



# **Ministry of Justice Transition Book**

**June 2017**

**Ministry of Justice  
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## Tab 1

## Ministry of Justice OVERVIEW OF THE JUSTICE AND PUBLIC SAFETY SECTOR

### Purpose of the Ministries

The Ministry of Justice and the Ministry of Public Safety and Solicitor General comprise the justice and public safety sector within the Government of British Columbia. The ministries work together to administer justice, deliver public safety services and programs, and provide legal services to government.<sup>1</sup> They accomplish this through dedicated and professional staff, and through innovation and service excellence in fulfilling the following responsibilities:



*Our vision is a safe, secure, just and resilient British Columbia.*

<sup>1</sup> The Attorney General and Minister of Justice is responsible for a number of Crown agencies, boards, commissions and other tribunals, as well as one Crown corporation (see Sections 6 and 7).

## **Overview of the Ministry of Justice**

The Attorney General is the law officer for the Crown in British Columbia and has a legal duty to see that public affairs are administered in accordance with the law.

The Ministry of Justice is responsible for legal services in two separate and distinct areas – the independent prosecution of criminal matters and the provision of legal services to government.

Prosecutions are conducted by Crown counsel who, following an investigation by police or other investigative agencies, independently considers whether there is substantial likelihood of a conviction based on the available evidence, and whether the public interest requires a prosecution.

The ministry provides civil legal services to Cabinet, ministries and certain public agencies to assist them in fulfilling their business objectives in accordance with the rule of law.

The ministry leads criminal, civil, family and administrative justice transformation to promote timely and better solutions to legal problems, making the justice system more effective.

The ministry provides and funds justice services that enable disputes to be settled out of court. In consultation with the Legal Services Society, it manages the provincial funding of legal aid. The Family Maintenance Enforcement Program assists in the collection of child and spousal support that must be paid under maintenance orders and agreements that are filed with the program.

The ministry provides court services, such as registry services and security, to British Columbia courts: The British Columbia Court of Appeal, the British Columbia Supreme Court and the Provincial Court of British Columbia.

The ministry is also responsible for the province's human rights system, and a number of agencies, boards, commissions and other tribunals.

## **The Two Roles of the Minister of Justice and Attorney General**

The Minister of Justice and Attorney General serves two roles.

The Minister of Justice exercises administrative and ministerial functions of a Cabinet Minister. In this role, the Minister is responsible for representing the interests and perspectives of the ministry at Cabinet.

As Attorney General, the constitutional and traditional responsibilities associated with this role are distinctive and beyond that of any other Cabinet member. The Attorney General is the official legal advisor of the Lieutenant Governor and the legal member of the Executive Council.

In addition, the Attorney General has unique responsibilities to the Crown, the courts, the Legislature and the executive branch of government. The Attorney General Act requires that the Attorney General see that administration of public affairs is in accordance with the law.

Details on the roles of the Minister of Justice and the Attorney General are presented in section two Justice System Background.

**Ministry of Justice**

**Budget 2017/18** (millions)

Operating Budget: \$514.551

Capital Budget: \$5.061

**Full Time Equivalents**

3,730

# Justice and Public Safety Sector EXECUTIVE ORGANIZATION CHART

<p><b>Deputy Solicitor General</b> Mark Sieben</p>	<p><b>Deputy Attorney General</b> Richard Fyfe, QC</p>
<p><b>BC Coroners Service</b> <b>Chief Coroner</b> Lisa Lapointe</p>	<p><b>Court Services Branch</b> Assistant Deputy Minister Lynda Cavanaugh</p>
<p><b>BC Corrections Branch</b> Assistant Deputy Minister Elenore Arend</p>	<p><b>Criminal Justice Branch</b> Assistant Deputy Attorney General Peter Juk, QC</p>
<p><b>Community Safety and Crime Prevention Branch</b> Assistant Deputy Minister Patricia (Patti) Boyle</p>	<p><b>Justice Services Branch</b> Assistant Deputy Minister Kurt Sandstrom, QC</p>
<p><b>Corporate Policy and Planning Office</b> Executive Director Toby Louie</p>	<p><b>Legal Services Branch</b> Assistant Deputy Attorney General James Harvey</p>
<p><b>Policing and Security Branch</b> Assistant Deputy Minister and Director of Police Services Clayton Pecknold</p>	
<p><b>RoadSafetyBC</b> Superintendent of Motor Vehicles Sam MacLeod</p>	
<p><b>Strategic Public Safety Initiatives</b> Executive Lead Taryn Walsh</p>	

## Sector Support Services

<p><b>Corporate Management Services Branch</b> Assistant Deputy Minister and Executive Financial Officer Shauna Brouwer</p>	<p><b>Information Systems Branch</b> Assistant Deputy Minister and Ministry Chief Information Officer Bobbi Sadler</p>
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**Ministry of Justice  
EXECUTIVE MEMBER BIOGRAPHY**

**RICHARD J. M. FYFE, Q.C.**  
**Deputy Attorney General and**  
**Deputy Minister, Justice**



Richard Fyfe is the Deputy Attorney General and Deputy Minister of Justice for British Columbia. He is responsible for leading the Ministry of Justice, with over 3,500 employees and an annual budget in excess of \$470 million.

Key aspects of this role include:

- contributing to a major effort to modernize the justice sector in British Columbia, increase access to justice and bring about lasting changes that will help everyone deal more effectively with conflict and disputes;
- ensuring strong, respectful relationships with the judiciary and the bar in British Columbia and providing the resources necessary to support an effective legal and court system;
- providing legal advice to government in a manner that supports government in the conduct of public affairs in accordance with the law and public interest; and
- supporting law enforcement through a capable and respected prosecution service.

In addition to a Law degree from the University of Alberta, Richard has received a Bachelor of Commerce degree from the University of British Columbia and a Master of Business Administration from the University of Victoria.

Before joining the Ministry of the Attorney General in 1990 he had a successful banking, commercial and real estate practice with a large Canadian law firm in Vancouver, acting for both local and international clients.

Within the Ministry of Justice, he has experience both as the head of the Aboriginal Litigation and Research practice group and the Finance, Commercial and Transportation practice group. Richard was the Assistant Deputy Attorney General of the Legal Services Branch from December, 2007 to June, 2012.

Richard has worked with the Ministry of Transportation on a number of successful initiatives, including the first transportation design / build projects in British Columbia, the successful restoration of the Lions Gate Bridge, the Sea-to-Sky Highway Improvement Project which has received awards from both the Canadian Council on Public Private Partnerships (Gold Medal Project) and the United Kingdom Public Private Finance Awards (Best Global Project to reach

financial close), the Canada Line, and the Gateway Program (Pitt River Bridge, Port Mann Highway 1 and South Fraser Perimeter Road).

Outside his career, Richard has found ways to remain in touch with his community, including at different times as a member of the Greater Victoria Library Board, the Esquimalt Parks and Recreation Committee, the Canadian College of Performing Arts, the Canadian Council for Public Private Partnerships, Literacy Victoria, Victoria Bar Association, and Canadian Bar Association, BC Branch – BarTalk editorial board.

Appointed Queen's Counsel in 2009, Richard is a recipient of the Premier's Award for Leadership (2005/06) and the University of Victoria, Gustavson School of Business Distinguished Alumnus Award (2016).

He has been involved in both the National and BC Access to Justice Committees, and has taught courses at both Royal Roads University and the University of Victoria Law School.

**Ministry of Justice  
EXECUTIVE MEMBER BIOGRAPHY**

**SHAUNA BROUWER**  
**Assistant Deputy Minister and**  
**Executive Financial Officer**

**Corporate Management Services Branch**



Shauna Brouwer was appointed as the Assistant Deputy Minister and Executive Financial Officer, Corporate Management Services Branch in August 2015. In this capacity she provides corporate services to the Ministry of Justice and the Ministry of Public Safety and Solicitor General and, via the Financial Administration Act, has delegated authority and accountability for the performance and effectiveness of both ministries' financial management systems. This position also serves as the strategic link between both ministries and the B.C. government's central and shared services agencies.

First appointed to the Assistant Deputy Minister role in 2005, Shauna has more than 25 years of public sector leadership experience working in complex financial environments. She began her career in the Office of the BC Auditor General in 1990, and since that time has held positions that have allowed her to gain an understanding of a wide variety of financial functions. These include Senior Financial Officer and Executive Director of Operations. In addition, she has had the opportunity to work with senior leaders not only across government, but also in organizations such as the BC Pavilion Corporation, Tourism BC, the Royal BC Museum and the Union of BC Municipalities.

As Assistant Deputy Minister, Shauna has been responsible for corporate management services for a number of ministries including Community, Sport and Cultural Development and Jobs, Tourism and Innovation. Before assuming her current position, she served the natural resource sector as Assistant Deputy Minister Corporate Services and Executive Financial Officer for the ministries of Aboriginal Relations and Reconciliation, Agriculture, Energy and Mines, Environment and Natural Gas Development.

Shauna has a Bachelor of Arts from the University of Victoria and a Master of Business Administration from Loma Linda University in Southern California. s.22

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**Ministry of Justice  
EXECUTIVE MEMBER BIOGRAPHY**

**LYNDA CAVANAUGH**  
**Assistant Deputy Minister**

**Court Services Branch**



Lynda Cavanaugh was appointed Assistant Deputy Minister of Court Services Branch with the Ministry of Justice on June 1, 2015 and fulfills the roles of Chief Court Administrator and Director of Sheriffs. With more than 1,300 staff, Lynda is responsible for the operation of 89 permanent court locations around the province.

Key aspects of the position include providing strategic and operational leadership regarding all matters of court administration, court security and the harmonization of court and judicial administration processes to support an effective justice system. Reporting to the Deputy Attorney General, the position has statutory authority through the Court Administration Act and the Sheriffs Act. The Assistant Deputy Minister of Court Services is also the Director of Sheriffs for the province.

Previously, Lynda worked with the Ministry of Justice as the Assistant Deputy Minister of Community Safety and Crime Prevention Branch. During her time there she led teams responsible for victim services, violence against women programs, responding to human trafficking, supporting restorative justice and crime prevention initiatives, and the Civil Forfeiture Office. She has also spent much of her career with the Ministry of Social Development and Social Innovation, where she held many positions that took her to communities all across the province. She has lived in Vancouver since 2005 and was an Executive Director in both the Fraser and Vancouver Coastal Regions. In these roles, she led a number of initiatives including working to improve coordination and integration of services to the chronically homeless population, many of whom are mentally ill and challenged with addictions.

Lynda is the recipient of three Premier's Awards for Innovation and Excellence, including the provincial Leadership award in 2009, for taking action to significantly improve service to income assistance recipients in the Downtown Eastside of Vancouver, which also resulted in dramatically improved staff engagement. She holds certificates from the Queen's University School of Business, Royal Roads University, and the Niagara Institute Executive Leadership Program. Lynda is appointed as a member of the Justice and Public Safety Council. She is also a member of the Justice Education Society and an associate member of the BC Association of Chiefs of Police.

**Ministry of Justice  
EXECUTIVE MEMBER BIOGRAPHY**

**PETER JUK, Q.C.**  
**Assistant Deputy Attorney General**

**Criminal Justice Branch**



Peter Juk, Q.C., was appointed Assistant Deputy Attorney General of the BC Prosecution Service on March 16, 2017, after holding the acting position since October 2016.

Peter brings a wealth of practical experience to the position. He first joined the branch in 1992. Since then he has done extensive trial and appellate work, including major crime files. For most of the period from 1994 to 2003, he was in private practice, doing criminal, civil, and commercial litigation and arbitrations. He returned to public service in 2003, first as legal counsel with the Legal Services Branch, then rejoining the BC Prosecution Service in 2005.

He was designated Queen's Counsel in 2010.

In April 2011, Peter became the Regional Crown Counsel for Vancouver Island - Powell River. In February 2013, Peter was made Director of Special Prosecutions and Appeals of the Crown Law Division.

Peter is well-respected as a barrister, an active contributor to legal education, and a person with sound leadership skills. Peter has a profound appreciation for the role of Crown counsel, the values that guide Crown decision-making and the complexities of the work.

Peter has instructed for the University of British Columbia Law School, University of Victoria Law School, the Continuing Legal Education Society, the Professional Legal Training Course, and the Canadian Bar Association.

**Ministry of Justice  
EXECUTIVE MEMBER BIOGRAPHY**

**BOBBI SADLER**

**Assistant Deputy Minister and  
Ministry Chief Information Officer**

**Information Systems Branch**



As Assistant Deputy Minister and Chief Information Officer for the Information Systems Branch, Bobbi Sadler is responsible for the justice and public safety sector's vision and mandate for business transformation and technology. The branch provides proficient and effective client support for information management and technology; maintains a stable, standardized and highly available application system environment; delivers implementation planning, design, and coordination services; ensures adherence to current information technology industry standards; and develops and provides quality assurance, change and risk management procedures, including sector direction for information security and privacy. Recently, the branch also assumed responsibility for the sector's internal communications.

A key role for Bobbi is leading and co-chairing the Justice and Public Safety Sector's IM/IT Governance Committee. This committee sets the direction for the sector's IM/IT strategy through planning, performance and service delivery. As well, this committee provides oversight on all IM/IT capital initiatives.

Bobbi leads a team of technology professionals that includes security and privacy specialists, enterprise architects, system engineers, database analysts and administrators, client portfolio specialists, strategic planners, and application support technicians.

During her 31 year career with the BC Public Service, Bobbi has successfully managed several large corporate initiatives, including the design and procurement of a case management business solution for the social sector ministries. She has a proven track record in delivering business transformation initiatives and is committed to outstanding customer service.

Bobbi's expertise and leadership skills are well respected across government, and is reflected in the many cross-government committees that she participates in on a regular basis.

In addition to extensive information systems educational programs, Bobbi has earned certificates from the University of Victoria and Camosun College.

**Ministry of Justice  
EXECUTIVE MEMBER BIOGRAPHY**

**KURT SANDSTROM, Q.C.  
Assistant Deputy Minister**

**Justice Services Branch**



Kurt Sandstrom was appointed Assistant Deputy Minister, Justice Services Branch in June 2016. Four guiding principles influence Kurt's work and life: respect and compassion ("really, really important"); innovation ("not change for the sake of changing, but moving towards the next, better state"); collaboration; and improvement (of himself and the workplace). These principles are particularly applicable to the work of the branch where, as assistant deputy minister, Kurt drives a number of innovation activities which support the branch's transformational agenda, including the Civil Resolution Tribunal and Tribunal Transformation. His years of experience collaborating and leading justice system stakeholders toward transformation are a vital asset in moving forward the work of the branch, the ministry and the Justice and Public Safety Council.

Kurt began his career with the BC Public Service in February 2014, as Assistant Deputy Attorney General of the Legal Services Branch. Kurt worked collaboratively with colleagues in government and earned the trust in the Legal Services Branch to provide excellent legal and legislative services. Through the Legal Operations Optimization Project, he laid the groundwork for empowered change in the branch, with staff being heavily involved in that change.

Prior to coming to B.C., Kurt worked with the Alberta Government as the Assistant Deputy Minister of Legal Services, and before that, Assistant Deputy Minister of Safe Communities – a Premier-led initiative designed to make Alberta communities more safe and secure for citizens. Kurt led this cross-ministry initiative with nine partnering ministries designed to innovate and transform the justice system.

Before Kurt began his career in Alberta, he articulated to the Saskatchewan Court of Appeal and was with a private law firm practising criminal, family and civil litigation in Saskatoon. Kurt also taught Constitutional Law and History, and Constitutional Litigation at the University of Alberta, Faculty of Law. He was appointed Queen's Counsel on January 31, 2010.

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**Ministry of Justice  
EXECUTIVE MEMBER BIOGRAPHY**

**JAMES HARVEY**  
**Assistant Deputy Attorney General**

**Legal Services Branch**



James Harvey was appointed as the Assistant Deputy Attorney General, Legal Services Branch in August 2016.

He began his career in private practice in the United Kingdom in 1996, and moved into industry in London in 2001 as in-house counsel with BAA Plc, the world's largest airport operator, with a practice focused upon major infrastructure development. After relocating to British Columbia, James practiced for two and a half years with Pushor Mitchell LLP in Kelowna.

James joined the BC Public Service in 2007 and developed a busy commercial transactional practice engaged in delivering the province's public private partnership (P3) program, including the Port Mann Highway 1 Project, the South Fraser Perimeter Road Project, the Evergreen Line Project and the George Massey Tunnel Replacement Project. In addition, James has been involved in many other P3 projects in an advisory capacity, including the Sierra Yoyo Desan Road Project, as well as a number of the province's non-transportation, vertical infrastructure projects, including the Surrey Pre-Trial Services Centre Expansion Project, the Okanagan Correctional Centre and the Children's and Women's Hospital Redevelopment Project.

Proud to be part of Legal Services Branch and working with so many talented colleagues, James is committed to supporting the branch as it grows and develops to meet new challenges and deliver and build upon the branch's vision, mission, and values.

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## Tab 2

**Ministry of Justice**  
**OVERVIEW OF FEDERAL AND PROVINCIAL RESPONSIBILITY**  
**FOR THE JUSTICE SYSTEM**

Responsibility for the justice system is divided between the federal and provincial governments.

### **The Courts**

The provinces are authorized to establish, maintain and organize courts in their jurisdictions for criminal and civil matters. In B.C., cases heard in the provincial court fall into four main categories: criminal and youth matters; family matters; small claims; and traffic and bylaw matters. Provincial court judges are appointed and paid by the provinces in which they sit. The federal government appoints judges for superior courts in the provinces such as the Supreme Court of British Columbia and Court of Appeal of British Columbia. The support for these courts is administered by B.C. (facilities, clerks, registry, and sheriffs).

The federal government is also responsible for the federal court and the Federal Court of Appeal. The federal court hears and decides legal disputes dealing with matters that are assigned to the federal government under the constitution such as immigration, citizenship, admiralty, and taxes as well as some criminal law matters of national concern. The federal court may sit anywhere in Canada and the court's orders are binding in every province. The federal government is also authorized to establish the Supreme Court of Canada as the final court of appeal in the country.

### **Law Making**

The provinces and the federal government have authority to establish and enforce laws in relation to matters within their jurisdictional responsibilities.

### **Prosecution**

In B.C., Crown counsel approves and conducts prosecutions and appeals under the Criminal Code of Canada and for offences under provincial enactments. Federal prosecutors conduct prosecutions for offences under the Controlled Drugs and Substances Act and violations of other federal statutes such as the Fisheries Act, Income Tax Act, Customs Act, and Canadian Environmental Protection Act. They also prosecute terrorism and certain criminal organization offences under the Criminal Code as well as money laundering and proceeds of crime charges.

## **Policing**

The provinces' constitutional jurisdiction for the administration of justice includes oversight and management of provincial policing services. Police services under the B.C. government are performed in rural and unincorporated areas by an RCMP provincial police force and in municipalities by local police departments or RCMP municipal police services. The government of Canada has jurisdiction over the federal RCMP police force which includes members of the federal force operating in B.C. Under the Royal Canadian Mounted Police Act, the federal force is required to enforce all federal laws, including those related to national security, illicit drugs, organized crime, financial crime and international policing.

## **Corrections Services**

The provinces are constitutionally responsible for establishing, maintaining and managing prisons for adult offenders awaiting trial, an immigration review or in custody sentenced to terms of less than two years. The federal government is responsible for penitentiaries for adult offenders serving sentences of two years or longer. The provinces administer court ordered community sentences and accused on bail. The provinces are also responsible for youth justice services and in B.C. youth custody and youth community corrections are administered by the Ministry of Children and Family Development.

## **Ministry of Justice**

### **ROLE OF THE ATTORNEY GENERAL**

In British Columbia, the Minister of Justice is also the Attorney General of the province.

The Minister of Justice exercises administrative and ministerial functions of a Cabinet Minister. In this capacity, the minister is responsible for representing the interests and perspectives of the ministry at Cabinet, as well as representing the interests and perspectives of Cabinet, and accordingly the government, to the ministry and the ministry's communities of interest. The minister introduces policies and programs that not only change the law but are intended to influence the way the law is applied, how the legal system functions and how individuals interact with the system.

The Attorney General role is the official legal advisor of the Lieutenant Governor and the legal member of the executive council. As Attorney General, the constitutional and traditional responsibilities associated with this role are distinctive and beyond that of any other Cabinet member. The Attorney General has unique responsibilities to the Crown, the courts, the Legislature and the executive branch of government.

The statutory responsibilities of the office are found in section 2 of the Attorney General Act [RSBC 1996] chapter 22:

#### **2 The Attorney General**

- (a) Is the official legal advisor of the Lieutenant Governor and the legal member of the Executive Council;
- (b) Must see that the administration of public affairs is in accordance with law;
- (c) Must superintend all matters connected with the administration of justice in British Columbia that are not within the jurisdiction of the government of Canada;
- (d) Must advise on the legislative acts and proceedings of the Legislature and generally advise the government on all matters of law referred to the Attorney General by the government;
- (e) Is entrusted with the powers and charged with the duties which belong to the office of the Attorney General and Solicitor General of England by law or usage, so far as those powers and duties are applicable to British Columbia, and also with the powers and duties which, by the laws of Canada and of British Columbia to be administered and carried into effect by the government of British Columbia, belong to the office of the Attorney General and Solicitor General;
- (f) Must advise the heads of the ministries of the government on all matters of law connected with the ministries;
- (g) Is charged with the settlement of all instruments issued under the Great Seal of British Columbia;
- (h) [Repealed 1997-7-17.];
- (i) Has the regulation and conduct of all litigation for or against the government or a ministry in respect of any subjects within the authority or jurisdiction of the legislature, and

- (j) Is charged generally with duties as may be assigned by law or by the Lieutenant Governor in Council to the Attorney General.

### **Official Legal Advisor and Legal Member of Executive Council**

The role of official legal advisor is linked to the Attorney General's overall responsibility as the independent legal member of the Executive Council. The independence of the role is fundamental to the position and well established in common law, statutes and tradition.

The Attorney General has a special responsibility to be the guardian of the rule of law, which protects individuals and society from arbitrary measures and safeguards personal liberties. The Attorney General also has a particular role to play in advising Cabinet to ensure the rule of law is maintained and that Cabinet actions are legally and constitutionally valid. This role does not necessitate, however, that the post must be held by a person entitled to practice law. The British Columbia Court of Appeal (*Askin v Law Society of British Columbia*, 2013 BCCA 233) upheld the BC Supreme Court decision and confirmed that there is no "express or necessarily implied requirement that a person appointed to the office of the Attorney General be a member of the Bar of British Columbia for five years or even be qualified to practice law."

In providing advice, it is important to keep in mind the distinction between the Attorney General's policy advice and preferences and the legal advice being presented to Cabinet. The Attorney General's legal advice or constitutional advice should not be ignored; however, when providing policy advice, the Attorney General's recommendations have the same authority as that of other ministers.

### **Legislative Responsibilities**

The Attorney General is responsible for overseeing that all legislative enactments are in accordance with principles of natural justice, fairness, civil rights, and consistent with other provincial legislation. Significantly, the Attorney General advises also on the constitutionality of legislation, including consistency with the Charter of Rights and Freedoms.

The Attorney General's legislative responsibilities are manifested in a variety of roles, including the relationship with Legislative Counsel, which plays a key role in ensuring the legal integrity of government legislation. Although Legislative Counsel's reporting relationship to the Attorney General does allow the Attorney General to provide guidance and set standards, individual pieces of legislation are drafted on instructions from client ministries and are not within the sole control of Legislative Counsel or the Attorney General.

The Attorney General has a further role to play as part of the Cabinet Committee to review legislation and regulations and to comment on the technical issues related to legislation and regulations prior to Cabinet consideration.

The Attorney General's role on legislative matters is as an advisor to the Cabinet. Although unlikely, Cabinet could, in theory, receive the Attorney General's legal opinion on legislation and choose to disregard it. Such a situation could, however, in extreme circumstances, result in the Attorney General tendering a resignation as failure to accept and comply with the advice provided could be construed as, for example, lack of confidence in the Attorney General's counsel or an attempt to compromise the independent determinations of the Attorney General.

### **Civil Litigation**

In addition to specific responsibilities to conduct civil litigation on behalf of the government and its agencies, the Attorney General has broader litigation responsibilities. These powers are based on the Crown's *parens patriae* (parental) authority. The Attorney General's authority is not only to conduct litigation in cases directly affecting the government or its agencies but also to litigate cases where there is a clear matter of public interest or public rights at stake.

This has been characterized as a constitutional responsibility to ensure that the public interest is well and independently represented. It may involve interventions in private litigation or Charter challenges to legislation, even if the arguments conclude that the legislation does contravene constitutionally protected rights.

Factors such as the complexity of a case; the gravity of potential penalties; the accused's age, ability to understand the proceedings, and to express herself or himself; and the accused's limited familiarity with the trial process may impel the court to appoint an *amicus curiae* ("friend of the court") to protect the proper administration of justice and the fairness of the trial by making submissions so that the court is aware of all relevant points of law or fact. If an *amicus curiae* is appointed by the court, the Attorney General is responsible for providing funding to support that individual's or organization's participation.

### **Court Administration**

A key component of the Attorney General's responsibilities to ensure the administration of justice in the province is the administration of the courts and as a result the responsibility for maintaining liaison with the judiciary.

Given the fundamental importance of the independence of the judiciary, the responsibility for courts administration is often a very sensitive and delicate issue. Great care and respect for the principles of judicial independence must be exercised in this area.

## Criminal Prosecutions

One of the most publicly scrutinized aspects of the Attorney General's role is the responsibility for criminal prosecutions encompassed in s. 92 of the Constitution Act, 1867. Section 92 gives provinces the authority to legislate in matters related to the administration of criminal justice and thereby gives the provincial Attorney General authority to prosecute offences under the Criminal Code.

It is an accepted and important constitutional principle that the Attorney General must carry out the criminal prosecution responsibilities "independently of political pressures from government" and of any external partisan pressures (*Miazga v. Kvello Estate*, 2009 SCC 51, para.46; *Krieger v. Law Society of Alberta*, 2002 SCC 65, paras.30-32). The Attorney General's responsibility for individual criminal prosecutions must be undertaken – and seen to be undertaken – on rigorously objective and legal criteria, free of any political considerations, and in accordance with the accused's constitutional right to full and complete disclosure of all relevant information pertaining to the Crown's case (*R. v. Stinchcombe*). This ensures that the Attorney's agents, Crown counsel, can properly fulfill their quasi-judicial role as ministers of justice.

Whether to initiate or stay a criminal proceeding is not an issue of government policy. This responsibility has been characterized as a matter of the Attorney General acting as the Queen's Attorney, not as a Minister of the government of the day.

While a wide range of policy considerations may be weighed in executing this responsibility, and the Attorney General may choose to consult the Cabinet on some of these considerations, any decisions relating to the conduct of individual prosecutions must be the Attorney General's alone and independent of the traditional Cabinet decision making process. The Attorney's independence is "so fundamental to the integrity and efficiency of the criminal justice system that it is constitutionally entrenched" (*Miazga* para.46).

In practice, the Criminal Justice Branch administers the prosecution service under the leadership of the Assistant Deputy Attorney General and is responsible for approving and conducting all prosecutions in British Columbia that are not within the jurisdiction of the federal prosecution service, as well as appeals and ancillary proceedings arising out of these same prosecutions. Crown counsel are appointed to represent the Attorney General before the courts on prosecution files. Subject to direction from the Assistant Deputy Attorney General, Crown counsel have authority to approve criminal charges, conduct prosecutions and appeals, and take conduct of private prosecutions.

An important part of the Crown's – and thus the Attorney General's – responsibility in conducting criminal prosecutions is associated with the responsibility to represent the public interest, which includes not only the community as a whole and the victim, but also the accused. The Crown has a distinct responsibility to the court to present all the credible evidence available.

The responsibility is to present the case fairly, not necessarily to convict. This is a fundamental precept of criminal law, even if it is not a particularly well-understood concept among the general public. One of the Attorney General's responsibilities in fostering public respect for the rule of law, is to assist the public in understanding the nature and limits of the prosecutorial function.

Ultimately the Attorney General is accountable to the people of the province, through the Legislature, for decisions relating to criminal prosecutions. Such accountability can only occur, of course, once the prosecution is completed or when a final decision has been made not to prosecute. The sub judice rule strictly prohibits the Attorney General from commenting on a matter before the courts. Given the stature of the Attorney General's position, any public comment coming from the office would be seen as an attempt to influence the case.

Although the Attorney General can become involved in decision making in relation to individual criminal cases, such a practice would leave the Minister vulnerable to accusations of political interference. Accordingly, it is traditional to leave the day-to-day decision-making in the hands of the Attorney General's agents, the Crown Attorneys, except in cases of exceptional importance where the public would expect the Attorney General to be briefed.

The Crown Counsel Act provides that, if the Attorney General or Deputy Attorney General gives the Assistant Deputy Attorney General (ADAG) a direction with respect to the approval or conduct of any specific prosecution or appeal, that direction must be given in writing to the ADAG and published in the Gazette. If, however, the Attorney General or Deputy Attorney General wishes to issue a directive respecting the Criminal Justice Branch policy on the approval or conduct of prosecutions, that directive must be given in writing to the ADAG, but publication in the Gazette is at the discretion of the ADAG.

## **Ministry of Justice ROLE OF SOLICITOR GENERAL**

British Columbia's Solicitor General is the province's top public safety and law enforcement official. The statutory responsibilities of the office are derived from the Solicitor General's portfolio as a minister of the Crown.

The Solicitor General is the minister responsible for the administration of the Police Act and must ensure that an adequate and effective level of policing and law enforcement is maintained throughout the province. This role includes responsibility for agreements between the province, Government of Canada, and municipalities in B.C. whereby the RCMP act as the provincial police force for parts of the province.

The Solicitor General is the minister responsible for the Correction Act which provides for provincial correctional facilities for adult men and women awaiting trial and sentenced to two years less a day and community corrections. These responsibilities stem from the exclusive powers of provincial legislatures under sections 92(6) and (14) of the Constitution Acts, 1867 to 1982 for jurisdiction for the administration of justice and establishing, maintaining and managing prisons in and for the province.

The Solicitor General has been responsible for driver licensing and road safety under the Motor Vehicle Act. Other areas of ministerial responsibility include civil forfeiture, victim services, criminal record checks, coroners services, the regulation of private security, consumer protection and addressing domestic violence and trafficking in persons.

The Solicitor General and Attorney General work together but each have distinct responsibilities. The Solicitor General is responsible for policing and public safety while the Attorney General is Government's chief law officer. It has not been uncommon in B.C.'s history to have one minister in both roles. When the roles are combined both share responsibility for the administration of justice as it relates to the portfolio of the Solicitor General and Attorney General.

In England, the office of Solicitor General has a long history and was held by some influential persons, including Sir Frances Bacon, the 17<sup>th</sup>-century lawyer, philosopher and member of the House of Commons. Traditionally, both the Solicitor General and Attorney General held appointments by Crown prerogative and appeared on behalf of the sovereign in the courts as law officers. By the 17<sup>th</sup>-century the positions had evolved into political offices, with the Attorney General being the lead legal advisor to the Crown. By the mid-19<sup>th</sup>-century, as the concept of responsible government matured, the roles of Solicitor General and Attorney General also grew into a wider responsibility for the administration of justice which remains evident today in B.C.

Canada adopted the English common law tradition of dual law officers. In 1892, Canada created the office of Solicitor General to assist the Attorney General. Over time, Canada departed from

the role of law officer for the Solicitor General. By 1985, the office's responsibilities included federal prisons, parole, RCMP and national security. Additional responsibilities of emergency management and border strategies came in later years. In 2005, the federal Department of Solicitor General Act was repealed and the portfolio for national public safety was assigned to the minister for Public Safety Canada.

## Tab 3

Ministry of Justice

**CORPORATE MANAGEMENT SERVICES BRANCH**

## **CORPORATE MANAGEMENT SERVICES BRANCH**

<b>Assistant Deputy Minister and Executive Financial Officer</b> Shauna Brouwer
<b>Executive Director and Chief Financial Officer, Financial Planning and Accounting</b> David Hoadley
<b>Executive Director, Facilities Services Division</b> Betty Chen-Mack
<b>Executive Director, Organization Development Team</b> Cheryl Hall
<b>Executive Director, Client Services, Finance and Procurement</b> Teri Lavine

## CORPORATE MANAGEMENT SERVICES BRANCH

**SHAUNA BROUWER**

**Assistant Deputy Minister and  
Executive Financial Officer**



### Core Program Area Description

Our vision is to provide excellence in corporate services and partnering in the outcomes of the justice and public safety sector (the Ministry of Justice and the Ministry of Public Safety and Solicitor General).

Our mission is to be a high performing consolidated corporate services organization supporting all the program areas of the sector. We aim to be an embedded partner of each branch, supporting them in their programs. We assist the sector with justice reform by providing integrated finance, strategic human resources, facilities and corporate security, safety and risk management support.

In its role, the branch:

- Leads the preparation of budget submissions and financial reporting, and provides oversight, expert advice and progress reports to its clients on finances, strategic human resources, facilities (including Shared Services BC), and corporate risk, safety and security;
- Provides support through operations in our headquarters in Victoria as well as through regional teams located in Prince George, Kelowna, Kamloops, Nanaimo, Burnaby, Surrey, New Westminster, Port Coquitlam, Maple Ridge and Vancouver; and
- Is the lead strategic link between our partners and government's central agencies (Treasury Board Staff and Office of the Comptroller General, and Office of the Chief Information Officer) and shared services agencies.

### Budget 2017/18 (millions)

Operating Budget: \$12.780

Capital Budget: \$13.780

[Note: While the branch supports both the Ministry of Justice and Ministry of Public Safety and Solicitor General, the operational budget is provided for under the Ministry of Public Safety and Solicitor General. Also, the capital budget is centralized to fund capital requirements for ongoing sector operations.]

### Full Time Equivalents

174

## Corporate Management Services Branch Business Plan

**Goal #1: Outstanding service provider.** We provide outstanding corporate services.

**Priorities:**

Enhance our culture of service.

**Strategies:**

1. Ensure our clients understand our services, how to access the services and their role in service delivery;
2. Take a pro-active approach to communication – regular, timely and via a variety of tools; and
3. A champion for branch with clients across the sector.

Continuously improve our processes.

1. Using tools such as Lean, evolve our processes while balancing client needs for standardized and tailored solutions.

**Goal #2: A great place to work.** We are engaged and motivated to give our best.

**Priorities:**

Maximize individual and team performance.

**Strategies:**

1. Encourage and provide learning and development opportunities (e.g., training, challenging assignments); and
2. Foster a culture of recognition and celebrate our successes.

Promote a culture of empowerment.

1. Encourage, enable and support decision-making at all levels; and
2. Encourage and support innovative ideas and approaches.

Encourage leadership development.

1. Promote and support leadership at all levels; and
2. Support participation in leadership development activities (e.g., job exchanges, mentoring, coaching, project participation, 360 feedback).

Model a respectful work environment.

1. Embrace diversity, inclusiveness, collaboration and open communication; and
2. Be receptive to all ideas.

Build a sustainable and resilient workforce.

1. Support a flexible workforce;
2. Encourage participation in health and wellness activities; and
3. Have fun!

**Outcomes:**

1. Clients are satisfied with our services.
2. The branch is an efficient and high performing organization.
3. The branch's employees are engaged and motivated leaders.

Ministry of Justice

**COURT SERVICES BRANCH**

## COURT SERVICES BRANCH

<b>Assistant Deputy Minister</b> Linda Cavanaugh
<b>Executive Director, Vancouver Island Region</b> Stephanie Melvin
<b>Executive Director, Fraser and Vancouver Coastal Region</b> Angela Villella
<b>Executive Director, Interior Region</b> Curtis Clark
<b>Acting Executive Director, North Region</b> Marlo Waldie
<b>Executive Director, Corporate Support</b> Jenny Manton
<b>Executive Director and Chief Sheriff, Sheriff Services</b> Paul Corrado
<b>Executive Director, Service Reform</b> Bernard Achampong
<b>Superintendent, Office of Professional Standards</b> Al Rosa

## COURT SERVICES BRANCH

**Lynda Cavanaugh**  
**Assistant Deputy Minister**



### **Core Program Area Description**

The Court Services Branch is responsible for the delivery of all court administration services in B.C. The ultimate authority for provision of the courts is provided in the Constitution Act (1867), which sets out the jurisdictional powers for provinces and the federal government. Section 92.14 of the Act outlines provincial powers, granting sole authority to the provinces in several areas: "property and civil rights in the province, the administration of justice in the province, including the constitution, maintenance, and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts."

In matters of court administration, facilities and registries, the Chief Administrator of Court Services, which is the Assistant Deputy Minister, receives direction from the Attorney General and, in matters of judicial administration, the Chief Judge of the Provincial Court of British Columbia, Chief Justice of the Supreme Court of British Columbia and the Chief Justice of the British Columbia Court of Appeal provide direction as defined in statute.

The branch is divided into two divisions with Headquarters providing corporate oversight and operational support.

The Court Administration Division is responsible for case documentation and adjudication support for all matters going before the court, including case initiation and processing, fee collection, file and exhibit management, court clerking, court records and transcripts, interpreter services and the preparation and dissemination of court orders.

The Sheriff Services Division is responsible for courtroom and courthouse security, prisoner custody and escort, document service, and jury administration.

<b>Budget 2017/18</b>	<b>(millions)</b>
Operating Budget	\$105.321
Capital Budget	\$ 0.000

## **Full Time Equivalents**

1,267

## **Related Legislation**

The British Columbia authorities for these functions are found in several pieces of legislation:

- Constitution Act
- Provincial Court Act
- Supreme Court Act
- Court of Appeal Act
- Small Claims Act
- Sheriff Act
- Jury Act

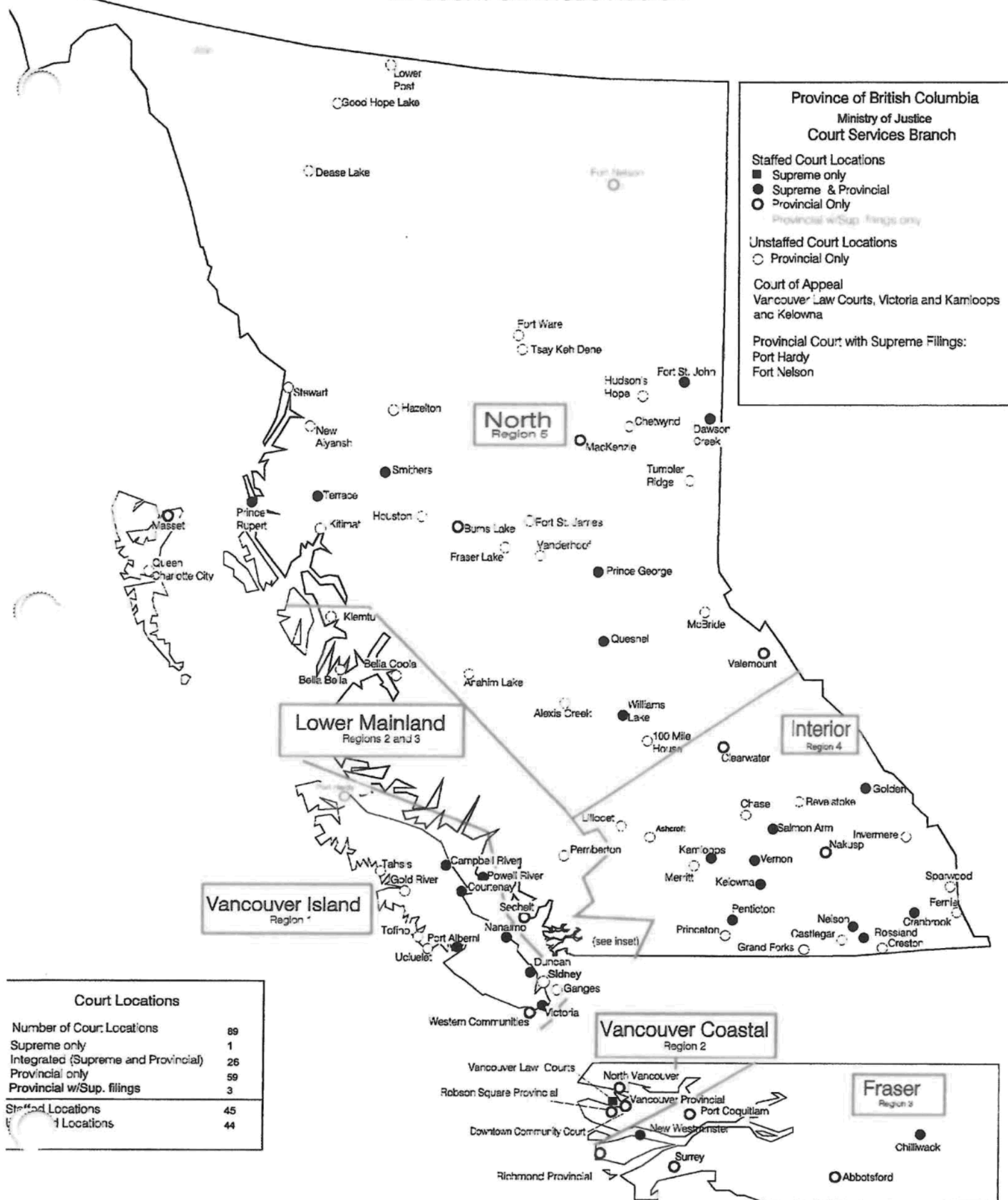
The Sheriffs' status as peace officers and their use of firearms are governed by the following Federal legislation:

- Firearms Act
- Criminal Code of Canada

## **Key Facts**

See attachment "Court Locations by Court Services Region".

# COURT LOCATIONS BY COURT SERVICES REGION



Ministry of Justice

**CRIMINAL JUSTICE BRANCH**

## CRIMINAL JUSTICE BRANCH

<b>Assistant Deputy Attorney General</b> Peter Juk, QC
<b>Acting Director, Business Operations</b> Brian Anderson
<b>Director, Policy and Justice Issues</b> Richard de Boer
<b>Acting Director, Strategic Planning</b> Kirk Eaton
<b>Communications Counsel,</b> Dan McLaughlin
<b>Executive Director, Crown Law Division</b> Robert Wright, QC
<b>Acting Director, Appeals and Special Prosecutions</b> Trevor Shaw
<b>Director, Prosecution Support</b> Trevor Shaw
<b>Regional Crown Counsel, Region 1 – Vancouver Island – Powell River</b> John Labossiere
<b>Regional Crown Counsel, Region 2 - Vancouver</b> Shannon Halyk
<b>Regional Crown Counsel, Region 3 – Fraser</b> Andrew MacDonald
<b>Regional Crown Counsel, Region 4 - Interior</b> Wendy Kavanaugh
<b>Regional Crown Counsel, Region 5 - North</b> Sandy MacDonell

## CRIMINAL JUSTICE BRANCH

**Peter Juk, QC**  
**Assistant Deputy Attorney General**



### Core Program Area Description

The Criminal Justice Branch's mandate is defined by statute, the Crown Counsel Act. The mandate includes:

- Approving and conducting regulatory and criminal prosecutions and appeals;
- Providing criminal law advice to government;
- Developing policies and procedures on the administration of criminal justice in B.C.;
- Liaising with the media on prosecutions and appeals; and
- Any other functions or responsibilities assigned by the Attorney General.

The branch is responsible for independently prosecuting all criminal and regulatory offences that fall within the jurisdiction of the provincial Prosecution Service. This includes all homicide, gang-related and organized crime files that involve violence. The branch does not generally prosecute violation tickets, which are prosecuted by the issuing enforcement officers. At any given time, the branch will typically have conduct of between 20,000 to 30,000 active prosecution files before the three levels of court in B.C. Another 10,000 to 15,000 prosecutions may be in abeyance because of an outstanding bench warrant and subject to re-entering the system at any time. Conducting a prosecution involves managing the prosecution from charge assessment to verdict, sentencing and any ensuing appeals, with all of the steps in between. This includes bail; disclosure to the defence; victim notification; preparation for preliminary inquiries and trials; legal research; marshalling evidence (including witnesses); all pre-trial motions; crafting submissions; and presenting the case in court. The branch has 40 staffed offices serving over 80 court locations across B.C. The Office of the Assistant Deputy Attorney General is located in Victoria.

Since 2012, the branch has been engaged in a robust strategic plan that champions justice reform. The plan is focused on building and maintaining system improvements in case management practices, including file ownership and disclosure; a new external communications strategy for public education and transparency purposes; data gathering and business intelligence; and active participation in cross-sector, collaborative reform initiatives.

**Budget 2017/18**      **(millions)**

Operating Budget      \$127.889  
Capital Budget      \$ 0.000

**Full Time Equivalents**

828

**Related Legislation**

Crown Counsel Act

Criminal Code

Youth Criminal Justice Act

Provincial Offence Act

Provincial regulatory statutes, such as the Motor Vehicle Act and the Wildlife Act.

# Ministry of Public Safety and Solicitor General

## INFORMATION SYSTEMS BRANCH

## INFORMATION SYSTEMS BRANCH

<b>Assistant Deputy Minister and Ministry Chief Information Officer</b> Bobbi Sadler
<b>Chief Technology Officer, Information Technology Security, Privacy and Operations</b> Craig Randle
<b>Executive Director, Strategic Initiatives</b> Chris Mah
<b>Executive Director, Client Services</b> Robert O'Neill
<b>Executive Project Director</b> Tracee Schmidt
<b>Director, Internal Communications</b> Karla Limion
<b>Manager, Business Operations</b> DeAndra Chmelyk

## INFORMATION SYSTEMS BRANCH

**Bobbi Sadler**  
**Assistant Deputy Minister and**  
**Ministry Chief Information Officer**



### **Core Program Area Description**

Information Systems Branch's vision is to provide effective, efficient, collaborative and quality information management and information technology (IM/IT) services to the justice and public safety sector and government enterprises.

#### Our Vision Statement:

To partner with the sector's program areas to deliver high quality IM/IT solutions and services for clients and citizens.

#### Our Mission Statement:

Information Systems Branch enables transformation in the justice and public safety sector through citizen-focused, timely and transparent IM/IT service delivery, strengthened capabilities and governance for the benefit of British Columbians.

The branch is moving the IM/IT mandate forward in support of the goals of the justice and public safety sector and its stakeholders.

The branch provides efficient and effective client support for IM/IT by:

- Maintaining a stable, standardized and highly available application system environment;
- Delivering implementation planning and coordination services;
- Ensuring adherence to current information technology industry standards;
- Developing and providing quality assurance, change and risk management procedures;
- Maturing policies and procedures regarding sector information security and information privacy; and
- Acting as the liaison with government's central agencies and the Office of the Chief Information Officer to facilitate certain services and provide strategic advice to the justice and public safety sector.

The branch's services include:

- Strategic IM/IT planning, including service design, and support for portfolio management;
- Lead role in sector IM/IT governance and investment planning;
- Enterprise architecture, including business, information, application and technical architecture;
- IM/IT solutions;
- Comprehensive services and support for the entire business solution life cycle;
- Critical security related policies, advice and access to data security related information;
- Oversight of sector information management policies and procedures;
- Leading internal communications across the sector;
- Ordering workstations, software, printing devices, voice, account access, network, hosting and web services; and
- Expert advice to help business areas improve their performance.

**Budget 2017/18      (millions)**

Operating Budget      \$12.176

Capital Budget      \$ 0.000

[Note: While the branch supports both the Ministry of Justice and Ministry of Public Safety and Solicitor General, the operational budget is provided for under the Ministry of Justice.]

**Full Time Equivalents**

80

Ministry of Justice

**JUSTICE SERVICES BRANCH**

## JUSTICE SERVICES BRANCH

<b>Assistant Deputy Minister</b> Kurt Sandstrom, QC
<b>Executive Director, Maintenance Enforcement and Locate Services</b> Chris Beresford
<b>Executive Director, Civil Policy and Legislation Office</b> Nancy Carter
<b>Executive Director, Criminal Justice and Legal Access Policy</b> James (Jamie) Deitch
<b>Director, Planning and Operational Support</b> Cris Forrest
<b>Director, Finance and Administration</b> Sean Grills
<b>Executive Director, Dispute Resolution Office</b> David Merner
<b>Director, Investigations and Standards Office</b> Sydney Swift
<b>Executive Director, Family Justice Services Division</b> Vacant

## JUSTICE SERVICES BRANCH

**Kurt Sandstrom, QC**  
**Assistant Deputy Minister**



### **Core Program Area Description:**

Justice Services Branch provides expert analysis, advice and leadership on administrative, civil, criminal, and family law reform, legislation and policy. The branch promotes meaningful and equitable access to justice through the provision of policies, programs and services as well as tools, resources, funding and oversight of legal aid programs and state-funded counsel, and management of the province's commitment to justice transformation.

The branch maintains a comprehensive approach to access to justice and advances efforts intended to:

- Make the law less complex and more intelligible;
- Address barriers to both quantity and quality of justice services;
- Enhance physical access (rural and remote, virtual) to justice services;
- Expand the notion of "legal aid" to include the provision of legal information, advice, referrals and representation using a variety of methods and delivered through a range of organizations;
- Promote legal awareness so individuals have some basic understanding of their rights;
- Strengthen civil society as the foundation for promoting access to justice; and
- Increase public confidence in the justice system.

The branch also delivers programs and services that encourage consensual approaches to dispute resolution; promote appropriate avenues outside of court for solving conflicts; and make the justice system more affordable and accessible for all British Columbians.

The branch manages three significant relationships for the ministry. One is with the Legal Services Society (LSS) for delivery of legal aid services. The government contribution is \$77.596 million, which includes the federal contribution for criminal and immigration legal aid. LSS has total revenues of \$81.764 million, including non-government sources. The second is with Themis Program Management and Consulting for delivery of most of the family maintenance enforcement program (\$16.551 million). The third is with the Independent Investigations Office which has a total budget of \$8.025 million for the investigation of police incidents resulting in death or serious harm.

In doing its work, the branch establishes, fosters and maintains strong partnerships within and across all levels of government as well as with other agencies, justice system participants and justice stakeholders. The branch also oversees the province's federal/provincial/territorial relationships on justice policy and reform. These multiple partnerships and relationships help facilitate the identification and implementation of promising practices that will reform and, ultimately, transform the justice system.

The branch is diverse, consisting of five divisions, and has offices throughout the province that offer programs and services.

- Civil Policy and Legislation Office is responsible for the largest legislative program in government (more than 100 statutes), under the Minister of Justice's mandate. The office contributes to family and civil justice system reform by creating laws that are fair, understandable, modern and improve public access to justice. The office provides advice and analysis on all private family and civil law legislation and related policy, including statutes related to torts, adult guardianship, contract law, trusts, succession law, the legal profession and private international law. The office is also responsible for government liaison with public inquiries such as coordinating budget, support, tabling and reporting, and negotiating and coordinating the province's position on judicial compensation and electoral reform. The office is also responsible for the statutory frameworks for a number of the Officers of the Legislature including the Conflict of Interest Commissioner, the Ombudsperson, the Representative for Children and Youth, the Registrar of Lobbyists and the Chief Electoral Officer, as well as the independent office of the Public Guardian and Trustee.
- Criminal Justice and Legal Access Policy Division provides policy advice and expertise to promote understanding and transformation of the criminal justice system; implements and evaluates innovative solutions to criminal justice problems, including those that promote integration of justice, health and social services; supports legal aid and access to justice; and advances B.C.'s priorities in national criminal justice policy and federal law reform through management of the provincial commitment to federal/provincial/territorial criminal justice reform initiatives. The Division is also responsible for funding and oversight of legal aid programs and is the primary liaison for government with the Independent Investigations office.
- Dispute Resolution Office champions access to justice through innovative dispute resolution alternatives, procedural efficiencies and case management in civil courts, agencies, boards, commissions, tribunals and government ministries. The office also researches and develops innovative proposals intended to make the justice system more flexible and responsive, using effective technologies and processes that will address the increasing complexity of law and the changing needs and expectations of the public.
- Family Justice Services Division facilitates timely and just resolution of family disputes, particularly relating to separation or divorce. The division is responsible for operating justice access centres, family justice centres staffed by family justice counsellors specially trained to help families with child custody, guardianship, access and support issues, and for the Parenting After Separation program, which helps parents make careful and informed

decisions about their children both during and after separation or divorce. The division also administers the delivery of the Child Protection Mediation Program to promote early and effective resolution of child welfare matters.

- Maintenance Enforcement and Locate Services works to ensure families receive the financial support they are entitled to under a court order or agreement. Programs include the Family Maintenance Enforcement Program, which monitors and enforces all maintenance orders and agreements that are filed with it; the Interjurisdictional Support Services, which facilitates the establishment and change of inter-jurisdictional support orders; the Locate Services Program which traces and locates individuals, their employment and assets for court and enforcement; and the Child Support Recalculation Service, which administratively recalculates support orders on an annual basis.

In addition to the responsibilities of the five divisions, the branch is responsible for general government policy under the mandate of the Attorney General, including elections and human rights, as well as corporate accountabilities such as strategic planning, monitoring and reporting on progress regarding ministry commitments and priorities, legislative liaison, submissions management, and professional support to branches and ministries on the miscellaneous bills.

**Budget 2017/18      (millions)**

**Operating Budget**

Net of Recoveries      \$113.154

Capital Budget      \$ 0.000

**Full Time Equivalents**

211

## Related Legislation

The branch has statutory responsibility for the largest legislation program in government. It provides all requisite policy development and drafting advice for the following Acts:

Administrative Tribunals	Evidence	Negligence
Administrative Tribunals Appointment and Administration	Expropriation	Notaries
Adult Guardianship	Family Compensation	Occupiers Liability
Age of Majority	Family Law	Offence
Apology	Family Maintenance Enforcement	Oil and Gas Activities (Div 2, Pt 2)
Arbitration	Federal Courts Jurisdiction	Ombudsperson
Association of Former MLAs of BC ( <i>Private</i> )	Financial Disclosure	Partition of Property
Attorney General	Foreign Arbitral Awards	Patients Property
Builders Lien	Foreign Money Claims	Perpetuity
Charitable Purposes Preservation	Forest and Range Practices (s. 166 only)	Police (Pt 7.1)
Civil Resolution Tribunal	Forest Practices Code of BC (Pt. 9 only)	Power of Appointment
Civil Rights Protection	Fraudulent Conveyance	Power of Attorney
Class Proceedings	Fraudulent Preference	Presumption of Death
Coastal Ferry (Pt. 4 & ss. 70, 72 & 73 only)	Frustrated Contract	Privacy
Conflict of Laws Rules for Trusts	Good Samaritan	Probate Recognition
Constitution	Holocaust Memorial Day	Property Law
Constitutional Amendment Approval	Human Rights Code	Provincial Court (only re: judicial officers)
Constitutional Question	Infants	Public Guardian and Trustee
County Boundary	Insurance Corporation (Pt. 2 only)	Public Inquiry
Court Agent	Interjurisdictional Support Orders	Queen's Counsel
Court Order Enforcement	International Commercial Arbitration	Recall and Initiative
Court Order Interest	International Sale of Goods	Referendum
Court Rules	International Trusts	Regulations
Criminal Asset Management	Interpretation	Representation Agreement
Crown Counsel	Judicial Compensation	Representative for Children and Youth
Crown Franchise	Judicial Review Procedure	Settlement of International Investment Disputes
Debtor Assistance	Justice Administration	Small Claims
Disciplinary Authority Protection	Justice Reform and Transparency	Statute Revision
Divorce (only re: proposed changes to custody & access provisions)	Law and Equity	Subpoena (Interprovincial)
Election	Law Reform Commission	Supreme Court (only re: judicial officers, Supreme Court Civil Rules fees & costs issues, & Supreme Court Family Rules)
Electoral Boundaries Commission	Legal Profession	Trespass
Electoral Districts	Legal Services Society	Trust and Settlement Variation
Electoral Reform Referendum 2009	Libel and Slander	Trustee
Enforcement of Canadian Judgments and Decrees	Limitation	Trustee (Church Property)
Environmental Management (Div 1&3, Pt 8)	Lobbyists Registration	Utilities Commission
Escheat	Local Government Bylaw Notice Enforcement	Wills
Estate Administration	Members' Conflict of Interest	Wills, Estates and Succession
Estates of Missing Persons	Ministry of Provincial Secretary and Government Services	Wills Variation

Ministry of Justice

LEGAL SERVICES BRANCH

## LEGAL SERVICES BRANCH

<p style="text-align: center;"><b>Assistant Deputy Attorney General</b> James Harvey</p>	<p style="text-align: center;"><b>Barristers Division</b>  <b>Aboriginal Law and Litigation Supervising Counsel,</b>  Paul Yearwood  <b>Civil Litigation Supervising Counsel,</b>  Gordon Houston  <b>Deputy Supervising Counsel (Vancouver – Temporary),</b>  Rob Payne  <b>Constitutional and Administrative Law Supervising Counsel,</b>  Leah Greathead</p>
<p style="text-align: center;"><b>Solicitors Division</b>  <b>Resource, Environment and Land Law Supervising Counsel,</b>  Sandra Benson  <b>Finance, Commercial and Transportation Law Supervising Counsel,</b>  Lauren Knoblauch  <b>Health and Social Services Law Acting Supervising Counsel,</b>  Ivan Elieff  <b>Labour, Employment and Human Rights Law Supervising Counsel,</b>  Catherine Hunt  <b>Justice and Education Law Acting Supervising Counsel,</b>  Katherine Dann  <b>Revenue and Taxation Law Acting Supervising Counsel,</b>  David Hatter</p>	<p style="text-align: center;"><b>Office of Legislative Counsel</b>  <b>Chief Legislative Counsel</b>  Corrine Swystun</p>
<p style="text-align: center;"><b>Business Operations</b>  <b>Director,</b>  Aaron Plater</p>	<p style="text-align: center;"><b>Articled Student Program</b>  <b>Chair,</b>  Barbara Carmichael</p>
<p style="text-align: center;"><b>Strategic Knowledge Management Office</b>  <b>Legal Counsel, Law, Policy and Strategic Advice,</b>  Nancy Brown</p>	

## LEGAL SERVICES BRANCH

**James Harvey**  
**Assistant Deputy Attorney General**



### Core Program Area Description

The Legal Services Branch's mandate is to deliver legal services to the Government of British Columbia in accordance with the Attorney General Act. The branch provides comprehensive legal advice and legal services to government including alternate dispute resolution services; acting for government in civil suits and tribunal proceedings; drafting all government bills and regulations; and preparing the Revised Statutes of British Columbia.

The branch is a centralized government service, consisting of lawyers, paralegals and administrative staff. Lawyers in the branch work in one of three divisions: the Solicitors Division, the Barristers Division or the Office of Legislative Counsel. More information is available at L@w Matters at <http://gwww.legalservices.gov.bc.ca/>.

### Budget

The branch operates as a cost-recovered entity, and its costs are charged out to clients based on use of legal services. The branch retains a budget to cover activities deemed to be "core" to the role of the Attorney General, including drafting of legislation, constitutional and administrative law matters, and aboriginal litigation.

### Budget 2017/18 (millions)

Operating Budget Net	
of Recoveries	\$22.491 (\$74.141 Expenses recovered)
Capital Budget	\$ 0.000

### Full Time Equivalents

451

## **Related Legislation**

Attorney General Act  
Crown Proceeding Act

## **Key Facts**

- The branch acts as legal advisers to government. As such, branch lawyers appear before tribunals and all levels of court, including the Supreme Court of Canada.
- Branch lawyers provide advice on significant legal issues including procurements, First Nation issues, etc.
- The Office of Legislative Counsel drafts the Province's legislation.

## Tab 4

**Ministry of Justice  
BUDGET HIGHLIGHTS  
Fiscal Year 2017/18**

**Operating Budget:**

The budget, net of recoveries, is \$514.551 million which is a \$13.888 million increase over the prior year (2016/17 – Restated). This includes:

1. New funding for initiatives and program pressures (\$8.01 million):
  - Surrey Courthouse and Crown Counsel Expansion (\$2.641 million);
  - Expansion of the Surrey Family Justice Centre to a full-service Justice Access Centre (\$0.4 million),
  - Structural pressures in Superior Courts (\$1.8 million);
  - 14 Additional Sheriff FTEs and one additional Sheriffs training class (\$1.409 million);
  - Two Surrey Crown Counsel under the Guns and Gangs Strategy (\$0.5 million); and
  - One year in funding for Okanagan Correctional Centre sheriff services (\$1.260 million)
2. Funding for salaries (\$5.88 million), including new funding of \$0.450 million for unionized staff Economic Stability Dividend, offset by a reduction of \$1.399 million in 2017/18 reflecting a cross government benefit rate adjustment; 2016/17 funding to cover salary increases for Crown and Legal Counsel (\$3.06 million); and a previous year increase for Economic Stability mandate salary increases for eligible unionized employee groups.

3. External Recoveries in the ministry total \$33.614 million:

	(\$millions)
Justice Services	3.302
Court Services	2.852
Legal Services	0.300
Agencies, Boards, Commissions and Other Tribunals	9.197
Executive and Support Services	0.002
Public Guardian and Trustee Operating Account	17.961
	<u>33.614</u>

The restated budget also includes the following program transfers, which result in no year over year changes in funding (amounts transferred are noted):

- Inter-ministry program transfer of thirteen tribunals from four ministries and Other Appropriations and associated funding in support of the Tribunal Transformation Initiative (\$10.121 million ); and
- Inter-ministry program transfer from the ministry to the Ministry of Public Safety and Solicitor General of five staff and associated budget reduction (-\$0.42 million).

### **Capital Budget:**

The budget is \$5.061 million, a decrease of \$0.869 million from the previous year. The decrease reflects completion of the fit up for the Okanagan Correctional Centre, and wind down of the Independent Investigation Office's start-up funding. For administrative purposes, most capital provided to the ministry is centralized in Executive and Support Services, with the exception of capital held for the Judiciary, Public Guardian and Trustee, and the Independent Investigations Office.

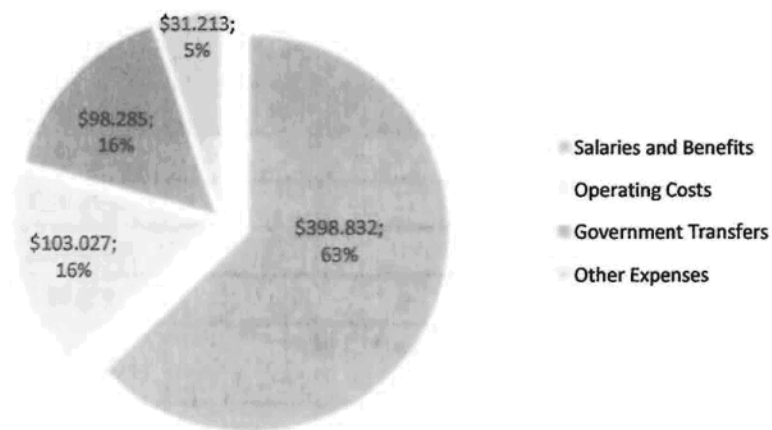
### **Notional Access to the Contingencies (All Ministries) and New Programs Vote**

The ministry has notional approval to access operating contingencies of up to s.17 million as follows:

s.13,s.17

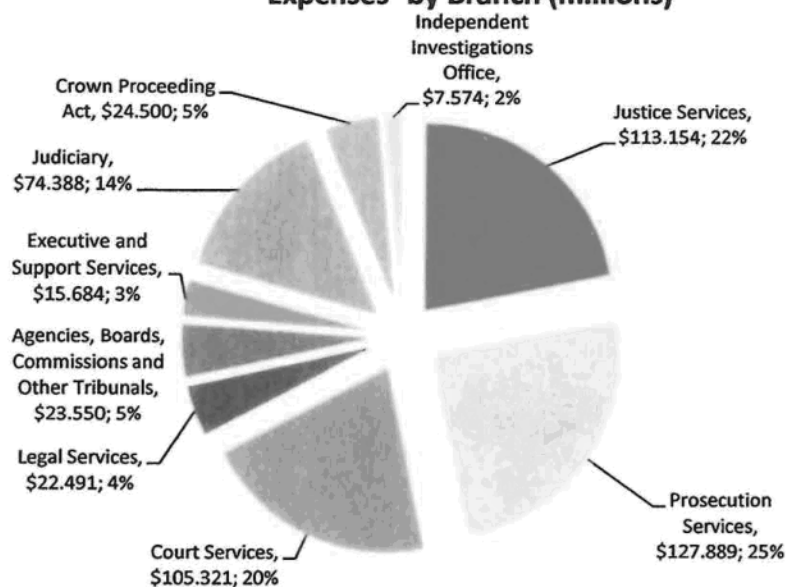
## BUDGET BY EXPENSE TYPE AND BY BRANCH

**Budget by Expense<sup>1</sup> (millions)**



<sup>1</sup>Expenses by Cost Type do not include recovery offsets.

**Expenses<sup>2</sup> by Branch (millions)**



<sup>2</sup>Total expenses by branch are net of recoveries.

**OPERATIONS BUDGET – CORE BUSINESS SUMMARY**  
As presented in Budget 2017 Supplement to Estimates (Blue Book)

(\$ millions)	2016/17	2017/18	Change	Change
	Restated Estimates	Estimates	(\$)	(%)
<b>Vote 32 - Ministry Operations</b>				
Justice Services	110.297	113.154	2.857	2.59%
Prosecution Services	126.598	127.889	1.291	1.02%
Court Services	99.496	105.321	5.825	5.85%
Legal Services	21.207	22.491	1.284	6.05%
Agencies, Boards, Commissions and Other Tribunals	23.394	23.550	0.156	0.67%
Executive and Support Services	15.833	15.684	(0.149)	(0.94%)
<b>Subtotal</b>	<b>396.825</b>	<b>408.089</b>	<b>11.264</b>	<b>3%</b>
Judiciary (Vote 33)	71.786	74.388	2.602	3.62%
Crown Proceeding Act (Vote 34)	24.500	24.500	-	-
Independent Investigation Office (Vote 35)	7.552	7.574	0.022	0.29%
Public Guardian & Trustee Operating Special Account	-	-	-	-
<b>Total</b>	<b>500.663</b>	<b>514.551</b>	<b>13.888</b>	<b>2.77%</b>

## **BUDGET SUMMARY BY BRANCH**

### **Justice Services**

The rebalancing of the major case budget between core businesses, and new funding for the Surrey Justice Access Centre and for legal aid under the Surrey Courthouse Expansion accounts for \$2.402 million of the \$2.857 million budget increase, with the balance of additional funding a result of the Economic Stability Mandate and Dividend increases.

### **Criminal Justice**

The Crown counsel salary increase (\$2.377 million), Surrey Crown Counsel Expansion (\$0.736 million), two additional Surrey Crown Counsel under the Guns and Gangs Strategy (\$0.500 million) and the Economic Stability Mandate and Dividend, offset by the rebalancing of the Major Case budget between core businesses (\$2.690 million), accounts for the majority of the \$1.291 million budget increase.

### **Court Services**

The \$5.825 million increase reflects funding for Sheriffs Services including for the new Okanagan Correctional Centre (\$2.669 million), Surrey Courthouse Expansion (\$0.920 million), and the Economic Stability Mandate and Dividend (\$1.281 million), as well as the major cases base budget realignment between core businesses (\$0.945 million).

### **Legal Services**

A \$1.284 million increase primarily reflects the lift for legal counsel salary increases under the Crown Counsel Agreement (\$0.520 million) and the Economic Stability Mandate (\$0.587 million).

### **Agencies Boards, Commissions and Other Tribunals**

A \$0.156 million increase has been provided for legal counsel salary increases under the Economic Stability Mandate and Dividend (\$0.115 million) and the Crown Counsel Agreement (\$0.042).

### **Executive and Support Services**

The minor decrease of \$0.149 million reflects a prior year reduction of \$0.250 million for a completed project offset by Economic Stability Mandate and Dividend funding.

## Judiciary

The increase of \$2.602 million reflects funding for a structural pressure in Superior Court Judiciary (\$1.800 million) and funding for the Provincial Judiciary for the Surrey Courthouse Expansion (\$0.728 million).

## Independent Investigations Office

The increase of \$0.022 million reflects the Economic Stability Mandate and Economic Stability Dividend.

### OPERATIONS BUDGET BY GROUP ACCOUNT CLASSIFICATION (GAC)

(\$ millions)	2016/17	2017/18	Change	Change
	Restated Estimates	Estimates	(\$)	(%)
Salaries and Benefits	387.895	398.832	10.937	2.82%
Operating Costs	98.950	103.027	4.077	4.12%
Government Transfers	96.142	98.285	2.143	2.23%
Other Expenses	31.299	31.213	(0.086)	(0.27%)
Recoveries	(79.993)	(83.192)	(3.199)	4.00%
Recoveries External	(33.630)	(33.614)	0.016	(0.05%)
<b>Total</b>	<b>500.663</b>	<b>514.551</b>	<b>13.888</b>	<b>2.77%</b>

Increases and decreases to the ministry budget can be categorized by branch allocation (page 4) but also by expenditure type. This reporting is also reflected in the Supplement to Estimates with a total for each branch and Vote.

## Salaries and Benefits

Increase of \$10.937 million is the incremental Economic Stability Mandate and the Economic Stability Dividend funding (\$4.430 million), incremental impact of Crown Counsel Agreement (\$1.656 million), new funding provided for Courts Sheriff Services pressures and Okanagan Correctional Centre Sheriffs (\$2.237 million), Surrey Courthouse Expansion (\$1.736 million) and pressures of the Superior Court Judiciary (\$0.982 million) less rebalancing of major case budget from salaries (Criminal Justice Branch) to transfers (Justice Services Branch).

## Operating Costs

Increase of \$4.077 million reflects increased demand for legal services across government (\$3.277 million) as well as the operating costs across the ministry for the Surrey Courthouse and Crown Counsel Expansion (\$0.641 million) and Superior Court Judiciary requirements (\$0.818 million) offset by a ministry reallocation of \$0.650 million to salaries and benefits.

### **Government Transfers**

An increase of \$2.143 million represents a rebalancing of the major case budget from salaries (Criminal Justice Branch) to transfers (Justice Services Branch) and new funding for the Surrey Courthouse Expansion to Legal Services Society (Justice Services Branch).

### **Other Expenses**

Decrease of \$0.086 million is primarily a reallocation of funding from other expenses to salaries and benefits.

### **Recoveries**

An increase of \$3.199 million is the offsetting recovery, across government, for legal services support.

### **Recoveries External**

Decrease of \$0.016 million.

**Ministry of Justice**  
**February 2017 (Fiscal Year 2017/18)**  
**THREE YEAR BUDGET RESOURCE SUMMARY**

Core Business	Restated Budget 2016/17	2017/18 Estimates	2018/19 Plan	2019/20 Plan	2017/18 Changes	2018/19 Changes	2019/20 Changes
Justice Services	\$110,297,000	\$113,154,000	\$114,016,000	\$114,021,000	\$2,857,000	\$862,000	\$5,000
Criminal Justice	\$126,598,000	\$127,889,000	\$131,021,000	\$131,021,000	\$1,291,000	\$3,132,000	\$0
Court Services	\$99,496,000	\$105,321,000	\$105,471,000	\$105,471,000	\$5,825,000	\$150,000	\$0
Legal Services	\$21,207,000	\$22,491,000	\$24,033,000	\$24,033,000	\$1,284,000	\$1,542,000	\$0
Agencies, Boards and Commissions	\$23,394,000	\$23,550,000	\$23,774,000	\$23,774,000	\$156,000	\$224,000	\$0
Executive and Support Services <sup>1</sup>	\$15,833,000	\$15,684,000	\$16,052,000	\$16,052,000	-\$149,000	\$368,000	\$0
Judiciary	\$71,786,000	\$74,388,000	\$74,738,000	\$74,738,000	\$2,602,000	\$350,000	\$0
Crown Proceeding Act	\$24,500,000	\$24,500,000	\$24,500,000	\$24,500,000	\$0	\$0	\$0
Independent Investigations Office	\$7,552,000	\$7,574,000	\$7,614,000	\$7,614,000	\$22,000	\$40,000	\$0
Special Account <sup>2</sup>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$500,663,000</b>	<b>\$514,551,000</b>	<b>\$521,219,000</b>	<b>\$521,224,000</b>	<b>\$13,888,000</b>	<b>\$6,668,000</b>	<b>\$5,000</b>

1. Executive and Support Service (ESS) are comprised of Minister's Office and Corporate Support Services (CS) and have a common sub-vote description and are added together.

	2016/17 Restated	2017/18 Estimates	2018/19 Plan	2019/20 Plan	2017/18 Changes	2018/19 Changes	2019/20 Changes
Minister's Office	\$728,000	\$727,000	\$729,000	\$729,000	-\$1,000	\$2,000	\$0
Corporate Support Services	\$15,105,000	\$14,957,000	\$15,323,000	\$15,323,000	-\$148,000	\$366,000	\$0
<b>Total</b>	<b>\$15,833,000</b>	<b>\$15,684,000</b>	<b>\$16,052,000</b>	<b>\$16,052,000</b>	<b>-\$149,000</b>	<b>\$368,000</b>	<b>\$0</b>

2. Public Guardian and Trustee Operating Account.

**Ministry Capital Expenditures Consolidated Revenue Fund**

Core Business Area	2016/17 Restated	2017/18 Estimates	2018/19 Plan	2019/20 Plan	2017/18 Changes	2018/19 Changes	2019/20 Changes
<b>Ministry Capital Expenditures (Consolidated Revenue Fund)</b>							
Executive and Support Services	\$4,842,000	\$4,118,000	\$4,067,000	\$4,533,000	(\$724,000)	(\$51,000)	\$466,000
Judiciary	\$570,000	\$570,000	\$570,000	\$570,000	\$0	\$0	\$0
Independent Investigations Office	\$145,000	\$0	\$0	\$0	(\$145,000)	\$0	\$0
BC Utilities Commission	\$10,000	\$10,000	\$10,000	\$10,000	\$0	\$0	\$0
Public Guardian and Trustee (Special Account)	\$363,000	\$363,000	\$363,000	\$363,000	\$0	\$0	\$0
<b>Total</b>	<b>\$5,930,000</b>	<b>\$5,061,000</b>	<b>\$5,010,000</b>	<b>\$5,476,000</b>	<b>(\$869,000)</b>	<b>(\$51,000)</b>	<b>\$466,000</b>

**2017/18 Capital Budget Changes:**

Decrease of \$0.869 million reflects the completion of purchasing necessary equipment for the fit up of the Okanagan Correctional Centre Sheriff vehicles, and wind down of the Independent Investigations Office start-up funding.

## Tab 5

## Ministry of Justice KEY INITIATIVES

Note: Hyperlinks to additional information are provided where available

### Justice and Public Safety Sector

- **B.C. Justice Summits**: Sector-wide consultations held semi-annually to encourage innovation and facilitate collaboration across the justice and public safety sector. Two summits were held in June and November 2016, focusing on justice, mental health and substance misuse.
- **Address Over-Representation of Indigenous People as Victims and Offenders**: The ministries are working to address the over-representation of Indigenous people as victims and offenders in the justice and public safety sector. Central to that work is improving the sector's relationship with Indigenous leadership and communities, and continuing to work across government toward long-term reconciliation.
- **Federal-Provincial-Territorial Framework to Address Violence Against Indigenous Women and Girls: Support for the National Inquiry into Missing and Murdered Indigenous Women and Girls**: Identifies priorities to guide jurisdictions in a more coordinated approach to developing initiatives to address violence against Indigenous women and girls. In November 2016, the province passed an order in council that gives the commissioners of the National Inquiry into Missing and Murdered Indigenous Women and Girls the authority to examine matters within the jurisdiction of the province.
- **Aboriginal Justice Strategy**: In partnership with Justice Canada and the Ministry of Children and Family Development to support culturally-relevant, community-based alternatives and supports to the formal justice system (e.g., diversion, restorative justice, crime prevention and early intervention, circle sentencing, court liaison).
- **Trauma Informed Practice Project**: Announced in July 2016 as part of a federal investment over five years to enhance services to victims of crime in British Columbia. As part of the project, a cross-sector training symposium was held in March 2017, and research to support development of a trauma-informed practice educational curriculum was undertaken.
- **Mental Health Strategies**: The sector supports the work of the Cabinet Working Group on Mental Health in developing a cross-government strategy on mental health in B.C., and supports individuals with mental health and substance use needs through: integrated courts and corrections programs to reduce reoffending; the Mental Health Strategy for Corrections in Canada; mandatory crisis intervention and de-escalation training for frontline police officers and supervisors; and local police and health authority protocols for working with people with mental health and substance misuse challenges.

- **Comprehensive Disclosure Strategy:** A collaborative effort to develop a system-wide understanding of the disclosure process, reduce the overall resource burden associated with disclosure management practices, and build awareness and understanding of disclosure obligations and best practices.
- **Information Management and Information Technology Systems Modernization:** A collaborative approach to increase integration and information sharing across the justice and public safety sector; ensure that information is accessible, accurate, complete and secure; and increase citizen access to, and improve interaction with, justice and public safety services.
- **Evidence-Based Workforce Planning and Performance-Focused Workforce:** Initiatives underway include: developing a leadership framework to support succession management; promoting and reinforcing respectful workplace practices; and improving staffing practices to reduce time and effort and meet future workforce needs while reinforcing meritorious staffing practices.
- **Business Intelligence and Performance Measurement Systems:** Strengthened systems to assist with strategic planning, monitoring and evidence-based decision making, and to enable better public reporting of progress toward goals and objectives.
- **Publication of Data Sets:** Via the DataBC website and data dashboards to support informed dialogue between citizens and government regarding the functioning, accountability and performance of the sector.

## Court Services

- **Lower Fraser Valley Regional Plan: Court Capacity Expansion Project:** Implementation of the top two priorities recommended in the plan include: expansion of the Surrey Courthouse, which will increase access to justice in B.C.'s busiest provincial court location and is expected to be completed by early 2018; and the development of a new Abbotsford courthouse to increase court capacity. Construction is to begin in 2018 with facility operations beginning in 2020.
- **Specialized Courts Strategy:** Provides an evidence-based, integrated approach for specialized courts in the province. Examples of innovative approaches that bring together justice, corrections, health and social services to collaborate and respond to the complex needs of individuals involved in the criminal justice system include: Vancouver's Downtown Community Court; the Drug Treatment Court of Vancouver; First Nations Courts; Domestic Violence Courts; and the Victoria Integrated Court.
- **Aboriginal Family Healing Court Conference Pilot Program:** Launched in February 2017 in New Westminster, and jointly piloted with the Ministry of Children and Family Development, the program gives vulnerable Indigenous families at risk of having their

children taken into care a stronger voice in the child protection process by including Elders in the proceedings.

- **Court Administration Transformation Suite:** A series of service-focused initiatives that use innovative business processes and technology to improve access to justice and information sharing, sustain courts, and provide a range of quality services that enhance citizens' experiences with the justice and public safety sector.
- **Enhance Business Administration Processes of the Superior Courts:** As part of continuing efforts to ensure the most effective management of existing resources, the ministry has been working with the Court of Appeal and the Supreme Court of British Columbia to support them in developing potential efficiencies and appropriate performance measures.
- **BC Sheriff Services 2020:** Launched in September 2016, the four-year initiative is to address challenges within BC Sheriff Services, beginning with four streams of work: recruitment, internal communications, succession planning, and core services confirmation to immediately strengthen the workforce. Fourteen streams of interconnected projects will be phased in over the course of the initiative with the goal of a more healthy and sustainable organization and engaged workforce over the next three to four years.

## Criminal Justice

- **Major Case Management Model:** Formally approved in December 2012, the model was implemented for the branch's largest, high profile cases - which often involve allegations of gang-related and criminal organization offending. A project management approach to these prosecutions is applied, with a view to increasing prosecution effectiveness and process efficiency.
- **Case Management and Process Reforms:** Implemented in 2014 to facilitate increased early resolution of prosecution files, improve trial readiness on matters for which adjudication is reasonably necessary, and enhance file ownership, or continuity of conduct, wherever operationally feasible. The branch continues to support and sustain the implementation of these reforms; a monitoring framework has been established to assess progress and make modifications as needed.

## Justice Services

- **Civil Resolution Tribunal:** Canada's first online tribunal to hear strata and small claims cases and reach binding decisions enforceable as a court order. Offers 24/7 access to user-focused services through the use of self-help, online dispute resolution, assessment and triage services.
- **Tribunal Transformation:** By moving service delivery online, integrating support services and systems, streamlining dispute resolution processes and clustering sector-based

tribunals together, the infrastructure is being built for more efficient and effective administrative tribunal services.

- **Justice Innovation and Transformation Initiatives:** Delivered through the Legal Services Society, the following pilot projects were assessed positively in 2016/17 and approval was granted to continue for further evaluation: expanded Family Duty Counsel at the Victoria Justice Access Centre; expanded Family LawLINE telephone and email advice service province-wide; the original Parents Legal Centre for child protection matters at the Robson Square Vancouver Courthouse; and expanded Criminal Duty Counsel in Port Coquitlam.
- **Family Maintenance Enforcement Program:** A free service to help families and children entitled to support under a maintenance order or agreement. Over \$200 million is collected each year for approximately 40,000 B.C. families.
- **Justice Access Centres:** Located in Vancouver, Victoria and Nanaimo, Justice Access Centres maintain their vital function in providing support to families and self-represented litigants. Offering legal information and dispute resolution services, the centres enable citizens to access a number of justice service providers in one location.
- **Integrated Services Network:** As recommended in the 2014 Surrey Criminal Justice Recommendations Report, the network provides a single location for all justice, health and social service agencies involved in the co-delivery of programs and services aimed at reducing crime in Surrey.

## Legal Services

- **Legal Services Branch:** Provides civil legal services to Cabinet, all ministries and certain public agencies to assist in fulfilling business objectives while minimizing and mitigating legal risk to the provincial government. The branch continues to leverage best practices, particularly in planning and early engagement with clients, is expanding its use of technology to support knowledge management, and is also enhancing its client training and education programs to ensure that clients understand the role and mandate of the Attorney General.
- **Legal Operations Optimization Project:** Reflecting the ministry's strategic focus on sustainability, the project focuses on efficiencies and client service in providing legal advice and services to government.

## Tab 6

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Attorney General's British Columbia Supreme Court Rules Committee

**Legislative Authority:**  
Court Rules Act

**Mandate:**

The committee assists the Attorney General in making recommendations to the Lieutenant Governor in Council respecting changes to the written rules governing the conduct of litigation in the Supreme Court of British Columbia. The committee actively pursues opportunities to simplify the language and procedures in the rules to make them more accessible to the public while seeking opportunity to enhance access to justice through the rules.

**Current Appointees:**

Richard Fyfe, QC, Chair  
Daniel Bennett, QC  
John Bilawich  
Jasmine Dadachanji  
Bill Dick

Jess Gunnarson  
Lisa Hamilton  
John Hogg, QC  
Lindsay LeBlanc  
Maureen Lundell, QC

**Appointments required:**

- **30 Days:** s.13

**Issue(s):**

- **30 and 60 Days:** s.13  
s.13
- **60 and 90 Days:** s.13  
s.13

**Key Contact:**

- Adrienne Hund
- Acting Director (JAG)
- 250-387-0720

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** British Columbia Ferry Commission

**Legislative Authority:**  
Coastal Ferry Act

**Mandate:**

The Commission regulates British Columbia Ferry Services Inc. (BC Ferries), the independent company that provides ferry services on 25 routes through the Coastal Ferry Services Contract with the province. The commission ensures that the average level of ferry fares charged by the company does not rise above a ceiling or "price cap" set by the commission and monitors the adherence of BC Ferries to the terms of its service contract with the province of B.C.

**Current Appointees:**

Gordon A. Macatee, Commissioner  
Sheldon T. Stoilen, Deputy Commissioner

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Kirk Handrahan
- Executive Director (MOTI)
- 250-952-0678
  
- Cris Forrest
- Director (JAG)
- 250-356-6112

**Mistry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** BC Human Rights Tribunal

**Legislative Authority:**  
Human Rights Code

**Mandate:**

The BC Human Rights Tribunal is an independent administrative tribunal that is responsible for accepting, screening, mediating, and adjudicating human rights complaints.

**Current Appointees:**

Diana Juricevic (Chair)  
Jacqueline Beltgens  
Catherine McCreary

Emily Ohler  
Walter Rilkoff  
Barbara Korenkiewicz

**Appointments required:**

- **30 Days:** One member's term expires on May 31, 2017.

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** British Columbia Review Board

**Legislative Authority:**  
Criminal Code

**Mandate:**

The British Columbia Review Board is an independent administrative tribunal that makes and reviews dispositions with respect to individuals charged with offenses, in respect of whom verdicts of not criminally responsible on account of mental disorder or unfit to stand trial on account of mental disorder, have been rendered.

**Current Appointees:**

Bernd Walter (Chair)	Frederick Hansford	Lynda Murdoch
Steven Boorne	Sam Iskander	Werner Pankratz
Paula Cayley	Barry Long	Kim Polowek
Peter Constance	Allison MacPhail	David Renwick
Ingrid Friesen	Maryam Majedi	Jeanette Smith
Linda Grasswick	Alan Markwart	Ronald Stevenson
Todd Tomita		

**Appointments required:**

- **60 Days:** Two members' terms expire on July 31, 2017.

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** British Columbia Utilities Commission

**Legislative Authority:**

Utilities Commission Act and Insurance Corporation Act

**Mandate:**

The British Columbia Utilities Commission's (BCUC) primary responsibility is the regulation of the public electric and gas utilities under its jurisdiction and rate setting for basic mandatory automobile insurance. Decisions and Orders of the BCUC are legally binding, and may be appealed to the British Columbia Court of Appeal on questions of law or jurisdiction. The BCUC also reviews energy-related and basic insurance matters referred to it by Cabinet. These reviews usually involve public inquiries, followed by a report and recommendations to Cabinet.

**Current Appointees:**

Dave Morton (Chair and CEO)	Howard Harowitz	Bernard Magnan
Dennis Cote	Karen Keilty	Richard Mason
Douglas Enns	Miriam Kresivo	Richard Revel
William Everett		

**Appointments required:**

- The Chair of the BC Utilities Commission, working with the Board Resourcing and Development Office through a merit based process intend to make a further appointment to a Commissioner position early in the next mandate period.

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Building Code Appeal Board

**Legislative Authority:**  
Building Act

**Mandate:**

The Building Code Appeal Board is an independent administrative tribunal that provides rulings on the application and the interpretation of the BC Building Code in the event of a dispute between the inspector (authority having jurisdiction) and the builder.

**Current Appointees:**

Lyle Kuhnert (Chair)

Keith Calder

Maura Gatensby

Douglas Vance

Frankie Victor

**Appointments required:**

- **90 Days:** One member's term expires on August 24, 2017.

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Civil Resolution Tribunal

**Legislative Authority:**

Civil Resolution Tribunal Act

**Mandate:**

The Civil Resolution Tribunal is an independent administrative tribunal that provides dispute resolution services in relation to matters that are within its authority (Strata and Small Claims up to \$5,000), in a manner that:

- a) Is accessible, speedy, economical, informal and flexible;
- b) Applies principles of law and fairness, and recognizes any relationships between parties to a dispute that will likely continue after the tribunal proceeding is concluded;
- c) Uses electronic communication tools to facilitate resolution of disputes brought to the tribunal; and
- d) Accommodates, so far as the tribunal considers reasonably practicable, the diversity of circumstances of the persons using the services of the tribunal.

**Current Appointees:**

Shannon Salter (Chair)

Colleen Cattell

Kamaljit Lehal

Maureen Abraham

Bonnie Elster

Michael Litchfield

Maureen Baird

Andrew Gay

Barry Long

Wendy Baker

Julie Gibson

Shelley Lopez (Vice Chair)

Kathryn Berge

Angus Gunn

Andrew Pendray

Jamie Bleay

Richard Harrison

Patrick Williams

Garth Cambrey (Vice Chair)

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Community Care and Assisted Living Appeal Board

**Legislative Authority:**

Community Care and Assisted Living Act

**Mandate:**

The Community Care and Assisted Living Appeal Board is an independent administrative tribunal that provides a specialized, impartial, accessible and cost-effective forum for the hearing of appeals from licensing, regulation and certification decisions regarding community care and assisted living facilities and early childhood educators.

**Current Appointees:**

Helen del Val (Chair)

Harry Gray

Lynn McBride

Tung Chan

Patrick Lewis

Alison Narod

Shelene Christie

Richard Margetts

Donald Storch

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Employment Standards Tribunal

**Legislative Authority:**  
Employment Standards Act

**Mandate:**  
The Employment Standards Tribunal is an independent tribunal that conducts appeals of Determinations issued by the Director of Employment Standards and reconsiders decisions made by the tribunal.

**Current Appointees:**

Brent Mullin (Chair)  
Shafik Bhalloo  
Rajiv Gandhi

Robert Groves  
Richard Harrison  
Marnee Pearce

Carol Roberts  
David Stevenson  
Kenneth Thornicroft

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Environmental Appeal Board

**Legislative Authority:**  
Environmental Management Act

**Mandate:**

The Environmental Appeal Board is an independent agency that hears appeals from administrative decisions made under a variety of statutes. Some of the statutes allowing appeals to the board have been repealed, or repealed and replaced, over the years.

**Current Appointees:**

Alan Andison (Chair)	Jeffery Hand	David Searle
Maureen Baird	Robert Holtby	Daphne Stancil
Lorne Borgal	Kent Jingfors	Michael Tourigny
Monica Danon-Schaffer	Gabriella Lang	Gregory Tucker
Cindy Derkaz	James Mattison	Finlay VanDine
Brenda Edwards	Linda Michaluk	Reid White
Les Gyug	John Orr	Robert Wickett
James Hackett	Howard Saunders	Norman Yates

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Financial Services Tribunal

**Legislative Authority:**  
Financial Institutions Act

**Mandate:**

The Financial Services Tribunal is an independent administrative tribunal that hears appeals from institutions and individuals who want to contest enforcement decisions made by the: Insurance Council of British Columbia; Real Estate Council of British Columbia; Superintendent of Real Estate; Superintendent of Pensions; Registrar of Mortgage Brokers; and Superintendent of Financial Institutions.

**Current Appointees:**

Theodore Strocel (Chair)

Patrick Lewis

Wendy Baker

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Forest Appeals Commission

**Legislative Authority:**

Forest Practices Code of British Columbia Act and the Forest and Range Practices Act

**Mandate:**

The Forest Appeals Commission is an independent agency that hears appeals from administrative decisions made with respect to a variety of matters regulated by the Forest Practices Code of British Columbia Act, the Forest and Range Practices Act, the Forest Act, the Range Act, the Private Managed Forest Land Act and the Wildfire Act. The commission is also required to make recommendations to the Lieutenant Governor in Council about review and appeal procedures under these statutes.

**Current Appointees:**

Alan Andison	Jeffrey Hand	David Searle
Maureen Baird	Bob Holtby	Daphne Stancil
Lorne Borgal	Kent Jingfors	Richard Tourigny
Monica Danon-Schaffer	Gabriella Lang	Gregory Tucker
Cindy Derkaz	James Mattison	Douglas VanDine
Brenda Edwards	Linda Michaluk	Reid White
Les Gyug	John Orr	Bob Wickett
James Hackett	Howard Saunders	Norman Yates

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Health Professions Review Board

**Legislative Authority:**  
Health Professions Act

**Mandate:**

The Health Professions Review Board is an independent administrative tribunal that provides a fair, impartial, accountable and transparent mechanism to review certain complaint dispositions made by the inquiry committee of a college.

**Current Appointees:**

Tom English (Chair)	William Cottick	Robert McDowell
Michael Alexandor	Brenda Edwards	John O'Fee
Kent Ashby	Leigh Harrison	John Orr
Karima Bawa	David Hobbs	Herbert Silber
Lorianna Bennett	Roy Kahle	Donald Silversides
Shannon Bentley	Robert Kucheran	Lorraine Unruh
Fazal Bhimji	Victoria Kuhl	Kent Woodruff
Lorne Borgal	Sandra McCallum	Deborah Zutter
Marilyn Clark	Douglas Cochran	

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Hospital Appeal Board

**Legislative Authority:**  
Hospital Act

**Mandate:**

The Hospital Appeal Board is an independent administrative tribunal that hears appeals filed by medical or dental practitioners regarding:

- a decision of a hospital's board of management that modifies, refuses, suspends, revokes or fails to renew a permit to practise medicine or dentistry in a hospital; or
- the failure or refusal of a hospital's board of management to consider and decide on an application for a permit.

**Current Appointees:**

David Perry (Chair)  
Douglas Blackman  
Paul Champion  
Kevin Doyle

Joanna Nemrava  
Maureen Piercey  
Rick Riley

Stacy Robertson  
Lorraine Unruh  
Cheryl Vickers

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Industry Training Appeal Board

**Legislative Authority:**  
Industry Training Authority Act

**Mandate:**  
The Industry Training Appeal Board is an independent administrative tribunal that provides a specialized independent, accessible and cost-effective forum for the hearing of appeals from decisions of the Industry Training Authority regarding trainees and industry training credentials.

**Current Appointees:**  
Gordon Armour (Chair)                      Martha Dow                      Robert Kueng

**Appointments required:**  
• None

**Issue(s):**  
• None

**Key Contact:**  
• Jason Pallan  
• Director (JAG)  
• 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Independent Investigations Office of BC

**Legislative Authority:**  
Police Act

**Mandate:**

The Independent Investigations Office of BC (IIO) is mandated to investigate incidents of death or serious harm involving police officers, including members of the RCMP and municipal police who are either on or off-duty, and special constables. The Police Act requires police to notify the IIO of an incident that may fall within the jurisdiction of the IIO. Under the Police Act, police services are required to cooperate with IIO investigations.

**Current Appointee:**

Mr. Bert Phipps, Acting Chief Civilian Director.

**Appointments required:**

- **90 Days:** Appointment of a Chief Civilian Director.

**Issue(s):**

- **30 Days:** s.13  
s.13
- **90 Days:** s.13  
s.13

**Key Contact:**

- James Deitch
- Executive Director (JAG)
- 250-387-2109

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Judicial Council of the Provincial Court of BC

**Legislative Authority:**  
Provincial Court Act

**Mandate:**

The mandate of the council is to improve the quality of judicial services in British Columbia by conducting the following statutory functions: screening candidates applying for appointment as judges and justices of the peace; conducting inquiries regarding the conduct of judges and justices of the peace; considering proposals for improving the judicial services of the court; continuing the education of judges and organizing conferences of judges; preparing and revising, in consultation with the judges, a Code of Ethics for the judiciary; reporting to the Attorney General on matters which the Attorney General considers necessary.

**Current Appointees:**

Chief Judges Thomas James Crabtree  
Judge David St. Pierre  
Patricia Schwartz  
Patrick Kelly

Gordon McRae  
Karin E. Kirkpatrick  
M. Welsh  
H. Van Ommen, QC

**Appointments required:**

- None

**Issues:**

- None

**Key Contact:**

- Neil Reimer
- Senior Policy and Legislation Analyst (JAG)
- 250-356-8303
  
- Cris Forrest
- Director (JAG)
- 250-356-6112

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Labour Relations Board

**Legislative Authority:**  
Labour Relations Code

**Mandate:**  
The Labour Relations Board is an independent administrative tribunal that mediates and adjudicates employment and labour relations matters related to unionized workplaces.

**Current Appointees:**

Brent Mullin (Chair)	Jacqueline de Aguayo	Leah Terai
Peter Archibald	Jennifer Glougie	Bruce Wilkins
James Carwana	Koml Kandola	

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Mental Health Review Board

**Legislative Authority:**  
Mental Health Act

**Mandate:**

The Mental Health Review Board is an independent administrative tribunal that conducts hearings to review and decide whether persons committed / detained at any mental health facility in British Columbia should continue to be committed / detained based on criteria in the Act.

**Current Appointees:**

Arlene Doll (Acting Chair)	Karen Grant	Joseph Martin	Gus Richardson
Maureen Baird	Elizabeth Gray	William Maurice	Tanya Rogers-Rainey
Craig Beattie	Robert Griffiths	Carolyn McCool	Leandre Rupert-Bailey
Joan Bubbs	Harvey Grigg	Renee McFadyen	Kathryn Sainty
L. Ralph Buckley	Natalie Hebert	Marjorie Munkley	Daria Shewchuk
Roger Cardinal	Roger Higgins	Alistair Murray	Linda Smerychynski
Marilyn Carey	Gillian Hodge	Saverio Naccarato	Allen Soroka
Pinder Cheema	Stann Hyatt	Kurt Neuenfeldt	Vance Symonds
Kenmau Chow	Marie Ingram	Elton Ngan	Oleg Tomchenko
Douglas Cochran	Lal John	Hugh Parfitt	Amrik Tung
Danielle Daroux	Guy Joly	Peter Parnell	Ralph Uhlmann
Alexandra Deliyannides	Lynn Kobierski	Alex Perehudoff	Sandra Waddington
Michael Dionne	Ingrid Kolsteren	Irene Peters	Sharel Wallace
Helen Duffy	Diane Lamb	Jennifer Pfliger	Peter Warner
Stanley Eaman	Loraine Lee	Wayne Plenert	John Watt
Derek Eaves	Judith Leong	Dale Pope	Laurie Williams
Tanya Fairweather	Elena Lisiak	June Preston	Kum Wong
Helen Gowans	Irene Lyttle	Linda Rainaldi	Lisa Wong

**Appointments required:**

- **90 Days:** One member's term expires on August 27, 2017.

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, CROWNS AND TRIBUNALS**

**Name:** Notaries Public Board of Examiners

**Legislative Authority:**  
Notaries Act

**Mandate:**  
BC Notaries provide non-contentious legal services to the public. The purpose of the Board is to conduct and mark the statutory examinations of all applicants for enrolment as members of the Society of Notaries Public of British Columbia.

**Current Appointees:**  
George E.H. Cadman, QC (Practicing Lawyer)  
Marny J. Morin (Notary)  
David Peter Ramsay, QC (Educator)

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Cris Forrest
- Director (JAG)
- 250-356-6112

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, CRWONS AND TRIBUNALS**

**Name:** Oil and Gas Appeal Tribunal

**Legislative Authority:**  
Oil and Gas Activities Act

**Mandate:**  
The Oil and Gas Appeal Tribunal is an independent administrative tribunal that hears appeals from certain determinations issued by the Oil and Gas Commission (or it's designate) under the Oil and Gas Activities Act, as well as certain review decisions issued by a review official.

**Current Appointees:**

Alan Andison (Chair)	Jeffrey Hand	David Searle
Maureen Baird	Bob Holtby	Daphne Stancil
Lorne Borgal	Kent Jingfors	Mike Tourigny
Monica Danon-Schaffer	Gabriella Lang	Gregory Tucker
Cindy Derkaz	James Mattison	Douglas VanDine
Brenda Edwards	Linda Michaluk	Reid White
Les Gyug	John Orr	Robert Wickett
James Hackett	Howard Saunders	Norman Yates

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Property Assessment Appeal Board

**Legislative Authority:**  
Assessment Act

**Mandate:**

The Property Assessment Appeal Board is an independent administrative tribunal that: determines property assessment appeals from across the province on valuation, classification and exemption issues; and completes appeals as quickly as possible at minimum cost to all parties. Appeal decisions are made in a timely manner and in accordance with the Assessment Act, previous court and board decisions, applicable appraisal principles and the principles of natural justice and procedural fairness.

**Current Appointees:**

Simmi Sandhu (Chair)	Jeffrey Hand	Bruce Maitland
John Bridal	Mandy Hansen	Robert Metcalf
Winton Derby	Christopher Hope	Liisa O'Hara
Larry Dybvig	James Howell	Dale Pope
Bill Everett	Howard Kushner	Donald Risk
Dianne Flood	David Lee	Jeremy Sibley
Robert Fraser	Michael Litchfield	Audrey Suttorp
Erin Frew	Blair Lockhart	Kenneth Thornicroft
Bruce Turner	Candace Watson	

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Public Guardian and Trustee

**Legislative Authority:**  
Public Guardian and Trustee Act

**Mandate:**

The Public Guardian and Trustee (PGT) is a corporation sole established under the Public Guardian and Trustee Act. In carrying out its client related decision making responsibilities, the PGT is independent of government. The PGT reports to the Legislative Assembly through the Minister of Justice and Attorney General.

The PGT has a unique statutory role to protect the interests of British Columbians who lack legal capacity to protect their own interests. The mandate of the PGT is to:

- Protect the legal and financial interests of children and youth under the age of 19 years;
- Protect the legal, financial, personal and health care interests of adults who require assistance in decision making; and
- Administer the estates of deceased and missing persons, and act as trustee of personal trusts.

The PGT exercises quasi-judicial authority in specific situations as a result of obligations created by statutory law. The PGT provides the court with reliable independent submissions when the property or financial interests of minors, vulnerable adults or estates are at risk. The PGT has a fiduciary duty to advance the private interest of its clients even if they are not aligned with the interests of government.

**Current Appointees:**  
Catherine Romanko, Public Guardian and Trustee.

**Appointments Required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Catherine Romanko
- Public Guardian and Trustee
- 604-660-4489

**Ministry of Justice  
BRIEFING NOTE  
CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Safety Standards Appeal Board

**Legislative Authority:**  
Safety Standards Act

**Mandate:**

The Safety Standards Appeal Board is an independent administrative tribunal that resolves appeals from decisions made under the Safety Standards Act and the Homeowner Protection Act to determine if the decisions were fairly made in accordance with the provisions of the legislation and the principles of natural justice.

**Current Appointees:**

Emily Drown (Chair)	Marc Dixon	Jeffrey Hand
Terrance Bergen	Tim Haaf	Ted Simmons

**Appointments required:**

- **30 Days:** One member's term expires on May 31, 2017.

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

**Ministry of Justice**  
**BRIEFING NOTE**  
**CROWN AGENCIES, BOARDS, COMMISSIONS AND TRIBUNALS**

**Name:** Surface Rights Board

**Legislative Authority:**  
Petroleum and Natural Gas Act

**Mandate:**

The Surface Rights Board is an independent tribunal that serves as mediator in any dispute which may arise between owners of surface and mineral or petroleum rights. If a mutually acceptable settlement cannot be reached through mediation, the board has the authority to arbitrate a decision, specifying whether or not a right of entry order is granted and determining the conditions of entry and compensation to be paid.

**Current Appointees:**

Cheryl Vickers (Chair)  
Howard Kushner

Winton Derby  
Simmi Sandhu

Robert Fraser

**Appointments required:**

- None

**Issue(s):**

- None

**Key Contact:**

- Jason Pallan
- Director (JAG)
- 250-217-6134

## Tab 7

**Ministry of Justice  
BRIEFING NOTE  
CROWN CORPORATIONS**

**Name:** Legal Services Society

**Mandate:**

The Legal Services Society (LSS) is an operationally independent agency with a statutory mandate under the Legal Services Society Act to:

- Establish and administer an effective and efficient system for providing legal aid to individuals in British Columbia;
- Assist individuals to resolve their legal problems and facilitate access to justice; and
- Provide advice to the Attorney General respecting legal aid and access to justice.

**Financial Information (high level):**

The province provides the majority of the funding for LSS. The provincial transfer portion of the LSS budget for 2017/18 is \$77.6 million, or 95% of its total budgeted revenue of \$81.8 million. This includes a three year funding commitment of \$8.4 million (\$2.8 million per annum) to address expansion of the Parents Legal Centre pilot to one or more locations; Surrey is the first priority for 2017/18.

In addition to standard legal aid services, this provincial transfer to LSS includes funding for other initiatives such as major cases, community and drug courts, certain federally-prosecuted cases, and the development of innovative ways to deliver legal aid services.

The non-government portion of the LSS budget is \$4.2 million for 2017/18, which is received from the Law Foundation, Notary Foundation and income from LSS investments.

**Issue(s):**

- **30 Days:** Successor 3-year Memorandum of Understanding between LSS and the province.
- **30 Days:** s.16, s.17  
s.16, s.17
- **30 Days:** Immigration and Refugee Legal Aid Funding – In view of increased volumes LSS may announce a reduction in services given the budget from the federal-provincial funding agreement is capped<sup>s.16, s.17</sup>  
s.16, s.17

**Appointment Status:**

- **90 Days:** One current vacancy. The Board Resourcing and Development Office advises this position may not be filled until September.

## Tab 8

# THE COURTS OF BRITISH COLUMBIA

## THE PROVINCIAL COURT OF BRITISH COLUMBIA

**Thomas Crabtree**  
**Chief Judge Provincial Court of British**  
**Columbia**



### **Description:**

The Provincial Court of British Columbia is the first level of court in the province. The court's jurisdiction includes criminal, family, child protection, small claims, traffic and bylaw cases. The court handles over 90% of criminal cases conducted in the province. The court sits in 89 locations (45 staffed and 44 unstaffed) throughout the province and hundreds of people attend the Provincial Court of British Columbia every day. For these people, this court represents the face of justice in B.C.

The Provincial Court of British Columbia is constituted by the Provincial Court Act, R.S.B.C. 1996, c.379. The Act provides for the appointment of the Chief Judge, Associate Chief Judges, Masters and Judicial Justices. It also identifies the term of the Chief Judge as well as his powers and duties.

The province through the Lieutenant Governor in Council appoints and funds the court judges, masters and judicial justices.

### **Budget 2017/18: (millions)**

Operating Budget	\$56.876
Capital Budget	\$ 0.140

### **Full Time Equivalents (not for public release):**

s.3

## THE SUPREME COURT OF BRITISH COLUMBIA

**Christopher E. Hinkson**  
**Chief Justice Supreme Court of British**  
**Columbia**



### **Description:**

The Supreme Court of British Columbia is the province's superior trial court. It is a court of general and inherent jurisdiction which means that it has jurisdiction to hear and decide any matter that comes before it, unless a statute or rule limits that authority or grants exclusive jurisdiction to some other court or tribunal.

The court's inherent jurisdiction allows it to control its own processes and the procedures before it so as to ensure fairness and to prevent abuses of process. The Supreme Court of British Columbia hears both civil and criminal cases as well as appeals from Provincial Court of British Columbia. The court also reviews decisions of administrative tribunals such as the Labour Relations Board, the Workers' Compensation Appeal Tribunal and residential tenancy arbitrators.

The Supreme Court Act, R.S.B.C. 1996, c. 443, provides for a Chief Justice of the Supreme Court, an Associate Chief Justice, and 90 other justices. The legislation also provides for supernumerary judges who sit hearing cases part-time. Including supernumerary judges, there are presently 103 judges. There are also 13 Supreme Court masters who hear and dispose of a wide variety of applications in chambers. The Supreme Court of British Columbia also has a Registrar and a District Registrar who hear assessments relating to bills of costs, reviews lawyers' accounts, settles orders, references of various types and deals with bankruptcy discharge applications.

The Government of Canada appoints and funds Supreme Court Judges, while Supreme Court Masters and Registrars are appointed and paid for by the Province of British Columbia.

### **Budget 2017/18: (millions)**

Operating Budget	\$17.512*
Capital Budget	\$ 0.430

### **Full Time Equivalent (not for public release):**

s.3

\*The budget for the Supreme Court of British Columbia includes the British Columbia Court of Appeal budget and its Full Time Equivalent allocation, which does not include judicial salaries, benefits or FTEs.

## THE BRITISH COLUMBIA COURT OF APPEAL

**Robert Bauman**  
**Chief Justice of British Columbia Court of**  
**Appeal**



### **Description:**

The British Columbia Court of Appeal is the highest court in the province. It hears appeals from the Supreme Court of British Columbia, from the Provincial Court of British Columbia on some criminal matters, and reviews and appeals from some administrative boards and tribunals. Most of the matters heard by the court are at the Vancouver Law Courts; however the court also sits in Victoria, Kelowna and Kamloops.

The British Columbia Court of Appeal is constituted by the Court of Appeal Act, R.S.B.C. 1996, c. 77. The Act provides for a Chief Justice and 14 other justices, as well as for supernumerary justices.

The British Columbia Court of Appeal has a registrar who, in addition to other administrative duties, hears matters related to the settling of orders and bills of costs.

### **Budget and Full Time Equivalent (not for public release):**

The budget for the British Columbia Court of Appeal is included in the Supreme Court of British Columbia budget and FTE allocation, which does not include judicial salaries, benefits or FTEs.

### **Judicial Independence**

The courts are an independent branch of government. The constitutional principle of judicial independence must be respected to maintain the rule of law and to ensure public confidence in the administration of justice. Judicial independence is a Constitutional principle fundamental to the Canadian system of government. This independence follows from the Constitutional Act and the Canadian Charter of Rights.

Specifically subsection 11(d) of the Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11, section 96, and the preamble of the Constitution Act, 1867 have been recognised by the Supreme Court of Canada as affirming the principle of Judicial Independence in Canada.

## **Justice Reform and Transparency Act**

The Justice Reform and Transparency Act includes the provision for the creation of the memorandum of understanding that was signed by the Minister of Justice and Attorney General, the Chief Justice of the British Columbia Court of Appeal, the Chief Justice of the Supreme Court of British Columbia and the Chief Judge of the Provincial Court of British Columbia, on April 4, 2013.

The memorandum of understanding clarifies the structure for how the Attorney General and the judiciary will work collaboratively to meet their individual and collective responsibilities. It acknowledges and respects the constitutional framework in which the Minister of Justice and Attorney General and the judiciary, as separate and independent branches of government, operate while noting a shared obligation to deliver timely, impartial and open justice. The agreement reflects the continuing discussions between the Attorney General, the Chief Justices and the Chief Judge concerning the roles and responsibilities of each in the administration of B.C.'s courts. The memorandum of understanding is attached.

## MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MINISTER OF JUSTICE AND ATTORNEY GENERAL OF BRITISH COLUMBIA

-AND-

THE CHIEF JUSTICE OF BRITISH COLUMBIA

-AND-

THE CHIEF JUSTICE OF THE SUPREME COURT OF BRITISH COLUMBIA

-AND-

THE CHIEF JUDGE OF THE PROVINCIAL COURT OF BRITISH COLUMBIA

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### 1. PREAMBLE

- 1.1. The Attorney and the Chief Justices acknowledge their joint responsibility for the administration of justice in the Province of British Columbia, with each playing a vital role in the administration of each of the Courts.
- 1.2. The Attorney and the Chief Justices are committed to developing and maintaining an accessible, modern, and effective justice system in the Province of British Columbia that delivers timely, impartial, and open justice.
- 1.3. The Chief Justices recognise that the Attorney is accountable to the Legislative Assembly of British Columbia for the expenditure of public resources required for the administration of justice and, in particular, those resources that are used to operate each of the Courts.
- 1.4. The Attorney recognises that the Chief Justices are responsible for efficient and effective Judicial Administration and that each of the Courts must be given sufficient resources to allow them to carry out their functions under the *Constitution Act, 1867* (U.K.), 30 & 31 Vict, c. 3, reprinted in R.S.C. 1985 App. II, No. 5, and their Empowering Legislation.

- 1.5. The Attorney recognises that the Courts are an independent branch of government and that the constitutional principle of Judicial Independence must be respected to maintain the rule of law and to ensure public confidence in the administration of justice.
- 1.6. The Attorney and the Chief Justices recognise that Court Administration should be pursued collaboratively to ensure that resources are used as efficiently and effectively as possible.

## 2. PURPOSE

- 2.1. The purpose of this Memorandum of Understanding is to describe the roles and responsibilities of the Attorney and the Chief Justices in the administration of the Courts.
- 2.2. This Memorandum of Understanding does not create, purport to create, or detract from any law or legal rights or responsibilities that exist or may exist in the future between the Attorney and the Chief Justices. It is not intended as a justiciable document.

## 3. DEFINITIONS

- 3.1. "Attorney" means the Minister of Justice and Attorney General of British Columbia, or either role, as applicable.
- 3.2. "Business Intelligence" means the collection, storage, disclosure, and/or use of data, the goal of which is to study or otherwise influence the productivity or effectiveness of a process and includes strategic planning, analytics, performance measurement, and performance planning.
- 3.3. "Chief Administrator of Court Services" means the Assistant Deputy Minister of Court Services in the Ministry of Justice of British Columbia.
- 3.4. "Chief Justice(s)" means the Chief Justice of British Columbia, the Chief Justice of the Supreme Court of British Columbia, and the Chief Judge of the Provincial Court of British Columbia, or any of them, when used in singular form.
- 3.5. "Court(s)" means the Court of Appeal for British Columbia, the Supreme Court of British Columbia, and the Provincial Court of British Columbia, or any of them, when used in singular form.

- 3.6. **"Court Administration"** means the management and direction of matters necessary for the operation of the Courts or other matters assigned to the Attorney by law. Court Administration specifically excludes Judicial Administration.
- 3.7. **"Court Administration Record(s)"** means a record or records relating to Court Administration. Court Administration Record(s) includes information in aggregate and/or electronic form, but does not include a Court Record or Judicial Administration Record.
- 3.8. **"Court Record(s)"** means anything on or by which information, in whole or part, is stored that relates to proceedings before the Courts and includes the information itself. Court Record(s) includes information in aggregate and/or electronic form, but does not include a Court Administration Record or Judicial Administration Record.
- 3.9. **"Court Staff"** means an employee or employees appointed under the *Public Service Act*, R.S.B.C. 1996, c. 385, who provide services to the Courts, but excludes those managed by an Office of the Chief Justice.
- 3.10. **"Deputy Attorney"** means the Deputy Attorney General of the Ministry of Justice of British Columbia.
- 3.11. **"Empowering Legislation"** means, as applicable, the *Court of Appeal Act*, R.S.B.C. 1996, c. 77, the *Supreme Court Act*, R.S.B.C. 1996, c. 443, the *Provincial Court Act*, R.S.B.C. 1996, c. 379, or any other act or regulation of the Legislative Assembly of British Columbia or Parliament of Canada that enables the Courts to exercise their powers or grants jurisdiction to any of the Courts.
- 3.12. **"Judicial Administration"** means the management and direction of matters related to judicial functions, and includes, at a minimum, matters connected to the preparation, management, and adjudication of proceedings in the Courts and all other matters assigned to the judiciary by law or through this Memorandum of Understanding. Judicial Administration specifically excludes Court Administration.
- 3.13. **"Judicial Administration Record(s)"** means a record or records relating to Judicial Administration, and includes, as defined in the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165, a record or records containing information relating to a judge, master, or justice of the peace. For greater certainty, it includes a record or records relating to a registrar, judicial justice, or judicial case manager. Judicial Administration Record(s) includes information in aggregate

and/or electronic form, but does not include a Court Record or Court Administration Record.

- 3.14. **"Judicial Independence"** includes the judicial independence of an individual judge, justice or other court officer exercising a judicial function, and/or the administrative and institutional independence of a Court.
- 3.15. **"Office of the Chief Justice"** means, for each of the Courts, the Chief Justice and legal and administrative personnel under his or her direction whose function relates to Judicial Administration of that Court. The Office of the Chief Justice excludes the Deputy District Registrar(s) of the Supreme Court and Deputy Registrar(s) of the Court of Appeal, but includes all other registrars, executive directors, law or legal officers, public information officers, judicial law interns or clerks, Court scheduling staff, and any other personnel whose function relates to Judicial Administration.

#### 4. **CONSTITUTIONAL AND LEGISLATIVE AUTHORITY**

##### 4.1. ***Constitutional Principles***

- 4.1.1. Section 96 of the *Constitution Act, 1867* provides that "The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick."
- 4.1.2. Subsection 92(14) of the *Constitution Act, 1867* provides for the administration of justice in the Provinces, including the constitution, maintenance, and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts.
- 4.1.3. Subsection 11(d) of the *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11, section 96, and the preamble of the *Constitution Act, 1867* have been recognised by the Supreme Court of Canada as affirming the principle of Judicial Independence in Canada.

##### 4.2. ***The Attorney General Act***

- 4.2.1. Section 2 of the *Attorney General Act*, R.S.B.C. 1996, c. 22, provides for the duties and powers of the Attorney in respect of the administration of justice in the Province of British Columbia.

#### **4.3. *The Court of Appeal Act***

- 4.3.1.** Section 2 of the *Court of Appeal Act* provides for the continuation of the Court of Appeal for British Columbia.
- 4.3.2.** Section 32 of the *Court of Appeal Act* provides for the appointment of certain persons under the *Public Service Act* and provides that "Subject to the direction of the Chief Justice in matters of judicial administration and to the direction of the Attorney General in other matters, the chief administrator of court services for the Court of Appeal must direct and supervise facilities, registries and administrative services for the Court of Appeal."

#### **4.4. *The Supreme Court Act***

- 4.4.1.** Section 2 of the *Supreme Court Act* provides for the continuation of the Supreme Court of British Columbia.
- 4.4.2.** Subsection 2(3) of the *Supreme Court Act* provides that the Chief Justice of the Supreme Court has responsibility for the administration of the judges of the Supreme Court of British Columbia.
- 4.4.3.** Subsection 10(1) of the *Supreme Court Act* provides that "The Attorney General is responsible for the provision, operation and maintenance of court facilities, registries and administrative services."
- 4.4.4.** Subsections 10(2) and 10(4) of the *Supreme Court Act* provide for the appointment and responsibilities of the chief administrator of court services with respect to the Supreme Court of British Columbia.
- 4.4.5.** Subsection 10(3) of the *Supreme Court Act* provides that "Subject to the direction of the Attorney General, and to the direction of the Chief Justice in matters of judicial administration and the use of court room facilities, the chief administrator of court services must direct and supervise registries and administrative services for the court."

#### **4.5. *The Provincial Court Act***

- 4.5.1. Section 2 of the *Provincial Court Act* provides for the continuation of the Provincial Court of British Columbia.
- 4.5.2. Subsection 41(1) of the *Provincial Court Act* provides that "The Attorney General is responsible for the provision, operation and maintenance of court facilities and services."
- 4.5.3. Subsection 41(2) of the *Provincial Court Act* provides that "Subject to the direction of the Attorney General, and to the direction of the chief judge in matters of judicial administration, the chief administrator of court services must direct and supervise facilities, registries and administrative services for the court."
- 4.5.4. Subsection 41(3) of the *Provincial Court Act* provides that "The Attorney General may appoint, under the *Public Service Act*, persons the Attorney General considers necessary to carry out the purposes of this Act."
- 4.5.5. Subsection 41(3.1) of the *Provincial Court Act* provides that "The chief administrator of court services, for the purposes of carrying out his or her duties under this Act, may disclose to the chief judge information regarding the conduct of persons appointed under subsection (3) in the performance of their duties under this Act."
- 4.5.6. Subsection 41(4) of the *Provincial Court Act* provides that "The Attorney General may make regulations respecting the operation and maintenance of court facilities and services."

#### **4.6. *The Justice Reform and Transparency Act***

- 4.6.1. Subsections 10(1), 10(2), and 10(3) of the *Justice Reform and Transparency Act*, S.B.C. 2013, c. 7, provides that the Attorney and the Chief Justices may enter into a memorandum of understanding governing any matter relating to the administration of their respective Courts.
- 4.6.2. Subsection 10(4) of the *Justice Reform and Transparency Act* provides that the memorandum of understanding may address the respective roles and responsibilities of the parties in the administration of the courts and may

specify how those parties are to share information, promote effective court administration, and report to the public.

- 4.6.3. Subsection 10(5) of the *Justice Reform and Transparency Act* provides that the Attorney may publish, in a manner that can reasonably be expected to bring to the attention of the public, all or part of the memorandum of understanding, except to the extent the memorandum of understanding otherwise provides.

## 5. ADMINISTRATION OF THE COURTS OF BRITISH COLUMBIA

### 5.1. *The Role of the Chief Justices*

- 5.1.1. Each Chief Justice has sole responsibility to manage and direct Judicial Administration in his or her Court, including the following specific areas:

- 5.1.1.1. the education and management (and for the Provincial Court, conduct and discipline) of justices, judges, masters, judicial justices, judicial case managers, and registrars;
- 5.1.1.2. the scheduling and assignment of justices, judges, masters, judicial justices, judicial case managers, and registrars as well as managing court sittings and courtrooms;
- 5.1.1.3. the supervision and control of Court Staff when carrying out functions related to Judicial Administration;
- 5.1.1.4. the supervision and control of Sheriffs, as officers of the Court, when carrying out functions related to Judicial Administration;
- 5.1.1.5. the independent management, budgeting, appointment, and staffing of an Office of the Chief Justice;
- 5.1.1.6. the supervision and control of Court Records and Judicial Administration Records;
- 5.1.1.7. the supervision and control of information technology related to Judicial Administration;

- 5.1.1.8. the supervision and control over the use of Court facilities, including courtrooms, courthouses, and other facilities when those uses relate to Judicial Administration or, for greater certainty, have the potential to affect the dignity and decorum of the Court(s);
- 5.1.1.9. the issuance of practice directives and other notices governing matters of practice and procedure, decorum, and matters relating to Judicial Administration;
- 5.1.1.10. the design and implementation of public and media relations strategies, including public education initiatives that relate to Judicial Administration;
- 5.1.1.11. the design, implementation, and reporting to the public of Business Intelligence relating to Judicial Administration; and
- 5.1.1.12. other matters assigned to the judiciary by law.

## **5.2. *The Role of the Attorney***

5.2.1. The Attorney has sole responsibility to manage and direct Court Administration in the Courts, including the following specific areas:

- 5.2.1.1. the establishment of Court registries;
- 5.2.1.2. the provision, operation, and maintenance of Court facilities, registries, and administrative services;
- 5.2.1.3. the appointment, management, reclassification, and termination of Court Staff;
- 5.2.1.4. the supervision and control of Court Staff when those staff are carrying out functions related to Court Administration;
- 5.2.1.5. subject to subsection 5.1.1.6 of this Memorandum of Understanding, the management and storage, including archiving, of Court Records, Court Administration Records, and those Judicial Administration Records that the Chief Justice(s) request the Attorney to manage, store, and/or archive.

- 5.2.1.6. the security and safety of any person within a Court facility or a facility where a function relating to Judicial Administration is occurring, including emergency planning;
- 5.2.1.7. the administration of the Sheriffs, as outlined in the *Sheriff Act*, R.S.B.C. 1996, c. 425;
- 5.2.1.8. the design and implementation of public and media relations strategies relating to Court Administration;
- 5.2.1.9. the design, implementation, and reporting to the public of Business Intelligence relating to Court Administration; and
- 5.2.1.10. other matters assigned to the Attorney by law.

## 6. COLLABORATION AND CONSULTATION

### 6.1. *General Acknowledgement*

- 6.1.1. Given the division of roles and responsibilities described in section 5 of this Memorandum of Understanding, the Chief Justices and the Attorney agree that collaboration and consultation on matters of Judicial Administration and Court Administration are necessary to develop and maintain an accessible, modern, and effective justice system.
- 6.1.2. The Chief Justices acknowledge that the Attorney should be consulted in a timely, transparent, and accountable way on any programs or initiatives developed by an Office of the Chief Justice or delegates thereof that may affect Court Administration.
- 6.1.3. The Attorney acknowledges that the Chief Justices should be consulted in a timely, transparent, and accountable way on any programs or initiatives developed by the Attorney or delegates thereof that may affect Judicial Administration.

**6.2. Provision of Resources**

- 6.2.1. The Attorney acknowledges responsibility to provide sufficient resources to each of the Courts to allow them to carry out their functions under the *Constitution Act, 1867* and their Empowering Legislation.
- 6.2.2. The Attorney and the Chief Justices acknowledge that public funds must be used efficiently and effectively to fund the operation of the Courts.
- 6.2.3. The Attorney and the Chief Justices acknowledge that the preservation of a fair, independent, and impartial Court system is a priority in the allocation of public funds.
- 6.2.4. As part of the Attorney's commitment to provide sufficient resources to the Courts, the Attorney agrees to consult directly with the Chief Justice(s), as appropriate, but at a minimum, semi-annually, on the resource needs of their Court or the Courts generally, with particular regard to the following:
  - 6.2.4.1. the general workload of the Court(s) and adjustments to the complement of each of the Courts;
  - 6.2.4.2. changes to the law, both federal and provincial, including to Empowering Legislation, that may affect the workload of the Court(s);
  - 6.2.4.3. changes to the demographics of British Columbia, including population growth and composition, that may affect the workload of the Court(s);
  - 6.2.4.4. the presence of self-represented litigants and access to the Court(s) generally;
  - 6.2.4.5. the use of technology and the modernisation of Court facilities, registries, and administrative services;
  - 6.2.4.6. the needs of each Office of the Chief Justice, including those with respect to budgeting, strategic planning, and personnel; and

6.2.4.7. any further issues that are identified by the Attorney or the Chief Justice(s) and consented to, in writing, by the Attorney and the Chief Justice(s).

6.2.5. When the Attorney identifies and assesses resource needs related to Court Administration, the Attorney will develop proposals to address those resource needs and provide reasonable time for consultation with the Chief Justice(s) prior to the approval of a proposal.

6.2.6. The Chief Justices recognise that, for meaningful decisions to be made about providing sufficient resources to the Courts, information concerning the resource needs of the Courts and Judicial Administration must be provided to the Attorney.

6.2.7. With specific respect to subsection 6.2.4.1 of this Memorandum of Understanding, when the issue of judicial complement is to be addressed by the Attorney, each Chief Justice agrees to deliver information to the Attorney concerning the workload of his or her Court, trends in that workload, and the capacity of the existing judicial complement in his or her Court to address that workload.

### 6.3. *Budgeting*

6.3.1. Every year, each Office of the Chief Justice shall prepare a yearly budget of expenditures for his or her Court for the following fiscal year, and an estimate of expenditures for the following two fiscal years, for inclusion in the budget of the Ministry of Justice and approval by the Treasury Board of British Columbia.

6.3.2. The yearly budgets of expenditures shall be submitted to the Deputy Attorney in sufficient time to be reviewed and finalised by the Deputy Attorney.

6.3.3. The Attorney and the Chief Justices agree that no changes to the operating budget of the Court(s) for the following year shall be made without reasonable consultation with Office(s) of the Chief Justice before the end of each fiscal year.

**6.4. Facilities**

**6.4.1.** Where new courthouse facilities or significant alterations to existing facilities impacting operations or decorum are planned, at an early stage and before any undertaking or public commitment is made respecting a proposed project, the Attorney shall provide timely notice and detailed descriptions of the proposed project to, and consult with, the Chief Justice(s).

**6.4.2.** As part of that consultation process, the Attorney and the Chief Justices recognise that the following standards shall be considered: the dignity of the Court(s), the importance of the rule of law, the open court principle, and access to justice, Judicial Independence, the need to modernise the Court(s), and the effective and efficient use of public resources.

**7. BUSINESS INTELLIGENCE**

**7.1.** At the direction of a Chief Justice, each of the Courts may explore implementing a process for the use of Business Intelligence as it relates to Judicial Administration or, with the cooperation of the Attorney, Court Administration.

**7.2.** The Attorney agrees to consult with the Chief Justices on the development or use of Business Intelligence relating to Court Administration.

**7.3.** The Attorney shall not conduct any Business Intelligence activity that affects, or has the potential to affect, Judicial Administration or that impairs, or has the potential to impair, Judicial Independence.

**8. ANNUAL REPORTS**

**8.1.** The Chief Justice of British Columbia and the Chief Justice of the Supreme Court of British Columbia shall cause to be published an annual report prior to April 1 for his or her Court for the previous year that shall include a report on Judicial Administration in that Court.

**8.2.** The Chief Judge of the Provincial Court shall cause to be published an annual report prior to July 1 for his or her Court for the previous year that shall include a report on Judicial Administration in that Court.

**8.3.** The publication of annual reports that conform to these requirements shall commence in calendar year 2014.

**9. INFORMATION TECHNOLOGY**

- 9.1. The Attorney and Chief Justices acknowledge the need to maintain a judicial technology environment with comprehensive security and privacy specifications for Judicial Administration, having due consideration to the principles outlined in the Canadian Judicial Council's *Blueprint for the Security of Judicial Information*, published from time-to-time.
- 9.2. The Attorney recognises that, to ensure the integrity and security of information generated by the judiciary and Judicial Administration Records, a separate judicial information technology network and infrastructure is necessary for Judicial Administration of the Courts.

**10. COURT RECORDS AND INFORMATION**

**10.1. *Access to and Use of Records***

- 10.1.1. As outlined in subsections 5.1 and 5.2 of this Memorandum of Understanding, there is a shared responsibility for Court Records.
- 10.1.2. The Chief Justice of the Court to which the Court Record relates is responsible for developing policies on access to and use of Court Records and Judicial Administration Records.
- 10.1.3. Access to and use of Court Administration Records is governed by the *Freedom of Information and Protection of Privacy Act*.
- 10.1.4. The Chief Administrator of Court Services is responsible for developing policies and procedures for managing, auditing, and ensuring that access to Court Records conforms to the policies developed by the Chief Justice in the Court to which the Court Records relate.

**10.2. *Combining of Records***

- 10.2.1. The Attorney and the Chief Justices recognise that, in practice, Court Records, Judicial Administration Records, and Court Administration Records, or any of them, may merge, particularly when in aggregate and/or electronic form.

**10.2.2.** When Court Records or Judicial Administration Records form part of Court Administration Records, authorisation from the Chief Justice(s) must be obtained for the use and/or disclosure by the Attorney, unless such use and disclosure is already permitted by policies developed by the Chief Justice in the Court to which the Court Records or Judicial Administration Records relate.

**10.2.3.** At the request of the Attorney, the Chief Justice(s) to which the Court Record or Judicial Administration Record relates may prepare a schedule of certain types or categories of Court Records and Judicial Administration Records where permission for specified use(s) and/or disclosure shall be granted as a matter of course or on terms and conditions set by the Chief Justice(s).

**10.3. *Support to the Courts***

**10.3.1.** Through the Chief Administrator of Court Services, the Attorney agrees to the continued provision of sufficient staff, including Court Staff, and sufficient resources to manage, store, and archive Court Records for each of the Courts.

**10.3.2.** Nothing in this Memorandum of Understanding affects the *Protocol Agreement on the use of Court Technology in Electronic Form* signed by the Chief Justices and the Chief Administrator of Court Services on 29 October 2002, nor does it affect any existing protocol or agreement between the Court(s) and the Ministry of Justice and/or Ministry of the Attorney General of British Columbia.

**11. APPROVAL, TERMINATION, AND RENEWAL**

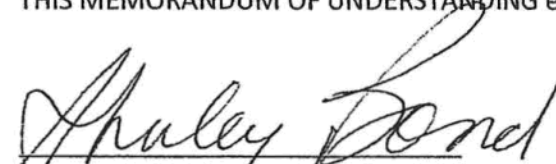
**11.1.** This Memorandum of Understanding takes effect on the date of its signature by the Attorney and the Chief Justices.

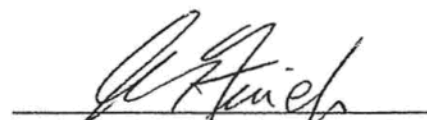
**11.2.** This Memorandum of Understanding:

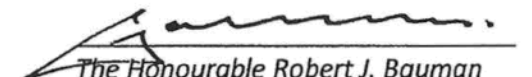
**11.2.1.** is subject to amendment with the agreement in writing of all parties to this Memorandum of Understanding at any time;

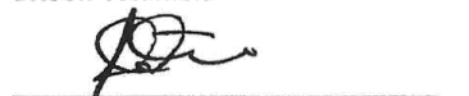
- 11.2.2. is subject to review at any time by the Attorney or the Chief Justice(s) on receipt of a written request from a party to this Memorandum of Understanding;
- 11.2.3. may be terminated by the Attorney or any Chief Justice(s) as it relates to his or her Court at any time on thirty (30) days written notice;
- 11.2.4. shall be reviewed upon the appointment of a new person to the office of the Attorney or Chief Justice and, unless that new person repudiates in writing this Memorandum of Understanding within ninety (90) days of that appointment, this Memorandum of Understanding remains in effect; and
- 11.2.5. if a Chief Justice elects to terminate or a new Chief Justice elects to repudiate this Memorandum of Understanding under subsections 11.2.3 or 11.2.4 respectively, this Memorandum of Understanding shall continue in effect between the remaining Chief Justice(s) and the Attorney.

THIS MEMORANDUM OF UNDERSTANDING effective this 3 day of April, 2013.

  
The Honourable Shirley Bond  
Minister of Justice and Attorney General  
Province of British Columbia

  
The Honourable Lance S.G. Finch  
Chief Justice of British Columbia

  
The Honourable Robert J. Bauman  
Chief Justice of the Supreme Court of  
British Columbia

  
The Honourable Thomas J. Crabtree  
Chief Judge of the Provincial Court of  
British Columbia

## BIOGRAPHY

### **THOMAS (TOM) CRABTREE**

**Chief Judge Provincial Court of British Columbia**



Chief Judge Thomas (Tom) Crabtree was born in London, England in 1955 and raised in the Fraser Valley of British Columbia. He received a Bachelor of Arts from the University of British Columbia in 1978. He received a Bachelor of Law degree from the University of Victoria in 1983 and was called to the British Columbia bar in 1984. At the time of his appointment to the Provincial Court he was a partner in a law firm of Patten Crabtree in the upper Fraser Valley where he had a varied practice with an emphasis in criminal and civil litigation. Chief Judge Crabtree is married with two adult children.

Chief Judge Crabtree was appointed to the Provincial Court in February 1999 and assigned to the North Fraser District. In 2000 he transferred to the South Fraser District. He was appointed Chief Judge of the Provincial Court of British Columbia on April 8, 2010.

During his time on the bench, Chief Judge Crabtree has contributed to a number of committees of the court, including: the BC Judges Association's Education Committee, including chair of the committee from 2004 to 2008; member of the Association Executive 2004 to 2008; chair of the 2007 Joint CAPCJ, AJA & BCPCJA Conference Education Committee; and chair of the Education Review Committee. In addition, Chief Judge Crabtree participates in the Provincial Court Students' Journalism Program; and is the court's representative on the CLE Board.

Chief Judge Crabtree has also spoken at and participated on a number of panels at judicial education conferences including: the New Judges Program at Lac Carling; the International Conference on Training the Judiciary; and the National Judicial Institute. He has also been involved at the Elder College at the University of the Fraser Valley; Moot Court programs at the UBC Law School and the Chilliwack Court House in addition to speaking to various community organizations.

## **BIOGRAPHY**

**CHRISTOPHER (CHRIS) E. HINKSON, QC**  
**Chief Justice Supreme Court of British Columbia**



Christopher (Chris) Hinkson was appointed Chief Justice on November 7, 2013.

He was a partner in Harper Grey LLP, Vancouver, and maintained an extensive practice in the area of medical malpractice, plus personal injury litigation, professional negligence, insurance litigation, products liability, and administrative law. He represented the families in the Auton case before the Supreme Court of Canada. He is a Fellow of the American College of Trial Lawyers. He has served as a Clinical Assistant Professor, Faculty of Medicine and Adjunct Professor, Faculty of Law, UBC and as a lecturer for CLE, Continuing Medical Education, and Inns of Court.

## BIOGRAPHY

**ROBERT J. BAUMAN**

**Chief Justice of British Columbia Court of Appeal**



The Honourable Robert J. Bauman is the Chief Justice of British Columbia, Chief Justice of the Court of Appeal for British Columbia and Chief Justice of the Court of Appeal of Yukon.

He was appointed as a justice of the Supreme Court of British Columbia in 1996; as a justice of the Court of Appeal for British Columbia in 2008; as Chief Justice of the Supreme Court of British Columbia in 2009; and as Chief Justice of British Columbia in 2013. Prior to becoming a judge, he was in private practice with Bull, Housser & Tupper in Vancouver. He worked largely in the areas of local government and administrative law. While practicing law, he taught administrative law at the University of British Columbia Faculty of Law as an adjunct professor from 1991 to 1996.

In 2012, and again in 2013, Chief Justice Bauman was named by Canadian Lawyer Magazine as one of the "Top 25 Most Influential" in the justice system in Canada. He was also presented with the Queen Elizabeth II Diamond Jubilee Commemorative Medal for contributions to Canada. As well, Chief Justice Bauman is the 2012 recipient of the Anthony P. Pantages, Q.C. Medal for outstanding contributions to the field of justice, presented by The Justice Institute of British Columbia Foundation. Chief Justice Bauman was the recipient of the 2013 TLABC Bench Award by the Trial Lawyers Association of British Columbia. In 2015, he was appointed First Vice-Chair of the Canadian Judicial Council. Chief Justice Bauman is the founding Chair of Access to Justice BC.

## Tab 9

**Ministry of Justice  
and  
Ministry of Public Safety and Solicitor General**

**2017/18 – 2019/20  
SERVICE PLAN**



Ministry of Justice  
Ministry of Public Safety and Solicitor General

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For contact information and hyperlinks to additional information about the  
Ministry of Justice and the Ministry of Public Safety and Solicitor General,  
see page 23.

**Ministry of Justice**  
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Visit the websites of the  
Ministry of Justice  
and the  
Ministry of Public Safety and Solicitor General

Published by the Ministry of Justice and the  
Ministry of Public Safety and Solicitor General

## Attorney General and Minister of Justice Accountability Statement



This joint 2017/18 - 2019/20 *Service Plan* for the Ministry of Justice and the Ministry of Public Safety and Solicitor General was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*.

I am accountable for the basis on which the plan has been prepared.

Honourable Suzanne Anton QC  
Attorney General  
Minister of Justice

February 8, 2017

## Minister of Public Safety and Solicitor General Accountability Statement



This joint 2017/18 - 2019/20 *Service Plan* for the Ministry of Public Safety and Solicitor General and the Ministry of Justice was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*.

I am accountable for the basis on which the plan has been prepared.

A handwritten signature in dark ink, appearing to read 'Mike Morris'.

Honourable Mike Morris  
Minister of Public Safety and Solicitor General

February 8, 2017

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## Purpose of the Ministries

The Ministry of Justice and the Ministry of Public Safety and Solicitor General work together to administer justice, deliver public safety services and programs, and provide legal services to government.<sup>1</sup> They accomplish this through dedicated and professional staff, and through innovation and service excellence in fulfilling the following responsibilities:



*Our vision is a safe, secure, just and resilient British Columbia.*

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<sup>1</sup> The Attorney General and Minister of Justice and the Minister of Public Safety and Solicitor General are responsible for a number of agencies, boards, commissions and other tribunals (see Appendix B). The Minister of Public Safety and Solicitor General is also responsible for the Combined Forces Special Enforcement Unit – British Columbia (see Appendix C).

# Strategic Direction and Context

## Strategic Direction

The Ministry of Justice and the Ministry of Public Safety and Solicitor General share the same goals and objectives for the justice and public safety sector in British Columbia, as identified in this joint service plan and work together to achieve them.

The ministries support government's commitment to a strong economy and secure tomorrow for the citizens of British Columbia, outlined in the *Province of British Columbia Strategic Plan 2016/17 – 2018/19*, and deliver their responsibilities in accordance with the *Taxpayer Accountability Principles*.

The ministries are committed to continuing to transform the justice and public safety sector, working in collaboration with leaders, participants and stakeholders across the sector. This commitment is consistent with the direction provided by Premier Christy Clark in her December 2015 *mandate letters* to the Attorney General and Minister of Justice, Suzanne Anton, and the Minister of Public Safety and Solicitor General, Mike Morris. The letters established a number of priorities for the justice and public safety sector and these priorities continue to guide the work of the ministries.

Justice and public safety sector transformation is also being informed by ongoing engagement with Indigenous leadership and communities in order to build stronger relationships and reach an understanding of what can be done differently to improve health and wellbeing outcomes for Indigenous peoples across British Columbia. The ministries will encourage increasing engagement and discussion with Indigenous leadership and communities throughout the justice and public safety sector.

## Strategic Context

Numerous factors affect the ministries in delivering their responsibilities and shape the transformation agenda of the justice and public safety sector, including:

- the national dialogue on the need to improve access to justice;
- the opioid public health emergency;
- mental health and addiction issues demanding increasing resources and enhanced coordination of services;
- over-representation of Indigenous people in the justice system, as both victims and offenders;
- violence against women;
- guns and gangs;
- increasing service delivery demands and costs;
- rapidly changing technology and increasing expectations for digitized services;
- federal government commitments that impact the province;
- constitutional and legislative requirements;
- external audits, reviews and commissions of inquiry; and,
- court decisions impacting service delivery, including timeliness of service.

The ministries are committed to a justice and public safety sector that is fair, protects people and has the public's confidence, and is innovative, sustainable and accountable. This demands that the ministries:

- maintain efficient and affordable operations and service delivery;
- have effective governance structures;
- continue to implement a robust and evolving plan for transformation;
- ensure strategic alignment between budget, investments and transformative goals and objectives;
- identify, understand, accept and manage the risks associated with transformation; and
- monitor, measure and report on performance for accountability.

## Goals, Objectives, Strategies and Performance Measures

The Ministry of Justice and the Ministry of Public Safety and Solicitor General have jointly adopted the goals and objectives developed by British Columbia's Justice and Public Safety Council, as set out in the *Strategic Plan for the Justice and Public Safety Sector, April 2014 – March 2017* and reaffirmed in the *second annual update* to the plan released in March 2016. This sector-wide strategic plan and the subsequent updates were developed by the Council based on a wide range of advice, consultation and recommendations obtained through semi-annual Justice Summits held with leaders, participants and stakeholders across the justice and public safety sector in British Columbia. These goals and objectives have been identified by the Council as essential to the health of the sector.

To maintain trust, we must ensure fairness. We must protect people, especially those who are most vulnerable. We must manage the sector in an innovative and sustainable way and, finally, we must ensure that the public has confidence in the integrity of the sector.

*Strategic Plan for the Justice and Public Safety Sector, April 2014 – March 2017*

In working toward these goals and objectives, the ministries are committed to applying an Indigenous lens to our work in order to support culturally responsive and relevant policies, programs and services that address the unique needs of Indigenous peoples.

This section sets out the goals and objectives of the ministries and identifies the strategies developed to achieve them. Although the strategies are grouped under specific goals, many of them support more than one goal. Also included are select performance measures, several of which are related to multiple goals and objectives.

The measures included represent only a few of the many potential indicators of performance. Measuring the performance of justice and public safety programs and processes is complex. Long-term outcomes are affected by many factors and are not under the exclusive control of any one program area or ministry. The complex nature of justice and public safety outcomes requires a collective and integrated response from all justice and public safety sector stakeholders and partners.

Work is underway to increase the capacity of the justice and public safety sector to measure and report on performance to improve accountability and transparency. As part of this work, the ministries will engage with Indigenous leadership and organizations regarding development of indicators of Indigenous justice and wellbeing outcomes.

## **Goal 1: The justice and public safety sector in British Columbia is fair**

<b>Objective 1.1</b>	<b>Accessible</b>
<b>Objective 1.2</b>	<b>Impartial</b>
<b>Objective 1.3</b>	<b>Timely</b>

### **Strategies**

The Ministry of Justice and the Ministry of Public Safety and Solicitor General are increasing access to justice and efficiency of resource management through streamlined business practices, technology and alternative service delivery models. Examples of key initiatives reflecting this strategy include:

- The Civil Resolution Tribunal, Canada's first online tribunal to hear strata and small claims cases and reach binding decisions enforceable as a court order;
- Tribunal Transformation for more effective and efficient administrative tribunal services;
- Criminal Case Management and Court Scheduling with an Assignment Court model implemented in seven court locations to reduce delay and increase certainty in scheduling;
- The Comprehensive Disclosure Strategy aimed at enhancing efficiencies and relieving workload pressures for both the B.C. Prosecution Service and police;
- Justice Access Centres, which feature an integrated approach to helping clients reach early and affordable solutions to their family and civil justice issues, including a new Justice Access Centre in Surrey, expected to be operational by spring 2018;
- Reforms to ensure that the laws and procedures people use to resolve their issues reflect and respond to the changing needs of British Columbians; and
- The Road Safety Initiative, which is expected to shift traffic disputes out of court, improve public safety through greater police efficiency, and create more effective and efficient processes that are more accessible for citizens.

The ministries also strive to provide early assistance and support early resolution through:

- Support of Justice Innovation and Transformation Initiatives delivered through Legal Services Society (i.e., Expanded Criminal Duty Counsel, Expanded Family Duty Counsel, the enhanced Family LawLINE, and the Parents Legal Centre), with additional annual government funding

approved for initial expansion of these pilot initiatives, including establishing a Surrey Parents Legal Centre location in 2017/18;

- Strengthened enforcement of child and spousal support orders through the Family Maintenance Enforcement Program; and
- Implementation of recommendations in the Lower Fraser Valley Regional Plan Court Capacity Expansion Project Final Report, including construction of a new 14 room courthouse in Abbotsford (see page 20).

## **Goal 2: The justice and public safety sector in British Columbia protects people**

<b>Objective 2.1</b>	<b>Preventative</b>
<b>Objective 2.2</b>	<b>Protective</b>
<b>Objective 2.3</b>	<b>Systemic Approach</b>

### **Strategies**

A key strategic priority for the ministries is to engage Indigenous leadership, organizations and communities in creating better outcomes for Indigenous people across the justice and public safety sector through:

- The Minister's Advisory Council on Aboriginal Women, the BC Aboriginal Justice Council, and the First Nations Health Council;
- Support of the FPT Justice Framework to Address Violence Against Indigenous Women and Girls;
- Implementation of the Specialized Courts Strategy, including conducting analyses of First Nations court models and creation of the Aboriginal Family Healing Court Conference pilot program in New Westminster, jointly piloted with the Ministry of Children and Family Development;
- Exploring ways to improve access to justice in the North and in remote Indigenous communities, including increased use of alternative dispute resolution in child welfare matters as an alternative to a full court process;
- Developing and implementing Indigenous cultural safety training and trauma informed practices;
- Supporting the Ministry of Children and Family Development in reviewing the child protection system for Indigenous peoples;
- Supporting First Nations policing;
- Partnerships with Indigenous communities, contractors and organizations to support culturally relevant, community based alternatives and supports to the formal justice system;
- Collaboration between the Coroners Service and the First Nations Health Authority; and
- Strengthened relationships with local Indigenous leadership and communities.

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These engagement activities inform steps towards progress in each Goal area of this service plan, and support strategies and activities throughout the justice and public safety sector.

The ministries are working to strengthen prevention, protection and support for victims of crime, and marginalized and vulnerable women and their children through:

- The Violence Free BC strategy;
- Domestic violence prevention and intervention measures, such as support for the Provincial Domestic Violence Plan, support of Domestic Violence Units, Domestic Violence Courts, domestic violence programming in Corrections, utilization of contracted professionals to serve protection orders where needed, and the #SaySomething social media and radio campaign;
- Support of Memorandum of Understanding Regarding Stopping Violence Against Aboriginal Women and Girls signed in June 2014 by the Province, the First Nations Summit, the Union of BC Indian Chiefs, the BC Assembly of First Nations, and the President of the Metis Nation of BC.
- Support of the National Inquiry into Missing and Murdered Indigenous Women and Girls, including establishment of a Family Information Liaison Unit with federal funding to support family members during the Inquiry;
- The Trauma Informed Practice Project, undertaken as part of the Department of Justice Canada's five year investment to enhance and support services to victims and survivors of crime in British Columbia;
- Provincial Policing Standards, including Provincial Policing Standards on Missing Persons Investigations; and
- BC's Action Plan to Combat Human Trafficking.

The ministries are engaging health, justice and public safety organizations in establishing a common provincial approach to mental health and addiction challenges. Work in this area includes:

- Support for the Cabinet Working Group on Mental Health;
- Creation of the Joint Task Force on Overdose Response in cooperation with the Ministry of Health to respond to the opioid crisis;
- Creation of the BC Coroners Service Drug Death Investigation Team;
- Continued support of evidence-based, specialized courts, such as Vancouver's Downtown Community Court, the Drug Treatment Court of Vancouver, First Nations Courts, Domestic Violence Courts and the Victoria Integrated Court;
- Promotion of information sharing between police agencies and health service providers;
- Crisis Intervention and De-escalation training for police;
- Corrections mental health assessments and coordinated programs and services; and
- The Integrated Offender Management/Homelessness Intervention Program.

In addition to the above strategies, the ministries work to improve community and road safety for all British Columbians through:

- The expanded Guns and Gangs Strategy, including creation of an Illegal Firearms Task Force; targeting prolific, violent and gang affiliated offenders; and the establishment of the Office of Crime Reduction and Gang Outreach;

- The Integrated Community Safety Initiative to better address the root causes of crime and violence in the Williams Lake and Cariboo-Chilcotin region;
- The BC Policing and Community Safety Plan;
- Community-based crime prevention initiatives;
- BC Coroners Service investigations, inquests and death review panels;
- The Public Safety Issues Committee on Cannabis Legalization;
- Safe and secure supervision in correctional centres and community corrections offices;
- Research based correctional programming aimed at reducing reoffending; and
- The BC Road Safety Strategy 2015 and Beyond, and Moving to Vision Zero: Road Strategy Update and Showcase of Innovation in British Columbia, aimed at making British Columbia roads the safest in North America.

### **Goal 3: The justice and public safety sector in British Columbia is sustainable**

<b>Objective 3.1</b>	<b>Focused</b>
<b>Objective 3.2</b>	<b>Managed</b>
<b>Objective 3.3</b>	<b>Effective</b>

#### **Strategies**

As indicated under Goal 1, the ministries are increasing access to justice and the efficiency of resource management through streamlined business practices, technology, and alternative service delivery models. Examples of work reflecting the strategic focus on sustainability include:

- The Court Administration Transformation Suite, a series of initiatives that use innovative business processes and technology to improve access to justice and information sharing, sustain courts, and provide a range of quality services that enhance citizens' experiences with the justice and public safety sector;
- Innovative ways to move certain types of disputes out of courtrooms, such as the Civil Resolution Tribunal and the Immediate Roadside Prohibition Program, so that court resources may be reserved for the most serious matters;
- A review of police structure, governance, funding and service delivery that was completed and is now informing continued policy analysis;
- Information management and information technology systems modernization and outcomes management;
- Increased Lean<sup>2</sup> capacity and practices to support improvement of processes and services while building internal capacity;

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<sup>2</sup> Lean is a continuous improvement philosophy that empowers employees to identify problems and create solutions. The LeanBC vision is that citizens' experience of government is improved through modernizing service delivery and streamlining government operations.

- The Legal Operations Optimization Project, focused on efficiencies and client service in providing legal advice and services to government;
- Electronic supervision of high-risk offenders and secure access to electronic justice services in Corrections; and
- Support for implementing an Integrated Services Network in Surrey, as recommended in the 2014 [Surrey Criminal Justice Recommendations Report](#), to provide a single location for all justice, health and social service agencies involved in the co-delivery of programs and services aimed at reducing crime in Surrey.

## **Goal 4: The justice and public safety sector in British Columbia has the public's confidence**

<b>Objective 4.1</b>	<b>Adaptive</b>
<b>Objective 4.2</b>	<b>Performance-focused</b>
<b>Objective 4.3</b>	<b>Empowering</b>

### **Strategies**

The ministries are working to increase public confidence in the justice and public safety sector through education, transparency and performance reporting. This includes:

- Justice Summits held semi-annually to encourage innovation and facilitate collaboration across the justice and public safety sector;
- Business intelligence and performance management systems to support strategic planning and evidence-based decision making;
- Publication of justice and public safety data sets via [DataBC](#) and [data dashboards](#);
- Coroners Service reporting on Medical Assistance in Dying (MAiD) and overdose deaths; and
- Strengthening consumer protection policies and legislation.

## Performance Measure 1: Crime rates

Police-reported crime rates in B.C. ( <i>Criminal Code</i> offences per 1,000 persons)	2015 Baseline <sup>1</sup>	2016 Forecast	2017 Target	2018 Target	2019 Target
Violent crime <sup>2</sup>	12.2	12.0	12.0	12.0	12.0
Property crime <sup>3</sup>	49.8	52.0	52.0	52.0	52.0
Other crime <sup>4</sup>	16.5	16.7	16.7	16.7	16.7
Overall crime rate	78.4	80.6	80.6	80.6	80.6

**Data Source:** Crime rates are obtained through the Uniform Crime Reporting Survey. Every police agency across Canada participates in this annual survey, which is managed nationally by the Canadian Centre for Justice Statistics, a part of Statistics Canada. Crime rates are based on all police-reported violent crime, property crime and other offences, but do not include offences that are traffic, drug or federal statute related.

<sup>1</sup> The data are reported by calendar year. The most recent year for which data are available is 2015.

<sup>2</sup> Violent offences include homicide, attempted murder, sexual and non-sexual assaults, firearm offences, robbery, forcible confinement or kidnapping, abduction, extortion, criminal harassment, uttering threats, threatening or harassing phone calls, and other violent offences.

<sup>3</sup> Property offences include the offence categories of theft, motor vehicle theft, possession of stolen property, trafficking in stolen goods, identity theft, identity fraud, breaking and entering, arson, mischief, fraud, and altering/removing/destroying a vehicle identification number.

<sup>4</sup> *Criminal Code* offences which are not violent or property related are classified as other offences. These include, but are not limited to, counterfeiting, offensive weapons, child pornography, gaming and betting, offences related to currency, disturbing the peace, and offences against the administration of justice.

## Discussion

The crime rate is the number of *Criminal Code* offences (excluding drug crimes and traffic-related offences) reported for every 1,000 persons. It is a better measure of trends in crime than is the actual number of offences because it allows for population differences.

Many factors influence police-reported crime rates, including demographic changes, neighbourhood conditions, social and economic factors, public reporting practices, Crown and police charging practices, technological advancements, legislative amendments, local police service priorities, and social perceptions and attitudes towards certain crimes. While government does not control crime rates, crime reduction strategies are a priority of the justice and public safety sector and crime rates are tracked as an indicator of progress toward the goal of protecting people.

After ten years of consecutive annual decreases, British Columbia's overall crime rate increased in 2014 (by 2.2 per cent) and increased again by 3.5 per cent in 2015, rising from 75.8 to 78.4 offences per 1,000 population. In 2014 the increase was driven entirely by property crimes, while in 2015 all three offence types saw year-over-year increases.

2015 saw the first rise in the violent crime rate and the 'other' crime rate in B.C. in a decade. The violent crime rate rose by 6.1 per cent (from 11.5 violent offences per 1,000 population in 2014 to 12.2); similarly, the 'other' crime rate rose by 5.9 per cent (from 15.6 offences per 1,000 population in 2014 to 16.5).

Despite these increases, B.C.'s overall crime rate and violent crime rate are 33 per cent and 36 per cent lower than in 2005, respectively. Increases in crime rates were recorded for Canada in 2015, as well as in eight of the 13 provinces/territories.

Crime rates tend to fluctuate from year to year; however, the general trends over time in both Canada and B.C. showed a steady increase in crime rates from 1962 to 1991, followed by generally declining crime rates between 1992 and 2014.

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The recent increases in the rate of crime in Canada and B.C. indicate a reversal of the downward trend that may continue over the next number of years. If the upward trend continues, it will likely occur across all western industrialized nations as has occurred in the past. It is for these reasons that the targets established for 2017 through 2019 are to maintain the rates forecasted for 2016, rather than targeting reductions in crime rates as the justice and public safety sector has done in the past.

## Performance Measure 2: Rates of Non-reoffending

Percentage of adult offenders who are not re-convicted in BC within two years of release from custody, commencement of community supervision, or active community supervision. <sup>1</sup>	2015/16 Baseline	2016/17 Forecast	2017/18 Target	2018/19 Target	2019/20 Target
Community Corrections <sup>2</sup>	74.6	73.2	73.5	73.8	74.1
Custody <sup>3</sup>	47.9	48.6	48.8	49.0	49.2
Overall rate of non-reoffending <sup>4</sup>	70.1	69.0	69.3	69.6	69.9

Data Source: BC Corrections, Ministry of Public Safety and Solicitor General.

<sup>1</sup> This measure is based on offence date rather than sentence date. That means it includes all individuals, regardless of court date, who are not reconvicted with an offence date that falls within the two-year follow-up period. Therefore, the rates reported may shift slightly over time. The rate is calculated at the conclusion of each fiscal year for the purpose of service plans and annual reports. Each year's rate is based on the cohort two years prior. In other words, the 2016/17 forecast rate is based on offenders admitted and/or released in 2014/15.

<sup>2</sup> The Community Corrections rate is derived from individuals whose supervision was all or mostly in the community. It is the percentage of offenders who do not return to Corrections within two years of commencement or active community supervision.

<sup>3</sup> The Custody rate is derived from individuals who were released from custody and did not receive follow-up supervision in the community. It is the percentage of offenders who do not return to Corrections within two years of their release from custody.

<sup>4</sup> The overall rate of non-reoffending is the percentage of offenders who do not return to Corrections within two years of commencement of active supervision in the community or release from custody.

## Discussion

Rates of non-reoffending are used as a litmus test when assessing the overall effectiveness of the justice and public safety sector in deterring and rehabilitating offenders, and thereby contributing to the goal of protecting people. However, criminal behavior is highly complex, involving a variety of individual and societal factors, and overall rates are slow to change. Therefore, targeting modest gains in these rates is appropriate. It should be noted that trends in non-reoffending rates are best examined over the long term, as it is expected that there will be minor fluctuations in these rates from year to year.

Each jurisdiction in Canada calculates recidivism using different variables for the follow-up time frame, the indicator of conviction (for example, most use sentencing date while BC Corrections uses offence date), and the definition of the sample to track. BC Corrections is working on a multi-year project with its provincial, territorial and federal counterparts to standardize a series of definitions, including recidivism.

Improving rates of non-reoffending is a priority of the justice and public safety sector, and efforts to do so will continue to focus on evidence-based strategies and increased collaboration among justice, public safety, social services and health partners.

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**Performance Measure 3: Traffic fatality and serious injury rates**

Performance Measure	2011-2015 Baseline <sup>1</sup>	2016 Forecast <sup>2</sup>	2017 Target	2018 Target	2019 Target
Number of traffic fatalities per 100,000 population <sup>3</sup>	6.2	5.9	5.7	5.5	5.2
Number of serious traffic injuries per 100,000 population <sup>4</sup>	54.8	53.5	51.3	49.1	47.1

**Data Source:** Population estimates and projections are from BC Stats and are as of July 1<sup>st</sup> each year. Results are reported by calendar year rather than fiscal year. All numbers have been rounded to the closest tenth.

<sup>1</sup> The baselines for these rates are the average per year for the five year period of 2011 to 2015.

<sup>2</sup> The forecast rates for 2016 are based on the most recent available data. They are to be considered preliminary until the various data sources (Police, ICBC, BC Coroners Service, and Ministry of Health Discharge Abstract Database) have settled and been fully approved.

<sup>3</sup> Data on the number of traffic fatalities is from the Traffic Accident System (TAS) maintained by the Insurance Corporation of British Columbia, TAS Q3 2016.

<sup>4</sup> Data on serious traffic injuries is from the Ministry of Health Discharge Abstract Database. Serious injuries are defined as those requiring overnight hospitalization.

**Discussion**

Traffic fatality and serious injury rates are indicators linked to the goal of protecting people. As these rates are affected by random variations from year to year, trends in the rates are most meaningful when considered over the long term. The influence of factors external to government programs must also be taken into account. Despite these considerations, reductions in traffic fatalities and serious injuries over the long term remain good indicators of road safety improvements.

The targets are based on annual reductions of three per cent from the 2016 forecasts.

**Performance Measure 4: Rate of traffic fatalities and serious injuries involving high-risk driving behaviours**

Performance Measure	2015 Baseline	2016 Forecast <sup>1</sup>	2017 Target	2018 Target	2019 Target
The number, per 100,000 BC population, of fatalities and serious injuries resulting from a crash where alcohol, drugs, speeding and/or distraction were assessed to be a factor <sup>2</sup>	33.7	30.4	29.1	27.9	26.7

**Data Source:** Population estimates and projections are from BC Stats and are as of July 1<sup>st</sup> each year. Results are reported by calendar year rather than fiscal year. All numbers have been rounded to the closest tenth. Police attend most crashes occurring on a public road that result in serious injuries or fatalities. At the scene of such crashes, police record on an accident report form (MV6020) the factors they believe influenced the crash and assess whether victims have serious or fatal injuries. Serious injuries are assessed by the officer and may differ from hospitalization counts. A fatality or serious injury with more than one of the high-risk driving contributing factors (alcohol, drugs, speeding and/or distraction) will be counted once for each incidence reported.

<sup>1</sup> The forecast rate for 2016 is based on the most recent data available, extrapolated from January to August actuals. It is to be considered preliminary until the data have settled and been fully approved.

<sup>2</sup> Data on the number of traffic fatalities is from the Traffic Accident System (TAS) maintained by the Insurance Corporation of British Columbia, TAS Q3 2016.

## Discussion

Combatting the high-risk driving behaviours within the scope of this measure (alcohol, drugs, speeding and distraction) is a priority of the justice and public safety sector, and the measure is an indicator of success in protecting the public from these road safety risks.

The targets are based on annual reductions of three per cent from the 2016 forecast.

### Performance Measure 5: Timeliness of Victim Financial Assistance claim adjudication

Performance Measure	2015/16 Baseline <sup>1</sup>	2016/17 Forecast	2017/18 Target	2018/19 Target	2019/20 Target
Average number of days to adjudicate claims for financial assistance from victims and others impacted by violent crime	75	75	75	75	75

**Data Source:** Results for this measure are derived from the Electronic Victim Information System, taking into account the dates claims were received and the dates they were completed, as well as the cases that remain outstanding.

<sup>1</sup> The 2015/16 baseline has been revised to 75 days from the 63 days reported in the *Ministry of Justice and Ministry of Public Safety and Solicitor General 2015/16 Annual Service Plan Report* based on final data for that fiscal year. The 63 day timeframe initially reported was reflective of decisions completed to May 31, 2015, which included decisions on 90 percent of the applications received.

## Discussion

This measure indicates the level of client service and system efficiency in administering the Crime Victim Assistance Program within the Ministry of Public Safety and Solicitor General under the *Crime Victim Assistance Act*. Along with the following two performance measures, it is linked to the goal of a justice and public safety sector that is fair, as well as the goal of protecting people.

The 2015/16 baseline represents adjudication of 98 per cent of claims received in that fiscal year. The baseline of 75 days for adjudication compares to a 317-day timeframe for adjudication in Ontario in 2014/15, where approximately 700 fewer applications were received.

Targets for this measure are based on the 2015/16 baseline, the forecast for 2016/17, staffing levels and projections for the number of applications that will be received by the program. The 2016/17 forecast of 75 days and the subsequent year targets reflect an ambitious effort to maintain this high level of service in the face of increasing applications. The program forecasts that it will receive over 100 more applications in 2016/17 than in 2015/16, representing a 2.5 per cent increase, for an estimated total of 4,166 applications in 2016/17. This growth trend is anticipated to continue into the future.

To determine claimants' eligibility for benefits, the Ministry of Public Safety and Solicitor General must obtain supporting information from third parties, such as police and medical professionals. This reliance on third parties to provide information results in the majority of claims being adjudicated within approximately three months; urgent cases requiring immediate assistance are expedited.

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**Performance Measure 6: Policing Standards**

Performance Measure	2015/16 Baseline	2016/17 Forecast	2017/18 Target	2018/19 Target	2019/20 Target
Cumulative number of binding <i>British Columbia Provincial Policing Standards</i> approved for implementation	29	34	38	42	44

Data Source: Results for this measure are derived from records kept by the Policing and Security Branch, Ministry of Public Safety and Solicitor General.

**Discussion**

The *British Columbia Provincial Policing Standards* serve to set benchmarks against which certain aspects of police activities are measured. They are designed to ensure the safe and effective delivery of policing and to strengthen police accountability.

The development of new policing standards is undertaken by the Ministry of Public Safety and Solicitor General in consultation with an advisory committee comprised of interested stakeholders. Fiscal implications are considered during the development of new standards and significant efforts are made to mitigate costs. The ministry continues to work toward developing additional standards in response to the recommendations from the *Missing Women Commission of Inquiry Report*.

**Performance Measure 7: Average child and family support payments per case per year recovered through the Family Maintenance Enforcement Program**

Performance Measure	2011/12 - 2015/16 Baseline <sup>1</sup>	2016/17 Forecast	2017/18 Target	2018/19 Target	2019/20 Target
Average child and family support payments per case per year recovered through the Family Maintenance Enforcement Program	\$5,711	\$6,435	\$6,666	\$6,906	\$7,155

Data Source: Results for this measure are derived from the Family Maintenance Enforcement Program Case Management Application, Ministry of Justice. Results are calculated as total payments per fiscal year divided by the total number of cases. A case is defined as a court order for support with a payor and a recipient.

<sup>1</sup> The baseline for this measure is the average for the five-year period from 2011/12 to 2015/16.

**Discussion**

The Family Maintenance Enforcement Program in the Ministry of Justice was responsible for the administration of an annual average of 43,108 cases during the baseline period of 2011/12 to 2015/16, including necessary enforcement measures to ensure payment of child and family support. Case management activities are carefully tracked, including enrolment of cases, payments, enforcement measures taken (administrative and court) and communications with clients.

A key outcome measure for the program is the average payments per year to families enrolled in the program. The targets for the measure are based on trend analyses conducted by the Family Maintenance Enforcement Program.

# Resource Summary

**Resource Summary Table – Ministry of Justice and Attorney General**

Core Business Area	2016/17 Restated Estimates <sup>1</sup>	2017/18 Estimates <sup>2</sup>	2018/19 Plan	2019/20 Plan
Operating Expenses (\$000)				
Justice Services.....	110,297	113,154	114,016	114,021
Prosecution Services.....	126,598	127,889	131,021	131,021
Court Services.....	99,496	105,321	105,471	105,471
Legal Services.....	21,207	22,491	24,033	24,033
Agencies, Boards, Commissions and Other Tribunals.....	23,394	23,550	23,774	23,774
Executive and Support Services.....	15,833	15,684	16,052	16,052
Judiciary.....	71,786	74,388	74,738	74,738
<i>Crown Proceeding Act</i> .....	24,500	24,500	24,500	24,500
Independent Investigations Office.....	7,552	7,574	7,614	7,614
Statutory Services <sup>3</sup> .....	-	-	-	-
<b>Total.....</b>	<b>500,663</b>	<b>514,551</b>	<b>521,219</b>	<b>521,224</b>

**Ministry of Justice  
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<b>Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)</b>				
Agencies, Boards, Commissions and Other Tribunals.....	10	10	10	10
Executive and Support Services.....	4,842	4,118	4,067	4,533
Judiciary.....	570	570	570	570
Independent Investigations Office.....	145	0	0	0
Public Guardian and Trustee Operating Account.....	363	363	363	363
<b>Total.....</b>	<b>5,930</b>	<b>5,061</b>	<b>5,010</b>	<b>5,476</b>
<b>Other Financing Transactions (\$000)</b>				
Receipts.....	(2,900)	(2,900)	(2,900)	(2,900)
Disbursements.....	2,900	2,900	2,900	2,900
<b>Total Net Cash Source (Requirements) .....</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<sup>1</sup> For comparative purposes, amounts shown for 2016/17 have been restated to be consistent with the presentation of the 2017/18 Estimates.

<sup>2</sup> Further information on program funding and vote recoveries is available in the [Estimates and Supplement to the Estimates](#).

<sup>3</sup> Statutory Services includes Public Guardian and Trustee Operating Account.

## Major Capital Projects – Ministry of Justice

Major Capital Projects (over \$50 million) ('000's) <sup>1</sup>	Targeted Completion Date (Year)	Project Cost to Dec 31, 2016 (\$ millions)	Estimated Cost to Complete (\$ millions)	Approved Anticipated Total Capital Cost of Project (\$ millions)
<p><b>Abbotsford Courthouse</b></p> <p>Construction of a new 14 room courthouse in Abbotsford adds needed court capacity and supports the <u>Lower Fraser Valley Regional Plan Court Capacity Expansion Project Final Report</u>.</p> <p>The project is to be delivered as a public-private partnership, with the private partner providing the design, construction, partial financing and facility maintenance for a 30-year period following construction. Construction is to begin in 2018 with facility operations beginning in 2020.</p> <p>The new courthouse will double the number of courtrooms available in the current facility and create over a thousand jobs during the course of construction.</p>	2020	1	156	157

<sup>1</sup> Note that the Ministry of Justice is the project lead for reporting purposes, while the project capital budget resides with the Ministry of Technology, Innovation and Citizens' Services.

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**Resource Summary Table – Ministry of Public Safety and Solicitor General**

Core Business Area	2016/17 Restated Estimates <sup>1</sup>	2017/18 Estimates <sup>2</sup>	2018/19 Plan	2019/20 Plan
<b>Operating Expenses (\$000)</b>				
Corrections.....	232,161	269,485	270,762	270,501
Policing and Security .....	356,850	369,846	367,128	367,155
Victim Services and Crime Prevention.....	40,387	40,818	41,209	41,210
BC Coroner Service .....	12,339	13,993	13,782	13,925
RoadSafetyBC.....	9,202	13,791	14,087	14,116
Executive and Support Services.....	16,034	17,591	18,040	18,041
Statutory Services <sup>3</sup> .....	14,785	16,530	16,280	16,284
<b>Total.....</b>	<b>681,758</b>	<b>742,054</b>	<b>741,288</b>	<b>741,232</b>
<b>Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)</b>				
Executive and Support Services.....	16,342	13,776	12,476	12,017
<b>Total.....</b>	<b>16,342</b>	<b>13,776</b>	<b>12,476</b>	<b>12,017</b>

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Ministry of Public Safety and Solicitor General

Other Financing Transactions (\$000)				
Receipts.....	0	0	0	0
Disbursements.....	0	0	0	0
Total Net Cash Source (Requirements) .....	0	0	0	0

<sup>1</sup> For comparative purposes, amounts shown for 2016/17 have been restated to be consistent with the presentation of the 2017/18 Estimates.

<sup>2</sup> Further information on program funding and vote recoveries is available in the [Estimates and Supplement to the Estimates](#).

<sup>3</sup> Statutory Services includes Civil Forfeiture Account, Corrections Work Program Account, Criminal Asset Management Fund, and Victim Surcharge Special Account.

### Major Capital Projects – Ministry of Public Safety and Solicitor General

Major Capital Projects (over \$50 million) ('000's)	Targeted Completion Date (Year)	Project Cost to Dec 31, 2016 (\$ millions)	Estimated Cost to Complete (\$ millions)	Approved Anticipated Total Capital Cost of Project (\$ millions)
<p><b>Okanagan Correctional Centre:</b></p> <p>A new 378-cell correctional centre near Oliver adds required inmate capacity in accordance with the Corrections Capital Asset Management Plan.</p> <p>The project is being delivered as a public-private partnership, with the private partner providing the design, construction, financing and facility maintenance for a 30-year period following construction.</p> <p>Construction was completed in 2016 with facility operations beginning in early 2017.</p> <p>The high-security centre will represent the largest value project to date for BC Corrections and will more than double capacity in the region. The facility will be supported by more than 240 full-time correctional officer jobs.</p> <p>The <a href="#">Okanagan Correctional Centre Project Report</a> provides more detail on the project.</p>	2016	210	7	217

## Appendix A: Ministry Contact Information and Hyperlinks to Additional Information

### Minister's Offices:

Honourable Suzanne Anton  
Attorney General and Minister of Justice  
PO Box 9044 Stn Prov Govt  
Victoria BC V8W 9E2  
Phone: 250 387-1866  
Fax: 250 387-6411

Honourable Mike Morris  
Minister of Public Safety and Solicitor General  
PO Box 9010 Stn Prov Govt  
Victoria BC V8W 9E2  
Phone: 250 356-2178  
Fax: 250 356-2142

**Media Enquiries:** 250 387-1753

### Domestic Violence Helpline

1-800-563-0808

Confidential; Free; 24 hours/7 days; Multiple Languages

### Families Change

Age-appropriate information to help kids, teens and parents deal with a family break up. The website was produced by the Justice Education Society in collaboration with the Ministry of Justice.

### #SaySomething

Social media site; Multiple Languages

Resources for domestic violence victims, perpetrators, service providers and the family members, friends and bystanders who want to help.

### Human Trafficking Helpline

1-888-712-7974

Confidential; Free; 24 hours/7 days; Multiple Languages

For assistance with human trafficking cases, including emergency services, and accessing shelter, interpretation and translation services.

### VictimLink BC

1-800-563-0808

Confidential; Free; 24 hours/7 days; Multiple Languages

Provides help and information for victims of family and sexual violence, and all other crimes.

## Ministry of Justice

### Office of the Deputy Attorney General and Deputy Minister, Justice

- 250-356-0149

#### Court Services Branch

- 250-356-1550

#### Criminal Justice Branch

- 250-387-3840

#### Justice Services Branch

- 250-356-6582
  - Dispute Resolution Office
  - Family Maintenance Enforcement Program
  - Family Justice Centres
  - Investigation and Standards Office
  - Justice Access Centres

### Legal Services Branch

- 250-356-8467

## Ministry of Public Safety and Solicitor General

### Office of the Deputy Solicitor General

- 250-356-0149

#### BC Coroners Service

#### Community Safety and Crime Prevention Branch

- 604-660-5199
  - Civil Forfeiture Office
  - Office to Combat Trafficking in Persons
  - Victim Services

#### Corrections Branch

- 250-387-5059

#### Policing and Security Branch

- 250-387-1100

#### RoadSafetyBC

- 250-387-7747

## **Appendix B: Agencies, Boards, Commissions and other Tribunals**

### **Ministry of Justice**

#### **British Columbia Civil Resolution Tribunal**

The British Columbia Civil Resolution Tribunal is responsible for providing online, facilitation and adjudication services under the *Civil Resolution Tribunal Act*. It provides parties with the opportunity to resolve complaints through online self-help information and tools, through facilitation services delivered mainly by tribunal staff, and through adjudications delivered by tribunal members. The Tribunal is accountable to the legislature through the Attorney General and functions independently of government on all matters related to adjudication of complaints. Orders of the Tribunal are enforceable in British Columbia's Provincial Court and Supreme Court. [www.civilresolutionbc.ca](http://www.civilresolutionbc.ca)

#### **BC Ferry Commission**

The BC Ferry Commission is a quasi-judicial regulatory agency operating under the *Coastal Ferry Act*. The Commission regulates the ferry operator, British Columbia Ferry Services Inc. (BC Ferries) on 25 saltwater routes and is independent of the government and BC Ferries. The primary responsibility of the Commissioner is to regulate ferry fares. The Commissioner sets a price cap on the average level of fares which BC Ferries can charge, the goal of which is to balance the interests of ferry users with the interests of taxpayers while protecting the financial sustainability of the ferry operator. Other key tasks include: monitoring adherence to the terms of the Coastal Ferry Services Contract; approval of major capital expenditures; regulating unfair competitive advantage; and the approval and monitoring of BC Ferries' customer complaints process. [www.bcferrycommission.com](http://www.bcferrycommission.com)

#### **British Columbia Human Rights Tribunal**

The British Columbia Human Rights Tribunal is responsible for accepting, screening, mediating and adjudicating complaints under the *Human Rights Code*. It provides parties the opportunity to resolve complaints through mediation; complaints that are not resolved through mediation proceed to a hearing before the Tribunal. The Tribunal is accountable to the legislature through the Attorney General and functions independently of government on all matters related to adjudication of complaints. Orders of the Tribunal are enforceable in the British Columbia Supreme Court. [www.bchrt.bc.ca](http://www.bchrt.bc.ca)

#### **British Columbia Law Institute**

The British Columbia Law Institute was created in January 1997 to: promote the clarification and simplification of the law and its adaptation to modern social needs; promote improvement of the administration of justice and respect for the rule of law; and promote and carry out scholarly legal research. [www.bcli.org](http://www.bcli.org)

### **British Columbia Review Board**

The British Columbia Review Board conducts hearings to review and assess the mental condition and level of threat to the public posed by mentally disordered accused persons for the purpose of determining whether they should be absolutely or conditionally discharged, or detained in a designated place of custody. [www.bcrb.bc.ca](http://www.bcrb.bc.ca)

### **British Columbia Utilities Commission**

The British Columbia Utilities Commission operates under the *Utilities Commission Act*, regulating utilities to ensure customers receive safe, reliable and non-discriminatory energy services at fair rates, and that shareholders of those utilities are afforded a reasonable opportunity to earn a fair return on their invested capital. [www.bcuc.com](http://www.bcuc.com)

### **Building Code Appeal Board<sup>3</sup>**

Under the *Building Act (Part 4, sections 19-21)*, the Building Code Appeal Board resolves disputes regarding the *British Columbia Building Code* on whether a matter conforms to a building regulation. The *British Columbia Building Code* establishes minimum standards for residential and commercial building construction. [www.housing.gov.bc.ca/bcab](http://www.housing.gov.bc.ca/bcab)

### **Community Care and Assisted Living Appeal Board<sup>4</sup>**

The Community Care and Assisted Living Appeal Board was created under the *Community Care and Assisted Living Act* to hear and decide appeals from licensing, registration and certification decisions about community care facilities, assisted living residences, and early childhood educators.

[www.ccalab.gov.bc.ca](http://www.ccalab.gov.bc.ca)

### **Employment Standards Tribunal<sup>5</sup>**

The Employment Standards Tribunal was established under the *Employment Standards Act* with a mandate to conduct appeals of Determinations issued by the Director of Employment Standards and to reconsider decisions made by the Tribunal. [www.bcest.bc.ca](http://www.bcest.bc.ca)

### **Environmental Appeal Board**

The Environmental Appeal Board resolves disputes related to decisions made by government officials on environmental issues. These decisions include water licences, contaminated site remediation orders, pesticide permits and the cancellation of hunting licences, among other things. The Environmental Appeal Board plays a role in ensuring the protection and wise use of the environment by providing a quasi-judicial access point for the public and industry to appeal certain government decisions. [www.eab.gov.bc.ca](http://www.eab.gov.bc.ca)

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<sup>3</sup> Responsibility for the Building Code Appeal Board will be transferred to the Ministry of Justice from the Ministry of Natural Gas Development and Minister Responsible for Housing on April 1, 2017.

<sup>4</sup> Responsibility for the Community Care and Assisted Living Appeal Board will be transferred to the Ministry of Justice from the Ministry of Health on April 1, 2017.

<sup>5</sup> Responsibility for the Employment Standards Tribunal will be transferred to the Ministry of Justice from the Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour on April 1, 2017.

### **Financial Services Tribunal<sup>6</sup>**

The Financial Services Tribunal hears appeals from individuals and institutions who want to contest enforcement decisions made by the Insurance Council of British Columbia, Real Estate Council of British Columbia, Superintendent of Real Estate, Superintendent of Pensions, Registrar of Mortgage Brokers and Superintendent of Financial Institutions. It provides an avenue of appeal for those who believe that they have been wrongly limited or denied the ability to work in one of the regulated occupations to which an appeal lies to the tribunal. The Financial Services Tribunal has jurisdiction to hear appeals under the following statutes: *Financial Institutions Act*, *Credit Union Incorporation Act*, *Mortgage Brokers Act*, *Real Estate Services Act*, *Pension Benefits Standards Act* and *Real Estate Development Marketing Act*. [www.fst.gov.bc.ca](http://www.fst.gov.bc.ca)

### **Forest Appeals Commission**

The Forest Appeals Commission resolves disputes related to decisions made by government officials on forests and the environment under the *Forest Practices Code of British Columbia Act* and continued under the *Forest and Range Practices Act*. [www.fac.gov.bc.ca](http://www.fac.gov.bc.ca)

### **Health Professions Review Board<sup>7</sup>**

The Health Professions Review Board was created under the *Health Professions Act* to provide an independent review of certain decisions made by the self-governing colleges of designated health professions regarding the registration of their members and the timeliness and disposition of complaints made against their registrants. [www.hprb.gov.bc.ca](http://www.hprb.gov.bc.ca)

### **Hospital Appeal Board<sup>8</sup>**

The Hospital Appeal Board was created under the *Hospital Act* to provide medical practitioners with an avenue of appeal from hospital board of management decisions affecting hospital privileges. [www.hab.gov.bc.ca](http://www.hab.gov.bc.ca)

### **Independent Investigations Office**

The Independent Investigation Office was established to conduct civilian-based investigations of police officer involved incidents of death or serious harm. The Office is under the direction of the Chief Civilian Director, a position for which one cannot have ever served as a police officer. [www.iiobc.ca](http://www.iiobc.ca)

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<sup>6</sup> Responsibility for the Financial Services Tribunal will be transferred to the Ministry of Justice from the Ministry of Finance on April 1, 2017.

<sup>7</sup> Responsibility for the Health Professionals Review Board will be transferred to the Ministry of Justice from the Ministry of Health on April 1, 2017.

<sup>8</sup> Responsibility for the Hospital Review Board will be transferred to the Ministry of Justice from the Ministry of Health on April 1, 2017.

### **Industry Training Appeal Board<sup>9</sup>**

The Industry Training Appeal Board hears appeals under section 10 of the *Industry Training Authority Act*. The Board's fundamental purpose is to provide a specialized independent, accessible and cost-effective forum for the hearing of appeals from decisions of the Industry Training Authority regarding trainees and industry training credentials. [www.itab.gov.bc.ca](http://www.itab.gov.bc.ca)

### **Labour Relations Board<sup>10</sup>**

The Labour Relations Board has a mandate to mediate and adjudicate employment and labour relations matters related to unionized workplaces. The *Labour Relations Code* establishes the Board and governs all aspects of collective bargaining amongst the provincially-regulated employers and employees. This includes the acquisition of collective bargaining rights, the process of collective bargaining, the settlement and regulation of disputes in both the public and private sectors, and the regulation of the representation of persons by their bargaining agents. [www.lrb.bc.ca](http://www.lrb.bc.ca)

### **Legal Services Society**

The Legal Services Society provides legal aid in British Columbia as set out in the *Legal Services Society Act*. Services include legal information and advice to, and representation of, people with low incomes. The Province provides most of the society's funding, but the Legal Services Society remains independent of government. The society reports its activities to government through the Attorney General and determines the range of services it will provide within the framework of a memorandum of understanding negotiated with the Attorney General every three years. [www.lss.bc.ca](http://www.lss.bc.ca)

### **Mental Health Review Board<sup>11</sup>**

The Mental Health Review Board was created under the *Mental Health Act* to conduct hearings to review and decide whether persons certified /detained at any mental health facility in B.C. should continue to be certified /detained based on criteria in the Act. The Board's function is to ensure that patients who are certified by physicians and detained involuntarily in provincial mental health facilities have access to an objective and timely review process.

[www.mentalhealthreviewboard.gov.bc.ca](http://www.mentalhealthreviewboard.gov.bc.ca)

### **Oil and Gas Appeal Tribunal**

The Oil and Gas Appeal Tribunal is an agency tribunal that hears appeals from decisions of the Oil and Gas Commission which include certain orders, declarations, findings of contravention, administrative penalties and permitting decisions in relation to an 'oil and gas activity' such as geophysical exploration, the construction or operation of a pipeline, road construction, and the production, gathering, processing, storage or disposal of petroleum, natural gas or both.

[www.ogat.gov.bc.ca](http://www.ogat.gov.bc.ca)

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<sup>9</sup> Responsibility for the Industry Training Appeal Board will be transferred to the Ministry of Justice from the Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour on April 1, 2017.

<sup>10</sup> Responsibility for the Labour Relations Board will be transferred to the Ministry of Justice from the Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour on April 1, 2017.

<sup>11</sup> Responsibility for the Mental Health Review Board will be transferred to the Ministry of Justice from the Ministry of Health on April 1, 2017.

### **Property Assessment Appeal Board<sup>12</sup>**

The Property Assessment Appeal Board was established under the *Assessment Act* and is the second level of appeal following the Property Assessment Review Panels. The most common issues in assessment appeals deal with the property's market value, fairness compared to the assessments of other similar properties, property classification and exemptions from taxation.

[www.assessmentappeal.bc.ca](http://www.assessmentappeal.bc.ca)

### **Public Guardian and Trustee of British Columbia**

The Public Guardian and Trustee is a corporation sole established under the *Public Guardian and Trustee Act* with a unique statutory role to protect the interests of British Columbians who lack legal capacity to protect their own interests. The mandate of the Public Guardian and Trustee is to: protect the legal and financial interests of children under the age of 19 years; protect the legal, financial, personal and health care interests of adults who require assistance in decision making; and administer the estates of deceased and missing persons. [www.trustee.bc.ca](http://www.trustee.bc.ca)

### **Safety Standards Appeal Board<sup>13</sup>**

The Safety Standards Appeal Board was created under section 43 of the *Safety Standards Act*. The Board hears appeals of decisions made under the *Safety Standards Act* by provincial safety officers and safety managers. The Board also hears appeals of decisions made by the Registrar of the Homeowner Protection Office under the *Homeowner Protection Act*. [www.housing.gov.bc.ca/ssab](http://www.housing.gov.bc.ca/ssab)

### **Surface Rights Board<sup>14</sup>**

The Surface Rights Board was established under the *Petroleum and Natural Gas Act (PNGA)*. Under the *PNGA*, *Mining Right of Way Act*, *Mineral Tenure Act*, *Geothermal Resources Act*, and *Coal Act*, the Board has jurisdiction to resolve disputes between landowners and companies that require access to private land to explore for, develop, or produce Crown-owned subsurface resources such as oil, gas, coal, minerals and geothermal. [www.surfacerightsboard.bc.ca](http://www.surfacerightsboard.bc.ca)

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<sup>12</sup> Responsibility for the Property Assessment Appeal Board will be transferred to the Ministry of Justice from the Ministry of Natural Gas Development and Minister Responsible for Housing on April 1, 2017.

<sup>13</sup> Responsibility for the Safety Standards Appeal Board will be transferred to the Ministry of Justice from the Ministry of Natural Gas Development and Minister Responsible for Housing on April 1, 2017.

<sup>14</sup> Responsibility for the Surface Rights Board will be transferred to the Ministry of Justice from the Ministry of Natural Gas Development and Minister Responsible for Housing on April 1, 2017.

## Ministry of Public Safety and Solicitor General

### Consumer Protection BC

Consumer Protection BC was established in 2004 under the *Business Practices and Consumer Protection Authority Act* and, as delegated by the provincial government, is responsible for administering British Columbia's consumer protection laws – namely the *Business Practices and Consumer Protection Act*, the *Cremation, Interment and Funeral Services Act*, and the *Motion Picture Act* – along with a variety of associated consumer protection regulations. It is a not-for-profit corporation that protects consumers and encourages a fair marketplace in the province.

[www.consumerprotectionbc.ca](http://www.consumerprotectionbc.ca)

### Motor Vehicle Sales Authority of British Columbia

The Motor Vehicle Sales Authority of British Columbia is an administrative authority delegated by the provincial government to administer and enforce the *Motor Dealer Act* and its regulations, the *Business Practices and Consumer Protection Act* as it relates to the sale of motor vehicles, and other related statutes. Founded in 2004 and formerly named the Motor Dealer Council of BC, the agency became one of the first examples of government's new approach for administering public policy through a delegated administrative authority. [mvsabc.com/](http://mvsabc.com/)

### Police Boards

Under the *Police Act* in British Columbia, municipal police departments are overseen by an appointed police board consisting of civilian members of the community. Police Boards act as the conduit between the community and the police. Police Boards set the priorities, goals and objectives for the department and are responsible for developing the annual department budget.

[www2.gov.bc.ca/gov/content/justice/criminal-justice/policing-in-bc/municipal-police-boards](http://www2.gov.bc.ca/gov/content/justice/criminal-justice/policing-in-bc/municipal-police-boards)

## **Appendix C: Combined Forces Special Enforcement Unit – British Columbia**

In 1999, the Organized Crime Agency of British Columbia (OCABC) was created as an independent Designated Policing and Law Enforcement Unit under the *Provincial Police Act*.

In 2004, the Combined Forces Special Enforcement Unit-British Columbia (CFSEU-BC) was developed in consultation with the provincial government as an initiative to integrate the OCABC, the municipal police departments, and the RCMP. The Board of Governance for the OCABC also acts as the Board of Governance for the CFSEU-BC. The Board is comprised of: the Deputy Commissioner Pacific Region and Commanding Officer “E” Division RCMP; the President of the BC Association of Chiefs of Police; the President of the BC Association of Municipal Chiefs of Police; and the Chief Constable of the Vancouver Police Department. The Board determines the strategic direction of the CFSEU-BC and ensures its operational priorities are aligned with the policing priorities for British Columbia. The CFSEU-BC operates under the RCMP policies and procedures. Board members do not receive any remuneration.

The Chief Officer in charge of the CFSEU-BC leads an executive team comprised of civilian members in addition to regular RCMP and Municipal officers seconded from across the province. The CFSEU-BC Gang Enforcement Unit, Investigation Teams, and the Joint Illegal Gaming Investigation Team are just a few of the teams that fall under the responsibility of the CFSEU-BC. Offices for the CFSEU-BC are located in the Lower Mainland, Prince George, Kelowna, and Victoria.

The mission of the CFSEU-BC is to facilitate the disruption and suppression of organized crime that affects British Columbians. Its mandate is to investigate, prosecute, disrupt, and suppress criminal organizations, consistent with local, regional, national, and international priorities. The CFSEU-BC also supports other agencies by assisting in organized crime and major crime investigations. More information can be found at: [www.cfseu.bc.ca](http://www.cfseu.bc.ca).

## Tab 10

**Ministry of Justice**  
**CRIMINAL JUSTICE AND PROSECUTION FUNCTIONS**  
**SUMMARY OF THE ROLE OF THE ATTORNEY GENERAL**  
**IN THE PROSECUTION FUNCTION**

The Attorney General “superintends” all matters connected with the administration of criminal justice in B.C. that are not within the jurisdiction of the federal government, including the prosecution of criminal and regulatory offences.

Independence

The Attorney General, and his/her agents in criminal matters, must “act independently of political pressures from government” and other external bodies. This independence is “so fundamental to the integrity and efficiency of the criminal justice system that it is constitutionally entrenched”.

Prosecution Function

In B.C., the Attorney General “superintends” the prosecution function. The Criminal Justice Branch administers the prosecution service under the leadership of the Assistant Deputy Attorney General. The branch is responsible for approving and conducting all prosecutions in B.C. that are not within the jurisdiction of the federal prosecution service, as well as appeals and ancillary proceedings arising out of these same prosecutions.

Prosecutorial Discretion

Crown counsel have considerable discretion in carrying out their prosecution duties. Their discretion is an “essential feature of the criminal justice system”. Prosecutorial discretion is not subject to review by the courts or other external bodies, except “solely for abuse of process.”

Crown Counsel Act

The administrative relationship between the Attorney General, the Criminal Justice Branch and Crown counsel is defined with reference to the Attorney General Act and the Crown Counsel Act.

**Ministry of Justice**  
**CRIMINAL JUSTICE AND PROSECUTION FUNCTIONS**  
**THE ROLE OF THE ATTORNEY GENERAL**  
**IN THE PROSECUTION FUNCTION**

The Role of Attorney General as Chief Law Officer of the Crown

As “his/her Majesty’s Attorney General (AG) for British Columbia”, the Attorney General superintends all matters connected with the administration of criminal justice in B.C. that are not within the jurisdiction of the federal government.<sup>1</sup>

Prosecutions are conducted by the Criminal Justice Branch

The Criminal Justice Branch manages the daily prosecution function on behalf of the Attorney General. Subject to direction from the assistant deputy Attorney General for the branch, Crown counsel have authority to approve criminal and provincial regulatory charges, conduct prosecutions and appeals, and take conduct of private prosecutions.<sup>2</sup> Crown counsel act as agents for the Attorney General when exercising this authority.

Independence of the Attorney General

In supervising prosecutions, the Attorney General must act “independently of political pressures from government” and other external bodies.<sup>3</sup> Decisions about “whether to institute or discontinue a prosecution are not matters of government policy. The Premier and Cabinet have no power to direct whether a particular prosecution should be pursued or whether a particular appeal should be undertaken. These decisions rest solely with the Attorney General.”<sup>4</sup> The Attorney General’s independence is “so fundamental to the integrity and efficiency of the criminal justice system that it is constitutionally entrenched”.<sup>5</sup>

The Attorney’s Independence and the Criminal Justice Branch

The independence of the Attorney General flows through to the branch, the assistant deputy Attorney General and Crown counsel, ensuring that the province’s prosecutors can properly fulfill their quasi-judicial role as ministers of justice.<sup>6</sup> As ministers of justice, Crown counsel seek to maintain, promote and defend the common good by:

- protecting fair trial interests;
- assisting the court in its truth-seeking function;
- conducting prosecutions with dignity, objectivity and impartiality;
- exercising restraint in the application of the criminal law; and
- respecting the individualization of justice.

The authority of Crown counsel stems directly from the powers that constitute the core of the Attorney General’s office. As a result, their discretion as prosecutors is “protected from the influence of improper political and other vitiating factors by the principle of independence”.<sup>7</sup>

## The Crown Counsel Act Safeguards Independence

The Crown Counsel Act establishes the administrative relationship between the Attorney General, the branch and Crown counsel. The Act does not grant "independence". The independence of the Attorney General, the branch and Crown counsel is constitutionally mandated through the Attorney General's role as public prosecutor and it pre-existed the Act.

The Act requires that any direction from the Attorney General or deputy Attorney General in relation to a particular prosecution be reduced to writing and published in the Gazette. The Act also requires that any policy directions provided by the Attorney General or deputy Attorney General be set out in writing. These may be published in the Gazette at the discretion of the assistant deputy Attorney General.<sup>8</sup>

As a matter of constitutional convention, the provincial Attorneys General typically confine their involvement in the affairs of the prosecution service to the creation and monitoring of policy and procedure.<sup>9</sup> The importance of maintaining distance from day-to-day operations has been judicially recognized: "The Attorney-General is...duly assisted by a number of Crown agents or Crown attorneys, who most of the time performs, their tasks without direct consultation with him/her. In exceptional cases the Attorney General is personally brought in to examine certain files and to advise".<sup>10</sup>

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<sup>1</sup> Attorney General Act, RSBC 1996, c 22, ss 1(2) and 2(c).

<sup>2</sup> Crown Counsel Act, RSBC 1996, c. 87, s.4.

<sup>3</sup> *Miazga v. Kvello Estate* [2009] SCC 51 at para 46; *Krieger v Law Society of Alberta*, [2002] SCC 65 at paras 30-32.

<sup>4</sup> Ian Scott, "The Role of the Attorney General and the Charter of Rights" (1986-87) 29 Criminal Law Quarterly at 190.

<sup>5</sup> *Miazga* at para 46.

<sup>6</sup> *Miazga* at para 47.

<sup>7</sup> *Krieger* at paras 43-47.

<sup>8</sup> Crown Counsel Act, RSBC 1996, c 87, ss 5-6.

<sup>9</sup> Philip C. Stenning, *Appearing for the Crown* (Brown Legal Publications, 1986) at 312.

<sup>10</sup> *Re Balderstone and the Queen* [1983], MJ No 207 (CA) at para 26.

**Ministry of Justice**  
**CRIMINAL JUSTICE AND PROSECUTION FUNCTIONS**  
**THE ROLE OF THE ATTORNEY GENERAL**  
**AS CHIEF LAW OFFICER OF THE CROWN**

**COMMUNICATION PROTOCOL ON PROSECUTION MATTERS**

The Criminal Justice Branch recognizes that at all times, the Attorney General retains supervisory authority over the prosecution function and is entitled to be kept informed of significant prosecution files and branch policies, including files and policies for which the Attorney General might reasonably consider exercising his or her ultimate power of direction.

Briefings of the Attorney General on Individual Prosecution Files

At its discretion, the branch will brief the Attorney General and the Deputy Attorney General about ongoing prosecution files:

- That reasonably carry the potential for significant public interest;
- For which a special prosecutor has been appointed; or
- Carry significant implications for prosecutorial, criminal justice or constitutional policy or practice.

Briefings of the Opposition Critic for the Attorney General

Where the branch has decided to publicly announce the appointment of a special prosecutor under the Crown Counsel Act, or any other matter relating to a file involving a special prosecutor, the branch will provide an advance briefing to the opposition critic for the Attorney General, either in-person or by telephone.

Enquiries on Individual Prosecution Files

All enquiries or requests for information that are made of the branch by, or on behalf of, the Attorney General or members of the Attorney General's political staff in respect of pending, ongoing or completed prosecution files must be forwarded through the Deputy Attorney General.

Media Liaison on Prosecution Files

Under the Crown Counsel Act, the branch has statutory responsibility "to provide liaison with the media and affected members of the public on all matters respecting the approval and conduct of prosecutions of offences or related appeals". The branch has a Communications Counsel in place for this purpose.

### Matters of Prosecution Policy or Branch Administration

The Crown Counsel Policy Manual, which includes all branch policies that guide the exercise of prosecutorial discretion, is published on-line and is available to the public at:

<http://www2.gov.bc.ca/gov/content/justice/criminal-justice/bc-prosecution-service/crown-counsel-policy-manual>.

## Tab 11

**Ministry of Justice**  
**COURT SERVICES PROTOCOLS AND MEMORANDUMS OF UNDERSTANDING**  
**WITH THE COURTS**

The Ministry of Justice and Chief Judge and Justices have a joint responsibility for the administration of justice, with each playing a vital role in the administration of each of the courts.

This joint responsibility is further established through the dual reporting relationship of the Assistant Deputy Minister Court Services (Chief Court Administrator) to both the Attorney General and the Chiefs of the courts. The Supreme Court, Court of Appeal and the Provincial Court Acts specify that the chief court administrator in matters of judicial administration and use of court room facilities is subject to the direction of the Chief Justice and Judge.

April 2002 Protocol Agreement

On April 19, 2002, then Attorney General Geoff Plant signed a Protocol Agreement with then Chief Judge of the Provincial Court of British Columbia, Carol Baird Ellan. This agreement set out the framework within which the then Ministry of Attorney General and the Provincial Court Judiciary will work together.

More specifically the agreement identified the framework for regular protocol meetings, the items to be discussed, and frequency of meetings.

These protocol meetings with the Provincial Court of British Columbia judiciary are currently held approximately once a month. The regular attendees are: Chief Judge; two Associate Chief Judges; Executive Director Judicial Administration; Deputy Attorney General; Deputy Solicitor General; Assistant Deputy Minister Court Service Branch, Ministry of Justice; Deputy Attorney General Criminal Justice Branch, Ministry of Justice; and Assistant Deputy Minister Justice Services Branch, Ministry of Justice. See attachment for a copy of the agreement.

Three Chief Meetings

The Deputy Attorney General and Assistant Deputy Minister of Court Services Branch meet with the three Chiefs at least quarterly to discuss matters of mutual interest.

Meetings have, over the last year, been scheduled more frequently to facilitate justice reform activities, including the drafting of the Justice Reform and Transparency Act and the April 2013 Memorandum of Understanding.

## April 2013 Memorandum of Understanding

On April 3, 2013, and pursuant to section 10 of Justice Reform and Transparency Act, a more comprehensive Memorandum of Understanding (MOU) was signed by the Attorney General and the Chief Justice British Columbia Court of Appeal, the Chief Justice Supreme Court of British Columbia and the Chief Judge Provincial Court of British Columbia (three Chiefs). The Justice Reform and Transparency Act identifies that the MOU may address the respective roles and responsibilities of the parties in the administration of the courts and may specify how those parties are to share information, promote effective court administration, and report to the public. It also provides the authority for the MOU to be made public.

Specifically the MOU provides clarification and provides a foundation for further discussion on the following areas:

- The respective roles of the Attorney General and the three Chiefs;
- Collaboration and consultation in matters of judicial administration;
- Business intelligence;
- Public reporting;
- Information technology; and
- Court records and information.

This MOU also includes the commitment by the Attorney General to consult directly with the Chief Judge and Chief Justice(s), as appropriate, but at a minimum, semi-annually, on the resource needs of their court or the courts generally.

This MOU is subject to review at any time and termination by any of the parties on thirty days written notice. See attachment for a copy of the MOU.

**ATTACHMENTS**  
**JUSTIC REFORM AND TRANSPARENCY ACT**

**Memoranda of Understanding**

- 10 (1) The Attorney General and the Chief Justice of British Columbia may enter into a memorandum of understanding governing any matter relating to the administration of the Court of Appeal.
- (2) The Attorney General and the Chief Justice of the Supreme Court may enter into a memorandum of understanding governing any matter relating to the administration of that court.
- (3) The Attorney General and the Chief Judge of the Provincial Court may enter into a memorandum of understanding governing any matter relating to the administration of that court.
- (4) Without limiting subsections (1) to (3), a memorandum under this section may:
- (a) address the respective roles and responsibilities of the parties to the memorandum in the administration of the court, and
  - (b) specify how those parties are to share information, promote and measure effective court administration and report to the public.
- (5) The Attorney General may publish, in a manner that can reasonably be expected to bring to the attention of the public, all or part of a memorandum entered into under this section, except to the extent the memorandum otherwise provides.

## **PROTOCOL**

### **BETWEEN:**

**MINISTRY OF ATTORNEY GENERAL**

### **AND**

**PROVINCIAL COURT JUDICIARY**

#### **A. PURPOSE**

The purpose of this document is to set out a framework within which the Ministry of Attorney General and the Provincial Court Judiciary will work together to fulfil their respective roles and responsibilities for the administration of justice in British Columbia.

#### **B. ROLES AND RESPONSIBILITIES**

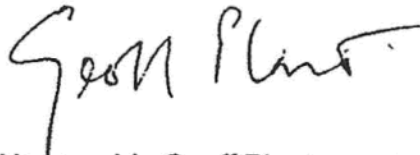
1. The Attorney General has the constitutional responsibility for the administration of justice in the Province. This responsibility is codified in the *Attorney General Act*.
2. Section 41 of the *Provincial Court Act* specifies that "[t]he Attorney General is responsible for the provision, operation and maintenance of court facilities and services".
3. Under the principle of judicial independence, the Provincial Court Judiciary have responsibility for matters of judicial administration.
4. Judicial administration as defined in the case law requires, at a minimum, control by the judiciary over matters which directly affect the exercise of judicial functions. This includes the assignment of judges, sittings of the court, court lists, allocation of court rooms and direction of administrative staff engaged in carrying out these functions.
5. The Chief Administrator of Court Services has the statutory responsibility under section 41(2) of the *Provincial Court Act* to "direct and supervise facilities, registries and administrative services for the court".
6. Section 41(2) states that the Chief Administrator performs these duties and responsibilities "subject to the direction of the Attorney General, and to the direction of the chief judge in matters of judicial administration".
7. The Assistant Deputy Minister, Court Services Branch is the Chief Administrator of Court Services.

8. The Attorney General and the Provincial Court Judiciary recognize that decisions made by the Attorney General may affect matters of judicial administration and that decisions of the Provincial Court Judiciary relating to judicial administration may affect the administration of justice in the province.
9. Because of the potential impact that decisions of the Attorney General and the Provincial Court Judiciary have on their respective roles and responsibilities, both recognize that it is essential that they work co-operatively to ensure that the justice system serves the interests and needs of the people of the Province.
10. In particular, the Attorney General and the Provincial Court Judiciary recognize that they must work together to ensure that the system of justice in the province is accessible, efficient and affordable.

#### **C. FRAMEWORK**

1. Regular meetings will be held between the Ministry of Attorney General and the Provincial Court Judiciary to discuss matters of court administration.
2. Issues to be discussed at these meetings will include, but are not limited to:
  - a. facilities and staff planning
  - b. budget planning
  - c. technology
  - d. management of court records.
3. These meetings will initially be held quarterly and, at a minimum, will be held twice a year. The frequency of the meetings will be a matter for mutual agreement between the Ministry and the Chief Judge.
4. Minutes will be kept of the meetings.
5. If, between meetings, a matter arises that will have a significant impact on court administration and, in particular, if judicial administration will be affected by this matter, an extraordinary meeting between the Ministry and the Provincial Court Judiciary will be held to discuss this matter.
6. Nothing in this document is intended to interfere with the normal communication that takes place between the Ministry and the Office of the Chief Judge on a regular basis with respect to routine matters, including existing ad hoc and standing committees.

7. It is recognized that if confidential matters are being discussed between the Ministry and the Provincial Court Judiciary, confidentiality requirements will be respected and it may be necessary to restrict the officials or judges who have access to this information.
8. This protocol agreement is intended to be a high level document governing the way in which the Ministry and the Provincial Court Judiciary will exchange information and co-operate in exercising their respective responsibilities in relation to the administration of justice in the Province. It will be revisited by the Ministry and the Provincial Court Judiciary from time to time with reference to the prevailing case law relating to judicial administration and judicial independence and the responsibility of the Attorney General for the administration of justice in the Province.



Honourable Geoff Plant  
Attorney General



The Honourable Chief Judge  
Carol Baird Ellan

Signed this 19<sup>th</sup> day of April 2002

## MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MINISTER OF JUSTICE AND ATTORNEY GENERAL OF BRITISH COLUMBIA

-AND-

THE CHIEF JUSTICE OF BRITISH COLUMBIA

-AND-

THE CHIEF JUSTICE OF THE SUPREME COURT OF BRITISH COLUMBIA

-AND-

THE CHIEF JUDGE OF THE PROVINCIAL COURT OF BRITISH COLUMBIA

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### 1. PREAMBLE

- 1.1. The Attorney and the Chief Justices acknowledge their joint responsibility for the administration of justice in the Province of British Columbia, with each playing a vital role in the administration of each of the Courts.
- 1.2. The Attorney and the Chief Justices are committed to developing and maintaining an accessible, modern, and effective justice system in the Province of British Columbia that delivers timely, impartial, and open justice.
- 1.3. The Chief Justices recognise that the Attorney is accountable to the Legislative Assembly of British Columbia for the expenditure of public resources required for the administration of justice and, in particular, those resources that are used to operate each of the Courts.
- 1.4. The Attorney recognises that the Chief Justices are responsible for efficient and effective Judicial Administration and that each of the Courts must be given sufficient resources to allow them to carry out their functions under the *Constitution Act, 1867* (U.K.), 30 & 31 Vict, c. 3, reprinted in R.S.C. 1985 App. II, No. 5, and their Empowering Legislation.

*Memorandum of Understanding effective April 3, 2013*

*Attorney & Chief Justices*

*Page 1 of 15*

1.5. The Attorney recognises that the Courts are an independent branch of government and that the constitutional principle of Judicial Independence must be respected to maintain the rule of law and to ensure public confidence in the administration of justice.

1.6. The Attorney and the Chief Justices recognise that Court Administration should be pursued collaboratively to ensure that resources are used as efficiently and effectively as possible.

## 2. PURPOSE

2.1. The purpose of this Memorandum of Understanding is to describe the roles and responsibilities of the Attorney and the Chief Justices in the administration of the Courts.

2.2. This Memorandum of Understanding does not create, purport to create, or detract from any law or legal rights or responsibilities that exist or may exist in the future between the Attorney and the Chief Justices. It is not intended as a justiciable document.

## 3. DEFINITIONS

3.1. “Attorney” means the Minister of Justice and Attorney General of British Columbia, or either role, as applicable.

3.2. “Business Intelligence” means the collection, storage, disclosure, and/or use of data, the goal of which is to study or otherwise influence the productivity or effectiveness of a process and includes strategic planning, analytics, performance measurement, and performance planning.

3.3. “Chief Administrator of Court Services” means the Assistant Deputy Minister of Court Services in the Ministry of Justice of British Columbia.

3.4. “Chief Justice(s)” means the Chief Justice of British Columbia, the Chief Justice of the Supreme Court of British Columbia, and the Chief Judge of the Provincial Court of British Columbia, or any of them, when used in singular form.

3.5. “Court(s)” means the Court of Appeal for British Columbia, the Supreme Court of British Columbia, and the Provincial Court of British Columbia, or any of them, when used in singular form.

- 3.6. **"Court Administration"** means the management and direction of matters necessary for the operation of the Courts or other matters assigned to the Attorney by law. Court Administration specifically excludes Judicial Administration.
- 3.7. **"Court Administration Record(s)"** means a record or records relating to Court Administration. Court Administration Record(s) includes information in aggregate and/or electronic form, but does not include a Court Record or Judicial Administration Record.
- 3.8. **"Court Record(s)"** means anything on or by which information, in whole or part, is stored that relates to proceedings before the Courts and includes the information itself. Court Record(s) includes information in aggregate and/or electronic form, but does not include a Court Administration Record or Judicial Administration Record.
- 3.9. **"Court Staff"** means an employee or employees appointed under the *Public Service Act*, R.S.B.C. 1996, c. 385, who provide services to the Courts, but excludes those managed by an Office of the Chief Justice.
- 3.10. **"Deputy Attorney"** means the Deputy Attorney General of the Ministry of Justice of British Columbia.
- 3.11. **"Empowering Legislation"** means, as applicable, the *Court of Appeal Act*, R.S.B.C. 1996, c. 77, the *Supreme Court Act*, R.S.B.C. 1996, c. 443, the *Provincial Court Act*, R.S.B.C. 1996, c. 379, or any other act or regulation of the Legislative Assembly of British Columbia or Parliament of Canada that enables the Courts to exercise their powers or grants jurisdiction to any of the Courts.
- 3.12. **"Judicial Administration"** means the management and direction of matters related to judicial functions, and includes, at a minimum, matters connected to the preparation, management, and adjudication of proceedings in the Courts and all other matters assigned to the judiciary by law or through this Memorandum of Understanding. Judicial Administration specifically excludes Court Administration.
- 3.13. **"Judicial Administration Record(s)"** means a record or records relating to Judicial Administration, and includes, as defined in the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165, a record or records containing information relating to a judge, master, or justice of the peace. For greater certainty, it includes a record or records relating to a registrar, judicial justice, or judicial case manager. Judicial Administration Record(s) includes information in aggregate

and/or electronic form, but does not include a Court Record or Court Administration Record.

- 3.14. **"Judicial Independence"** includes the judicial independence of an individual judge, justice or other court officer exercising a judicial function, and/or the administrative and institutional independence of a Court.
- 3.15. **"Office of the Chief Justice"** means, for each of the Courts, the Chief Justice and legal and administrative personnel under his or her direction whose function relates to Judicial Administration of that Court. The Office of the Chief Justice excludes the Deputy District Registrar(s) of the Supreme Court and Deputy Registrar(s) of the Court of Appeal, but includes all other registrars, executive directors, law or legal officers, public information officers, judicial law interns or clerks, Court scheduling staff, and any other personnel whose function relates to Judicial Administration.

#### 4. **CONSTITUTIONAL AND LEGISLATIVE AUTHORITY**

##### 4.1. ***Constitutional Principles***

- 4.1.1. Section 96 of the *Constitution Act, 1867* provides that "The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick."
- 4.1.2. Subsection 92(14) of the *Constitution Act, 1867* provides for the administration of justice in the Provinces, including the constitution, maintenance, and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts.
- 4.1.3. Subsection 11(d) of the *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11, section 96, and the preamble of the *Constitution Act, 1867* have been recognised by the Supreme Court of Canada as affirming the principle of Judicial Independence in Canada.

##### 4.2. ***The Attorney General Act***

- 4.2.1. Section 2 of the *Attorney General Act*, R.S.B.C. 1996, c. 22, provides for the duties and powers of the Attorney in respect of the administration of justice in the Province of British Columbia.

#### **4.3. *The Court of Appeal Act***

- 4.3.1. Section 2 of the *Court of Appeal Act* provides for the continuation of the Court of Appeal for British Columbia.
- 4.3.2. Section 32 of the *Court of Appeal Act* provides for the appointment of certain persons under the *Public Service Act* and provides that "Subject to the direction of the Chief Justice in matters of judicial administration and to the direction of the Attorney General in other matters, the chief administrator of court services for the Court of Appeal must direct and supervise facilities, registries and administrative services for the Court of Appeal."

#### **4.4. *The Supreme Court Act***

- 4.4.1. Section 2 of the *Supreme Court Act* provides for the continuation of the Supreme Court of British Columbia.
- 4.4.2. Subsection 2(3) of the *Supreme Court Act* provides that the Chief Justice of the Supreme Court has responsibility for the administration of the judges of the Supreme Court of British Columbia.
- 4.4.3. Subsection 10(1) of the *Supreme Court Act* provides that "The Attorney General is responsible for the provision, operation and maintenance of court facilities, registries and administrative services."
- 4.4.4. Subsections 10(2) and 10(4) of the *Supreme Court Act* provide for the appointment and responsibilities of the chief administrator of court services with respect to the Supreme Court of British Columbia.
- 4.4.5. Subsection 10(3) of the *Supreme Court Act* provides that "Subject to the direction of the Attorney General, and to the direction of the Chief Justice in matters of judicial administration and the use of court room facilities, the chief administrator of court services must direct and supervise registries and administrative services for the court."

#### **4.5. *The Provincial Court Act***

- 4.5.1.** Section 2 of the *Provincial Court Act* provides for the continuation of the Provincial Court of British Columbia.
- 4.5.2.** Subsection 41(1) of the *Provincial Court Act* provides that "The Attorney General is responsible for the provision, operation and maintenance of court facilities and services."
- 4.5.3.** Subsection 41(2) of the *Provincial Court Act* provides that "Subject to the direction of the Attorney General, and to the direction of the chief judge in matters of judicial administration, the chief administrator of court services must direct and supervise facilities, registries and administrative services for the court."
- 4.5.4.** Subsection 41(3) of the *Provincial Court Act* provides that "The Attorney General may appoint, under the *Public Service Act*, persons the Attorney General considers necessary to carry out the purposes of this Act."
- 4.5.5.** Subsection 41(3.1) of the *Provincial Court Act* provides that "The chief administrator of court services, for the purposes of carrying out his or her duties under this Act, may disclose to the chief judge information regarding the conduct of persons appointed under subsection (3) in the performance of their duties under this Act."
- 4.5.6.** Subsection 41(4) of the *Provincial Court Act* provides that "The Attorney General may make regulations respecting the operation and maintenance of court facilities and services."

#### **4.6. *The Justice Reform and Transparency Act***

- 4.6.1.** Subsections 10(1), 10(2), and 10(3) of the *Justice Reform and Transparency Act*, S.B.C. 2013, c. 7, provides that the Attorney and the Chief Justices may enter into a memorandum of understanding governing any matter relating to the administration of their respective Courts.
- 4.6.2.** Subsection 10(4) of the *Justice Reform and Transparency Act* provides that the memorandum of understanding may address the respective roles and responsibilities of the parties in the administration of the courts and may

specify how those parties are to share information, promote effective court administration, and report to the public.

- 4.6.3. Subsection 10(5) of the *Justice Reform and Transparency Act* provides that the Attorney may publish, in a manner that can reasonably be expected to bring to the attention of the public, all or part of the memorandum of understanding, except to the extent the memorandum of understanding otherwise provides.

## 5. ADMINISTRATION OF THE COURTS OF BRITISH COLUMBIA

### 5.1. *The Role of the Chief Justices*

- 5.1.1. Each Chief Justice has sole responsibility to manage and direct Judicial Administration in his or her Court, including the following specific areas:

- 5.1.1.1. the education and management (and for the Provincial Court, conduct and discipline) of justices, judges, masters, judicial justices, judicial case managers, and registrars;
- 5.1.1.2. the scheduling and assignment of justices, judges, masters, judicial justices, judicial case managers, and registrars as well as managing court sittings and courtrooms;
- 5.1.1.3. the supervision and control of Court Staff when carrying out functions related to Judicial Administration;
- 5.1.1.4. the supervision and control of Sheriffs, as officers of the Court, when carrying out functions related to Judicial Administration;
- 5.1.1.5. the independent management, budgeting, appointment, and staffing of an Office of the Chief Justice;
- 5.1.1.6. the supervision and control of Court Records and Judicial Administration Records;
- 5.1.1.7. the supervision and control of information technology related to Judicial Administration;

- 5.1.1.8. the supervision and control over the use of Court facilities, including courtrooms, courthouses, and other facilities when those uses relate to Judicial Administration or, for greater certainty, have the potential to affect the dignity and decorum of the Court(s);
- 5.1.1.9. the issuance of practice directives and other notices governing matters of practice and procedure, decorum, and matters relating to Judicial Administration;
- 5.1.1.10. the design and implementation of public and media relations strategies, including public education initiatives that relate to Judicial Administration;
- 5.1.1.11. the design, implementation, and reporting to the public of Business Intelligence relating to Judicial Administration; and
- 5.1.1.12. other matters assigned to the judiciary by law.

## **5.2. *The Role of the Attorney***

- 5.2.1. The Attorney has sole responsibility to manage and direct Court Administration in the Courts, including the following specific areas:
  - 5.2.1.1. the establishment of Court registries;
  - 5.2.1.2. the provision, operation, and maintenance of Court facilities, registries, and administrative services;
  - 5.2.1.3. the appointment, management, reclassification, and termination of Court Staff;
  - 5.2.1.4. the supervision and control of Court Staff when those staff are carrying out functions related to Court Administration;
  - 5.2.1.5. subject to subsection 5.1.1.6 of this Memorandum of Understanding, the management and storage, including archiving, of Court Records, Court Administration Records, and those Judicial Administration Records that the Chief Justice(s) request the Attorney to manage, store, and/or archive.

- 5.2.1.6. the security and safety of any person within a Court facility or a facility where a function relating to Judicial Administration is occurring, including emergency planning;
- 5.2.1.7. the administration of the Sheriffs, as outlined in the *Sheriff Act*, R.S.B.C. 1996, c. 425;
- 5.2.1.8. the design and implementation of public and media relations strategies relating to Court Administration;
- 5.2.1.9. the design, implementation, and reporting to the public of Business Intelligence relating to Court Administration; and
- 5.2.1.10. other matters assigned to the Attorney by law.

## **6. COLLABORATION AND CONSULTATION**

### **6.1. *General Acknowledgement***

- 6.1.1. Given the division of roles and responsibilities described in section 5 of this Memorandum of Understanding, the Chief Justices and the Attorney agree that collaboration and consultation on matters of Judicial Administration and Court Administration are necessary to develop and maintain an accessible, modern, and effective justice system.
- 6.1.2. The Chief Justices acknowledge that the Attorney should be consulted in a timely, transparent, and accountable way on any programs or initiatives developed by an Office of the Chief Justice or delegates thereof that may affect Court Administration.
- 6.1.3. The Attorney acknowledges that the Chief Justices should be consulted in a timely, transparent, and accountable way on any programs or initiatives developed by the Attorney or delegates thereof that may affect Judicial Administration.

## **6.2. Provision of Resources**

- 6.2.1.** The Attorney acknowledges responsibility to provide sufficient resources to each of the Courts to allow them to carry out their functions under the *Constitution Act, 1867* and their Empowering Legislation.
- 6.2.2.** The Attorney and the Chief Justices acknowledge that public funds must be used efficiently and effectively to fund the operation of the Courts.
- 6.2.3.** The Attorney and the Chief Justices acknowledge that the preservation of a fair, independent, and impartial Court system is a priority in the allocation of public funds.
- 6.2.4.** As part of the Attorney's commitment to provide sufficient resources to the Courts, the Attorney agrees to consult directly with the Chief Justice(s), as appropriate, but at a minimum, semi-annually, on the resource needs of their Court or the Courts generally, with particular regard to the following:
  - 6.2.4.1.** the general workload of the Court(s) and adjustments to the complement of each of the Courts;
  - 6.2.4.2.** changes to the law, both federal and provincial, including to Empowering Legislation, that may affect the workload of the Court(s);
  - 6.2.4.3.** changes to the demographics of British Columbia, including population growth and composition, that may affect the workload of the Court(s);
  - 6.2.4.4.** the presence of self-represented litigants and access to the Court(s) generally;
  - 6.2.4.5.** the use of technology and the modernisation of Court facilities, registries, and administrative services;
  - 6.2.4.6.** the needs of each Office of the Chief Justice, including those with respect to budgeting, strategic planning, and personnel; and

**6.2.4.7.** any further issues that are identified by the Attorney or the Chief Justice(s) and consented to, in writing, by the Attorney and the Chief Justice(s).

**6.2.5.** When the Attorney identifies and assesses resource needs related to Court Administration, the Attorney will develop proposals to address those resource needs and provide reasonable time for consultation with the Chief Justice(s) prior to the approval of a proposal.

**6.2.6.** The Chief Justices recognise that, for meaningful decisions to be made about providing sufficient resources to the Courts, information concerning the resource needs of the Courts and Judicial Administration must be provided to the Attorney.

**6.2.7.** With specific respect to subsection 6.2.4.1 of this Memorandum of Understanding, when the issue of judicial complement is to be addressed by the Attorney, each Chief Justice agrees to deliver information to the Attorney concerning the workload of his or her Court, trends in that workload, and the capacity of the existing judicial complement in his or her Court to address that workload.

### **6.3.     *Budgeting***

**6.3.1.** Every year, each Office of the Chief Justice shall prepare a yearly budget of expenditures for his or her Court for the following fiscal year, and an estimate of expenditures for the following two fiscal years, for inclusion in the budget of the Ministry of Justice and approval by the Treasury Board of British Columbia.

**6.3.2.** The yearly budgets of expenditures shall be submitted to the Deputy Attorney in sufficient time to be reviewed and finalised by the Deputy Attorney.

**6.3.3.** The Attorney and the Chief Justices agree that no changes to the operating budget of the Court(s) for the following year shall be made without reasonable consultation with Office(s) of the Chief Justice before the end of each fiscal year.

#### **6.4. Facilities**

**6.4.1.** Where new courthouse facilities or significant alterations to existing facilities impacting operations or decorum are planned, at an early stage and before any undertaking or public commitment is made respecting a proposed project, the Attorney shall provide timely notice and detailed descriptions of the proposed project to, and consult with, the Chief Justice(s).

**6.4.2.** As part of that consultation process, the Attorney and the Chief Justices recognise that the following standards shall be considered: the dignity of the Court(s), the importance of the rule of law, the open court principle, and access to justice, Judicial Independence, the need to modernise the Court(s), and the effective and efficient use of public resources.

#### **7. BUSINESS INTELLIGENCE**

**7.1.** At the direction of a Chief Justice, each of the Courts may explore implementing a process for the use of Business Intelligence as it relates to Judicial Administration or, with the cooperation of the Attorney, Court Administration.

**7.2.** The Attorney agrees to consult with the Chief Justices on the development or use of Business Intelligence relating to Court Administration.

**7.3.** The Attorney shall not conduct any Business Intelligence activity that affects, or has the potential to affect, Judicial Administration or that impairs, or has the potential to impair, Judicial Independence.

#### **8. ANNUAL REPORTS**

**8.1.** The Chief Justice of British Columbia and the Chief Justice of the Supreme Court of British Columbia shall cause to be published an annual report prior to April 1 for his or her Court for the previous year that shall include a report on Judicial Administration in that Court.

**8.2.** The Chief Judge of the Provincial Court shall cause to be published an annual report prior to July 1 for his or her Court for the previous year that shall include a report on Judicial Administration in that Court.

**8.3.** The publication of annual reports that conform to these requirements shall commence in calendar year 2014.

**9. INFORMATION TECHNOLOGY**

- 9.1.** The Attorney and Chief Justices acknowledge the need to maintain a judicial technology environment with comprehensive security and privacy specifications for Judicial Administration, having due consideration to the principles outlined in the Canadian Judicial Council's *Blueprint for the Security of Judicial Information*, published from time-to-time.
- 9.2.** The Attorney recognises that, to ensure the integrity and security of information generated by the judiciary and Judicial Administration Records, a separate judicial information technology network and infrastructure is necessary for Judicial Administration of the Courts.

**10. COURT RECORDS AND INFORMATION**

**10.1. *Access to and Use of Records***

- 10.1.1.** As outlined in subsections 5.1 and 5.2 of this Memorandum of Understanding, there is a shared responsibility for Court Records.
- 10.1.2.** The Chief Justice of the Court to which the Court Record relates is responsible for developing policies on access to and use of Court Records and Judicial Administration Records.
- 10.1.3.** Access to and use of Court Administration Records is governed by the *Freedom of Information and Protection of Privacy Act*.
- 10.1.4.** The Chief Administrator of Court Services is responsible for developing policies and procedures for managing, auditing, and ensuring that access to Court Records conforms to the policies developed by the Chief Justice in the Court to which the Court Records relate.

**10.2. *Combining of Records***

- 10.2.1.** The Attorney and the Chief Justices recognise that, in practice, Court Records, Judicial Administration Records, and Court Administration Records, or any of them, may merge, particularly when in aggregate and/or electronic form.

- 10.2.2.** When Court Records or Judicial Administration Records form part of Court Administration Records, authorisation from the Chief Justice(s) must be obtained for the use and/or disclosure by the Attorney, unless such use and disclosure is already permitted by policies developed by the Chief Justice in the Court to which the Court Records or Judicial Administration Records relate.
- 10.2.3.** At the request of the Attorney, the Chief Justice(s) to which the Court Record or Judicial Administration Record relates may prepare a schedule of certain types or categories of Court Records and Judicial Administration Records where permission for specified use(s) and/or disclosure shall be granted as a matter of course or on terms and conditions set by the Chief Justice(s).
- 10.3. *Support to the Courts***
- 10.3.1.** Through the Chief Administrator of Court Services, the Attorney agrees to the continued provision of sufficient staff, including Court Staff, and sufficient resources to manage, store, and archive Court Records for each of the Courts.
- 10.3.2.** Nothing in this Memorandum of Understanding affects the *Protocol Agreement on the use of Court Technology in Electronic Form* signed by the Chief Justices and the Chief Administrator of Court Services on 29 October 2002, nor does it affect any existing protocol or agreement between the Court(s) and the Ministry of Justice and/or Ministry of the Attorney General of British Columbia.

**11. APPROVAL, TERMINATION, AND RENEWAL**

- 11.1.** This Memorandum of Understanding takes effect on the date of its signature by the Attorney and the Chief Justices.
- 11.2.** This Memorandum of Understanding:
- 11.2.1.** is subject to amendment with the agreement in writing of all parties to this Memorandum of Understanding at any time;

- 11.2.2.** is subject to review at any time by the Attorney or the Chief Justice(s) on receipt of a written request from a party to this Memorandum of Understanding;
- 11.2.3.** may be terminated by the Attorney or any Chief Justice(s) as it relates to his or her Court at any time on thirty (30) days written notice;
- 11.2.4.** shall be reviewed upon the appointment of a new person to the office of the Attorney or Chief Justice and, unless that new person repudiates in writing this Memorandum of Understanding within ninety (90) days of that appointment, this Memorandum of Understanding remains in effect; and
- 11.2.5.** if a Chief Justice elects to terminate or a new Chief Justice elects to repudiate this Memorandum of Understanding under subsections 11.2.3 or 11.2.4 respectively, this Memorandum of Understanding shall continue in effect between the remaining Chief Justice(s) and the Attorney.

THIS MEMORANDUM OF UNDERSTANDING effective this 3rd day of April, 2013.

"Shirley Bond"

*The Honourable Shirley Bond*  
**Minister of Justice and Attorney General**  
**Province of British Columbia**

"Lance S.G. Finch, CJBC"

*The Honourable Lance S.G. Finch*  
**Chief Justice of British Columbia**

"Robert J. Bauman, CJSC"

*The Honourable Robert J. Bauman*  
**Chief Justice of the Supreme Court of**  
**British Columbia**

"Thomas J. Crabtree, CIPC"

*The Honourable Thomas J. Crabtree*  
**Chief Judge of the Provincial Court of**  
**British Columbia**

## Tab 12

# CELEBRATING PROSECUTORIAL INDEPENDENCE

By Gordon Comer

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Page 183 to/à Page 210

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PUBLIC GUARDIAN  
AND TRUSTEE OF  
BRITISH COLUMBIA

**Transition Book**

**June 2017**

**Public Guardian and Trustee  
of  
British Columbia**

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## Tab 1

## **BRIEFING NOTE**

### **CROWN AGENCIES**

**Name:** Public Guardian and Trustee

**Legislative Authority:**

*Public Guardian and Trustee Act*

**Mandate:**

The Public Guardian and Trustee (PGT) is a corporation sole established under the Public Guardian and Trustee Act. In carrying out its client related decision making responsibilities, the PGT is independent of government. The PGT reports to the Legislative Assembly through the Minister of Justice and Attorney General.

The PGT has a unique statutory role to protect the interests of British Columbians who lack legal capacity to protect their own interests. The mandate of the PGT is to:

- Protect the legal and financial interests of children and youth under the age of 19 years;
- Protect the legal, financial, personal and health care interests of adults who require assistance in decision making; and
- Administer the estates of deceased and missing persons, and act as trustee of personal trusts.

The PGT exercises quasi-judicial authority in specific situations as a result of obligations created by statutory law. The PGT provides the court with reliable independent submissions when the property or financial interests of minors, vulnerable adults or estates are at risk. The PGT has a fiduciary duty to advance the private interest of its clients even if they are not aligned with the interests of government.

The PGT provides services through 261 FTE employee positions to 26,749 clients and administers approximately \$897 million in client assets.

The 2015-16 Annual Report of the Public Guardian and Trustee is available [here](#).

**Current Appointees:**

Catherine Romanko, Public Guardian and Trustee

**Key Contact:**

Catherine Romanko

Public Guardian and Trustee

Phone: 604.660.4489

## Tab 2

## Catherine M. Romanko



Catherine M. Romanko was appointed the Public Guardian and Trustee of British Columbia on October 10, 2011 for a six year term.

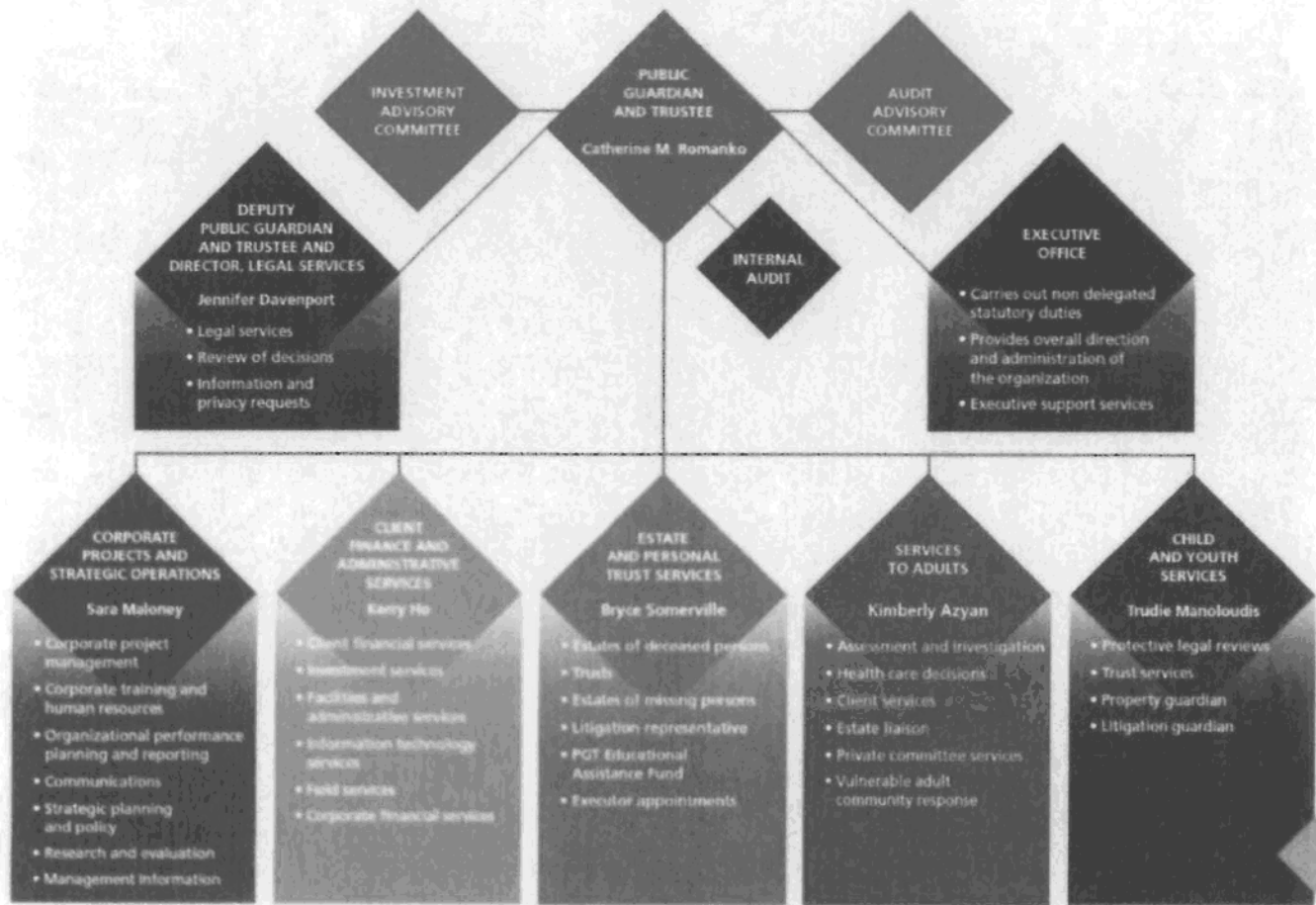
She served as Deputy Public Guardian and Trustee and Director of Legal Services between 2001 and 2011 and has contributed to law reform initiatives in the areas of adult guardianship, personal planning, wills and estates and family law.

Catherine was called to the Bar of British Columbia in 1987 and has a background in wills, estates and guardianship law. She is a member of the Estate Planning Council of Vancouver, the National Association of Public Trustees and Guardians, the National Guardianship Association (USA) and was chair of the Vancouver Wills and Trusts Section of the Canadian Bar Association. Catherine is a regular contributor to Continuing Legal Education programs and served as committee member for the British Columbia Law Institute Common-Law Tests of Capacity Project and the Succession Law Reform Project. Catherine completed her undergraduate studies at the University of Toronto and obtained both a Master of Arts and a Bachelor of Law from the University of British Columbia.

## Tab 3

## Organization Chart

Public Guardian and Trustee Organizational Structure (as of March 31, 2016).



## Tab 4

## **CONFIDENTIAL PUBLIC GUARDIAN AND TRUSTEE BRIEFING NOTE**

**Subject:** Renewal of the appointment of the Public Guardian and Trustee, Catherine Romanko

**Legislative Authority:** Section 2(3), *Public Guardian and Trustee Act*

**Issue:**

- Catherine Romanko was appointed to the position of Public Guardian and Trustee of British Columbia by Order in Council No.: 474, effective October 10, 2011. By statutory authority, the appointment is for a 6 year term. Catherine Romanko's term as Public Guardian and Trustee will expire on October 9, 2017. The *Public Guardian and Trustee Act* permits one renewal of the appointment for a further term of 6 years. Catherine Romanko requests that her appointment be renewed.

**Mandate:**

- The Public Guardian and Trustee (PGT) is a corporation sole established under the Public Guardian and Trustee Act. In carrying out its client related decision making responsibilities, the PGT is independent of government. The PGT reports to the Legislative Assembly through the Minister of Justice and Attorney General.
- The PGT has a unique statutory role to protect the interests of British Columbians who lack legal capacity to protect their own interests. The mandate of the PGT is to:
  - Protect the legal and financial interests of children and youth under the age of 19 years;
  - Protect the legal, financial, personal and health care interests of adults who require assistance in decision making; and
  - Administer the estates of deceased and missing persons, and act as trustee of personal trusts.
- The PGT exercises quasi judicial authority in specific situations as a result of obligations created by statutory law. The PGT provides the court with reliable independent submissions when the property or financial interests of minors, vulnerable adults or estates are at risk. The PGT has a fiduciary duty to advance the private interest of its clients even if they are not aligned with the interests of government.
- The PGT provides services through 261 FTE employee positions to 26,749 clients and administers approximately \$897 million in client assets.
- The 2015-16 Annual Report of the Public Guardian and Trustee is available [here](#).

**Prepared by:**

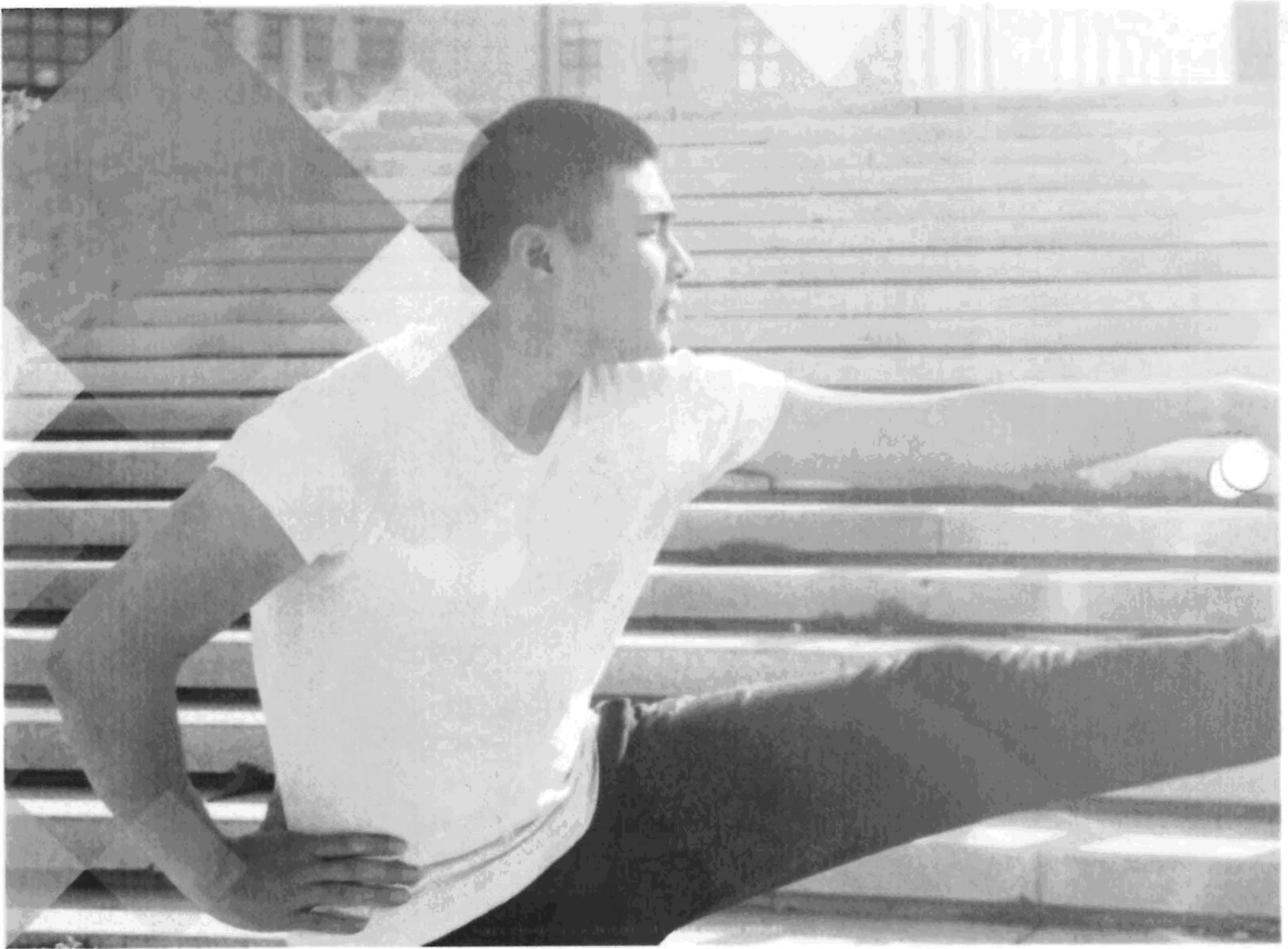
Name: Catherine Romanko  
Title: Public Guardian and Trustee  
Telephone: 604.660.4489  
Date: February 17, 2017

## Tab 5



Public Guardian and Trustee

2015-2016  
Annual Report





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## LETTER OF TRANSMITTAL

September 16, 2016

The Honourable Suzanne Anton, QC  
Attorney General and Minister of Justice  
PO Box 9044, STN PROV GOVT  
Victoria, British Columbia V8W 9E2

**Dear Attorney General and Minister of Justice:**

I have the honour of delivering to you the Annual Report of the Public Guardian and Trustee in accordance with the provisions of section 25 of the *Public Guardian and Trustee Act*.

This report covers the period April 1, 2015 to March 31, 2016.

Yours truly,

Catherine M. Romanko  
Public Guardian and Trustee



## MESSAGE FROM THE PUBLIC GUARDIAN AND TRUSTEE

I am pleased to present the Annual Report of the Public Guardian and Trustee for the period April 1, 2015 to March 31, 2016.

This year, the Public Guardian and Trustee (PGT) made significant progress in implementing our strategic plan to transform service delivery so that client needs and changing expectations are reasonably met now and in the future.

In previous years, I have described the PGT's challenge of striving to provide effective service from within a traditional heavily paper based environment supported by outdated technology. The current environment limits the ability of staff to efficiently access critical client information and to effectively report to and communicate with clients and their families in a manner commonly expected in today's world. The demanding administrative burden required to keep legacy systems operating and to manage high volumes of paper often means that resources which would ideally be dedicated to assisting clients be diverted to ensure that internal processes continue to operate.

Fortunately, the days of legacy systems and high volumes of paper are coming to an end. With critical funding provided by government, the PGT has moved forward with the highest priority of the strategic plan: replacement of the 30 year old trust accounting system. This year, through a procurement process, the PGT selected the software and developer and began to design and build a new financial system which will meet modern trust accounting standards and support efficient service to clients. The new system is expected to be in place and fully operational by May 2017.

The next strategic priority in the area of technological transformation for the PGT will be to reduce the risk and burden created by the paper based environment. To this end, the PGT completed essential foundational work this year to obtain and implement an enhanced document management system aimed at significantly reducing the reliance on paper documents and improving access to information, protection of privacy and overall service.

While modernization of technology is a critical aspect of the PGT's strategic plan to evolve client service, it is only one part of the plan. Relying on feedback provided by clients, service partners and staff, the PGT this year initiated activities to streamline processes, improve client communications and enrich staff knowledge and skills training. Continued development in these critical areas will support staff to serve clients who rely on the PGT for assistance and management of increasingly complex legal, financial and property issues.

In addition to advancing the strategic plan for transformation, PGT staff ensured that core services were professionally delivered to clients. This year the PGT again met all 20 publicly reported performance targets, a matter confirmed by independent auditors. The commitment of PGT staff to providing their best in serving clients is reflected in this achievement.

Throughout the year, the PGT contributed to public awareness, policy development and law reform initiatives to promote the interests of PGT clients. As a member, the PGT participated on a broad variety of provincial and national committees considering such diverse issues as the provision of services to Aboriginal children in government care, development of strategies to reduce elder abuse, best practices in public guardianship and trusteeship and developments in estate planning law and practice.

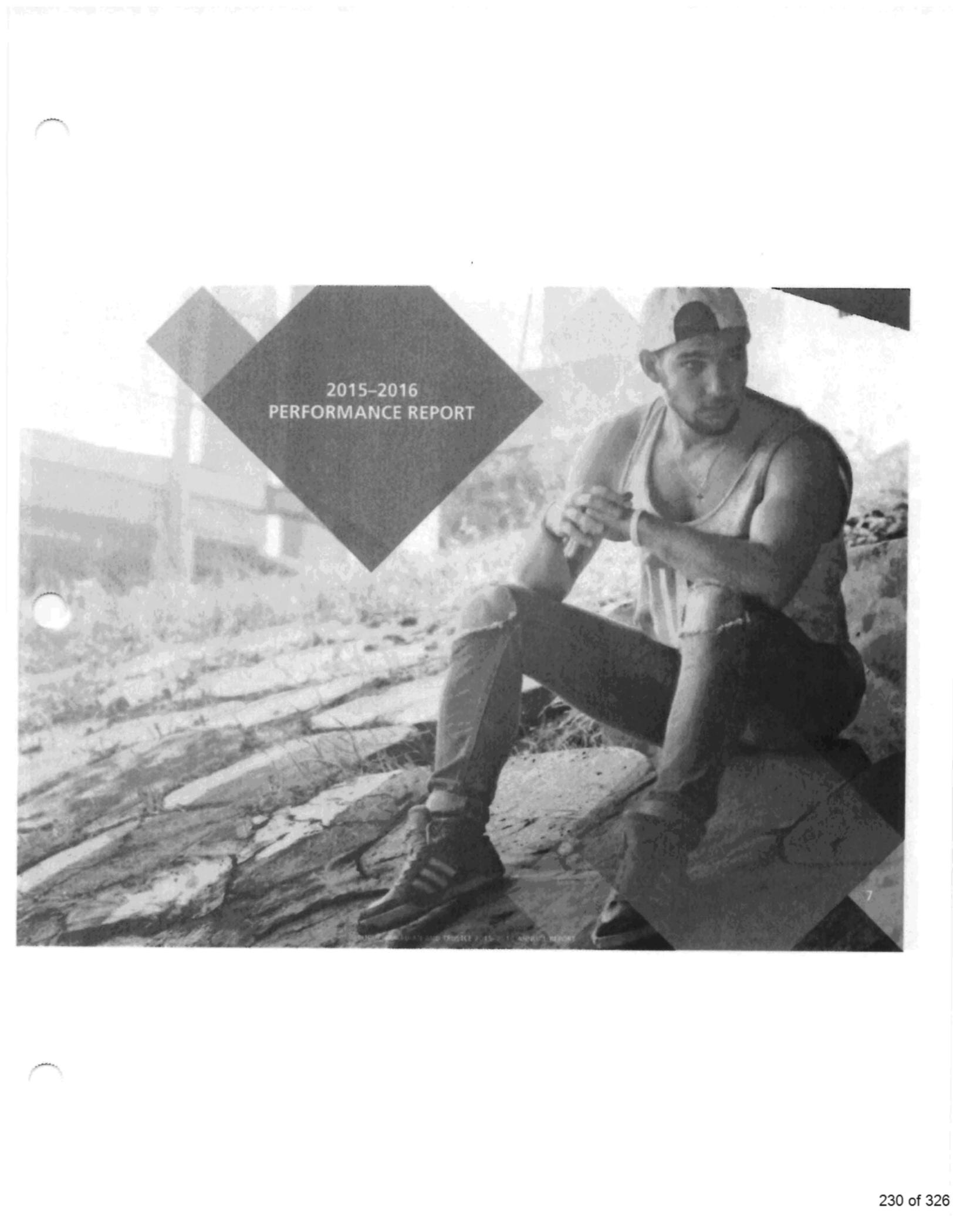
On the legislative front, the PGT contributed to consultations concerning potential law reform in areas impacting PGT clients including work undertaken to develop British Columbia's online civil resolution tribunal and projects conducted by the Uniform Law Conference of Canada focusing on Access to Digital Assets by Fiduciaries and Abuse of Powers of Attorney.

This has been a year of positive change for the PGT as we continue to make progress in putting the strategic plan for improved client service into action.

I would like to thank the members of the PGT Investment and Audit Advisory Committees for their valuable advice and support throughout the year. I also want to recognize all PGT staff for their solid performance and commitment in serving our clients.

Catherine M. Romanko  
Public Guardian and Trustee





2015-2016  
PERFORMANCE REPORT

UNITED NATIONS AND TRUSTEE 2015-2016 ANNUAL REPORT

## ACCOUNTABILITY STATEMENT

The 2015–2016 Performance Report was prepared under my direction. I am accountable for the results achieved, the selection of performance measures, and how actual performance has been reported. The information presented reflects the actual performance of the Public Guardian and Trustee for the 12 months ended March 31, 2016. The report addresses all significant events that occurred, and decisions made, up to September 16, 2016.

The information presented represents a comprehensive picture of our actual performance in relation to our service delivery plan. The report contains estimates and significant interpretive information that represents the best judgment of management.

The measures presented are consistent with the organization's mandate, goals and objectives and focus on aspects critical to understanding our performance. I am responsible for the design and operation of internal controls to ensure performance information is measured accurately and in a timely manner. Any significant limitations in the reliability of specific data are identified in the report.

The report is intended for a general audience. Specific users may require more detailed information than is contained in this report. The report has been prepared in accordance with the *Public Guardian and Trustee Act* and *Performance Reporting Principles for the British Columbia Public Sector*.

Catherine M. Romanko  
Public Guardian and Trustee

September 16, 2016

## Auditors' Report on the 2015–2016 Performance Report of the Public Guardian and Trustee of British Columbia



KPMG LLP  
Chartered Professional Accountants  
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Canada

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To:

**The Public Guardian and Trustee of British Columbia,  
The Attorney General and Minister of Justice, Province of British Columbia,  
and The Members of the Legislative Assembly of British Columbia**

We have audited the accompanying 2015–2016 Performance Report (Performance Report) of the Public Guardian and Trustee of British Columbia (PGT) for the year ended March 31, 2016 based on the requirements of subsections 25 (1), 25 (2), 25 (3) (c), 25 (3) (d) and 26 (1) (b) of the *Public Guardian and Trustee Act* (PGT Act) and on the *Performance Reporting Principles For the British Columbia Public Sector* (BC Performance Reporting Principles) (collectively referred to herein as the Criteria). The Performance Report and its fair presentation in conformance with the Criteria are the responsibility of the PGT. Our responsibility is to express an opinion, based on our audit, on the fair presentation of the Performance Report in conformance with the Criteria.

We conducted our audit in accordance with the standards for assurance engagements established by CPA Canada. Those standards require that we plan and perform an audit to obtain reasonable assurance about whether the Performance Report is fairly presented in conformance, in all material respects, with the Criteria. Our audit included examining, on a test basis, evidence supporting the amounts and disclosures in the Performance Report, evaluating the fair presentation of the Performance Report in conformance with the Criteria, and performing such other procedures as we considered necessary in the circumstances.

The Performance Report necessarily contains a number of representations by the PGT concerning the appropriateness of the PGT's goals, objectives, targets, explanations of the adequacy of planned and actual performance, and expectations for the future. These are provided to provide context to assist the reader in evaluating the plans and performance of the PGT. Such representations are the opinions of the PGT and, given their necessarily subjective nature and also the future orientation of some of the representations, such representations inherently cannot be subject to independent audit verification. Further, as described in the Performance Report section entitled *Linking Resources to Performance* (pages 58 to 67) of the

## Auditors' Report on the 2015–2016 Performance Report of the Public Guardian and Trustee of British Columbia

Performance Report, the tables and related information on pages 58 to 67 of the Performance Report are derived using an allocation model developed to reflect approximate usage of key services and other segmentation methodologies that are beyond the scope of this audit; accordingly, with respect to the tables and related information on pages 58 to 67 of the Performance Report, our audit was limited to providing reasonable assurance that the Performance Report is consistent with the audited financial statements contained in the PGT's 2015–2016 Annual Report.

In our opinion, except for the effect of adjustments, if any, which we may have determined to be necessary had we been able to independently verify the representations described in the paragraph above and had we performed a more extensive examination of the tables and related information on pages 58 to 67 of the Performance Report as referred to in the paragraph above, the PGT's Performance Report for the year ended March 31, 2016 is fairly stated in conformance, in all material respects, with the Criteria.

The attached Appendix to this report provides further explanation regarding the fair presentation of the Performance Report in conformance with the Criteria.

The Performance Report is intended for a general audience. Specific users may require more detailed information than is contained in the Performance Report.

*KPMG LLP*

Chartered Professional Accountants  
Vancouver, Canada  
September 16, 2016

## Appendix to the Auditors' Report on the 2015–2016 Performance Report of the Public Guardian and Trustee of British Columbia

This Appendix summarizes and explains selected key aspects of how the Performance Report is fairly presented in conformance, in all material respects, with the requirements of subsections 25 (1), 25 (2), 25 (3) (c), 25 (3) (d) and 26 (1) (b) of the PGT Act and with the BC Performance Reporting Principles (collectively referred to herein as the Criteria).

### BC Performance Reporting Principle 1 – Explain the Public Purpose Served

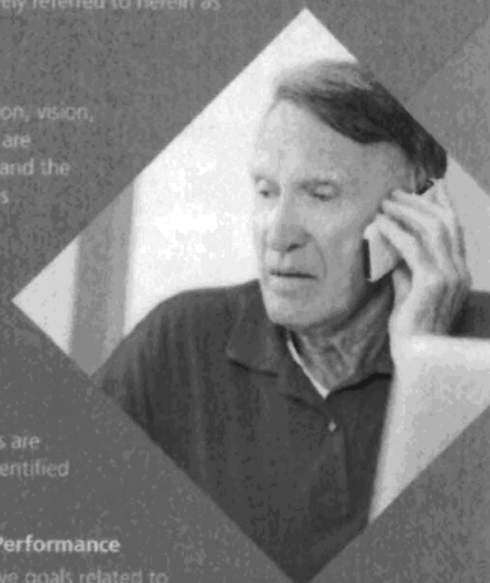
The Performance Report identifies and explains the PGT's mandate, enabling legislation, vision, and organizational structure. Core program areas, services, clients, and stakeholders are described, as is the role of service partners. The PGT's role and relation to the courts and the Crown are explained. The Performance Report describes the PGT's seven major values and how they guide and are embedded in the PGT's operations.

### BC Performance Reporting Principle 2 – Link Goals and Results

The Performance Report identifies and explains the PGT's mandate and vision, its service delivery plan including the goals it has identified in support of its mandate and vision, the related more detailed objectives and performance measures, and its actual results, providing linkages and a logical flow between them. The relevance and relation to long-term outcomes are identified and explained for key performance measures and results. Variances between planned and actual results are identified and explained. The impact of results on the PGT's future direction is also identified and explained where relevant.

### BC Performance Reporting Principle 3 – Focus on the Few Critical Aspects of Performance

The PGT's April 1, 2015 – March 31, 2018 Service Delivery Plan identifies the PGT's five goals related to the three aspects of its mandate, one to five specific objectives related to each goal, and related specific performance measures. The Performance Report repeats this information from the Service Delivery Plan, and provides in a clear, concise format the PGT's actual results for each performance measure, and the meaning and importance of each performance measure and result. The Performance Report also provides related contextual information regarding factors influencing the selection of goals, objectives, and performance measures, and factors influencing the actual results.



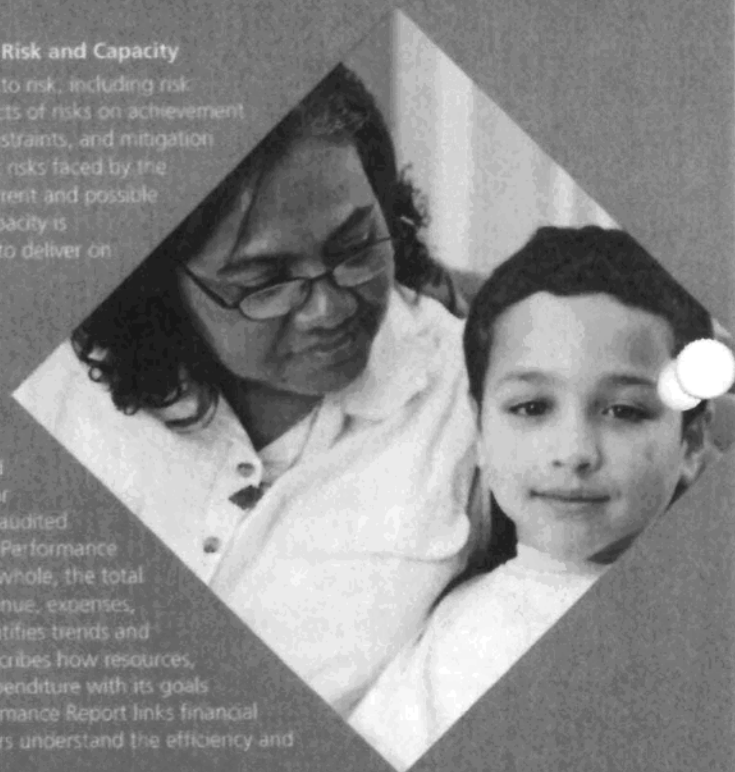
## Appendix to the Auditors' Report on the 2015–2016 Performance Report of the Public Guardian and Trustee of British Columbia

### BC Performance Reporting Principle 4 – Relate Results to Risk and Capacity

The Performance Report summarizes management's approach to risk, including risk identification and assessment, consideration of potential impacts of risks on achievement of PGT goals, and consideration of risk tolerance, resource constraints, and mitigation strategies. It summarizes management's view of the significant risks faced by the PGT, related potential causes including capacity issues, and current and possible risk mitigation strategies for dealing with the risks. Current capacity is described in relation to current results and to the PGT's ability to deliver on its organizational goals and objectives.

### BC Performance Reporting Principle 5 – Link Resources, Strategies and Results

The Performance Report identifies the major sources, nature, and amounts of the PGT's funding; provides budgeted and actual revenues and expenses by program area and for the PGT as a whole, and explains key variances between budgeted and actual revenues and expenses for the PGT as a whole. Year over year comparative financial information is provided in the audited financial statements included in the PGT's Annual Report. The Performance Report identifies, for each program area and for the PGT as a whole, the total staff, number of clients, and financial indicators including revenue, expenses, and assets under administration. The Performance Report identifies trends and issues impacting results, revenues, and expenses, and also describes how resources, strategies, and results are linked, including linking areas of expenditure with its goals that are most directly affected by the expenditures. The Performance Report links financial and performance information in a way that should help readers understand the efficiency and economy of the PGT's operations.



## Appendix to the Auditors' Report on the 2015–2016 Performance Report of the Public Guardian and Trustee of British Columbia

### BC Performance Reporting Principle 6 – Provide Comparative Information

For each identified specific performance measure linked to the PGT's goals, when applicable the Performance Report provides clear comparisons between planned results, actual results, and previous years' results, as well as targeted results for the following year. When relevant and material, explanations are provided of changes in the nature, source data, and/or calculation of the performance measures. Year over year comparative financial information is provided in the audited financial statements included in the PGT's Annual Report. The Performance Report identifies trends and issues impacting results, revenues, and expenses. The Performance Report also explains the reasons for the lack of provision in the Performance Report of comparative information to similar organizations.

### The PGT Act, and BC Performance Reporting Principle 7 – Present Credible Information, Fairly Interpreted

The Performance Report has been made by the PGT to the Attorney General and Minister of Justice, Province of British Columbia, by September 30, 2016 as required by the statutory reporting requirements and deadline specified in subsections 25 (1), 25 (2), 25 (3) (c), and 25 (3) (d) of the PGT Act. Our related auditors' report is provided as required by section 26 (1) (b) of the PGT Act. Subject to the limitations described in our auditors' report, our opinion relates to the credibility of the information in the Performance Report, including its fair presentation in conformance, in all material respects, with the Criteria based on the best judgment of the PGT.

### BC Performance Reporting Principle 8 – Disclose the Basis for Key Reporting Judgements

The Performance Report explains the basis for selecting the aspects of performance on which it focuses and the rationale for the performance measures reported upon. The Performance Report also provides concise explanations of how most performance measures are derived including, where relevant, data sources and the period covered. The process for selecting goals, objectives, and targeted results for performance measures, and how it is evolving, is described. Any significant changes in the way performance is measured or presented are described. The PGT provides an accountability statement describing her accountability for the Performance Report, and representing (among other things) that: the Performance Report has been prepared in accordance with the PGT Act and the BC Performance Reporting Principles; that it contains estimates and significant interpretive information that represents the best judgment of management; that the measures presented are consistent with the organization's mandate, goals and objectives, and focus on aspects critical to understanding the organization's performance, and that it reflects the actual performance of the PGT for the 12 months ended March 31, 2016.

## VALUES

### INTEGRITY

We act in accordance with the highest ethical, legal and personal standards.

### STAFF SUPPORT

We acknowledge staff as our greatest resource and recognize and appreciate their expertise, professionalism and commitment.

### INNOVATION

We challenge ourselves to seek new and creative solutions to meet the needs of our clients and the public.

### OPENNESS

We demonstrate responsibility and transparency to clients, government and the public through annual statutory public reporting on all aspects of our performance.

### CLIENT CENTRED SERVICE

We constantly strive to provide quality service to our clients.

### TEAMWORK

We work with one another and with service partners in striving for seamless service delivery.

### RESPECT

We treat clients, their family and friends in a courteous, respectful manner.

## MANDATE, VISION AND VALUES

The mandate of the Public Guardian and Trustee (PGT) is to:

- Protect the legal and financial interests of children under the age of 19 years;
- Protect the legal, financial, personal and health care interests of adults who require assistance in decision making; and
- Administer the estates of deceased and missing persons.

During 2015–2016, the PGT provided services through 261 full time equivalent employee positions to approximately 26,700 clients and administered approximately \$897 million of trust assets. When managing the financial interests of an individual, estate or trust, the PGT is bound by both common law and statutory fiduciary principles associated with acting as a trustee.

## MANDATE

The PGT exercises quasi judicial authority in specific situations as a result of obligations created by statutory law. In addition, the PGT provides the court with reliable independent submissions when the property or financial interests of minors, vulnerable adults or estates are at risk.

The PGT self funds a large percentage (68% in 2015–2016) of its actual expenditures through fees charged on client income and assets and fees for service with supplementary voted funding that supports public services such as regulatory and oversight activities.

The PGT has a fiduciary duty to advance the private interests of its clients even if they are contrary to the interests of government. The PGT is independent of government in its case related decision making responsibilities.

## VISION

Rights, choices and security for all British Columbians.

## CHILD AND YOUTH SERVICES



16,356  
clients<sup>1</sup>

44  
staff<sup>3</sup>

\$184  
million  
assets<sup>2</sup>

## SERVICES TO ADULTS



8,231  
clients<sup>1</sup>

\$489  
million  
assets<sup>2</sup>

110  
staff<sup>3</sup>

## ESTATE AND PERSONAL TRUST SERVICES



2,512  
clients<sup>1</sup>

\$223  
million  
assets<sup>2</sup>

28  
staff<sup>3</sup>

<sup>1</sup> Clients: the number of individual clients served by both the division and by major business lines throughout the year. Because of this, the divisional total is typically less than the sum of the business lines as clients may require service in more than one business line.

<sup>2</sup> Total value of assets under administration (at March 31, 2016).

<sup>3</sup> Full time-equivalent employees positions.



## STATUTES

Numerous acts set out the powers and duties of the PGT.

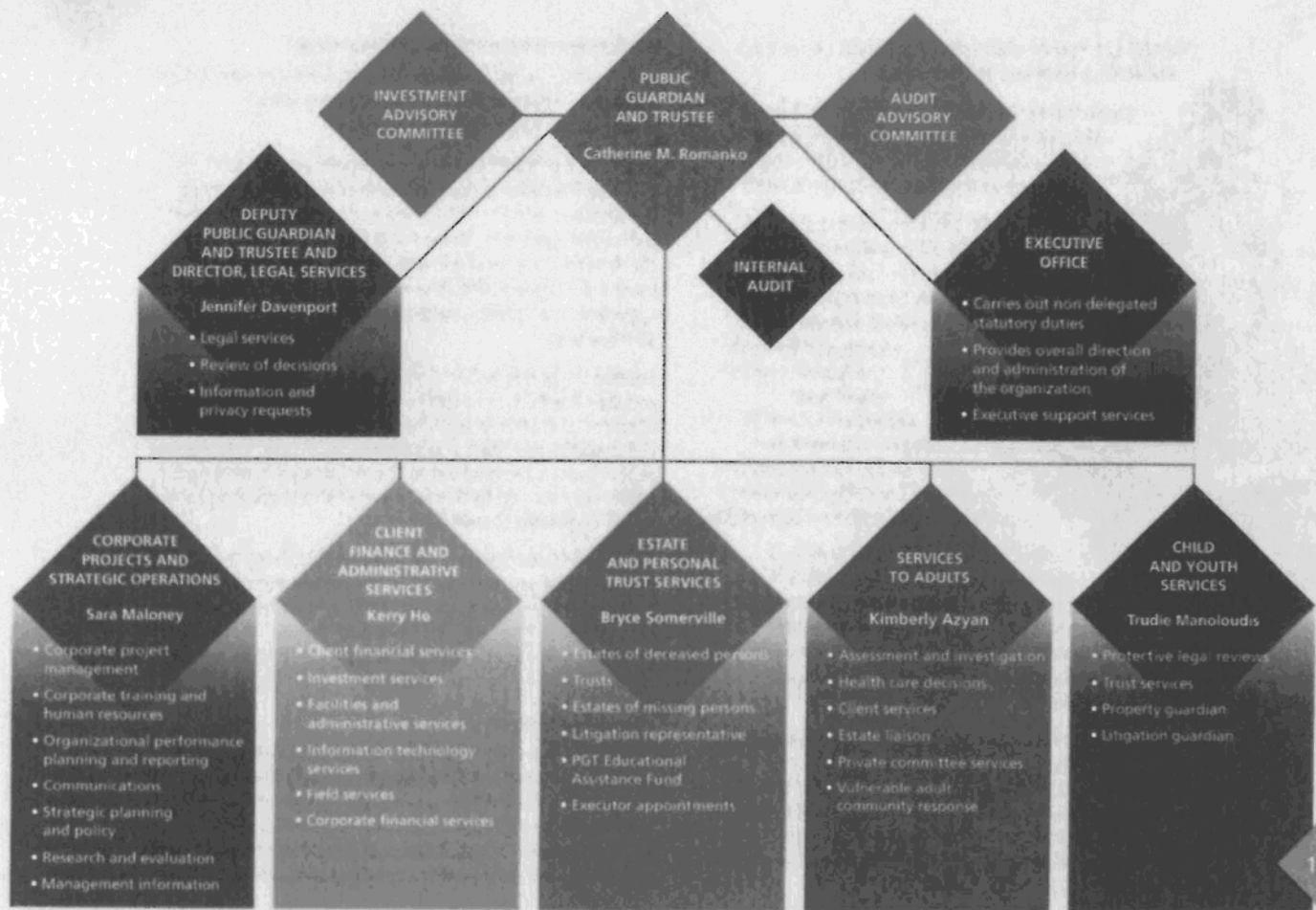
Key provincial statutes include:

- *Adoption Act*
- *Adult Guardianship Act*
- *Child, Family and Community Service Act*
- *Community Care and Assisted Living Act*
- *Cremation, Interment and Funeral Services Act*
- *Employment Standards Act*
- *Estate Administration Act\**
- *Estates of Missing Persons Act*
- *Family Law Act*
- *Health Care (Consent) and Care Facility (Admission) Act*
- *Infants Act*
- *Insurance Act*
- *Insurance (Vehicle) Act*
- *Limitation Act*
- *Patients Property Act*
- *Power of Attorney Act*
- *Public Guardian and Trustee Act*
- *Representation Agreement Act*
- *Trust and Settlement Variation Act*
- *Trustee Act*
- *Wills Act\**
- *Wills, Estates and Succession Act*
- *Wills Variation Act\**

\*The *Wills, Estates and Succession Act* came into force on March 31, 2014. The *Estate Administration Act*, *Wills Act* and *Wills Variation Act* have been repealed by the *Wills, Estates and Succession Act*, however, portions of those acts continue to apply if a deceased person died before March 31, 2014.

## Organization Chart

Public Guardian and Trustee Organizational Structure (as of March 31, 2016).



## ACCOUNTABILITY FRAMEWORK

The PGT is a corporation sole established under the *Public Guardian and Trustee Act*.

Catherine M. Romanko was appointed as the Public Guardian and Trustee for a six year term effective October 10, 2011. The PGT can serve a maximum of two terms.

The PGT is accountable to the provincial government, the legislature, the public and directly to PGT clients. Overall accountability is exercised through the government's review and approval of the PGT Service Delivery Plan (SDP) and through publicly reported annual independent performance and financial audits.

Accountability to PGT clients is exercised through internal review processes, the Ombudsperson and judicial oversight of PGT statutory and fiduciary obligations. Many PGT functions are fiduciary in nature and judicial oversight mechanisms are highly developed.

Two advisory committees assist the PGT. The **Investment Advisory Committee** is a statutory committee established under the *Public Guardian and Trustee Act* to advise on strategic investment policy. The **Audit Advisory Committee** is established by the PGT to advise on key aspects of internal and external audit, accountability and internal controls.

### Performance Planning and Reporting

Part 3 of the *Public Guardian and Trustee Act* establishes an accountability framework that provides for performance planning and reporting.

Section 22 requires the PGT to prepare an annual three year service delivery plan and deliver it to the Attorney General and Minister of Justice no later than December 31 for the upcoming three fiscal years. If approved by the Attorney General and Minister of Justice, the PGT must submit the SDP to the provincial Treasury Board for approval. The *Public Guardian and Trustee Act* specifies SDP content.

Section 25 of the *Public Guardian and Trustee Act* requires the PGT to report to the Attorney General and Minister of Justice in each fiscal year on operations of the organization for the preceding fiscal year. This annual report must be submitted to the Attorney General and Minister of Justice by September 30 and thereafter tabled in the Legislative Assembly.

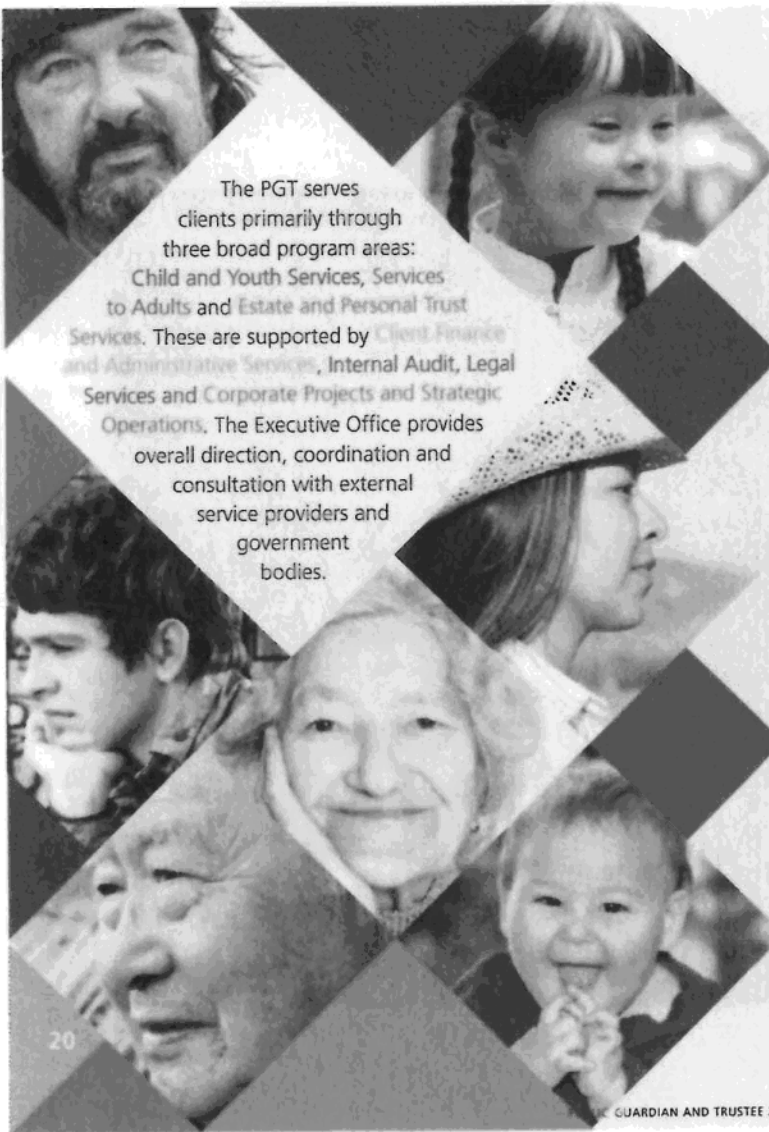
The *Public Guardian and Trustee Act* stipulates that the annual report must include an audited performance report relating to the performance targets and other objectives established in the SDP, together with audited financial statements for both PGT operations and its stewardship of client estates and trusts under administration.

### Corporation Sole

The PGT is a corporation sole. This is a corporate legal structure in which all authority and responsibility is vested in a single office holder who may delegate authority and who operates without a board of directors. This structure is used primarily in situations requiring clear accountability and is a common model for public guardians and trustees in Canada.

## CLIENTS, STAKEHOLDERS AND SERVICE PARTNERS

PGT Primary Client Groups	Key PGT External Relationships	Key PGT Private Sector Relationships
<p>Almost all PGT clients are vulnerable due to legal status or other incapacity arising from diseases of aging, mental illness, brain injury, special needs, or minority. Clients include:</p> <ul style="list-style-type: none"> <li>• Children in continuing care of the province</li> <li>• Children with trust funds</li> <li>• Children whose guardians wish to settle a claim for damages on behalf of the child</li> <li>• Adults with cognitive impairments due to brain injury, developmental disability, diseases of aging and mental illness who require assistance with decision making</li> <li>• Vulnerable adults experiencing abuse, neglect or self neglect</li> <li>• Intestate successors and beneficiaries of estates of deceased or missing persons</li> <li>• Beneficiaries of personal trusts</li> </ul>	<p>Clients are at the core of all PGT activity. The PGT liaises with and/or works in partnership with a broad range of individuals and organizations in helping clients meet their needs. These include:</p> <ul style="list-style-type: none"> <li>• Family and friends of clients</li> <li>• Community groups and nonprofit organizations</li> <li>• First Nations and Aboriginal organizations</li> <li>• Provincial government ministries</li> <li>• Public service partners with statutory authority</li> <li>• British Columbia Courts</li> <li>• Legal organizations</li> <li>• Government of Canada departments and agencies</li> <li>• BC Investment Management Corporation (bcIMC)</li> <li>• Insurance Corporation of BC (ICBC)</li> <li>• BC Unclaimed Property Society</li> </ul>	<p>The PGT works with a wide range of private sector service providers in meeting its responsibilities for protecting the personal, legal and financial interests of clients. These include:</p> <ul style="list-style-type: none"> <li>• Private service providers such as care facilities, funeral homes, personal attendants</li> <li>• Personal service providers</li> <li>• Financial institutions</li> <li>• Medical and social services professionals</li> <li>• Lawyers</li> <li>• Accountants</li> <li>• Insurance providers</li> <li>• Real property managers</li> <li>• Heir tracers</li> <li>• Private investment managers</li> </ul>



The PGT serves clients primarily through three broad program areas: Child and Youth Services, Services to Adults and Estate and Personal Trust Services. These are supported by Client Finance and Administrative Services, Internal Audit, Legal Services and Corporate Projects and Strategic Operations. The Executive Office provides overall direction, coordination and consultation with external service providers and government bodies.

## PROGRAM AREAS

### CHILD AND YOUTH SERVICES

The PGT protects the legal and financial interests of minors under the authority of a range of provincial statutes. The PGT Child and Youth Services division (CYS) works on behalf of and directly with children and youth as well as with their parents or guardians, with primary emphasis on its roles as property guardian, trustee and reviewer of proposed settlements and legal notices.

#### Property Guardian

As property guardian, the PGT is coguardian with the Ministry of Children and Family Development (MCFD) and Delegated Aboriginal Child and Family Service Agencies (DAAs) for children in continuing care of the province. The PGT is also property guardian for children who have no legal guardian or are undergoing adoption.

As property guardian, the PGT advances legal claims for damages arising from injuries suffered by the children as the result of the negligence or wrongful act of others. The PGT also pursues financial benefits to which PGT property guardian clients may be entitled such as Canada Pension Plan Children's Benefits and establishes Registered Disability Savings Plans (RDSPs) for qualifying clients.

#### Trustee

The PGT receives funds to hold in trust on behalf of children, including personal injury settlement proceeds, life insurance proceeds where a minor is a beneficiary and no trustee is named to administer the funds, shares of estates where no trustee is named and a portion of wages earned by child entertainers. Funds are typically held in trust until the child turns 19 (the age of majority in BC) unless disbursed earlier for the benefit of the child.

## PROGRAM AREAS

The PGT is required to act as trustee for certain types of funds payable to minors while the *Family Law Act* provides that other funds may be paid directly to parents or guardians.

### Protective Legal Reviews

The PGT protects the legal interests of minors by reviewing proposed settlements of claims for unliquidated damages brought on their behalf. The settlements relate to a variety of claims such as the wrongful death of a parent or guardian, medical malpractice or motor vehicle accidents. These reviews

help ensure that the settlements are reasonable and in the best interests of the minors.

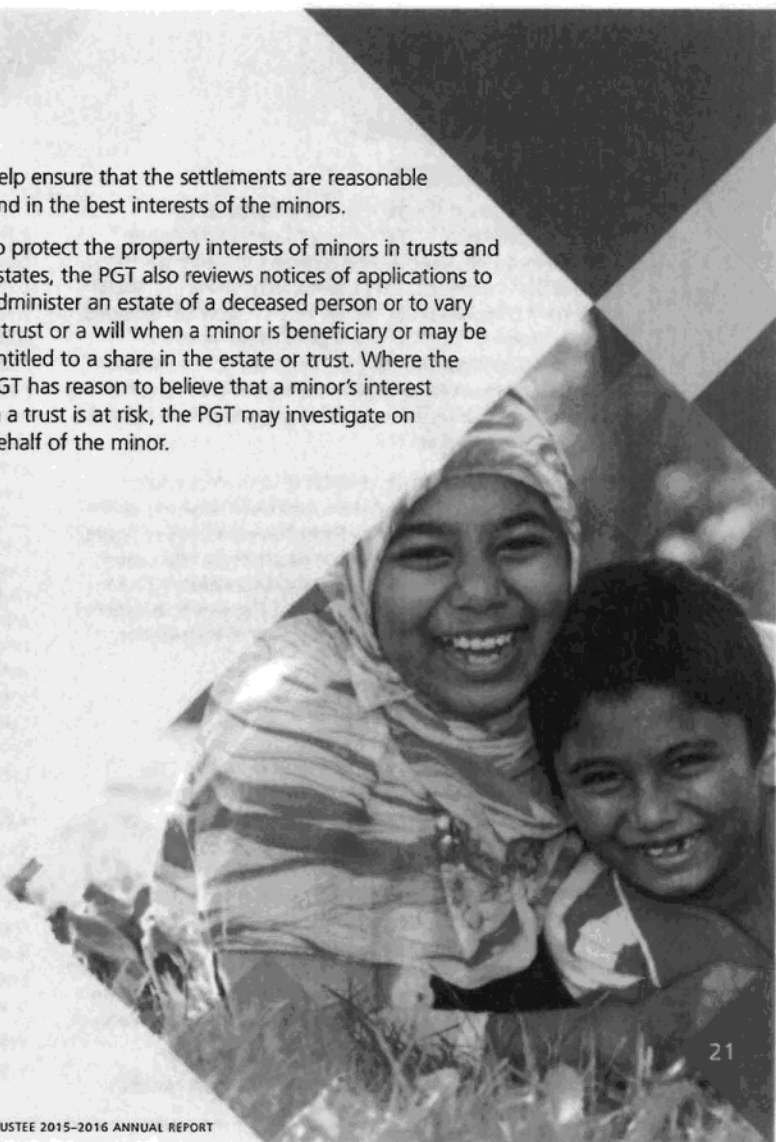
To protect the property interests of minors in trusts and estates, the PGT also reviews notices of applications to administer an estate of a deceased person or to vary a trust or a will when a minor is beneficiary or may be entitled to a share in the estate or trust. Where the PGT has reason to believe that a minor's interest in a trust is at risk, the PGT may investigate on behalf of the minor.

### Child and Youth Services

Total staff*	44 positions
Total clients**	16,356
Property Guardian	5,219
Trustee	9,014
Protective Legal Reviews	3,034
Litigation Guardian (non Property Guardian)	87
Total value of assets under administration (at March 31, 2016)	\$184 million
Investments and securities	\$180 million
Real property	\$4 million
Other	\$0.3 million

\*Staff refers to full time equivalent employee positions.

\*\*Client counts reflect the number of individual clients served both by the division and by major business lines throughout the year. Because of this, the divisional total is typically less than the sum of the business lines as clients may require service in more than one business line.



## PROGRAM AREAS

### SERVICES TO ADULTS

The PGT protects the legal rights and personal and financial interests of adults who are unable to manage their affairs independently and require substitute decision making. The majority of adult clients rely on PGT financial and legal management or on the PGT's review of decisions made by others. The PGT also makes or provides for temporary substitute health care decisions to be made on behalf of some adults and exercises health and personal care decision making as committee of person for a small number of other adults.

The PGT Services to Adults division (STA) serves adult clients when other appropriate substitute decision makers are not available. Most adult clients have diseases of aging which have impaired their mental capability, while others have mental illnesses, developmental disabilities or brain injuries. In serving adult clients, the PGT strives to balance client independence and the right to self determination with the need for protection.

#### Assessment and Investigation and Health Care Decisions

Assessment and Investigation is the first contact the PGT has with most adult clients. Staff respond to requests from concerned friends, relatives or professionals to assess whether PGT services are required to assist a vulnerable adult. The service includes investigating reports of financial abuse of adults who may be mentally incapable. The PGT may consult with community and family members on possible abuse, neglect and self neglect issues during an investigation. As a last resort, the PGT might seek authority to be the decision maker where other options for assistance for the adult are not available.

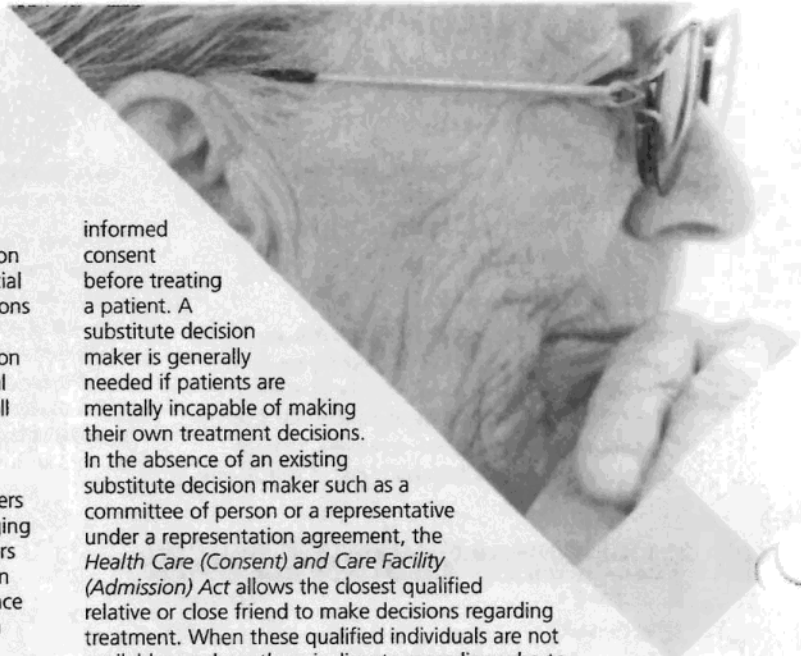
Under the *Health Care (Consent) and Care Facility (Admission) Act*, health care professionals must obtain

informed consent before treating a patient. A substitute decision maker is generally needed if patients are mentally incapable of making their own treatment decisions. In the absence of an existing substitute decision maker such as a committee of person or a representative under a representation agreement, the *Health Care (Consent) and Care Facility (Admission) Act* allows the closest qualified relative or close friend to make decisions regarding treatment. When these qualified individuals are not available or where there is dispute regarding who to select among equally ranked individuals, the PGT is called upon to appoint another substitute decision maker or to make substitute treatment decisions on behalf of the incapable adult.

#### Client Services

The PGT provides a wide range of direct financial management and personal decision making services for vulnerable adults who require assistance managing their affairs. The PGT acts in a number of different roles including committee of estate, committee of person, power of attorney, representative, litigation guardian and pension trustee.

When the PGT is appointed as committee of estate, staff work with the adult to establish an effective plan that



## PROGRAM AREAS

includes securing assets and pursuing income, benefits and compensation, paying bills, managing investments and property. When appointed as committee of person, the PGT makes health and personal care decisions on behalf of the adult.

### Estate Liaison

Estate Liaison coordinates completion of STA direct involvement in a client's affairs and releases property under PGT administration when PGT services are no longer required. Client affairs are transferred to Estate Liaison when the PGT no longer has authority, or is transferring authority for an adult client because the client has become capable of managing their own affairs, someone else has been appointed as committee or the client has died.

### Private Committee Services

A family member or friend of an adult may be appointed by the court to manage the legal and financial and/or personal interests of an incapable adult. When private committees are appointed, the PGT reviews the accounts of the private committees with respect to their management of the adult's affairs and investigates concerns that they may not be complying with their duties.

### Vulnerable Adult Community Response

The *Adult Guardianship Act* provides authority for the PGT to designate by regulation external agencies that then have a duty to receive and respond to allegations of abuse, neglect and self neglect of vulnerable adults. The current Designated Agencies are the regional Health Authorities, Community Living BC (CLBC) and Providence Health Care Society.

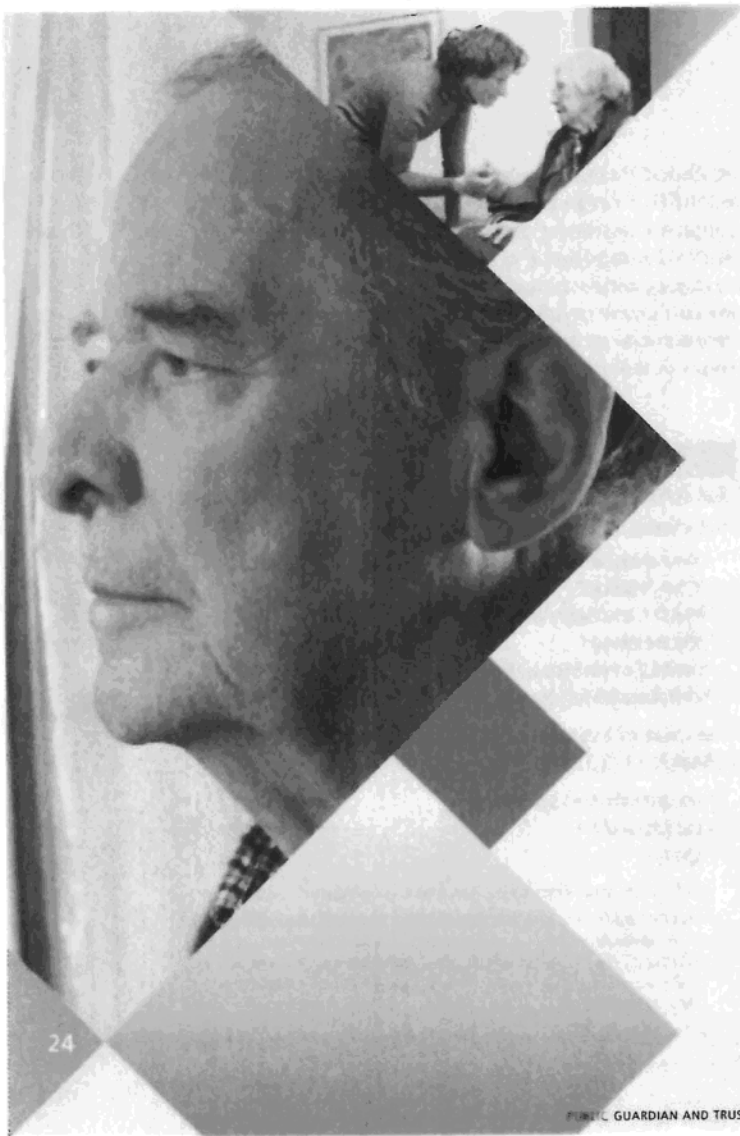
The *Adult Guardianship Act* further provides authority for the PGT to organize community networks to provide support and assistance to abused and/or neglected adults. The PGT accomplishes this through coordinating a range of province wide standing committees and special events involving service partners and other stakeholders with an interest in issues concerning the reduction of abuse and neglect of vulnerable adults.

### Services to Adults

Total staff*	110 positions
Total clients**	8,231
Assessment and Investigation	2,190
Client Services	3,759
Health Care Decisions	445
Estate Liaison	941
Private Committee Services	2,308
Adult Legal Monitoring	495
Total value of assets under administration (at March 31, 2016)	\$489 million
Investments and securities	\$368 million
Real property	\$111 million
Other	\$11 million

\* Staff refers to full time equivalent employee positions.

\*\* Client counts reflect the number of individual clients served both by the division and by major business lines throughout the year. Because of this, the divisional total is typically less than the sum of the business lines as clients may require service in more than one business line.



## PROGRAM AREAS

### ESTATE AND PERSONAL TRUST SERVICES

The PGT provides estate administration and personal trust services through the Estate and Personal Trust Services division (EPTS).

#### Administration of Estates of Deceased Persons

The PGT administers estates when the executor, intestate successor, beneficiary or other eligible person is not able or willing to do so. The PGT also administers estates of deceased persons when the intestate successor or beneficiary is a client under authority in another PGT division such as Services to Adults or Child and Youth Services. In addition, the PGT may agree to be appointed as the executor under a will. The PGT filed 269 probate applications with the Supreme Court of BC in 2015–2016.

If the estate is of minimal value and no next of kin can be found who are willing and able to make funeral arrangements, EPTS ensures that a referral is made to the Ministry of Social Development and Social Innovation (MSDSI) to make funeral arrangements.

#### Trusts

The PGT acts as trustee of trusts created by will, court order, or inter vivos settlement. If options to appoint a family member or trust company are not appropriate, the PGT may agree to act as trustee. These trusts, for which the PGT acts as trustee, are usually settled to provide benefits to a child or vulnerable adult or alternatively, to provide benefits going forward in perpetuity for a charitable purpose.

## PROGRAM AREAS

### Executor Appointments

The PGT may agree to be appointed executor of a will in appropriate circumstances. Once appointed executor, the PGT follows up with each will maker periodically to help ensure that the will is current.

### Litigation Representative

The PGT may agree to act as litigation representative for purposes of a specific legal action brought against an estate if there is no executor, administrator or other person to act. The PGT role is generally limited to accepting service of legal documents on behalf of estates without assets. If the estate has assets, the PGT will apply for letters of administration and will manage the litigation in the role of administrator.

### PGT Educational Assistance Fund

The PGT Educational Assistance Fund was established by the province of BC in 1989. As trustee, the PGT distributes funds from the trust in the form of bursaries to qualifying adults who were formerly children in the continuing care of the province.

Under the terms of the trust, applicants are assessed on their grades, financial needs, career goals, personal commitment and other sources of funding. Annual funds available for distribution are dependent on rates of investment return. The trust had a capital value of \$935,783 at December 31, 2015. In 2015–2016, there were 20 applicants and bursaries totaling \$17,600 were awarded to 13 individuals.

### Estates of Missing Persons

The PGT acts as curator for missing persons as defined in the *Estates of Missing Persons Act*. As curator, the PGT manages the adult's property until the person is located or until the funds are paid into court for safekeeping.

#### Estate and Personal Trust Services

Total staff*	28 positions
Total clients**	2,512
Deceased Estates	1,992
Trusts	235
Litigation Representative	28
PGT Educational Assistance Fund	20 applicants
Estates of Missing Persons	3
Executor Appointments	276

Total value of assets under administration (at March 31, 2016)

Investments and securities	\$191 million
Real property	\$25 million
Other	\$8 million

\* Staff refers to full time equivalent employee positions.

\*\* Client counts reflect the number of individual clients served both by the division and by major business lines throughout the year. Because of this, the divisional total is typically less than the sum of the business lines as clients may require service in more than one business line.

## PROGRAM AREAS

### CLIENT FINANCE AND ADMINISTRATIVE SERVICES

The PGT Client Finance and Administrative Services (CFAS) division provides a wide range of both corporate and client services.

The PGT is independent of government in client matters and accordingly requires its own corporate services which include budget planning, corporate accounting, information technology and facilities and administrative services.

Client services include collecting receivables, making disbursements, providing investment expertise and investigating, securing and administering physical assets.

#### Client Financial Services

Client Financial Services has ongoing responsibility for managing client receivables, disbursements, assets and liabilities.

#### Investment Services

Investing client assets is a core PGT responsibility and by statute, the PGT is required to act as a prudent investor. The PGT assesses client needs to determine investment goals and objectives to develop personalized investment plans for clients with more than \$50,000 in net financial assets.

#### Field Services

Field Services investigates, secures and maintains client physical assets, including real and personal property.

### Information Technology Services

The PGT maintains information technology services independently from the provincial government to help ensure that client information is kept confidential. Information Technology Services implements enhancements to technology infrastructure to support client service.

### Corporate Financial Services

Corporate Financial Services provides budget planning, development and monitoring services as well as corporate payment processing for the PGT. Corporate Financial Services also supports Treasury Board submissions, assisting with proposals for new legislation and leading the organization in implementing corporate wide financial initiatives.

### Facilities and Administrative Services

Facilities and Administrative Services provides corporate facilities, mail, records and administrative services required by the PGT. In 2015–2016, the PGT mailroom logged nearly 35,000 incoming cheques.



## PROGRAM AREAS

### LEGAL SERVICES

PGT Legal Services are delivered by a complement of 13.5 staff lawyer positions distributed among program and corporate services and supplemented by outside counsel as required. The Deputy Public Guardian and Trustee is the Director of Legal Services.

Within their assigned areas of practice, the staff lawyers provide advice to the PGT when acting on behalf of clients in a representative capacity. In this role, they may appear at mediations or in civil proceedings on behalf of PGT clients or may instruct outside counsel acting on behalf of clients in a variety of civil matters.

Staff lawyers also carry out certain statutory obligations of the PGT, such as reviewing applications for appointment of private committees, settlements of claims for unliquidated damages on behalf of minors, proposed transactions affecting the property interests of minors and legal notices where the interests of minors or incapable adults may be affected. In some circumstances, staff lawyers provide written comments to the court regarding issues concerning the interests of minors or incapable adults in civil proceedings.

At March 31, 2016, PGT staff lawyers were providing legal advice and services to clients that involved acting on over 3,200 different legal issues.

Other in house counsel carry out a variety of duties to support PGT statutory obligations, including providing legal oversight of PGT involvement in advancing client interests in class proceedings, managing the overall

provision of legal services to PGT clients by outside counsel and coordinating compliance with access to information and privacy legislation. In 2015–2016, the PGT responded to 38 requests for information and seven court orders for production of records.

In 2015–2016, the PGT investigated clients' eligibility for settlement payments in 15 class actions and filed claims where appropriate. The PGT continues to monitor 15 class actions and/or potential class actions on behalf of clients.

The Deputy Public Guardian and Trustee and staff lawyers contribute regularly as speakers and writers for a variety of organizations with respect to the law that impacts PGT clients. They also participate in government law reform initiatives relevant to the PGT mandate.

In 2015–2016, the PGT completed a comprehensive review of the PGT operational records classification system to update records retention periods based on previous changes to the *Limitation Act*. The PGT also reviewed operational records management policies and procedures.

The PGT continued to work closely with the Ministry of Public Safety and Solicitor General to coordinate payment to children entitled to compensation from the Missing Women's Commission of Inquiry Compensation Fund.



## PROGRAM AREAS

### CORPORATE PROJECTS AND STRATEGIC OPERATIONS

The Corporate Projects and Strategic Operations division provides a range of organization wide services in support of PGT operations. These include statutory organizational performance planning and reporting, corporate project management, internal and external communications, strategic and business planning, policy development, management information, research and evaluation, human resource coordination and corporate training.

### PARTNERSHIPS AND OUTREACH

The PGT recognizes the importance of providing public information and education about the PGT and related services to facilitate cooperation with service partners and stakeholders, to inform the public about related issues and to mitigate the growth in demand for PGT services.

To this end, the PGT mandate includes providing public education and applying PGT special expertise to advocate for PGT clients at a systemic level as well as that of individual clients. The PGT Service Delivery Plan has a specific performance goal related to this work: the PGT will contribute to public awareness, policy development and law reform initiatives to promote the interests of PGT clients.

In 2015–2016, the PGT contributed its expertise through extensive partnership and outreach activities:

#### Formal Committees

- Member, Children's Forum, an information sharing forum for senior officials with an interest in child protection and related services;
- Member, National Association of Public Trustees and Guardians, an association of Canadian provincial/territorial Public Trustees, Public Guardians and equivalents, committed to excellence in public trusteeship and guardianship and focused on advocacy, policy reform, awareness and shared best practices in the interests of clients;
- Member, Estate Planning Council of Vancouver, an association of estate planning professionals who meet to share ideas and work experiences related to various areas of estate planning;
- Member, National Guardianship Association, a USA organization dedicated to advancing the standard of excellence in guardianship;
- Member, Youth Futures Education Fund Committee, which supports youth who were in government care and are pursuing a post secondary education;
- Host, BC Adult Abuse/Neglect Prevention Collaborative, a province wide community/government group working towards continuous improvement in the BC response to adult abuse, neglect and self neglect;
- Cochair, Indigenous Financial Literacy Committee (formerly the First Nations Financial Literacy Committee), a partnership including First Nations, the federal government, Aboriginal and private sector organizations

## PROGRAM AREAS

committed to sharing knowledge, materials and training to improve financial literacy for indigenous children, youth, adults, families and elders in BC;

- Facilitator, Adult Guardianship Provincial Advisory Committee, including representatives of Health Authorities and CLBC to coordinate adult protection efforts on a provincial level;
- Member, Council to Reduce Elder Abuse, established to facilitate implementing the provincial government plan – “Together to Reduce Elder Abuse – BC’s Strategy”;
- Member, Steering Committee for the provincial Services to Adults with Developmental Disabilities initiative;
- Member, Call for Less Antipsychotics in Residential Care (CLeAR), an initiative facilitated by the BC Patient Safety & Quality Council, to reduce the inappropriate use of antipsychotic medications in BC residential care facilities;
- Member, Advisory Committee for the Canadian Network for the Prevention of Elder Abuse “Knowledge Sharing Project” to create a national, interactive, best practices hub for addressing abuse of older adults;
- Member, Partnership Meeting with Indigenous and Northern Affairs Canada, MCFD and DAAs regarding services to Aboriginal children in care;
- Member, Advisory Committee for the BC Campus Project, Elder Abuse Reduction Education Project, a project designed to develop an online education resource for post secondary students; and

- Partner, BC Child and Youth in Care Week; a joint partnership between the PGT, MCFD, the Federation of BC Youth in Care Networks, Adoptive Families Association, Federation of Aboriginal Foster Parents, BC Federation of Foster Parents Associations and the BC Association of Aboriginal Friendship Centres to highlight the accomplishments and talents of children and youth in government care.

### Major Consultations

- Participated in law reform initiatives including:
  - Consultation on the proposed *Uniform Trustee Act*;
  - Consultation with the Ministry of Health on potential implementation of *Health Care (Consent) and Care Facility (Admission) Act* legislation;
  - Consultation to consider potential implementation of Part 2 of the *Adult Guardianship Act* related to court ordered guardianship; and
  - Consultation on the Uniform Law Conference of Canada Project on Access to Digital Assets by Fiduciaries and on Elder Financial Abuse and Powers of Attorney.
- Consultation with the Civil Resolution Tribunal about concerns regarding oversight of the legal interests of minors and incapable adults involved in matters before the Civil Resolution Tribunal;
- Engaged with ICBC representatives to discuss matters of mutual interest concerning the settlement of motor vehicle related claims for children and youth;

## PROGRAM AREAS

- Partnered with the Vancouver Foundation to serve property guardian children and youth clients by securing funding from Endowment 150 funds and associated federal grant monies to be placed in RDSPs;
- Continued to liaise with CLBC on a range of projects relating to incapable adults including information sharing and related data matching;
- Engaged with MCFD and CLBC in early transition planning to develop supports for children in care with special needs nearing adulthood so their RDSPs can be transferred to them or their legal representatives;
- Continued discussions with representatives of national and provincial financial institutions on addressing issues related to financial abuse of vulnerable persons; and
- Participated in the UBC Centre for Inclusion and Citizenship's policy forum on supported decision making.

### Educational Outreach

- Made a presentation at the NStQ (Northern Shuswap) Treaty Meeting;
- Participated in the Building Support Networks Project, an initiative to work with youth in care and adults formerly in care for whom the PGT holds an RDSP;
- Contributed to professional development programs and conferences sponsored by:
  - The Canadian Bar Association;
  - Continuing Legal Education Society;

- Canadian Centre for Elder Law; and
- Trial Lawyers of British Columbia.
- Reviewed and contributed to updating *A Guide to the Certificate of Incapability Process under the Adult Guardianship Act*;
- Provided training regarding the role of the PGT, transition planning and financial literacy to the annual MCFD Guardianship Forum gathering of social workers;
- Regularly attended and participated in youth engagement activities at the Broadway Youth Resource Centre (BYRC);
- Provided quarterly training on the role of the PGT to new social workers through the Indigenous Perspectives Society (formerly Caring for First Nations Children Society);
- Facilitated a broad range of financial literacy workshops for youth including those served by the Vancouver Aboriginal Child & Family Services Society, participated in the MCFD/YWCA Strive Program and provided workshops to the Cedar Walk program offered by the Urban Native Youth Association and the Vancouver School Board;
- Made quarterly submissions to the *Power Pages* magazine issued by the Federation of BC Youth in Care Networks; and
- Participated in National Aboriginal Day activities in Vancouver and the provincial Gathering Our Voices Aboriginal Youth Conference.

## PROGRAM AREAS

### PGT Summary Indicators

Total staff*	261 positions
Total clients**	26,749
Total value of assets under administration (at March 31, 2016)	\$897 million
Investments and securities	\$739 million
Real property	\$140 million
Other	\$19 million

#### Business Indicators

Client funds invested	\$739 million
Client bills paid	\$170 million
Client receipts processed	\$187 million

#### Other Indicators

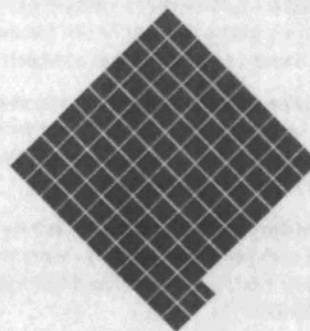
Clients with trust accounts	13,305
Real properties sold	138
Income tax filings	5,707

\*Staff refers to full time equivalent employee positions.

\*\*Client counts reflect the number of individual clients served both by individual divisions and by major business lines throughout the year. Because of this, the PGT total is typically less than the sum of the divisional totals as clients may require service in more than one division.

261

Total staff positions



26,749

Total clients\*\*

\$897 million\*\*\*

\*\*\*Total value of assets  
under administration

(at March 31, 2016)

## INVESTMENTS

The PGT has three pooled investment funds for clients – the Premium Money Market Fund, the Balanced Income Fund and the Balanced Growth Fund.

The **Premium Money Market Fund** is intended to preserve capital for risk averse clients and provide liquidity and an improved rate of return for short term investments. (Fund size \$449 million at March 31, 2016).

The **Balanced Income Fund** is aimed at generating income with some growth. It is used most frequently by adult clients with medium term investment time horizons. (Fund size \$37 million at March 31, 2016).

The **Balanced Growth Fund** is aimed at long term capital growth. It is used most frequently by clients with longer investment time horizons. (Fund size \$103 million at March 31, 2016).

The PGT invests client funds in the pooled funds and other investment alternatives and may also rely on the services of brokerages. Although the PGT generally invests client funds in its three pooled funds, the choice of alternatives is determined by client goals and objectives set out in investment plans which are monitored on a regular basis according to portfolio risk.

The following table provides comparisons of rates of return for PGT pooled funds and standard alternatives as of March 31, 2016.

PGT Pooled Funds	Comparisons*
<b>Premium Money Market Fund</b> 1.21% (1 year)	91 day Government of Canada Treasury Bill: 0.46% 3 year Guaranteed Investment Certificate: 1.82% Chequing account interest: 0.0%
<b>Balanced Income Fund</b> 6.82% (5 years annualized)	Standard industry portfolio benchmark: 6.42% (5 years annualized)
<b>Balanced Growth Fund</b> 8.04% (5 years annualized)	Standard industry portfolio benchmark: 7.62% (5 years annualized)

\*Sources: Premium Money Market Fund – BC Investment Management Corporation; GOC Treasury Bill – RBC Investor and Treasury Services; GIC – CIBC Wood Gundy; Chequing account – CIBC Wood Gundy; Balanced Income Fund and Balanced Growth Fund – RBC Investor and Treasury Services.

## SOCIETAL TRENDS AND OTHER FACTORS

A number of social trends, risk factors and internal issues affect the work of the PGT. These include the following.

### A. Evolving Services for Changing Needs

The PGT currently operates in a traditional paper based environment supported by legacy information technology systems. This environment results in significant gaps between legitimate client and stakeholder service expectations and the ability of the PGT to fully meet those expectations. PGT operations will be more effective and efficient when outdated information technology solutions are modernized and related business processes are transformed. The PGT consulted with clients, stakeholders and staff to develop a strategic plan to guide these improvements. Clients and stakeholders are seeking clear and effective communication about the role and services of the PGT. They also expect that PGT services will be supported by modern technology and delivered in a manner that is flexible and suited to their particular needs. The PGT's strategic plan includes initiatives to modernize technology, streamline business processes, improve client and stakeholder communication and enhance staff training. Implementing the PGT strategic plan will chart the way forward to a new operating model that will better serve client needs.

Replacing the PGT financial information system with a modern trust accounting system remains the priority initiative on the PGT strategic plan. The PGT continues to work closely with the BC Chief Information Officer and the Ministry of Justice to obtain a new trust accounting

system. In 2015-2016, after undertaking a competitive process to identify a suitable technology partner, the PGT entered into a contract with a vendor to develop the system. Existing processes and technologies were reviewed to ensure the PGT would be able to maximize benefits associated with implementing a new trust accounting system. The PGT continues to model best practice methodology with respect to systems transformation by using a phased approach. The first phase of the PGT's systems modernization is expected to be completed by May 2017.

While replacement of the trust accounting system is the highest priority, the PGT also has a critical need for a document management system because its role as legal representative for its clients requires management and retention of a significant volume of legal and financial client records over service periods that can last for decades. A document management system would mitigate risk and ensure efficient access to critical client information. In 2015-2016, the PGT created a business case supporting its request for government funding to acquire a document management system.

### B. Advocating for Law Reform

In 2015-2016, the PGT made a submission to the Attorney General and Minister of Justice concerning the review and potential implementation of the unproclaimed provisions of the *Adult Guardianship and Planning*

## SOCIETAL TRENDS AND OTHER FACTORS

*Statutes Amendment Act, 2007.* This legislation includes provisions relating to the court process for the appointment of adult guardians as well as provisions defining the powers and duties of adult guardians however appointed. If brought into force, this legislation will complete the phased approach to modernizing adult guardianship law in BC. Implementing the legislation will create new statutory duties for the PGT, placing an incremental resourcing pressure which must be resolved before the legislation is brought into force.

The PGT also participated in a variety of law reform initiatives related to protecting PGT client interests, including participating in a consultation on the proposed *Uniform Trustee Act* and a consultation with the Ministry of Health on the potential to bring into force legislative provisions related to care facility admission included in the *Health Care (Consent) and Care Facility (Admission) Act*. If implemented, this legislation will create a legal consent scheme for admission of adults into care facilities. Under this law, the PGT will have a new role in authorizing temporary substitute decision makers to consent to admission or to make decisions regarding admission to care facilities on behalf of incapable adults who have no legal representatives. Appropriate resourcing will have to be provided to enable the PGT to perform these new duties.

The PGT also continued to advocate for the enactment of a modern statutory definition of public guardianship for children and youth so that the authority of the PGT as property guardian for children in continuing care is clearly defined and transparent.

### C. Enhancing Services to Meet Client Needs

An aging population continues to create demand for PGT services. However, not all vulnerable adults who could benefit from assistance from the PGT require the full services of a committee of estate. The PGT is exploring less intrusive options to provide assistance to adults who have modest estates but require some assistance in managing their financial affairs. Such options may include acting as pension trustee for adults to manage only pension income.

Apart from providing direct services to incapable adults, the PGT continues to work with partners to facilitate a community response to preventing and responding to reports of abuse and neglect of vulnerable adults. For example, the PGT is working with CLBC on a number of initiatives to support the autonomy of and enhance the protection for vulnerable adults with developmental disabilities.

Demand continues for PGT services supporting children and youth property guardian clients as they transition from provincial care to adulthood. As property guardian, the PGT protects the legal and financial interests of children and youth in the continuing care of the province, those undergoing adoption, children who have no legal guardian, and in some limited cases, children in temporary care. The PGT is coguardian with MCFD and DAAs, which are the personal guardians for these children and youth. Close cooperation between the property and personal guardians is essential to the provision of effective service. In BC, children in continuing care lose access to most child and youth government services on their 19th birthday. Public awareness is growing about how this lack of support at a critical stage of development places these young

## SOCIETAL TRENDS AND OTHER FACTORS

people at an even greater disadvantage compared to youth who continue to be supported by their families and social networks. BC government policy has been moving towards lessening this negative impact by increasing the supports available to youth leaving care, extending the advocacy mandate of the Representative for Children and Youth (RCY) to the age of 24 and improving the transition supports for youth leaving MCFD for services from CLBC. The PGT has similarly been developing its transition planning for youth leaving care to ensure that supports are in place for any continuing legal and financial matters a youth may have.

In conducting civil claims on behalf of property guardian clients, the PGT has recovered nearly \$10.4 million in judgments or settlements. The PGT has made extensive efforts to open RDSPs for its eligible property guardian clients, resulting in 635 plans with approximately \$6 million in RDSP assets open at March 31, 2016. The PGT work to secure financial benefits for children and youth in care has resulted in an increased number of PGT property guardian clients who have financial assets as they leave care. In these circumstances, the PGT considers the transition services it provides to these young people to be particularly critical to provide youth with the skills and support they will need to manage their assets independently. To address the need of some youth to have continuing assistance in managing their assets beyond the age of majority, the PGT has proposed amendments to the *Infants Act* that would allow the PGT to continue to act as trustee for capable property guardian clients after they reach the age of majority by agreement between the former property guardian client and the PGT.

The PGT believes that all of its young property guardian clients would benefit from financial literacy training prior to the age of majority and has developed and implemented a financial literacy training program. This includes developing a range of financial literacy materials and partnering with other agencies to produce key resources and deliver related training.

### D. Building Employee Engagement to Strengthen Client Service

The PGT delivers an extensive range of complex services to vulnerable British Columbians. Providing effective services to PGT clients in very challenging situations requires staff to perform difficult duties. The PGT recognizes that engaged employees with specialized expertise are critical to providing quality client service and delivering the PGT mandate. For this reason, the PGT has made engagement and empowerment of staff a strategic goal.

Issues related to attracting and retaining qualified staff are among the top risks that face the organization. Developing engaged employees will be responsive to this risk. During 2015-2016, the PGT continued to develop and implement action plans in response to staff comments in the provincial Work Environment Survey and continued with an ongoing commitment to a Lean culture in which staff identify and implement business process improvements. The PGT also enhanced its staff training program to ensure that consistent, relevant and ongoing training is available to support staff in delivering complex PGT services. Internal communications have also been enhanced to keep staff well informed about the strategic directions of the organization and to support staff engagement.

## CONTEXT FOR 2015–2016 PERFORMANCE RESULTS

### Development of PGT Goals, Objectives and Performance Measures

This document reports on PGT performance in year one of the 2015–2018 Service Delivery Plan (SDP) which was approved by the Attorney General and Minister of Justice. While the 2015–2018 SDP was not formally approved by Treasury Board, the 2015–2016 budget was funded as set out in the plan. Goals, objectives and performance

measures were implemented during 2015–2016 as presented in the SDP and are reported upon in this report. The PGT formally revisited its strategic goals during 2015–2016 and will report against those in the 2016–2017 Performance Report. The goals were refreshed to allow for broader reporting on the services offered by the PGT in addition to allowing for a more general description of activities.

### Goals

The 2015–2018 SDP sets out the following five goals.

- 1 Property and financial interests of PGT clients will be well managed.
- 2 Personal interests of PGT clients will be protected.
- 3 Statutory protective and monitoring services will be delivered in an appropriate, timely and fair manner.

- 4 The PGT will contribute to public awareness, policy development and law reform initiatives to promote the interests of PGT clients.
- 5 The PGT will deliver high quality client centred services.

The PGT is a client centred organization that seeks to improve the lives of its clients by providing protective and fiduciary services to them. Clients experience rights, choices and security through protection of their legal, financial, personal and health care interests. PGT goals reflect specific areas in which the PGT can act to improve the quality of clients' lives.

## CONTEXT FOR 2015–2016 PERFORMANCE RESULTS

The PGT approach to developing its goals focuses on outcomes required to fulfill its mandate. These are the wellbeing of PGT clients, prudent management of client affairs, operational efficiency and staff effectiveness. Each of the five goals is related to one or more of these outcomes.

Goals 1, 2 and 3 deal directly with work the PGT undertakes on behalf of clients. Goals 4 and 5 concern both clients and organizational effectiveness.

As a fiduciary, a significant proportion of PGT activity involves property and financial management. The 2015–2016 PGT Performance Measurement Framework linking the goals, objectives and measures (pages 44–46) demonstrates that Goal 1 has the greatest number of associated objectives and touches almost every area of the organization and its activities.

### Objectives

Objectives identified in the SDP serve several functions. They interpret and make visible the meanings of the goals as they relate to specific aspects of PGT work, identify key areas of performance and point to certain desired results in achieving the goals.

The performance measures reflect PGT best efforts to identify aspects of its performance that are most directly related to achieving stated goals and are capable of being measured and validated to an audit standard. Selecting objectives and performance measures is particularly challenging because in most instances the PGT contribution to client outcomes is difficult to isolate.

### Performance Measures

The PGT selects goals, objectives, performance measures and targets in accordance with underlying assumptions from its corporate values. PGT clients are often particularly vulnerable and the PGT contributes to their wellbeing through activities that are significant to clients, their family, friends, caregivers or intestate successors. Factors such as accessibility, timeliness, accuracy and empowerment are important to client wellbeing. Other factors include the need for client, service partner, stakeholder and public confidence in PGT expertise.

Many targets are driven by external considerations such as meeting legal requirements (fiduciary obligations), benchmarking against private sector standards (investment returns), responding to safety issues (investigations of high risk situations) or may reflect a balance between determining the acceptable level of performance in a specific period with consideration for resources and constraints. In addition, the PGT must be able to substantiate its reported performance results to an audit standard.

Due to the planning and reporting cycle, targets for the first year of the plan reflect the PGT assessment of appropriate and attainable service levels based on its best judgment at the time the targets were established. Results are continually assessed to determine if measures should be continued, targets should be adjusted or if resources could be reassigned to other service areas. Performance measures and related current and future year targets appear in this report as they were approved in the 2015–2018 PGT Service Delivery Plan.



## CONTEXT FOR 2015–2016 PERFORMANCE RESULTS

The PGT is mindful of its statutory obligation to report on all program areas. This 2015–2016 performance report includes 20 performance measures, one less than the previous year. A measure regarding legal service was discontinued as performance in that service area was already being accounted for under other measures.

In 2015–2016, the target remained the same for all measures.

The PGT makes it a priority to meet its performance targets and monitors performance during the year. When targets are at risk, available resources are allocated in year to the program area.

The performance measures are set out in the 2015–2018 PGT Performance Measurement Framework (pages 44–46).

## ROLE OF THE PGT MANDATE, VISION AND VALUES

The PGT mandate, vision and values are reflected in all aspects of its service delivery. They are expressed in the philosophy that PGT staff apply to their work such as helping ensure that adult clients participate in decision making about their lives to the greatest extent possible and are supported in formal policies and structure.

Much of the PGT mandate is to serve clients who do not have family or friends able to assist them. The PGT also has a statutory role to fulfill with respect to other clients. In other instances, PGT clients have chosen to seek service from the PGT.

PGT activities have a cumulative and contributory impact on improving the quality of life for clients according to the specific client group and nature of the activity. Children and youth benefit when the PGT acts to maximize their funds held in trust while still allowing appropriate disbursements. Child and youth property guardianship clients benefit when the PGT initiates legal actions on their behalf when they have suffered harm or injury. Intestate successors and beneficiaries of estates of deceased persons that are administered by the PGT benefit when they receive their share of the estate upon distribution.

Adult clients benefit when the PGT makes substitute decisions for clients who cannot manage their affairs independently and encourages client participation in decisions to the extent possible. Adult clients benefit from substitute health care decisions when the PGT arranges for legal consent to treatment on behalf of a client.

In addition to its direct impact on clients, the PGT contributes to the ability of the social services, health, legal and court systems to meet their objectives by providing timely substitute decision making, facilitating care, providing experienced objective legal reviews and taking protective measures on behalf of clients.

### RISK MANAGEMENT

The PGT acts in a broad range of fiduciary, statutory and court ordered roles and maintains an extensive internal control environment to respond to the legal, financial and other associated risks. Under its Enterprise Risk Management Framework, the PGT regularly reviews and updates risks, potential impacts and mitigation strategies to help ensure they remain current and appropriate.

Strategies are implemented to manage and mitigate the potential for risks to impact the organization. These include planning and implementing internal controls and other risk management activities determined to be appropriate based on the assessed level of risk, due consideration to resource constraints and risk tolerance levels commensurate with the PGT duty as a fiduciary.

## ROLE OF THE PGT MANDATE, VISION AND VALUES

The PGT Executive Committee reviewed and updated the PGT risk management framework in November 2015. While major themes remain largely consistent with those of previous years, this year there was a significant change to the major risk to the organization. Previously, the biggest risk to the organization was the outdated trust accounting system (COMET). The PGT received capital funding to replace the system and work in that regard is underway with implementation of the new trust accounting system scheduled for May 2017. In the circumstances, the risk rating has been reduced. The major risk the organization now faces is records management. The PGT will continue developing an information technology plan and other strategies to manage this risk. PGT risk factors fall into the following three broad categories:

*Legislative framework* reflecting the impact of changes in government policy, legislation and regulation which could significantly impact service delivery requirements, availability of resources and the PGT revenue and cost model.

*Demand side factors* reflecting the impact of increasing demands and complexity without additional funding such as legislative reform and changes in client expectations, awareness of PGT services and demographics that will significantly impact the demand for services from the PGT.

*Supply side factors* reflecting the impact of significant resource limitations to meet current strategic and operational objectives such as the impacts of legislative reform and increasing demand for services from the PGT.

The following summarizes the most significant specific risks facing the PGT as identified and assessed through the Enterprise Risk Management process in November 2015 and outlines some of the major mitigation strategies. This summary of specific key risks does not describe all potential risks facing the PGT nor all of the related controls and mitigation strategies.

### Records Management

Reliable access to current and past client information is necessary to carry out PGT duties and could be at risk from ineffective document management and retention governance.

The PGT strives to mitigate this risk through staff training based on clearly documented policies and procedures. The PGT is seeking provincial funding to implement a document management system in the near future as an integrated part of its information technology infrastructure. Operational records schedules were updated in 2015-2016 and are awaiting formal approval by government.

## ROLE OF THE PGT MANDATE, VISION AND VALUES

### Sufficiency of Human Resources

The PGT requires specialized skills to perform its duties and would be at risk without adequate staffing and/or staff with appropriate skills and experience. This could occur due to attraction and recruitment limitations and/or the departure of experienced staff. Constraints imposed by the provincial government also impact the ability of the PGT to maintain sufficient staffing levels.

The PGT strives to mitigate this risk through an ongoing commitment to improving employee engagement, leveraging staff expertise by improving business processes and initiating a wide range of other human resources initiatives.

### Training

The PGT would be at risk if its employees were not sufficiently trained to adequately perform their duties. This could occur because of the need to implement new legislation which impacts PGT services and roles or because of inconsistent core training programs coupled with staff turnover.

The PGT strives to mitigate this risk by implementing a comprehensive training framework that includes a corporate training committee, a learning management system and both in person and eLearning courses that address core training requirements.

### Funding Sufficiency

The PGT would be at risk if provincial administrative controls limited its spending authority so that it was unable to expend its revenue in providing services to clients. The PGT obtains the majority of its funding for expenses through client fees. Unspent revenue at year end is retained in a statutory special account that is not accessible for client service. The PGT strives to mitigate this risk through accurate budgeting and by seeking relief from limits on its spending authority by clarifying its fiduciary role and the nature of its self-funding model.

### External Understanding of PGT Mandate, Role and Responsibilities

There is a risk that the public, service partners and stakeholders may not fully understand or accept PGT roles and responsibilities.

The PGT strives to mitigate this risk through public information materials and public education activities.

## ROLE OF THE PGT MANDATE, VISION AND VALUES

### Information Technology Impacting Service Delivery

Adequate, reliable information technology infrastructure and systems are essential to meet PGT business needs. This is currently at significant risk due to an obsolete financial system that does not meet modern trust accounting standards and for which qualified technical staff are no longer routinely available.

The PGT strives to mitigate this risk to client assets by moving aggressively to replace obsolete systems. In 2015-2016, the PGT selected a new trust accounting solution and is moving forward with implementing the new system which is targeted to become operational in 2017-2018, subject to successful testing and implementation.

### Privacy and Freedom of Information

The PGT would be at risk if it were unable to adequately protect client privacy or assure service partners that it is a reliable information sharing partner.

The PGT strives to mitigate this risk by applying an information management framework that guides its management of privacy and access issues. This includes privacy impact assessments and information sharing agreements as well as continued effort to strengthen PGT records management activities.

### Compliance with PGT Policies and Procedures

There would be a risk if employees were not following PGT policies and procedures.

The PGT seeks to mitigate this risk by providing training on policies and ensuring procedures are updated regularly.

### Priority Setting and Capacity Planning

The PGT has extensive duties in several program areas and has limited organizational capacity to plan and/or implement new or changing priorities. These may include the need to implement new legislation and other externally determined initiatives and timelines. The PGT would be at risk if it were unable to respond appropriately.

The PGT strives to mitigate this risk through a project management office that coordinates planning and project activity within both organizational capacity and overall PGT strategic priorities.



## 2015–2016 PERFORMANCE RESULTS

In 2015–2016, the PGT met or exceeded its targets for all 20 (100%) of the performance measures on which it is reporting. Specific performance details related to each measure are provided in the following performance details section. The Performance Measurement Framework appears on pages 44–46.

### Source Data

Data for this performance report has been drawn primarily from internal information management systems. The primary systems are COMET (financial), CASE (case management) and FSS (field services). Financial data is derived largely from the audited financial statements and is rounded.

The PGT maintains clear documentation of the process for collecting and reporting on data supporting its performance results to help ensure consistency and reliability in reported results. Unless otherwise stated, results for specific performance measures are comparable with previous years. The PGT applies a broad range of quality assurance processes and reviews its performance on a quarterly basis. In reporting on performance results, the PGT usually rounds to the nearest whole number.

Unless otherwise specified, client counts reflect varying program workloads as measured by the number of individual clients served throughout the fiscal year. In some instances, the counts will reflect the number of individual clients served and in others, the counts will reflect the number of specific legal authorities under which clients were served with consideration for the fact that one client may be served under multiple authorities.

For the past several years, the PGT has been enhancing its capacity to draw performance reporting results from its information technology systems. Most reports on individual performance measures are now drawn from PGT systems and work continues to make this comprehensive.

In accordance with the *Public Guardian and Trustee Act*, this PGT annual performance report is subject to an independent audit to provide third party assurance on the reported results. Financial statements for the PGT Operating Account and Estates and Trusts Administered are also subject to an annual independent audit to provide third party assurance.

### Comparative Information

The PGT is a unique organization largely without private sector comparators and with limited comparability to public bodies in BC and other jurisdictions. Because of its responsibilities, mix of services and unique legal status, PGT access to generally accepted service standards is limited. Public guardian and public trustee agencies in other provinces and territories each have some responsibilities and services or elements of them in common with the PGT but none have the same authorities.

For 2015–2016, the PGT is able to make comparisons from its own performance using information reported in its previous annual reports. While some measures have been changed, eliminated or newly introduced over time, the available comparative data has become more substantial each year and has been used in several instances for changing measures and/or modifying performance targets.

## 2015-2016 PGT PERFORMANCE MEASUREMENT FRAMEWORK

### GOAL 1

#### GOAL 1 Property and financial interests of PGT clients will be well managed

Objectives	Performance Measures
1.1 Disbursements from children's trusts will be made in a timely manner	1.1.1 Percentage of disbursements from children's trusts that are completed within 15 calendar days of request by the guardian or client
1.2 Legal, financial and property interests and assets of clients will be identified, secured and managed in a timely and prudent manner	1.2.1 Percentage of critical incident reports in respect of children in continuing care that are reviewed and have action initiated by the PGT within 45 calendar days of receipt 1.2.2 Percentage of personalized case plans (covering property, effects, legal issues and living arrangements) that are developed and implemented for new adult clients within six months of PGT appointment as committee of estate 1.2.3 Percentage of adult client trust receipts processed within five business days 1.2.4 Percentage of adult client disbursements processed within 15 business days
1.3 Assets of client estates will be identified, secured and administered in a timely manner	1.3.1 Physical assets of new deceased estates secured within 15 calendar days of notification of death 1.3.2 Assets will be entered into the trust accounting system within five business days of receipt of the work order
1.4 Estate distributions will be made to intestate successors and beneficiaries	1.4.1 Percentage of deceased estate funds that are distributed to intestate successors and beneficiaries rather than transferred to the BC Unclaimed Property Society
1.5 Client investments will be handled prudently	1.5.1 Investment returns for all three pooled funds match or exceed established benchmarks 1.5.2 Percentage of investment plans subject to review that are completed within the year

## 2015–2016 PGT PERFORMANCE MEASUREMENT FRAMEWORK

### GOAL 2 Personal interests of PGT clients will be protected

Objectives	Performance Measures
2.1 The personal needs of child and youth clients will be protected	2.1.1 For children and youth where ongoing assistance with day to day maintenance has been approved, personalized expenditure plans will be developed and implemented within 20 calendar days of receiving all decision making information and then annually reviewed
2.2 The personal interests and health care needs of adult clients will be addressed	2.2.1 Percentage of committee of person adult clients who are annually visited by PGT staff 2.2.2 Percentage of major health care substitute decisions for adults made within three business days of all relevant information being received

### GOAL 2

### GOAL 3 Statutory protective and monitoring services will be delivered in an appropriate, timely and fair manner

Objectives	Performance Measures
3.1 Settlement reviews of legal claims of children and youth will be carried out in a timely manner	3.1.1 Percentage of proposed minors' settlements \$5,000 and over that are reviewed and the parties advised of the PGT position within 60 calendar days once all relevant information has been received 3.1.2 For minors' settlements under \$5,000, the average number of calendar days to review and advise of the PGT position regarding proposed settlements once all relevant information has been received
3.2 The PGT will act to protect the assets of adults at risk for abuse, neglect and self neglect	3.2.1 Percentage of cases where, on confirming that the assets of an apparently abused or neglected adult unable to seek support and assistance are at significant risk and in need of immediate protection, protective steps are taken within one business day under section 19 of the <i>Public Guardian and Trustee Act</i> 3.2.2 Private committee accounts reviewed within six months of receipt

### GOAL 3

## 2015–2016 PGT PERFORMANCE MEASUREMENT FRAMEWORK

### GOAL 4

**GOAL 4** The PGT will contribute to public awareness, policy development and law reform initiatives to promote the interests of PGT clients

Objectives	Performance Measures
4.1 The PGT will make relevant, useful and affordable recommendations to government for law reform affecting clients	4.1.1 Make a submission to the Attorney General and Minister of Justice with recommendations for review and potential implementation of the outstanding provisions of the <i>Adult Guardianship and Planning Statutes Amendment Act, 2007</i>
4.2 The PGT will promote an understanding of its role among clients, service partners, stakeholders and the public	4.2.1 PGT role explained by PGT representatives at stakeholder and service partner conferences, events and other public education forums

### GOAL 5

**GOAL 5** The PGT will deliver high quality client centred services

Objectives	Performance Measures
5.1 The PGT will meet client expectations for quality, equitable and accessible services	5.1.1 Percentage of intestate successors and beneficiaries responding to survey who rated administration services for deceased estates as good or very good

## REPORTS ON INDIVIDUAL PERFORMANCE MEASURES

### Property and financial interests of PGT clients will be well managed

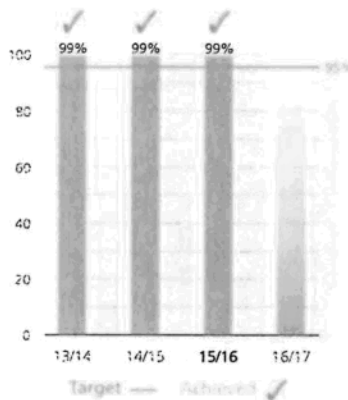
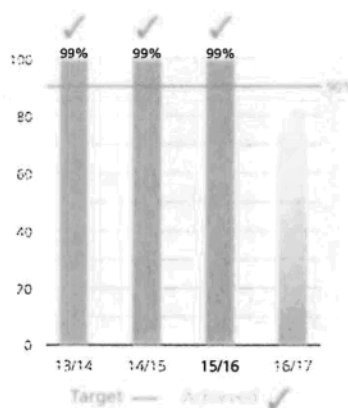
Administering trusts for which a child or youth is the beneficiary is a major responsibility of PGT Child and Youth Services. Unlike a bank account, funds held in trust are subject to a number of restrictions designed to protect the child. Guardianship and trust officers consider client requests to spend from the individual's trust fund and must determine whether the request falls within or outside of the trust restrictions while providing a timely response. This activity benefits children and youth by allowing appropriate disbursements in a timely manner while applying necessary constraints to satisfy fiduciary responsibilities to be prudent and to maximize funds for their future.

It is reasonable in most cases to expect a request to be decided within 15 calendar days. In 2015–2016, out of 2,913 decisions to issue funds, 2,896 (99%) were completed and a payment was issued within 15 calendar days of request by the guardian or client.

The PGT is coguardian with MCFD and DAAs for children in continuing care of the province. Designated officials of MCFD and the DAAs are personal guardians for children in continuing care and the PGT is property guardian. As property guardian, the PGT identifies financial entitlements or legal claims and brings forward appropriate legal action on behalf of the children and youth. This includes legal claims for damages such as personal injury arising from abuse, assault or motor vehicle accidents as well as for statutory benefits such as from the death of a parent.

The PGT receives automated reporting from MCFD and the DAAs of incidents involving children in continuing care and must review these reports to determine whether to commence civil legal proceedings on behalf of the child. This activity satisfies PGT legal obligations as fiduciary and improves the wellbeing of children and youth in continuing care of the province by protecting their legal rights and financial interests.

In 2015–2016, of 737 critical incident reports received directly from MCFD and DAAs, 734 (99%) were reviewed and action was initiated by the PGT within 45 calendar days of receipt of the report.



## GOAL 1

**Objective 1.1**  
Disbursements from children's trusts will be made in a timely manner

1.1.1 Percentage of disbursements from children's trusts that are completed within 15 calendar days of request by the guardian or client

**Objective 1.2**  
Legal, financial and property interests and assets of clients will be identified, secured and managed in a timely and prudent manner

1.2.1 Percentage of critical incident reports in respect of children in continuing care that are reviewed and have action initiated by the PGT within 45 calendar days of receipt

## GOAL 1

**Objective 1.2**  
Legal, financial and property interests and assets of clients will be identified, secured and managed in a timely and prudent manner

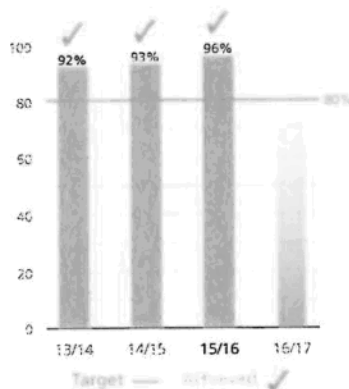
1.2.2 Percentage of personalized case plans (covering property, effects, legal issues and living arrangements) that are developed and implemented for new adult clients within six months of PGT appointment as committee of estate

1.2.3 Percentage of adult client trust receipts processed within five business days

48

## REPORTS ON INDIVIDUAL PERFORMANCE MEASURES

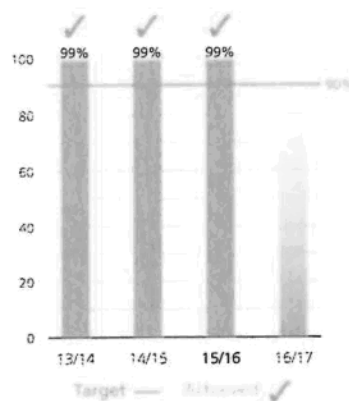
Property and financial interests of PGT clients will be well managed



The PGT may become committee of estate under the *Patients Property Act* for adults who are unable to manage their financial and legal affairs. Completion of a personalized case plan for a new committee of estate client demonstrates that the PGT has taken the steps necessary to identify and secure the client's property and financial interests and provides for their ongoing protection. Time taken to develop and implement the plan will vary according to complexity of the client's property and financial interests.

This activity improves quality of life for incapable adults by making arrangements that respect client wishes to the extent possible and by developing plans to maximize resources available for their care. For most new committee of estate clients, six months is a reasonable expectation in which to complete the plan as normally several months are required to collect all relevant information about the client.

During 2015–2016, 206 new clients required these plans and the PGT developed personalized case plans for 197 (96%) of them within the six month time frame.



The efficient management of client financial affairs is of paramount importance to the PGT. This includes the timely processing of income and receipts. By promptly depositing income and other funds into an adult client's trust fund, flexibility in managing a client's affairs increases as does the client's potential to earn investment income. This activity improves quality of life for incapable adults by maximizing resources available for their use.

This performance measure tracks trust receipts received by PGT adult clients. In 2015–2016, of the 23,356 receipts of income or capital, 23,259 (99%) were processed within the five day timeline.

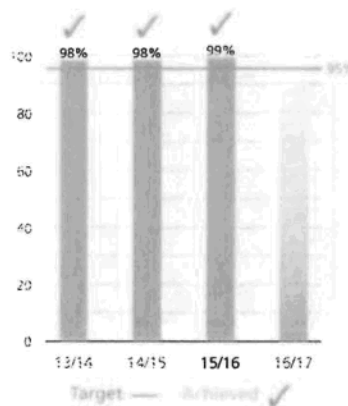
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## REPORTS ON INDIVIDUAL PERFORMANCE MEASURES

Property and financial interests of PGT clients will be well managed

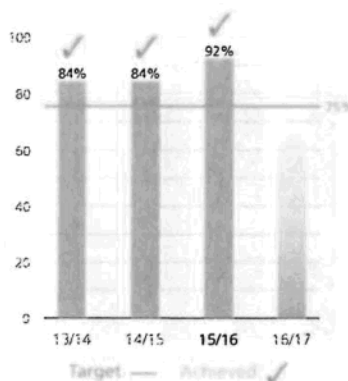
Ensuring that amounts owed by PGT clients are paid in a timely manner is an important aspect of managing the affairs of adult clients. This activity improves quality of life for incapable adults by ensuring timely bill payments on their behalf.

In 2015–2016, of 146,847 adult client disbursements, 144,788 (99%) were processed within 15 business days.



Securing the physical assets of a deceased person's estate is a critical step in reducing risk of damage and preventing loss to the value of the estate. The result for creditors and beneficiaries of the estate improves according to the speed with which physical assets are secured. This activity secures assets and maximizes funds available to estates of deceased persons.

In 2015–2016, the PGT was notified of 61 new deceased estates that required this service. Of these, the physical assets for 56 (92%) were secured within 15 calendar days.



## GOAL 1

**Objective 1.2**  
Legal, financial and property interests and assets of clients will be identified, secured and managed in a timely and prudent manner

1.2.4 Percentage of adult client disbursements processed within 15 business days

**Objective 1.3**  
Assets of client estates will be identified, secured and administered in a timely manner

1.3.1 Physical assets of new deceased estates secured within 15 calendar days of notification of death

## GOAL 1

**Objective 1.3**  
Assets of client estates will be identified, secured and administered in a timely manner

1.3.2 Assets will be entered into the trust accounting system within five business days of receipt of the work order

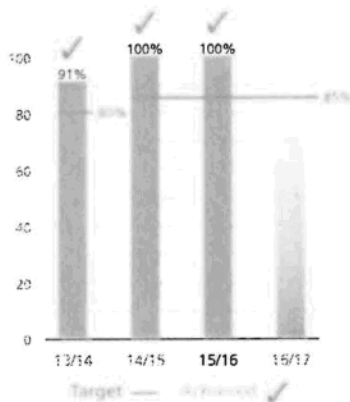
**Objective 1.4**  
Estate distributions will be made to intestate successors and beneficiaries

1.4.1 Percentage of deceased estate funds that are distributed to intestate successors and beneficiaries rather than transferred to the BC Unclaimed Property Society

50

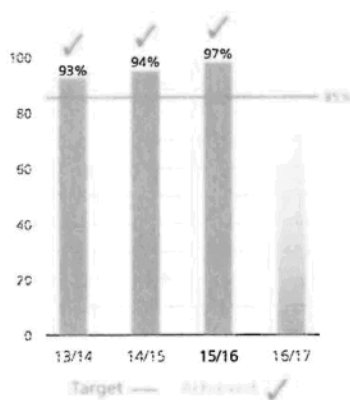
## REPORTS ON INDIVIDUAL PERFORMANCE MEASURES

Property and financial interests of PGT clients will be well managed



PGT Field Services secures client physical assets, taking custody of them and providing for their security. Timely recording of the assets in the PGT field services and trust accounting system are key elements in securing them.

In 2015–2016, of 627 client inventory reports, 627 (100%) were recorded within five business days.



The PGT administers estates for which the executor, intestate successor, beneficiary or other eligible person is not able or willing to do so. If the PGT is unable to determine the lawful intestate successors of an estate after conducting a search, the balance of the estate after payment of creditors, administrator fees and expenses, is transferred to the BC Unclaimed Property Society.

This activity helps ensure that succession laws and wishes of persons making wills are respected and that efforts are made to locate and distribute their entitlements to intestate successors and beneficiaries.

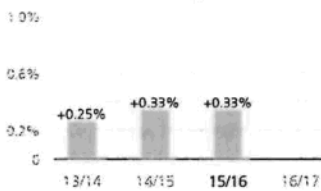
In 2015–2016, PGT Estate and Personal Trust Services distributed \$41,054,994.77 of which \$39,999,040.23 (97%) was transferred to intestate successors and beneficiaries.

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## REPORTS ON INDIVIDUAL PERFORMANCE MEASURES

Property and financial interests of PGT clients will be well managed

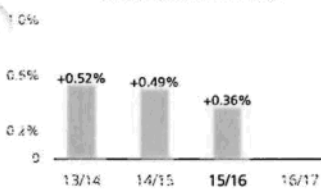
### Premium Money Market Fund



PGT client funds are invested to maximize returns in a manner appropriate to individual client circumstances. This measure is a means of comparing performance by investment managers retained by the PGT against established industry benchmarks. The PGT has three pooled common funds: the Premium Money Market Fund, the Balanced Income Fund, and the Balanced Growth Fund. The majority of client funds are held in the Premium Money Market Fund.

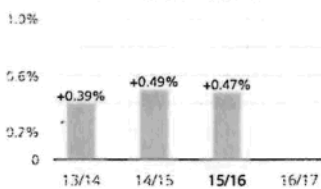
Investment returns are calculated using the investment industry standard of four year rolling averages with information on returns provided by third party professional measurement services. RBC Investor and Treasury Services measures the Balanced Income Fund and the Balanced Growth Fund and the BC Investment Management Corporation measures the Premium Money Market Fund.

### Balanced Income Fund



Professional investment management improves quality of life for clients by prudently managing their financial resources to ensure their resources are maximized to meet their needs. In 2015–2016, investment returns for all three pooled funds exceeded the established benchmarks. Details are recorded in the accompanying tables.

### Balanced Growth Fund

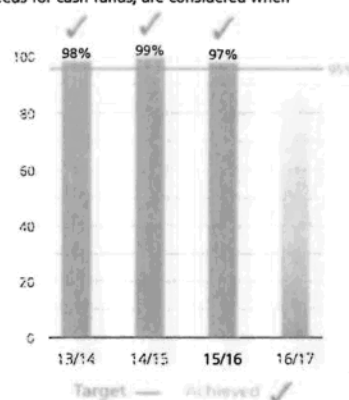


Target: Match or exceed established benchmarks

Achieved ✓

Individual client circumstances, such as increased or decreased needs for cash funds, are considered when developing and reviewing investment plans. Reviewing existing client investment plans is important because client needs and risk tolerance change over time. Frequency of reviews is also related to the asset mix in the client investment plan. The PGT reviews client investment plans on a rotating basis according to the assessed level of risk associated with the client investment portfolio.

This activity improves quality of life for clients by helping ensure that financial planning remains current to maximize resources available for their needs. At March 31, 2015, 1,093 client investment plans were scheduled for review during 2015–2016 and of those, 142 clients left PGT authority during the year. Of the remaining 951 clients, 927 (97%) of the scheduled account reviews were completed.



Target — Achieved ✓

## GOAL 1

Objective 1.5  
Client investments will be handled prudently

1.5.1 Investment returns for all three pooled funds match or exceed established benchmarks

1.5.2 Percentage of investment plans subject to review that are completed within the year

## GOAL 2

### Objective 2.1

The personal needs of child and youth clients will be protected

2.1.1 For children and youth where ongoing assistance with day to day maintenance has been approved, personalized expenditure plans will be developed and implemented within 20 calendar days of receiving all decision making information and then annually reviewed

### Objective 2.2

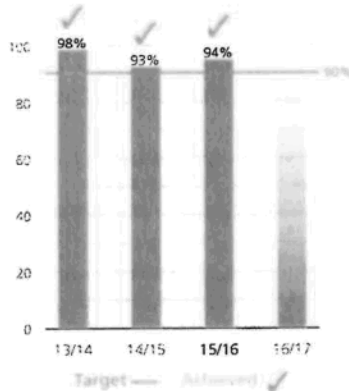
The personal interests and health care needs of adult clients will be addressed

2.2.1 Percentage of committee of person adult clients who are annually visited by PGT staff

52

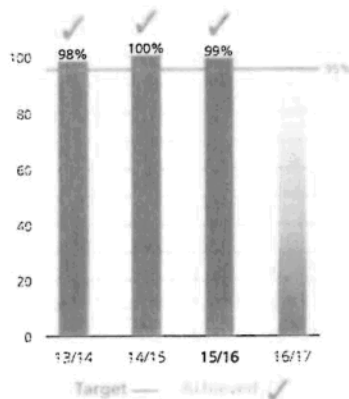
## REPORTS ON INDIVIDUAL PERFORMANCE MEASURES

### Personal interests of PGT clients will be protected



The PGT implements and maintains personalized case plans on behalf of child and youth clients where ongoing assistance with day to day maintenance has been approved. Maintenance includes a broad range of payments to the caregiver for day to day costs of the child's needs. This activity improves the quality of life for minors by providing timely decisions regarding sustainable management of their resources to meet current and future financial needs.

In 2015–2016, personalized case plans were developed and implemented or reviewed within the target timelines for 102 of 108 (94%) minor clients for whom ongoing maintenance has been approved.



There are a small number of adult clients for whom the PGT acts as a court appointed committee of person and is responsible for their personal care interests. The PGT attempts to visit these clients at least once every year. For the PGT, the visit is an opportunity to review the client's personal situation and assess whether changes are required to help ensure protection of their ongoing personal and health care interests. For the adult, the visit is an opportunity to convey information directly to the PGT without an intermediary such as a caregiver or care facility administrator.

This performance measure focuses on clients for whom the PGT has the greatest responsibility. Client visits improve quality of life for clients through direct contact with PGT staff and provide for their maximum empowerment. In 2015–2016, visits were made to 93 of 94 (99%) adult clients for whom the PGT acts as committee of person.

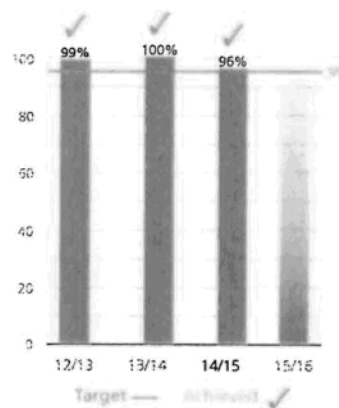
PUBLIC GUARDIAN AND TRUSTEE 2015–2016 ANNUAL REPORT

## REPORTS ON INDIVIDUAL PERFORMANCE MEASURES

### Personal interests of PGT clients will be protected

The PGT protects the personal interests of adults incapable of giving health care consent by making these decisions on their behalf as temporary substitute decision maker (TSDM) under the *Health Care (Consent) and Care Facility (Admission) Act*. The timeliness of PGT substitute health care decisions as TSDM is important to the wellbeing and rights protection of the individual for whom treatment has been proposed by a health care provider.

This performance measure focuses on the most serious decisions which are classified as "major" under the *Health Care (Consent) and Care Facility (Admission) Act*. Timeliness of decision making is important because it facilitates clients receiving health care in a timely manner if that treatment is consented to by the TSDM. In 2015–2016, of 81 major health care decisions, 78 (96%) were made within the three business day time frame.



## GOAL 2

**Objective 2.2**  
The personal interests and health care needs of adult clients will be addressed

2.2.2 Percentage of major health care substitute decisions for adults made within three business days of all relevant information being received

## GOAL 3

**Objective 3.1**  
Settlement reviews of legal claims of children and youth will be carried out in a timely manner

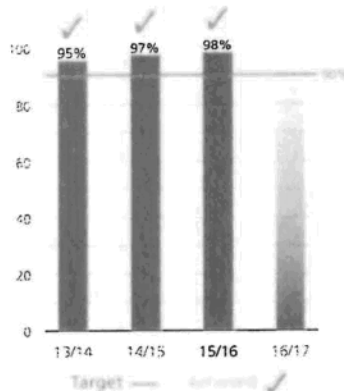
**3.1.1** Percentage of proposed minors' settlements \$5,000 and over that are reviewed and the parties advised of the PGT position within 60 calendar days once all relevant information has been received

**3.1.2** For minors' settlements under \$5,000, the average number of calendar days to review and advise of the PGT position regarding proposed settlements once all relevant information has been received

54

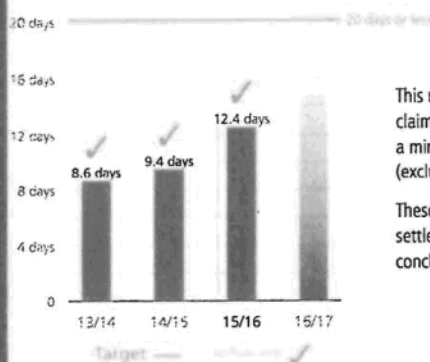
## REPORTS ON INDIVIDUAL PERFORMANCE MEASURES

Statutory protective and monitoring services will be delivered in an appropriate, timely and fair manner



Under the *Infants Act*, the PGT must review all proposals to settle a variety of claims on behalf of a minor for unliquidated damages such as personal injury arising from motor vehicle accidents, medical malpractice, wrongful death of a parent and other claims. The PGT has jurisdiction to approve infant settlements of \$50,000 or less (exclusive of interest and costs) outside the court process. The PGT also provides written comments to the court for amounts greater than \$50,000 or when the PGT has refused to approve a settlement for less than \$50,000 and the parties have chosen to proceed to court to seek approval.

This statutory service protects the property rights of minors in obtaining fair and reasonable compensation from negligent parties or their insurers. It also contributes to increasing the efficiency of the court system by providing experienced, objective reviews in a timely manner. Within this time frame, the PGT works as quickly as possible as PGT review is usually the final step in what may already have been a very long process for the child and parent or guardian. In 2015–2016, in 383 of 392 cases (98%), the PGT reviewed the proposed settlements and advised the parties of the PGT position within 60 calendar days of all relevant information being received.



This measure is related to the previous measure (3.1.1) and focuses on proposed settlements of minors' claims for unliquidated damages under \$5,000. The PGT must review all proposals to settle a claim by a minor for unliquidated damages and has jurisdiction to approve infant settlements of \$50,000 or less (exclusive of interest and costs) outside the court process.

These smaller settlements are reported separately because they are usually less complex than larger settlements and it is possible for them to be reviewed more quickly. In 2015–2016, the PGT reviewed and concluded 83 proposed settlements under \$5,000 in an average of 12.4 elapsed days per settlement.

## REPORTS ON INDIVIDUAL PERFORMANCE MEASURES

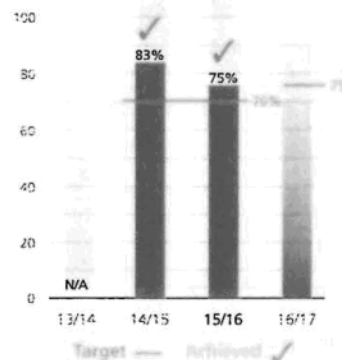
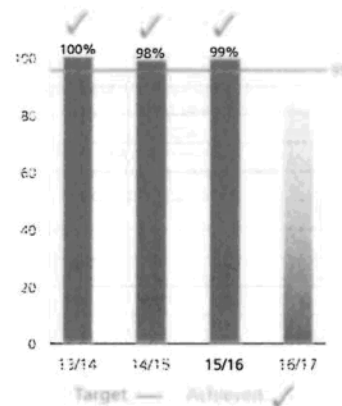
### Statutory protective and monitoring services will be delivered in an appropriate, timely and fair manner

The PGT is mandated under the *Public Guardian and Trustee Act* to protect incapable adults at risk for abuse, neglect and self neglect. One way it does this is to safeguard their assets so that persons seeking to take financial advantage of the adults will be unable to do so. Under section 19, the PGT orders financial institutions and others to restrict access to the assets of an individual while the PGT investigates the situation.

The speed of PGT action can be a major determinant of whether client assets are protected. Taking protective measures in a timely manner increases safety for abused, neglected and self neglecting incapable adults. In 2015–2016, the PGT took protective measures in 167 cases. In 165 (99%) of these, protective measures were taken within one working day.

The court may order that a family member or other person may become committee of a mentally incapable adult. The PGT reviews their accounts according to a defined schedule to ensure the committee is applying the adult's funds appropriately. This performance measure will increase in 2016–2017.

In 2015–2016, of 537 accounts submitted for review to the PGT, 405 (75%) were reviewed within six months of receipt.



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## GOAL 3

**Objective 3.2**  
The PGT will act to protect the assets of adults at risk for abuse, neglect and self neglect

**3.2.1** Percentage of cases where, on confirming that the assets of an apparently abused or neglected adult unable to seek support and assistance are at significant risk and in need of immediate protection, protective steps are taken within one business day under section 19 of the *Public Guardian and Trustee Act*

**3.2.2** Private committee accounts reviewed within six months of receipt

## GOAL 4

### Objective 4.1

The PGT will make relevant, useful and affordable recommendations to government for law reform affecting clients

4.1.1 Make a submission to the Attorney General and Minister of Justice with recommendations for review and potential implementation of the outstanding provisions of the *Adult Guardianship and Planning Statutes Amendment Act, 2007*

### Objective 4.2

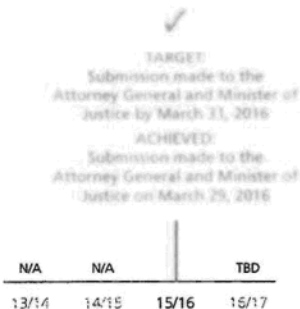
The PGT will promote an understanding of its role among clients, service partners, stakeholders and the public

4.2.1 PGT role explained by PGT representatives at stakeholder and service partner conferences, events and other public education forums

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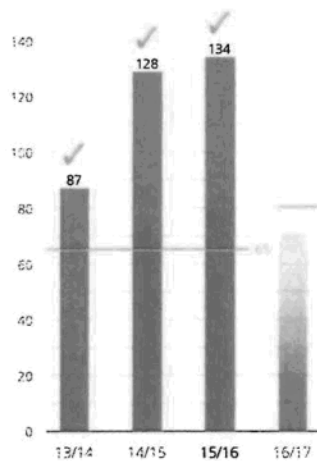
## REPORTS ON INDIVIDUAL PERFORMANCE MEASURES

The PGT will contribute to public awareness, policy development and law reform initiatives to promote the interests of PGT clients



The PGT comments on issues affecting the statutory mandate of the PGT and the interests of PGT clients. In 2015–2016, the PGT made a submission to the Attorney General and Minister of Justice with recommendations regarding implementing outstanding provisions of adult guardianship legislation. The legislation would impact court provisions relating to the court ordered process for appointing guardians of incapable adults. This process is currently governed by the outdated *Patients Property Act*.

Submission was made to the Attorney General and Minister of Justice on March 29, 2016.



The public, service partners and stakeholders continue to request the PGT to make presentations about PGT roles and areas of responsibility. Over the last few years, the PGT has been involved with implementing new legislation and the related requirement for public education activities is great. The PGT strives to meet the demand for public education activities which must be balanced against other service requirements.

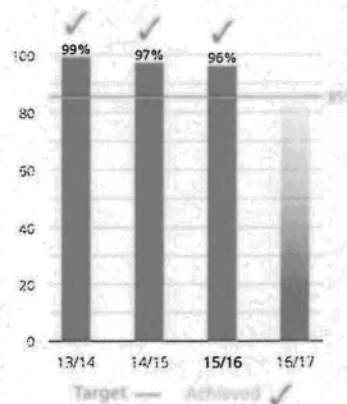
Better understanding of the PGT role promotes appropriate uptake of PGT services and is an important element in a PGT demand management strategy. In 2015–2016, the PGT made 134 public presentations. Due to demand for this service continuing to rise, the target for this measure will be increased in 2016–2017.

## REPORTS ON INDIVIDUAL PERFORMANCE MEASURES

### The PGT will deliver high quality client centred services

The PGT administers estates of deceased persons. The EPTS division conducts a client satisfaction survey with intestate successors and beneficiaries who receive funds when administration of an estate is completed. This activity measures client satisfaction and gives intestate successors and beneficiaries the opportunity to comment on what is important to them regarding services. This activity also improves service delivery by highlighting areas needing improvement.

In 2015–2016, there were 303 completed surveys. Of these, 271 of the 282 (96%) beneficiaries who responded to the survey question rating estate administration services rated them as good or very good.



## GOAL 5

**Objective 5.1**  
The PGT will meet client expectations for quality, equitable and accessible services

5.1.1 Percentage of intestate successors and beneficiaries responding to survey who rated administration services for deceased estates as good or very good

## LINKING RESOURCES TO PERFORMANCE

### LINKING RESOURCES, STRATEGIES AND RESULTS

#### Background

The PGT is responsible by law for delivering a broad range of services to clients and is self-funded for a large percentage of its expenditure budget. In developing its annual budget, the PGT provides for meeting its statutory and fiduciary obligations to its clients. The PGT establishes strategic goals and determines performance measures and targets within the budgeted resources and constraints of a given year in the context of its three year service plan.

The PGT delivers client services through a combination of activities that are specific to an operational division, integrated between divisions, across divisions or are delivered in conjunction with service partners.

- *Operational divisions* focus on broad client groups such as children and youth, adults and estates of deceased persons. Costs are assigned directly to the divisions.
- Activities of operational divisions are supported by *integrated services* such as legal, investments, information systems, securing of client assets, warehousing, budgeting, facilities and executive support services. Costs for these integrated services are assigned across operational divisions using an allocation model developed to reflect approximate usage.
- Some services, such as quality assurance and risk management, are delivered in a *cross divisional* manner. Costs of cross divisional services are assigned directly

through operational division budgets and indirectly through costs assigned through an allocation model.

- Services such as maintaining client real property are *delivered in conjunction with service partners* and are charged directly to clients.

See pages 66 and 67 for the Allocation of Recoveries and Expenses by Program – Budget and Actual (unaudited) for the year ended March 31, 2016.

Delivery of services and allocation of costs are reflected in Table 1: Areas of Expenditures and PGT Strategic Goals (unaudited) on pages 60 and 61, describing which PGT goals apply to which area of expenditure. The table provides a context to put PGT areas of expenditure into perspective. The distribution also reflects the integrated and cross divisional nature of PGT operations.

#### Linkages

Client services fall into one of two broad service areas:

- *Estate and trust services* are fiduciary in nature with the greatest impact from the service on the management of individual client assets which is reflected in the total or high level of cost recovery.
- *Public services* are regulatory in nature with the greatest impact from the service on monitoring or oversight and the limited or non-existent cost recovery reflects the public nature of these services.

## LINKING RESOURCES TO PERFORMANCE

Table 1 (unaudited) demonstrates that most PGT goals apply broadly to most areas of expenditure and may involve both a number of programs and expenditures and a number of divisions.

### Challenges

The challenge of segmenting expenditures is greatest at the broad goal level. It is a lesser challenge in the case of specific performance measures within each goal as these are more likely to apply to a single area of expenditure. However, the PGT considers that elaboration of budget particulars at the individual measure level is not possible as the work is too interrelated and spread throughout PGT activities.

For example, integrating a new adult client requires more than preparation of a new case plan. Assets must be secured, legal interests must be considered, real property may have to be sold, an investment plan may have to be developed and overdue taxes may have to be made current.

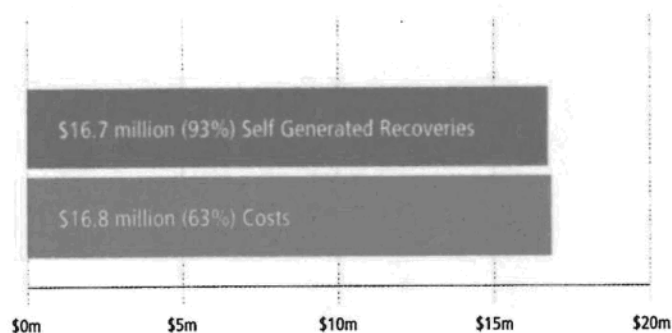
These complex linkages mean that although the areas of expenditure are linked with groups of strategic goals, the relationship between performance and outcomes and changes in costs may not be direct or immediate.

**TABLE 1**

**AREAS OF EXPENDITURE AND PGT STRATEGIC GOALS (UNAUDITED)\***

**Estate and Trust Services**  
Goals 1, 2, 4 and 5 most directly affected

\*All PGT expenditures are allocated into one of two categories according to the nature of the work, i.e., estate and trust services or public services. Goals may apply in both categories. Individual performance measures within a goal may relate more specifically to one area of expenditure than another.



**ESTATE AND TRUST SERVICES**

Estate and trust services are the primary PGT responsibility and in 2015–2016 accounted for \$16.8 million or 63% of total costs and produced \$16.7 million or 93% of total self generated recoveries from fees.

Estate and trust services include the following:

- Child trust services
- Adult trust services
- Estate and personal trust services

**Context**

- PGT Estate and Personal Trust Services division achieved cost recovery. The rate of recovery was 142% in 2015–2016 (117% in 2014–2015).
- The PGT acts as a prudent investor in managing all client invested funds. These investment activities support Goal 1 by managing client property and financial interests. At March 31, 2016, the average cost per client for salaries and benefits within the PGT investment services section was \$26.77 (\$28.28 at March 31, 2015).

## AREAS OF EXPENDITURE AND PGT STRATEGIC GOALS (UNAUDITED)\*

### PUBLIC SERVICES

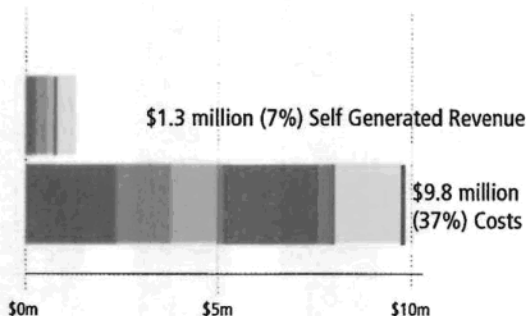
Public services accounted for \$9.8 million or 37% of total costs in 2015–2016 and produced \$1.3 million or 7% of total self generated recoveries from fees.

Public services include the following:

Program Areas	Costs	Self Generated Revenue
<b>Child and Youth Services</b>		
Property guardian	\$2.37 million	\$0.27 million
Infant settlement and other legal reviews	\$1.42 million	\$0.30 million
Grant application reviews	\$1.18 million	\$0.16 million
Litigation guardian	\$0.15 million	\$0.00 million
<b>Services to Adults</b>		
Assessment and investigation	\$2.43 million	\$0.09 million
Temporary substitute decision making	\$0.34 million	\$0.00 million
Committee of person	\$0.09 million	\$0.00 million
Private committee services	\$1.72 million	\$0.47 million
Other adult legal services	\$0.06 million	\$0.00 million
<b>TOTAL</b>	<b>\$9.75 million</b>	<b>\$1.29 million</b>

### Context

Under the *Health Care (Consent) and Care Facility (Admission) Act*, PGT staff make substitute health care treatment decisions or appoint other suitable decision makers. This health care decision making activity supports Goal 2 by protecting personal interests of PGT clients. In 2015–2016, average unit cost was \$998 (\$1,272 in 2014–2015).



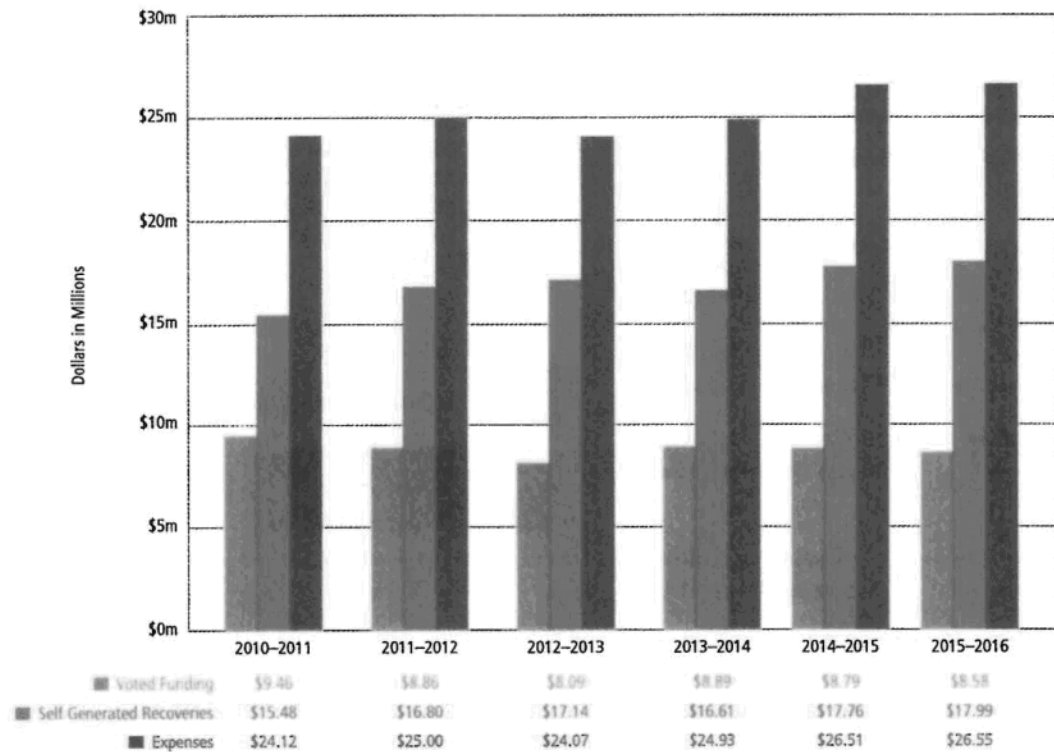
The *Wills, Estates and Succession Act* requires that the PGT be notified before a court application for a grant involving interests of a child or incapable adult. These grant application reviews support Goal 3 by delivering statutory protective services in a timely manner. In 2015–2016, cost per review was \$2,173 (\$868 in 2014–2015) and the *Public Guardian and Trustee Fees Regulation* allows a fee of \$300 per notice for this review.

### Public Services

Goals 1, 2, 3, 4 and 5 most directly affected

TABLE 2

PGT VOTED FUNDING, RECOVERIES AND EXPENSES 2010-2011 TO 2015-2016



PUBLIC GUARDIAN AND TRUSTEE 2015-2016 ANNUAL REPORT

## RECOVERIES AND PROGRAM COSTS 2015–2016

### Introduction

The PGT cost allocation model was developed to show recoveries from fees and costs in a meaningful way by linking resources to the costs of providing service. Budgeted figures have been provided from the Estimates approved by the Legislative Assembly of British Columbia on February 17, 2015. Actual results are provided from the audited financial statements of the Public Guardian and Trustee Operating Account. The amounts may differ from the Public Accounts due to timing differences resulting from accruals and adjustments below the materiality threshold of the Province of British Columbia.

### Recovery Sources and Variances

Recoveries are comprised of fees charged in accordance with the *Public Guardian and Trustee Fees Regulation* and funding received from the Province of British Columbia.

## RECOVERIES AND VARIANCES (UNAUDITED)

### Recoveries Variances (Unaudited) for the Year Ended March 31, 2016 (expressed in thousands of dollars)

	Budget	Actual	\$ Variance*	% Variance*	Note
<b>Self generated recoveries</b>					
Commissions	\$ 8,842	\$ 10,188	\$ 1,346	15%	1
Asset management fees	5,760	5,826	66	1%	
Estate liaison administration fees	528	566	38	7%	
Heir tracing fees	112	99	(13)	(12%)	
Fees for investigations, monitoring and legal services	1,163	1,009	(154)	(13%)	2
Other	-	301	301	100%	3
<b>Total self generated recoveries</b>	<b>16,405</b>	<b>17,989</b>	<b>1,584</b>	<b>10%</b>	
Voted funding from the Province of British Columbia	8,577	8,577	-	0%	
<b>Total recoveries</b>	<b>\$ 24,982</b>	<b>\$ 26,566</b>	<b>\$ 1,584</b>	<b>6%</b>	

\*Brackets in variance column indicate budget revenues in excess of actual

### Explanatory Notes on Recoveries Variances

1. Lower investment returns due to poor market performance in latter half of 2015–2016. Some large commissions resulted from the sale of real properties and investments as well as a large settlement. Impact of these activities exceeded the net decrease in commissions related to August 1, 2014 commission rate reduction for certain client groups.
2. Decrease in grant application reviews.
3. Includes recognition of deferred recoveries of \$85k to recover costs pursuant to the claims protocol agreement related to a class action settlement, and \$159k of higher than expected minimum administration fees (new fee introduced on August 1, 2014 and applicable to certain adult trust clients).

## EXPENSES AND VARIANCES (UNAUDITED)

### Expense Variances (Unaudited) for the Year Ended March 31, 2016 (expressed in thousands of dollars)

	Budget	Actual	\$ Variance*	% Variance*	Note
<b>Expenses</b>					
Salaries and benefits	\$ 20,425	\$ 20,900	\$ 475	2%	
Computer systems and support	1,366	2,328	962	70%	1
Other operating and administrative costs	941	974	34	4%	2
Professional services	509	842	334	65%	1
Building occupancy	-	264	264	(100%)	3
Client expenditures	594	587	(7)	(1%)	
Legal services	522	266	(256)	(49%)	4
Amortization	625	390	(235)	(38%)	5
<b>Total expenses</b>	<b>\$ 24,982</b>	<b>\$ 26,551</b>	<b>\$ 1,569</b>	<b>6%</b>	

\*Brackets in variance column indicate budget expenses in excess of actual

### Explanatory Notes on Expenses Variances

1. Contracted support for Trust Accounting System replacement project.
2. \$222K increase in expenses to support the Trust Accounting System replacement project; approval for capital funding and thus need for additional expenses was received after the Estimates Budget was approved. \$189K decrease in allowance for doubtful accounts due to a change in accounting policy to record the net recoverable client overdrafts, legal and other client expenses paid on behalf of clients as receivables. A corresponding allowance for doubtful accounts was assessed after year end and recorded as bad debt expense.
3. Prior year PGT budget for Building Occupancy was shifted to Shared Services BC (SSBC) for 2015–2016; SSBC will absorb this portion of costs going forward.
4. There was a change in accounting policy in 2015–2016 to record net recoverable legal expenses paid on behalf of clients and amounts recovered from clients as receivables. Budget was set before the change. Non recoverable legal expenses increased from \$178k to \$266k from 2014–2015.
5. Some asset costs fully amortized in 2014–2015 and during 2015–2016 with minor additions only which resulted in lower amortization costs in 2015–2016.

**Public Guardian and Trustee of British Columbia**  
**Allocation of Recoveries and Expenses by Program – Budget (Unaudited)**  
**Fiscal year ended March 31, 2016**

(Expressed in thousands of dollars)

	ESTATE AND TRUST SERVICES				PUBLIC SERVICES			Totals
	Adult Trust Services	Estate and Personal Trust Services	Child Trust Services	Subtotal	Adult Services	Child Services	Subtotal	
<b>Self generated recoveries</b>								
Commissions	4,827	3,186	586	8,599	-	243	243	8,842
Asset management fees	3,257	1,377	1,092	5,726	-	34	34	5,760
Estate liaison administration fees	528	-	-	528	-	-	-	528
Heir tracing fees	-	112	-	112	-	-	-	112
Other	57	-	-	57	511	595	1,106	1,163
<b>Total self generated recoveries</b>	<b>8,669</b>	<b>4,675</b>	<b>1,678</b>	<b>15,022</b>	<b>511</b>	<b>872</b>	<b>1,383</b>	<b>16,405</b>
<b>Expenses</b>								
Salaries and benefits	8,760	3,217	1,242	13,219	3,633	3,573	7,206	20,425
Computer systems and support	369	163	250	782	268	316	584	1,366
Other operating and administrative costs	380	122	69	571	167	203	370	941
Professional services	213	89	45	347	77	85	162	509
Building occupancy	-	-	-	-	-	-	-	-
Client expenditures	336	139	12	487	74	33	107	594
Legal services	(153)	(4)	11	(146)	2	666	668	522
Amortization	172	75	112	359	123	143	266	625
<b>Total expenses</b>	<b>10,077</b>	<b>3,801</b>	<b>1,741</b>	<b>15,619</b>	<b>4,344</b>	<b>5,019</b>	<b>9,363</b>	<b>24,982</b>
<b>Excess (deficiency) of self generated recoveries over expenses *</b>	<b>(1,408)</b>	<b>874</b>	<b>(63)</b>	<b>(597)</b>	<b>(3,833)</b>	<b>(4,147)</b>	<b>(7,980)</b>	<b>(8,577)</b>
<b>Other revenue</b>								
Voted funding from the Province of British Columbia								8,577
<b>Balance</b>								-

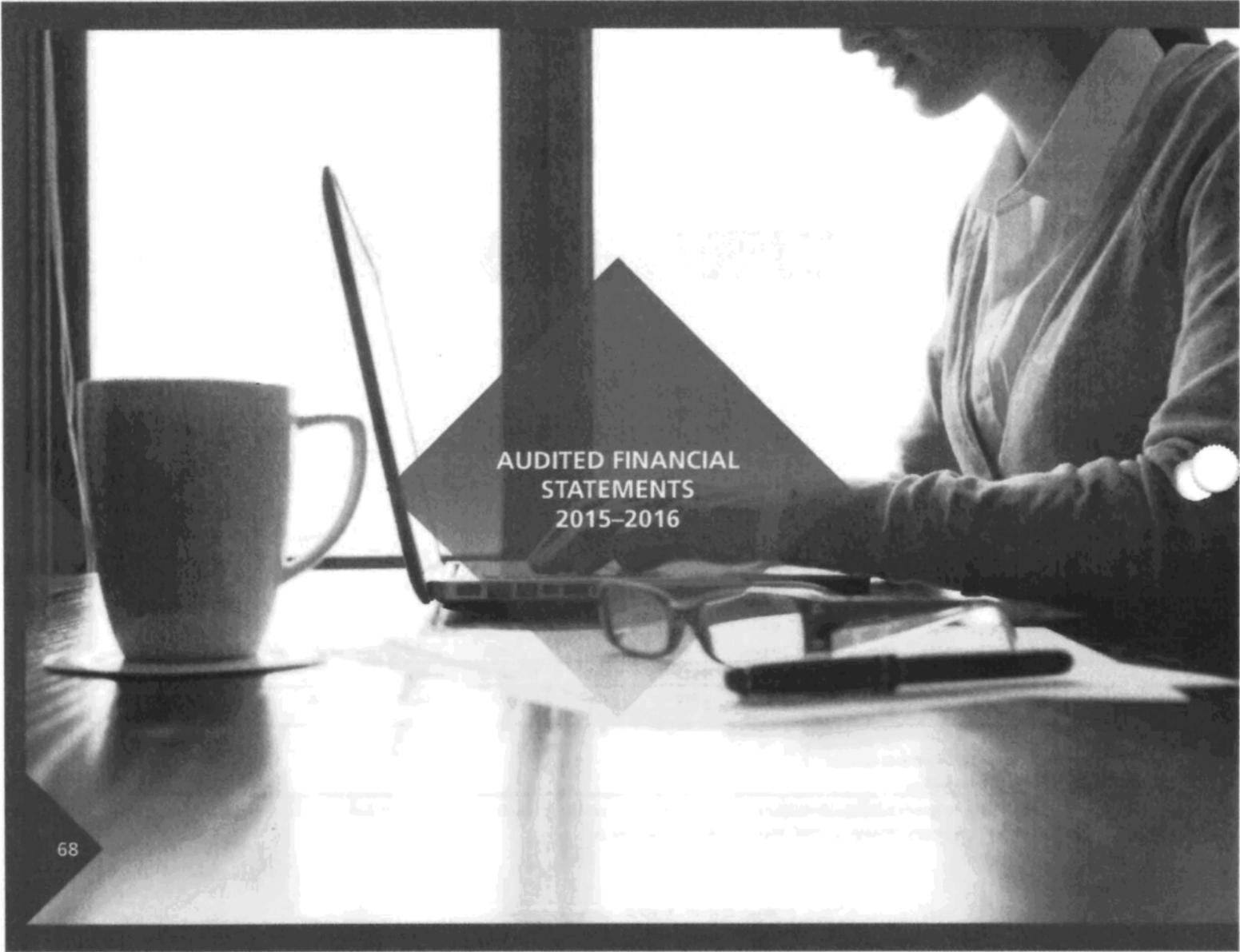
\*Does not include centralized overhead costs paid and expensed by other government entities for PGT operating costs including certain financial and administrative services, post employment benefits, and office and warehouse facilities.

**Public Guardian and Trustee of British Columbia**  
**Allocation of Recoveries and Expenses by Program – Actual (unaudited)**  
**Fiscal year ended March 31, 2016**

(Expressed in thousands of dollars)

	ESTATE AND TRUST SERVICES				PUBLIC SERVICES			Totals
	Adult Trust Services	Estate and Personal Trust Services	Child Trust Services	Subtotal	Adult Services	Child Services	Subtotal	
<b>Self generated recoveries</b>								
Commissions	5,232	4,151	569	9,952	-	236	236	10,188
Asset management fees	3,307	1,359	1,124	5,790	-	36	36	5,826
Estate liaison administration fees	566	-	-	566	-	-	-	566
Heir tracing fees	-	99	-	99	-	-	-	99
Other	258	32	-	290	560	460	1,020	1,310
<b>Total self generated recoveries</b>	<b>9,363</b>	<b>5,641</b>	<b>1,693</b>	<b>16,697</b>	<b>560</b>	<b>732</b>	<b>1,292</b>	<b>17,989</b>
<b>Expenses</b>								
Salaries and benefits	8,987	3,284	1,271	13,542	3,619	3,739	7,358	20,900
Computer systems and support	604	272	444	1,320	465	543	1,008	2,328
Other operating and administrative costs	317	115	(64)	368	235	371	606	974
Professional services	302	128	106	536	144	162	306	842
Building occupancy	72	32	47	151	52	61	113	264
Client expenditures	461	69	8	538	23	26	49	587
Legal services	80	26	11	117	29	120	149	266
Amortization	107	47	70	224	76	90	166	390
<b>Total expenses</b>	<b>10,930</b>	<b>3,973</b>	<b>1,893</b>	<b>16,796</b>	<b>4,643</b>	<b>5,112</b>	<b>9,755</b>	<b>26,551</b>
<b>Excess (deficiency) of self generated recoveries over expenses *</b>	<b>(1,567)</b>	<b>1,668</b>	<b>(200)</b>	<b>(99)</b>	<b>(4,083)</b>	<b>(4,380)</b>	<b>(8,463)</b>	<b>(8,562)</b>
<b>Other revenue</b>								
Voted funding from the Province of British Columbia								8,577
<b>Excess of total recoveries over expenses</b>								<b>15</b>

\*Does not include centralized overhead costs paid and expensed by other government entities for PGT operating costs including certain financial and administrative services, post employment benefits, and office and warehouse facilities.

A black and white photograph of a person working at a desk. The person is seen from the side, looking down at a laptop. On the desk, there is a large white mug on a saucer, a pair of glasses, and a pen. The background is a bright window. The text "AUDITED FINANCIAL STATEMENTS 2015-2016" is overlaid on the image.

AUDITED FINANCIAL  
STATEMENTS  
2015-2016

# OPERATING ACCOUNT

Financial Statements of

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Operating Account

Year ended March 31, 2016



700 - 808 West Hastings Street, Vancouver, BC V6C 3L3 • Phone: (604) 660-4444 • Fax: (604) 660-0374  
www.trustee.bc.ca

## **MANAGEMENT'S STATEMENT OF RESPONSIBILITIES FOR THE OPERATING ACCOUNT FINANCIAL STATEMENTS OF THE PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA**

Management is responsible for preparing the accompanying financial statements and is responsible for their integrity and objectivity. The financial statements are prepared in conformity with Canadian public sector accounting standards and include amounts based on informed judgments and estimates of the expected effects of current events and transactions.

Management is also responsible for maintaining systems of internal control that provide reasonable assurance that financial information is reliable, that all financial transactions are properly authorized, that assets are safeguarded, and that the Public Guardian and Trustee of British Columbia adheres to legislation and regulatory requirements. These systems include the communication of policies and the Public Guardian and Trustee of British Columbia's code of ethics and business conduct throughout the organization. Management continually monitors the systems of internal controls for compliance.

KPMG LLP has been appointed by the Public Guardian and Trustee of British Columbia as independent auditors to examine and report on the financial statements and their report follows.

Catherine M. Romanko  
Public Guardian and Trustee

July 5, 2016



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Chartered Professional Accountants  
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Canada

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## INDEPENDENT AUDITORS' REPORT

To the Public Guardian and Trustee of British Columbia

We have audited the accompanying financial statements of the Operating Account of the Public Guardian and Trustee of British Columbia, which comprise the statement of financial position as at March 31, 2016, the statements of operations and accumulated surplus, changes in net financial assets, and cash flows for the year then ended, and notes, comprising a summary of significant accounting policies and other explanatory information.

### *Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### *Auditors' Responsibility*

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform an audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on our judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of an entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

KPMG LLP is a Canadian limited liability partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. KPMG Canada provides services to KPMG LLP.



*Opinion*

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Public Guardian and Trustee of British Columbia as at March 31, 2016, and the results of its operations and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

*KPMG LLP*

Chartered Professional Accountants

July 5, 2016  
Vancouver, Canada

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Operating Account

Statement of Financial Position  
(Expressed in thousands of dollars)

March 31, 2016, with comparative information for 2015

	Notes	2016	2015
<b>Financial assets</b>			
Cash and cash equivalents	3,4(a)	\$ 26,117	\$ 26,474
Due from Estates and Trusts Administered	5	1,718	1,250
Other financial assets		15	29
		27,850	27,753
<b>Liabilities</b>			
Accounts payable and accrued liabilities		1,660	1,627
Deferred revenue		207	292
		1,867	1,919
<b>Net financial assets</b>		<b>25,983</b>	<b>25,834</b>
<b>Non-financial assets</b>			
Tangible capital assets	6	877	1,011
<b>Accumulated surplus</b>	<b>3</b>	<b>\$ 26,860</b>	<b>\$ 26,845</b>
Contingent liabilities	7		

The accompanying notes are an integral part of these financial statements.

Catherine M. Romanko  
Public Guardian and Trustee

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

### Operating Account

#### Statement of Operations and Accumulated Surplus (Expressed in thousands of dollars)

Year ended March 31, 2016, with comparative information for 2015

	Notes	2016 Budget (note 8)	2016	2015
External recoveries from fees		\$ 16,405	\$ 17,989	\$ 17,760
Funding from the Province of British Columbia	4(b)	8,577	8,577	8,793
		24,982	26,566	26,553
Expenses:	4(c)			
Salaries and benefits	9	20,425	20,900	19,797
Computer systems and support		1,366	2,328	1,894
Other operating and administrative costs		941	974	1,444
Professional services		509	842	967
Client expenditures		594	587	607
Amortization		625	390	435
Legal services		522	266	520
Building occupancy	4(d)	-	264	846
		24,982	26,551	26,510
Annual surplus	3	-	15	43
Accumulated surplus, beginning of year		26,845	26,845	26,802
Accumulated surplus, end of year		\$ 26,845	\$ 26,860	\$ 26,845

The accompanying notes are an integral part of these financial statements.

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

### Operating Account

#### Statement of Changes in Net Financial Assets (Expressed in thousands of dollars)

Year ended March 31, 2016, with comparative information for 2015

	2016 Budget (note 8)	2016	2015
Annual surplus	\$ -	\$ 15	\$ 43
Acquisition of tangible capital assets	(363)	(256)	(291)
Amortization of tangible capital assets	625	390	435
Increase in net financial assets	262	149	187
Net financial assets, beginning of the year	25,834	25,834	25,647
Net financial assets, end of the year	\$ 26,096	\$ 25,983	\$ 25,834

The accompanying notes are an integral part of these financial statements.

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

### Operating Account

#### Statement of Cash Flows (Expressed in thousands of dollars)

Year ended March 31, 2016, with comparative information for 2015

	Notes	2016	2015
Cash and cash equivalents provided by (used in):			
Operating activities:			
Annual surplus		\$ 15	\$ 43
Non-cash item included in surplus:			
Amortization of tangible capital assets		390	435
Change in due from Estates and Trust Administered		(468)	(248)
Change in other financial assets		14	28
Change in accounts payable and accrued liabilities		33	(28)
Change in deferred revenue		(85)	(70)
		(101)	160
Capital activities:			
Acquisition of tangible capital assets		(256)	(291)
Decrease in cash and cash equivalents		(357)	(131)
Cash and cash equivalents, beginning of year		26,474	26,605
Cash and cash equivalents, end of year		\$ 26,117	\$ 26,474
Cash and cash equivalents are made up of:			
Due from the Province of British Columbia	4(a)	\$ 24,492	\$ 24,900
Cash held directly		1,625	1,574
		\$ 26,117	\$ 26,474

The accompanying notes are an integral part of these financial statements.

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

### Operating Account

Notes to Financial Statements  
(Expressed in thousands of dollars)

Year ended March 31, 2016

#### 1. Reporting entity:

The Public Guardian and Trustee of British Columbia (the "PGT") Operating Account ("Operating Account") operates under the authority of the Public Guardian and Trustee Act (the "Act"). The Operating Account is not liable for taxation, except insofar as the government is liable. The Operating Account was established as a Special Account in the General Fund of the Consolidated Revenue Fund of the Province of British Columbia.

The Operating Account reports the recoveries earned from the services provided to clients of the PGT and the operating and capital expenditures relating to the provision of these services. Clients are adults who are not capable of managing their own affairs, deceased persons' estates which have no other person willing and able to act for them, estates of missing persons, and children in receipt of settlement funds, insurance policy proceeds or money from estates.

Separate financial information has been prepared as at March 31, 2016 for client trust accounts, which include \$863 million (2015 - \$842 million) of net assets held in trust.

#### 2. Significant accounting policies:

##### (a) Basis of accounting:

Management has prepared these financial statements in accordance with Canadian public sector accounting standards as recommended by the Public Sector Accounting Board of CPA Canada.

##### (b) Due from Estates and Trusts Administered and allowance for doubtful accounts:

Due from the Estates and Trusts Administered includes amounts owing from clients of the PGT for fees, cost recoveries and short-term loans. The PGT maintains an allowance for doubtful accounts that reflects management's best estimate of uncollectible amounts owing. Amounts deemed uncollectible are charged to client expenditures in the statement of operations in the period in which they are deemed uncollectible.

##### (c) Tangible capital assets:

Tangible capital assets are recorded at cost and are amortized on a straight-line basis over their estimated useful lives. Computer hardware and software purchases less than \$10,000 are amortized over 3 years. All remaining assets are amortized over 5 years.

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Operating Account

Notes to Financial Statements  
(Expressed in thousands of dollars)

Year ended March 31, 2016

### 2. Significant accounting policies (continued):

#### (d) Revenue recognition:

External recoveries from fees consists of fees paid by clients in accordance with the *Public Guardian and Trustee Fees Regulation*, as provided for under the Act. Fees are recognized in the period in which the service is provided or at the point in time directed by regulation, court order, co-trustees or beneficiaries. Funding from the Province of British Columbia is recognized as revenue when authorized and eligibility criteria, if any, have been met, unless the funding contains stipulations on how it is to be expended by the PGT, in which case the funding is recorded as deferred revenue. Once the stipulations have been met, the funding is subsequently recognized as revenue.

#### (e) Employee benefit plans:

All eligible employees participate in a multi-employer defined benefit pension plan. All contributions to this Plan are expensed as incurred.

#### (f) Client expenditures:

Client expenditures represent amounts paid for clients' property management, provision for doubtful accounts on amounts owing from clients for fees and cost recoveries, and other miscellaneous expenditures made on behalf of clients. Legal expenditures paid on behalf of clients are reported under legal services.

#### (g) Use of estimates:

The preparation of financial statements requires management to make estimates and assumptions in determining reported amounts. The only significant area requiring the use of management estimates, is the estimation of the collectability of accounts receivable. Actual results could differ from these estimates.

#### (h) Segmented information and expense presentation:

A segment is defined as a distinguishable activity or group of activities of a government for which it is appropriate to separately report financial information. As the Operating Account's sole activity is the managing of services provided to clients of the PGT, additional segmented disclosure is not required and expenses are presented by category on the Statement of Operations and Accumulated Surplus.

## **PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA**

Operating Account

Notes to Financial Statements  
(Expressed in thousands of dollars)

Year ended March 31, 2016

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### **3. Cash accounts and Accumulated Surplus:**

Spending from revenue in excess of the budget approved by the Province of British Columbia is permitted to the extent it does not reduce the Accumulated Surplus carried forward from the previous year. Spending from the Accumulated Surplus requires Treasury Board approval.

### **4. Related party transactions:**

The PGT is a corporation sole. All transactions with related parties, including the Province of British Columbia ministries, agencies and Crown corporations occurred in the normal course of operations and are valued at the exchange amount, which reflects fair value unless otherwise disclosed in these notes.

- (a) The PGT uses the Province of British Columbia's financial and banking systems to process and record most of its transactions. Transactions related to PGT fees and other amounts collected from clients are processed and recorded first in the PGT's own financial and banking system, and subsequently recorded on a monthly aggregate basis in the Province of British Columbia's systems.
- (b) A transfer of \$8,577 (2015 - \$8,793) from a sub-vote of the Ministry of Justice and Attorney General has been provided for services to incapable adults, children and youth and for other expenditures of the PGT.
- (c) Certain financial and administrative services, post-employment benefits, and office and warehouse facilities are provided centrally by various ministries and agencies of the government of the Province of British Columbia. The costs of these services are not charged to the Operating Account and are, therefore, not included in the statement of operations.

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

### Operating Account

Notes to Financial Statements  
(Expressed in thousands of dollars)

Year ended March 31, 2016

#### 4. Related party transactions (continued):

- (d) Office and warehouse facilities are provided by Shared Services British Columbia ("SSBC") within the Ministry of Technology Innovation and Citizens' Services. The cost of buildings occupied by the PGT, including charges from SSBC, and the net building occupancy expense of the PGT is as follows:

	2016	2015
Building costs incurred by SSBC for facilities occupied by the PGT	\$ 2,745	\$ 2,819
Portion not charged to the PGT	(2,496)	(2,070)
Building costs paid by the PGT to SSBC	249	749
Building costs paid by the PGT to unrelated parties	15	97
Building occupancy expense, as reported on the statement of operations	\$ 264	\$ 846

#### 5. Due from Estates and Trusts Administered:

	2016	2015
Gross amount due from Estates and Trusts Administered	\$ 2,716	\$ 2,597
Allowance for doubtful accounts	(998)	(1,347)
Net amount due from Estates and Trusts Administered	\$ 1,718	\$ 1,250

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Operating Account

Notes to Financial Statements  
(Expressed in thousands of dollars)

Year ended March 31, 2016

### 6. Tangible capital assets:

	2016									
	Cost, beginning of year	Additions	Disposals	Cost, end of year	Accumulated amortization, beginning of year	Disposals	Amortization expense	Accumulated amortization, end of year	Net book value, beginning of year	Net book value, end of year
Operating equipment	\$ 21	\$ -	\$ -	\$ 21	\$ (16)	\$ -	\$ (2)	\$ (18)	\$ 5	\$ 3
Furniture and equipment	467	21	-	488	(352)	-	(44)	(396)	115	92
Personal computer software	107	4	-	111	(89)	-	(14)	(103)	18	8
Computer hardware - less than \$10,000	429	34	(25)	438	(403)	25	(22)	(400)	26	38
Server computer software	3,039	197	-	3,236	(2,196)	-	(304)	(2,500)	843	736
Computer hardware - greater than \$10,000	62	-	-	62	(58)	-	(4)	(62)	4	-
Tenant improvement	704	-	-	704	(704)	-	-	(704)	-	-
<b>Total</b>	<b>\$ 4,829</b>	<b>\$ 256</b>	<b>\$ (25)</b>	<b>\$ 5,060</b>	<b>\$ (3,818)</b>	<b>\$ 25</b>	<b>\$ (390)</b>	<b>\$ (4,183)</b>	<b>\$ 1,011</b>	<b>\$ 877</b>

	2015									
	Cost, beginning of year	Additions	Disposals	Cost, end of year	Accumulated amortization, beginning of year	Disposals	Amortization expense	Accumulated amortization, end of year	Net book value, beginning of year	Net book value, end of year
Operating equipment	\$ 19	\$ 2	\$ -	\$ 21	\$ (13)	\$ -	\$ (3)	\$ (16)	\$ 6	\$ 5
Furniture and equipment	452	15	-	467	(285)	-	(67)	(352)	167	115
Personal computer software	100	7	-	107	(69)	-	(20)	(89)	31	18
Computer hardware - less than \$10,000	419	10	-	429	(357)	-	(46)	(403)	62	26
Server computer software	2,782	257	-	3,039	(1,907)	-	(289)	(2,196)	875	843
Computer hardware - greater than \$10,000	62	-	-	62	(48)	-	(10)	(58)	14	4
Tenant improvement	704	-	-	704	(704)	-	-	(704)	-	-
<b>Total</b>	<b>\$ 4,538</b>	<b>\$ 291</b>	<b>\$ -</b>	<b>\$ 4,829</b>	<b>\$ (3,383)</b>	<b>\$ -</b>	<b>\$ (435)</b>	<b>\$ (3,818)</b>	<b>\$ 1,155</b>	<b>\$ 1,011</b>

Cost includes fully amortized assets that are still in use of \$2,794 (2015 - \$2,814).

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

### Operating Account

Notes to Financial Statements  
(Expressed in thousands of dollars)

Year ended March 31, 2016

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#### 7. Contingent liabilities:

From time to time, the Public Guardian and Trustee is a defendant in legal actions in carrying out its duties. Under Section 21 of the Act, monies required to discharge any liability or claim against the PGT must be paid out of the consolidated revenue fund of the Province of British Columbia.

#### 8. Budgeted figures:

Budgeted figures have been provided for comparative purposes from the estimates approved by the Legislative Assembly of British Columbia on February 17, 2015.

#### 9. Employee benefit plans:

The PGT and all eligible employees contribute to the Public Service Pension Plan in accordance with the *Public Sector Pension Plans Act*. The British Columbia Pension Corporation administers the Plan, including payments of pension benefits to eligible employees. A Board of Trustees, representing Plan members and employers, is responsible for overseeing the management of the Plan, including investment of assets and administration of benefits.

The Public Service Pension Plan is a multi-employer, defined benefit plan. Under joint trusteeship, the risks and rewards associated with the Plan's unfunded liability or surplus are shared between the employers and the plan members and will be reflected in their future contributions. Every three years an actuarial valuation is performed to assess the financial position of the plan and the adequacy of the funding. The last actuarial valuation was as at March 31, 2014, and showed that the Plan was at 101% funded. The next valuation date is to be completed no later than March 31, 2017.

During the year ended March 31, 2016, the PGT contributed \$1,508 (2015 - \$1,422) to the Plan. These contributions are included in salaries and benefits expense. No pension liability for this plan is included in the financial statements.

#### 10. Fair value:

The fair value of the Operating Account's financial instruments, which include cash and cash equivalents, due from Estates and Trusts Administered, other financial assets, and accounts payable and accrued liabilities are not materially different from their carrying value due to their short-term nature.

## ESTATES AND TRUSTS ADMINISTERED

Financial Information of the  
Estates and Trusts Administered by the

### PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Year ended March 31, 2016



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## **MANAGEMENT'S STATEMENT OF RESPONSIBILITIES FOR THE FINANCIAL INFORMATION OF ESTATES AND TRUSTS ADMINISTERED BY THE PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA**

Management is responsible for preparing the accompanying financial information and is responsible for its integrity and objectivity. The financial information is prepared in conformity with International Financial Reporting Standards and includes amounts based on informed judgments and estimates of the expected effects of current events and transactions.

Management is also responsible for maintaining systems of internal control that provide reasonable assurance that financial information is reliable, that all financial transactions are properly authorized, that assets are safeguarded, and that the Public Guardian and Trustee of British Columbia adheres to legislation and regulatory requirements. These systems include the communication of policies and the Public Guardian and Trustee of British Columbia's code of ethics and business conduct throughout the organization. Management continually monitors the systems of internal controls for compliance.

KPMG LLP has been appointed by the Public Guardian and Trustee of British Columbia as independent auditors to examine and report on the financial information and their report follows.

Catherine M. Romanko  
Public Guardian and Trustee

July 5, 2016



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Chartered Professional Accountants  
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Canada

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## INDEPENDENT AUDITORS' REPORT

To the Public Guardian and Trustee of British Columbia

We have audited the accompanying financial information of the Estates and Trusts Administered by the Public Guardian and Trustee of British Columbia, which comprise the statement of net assets as at March 31, 2016 and the statements of income and expenses, changes in net assets and cash flows for the year then ended, and notes, comprising a summary of significant accounting policies and other explanatory information.

### *Management's Responsibility for the Financial Information*

Management is responsible for the preparation and fair presentation of this financial information in accordance with International Financial Reporting Standards, and for such internal control as management determines is necessary to enable the preparation of financial information that is free from material misstatement, whether due to fraud or error.

### *Auditors' Responsibility*

Our responsibility is to express an opinion on this financial information based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial information is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial information. The procedures selected depend on our judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, we consider internal control relevant to an entity's preparation and fair presentation of the financial information in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of an entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial information.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

KPMG LLP is a Canadian limited liability partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. KPMG Canada provides services to KPMG LLP.



*Opinion*

In our opinion, the financial information presents fairly, in all material respects, the net assets of the Estates and Trusts Administered by the Public Guardian and Trustee of British Columbia as at March 31, 2016 and their income and expenses, changes in net assets and cash flows for the year then ended in accordance with International Financial Reporting Standards.

*KPMG LLP*

Chartered Professional Accountants

July 5, 2016  
Vancouver, Canada

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Statement of Net Assets of Estates and Trusts Administered  
(Expressed in thousands of dollars)

March 31, 2016, with comparative information for 2015

	Notes	2016	2015
<b>Assets</b>			
Premium Money Market Fund	5	\$ 449,298	\$ 461,496
Balanced Income Fund	6	37,249	35,337
Balanced Growth Fund	7	103,028	103,620
Other investments and securities	8	149,424	129,466
Other financial assets	9	10,458	7,990
Real property	10	139,713	131,546
Other assets		8,145	7,809
		897,315	877,264
<b>Liabilities</b>			
Accounts payable		6,158	5,016
Mortgages and loans payable		25,508	28,012
Payable to the Public Guardian and Trustee Operating Account	11(b)	2,652	2,597
		34,318	35,625
<b>Net Assets of Estates and Trusts Administered</b>		<b>\$ 862,997</b>	<b>\$ 841,639</b>

The accompanying notes are an integral part of this financial information.

Catherine M. Romanko  
Public Guardian and Trustee

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Statement of Income and Expenses of Estates and Trusts Administered  
(Expressed in thousands of dollars)

Year ended March 31, 2016, with comparative information for 2015

	Notes	Premium Money Market Fund	Balanced Income Fund	Balanced Growth Fund	Other investments and securities	Real property	2016	2015
<b>Income:</b>								
Pensions, benefits and settlements		\$ 83,017	\$ -	\$ -	\$ -	\$ -	\$ 83,017	\$ 83,085
Interest and dividends		5,197	851	2,650	2,140	-	10,838	12,884
		88,214	851	2,650	2,140	-	93,855	95,969
<b>Expenses:</b>								
Payments for client care maintenance	11(a)	55,636	-	-	-	-	55,636	57,655
Fees paid to the Public Guardian and Trustee Operating Account	11(b)	17,136	300	811	-	-	18,247	17,347
Professional services	11(c)	6,693	62	160	236	-	7,151	8,608
Income taxes paid from Estates and Trusts Administered		2,308	-	-	27	-	2,335	4,299
		81,773	362	971	263	-	83,369	87,909
Net income before realized and unrealized gains/losses		6,441	489	1,679	1,877	-	10,486	8,060
<b>Realized and unrealized gains/losses:</b>								
Net realized gains on assets sold or released		-	621	2,374	5,471	5,738	14,203	16,113
Change in unrealized gains/losses		(756)	(1,538)	(6,122)	(5,781)	7,785	(6,411)	13,693
		(756)	(917)	(3,748)	(310)	13,523	7,792	29,806
Net income (loss), representing total comprehensive income (loss) - 2016		\$ 5,685	\$ (428)	\$ (2,069)	\$ 1,567	\$ 13,523	\$ 18,278	
Net income (loss), representing total comprehensive income (loss) - 2015		\$ 5,497	\$ 3,322	\$ 11,755	\$ 13,107	\$ 4,185		\$ 37,866

The accompanying notes are an integral part of this financial information.

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Statement of Changes in Net Assets of Estates and Trusts Administered  
(Expressed in thousands of dollars)

Year ended March 31, 2016, with comparative information for 2015

	Notes	Premium Money Market Fund	Balanced Income Fund	Balanced Growth Fund	Other investments and securities	Other financial assets	Real property	Other assets less liabilities	Total
<b>Balance at March 31, 2014</b>		\$ 465,982	\$ 31,145	\$ 90,528	\$ 116,820	\$ 12,441	\$ 162,942	\$ (29,951)	\$ 849,907
Net income representing comprehensive income for the year		5,497	3,322	11,755	13,107	-	4,185	-	37,866
Other changes in net assets of Estates and Trusts Administered:									
Assets acquired		-	-	-	25,903	23,650	45,326	-	94,879
Assets purchased from Estates and Trusts Administered		(1,157)	-	-	-	-	244	-	(913)
Assets sold or collected		84,760	-	-	(14,424)	(25,570)	(52,851)	-	(8,085)
Transfers between assets		(1,475)	870	1,337	(732)	-	-	-	-
Assets released to clients, beneficiaries and heirs		-	-	-	(11,208)	(2,531)	(28,300)	-	(42,039)
Cash distributions to clients, beneficiaries and heirs		(89,971)	-	-	-	-	-	-	(89,971)
Unclaimed assets transferred to the British Columbia Unclaimed Property Society	12	(2,140)	-	-	-	-	-	-	(2,140)
Movement in other assets less liabilities		-	-	-	-	-	-	2,135	2,135
<b>Total changes in net assets of Estates and Trusts Administered</b>		<b>(4,486)</b>	<b>4,192</b>	<b>13,092</b>	<b>12,646</b>	<b>(4,451)</b>	<b>(31,396)</b>	<b>2,135</b>	<b>(8,268)</b>
<b>Balance at March 31, 2015</b>		<b>461,496</b>	<b>35,337</b>	<b>103,620</b>	<b>129,466</b>	<b>7,990</b>	<b>131,546</b>	<b>(27,816)</b>	<b>841,639</b>
Net income (loss) representing comprehensive income (loss) for the year		5,685	(428)	(2,069)	1,567	-	13,523	-	18,278
Other changes in net assets of Estates and Trusts Administered:									
Assets acquired		-	-	-	46,417	29,866	62,191	-	138,474
Assets purchased from Estates and Trusts Administered		(636)	-	-	-	-	478	-	(158)
Assets sold or collected		98,655	-	-	(22,186)	(25,982)	(49,690)	-	797
Transfers between assets		(8,941)	2,340	1,477	5,124	-	-	-	-
Assets released to clients, beneficiaries and heirs		-	-	-	(10,964)	(1,416)	(18,335)	-	(30,715)
Cash distributions to clients, beneficiaries and heirs		(104,662)	-	-	-	-	-	-	(104,662)
Unclaimed assets transferred to the British Columbia Unclaimed Property Society	12	(2,299)	-	-	-	-	-	-	(2,299)
Movement in other assets less liabilities		-	-	-	-	-	-	1,643	1,643
<b>Total changes in net assets of Estates and Trusts Administered</b>		<b>(12,198)</b>	<b>1,912</b>	<b>(592)</b>	<b>19,958</b>	<b>2,468</b>	<b>8,167</b>	<b>1,643</b>	<b>21,358</b>
<b>Balance at March 31, 2016</b>		<b>\$ 449,298</b>	<b>\$ 37,249</b>	<b>\$ 103,028</b>	<b>\$ 149,424</b>	<b>\$ 10,458</b>	<b>\$ 139,713</b>	<b>\$ (26,173)</b>	<b>\$ 862,997</b>

The accompanying notes are an integral part of this financial information.

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Statement of Cash Flows of Estates and Trusts Administered  
(Expressed in thousands of dollars)

Year ended March 31, 2016, with comparative information for 2015

	2016	2015
Cash provided by (used in):		
Operating activities:		
Income:		
Pensions, benefits and settlements	\$ 83,017	\$ 83,085
Interest and dividends	5,546	7,590
Expenses:		
Client care and maintenance	(55,636)	(57,655)
Fees paid to the Public Guardian and Trustee Operating Account	(17,136)	(15,851)
Professional services	(6,693)	(8,145)
Income taxes paid from Estates and Trusts Administered	(2,308)	(4,268)
	6,790	4,756
Investing activities:		
Contributions to Balanced Income Fund	(8,628)	(4,965)
Withdrawals from Balanced Income Fund	6,289	4,095
Contributions to Balanced Growth Fund	(12,387)	(8,428)
Withdrawals from Balanced Growth Fund	10,910	7,091
Contributions to other investments and securities	(14,993)	(5,986)
Withdrawals from other investments and securities	9,519	6,470
Purchases of real property	(480)	(244)
Purchases of other assets	(156)	(913)
Net proceeds from sale of assets	72,673	59,190
	62,747	56,310
Financing activities:		
Proceeds from collection of assets	25,982	25,570
Distributions to clients, beneficiaries and heirs	(104,662)	(89,971)
Transfers of unclaimed assets	(2,299)	(2,140)
	(80,979)	(66,541)
Decrease in cash and cash equivalents	(11,442)	(5,475)
Increase (decrease) in unrealized gain on Premium Money Market Fund	(756)	989
Premium Money Market Fund, representing cash and cash equivalents, beginning of year	461,496	465,982
Premium Money Market Fund, representing cash and cash equivalents, end of year	\$ 449,298	\$ 461,496

The accompanying notes are an integral part of these financial statements.

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Notes to Financial Information of Estates and Trusts Administered  
(Tabular amounts, except percentages, expressed in thousands of dollars)

Year ended March 31, 2016

### 1. Reporting entity:

The Public Guardian and Trustee of British Columbia (the "PGT") operates under the *Public Guardian and Trustee Act* (the "Act") and other provincial statutes to uphold the legal rights and safeguard the financial interests of adults who are not capable of managing their own affairs, deceased persons' estates which have no other person willing and able to act for them, estates of missing persons and children in receipt of settlement funds, insurance policy proceeds or money from estates.

The PGT's principal office is located at 700 - 808 West Hastings Street, Vancouver, British Columbia V6C 3L3.

This set of financial information reflects the net assets held in trust and activity for the estates and trusts administered by the PGT. Separate financial statements have been prepared for the PGT Operating Account, which report the revenues, expenses and capital expenditures of the PGT.

### 2. Basis of preparation:

#### (a) Statement of compliance:

This financial information has been prepared in accordance with the principles of International Financial Reporting Standards ("IFRS").

This financial information meets the requirements of Section 25 of the Act.

These financial statements have been authorized for issue by the Public Guardian and Trustee on June 22, 2016.

#### (b) Basis of measurement:

The financial information has been prepared on the historical cost basis except for the Premium Money Market Fund, Balanced Income Fund, Balanced Growth Fund, other investments and securities and real property, which are carried at fair value.

#### (c) Functional and presentational currency:

The financial information is presented in Canadian dollars, which is the functional currency for the PGT.

#### (d) Use of estimates and judgments:

The preparation of this financial information in conformity with IFRS requires management to make judgments, estimates and assumptions that affect the application of accounting policies and the reporting amounts of assets, liabilities, income and expenses. Actual values ultimately realized may differ from these estimates and are recognized in the period in which the estimates are revised and in any future periods affected.

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Notes to Financial Information of Estates and Trusts Administered  
(Tabular amounts, except percentages, expressed in thousands of dollars)

Year ended March 31, 2016

### 3. Summary of significant accounting policies:

The accounting policies set out below have been applied consistently to all periods presented in this financial information.

#### (a) Recognition and measurement of financial assets and liabilities:

On initial recognition, assets and liabilities are recorded at fair value on the effective date the PGT commences administration of the asset or liability, which is the date of death for estate administration, the date of PGT appointment for trust administration or the date that the estate or trust assumed beneficial ownership for assets and liabilities acquired after PGT appointment.

The Premium Money Market Fund ("PMMF"), Balanced Income Fund ("BIF"), Balanced Growth Fund ("BGF") and other investments and securities are carried at fair value as determined from valuation data provided by investment service providers.

Amounts receivable included in other financial assets are carried at amortized cost.

Other assets include jewelry, collectibles, intangibles, vehicles and effects and are carried at cost, which represents the estimated fair value of the asset on the effective date that the PGT commenced administration of the asset.

All financial liabilities are carried at amortized cost.

#### (b) Cash and cash equivalents:

The PMMF is used for day-to-day receipts and disbursements for all clients. Investments held by the PMMF are highly liquid and may be easily drawn upon by the PGT in administering the estates and trusts. Cash held in individual external client bank accounts, included in other financial assets (note 9), is not classified as cash and cash equivalents.

#### (c) Measurement of real property:

IFRS requires that, in the absence of an IFRS that can be specifically applied to a situation, management should use judgment in developing and applying an accounting policy to provide relevant, reliable and prudent information. In these instances, it is suggested that IFRS requirements in dealing with similar issues are applied, as well as measurement concepts included within the IFRS Framework.

Real property included within the statement of net assets primarily represents the value of residential properties, currently occupied by the clients of the PGT. This property does not meet the definition of property, plant and equipment, nor investment property, although the acceptable measurement bases for such assets include both cost and fair value.

## PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Notes to Financial Information of Estates and Trusts Administered  
(Tabular amounts, except percentages, expressed in thousands of dollars)

Year ended March 31, 2016

### 3. Summary of significant accounting policies (continued):

#### (c) Measurement of real property (continued):

Accordingly, real property is carried at fair value in the statement of net assets as determined by professional appraisals or, where an appraisal is not available or is not current, as determined from the most recent British Columbia Assessment Authority property assessment or other relevant valuation data.

#### (d) Revenue recognition:

Income from pensions, benefits and settlements, as well as interest and dividends is recognized on an accrual basis.

Gains and losses on assets represent the appreciation or depreciation in the value of assets administered by the PGT from the value assigned on the date of appointment of the client (if acquired on appointment) or date of purchase (if purchased for clients after appointment). Such gains and losses become realized on the date the assets are sold or released to clients, beneficiaries and heirs. Both realized gains/losses and changes in unrealized gains/losses are reported in the statement of income and expenses.

### 4. Financial risk management:

As a fiduciary, the PGT is responsible for managing the assets owned by each estate and trust under its authority. The PGT must exercise the care, skill, diligence and judgment of a prudent investor for its clients.

Under Section 12 of the Act, the PGT is permitted to create common funds within the trust fund account. The PGT has established three common funds called the PMMF, the BIF and the BGF. The PMMF holds short and medium term fixed income investments and is used for day to day receipts and disbursements of all clients. The BIF and the BGF hold investments which are appropriate for clients with longer term investment horizons.

Under Section 13(1) of the Act, the PGT is permitted to make separate investments for clients if the money is subject to an express trust or direction for investment or it is, for any other reason, in the best interests of the client to do so. Other investments and securities include separate investment portfolios and registered plans which are established or maintained for clients according to their investment profile.

The three common funds are managed by British Columbia Investment Management Corporation ("bcIMC"). Other investments are managed by private investment management firms.

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### 4. Financial risk management (continued):

The PGT maintains a risk management practice that includes quarterly monitoring of the returns and investment strategy of the three common funds and annual monitoring for other client investment portfolios. PGT corporate investment policies assign the investment asset mix strategies for client trusts based on the PGT's assessment of appropriate investment strategy for the client.

Four investment portfolio asset mix models are used and client investment portfolios are allocated amongst the three common funds as follows:

Asset Mix	Fixed Income	Equity	Investment portfolio allocation
Model A	40%	60%	Balanced Growth Fund
Model B	60%	40%	Balanced Income Fund
Model C	80%	20%	Blend of Balanced Income Fund and Premium Money Market Fund
Model D	100%	nil	Premium Money Market Fund

Assets in "other investments and securities" represent individual client accounts and each is managed in accordance with the above target asset mix policies.

PGT client investments are exposed to a variety of financial risks: credit risk, liquidity risk, and market risk (comprised of interest rate risk, currency risk and other price risk). The fair value of investments can fluctuate on a daily basis as a result of these risk exposures.

#### *Credit risk:*

Credit risk is the risk that a counterparty to a financial instrument will fail to discharge an obligation or commitment it has entered into, resulting in a financial loss. The investment policy established by the PGT limits credit risk by limiting the maximum exposure to one single issuer and by investing only in debt securities from governments and corporations with a minimum rating of at least "BBB" or "R-1" as defined by Moody's, Standard & Poor's or Dominion Bond Rating Service. The funds' compliance with policy asset mix and investment guidelines is reviewed quarterly by management and the PGT Investment Advisory Committee.

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### 4. Financial risk management (continued):

#### *Liquidity risk:*

Liquidity risk is the risk that a client account is unable to meet its financial obligations as they come due. PGT minimizes this risk by ensuring that client accounts hold sufficient cash funds to meet current liabilities and expenses and considers liquidity risk at March 31, 2016 and March 31, 2015 to be insignificant.

#### *Interest rate risk:*

Interest rate risk is the risk that the fair value or cash flows of interest bearing investments will fluctuate due to changes in market interest rates. Interest rate risk is managed by PGT through established asset mix policies.

#### *Currency risk:*

Currency risk is the risk that the fair value of investments will change due to changes in foreign exchange rates. Currency risk is managed by PGT through established asset mix policies.

#### *Other price risk:*

Other price risk is the risk that the fair value of a financial instrument will fluctuate because of changes in market prices (other than those arising from interest rate risk or currency risk), whether those changes are caused by factors specific to the individual financial instrument or its issuer, or factors affecting all similar financial instruments traded in the market. Other price risk is managed by PGT through established asset mix policies.

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### 5. Premium Money Market Fund:

The strategic investment policy for the PMMF requires that the bond securities held must be "A low" rated or better and all short-term money market instruments held must be "R-1" rated or better. The target asset mix for the PMMF is 35% Canadian government guaranteed bonds with a maximum term to maturity of 5 years and 65% government and corporate money market securities with a maximum term of 15 months.

#### *Credit risk:*

The amount recorded for the PMMF on the statement of net assets held in trust represents the maximum credit risk associated with the PMMF. The PMMF is comprised of cash and debt instruments with credit ratings as follows:

	2016		2015	
	Amount	%	Amount	%
Segregated bonds:				
AAA	\$ 37,323	8	\$ 37,872	8
AA	20,085	5	59,046	12
A	103,558	23	65,434	14
	160,966	36	162,352	34
Money market:				
R-1 or better	289,540	64	301,355	66
Cash (overdraft)	(1,208)	-	(2,211)	-
	\$ 449,298	100	\$ 461,496	100

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### 5. Premium Money Market Fund (continued):

#### *Interest rate risk:*

Debt instruments held within the PMMF mature on the following basis:

	2016	2015
Cash (overdraft)	\$ (1,208)	\$ (2,211)
Debt instruments:		
Less than one year	299,698	344,086
One to three years	83,647	62,295
Three years to five years	67,161	57,326
	\$ 449,298	\$ 461,496

As at March 31, 2016, if interest rates were to increase or decrease by 1%, with other variables held constant, the fair value of the PMMF, and accordingly, net assets, would have increased or decreased, respectively, by approximately \$6.0 million (2015 - \$4.8 million).

#### *Currency risk:*

As at March 31, 2016 and 2015, the PMMF is not exposed to currency risk as all PMMF securities are denominated in Canadian dollars.

#### *Other price risk:*

As at March 31, 2016 and 2015, the PMMF is not exposed to other price risk as all PMMF securities are fixed income instruments.

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### 6. Balanced Income Fund:

The BIF is a unitized fund of funds pool of investments. The investment objective is to enhance returns for investors with a low to moderate level of risk by investing in a well-diversified portfolio. The investment policy target asset mix is 60% fixed income securities, rated "BBB" or better for bonds or "R-1" or better for money market securities, and 40% domestic and international equities, invested through indexed pooled funds.

#### *Credit risk:*

The BIF's maximum exposure to credit risk as at March 31, 2016 is \$23.0 million (2015 - \$21.6 million), representing the amount of debt instruments within the BIF at March 31, 2016. The BIF's investment policy guidelines require that debt instruments are rated BBB or R-1 or better and have a duration that is within 20% of the DEX Universe Bond Index.

#### *Interest rate risk:*

The BIF is exposed to interest rate risk on that portion of its portfolio invested in fixed income securities. As at March 31, 2016, if interest rates were to increase or decrease by 1%, with all other variables held constant, the fair value of the BIF, and accordingly net assets, would have increased or decreased, respectively, by approximately \$1.2 million (2015 - \$1.1 million).

#### *Currency risk:*

The BIF's maximum exposure to currency risk at March 31, 2016 is \$11.6 million (2015 - \$10 million), representing the amount of international equity investments within the BIF at March 31, 2016, of which \$7.1 million (2015 - \$6 million), is exposed to US dollars and \$4.5 million (2015 - \$4 million) is exposed to other international currencies.

As at March 31, 2016, if the Canadian dollar had strengthened or weakened by 2% in relation to all currencies, with all other variables held constant, the fair value of the BIF, and accordingly net assets held in trust, would have decreased or increased, respectively, by approximately \$0.2 million (2015 - \$0.2 million).

#### *Other price risk:*

The BIF's maximum exposure to other price risk as at March 31, 2016 is \$16.1 million (2015 - \$14.2 million), representing the amount of equity instruments within the BIF at March 31, 2016. As the BIF uses an indexed pooled and portfolio strategy, the BIF's net asset values will vary based on changes in the related market index benchmarks. The impact on the BIF due to a 10% change in benchmark, using historical correlation between the return of the BIF units as compared to the BIF's benchmark, as at March 31, 2016, with all other variables held constant, would be an increase or decrease to the fair value of the BIF, and accordingly net assets, of \$1.6 million (2015 - \$1.4 million).

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### 7. Balanced Growth Fund:

The BGF is a unitized fund of funds pool of investments. The investment objective is to enhance long-term returns for investors with a moderate to high level of risk by investing in a well-diversified portfolio. The investment policy target asset mix is 40% fixed income securities, rated "BBB" or better for bonds or "R-1" or better for money market securities and 60% domestic and international equities, invested through indexed pooled funds.

#### *Credit risk and interest rate risk:*

The BGF's maximum exposure to credit risk as at March 31, 2016 is \$41.3 million (2015 - \$41.1 million), representing the amount of debt instruments within the BGF at March 31, 2016. The BGF's investment policy guidelines require that debt instruments are rated BBB or R-1 or better and have a duration that is within 20% of the DEX Universe Bond Index.

The BGF is exposed to interest rate risk on that portion of its portfolio invested in fixed income securities. As at March 31, 2016, if the interest rates were to increase or decrease by 1%, with all other variables held constant, the fair value of the BGF, and accordingly net assets, would have increased or decreased by approximately \$2.8 million (2015 - \$2.7 million).

#### *Currency risk:*

The BGF's maximum exposure to currency risk at March 31, 2016 is \$42.4 million (2015 - \$42.9 million), representing the amount of international equity investments within the BGF at March 31, 2016, of which \$26.1 million (2015 - \$25.6 million) is exposed to US dollars and \$16.3 million (2015 - \$17.3 million) is exposed to other international currencies.

As at March 31, 2016, if the Canadian dollar had strengthened or weakened by 2% in relation to all currencies, with all other variables held constant, the fair value of the BGF, and accordingly net assets, would have decreased or increased, respectively, by approximately \$0.8 million (2015 - \$0.9 million).

#### *Other price risk:*

The BGF's maximum exposure to other price risk as at March 31, 2016 is \$63.0 million (2015 - \$62.9 million), representing the amount of equity instruments within the BGF at March 31, 2016. As the BGF uses an indexed pooled fund portfolio strategy, the BGF's net asset values will vary based on changes in the related market index benchmarks. The impact on the BGF due to a 10% change in benchmark, using historical correlation between the return of the BGF units as compared to the BGF's benchmark, as at March 31, 2016, with all other variables held constant, would be an increase or decrease to the fair value of the BGF, and accordingly net assets, of \$6.3 million (2015 - \$6.3 million).

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### 8. Other investments and securities:

Other investments and securities are comprised of the following:

	2016	2015
Investment portfolios	\$ 74,641	\$ 75,039
Registered plans	35,518	33,123
Other	39,265	21,304
	<u>\$ 149,424</u>	<u>\$ 129,466</u>

The balance of other investments and securities is comprised of numerous individual client accounts, each managed in accordance with specific target asset mix policies. Each individual client account is exposed to credit, interest rate, currency and other price risks based on individual asset mix and holdings. In management's opinion, aggregation and presentation of these individual risk exposures and fair value hierarchy measurements (note 13) would not provide additional meaningful information.

### 9. Other financial assets:

Other financial assets are comprised of the following:

	2016	2015
Cash in external client bank accounts	\$ 5,325	\$ 3,617
Amounts receivable	5,133	4,373
	<u>\$ 10,458</u>	<u>\$ 7,990</u>

External client bank accounts are bank accounts in the name of individual clients that were held at the time that the PGT commenced administration of the assets and that remain open as at the financial reporting date. The collection of cash from these external client bank accounts to the PMMF is classified as proceeds from collection of assets on the statement of cash flows.

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### **10. Real property:**

Real property includes land, buildings and manufactured homes. As at March 31, 2016, approximately 99% (2015 - 96%) of the fair value of real properties represents properties located in British Columbia.

### **11. Expenses:**

#### **(a) Client care and maintenance:**

Client care and maintenance represents goods and services purchased for clients and for personal living expenses, including payments to care facilities.

#### **(b) Commissions and fees paid to the Public Guardian Trustee Operating Account:**

Commissions and fees are paid on behalf of clients, for services provided by the PGT in accordance with the Public Guardian and Trustee Fees Regulation as provided for under the Act. When the PGT manages client funds, most of the applicable commissions and fees are calculated and taken or reserved automatically by the trust accounting system. For the year ended March 31, 2016, commissions and fees paid on behalf of clients, to the PGT was \$18,247 (2015 - \$17,347).

Amounts payable to the PGT Operating Account also include the recovery of various expenses that were advanced by the PGT and later charged back to client trust accounts. Normally on the second business day each month, the prior period's total commissions, fees and recovered expenses are remitted to the PGT Operating Account by means of disbursement transactions from PGT corporate clearing accounts.

#### **(c) Professional fees:**

Professional fees are payments on behalf of clients for services such as accounting, legal, investment management, custodial, funeral and property management.

### **12. Unclaimed assets transferred to the British Columbia Unclaimed Property Society:**

Unclaimed assets are transferred quarterly to the British Columbia Unclaimed Property Society when they are deemed inactive by the PGT under Section 27.1 of the Act.

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### 13. Fair values:

The PMMF, BIF, BGF, other investments and securities and real property are reflected in the statement of net assets at fair value. In management's opinion, the fair values of other financial assets and accounts payable, mortgages and loans payable, and amounts payable to the PGT Operating Account are not materially different from the carrying value.

#### *Fair Value Hierarchy:*

The three levels of the fair value hierarchy are as follows:

Level 1 - Unadjusted prices in active markets for identical assets or liabilities.

Level 2 - Observable inputs other than Level 1 prices, such as quoted prices for similar assets or liabilities, quoted prices in markets with insufficient volume or infrequent transactions (less active markets), or model-derived valuations in which all significant inputs are observable or can be derived principally from or corroborated with observable market data for substantially the full term of the assets or liabilities.

Level 3 - Inputs that are unobservable: there is little, if any, market activity. Inputs into the determination of fair value require significant management judgment or estimation.

As at March 31, 2016 and 2015, the PMMF investments were fair valued using Level 1 inputs, based on the daily closing net asset value of the underlying fund.

As at March 31, 2016 and 2015, the BIF and BGF investments were fair valued using Level 2 inputs, based on the respective net asset value of each of the underlying funds.

As at March 31, 2016 and 2015, Real Property was fair valued using Level 2 inputs, based on the most recent appraisal carried out by a qualified independent appraiser contracted by the PGT.

Fair value information has not been provided for other investments and securities as management believes it would not provide additional meaningful information. The fair values of other financial assets and liabilities, which are carried at amortized cost in the financial statements, are also based on Level 2 inputs as while price quotations are available, the instruments are not traded in an active market. For each of the years ended March 31, 2016, and 2015, there were no significant transfers between the levels in the hierarchy.



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