

**MINISTRY OF JUSTICE  
Justice Services Branch  
BRIEFING NOTE**

**TOPIC:** Conflict Resolution Week

**PURPOSE:** For approval by: Attorney General and Minister of Justice

**ISSUE:** Proclaim October 17 to 24, 2015 "Conflict Resolution Week" (CRW)

**BACKGROUND:**

- Since 2005, the third Thursday in October has been celebrated in the U.S. as Conflict Resolution Day. Following up on this theme, Mediate BC, in collaboration with the Ministry of Justice, organized the first Conflict Resolution Week in BC in 2014.
- Mediate BC supported 19 events, a video series, in addition to radio and television media coverage. Many of these events included Family Justice Counsellors and private mediators contracted by Family Justice Services Division (FJSD) as Child Protection Mediators.
- In 2014, Minister Anton acknowledged Conflict Resolution Day in the Legislature and publicly recognized the strong work in both the private and public sectors of BC to increase the use of conflict resolution.
- With funding from the Law Foundation of BC, Mediate BC would like to continue their public education efforts. It is expected that FJSD will engage directly in some of these efforts again this year.
- Mediate BC has requested that the week of October 17 to 24, 2015 be proclaimed Conflict Resolution Week.
- The intention of the theme week is to:
  - raise awareness of and promote public education about the benefits of mediation, conciliation and collaborative dispute resolution; and
  - raise awareness of conflict resolution processes and the services available.
- The ministry is known for its leadership in the design and implementation of dispute resolution models and practices, namely:

*Family Justice Services Division (FJSD):*

- FJSD provides services to facilitate the timely and just resolution of family disputes that occur during separation and divorce. It designs and delivers services which assist families and focuses on out-of-court resolution. This results in a significant number of family law cases being diverted from court.
- Research clearly shows that compared to litigation, collaborative dispute resolution, such as mediation, promotes earlier resolution of family justice problems. There is greater compliance with agreements than with court orders, fewer or briefer court appearances, and high client satisfaction with services.
- About 70% of FJSD dispute resolution cases have an outcome that avoids court. About 6,500 people are assisted with mediation annually.
- FJSD administers the Child Protection Mediation Program in collaboration with the Ministry of Children and Family Development (MCFD), a program that is proven to be highly successful in engaging families, settling issues and reaching agreements to benefit children and families: settlement rates have been consistently high for over 10 years. In 2014/15, 96% of completed mediations resulted in all or some issues settled. The average participant satisfaction rate is 4.5 on a 5 point scale.
- Over 1,000 child protection mediations are completed by the program annually, reducing burdens on the courts and foster care costs for the MCFD.

*Civil Resolution Tribunal (CRT)*

- The CRT model provides a practical approach to resolving strata and small claims disputes and will be available 24/7. Fully implemented, this user-friendly system would be Canada's first ever online tribunal, improving access to justice and helping resolve disputes in a timely manner.
  - The CRT model is resolution focused and provides online guided information pathways, as well as online party-to-party negotiation, facilitation/case management and, if necessary, adjudication.
  - The CRT model will empower British Columbians with the tools they need to resolve their strata and small civil claim disputes. This service focuses on encouraging a collaborative, problem solving approach to dispute resolution, rather than a traditional courtroom model. The CRT aims to provide people with access to justice when and where they need it – in a manner that fits their lifestyle.
- Proclaiming Conflict Resolution Week fits with the Justice Services Branch's vision of a justice system that offers information and assistance that empowers people to resolve their disputes effectively.

## APPENDIX 1

### DRAFT PROCLAMATION

WHEREAS conflict occurs in many forms and touches us all;

WHEREAS conflict can often be prevented, managed or resolved through a variety of dispute resolution processes and practices;

WHEREAS British Columbia has a history of recognizing, implementing and promoting dispute resolution processes and practices aimed at expanding the notion of justice to formally include collaborative approaches;

WHEREAS effective processes such as mediation have been integrated successfully into British Columbia's justice system to help individuals develop practical solutions to conflict that are tailored to their needs and interests,

WHEREAS British Columbia is a world leader in the development of new dispute resolution processes such as online dispute resolution;

WHEREAS it is the aim of the Government of British Columbia to increase awareness of the benefits of healthy conflict resolution, and

WHEREAS our Lieutenant Governor, by and with the advice and consent of the Executive Council, has been pleased to enact Order in Council \_\_\_\_\_ on \_\_\_\_\_, 2015;

NOW KNOW YE THAT we do by these presents proclaim and declare that October 17 to 24, 2015, inclusive, shall be known as

#### **"Conflict Resolution Week"** in the Province of British Columbia

IN TESTIMONY WHEREOF, we have caused these Our Letters to be made Patent and the Great Seal of our Province of British Columbia to be hereunto affixed.

WITNESS, The Honourable Judith Guichon, Lieutenant Governor of Our Province of British Columbia, in Our City of Victoria, in Our Province, this \_\_\_\_ day of \_\_\_\_\_, two thousand fifteen and in the sixty-second year of Our Reign.

Cliff: 416866  
X-Ref: 416960  
Date: August 20, 2015  
Date Required: September 11, 2015

**RECOMMENDATION:**

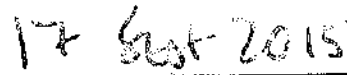
Approve the proposal to have October 17 to 24, 2015 proclaimed "Conflict Resolution Week" in British Columbia.

**DECISION APPROVED / NOT APPROVED**

**DATE:**



Suzanne Anton QC  
Attorney General  
Minister of Justice




**Prepared by:**

Kathryn Platt  
Senior Policy Analyst  
Justice Services Branch  
(604) 488-9353

**Approved by:**

James Deitch  
A/Assistant Deputy Minister  
Justice Services Branch  
(250) 356-6582

Date: September 4, 2015



Richard J. M. Fyfe, Q.C.  
Deputy Attorney General

Date: SEP 08 2015

Attachments: Draft Proclamation  
AG draft to Mediate BC

**Appendix 2**

Ms. Monique Steensma  
Chief Executive Officer  
Mediate BC Society  
177 – 800 Hornby Street  
Vancouver BC V6Z 2C5

Dear Ms. Steensma

I am writing in response to your letter of August 13, 2015, in which you requested that October 17 to 24, 2015 be proclaimed Conflict Resolution Week in British Columbia. It is my pleasure to inform you that your request has been approved.

The request for a proclamation will be processed through the Order-in-Council office. You will be advised once this process has been completed. Ministry staff will also discuss with you a public announcement about Conflict Resolution Week.

Thank you for raising awareness about the importance and increasing role of conflict resolution. It is through the strong work in both the private and public sectors of British Columbia that the public can become aware of the great benefits of healthy conflict resolution.

I wish Mediate BC success at this year's event.

Sincerely,

Suzanne Anton QC  
Attorney General  
Minister of Justice

Cliff: 416509

Date Prepared: August 25, 2015

Date Required by: September 18, 2015

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

**PURPOSE:** For DECISION by the Honourable Suzanne Anton, Attorney General and  
Minister of Justice

**ISSUE:** s.12,s.13

s.12,s.13,s.14

Page 07 to/à Page 11

Withheld pursuant to/removed as

s.12;s.14;s.13

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

**PURPOSE:** For INFORMATION of Suzanne Anton, QC, Attorney General and Minister of Justice.

**ISSUE:**

- 1) Meeting with Tsilhqot'in National Government on September 9, 2015 regarding First Nations Court Proposal.
- 2) Meeting with Sto:lo Tribal Council on September 9, 2015 regarding development of a Sto:lo Family Court.

**SUMMARY:**

- The Minister and Deputies will be attending meetings with other Cabinet Ministers and First Nations leaders for three days, starting on September 8.
- Neilane Mayhew, Associate Deputy Minister and Chief Operating Officer, Ministry of Aboriginal Relations and Reconciliation will be attending the meeting with the Tsilhqot'in Chiefs to provide information to the Ministers as to the state of the negotiation of the Tsilhqot'in reconciliation framework agreement.

**Issue 1)**

- There is a 30 minute meeting scheduled with the Tsilhqot'in National Government (TNG) to discuss the possibility of a First Nations Court and other justice issues within the Tsilhqot'in Territory. Chief Alphonse is particularly interested in justice issues.

**Issue 2)**

- There is a 30 minute meeting scheduled with Sto:lo Tribal Council for a discussion about s.13, s.16

**BACKGROUND:**

**Issue 1)**

- 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 year, respectful and constructive discussion has been



aimed at reaching lasting reconciliation, through the drafting of a Reconciliation Agreement.

• s.13,s.16

- When the government published the White Paper on Justice Reform -- Part Two, it made a commitment to develop a strategy for specialized courts. s.13  
s.13

s.13,s.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

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

**Prepared by:**  
Joanne MacMillan  
Senior Policy Analyst  
Justice Services Branch  
250-356-6116

**Approved by:**  
Wendy Jackson  
A/Executive Director  
Justice Services Branch  
250-356-2735

**ATTACHMENT:** March 2015 BN 414176 signed by Minister Anton

**Approved by:**

James Deitch  
A/Assistant Deputy Minister

Date: September 3, 2015



Kurt Sandstrom, Q.C.  
A/Deputy Attorney General

Date: *Sept 3, 2015*

**ATTACHMENT A**

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

**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:**

s.13,s.16

**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

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

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.

s.13,s.16

**OPTIONS:**

s.13,s.16

s.13,s.16

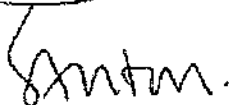
Cliff: 414176  
Date Prepared: March 11, 2015  
Date Decision Required: March 12, 2015

**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:**



The Honourable Suzanne Anton QC  
Minister of Justice and Attorney General

11 Mar 2015

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

Prepared by:  
Wendy Jackson  
Legal Counsel  
Justice Services Branch  
250.356.2735

Approved by:  
James Deitch  
Executive Director  
Justice Services Branch  
250.387-2108

Approved by: Jay Chalke, QC  
Assistant Deputy Minister

Date: 11 March 2015

Approved by:   
Richard J. M. Fyfe, Q.C.  
Deputy Attorney General