigned as Advisor on May 30  s.22 s.22	s.12, s.13	s.12
Deliver the new Okanagan Correctional Centre on time and on budget which will provide additional cell space and improve safety for both our correctional officers and those serving sentences in prison.	RFQ stage. Three proponents shortlisted to submit proposals to design, build, partially finance and maintain the new centre. Proponent to be selected by fall, 2013. Project completion by fall 2016.	s.12	



Ministry of Justice  
GOVERNMENT ELECTION COMMITMENTS

Reduce the maximum interest payable on payday loans from \$23 per \$100 borrowed to \$17 per \$100 borrowed.

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s.13, s.17

Ministry of Justice  
SUMMARY OF TREASURY BOARD/CABINET REPORT BACKS

Items With Firm Deadlines

	Format	Title/Subject	Branch	Issue/Status/Require Action	Required By or Due
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s.22

s.12, s.14

s.12

**Ministry of Justice**  
**SUMMARY OF TREASURY BOARD/CABINET REPORT BACKS**

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**Items Without Firm Deadlines**

	Cabinet Submission
	Cabinet Submission
	TB Submission
	TB Submission
	TB Submission

s.12