

Ministry of Attorney General and Minister Responsible for Treaty Negotiations

Service Plan Summary

2002/03 – 2004/05

Mission

To promote the safety and security of communities (in cooperation with the Ministry of Public Safety and Solicitor General), administer an independent, impartial and accessible justice system, facilitate the timely, fair and lasting resolution of civil legal disputes, provide high quality legal services to government and, through aboriginal negotiations, achieve reconciliation with aboriginal peoples of British Columbia and legal certainty over the ownership and use of Crown land and resources in British Columbia.

Strategic Shifts

The justice system is demand driven and labour intensive. Its costs are affected by crime rates, private litigation volumes, and economic and social conditions. Unresolved aboriginal claims create economic uncertainty.

The challenges are:

- to ensure that our justice system is accessible, affordable and ensures fairness and equal treatment; and
- in the context of aboriginal negotiations, to effect reconciliation with aboriginal peoples and to establish legal certainty over ownership of the provincial land base.

In order to meet these challenges, the Ministry will undertake the following shifts:

- increase reliance upon alternate dispute resolution and prevention of civil and family disputes;
- increase use of out-of-court options, including community-based programs, for appropriate minor offences;
- make greater use of new technology to ease access and reduce costs;
- undertake proactive risk and liability management; and
- shift focus away from complex comprehensive treaties to an approach where treaties are built over time through the negotiation of land, resource and governance arrangements that respect the diverse interests of First Nations.

Core Business Areas

Community and Public Safety

The Ministry contributes to the safety of communities and the general public by working to process criminal cases effectively and efficiently. It also identifies high risk and violent offenders to the courts for appropriate attention.

Social and Economic Stability

Timely and effective resolution of civil and family disputes fosters social and economic stability. The Ministry supports the operation of three levels of courts in B.C. – the Court of Appeal, the Supreme Court and the Provincial Court. It also promotes procedural and substantive law reform.

Legal Services to Government

The Ministry provides high quality, cost-effective legal advice and representation to government.

Assisting the Vulnerable and Victims

The Ministry funds programs to assist in the enforcement of family maintenance orders, resolve family disputes, provide representation to parties in child protection cases and provide victims of violence with access to the courts.

Independent Judiciary

The Ministry provides support for the continued operation of an independent judiciary.

Corporate Services for Attorney General and Solicitor General

Efficient and effective support services are provided for the Ministry of Attorney General, Treaty Negotiations Office and Ministry of Public Safety and Solicitor General.

Aboriginal Negotiations and Implementation

The Ministry brings legal certainty to the ownership and use of Crown lands and resources in the province through the negotiation and implementation of treaties and other agreements with First Nations.

Major Initiatives

Community and Public Safety

The Ministry will continue to conduct criminal prosecutions and provide criminal legal aid in appropriate cases and will increase the use of alternative measures for appropriate minor offences. The Ministry will reduce the number of staffed court houses from 68 to 44 as part of a plan to maximize courtroom utilization and to ensure that resources are targeted to areas of highest demand. Decisions on courthouse closures were made based on courtroom utilization, proximity to other court locations and the suitability of facilities. (See appendix for list of affected court locations.)

Court processes will be streamlined and the impact of court closures will be mitigated by:

- increasing the use of out-of-court options, including community-based programs, for appropriate minor offences;
- improving trial scheduling and criminal case management;
- reforming the traffic court dispute process;
- expanding the use of technology such as video conferencing; and
- improving Crown counsel's charge assessment and charge approval process.

The Ministry will eliminate the Crown Victim Witness Services program and work with the Ministry of Public Safety and Solicitor General to meet the needs of victims of crime.

As a result of these initiatives, the number of FTEs in the Community and Public Safety business area will be reduced from 1,666 to 1,547 by 2004/05.

Social and Economic Stability

Civil court processes will be streamlined for more efficient delivery of service by use of:

- remote filing of civil documents by fax and the use of credit cards to pay fines and fees (pilot project in 2002/03);
- increased mediation in civil/family disputes; and
- early information programs to encourage out-of-court settlements.

In addition, the Ministry will undertake a program of civil, administrative and private law reform.

As a result of these initiatives, the number of FTEs in this business area will be reduced from 588 to 576 by 2004/05.

The government has committed to electoral reform and increased accountability and transparency. As a first step, legislation was passed to establish fixed provincial election dates. Further reforms to the Election Act and related legislation will be made by 2004/05.

Legal Services to Government

The Ministry will continue to provide legal services to government. In order to enhance accountability and reduce costs, legal services will be funded by the ministries that use them. A risk management strategy is being developed to reduce the government's exposure to liability and costs of litigation.

As a result of these initiatives, the number of FTEs funded by the Ministry of Attorney General in this business area will be reduced from 300 to 198 by 2004/05.

Assisting the Vulnerable and Victims

Resources will be targeted to essential legal aid and support programs. The Ministry will continue to provide funding for legal aid for youth and adult criminal matters, mental health reviews, child protection matters and domestic violence restraining orders. There will be substantial reductions in the funding available for legal aid family law and poverty law programs. The Ministry will work with the Legal Services Society to expand the use of mediation and out-of-court alternatives to mitigate the impact of these reductions. The Ministry will work with the federal government to clarify responsibility for funding legal aid for immigration matters. A number of community legal aid offices will likely be closed as a result of priority setting.

Public Guardian and Trustee services will be delivered more efficiently to reduce costs and streamline services. Service fees will be implemented to partially recover costs for the Family Maintenance Enforcement Program.

The Ministry will no longer provide the Family Advocate Program, which provides government funded legal representation for children in contested custody and access cases. The Debtor Assistance Program will be eliminated because providing assistance and advice to debtors is not a core business of government.

As a result of the initiatives above, the number of FTEs will be reduced from 54 to 39 by 2004/05.

Independent Judiciary

The Ministry will continue to support an independent judiciary and work with the judiciary to find efficiencies and streamline justice processes.

Corporate Services for Attorney General and Solicitor General

The Ministry will continue to provide corporate services to the Ministry of Attorney General, Treaty Negotiations Office and the Ministry of Public Safety and Solicitor General. To reduce administrative costs, the Ministry will reduce the number of FTEs devoted to administration and policy support and will close its Vancouver executive office. As a result of these initiatives, the number of FTEs in this business area will be reduced from 375 to 281 by 2004/05.

Aboriginal Negotiations and Implementation

The government has offered to negotiate a delegated municipal style of government with any First Nation. In addition, an all party committee was established and has consulted with British Columbians, including First Nations, to draft referendum questions, the answers to which will guide future treaty negotiations.

The Ministry recognizes that the results of the referendum will require the Treaty Negotiations Office to refocus its priorities to achieve the desired results through treaty negotiations. The Treaty Negotiations Office will remain engaged in the treaty process and will focus on achieving results. Funding to support First Nations participation in treaty negotiations will be maintained.

The Treaty Negotiations Office will make adjustments to its operations to maximize efficiencies and savings. Negotiating units will be restructured to provide maximum flexibility in assigning priorities and resources. Consultation units and funding for advisory committees will be eliminated, and there will be a shift in consultation responsibilities.

Following the referendum, the Office will implement the results and develop negotiation options on how to deal with the land question. Options for practical governance arrangements will also be developed. The Treaty Negotiations Office will engage Canada, the First Nations Summit and the BC Treaty Commission in a review of the Commission's role and responsibilities in the treaty process, and operational funding for the Commission will be reduced.

The Treaty Negotiations Office will establish an Economic Measures Fund, which will enable the Office to proactively address First Nations issues and disputes. The Office will also engage First Nations and the private sector in discussions on economic opportunities and partnerships.

The Treaty Negotiations Office will continue to ensure that provincial responsibilities set out in the Nisga'a Final Agreement and McLeod Lake Treaty 8 Adhesion and Settlement Agreement are met.

As a result of these initiatives, the number of FTEs will be reduced from 125 to 74 by 2004/05.

Ministry Resources

| | Fiscal Year | | | | Percent Change 01/02 to 04/05 |
|---|---------------------------------|---------|---------|---------|----------------------------------|
| | (restated Estimates) 2001/02 | 2002/03 | 2003/04 | 2004/05 | |
| Operating Budget (million \$) | 564 | 556 | 497 | 481 | -14.7% |
| FTEs | 3,815 | 3,635 | 3,408 | 3,334 | -12.6% |

Government Priorities Relating to the Ministry of Attorney General and Minister Responsible for Treaty Negotiations



New Era Commitments Achieved

- Establish a fixed provincial election date under the *BC Constitution Act*.
- Offer to negotiate a delegated, municipal style of self government with any First Nation that wants to move beyond the *Indian Act*.
- Ask an all-party committee of the legislature to consult with British Columbians, including First Nations, to draft the referendum questions.

New Era Commitments Included in 02/03 - 04/05 Service Plan

- Appoint an independent task force to review options, models, costs and effectiveness of private sector pay equity legislation and make recommendations to the Legislature (in progress).
- Hold the line on court fees to ensure that everyone has affordable access to our justice system.
- Protect private property rights and prevent government from expropriating assets without fair compensation.
- Ensure BC laws respect equality rights guaranteed to all British Columbians under the Constitution.
- Ensure all British Columbians have equal access to legal representation and justice.
- Amend the recall and initiative legislation and make it more workable for British Columbians to hold MLAs more accountable and initiate referendums on issues of province wide concern.
- Appoint a Citizens Assembly for Electoral Reform that will be responsible for assessing all possible models for electing MLAs including proportional representation, preferential ballots and first past the post. Citizens Assembly will hold public hearings through BC and if it recommends changes to the electoral system that option will be put to province wide referendum.
- Ban all non-essential government advertising in the four month period prior to the fixed election date to prevent any opportunity for partisan abuse of tax payer funded advertising.
- Amend the *Election Act* to eliminate loopholes on disclosures of financial contributions to political parties to include donations of labour, as required in municipal elections.
- Repeal the law that restricts third party advertising during election campaigns.
- Outlaw donations from charities to political parties.
- With the Ministry of Community, Aboriginal and Women's Services, pass a Domestic Violence Prevention Act that will enhance protection and reduce domestic violence, especially for women and children.
- Fight child prostitution and youth crime with specific legislation aimed at providing greater protection to children at risk and greater parental responsibility for children who commit property crimes (in progress).
- Stand up for the equality of all Canadians and all provinces under the Canadian Constitution.
- Insist on equal, non-discriminatory voting rights for all Canadians in respect of governments that rule their lives.
- Fast track treaty talks to conclude fair settlements.
- Work to expedite interim measures agreements with First Nations, to provide greater certainty during treaty talks.
- Fully protect private property rights and resource tenure rights in treaty negotiations.
- Introduce a legislative framework for legally respecting aboriginal rights protected under the Constitution in the absence of treaties.
- Give all British Columbians a say on the principles that should guide British Columbia's approach to treaty negotiations through a one-time province wide referendum.

- Work to ensure that all aboriginal governments have the same legal status in BC as they do in every other province.

Key Projects Included in 02/03 – 04/05 Service Plan

- With the office of Agencies, Boards and Commissions, complete a review of adjudicative agencies and make recommendations.
- Establish a Citizen's Assembly to and assess models for electoral reform.
- Review the *Elections Act*.
- Following the referendum, develop negotiation options and models that allow for choice when negotiating a resolution of the land question.
- Following the referendum, develop a policy framework for practical governance arrangements for First Nations.
- Analyze and implement referendum results.
- Implement a proactive strategy to address First Nations disputes.
- Engage First Nations in economic opportunities.
- Implement the Nisga'a Adjustment Strategy.
- Facilitate the development of public/private partnerships involving First Nations, business and local government.
- Deal fairly with legal interests impacted by negotiations.
- Conduct strategic consultation at local and provincial levels.

APPENDIX

Courthouse Closures

The Ministry of Attorney General will reduce the number of staffed court houses from 68 to 44 as part of a plan to maximize courtroom utilization and to ensure that resources are targeted to areas of highest demand. Decisions on courthouse closures were made based on courtroom utilization, proximity to other court locations and the suitability of facilities. The affected courthouses are listed below.

| Location | Receiving Location* |
|-----------------|----------------------------|
| Castlegar | Nelson |
| Chase | Salmon Arm |
| Delta | Richmond |
| Kimberley | Cranbrook |
| Oliver | Penticton |
| Parksville | Nanaimo |
| Chetwynd | Dawson Creek |
| Creston | Cranbrook |
| Fernie | Cranbrook |
| Grand Forks | Rossland |
| Houston | Smithers |
| Kitimat | Terrace |
| Merritt | Kamloops |
| 100 Mile House | Williams Lake |
| Princeton | Penticton |
| Revelstoke | Salmon Arm |
| Burnaby | Port Coquitlam |
| Hope | Chilliwack |
| Invermere | Cranbrook |
| Lillooet | Kamloops |
| Lytton | Kamloops |
| Maple Ridge | Port Coquitlam |
| Squamish | North Vancouver |
| Vanderhoof | Prince George |

* Court locations to which the majority of cases will be directed.