

**MINISTRY OF ATTORNEY GENERAL  
JUSTICE SERVICES BRANCH  
INFORMATION BRIEFING NOTE**

**PURPOSE:** For **INFORMATION** for Barbara Carmichael,  
A/Deputy Attorney General

**ISSUE:**

2022/23 third quarter reporting update for Ministry of Attorney General Action Items in the *Declaration Act* Action Plan (the "Action Plan").

**SUMMARY:**

- The Ministry of Indigenous Relations and Reconciliation (MIRR) have developed a quarterly reporting template for all actions within the Action Plan. The 2022/23 third quarter reporting period is the first opportunity ministries have had to complete this template.

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**BACKGROUND:**

- The Action Plan, released on March 30, 2022, includes collectively identified goals and outcomes that form the long-term vision for implementing the UN Declaration on the Rights of Indigenous Peoples in B.C. It has 89 priority actions, six of which are the responsibility of the Ministry of Attorney General and three that the ministry is a partner in.
- Action 2.3: Issue guidelines from the Attorney General of B.C. to the Ministry of Attorney General legal counsel regarding the conduct of civil litigation involving the rights of Indigenous Peoples. (*Ministry of Attorney General*)
  - This action was completed with the release of the Directives on Civil Litigation involving Indigenous Peoples in April 2022. Implementation is underway and training sessions for legal counsel are being developed.
  - This action item will be reported on in the 2022/23 annual report. As implementation is not explicitly captured in the action description, clarification will be sought on if any future reporting will be required.
- Action 3.6: Introduce anti-racism legislation that addresses Indigenous-specific racism. (*Ministry of Attorney General*)

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- Priority of this project includes engagement of Indigenous Peoples and racialized communities. A major goal behind this engagement is to be equitable and to provide fair compensation for consultation. The funding for the project includes an amount for community engagement, however the project budget does not adequately meet all the priorities identified for engagement.

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- Action 3.10: Implement improvements to public safety oversight bodies and complaints processes, such as enhanced investments in the B.C. Human Rights Tribunal and new models for including Indigenous laws in complaints resolution. *(Ministry of Attorney General, Ministry of Public Safety and Solicitor General)*
  - Individual tribunals within the sector are working to mainstream reconciliation into all of the work they do, and have begun to make progress in specific areas such as human resources, appeal processes, establishing action plans, and striking advisory committees.
  - The Mental Health Review Board, Civil Resolution Tribunal and the BC Human Rights Tribunal (BCHRT) have created and are working to post to fill Indigenous navigator positions.
  - The BCHRT has initiated a dedicated screening process for complaints filed by people who self-identify as Indigenous, modified its complaint forms to allow complainants to self-identify, and has hired an Indigenous lawyer.
  - The Environmental Appeal Board has established a Reconciliation Advisory Committee and has worked through the initial meetings of how the Committee will work, govern itself, and the scope of what it will discuss.
  - More than 400 staff and members of the tribunal sector have completed foundational training through the House of Indigenous Learning.
  - Resources, including staffing and funding, continue to be challenges for the tribunals and have impacted the pace of this action item.
- Action 3.12: Prioritize implementation of the First Nations Justice Strategy to reduce the substantial overrepresentation of Indigenous Peoples involved in and impacted by the justice system. This includes affirming First Nations self-determination and enabling the restoration of traditional justice systems and culturally relevant institutions. *(Ministry of Attorney General, Ministry of Public Safety and Solicitor General)*
  - Implementation of the BC First Nations Justice Strategy (FNJS) continues in partnership with the Province and Canada. Provincial funding was recently announced for the opening of 10 additional Indigenous Justice Centres throughout the Province over the next two years.
  - The BC First Nations Justice Council (BCFNJC) recently created steering committees to advance the FNJS in a more concentrated and efficient manner.

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- Action 3.13: Prioritize endorsement and implementation of the Métis Justice Strategy to reduce the substantial overrepresentation of Métis Peoples in and impacted by the justice system. This includes affirming Métis self-determination and enabling the restoration of traditional justice systems and culturally relevant institutions. *(Ministry of Attorney General, Ministry of Public Safety and Solicitor General)*
  - Work continues toward seeking endorsement of both the Métis Justice Strategy (MJS) and the accompanying Implementation Workplan.

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- Action 4.25: Work with Indigenous Peoples to build more on- and off-reserve housing and pursue new federal contributions. *(Ministry of Attorney General, Ministry of Indigenous Relations and Reconciliation)*
  - The Province, through BC Housing, continues to deliver on its promise to build more housing for Indigenous people living on- and off-reserve and is proceeding ahead of schedule.
  - As of September 30, 2022, through the \$550 million Building BC: Indigenous Housing Fund (IHF), which is committed to building 1,750 new social housing units between 2018-2028: 477 new units on-reserve and 921 new units off-reserve have been initiated, are under construction, or completed for a total of 1,398 new units.
  - In addition, new units initiated, under construction, or completed through other Building BC programs which are Indigenous affiliated, meaning the project units included are on-Nation, Indigenous led or have Indigenous clients,

- include: 1,199 new units (Community Housing Fund); 31 new units (Women's Transition Housing Fund); 45 new units (Supportive Housing Fund) for a total of 1,275 additional units for Indigenous people.
- As of September 30, 2022 total capital committed is \$240,935,054 and total operational funds committed is \$513, 000
  - Quarterly reports for the three action items where the Ministry of Attorney General is listed as a partner have been provided by partner ministries.
    - Actions 3.8 (ending violence against Indigenous women, girls, and 2SLGBTQQIA+ people) and 3.11 (implement comprehensive policing reforms) are both being led by the Ministry of Public Safety and Solicitor General (PSSG).
    - Action 3.8 is progressing via A Path Forward: Priorities and Early Strategies for B.C. A gender-based violence action plan is currently in development.
    - Action 3.11<sup>s.12</sup> and planning for in-depth stakeholder engagement is underway<sup>s.12</sup>
    - Action 4.12 (address the disproportionate impacts of the overdose public health emergency on Indigenous peoples) is being led by the Ministry of Mental Health and Addictions. In May 2022, the Province announced Health Canada approved the ministry's application for an exemption from the federal government to decriminalize people who use drugs. Other actions listed as underway include implementation in regard to decriminalization, development of a substance use policy, and creation of new youth substance use beds/services.
  - Fourth quarter reporting will be used to inform the 2022/23 Annual Report.<sup>s.16</sup>  
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#### **INDIGENOUS PEOPLES CONSIDERATIONS:**

- The Declaration on the Rights of Indigenous Peoples Act established the UN Declaration on the Rights of Indigenous Peoples as the Province's framework for reconciliation, as called for by the Truth and Reconciliation Commission. The Action Plan outlines significant actions the Province will undertake in consultation and cooperation with Indigenous peoples to advance reconciliation through to 2027.

#### **GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

- The Action Plan is Indigenous focused but includes actions that will benefit other equity deserving groups once implemented.

#### **OTHER MINISTRIES IMPACTED/CONSULTED:**

- Ministry of Indigenous Relations and Reconciliation
- Ministry of Public Safety and Solicitor General
- Ministry of Mental Health and Addictions

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#### **ATTACHMENT(S)**

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**MINISTRY OF ATTORNEY GENERAL AND  
MINISTRY RESPONSIBLE FOR HOUSING AND  
MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL  
INFORMATION BRIEFING NOTE**

**PURPOSE:** For **INFORMATION** for Barbara Carmichael,  
A/Deputy Attorney General *and*  
Deputy Minister Responsible for Housing *and*  
Doug Scott, Deputy Solicitor General

**ISSUE:** Monthly Joint Deputy Minister Briefing

**SUMMARY:**

- Status updates on both the BC First Nations Justice Strategy and the Métis Justice Strategy and their initiatives.

**BACKGROUND:**

*BC First Nations Justice Council*

- Doug White has accepted a role as Senior Counsel to Premier Eby with a focus on advancing reconciliation. The First Nations Summit will appoint a new councillor to fill his role. Rosalie Yazzie is currently the A/Chair of BCFNJC.
- BCFNJC is implementing their updated governance model that sets out their priorities in seven bundles, each with a Steering Committee to hold space for Elders, Knowledge Keepers, academics and community members to shape BCFNJC's position and approach to Strategy Implementation. The bundles are:
  - Bundle A: First Nations Justice Capacity (Strategy 3) and Legal Aid Transition (Strategy 5)
  - Bundles B: Indigenous Justice Centres (Strategy 4) and Knowledge Keepers Council (Strategy 21)
  - Bundle C: Gladue (Strategy 6) and Corrections (Strategy 14)
  - Bundle D: Indigenous Women's Justice (Strategy 11), Youth (Strategy 10), and Education/Cultural Competency (Strategy 20)
  - Bundle E: First Nations Courts (Strategy 12) and DRIPA Alignment (Strategy 8)
  - Bundle F: Policing (Strategy 22) and Oversight (Strategy 3)
  - Bundle G: Diversion (Strategy 1) and Community-Based Justice Programming (Strategy 15)
- The Terms of Reference for each Steering Committee and proposed membership are going to be discussed and approved at the next BCFNJC Council Meeting in December.

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- The Police Accountability Unit will include legal and victim services for Indigenous people who have experienced negative police encounters and work with oversight agencies directly.

#### *Indigenous Justice Centres*

- As part of Premier Eby's announcement of the Safer Communities Action Plan, the Province has approved funding for BCFNJC to implement 10 additional Indigenous Justice Centres (IJC's) in the next 2 years. This is in addition to the 3 IJC's currently open in Prince George, Prince Rupert and Merritt/Nicola Valley, and the 2 centres planned to open this fiscal year.
- This funding commitment will enable Strategy 5A of the Strategy to be completed as drafted with 15 IJC's open within 5 years of the Strategy being signed.
- The 10 new IJC's will be implemented over 2 years, with the 5 in year one located in urban areas and larger in nature. These Regional IJC's are likely to be in Kelowna, Nanaimo, Surrey, Vancouver, and Victoria. The locations of the 5 IJC's in the second year are yet to be identified. BCFNJC will lead the site selection and required community engagements.

#### *Gladue Services*

- BCFNJC continues to transform its Gladue Services in response to the backlog that occurred during the summer of 2022.
- A Gladue Experts Panel was convened in Vancouver November 21-23 which included participation from experts from Saskatchewan, Ontario and Quebec. The panel provided an opportunity for BCFNJC to consult on proposed changes to their model for delivering Gladue services.

#### *Indigenous Courts*

- Lillooet is bringing forward their proposal for an Indigenous Court to the Provincial Advisory Committee for Specialized and Indigenous Courts (PAC) on December 12. Following that meeting they may proceed with implementing the court contingent on approval from PAC.

*Métis Justice Strategy*

- Métis Nation BC provided a 12<sup>th</sup> recommendation to the Province that they intend to incorporate in their Strategy. Provincial consultation on the addition is scheduled in January 2023. s.12

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# APPENDIX 1

## BC First Nations Justice Strategy Funding

BC First Nations Justice Strategy Funding							
Area	Deliverable	Bundle(s)	BC Funding	Canada Funding	Other Funding	Funding Stability	Gaps/Shortfalls
Service Delivery	Indigenous Justice Centres.	B	\$2.300M/year for 5 initial IJCs; \$16.035M 2023/24, s.17 for 10 additional IJCs.	\$8.9M over 5 years (including VIJC)		s.17  Federal funding is FY2020-21 through FY2024-25.	None.
	Virtual Indigenous Justice Centre	B	\$.650M/year	Included in the \$8.9M above		Ongoing Provincial funding. Canada funding ends after 2024-25.	
	Gladue: Funding for BCFNJC to deliver reports, as well as funds for training and development.	C	s.17	\$0.400M in 2022/23, \$0.430M in 2023/24 for Gladue reports; and, \$0.100M annually from 2022/23-2024/25 for Gladue initiatives.		Ongoing Provincial funding at pre-transition from LABC level. Federal funding is only through 2023-24 for reports and 2024/25 for initiatives.	s.16
Policy Development	Policy Development	All			Law Foundation s.17 for policy lawyer and articulated students		
	First Nations Women Justice Plan	D		s.17 to develop the plan.		One time funding.	
	Indigenous Legal Aid Services Transition	A	s.17 for FY2022/23			One time funding for Project Resources.	
Organizational Stability		All	\$0.400M grant FY2021-22	\$0.500M annually from 2021-22 through 2023-24.	s.17	s.17	
BC Internal	Indigenous Justice Strategy		s.17 IJC envelope			s.17 of the s.17 is intended for internal staffing resources to support IJS.	
	Indigenous Legal Aid Services Transition		s.17 for FY2022-23			One time access to Pandemic Recovery Funding for Criminal Legal Aid initiatives.	

# APPENDIX 1

Other Indigenous Justice Services			
Organization	Program	Funding	Gaps
Metis Nation BC	Metis Justice Strategy	s.17    FY2022-23	s.16; s.17
Native Courtworkers and Counselling Association of BC	Native Courtworkers	s.17    annually (matched 1:1 by Canada)	
Legal Aid BC, Provincial Court, BC, Law Foundation	Indigenous Courts in BC	N/A	