

Ministry of Attorney General
Transition Binder – Fall 2022 Table of Contents

MINISTRY PROFILE	
MAG Profile	1
Role of Attorney General	2
Executive Biographies	3
Ministerial Mandate Letter	4
Mandate Letter Commitment Tracker	5
MAG Service Plan	6
Ministry Organizational Chart	7
30/60/90 Outlook	8
<i>Tabs Intentionally Blank</i>	<i>9-10</i>

BUDGET OVERVIEW	
Executive Financial Report	11
Key Upcoming Treasury Board Submissions	12
Ministry Full Time Equivalents	13
AG Budget 2022 Delegation Letter	14
Appendix A – Budget 2022	15
Estimates Excerpt from the Blue Book	16
<i>Tabs Intentionally Blank</i>	<i>17</i>

LEGISLATIVE PRIORITIES	
Legislative Plan: 2022/2023/2024	18
List of Attorney General Acts and Responsibilities	19
<i>Tabs Intentionally Blank</i>	<i>20</i>

CORE BUSINESS AREAS	
BCPS Profile	21
CMSB Profile	22
CSB Profile	23

Ministry of Attorney General
Transition Binder – Fall 2022 Table of Contents

Advice/Recommendations; Legal Information

CROWN CORPORATIONS, AGENCIES, BOARDS, AND COMMISSIONS	
Crown Corporations	
Legal Aid BC	56
BC Family Maintenance Agency	57
BC Utilities Commission	58
Agencies, Boards, and Commissions	
Civil Resolution Tribunal	59
Human Rights Tribunal	60
Mental Health Review Board	61
Public Guardian and Trustee	62
Tribunals Overview	63

STAKEHOLDER CONTACT LIST	
Stakeholder Contact List	64
<i>Tabs Intentionally Blank</i>	<i>65</i>

MINISTRY PROFILE

Ministry: Attorney General

The Attorney General works in partnership with the Ministry of Public Safety and Solicitor General to advance a shared vision of a safe, secure, just and resilient British Columbia. The Ministry works to keep communities safe and provide certainty, proportionality and, above all, fairness when dealing with criminal, civil and family law matters and to protect people, especially those who are most vulnerable. The Ministry, while dealing with these matters, is focused on promoting confidence in the integrity of the sector and to ensure continued public participation and support.

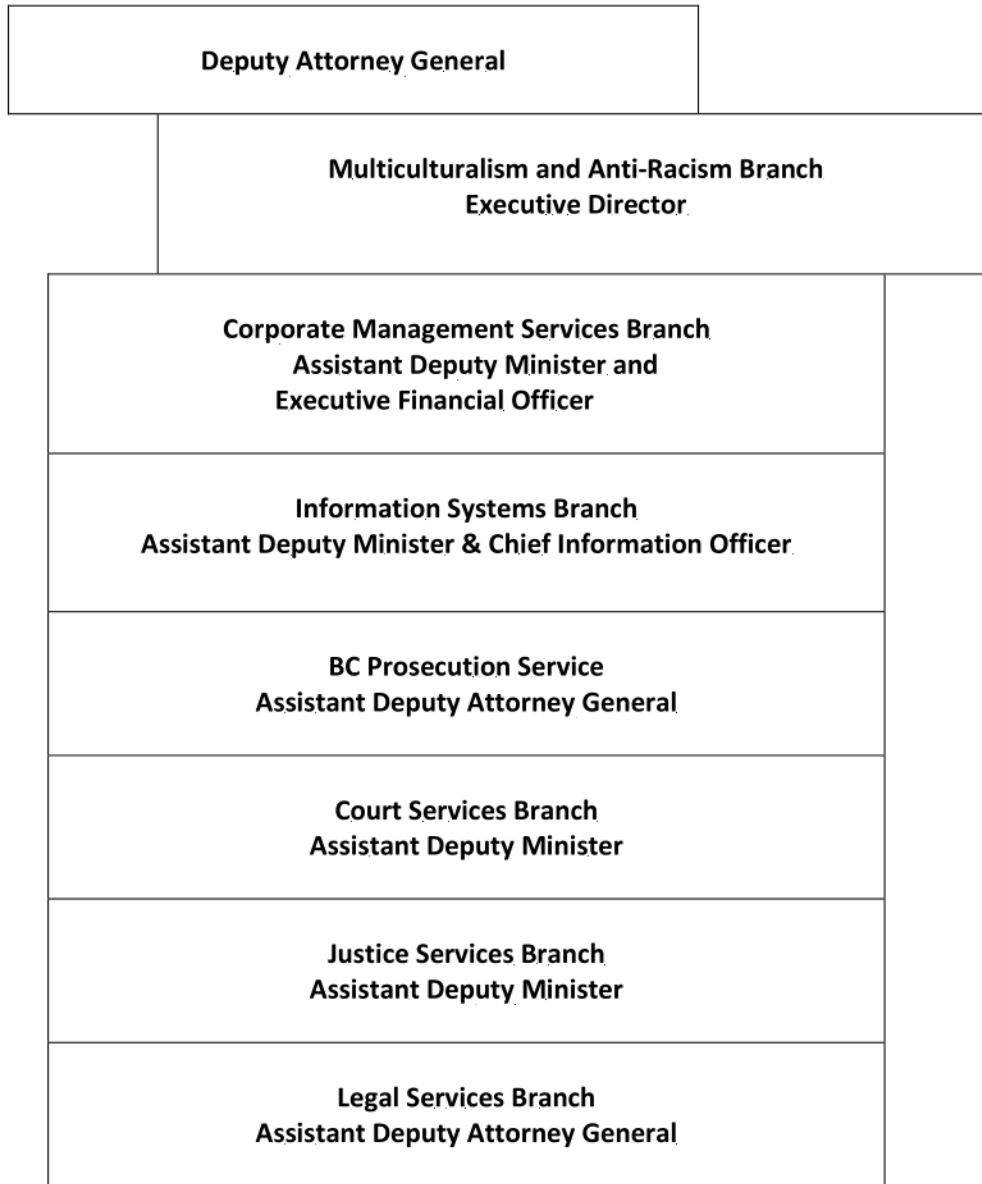
Ministry Mandate

The Ministry is responsible for legal services including sheriff and court administration services, legal aid, prosecution services, administrative tribunals, civil and family justice services, protection, and promotion of human rights, and providing legal advice to Government. It is also responsible for promoting multi-culturalism and leading anti-racism initiatives through the Parliamentary Secretary for Anti-Racism Initiatives.

Full Time Equivalent (FTEs):

As of November 19, 2022, the total FTEs for the Ministry of Attorney General is 4856, and FTE burn is 4529.85.

Executive Organizational Chart:



Budget:

Core Business Area	2021/22 Restated Estimates ¹	2022/23 Estimates	2023/24 Plan	2024/25 Plan
Operating Expenses (\$000)				
Justice Services	159,237	170,576	Government Financial Information	
Prosecution Services	159,555	167,852		
Court Services	129,131	135,111		
Legal Services	32,084	28,399		
Agencies, Boards, Commissions & other Tribunals	43,746	43,753		
Multiculturalism and Anti-Racism	1,916	1,916		
Executive and Support Services	29,232	33,980		
Judiciary	89,547	92,325		
<i>Crown Proceeding Act</i>	24,500	24,500		
Independent Investigations Office	9,093	9,093		
Housing	576,465	652,791		
Housing Endowment Fund	12,884	12,884		
Public Guardian and Trustee	0	0		
<i>Public Inquiry Act</i>	5,111	850		
Total	1,272,501	1,374,030		
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Agencies, Boards, Commissions, and other Tribunals	10	10	Government Financial Information	
Executive and Support Services	5,740	10,005		
Judiciary	920	3,970		
Public Guardian and Trustee Operating Account	363	363		
Total	7,033	14,348		
Capital Plan (\$000)				
Housing	388,942	433,225	Government Financial Information	
Total	388,942	433,225		

Ministry of Attorney General
ROLE OF THE ATTORNEY GENERAL

The Attorney General 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. In addition, legislation must meet requirements in some treaties such as the requirement for consultation.

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

