

**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For DECISION by Attorney General

ISSUE: Proposal by the Tsilhqot'in Nation for the creation of a First Nations Court in Williams Lake, as part of the reconciliation process following the Supreme Court of Canada decision in 2014

DECISION REQUIRED/ RECOMMENDATION:

SUMMARY:

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BACKGROUND:

- The Supreme Court of Canada granted Aboriginal title to the Tsilhqot'in Nation on June 26, 2014, in *Tsilhqot'in Nation v. British Columbia* 2014 SCC 44 . Aboriginal title includes the right to exclusive use and occupation of the land, the right to the economic benefits of the land, and the ability to determine how the land is used. The ruling was the first in Canada designating Aboriginal title to a large tract of land outside of an Indian Reserve.
- On September 10, 2014, the Tsilhqot'in Nation, the Xeni Gwet'in and the Province signed a Letter of Understanding to explore how to implement the Supreme Court of Canada decision. Over the past several months, respectful and constructive discussion has been aimed at reaching lasting reconciliation, through the drafting of a Reconciliation Agreement.
- There are primarily two proposals that relate to the Administration of Justice: Tsilhqot'in community policing initiatives; and a First Nations Court in Williams Lake.
- Policing and Security Branch will be addressing the policing initiatives; this note will address the request with respect to the First Nations Court.
- When the government published the White Paper on Justice Reform – Part Two, it made a commitment to develop a strategy for specialized courts; this strategy will be finalized by the end of March 2015.
- The specialized court strategy will propose the rationalization of any development of new courts, including a governance model that involves both the ministry and the judiciary. Consequently, it is important that the Province keep any statements or

commitments made as part of the Reconciliation Agreement consistent with the Strategy.

- This situation is similar in nature to a request from the City of Surrey for a community court. In that case, the ministry responded by assisting officials in Surrey in the development of a criminal justice task force that included representatives from both the justice community as well as other community service providers to participate in a needs assessment to determine what the current criminal justice concerns were in Surrey, examine the current range of services being provided by various organizations and what the most appropriate solution was to address the concerns. At the end of that process, the task force determined that what was actually needed in Surrey was better coordination of existing services and not the development of a community court. The main recommendation was for an Integrated Services Network based in a single location to coordinate the various agencies at the administrative level with the potential of developing a number of network locations in the community as service centres for citizens. It is important to note that the City of Surrey paid the associated costs of establishing the task force and conducting the needs assessment.

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OPTIONS:

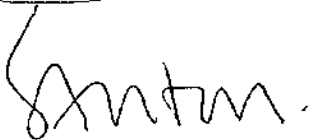
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OTHER MINISTRIES IMPACTED/CONSULTED:

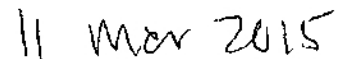
- Legal Services Branch (consulted)
- Criminal Justice Branch (impacted)
- Court Services Branch (impacted)
- Ministry of Aboriginal Relations and Reconciliation (impacted)

DECISION APPROVED / NOT APPROVED

DATE:

A handwritten signature in black ink, appearing to read "Anton", with a horizontal line underneath it.

The Honourable Suzanne Anton QC
Minister of Justice and Attorney General

A handwritten date in black ink, "11 Mar 2015", with a horizontal line underneath it.

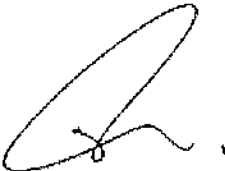
Cliff: 414176
Date Prepared: March 11, 2015
Date Decision Required: March 12, 2015

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Approved by: Jay Chalke, QC
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Date: 11 March 2015

Approved by: 
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